

**PROPOSED REGULATION OF THE
DEPARTMENT OF MOTOR VEHICLES**

LCB File No. R079-07

September 10, 2007

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: §1, NRS 482.123, 482.160 and 484.173; §2, section 2 of A.B. 39, Chapter 80, Statutes of Nevada 2007, at page 230; §3, NRS 366.085 and 366.110; §4, NRS 706.121 and 706.171.

A REGULATION relating to special mobile equipment; revising the provisions governing the interpretation of the term “incidentally operated or moved upon a highway” for the purposes of various sections of the Nevada Revised Statutes; enacting requirements concerning the operation and movement of special mobile equipment upon a highway; and providing other matters properly relating thereto.

Section 1. Chapter 481 of NAC is hereby amended by adding thereto a new section to read as follows:

As used in NRS 482.123 and 484.173, the Department will interpret the term “incidentally operated or moved upon a highway” to mean the operation of:

- 1. A motor vehicle in an emergency situation, as determined by emergency personnel, including, without limitation, a law enforcement agency or other proper authority;*
- 2. Road construction and maintenance machinery that is operated subject to the terms of a contract for a specific project;*
- 3. Snow removal equipment used in clearing snow from highways during or immediately following inclement weather; or*

4. A motor vehicle on a public highway that is not a controlled-access highway as defined in NRS 484.041, if the motor vehicle travels not more than 5 miles from the point where the motor vehicle first entered the public highway.

Sec. 2. Chapter 484 of NAC is hereby amended by adding thereto a new section to read as follows:

1. Special mobile equipment may travel on a public highway that is not a controlled-access highway as defined in NRS 484.041, if the travel:

(a) Is only for the transportation of the special mobile equipment; or

(b) Is required to complete a task or is limited to a specific project for which the special mobile equipment is assigned.

2. Special mobile equipment may travel more than 5 miles from the point where the special mobile equipment first entered the public highway if the special mobile equipment:

(a) Maintains or cleans a public highway; or

(b) Facilitates the movement of traffic on a public highway.

3. Special mobile equipment that is incidentally operated or moved upon a highway must not jeopardize traffic safety or impede the flow of traffic.

Sec. 3. NAC 366.0065 is hereby amended to read as follows:

366.0065 As used in NRS 366.085, the Department will interpret the term “incidentally operated or moved upon a highway” to mean ~~["off highway business use" as defined in 26 U.S.C. § 4041(b)(1)(C).]~~ *the operation of:*

1. A motor vehicle in an emergency situation, as determined by emergency personnel, including, without limitation, a law enforcement agency or other proper authority;

2. Road construction and maintenance machinery that is operated subject to the terms of a contract for a specific project;

3. Snow removal equipment used in clearing snow from highways during or immediately following inclement weather; or

4. A motor vehicle on a public highway that is not a controlled-access highway as defined in NRS 484.041, if the motor vehicle travels not more than 5 miles from the point where the motor vehicle first entered the public highway.

Sec. 4. Chapter 706 of NAC is hereby amended by adding thereto a new section to read as follows:

As used in NRS 706.121, the Department will interpret the term “incidentally operated or moved upon a highway” to mean the operation of:

1. A motor vehicle in an emergency situation, as determined by emergency personnel, including, without limitation, a law enforcement agency or other proper authority;

2. Road construction and maintenance machinery that is operated subject to the terms of a contract for a specific project;

3. Snow removal equipment used in clearing snow from highways during or immediately following inclement weather; or

4. A motor vehicle on a public highway that is not a controlled-access highway as defined in NRS 484.041, if the motor vehicle travels not more than 5 miles from the point where the motor vehicle first entered the public highway.