

Chapter 482 of NAC

LCB File No. T001-09

**ADOPTED TEMPORARY REGULATION OF THE  
DEPARTMENT OF MOTOR VEHICLES**

**Filed with the Secretary of State on April 7, 2009**

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

AUTHORITY: NRS Chapters 482.036, 482.160, 482.162, 706.058, 706.071, and 706.141

Regulations relating to the Department of Motor Vehicles - Motor Carrier Division

**Section 1.** Chapter 482 of NAC is hereby amended by adding thereto the provisions set forth in section 2 of this regulation.

**Sec. 2.** NAC 482.440 is hereby amended to read as follows:

482.440 1. A person who applies to the Department *pursuant to the provisions of NRS 482.215* for the registration of a farm vehicle shall submit:

(a) Upon the appropriate form furnished by the Department an affidavit stating that:

(1) He is a farmer or rancher as defined in NAC 482.430; and

(2) His vehicle is a farm vehicle as defined in NRS 482.036.

(b) *A Certificate of Weight issued by a certified Public Weighmaster.*

2. Such an applicant shall also submit to the Department any additional proof deemed necessary by the Department to establish that he is a farmer or rancher.

3. If the registration of a farm vehicle is based upon a false or fraudulent affidavit or application for registration, the Department will, upon discovery of that fact, suspend the registration of the vehicle and require the return to the Department of the license plates issued for the vehicle.

*4. An affidavit and certificate of weight will be required for a renewal of a farm vehicle registration when:*

(a) *A modification has been made to the farm vehicle; or*

(b) *A change to the combination of farm vehicles or vehicle configuration has occurred.*

**Sec. 3.** NAC 706 is hereby amended by adding thereto the provisions set forth as sections 4 and 5 of this regulation.

**Sec. 4. 1.** *For the purposes of this chapter, “farmer” or “rancher” means a person who derived at least two-thirds of his gross income for the previous tax year from cultivating the soil or raising agricultural commodities, including such activities as:*

- (a) The operation of a stock, poultry, bee, fruit or truck farm;*
- (b) The operation of a dairy, plantation, ranch, nursery or orchard;*
- (c) The collection of a portion of share crops;*
- (d) The sale of draft, dairy, range or sporting livestock; or*
- (e) The sale of livestock for breeding.*

*2. For the purposes of this section, “gross income” does not include wages received as a farm or ranch employee or passive income from a farm or ranch corporation.*

**Sec 5. 1.** *A person who applies to the Department pursuant to the provisions of NRS 482.215 for the registration of a farm vehicle shall submit:*

- (a) Upon the appropriate form furnished by the Department an affidavit stating that:*
  - (1) He is a farmer or rancher as defined in this chapter; and*
  - (2) His vehicle is a farm vehicle as defined in NRS 706.071.*

*(b) A certificate of Weight issued by a certified Public Weighmaster*

*2. Such an applicant shall also submit to the Department any additional proof deemed necessary by the Department to establish that he is a farmer or rancher.*

*3. If the registration of a farm vehicle is based upon a false or fraudulent affidavit or application for registration, the Department will, upon discovery of that fact, suspend the registration of the vehicle and require the return to the Department of the license plates issued for the vehicle.*

*4. An affidavit and certificate of weight will be required for a renewal of a farm vehicle registration when:*

- (a) A modification has been made to the farm vehicle; or*
- (b) A change to the combination of farm vehicles or vehicle configuration has occurred.*

**NOTICE OF ADOPTION OF REGULATION  
LCB FILE NO. T001-09**

The Nevada Department of Motor Vehicles adopted temporary regulations assigned LCB File No. T001-09, which pertain to chapter numbers 482 and 706 of the Nevada Administrative Code, on February 27, 2009.

**INFORMATIONAL STATEMENT**

**I. A description of how public comment was solicited, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.**

Copies of the proposed regulations, notices of workshop, and notices of intent to act upon the regulation were sent by email to persons who were known to have an interest in the subject of the establishment of provisions relating to:

The Department of Motor Vehicles, Motor Carrier Division amending Chapters 482 and 706 of the Nevada Administrative Code (NAC). The amendments proposed in this regulation make various changes relating to the registration of vehicles designated as farmer / rancher.

These documents were also made available on the website of the Nevada Department of Motor Vehicles (DMV), [www.dmvnv.com](http://www.dmvnv.com), emailed with posting instructions to all county libraries in Nevada, and posted at the following locations:

**Nevada Department of Motor Vehicles Branch Offices:**

Office of the Director  
(Carson City DMV – Customer Lobby)  
555 Wright Way  
Carson City, NV 89711  
8250 West Flamingo Rd.  
Las Vegas, NV 89147  
3920 E. Idaho St.  
Elko, NV 89801  
178 No. Avenue F  
Ely, NV 89301  
973 W. Williams Ave.  
Fallon, NV 89406  
4110 Donovan Way  
N. Las Vegas, NV 89030  
3505 Construction Way  
Winnemucca, NV 89445

1085 Highway 95  
Hawthorne, NV 89415  
3030 S. Needles Highway, Ste. 900  
Laughlin, NV 89028  
1780 E. Basin Ave.  
Pahrump, NV 89060  
330 N. Sandhill Rd., Ste. H  
Mesquite, NV 89027  
7170 N. Decatur Blvd.  
Las Vegas, NV 89131  
1137 S. Main St., #C-8  
Tonopah, NV 89049  
215 West Bridge St. No. 9  
Yerington, NV 89447

1352 Highway 395 Suite #109  
Gardnerville, NV 89410  
1399 American Pacific Dr.  
Henderson, NV 89014

305 Galletti Way  
Reno, NV 89512  
2701 E. Sahara Ave.  
Las Vegas, NV 89104

A workshop was held on February 19, 2009 and a hearing was held on February 20, 2009 regarding the proposed amendments; a recording of both meetings was made and is on file at the Nevada Department of Motor Vehicles, Research and Development Division, 555 Wright Way, Carson City, Nevada 89711.

On or about January 12, 2009, the Director of the Department of Motor Vehicles issued a Notice of Intent to Act Upon a Regulation with a Notice of Public Workshop to be held February 19, 2009 at 10 a.m. and a Notice of Public Hearing to be held February 20, 2009 at 10 a.m. at the following location:

**Carson City  
Nevada Department of Transportation  
1263 South Stewart St. Room 302  
Carson City, Nevada 89712**

The Workshop and the Hearing were teleconferenced to the following locations:

**Las Vegas  
Nevada Department of Transportation  
123 E. Washington Ave., Bldg. B – Training Room,  
Las Vegas, Nevada 89101**

**And**

**Elko  
Nevada Department of Transportation  
1951 Idaho St.  
Elko, Nevada 89801**

Copies of the workshop and hearing recording or hearing minutes may be obtained by contacting Sean McDonald by telephone (775) 684-4773 or email, [smcdonald@dmv.nv.gov](mailto:smcdonald@dmv.nv.gov).

## Workshop and Hearing Information

### Workshop

#### II. The number of persons who:

##### A. Attended the workshop: 8 Total

###### **In Attendance in Carson City:** 5 Total

Jude Hurin, Department of Motor Vehicles – Research and Development Division  
(Workshop and Hearing Officer)

Cindy Arnold, Department of Motor Vehicles – Motor Carrier Division  
Karen Stoll, Department of Motor Vehicles – Motor Carrier Division  
Angela Smith-Lamb, Department of Motor Vehicles – Motor Carrier Division  
Sean McDonald, Department of Motor Vehicles – Research and Development Division

###### **In Attendance in Las Vegas:** 2 Total

Betsy McCabe, Department of Motor Vehicles – Motor Carrier Division  
Robert O'Toole, Department of Motor Vehicles – Motor Carrier Division

###### **In Attendance In Elko:** 1 Total

Becky Raine, Department of Motor Vehicles – Motor Carrier Division

##### B. Testified at the workshop: 0 Total

The following Testimony was presented in Carson City:

No one testified in favor or opposed to the proposed regulation in Carson City

The following Testimony was presented in Las Vegas:

No one testified in favor or opposed to the proposed regulation in Las Vegas

The following Testimony was presented in Elko:

No one testified in favor or opposed to the proposed regulation in Elko

##### C. Written Statements Submitted to the agency – Workshop:

No submissions were received by the Department in favor or opposed to the proposed regulation.

## Hearing

### **D. Attended the hearing:** 6 Total

#### **In Attendance in Carson City:** 3 Total

Jude Hurin, Department of Motor Vehicles Research and Development Division  
(Workshop and Hearing Officer)

Cindy Arnold, Department of Motor Vehicles – Motor Carrier Division  
Sean McDonald, Department of Motor Vehicles – Research and Development Division

#### **In Attendance in Las Vegas:** 2 Total

Betsy McCabe, Department of Motor Vehicles  
Robert O'Toole, Department of Motor Vehicles

#### **In Attendance In Elko:** 1 Total

Becky Raine, Department of Motor Vehicles

### **E. Testified at the hearing:** 0 Total

The following Testimony was presented in Carson City:

No one testified in favor or opposed to the proposed regulation in Carson City

The following Testimony was presented in Las Vegas:

No one testified in favor or opposed to the proposed regulation in Las Vegas

The following Testimony was presented in Elko:

No one testified in favor or opposed to the proposed regulation in Elko

### **F. Written Statements / Comments Received - Hearing:**

No submissions were received by the Department in favor or opposed to the proposed regulation.

**III. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.**

There is no estimated adverse or beneficial economic effect on businesses.

**IV. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change. The statement should also explain the reasons for making any changes to the regulation as proposed.**

The permanent regulation was adopted by the Department on February 27, 2009. No recommendations were suggested at either the workshop held on February 19, 2009 or the hearing conducted on February 20, 2009.

**V. The estimated economic effect of the adopted regulation on the businesses that it is to regulate and on the public. These must be stated separately, and each case must include:**

- (a) Both adverse and beneficial effects; and**
- (b) Both immediate and long-term effects.**

There is no estimated adverse or beneficial economic effect on businesses.

**VI. The estimated cost to the agency for enforcement of the adopted regulation.**

There should be no extra cost to enforce this regulation.

**VII. A description of any regulations of other state or government agencies that the proposed regulation overlaps or duplicates, and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

There are no other state or government agency regulations that the proposed amendments duplicate.

**VII. If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.**

N/A.

**IV. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

N/A.

**X. Is the proposed regulation likely to impose a direct and significant economic burden upon a small business or directly restrict the formation, operation, or expansion of a small business? What methods did the agency use in determining the impact of the regulation on a small business?**

The Director has determined that the proposed regulation does not impose a direct or significant economic burden upon a small business or restrict the formation, operation, or expansion of a small business.