

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

LCB File No. R139-01

Effective June 25, 2002

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

AUTHORITY: §§1-3, NRS 366.110.

Section 1. Chapter 366 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation:

Sec. 2. 1. *As used in NRS 366.085, the department will interpret the term “incidentally operated or moved upon a highway” to include any travel by any special mobile equipment on a public highway, other than a controlled-access highway as defined in NRS 484.041, if:*

(a) The transportation of persons or property is not the primary purpose of the travel; and

(b) The travel:

(1) Is required to complete a task for which the special mobile equipment is assigned;

(2) Is limited to a specific project; and

(3) Except as otherwise provided in subsection 2, does not exceed 10 miles from the point at which the special mobile equipment first entered the public highway.

2. The provisions of subparagraph (3) of paragraph (b) of subsection 1 do not apply to any special mobile equipment that is used:

(a) To maintain or clean a public highway;

(b) To remove snow or debris from a public highway; or

(c) To facilitate the movement of traffic on a public highway.

Sec. 3. *As used in NRS 366.085, the term “special mobile equipment” does not include:*

1. *Any truck that:*

(a) Is used as a water truck on any portion of a public highway, other than a controlled-access highway as defined in NRS 484.041; and

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

2. *Any vehicle:*

(a) That is used to sweep any portion of a public highway, other than a controlled-access highway as defined in NRS 484.041;

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

(c) To which machinery for sweeping is mounted or attached.

NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R139-01

The Department of Motor Vehicles adopted regulations assigned LCB File No. R139-01 which pertain to chapter 366 of the Nevada Administrative Code on June 20, 2002.

Notice date: 3/20/2002

Date of adoption by agency: 6/20/2002

Hearing date: 4/22/2002, 4/24/2002, 4/26/2002

Filing date: 6/25/2002

INFORMATIONAL STATEMENT

1. Public comment was solicited through:

ESMERALDA COUNTY
GOLDFIELD PUBLIC LIBRARY
PO BOX 430
(FOURTH & CROOK STREET)
GOLDFIELD NV 89013

EUREKA BRANCH LIBRARY
PO BOX 293
(10190 MONROE STREET)
EUREKA, NV 89316

LANDER COUNTY
BATTLE MOUNTAIN BRANCH LIBRARY
625 BROAD STREET
BATTLE MOUNTAIN, NV 89820

LINCOLN COUNTY LIBRARY
PO BOX 330
(93 MAIN STREET)
PIOCHE NV 89043

MINERAL COUNTY LIBRARY
PO BOX 1390
(FIRST & A STREET)
HAWTHORNE, NV 89415

PERSHING COUNTY LIBRARY
PO BOX 781
(1125 CENTRAL AVENUE)
LOVELOCK, NV 89419

STOREY COUNTY LIBRARY
PO BOX 14
(95 SOUTH R STREET)
VIRGINIA CITY NV 89440

NEVADA DMV & PS
8250 W. FLAMINGO
LAS VEGAS NV 89147

NEVADA DMV & PS
3920 EAST IDAHO STREET
ELKO NV 89801

NEVADA DMV & PS
PO BOX 248
178 AVENUE F
ELY NV 89301

NEVADA DMV & PS
973 W WILLIAMS ST
FALLON NV 89406

NEVADA DMV & PS
4021 W CAREY
NORTH LAS VEGAS NV 89030

NEVADA DMV & PS
PO BOX 1912
TONOPAH NV 89049

NEVADA DMV & PS
3505 CONSTRUCTION WAY
WINNEMUCCA NV 89445

NEVADA DMV & PS
215 WEST BRIDGE STREET
YERINGTON NV 89447

NEVADA DMV & PS
1694 COUNTY ROAD
MINDEN NV 89423

NEVADA DMV & PS
305 GALLETTI WAY
RENO NV 89512

NEVADA DMV & PS
555 WRIGHT WAY
CARSON CITY NV 89711-0400

NEVADA STATE LIBRARY
401 NORTH CARSON
CARSON CITY, NV 89710

In addition to the above, a copy of the Notice of Intent to Act upon a Regulation together with a copy of the proposed regulation, a copy of NRS 366.085 and a copy of AB639 was mailed to each person who attended the workshops held earlier in Reno, NV, Elko, NV and Las Vegas, NV.

Summary of Public Response:

Public response focused on the elimination of the language in Section 2(3)(d) by the Department, the consensus at each of the hearings agreed that that particular section served no useful purpose and should be eliminated from the regulation. Generally the parties present at the public hearing approved the changes made as the result of the workshops. The only expressed concern was whether special mobile equipment once on a job site would have to be returned to its point of origin before it could be dispatched to another job site. The consensus was that as long as the equipment was in legitimate use at the first site, it could be dispatched directly to the next site as long as the second site was no more than 10 miles from the first site. At the time of each of the hearings, the hearing officer requested written comments from the attendees none were received. All persons present at the hearings agreed that water trucks and street sweepers that were originally designed to transport cargo or property should not be designated as special mobile equipment.

2. The number of persons who:

- (a) Attended each hearing:** Reno, NV 6 attendees; Elko, NV 3 attendees; Las Vegas, NV 3 attendees.
- (b) Testified at the hearing:** Reno, NV 1 testified; Elko, NV 1 testified; Las Vegas, NV 1 testified
- (c) Submitted to the agency written comments:** None

3. 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.

Comments were solicited from affected businesses through the public notices, as outlined in #1, and by direct mail to Associated General Contractors, Bi-State Propane, Nevada Motor Transport Association, Nevada Petroleum Marketers Association, Nevada Department of Transportation, Nevada Tax Payers Associations, Lang Explorations, Topaz Construction, AMS Government Relations, Peavine Construction, Acme Concrete Pumping Co., W.E.S. Construction Co., American Ready-Mix, Lucky Concrete, Mark French Fuel Tax Service, Jake's Crane, Rigging & Transport, Granite Construction, Byars Construction Co., Nevada Department of Agriculture, Inquipco, Dielco Crane & Rigging, Frehner Construction, Las

Vegas Paving, Acme Concrete Pumping, Nevada Environmental Protection, Sierra-Nevada Construction, Hackworth Drilling, Ruby Dome, Inc., Nevada Highway Patrol, Langford Crane, Haycock Petroleum, Straight Line, Inc. Berlyn Miller & Associates and Assemblyman John Carpenter. Testimony at all three hearings focused on the elimination of the language in Section 2(3)(d) of the proposed regulation, the consensus was that that particular section served no useful purpose and it should be eliminated from the regulation. Other than that one change, the parties present at the public hearings approved the changes made as the result of the workshops. The only expressed concern was whether special mobile equipment once on a job site would have to be returned to its point of origin before it could be dispatched to another job site. The consensus was that as long as the equipment was in legitimate use at the first site, it could be dispatched directly to the next site as long as the second site was no more than 10 miles from the first site. At the time of each of the hearings, the hearing officer requested written comments from the attendees, none were received.

There were no written comments received as the result of the public hearings. A copy of the written comments from the three earlier workshops may be obtained by calling the Department of Motor Vehicles and Public Safety, Motor Vehicle Branch, Management Services and Programs Division (775) 684-4612, or writing the Department, 555 Wright Way, Carson City, NV 89711.

4. 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 regulation is adopted with changes resulting from, or occasioned by, the public hearings.

5. The estimated economic effect of the adopted regulation on the businesses which 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 economic effect on businesses or the public created by these regulations.

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

There is no additional cost to the agency for enforcement of this regulation.

7. A description of any regulations of other state or government agencies which 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 is no overlap or duplication of any other regulations.

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

This regulation does not include provisions that are more stringent than a federal regulation that regulates the same activity.

9. 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.

This regulation does not provide or involve a new fee, and hence since no fee is involved, there is not a total amount expected to be collected or used.