

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

LCB File No. R079-07

November 2, 2007

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

AUTHORITY: §1, NRS 366.085 and 366.110; §2, NRS 482.123 and 482.160; §3-5, NRS 484.173 and 484.7777; §6, 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; revising requirements concerning the operation and movement of special mobile equipment upon a highway; and providing other matters properly relating thereto.

Section 1. NAC 366.0065 is hereby amended to read as follows:

366.0065 *1.* 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:*

(a) A motor vehicle in an emergency situation, as determined by emergency personnel, including, without limitation, a law enforcement agency or other appropriate authority;

(b) Construction equipment to patch a roadway that is operated subject to the terms of a contract for a specific project;

(c) Snow removal equipment to clear snow from highways during or immediately following inclement weather; or

(d) Special mobile equipment on a public highway that is not a controlled-access highway as defined in NRS 484.041, if the special mobile equipment travels not more than 5 miles from the point at which the special mobile equipment initially entered the public highway.

2. As used in NRS 482.123 and 484.173, the term “special mobile equipment” does not include:

(a) Any truck that:

(1) Is used as a water truck on any portion of a public highway; or

(2) Was originally designed and manufactured as a vehicle to carry cargo;

(b) Any vehicle:

(1) That is used to sweep any portion of a public highway;

(2) That was originally designed and manufactured to transport persons or property;

(3) To which machinery for sweeping is mounted or attached; or

(4) That has the capability of traveling long distances over a controlled access highway;

or

(c) Any trailer.

Sec. 2. Chapter 482 of NAC is hereby amended by adding thereto a new section to read as follows:

1. 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:

(a) A motor vehicle in an emergency situation, as determined by emergency personnel, including, without limitation, a law enforcement agency or other appropriate authority;

(b) Construction equipment to patch a roadway that is operated subject to the terms of a contract for a specific project;

(c) Snow removal equipment to clear snow from highways during or immediately following inclement weather; or

(d) Special mobile equipment on a public highway that is not a controlled-access highway as defined in NRS 484.041, if the special mobile equipment travels not more than 5 miles from the point at which the special mobile equipment initially entered the public highway.

2. As used in NRS 482.123 and 484.173, the term “special mobile equipment” does not include:

(a) Any truck that:

(1) Is used as a water truck on any portion of a public highway; or

(2) Was originally designed and manufactured as a vehicle to carry cargo;

(b) Any vehicle:

(1) That is used to sweep any portion of a public highway;

(2) That was originally designed and manufactured to transport persons or property;

(3) To which machinery for sweeping is mounted or attached; or

(4) That has the capability of traveling long distances over a controlled access highway;

or

(c) Any trailer.

Sec. 3. Chapter 484 of NAC is hereby amended by adding thereto the provisions set forth as sections 4 and 5 of this regulation.

Sec. 4. 1. *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:*

(a) A motor vehicle in an emergency situation, as determined by emergency personnel, including, without limitation, a law enforcement agency or other appropriate authority;

(b) Construction equipment to patch a roadway that is operated subject to the terms of a contract for a specific project;

(c) Snow removal equipment to clear snow from highways during or immediately following inclement weather; or

(d) Special mobile equipment on a public highway that is not a controlled-access highway as defined in NRS 484.041, if the special mobile equipment travels not more than 5 miles from the point at which the special mobile equipment initially entered the public highway.

2. As used in NRS 482.123 and 484.173, the term “special mobile equipment” does not include:

(a) Any truck that:

(1) Is used as a water truck on any portion of a public highway; or

(2) Was originally designed and manufactured as a vehicle to carry cargo;

(b) Any vehicle:

(1) That is used to sweep any portion of a public highway;

(2) That was originally designed and manufactured to transport persons or property;

(3) To which machinery for sweeping is mounted or attached; or

(4) That has the capability of traveling long distances over a controlled access highway;

or

(c) Any trailer.

Sec. 5. 1. *Special mobile equipment may travel on a public highway that is not a controlled-access highway as defined in NRS 484.041, if:*

(a) The transportation of other person or property is not the intent of the travel; or

(b) The travel is required to complete a task and 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 during or immediately following a flood or other emergency as determined by emergency personnel; 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. 6. Chapter 706 of NAC is hereby amended by adding thereto a new section to read as follows:

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

(a) A motor vehicle in an emergency situation, as determined by emergency personnel, including, without limitation, a law enforcement agency or other appropriate authority;

(b) Construction equipment to patch a roadway that is operated subject to the terms of a contract for a specific project;

(c) Snow removal equipment to clear snow from highways during or immediately following inclement weather; or

(d) Special mobile equipment on a public highway that is not a controlled-access highway as defined in NRS 484.041, if the special mobile equipment travels not more than 5 miles from the point at which the special mobile equipment initially entered the public highway.

2. *As used in NRS 482.123 and 484.173, the term “special mobile equipment” does not include:*

(a) Any truck that:

(1) Is used as a water truck on any portion of a public highway; or

(2) Was originally designed and manufactured as a vehicle to carry cargo;

(b) Any vehicle:

(1) That is used to sweep any portion of a public highway;

(2) That was originally designed and manufactured to transport persons or property;

(3) To which machinery for sweeping is mounted or attached; or

(4) That has the capability of traveling long distances over a controlled access highway;

or

(c) Any trailer.