

DYED FUEL ON HIGHWAY IS PROHIBITED

As a result of the passage of Assembly Bill 255 during the 2005 Legislative Session, the penalties for the use of dyed fuel on the highway has increased and the statute has been amended as follows:

NRS 366.735 is hereby amended to read as follows: The Department may,

- 1. Take disciplinary action in accordance with subsection 2 against any person who:**
 - (a) Sells or stores any dyed special fuel for a use which the person selling or storing such fuel knows, or has reason to know, is a taxable use of the fuel;**
 - (b) Willfully alters or attempts to alter the strength or composition of any dye in any special fuel intended to be used for a taxable purpose; or**
 - (c) Uses dyed special fuel for a taxable purpose.**
- 2. For any violation described in subsection 1, the Department may:**
 - (a) If the violation is a first offense, impose an administrative fine of not more than \$2,500 and suspend any license issued to that person pursuant to this chapter for not more than 30 days;**
 - (b) If the violation is a second offense within a period of 4 years, impose an administrative fine of not more than \$5,000 and suspend any license issued to that person pursuant to this chapter for not more than 60 days; and**
 - (c) If the violation is a third or subsequent offense within a period of 4 years, impose an administrative fine of not more than \$10,000 and revoke any license issued to that person pursuant to this chapter.**

Exceptions: NRS 366.203(4) states, "To the extent permitted by federal law, a person may operate or maintain on a highway in this state any special mobile equipment (*see NRS 365.085 for definition*) or farm equipment that contains in the fuel tank of the special mobile equipment or farm equipment special fuel which has been dyed. As used in this subsection:

(a) "Farm equipment" means any self-propelled machinery or motor vehicle that is designed solely for tilling soil or for cultivating, harvesting or transporting crops or other agricultural products from a field or other area owned or leased by the operator of the farm equipment and in which the crops or agricultural products are grown, to a field, yard, silo, cellar, shed or other facility which is:

- (1) Owned or leased by the operator of the farm equipment; and
- (2) Used to store or process the crops or agricultural products.

The term includes a tractor, baler or swather or any implement used to retrieve hay.

(b) "Highway" does not include a controlled-access highway as defined in [NRS 484.041](#).

5. To the extent authorized by federal law, a person may operate or maintain a motor vehicle on a highway in this state that contains in the fuel tank special fuel which has been dyed if the motor vehicle is used only to cross the highway to travel from one parcel of land owned or controlled by the person to another parcel of land owned or controlled by the person. (*Incidentally Operated see NAC 366.0065*)

Please Note: It is the Department's policy to assess an Administrative Fine of \$2,500.00 (first offense) as allowed in NRS 366.735(2)(a) for any cited instance of dyed diesel use on the highway. Subsequent violations will follow the Administrative fine structure, as outlined in NRS 366.735. Administrative fines assessed by the Department are separate from action taken by Law Enforcement at the time a citation is issued. The 30-day suspension of any license issued under NRS Chapter 366 will be determined on a case-by-case basis for failure to pay the Administrative Fines assessed by the Department.