

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

**LCB File No. R079-07**

Effective January 30, 2008

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 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 366.085, 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;*

*(c) Any trailer; or*

*(d) Any farm machinery or implements of husbandry.*

**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;*

*(c) Any trailer; or*

*(d) Any farm machinery or implements of husbandry.*

**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;*
- (c) Any trailer; or*
- (d) Any farm machinery or implements of husbandry.*

**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 706.121, 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;*

*(c) Any trailer; or*

*(d) Any farm machinery or implements of husbandry.*