

**ADOPTED REGULATION OF THE  
STATE BOARD OF AGRICULTURE**

**LCB File No. R130-06**

Effective September 18, 2006

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

AUTHORITY: §1, NRS 561.105.

A REGULATION relating to agriculture; designating planting and harvesting seasons for this State for purposes relating to an exemption from certain federal regulations for drivers transporting certain agricultural commodities or farm supplies for agricultural purposes; and providing other matters properly relating thereto.

**Section 1.** Chapter 561 of NAC is hereby amended by adding thereto a new section to read as follows:

*1. For the purposes of the exemption from federal regulations regarding the maximum driving and on-duty time for drivers used by motor carriers that is set forth in 49 C.F.R. § 395.1(k), pertaining to drivers transporting agricultural commodities or farm supplies for agricultural purposes within a 100 air-mile radius from the source of the commodities or distribution point for the farm supplies during the planting and harvesting seasons, the planting and harvesting seasons within this State shall be deemed to be year-round, from January 1 through December 31.*

*2. As used in this section:*

- (a) “Agricultural commodities” means products grown on and harvested from the land.*
- (b) “Farm supplies for agricultural purposes” means products directly related to the growing or harvesting of agricultural commodities.*

**NOTICE OF ADOPTION OF PROPOSED REGULATION  
LCB File No. R130-06**

The State Board of Agriculture adopted regulations assigned LCB File No. R130-06 which pertain to chapter 561 of the Nevada Administrative Code on August 25, 2006.

**Notice date:** 5/26/2006  
**Hearing date:** 6/30/2006

**Date of adoption by agency:** 8/25/2006  
**Filing date:** 9/18/2006

**INFORMATIONAL STATEMENT**

1. A public workshop was held on June 30, 2006, in Reno, Nevada, at the Nevada Department of Agriculture Office, 350 Capitol Hill Avenue, Reno, Nevada.
2. A public hearing was held on June 30, 2006, in Reno, Nevada, at the Nevada Department of Agriculture Office, 350 Capitol Hill Avenue, Reno, Nevada.

Notice of workshop and notice of hearing were posted at all six Department offices, the Nevada State Library in Carson City, Nevada, and all Nevada county libraries. The notice of workshop and hearing was posted on the Department's web-site. Copies could be requested from the Nevada Department of Agriculture by writing to 350 Capitol Hill Avenue, Reno, Nevada, 89502, calling (775) 688-1180, contacting all other Department Offices, the Nevada State Library in Carson City, and all Nevada county libraries. All persons who requested to be notified of amendments were notified by fax or e-mail or regular mail.

3. Workshop held June 30, 2006 – Reno

Number attended:	4
Number testified:	4
No. of written statements submitted:	0

Summary of comments: Doug Busselman, Nevada Farm Bureau; Jason Perry, Western Turf; Laura Perry, Western Turf and Cary Yamamoto, Dayton Valley Turf attended - all were in favor of the proposed regulation as written.

Attendees indicated the exemption was useful for when a breakdown or other unanticipated event required additional driving or on duty time hauling perishable turf etc. Routinely exceeding the required driving and working limits was not practical, would impact safety and make it difficult to keep employees.

Concern was expressed that NV Highway Patrol or Motor Carrier personnel would not be made aware of the regulation and that citations would still be written. Other agricultural exemptions are not always known by personnel and citations are written requiring a trip to court to explain the exemption. Some kind of permit or document that drivers could carry would be helpful and that the Department of Agriculture should try to work out something with Department of Public Safety.

4. Hearing held June 30, 2006 – Reno

Number attending: 0  
Number testifying: 0  
Number of written statements submitted: 0

5. Comments were solicited from business and the public as outlined in #2 above. A copy of the comments and oral and written testimony may be obtained by calling the Nevada Department of Agriculture office, (775) 688-1180.
6. The proposed regulation was adopted without change by the Board of Agriculture at their August 25, 2006 meeting. All comments received were in favor of the regulation as proposed.
7. The economic effects of the adopted amendments on the business which it is to regulate include:
  - a. Adverse effects: None
  - b. Beneficial effects: Businesses will be able to transport agricultural commodities (crops etc.) during planting and harvest.
  - c. Immediate and long-term economic effects: The economic effects are the same for immediate and long-term.
8. Economic effects of the proposed amendments on the public include:
  - a. Adverse effects: None
  - b. Beneficial effects: None
  - c. Immediate and long-term economic effects: The economic effects are the same for immediate and long-term.
9. Economic cost to the agency for the enforcement of the regulation: None
10. There are no other Nevada or Federal regulations that the regulation overlaps or duplicates.
11. The amendments adopted do not include any provisions more stringent than any Federal regulation with the same activity.
12. This regulation does not establish or increase any fees.