

## **NOTICE OF INTENT TO ACT UPON A REGULATION**

### **Notice of Public Hearing for the Adoption of Proposed New Regulations of the Department of Motor Vehicles**

The Department of Motor Vehicles will hold a public hearing at the following location on the date and time specified:

***Thursday, October 9, 2014, 10 A.M.***

**CARSON CITY**  
***State Legislative Building, Room 3138***  
***401 South Carson St.***  
***Carson City, Nevada 89701***

**Video conferencing will be provided to**

**LAS VEGAS**  
***State Legislature***  
***Grant Sawyer Building, Room 4401***  
***555 E. Washington Ave.***  
***Las Vegas, Nevada 89101***

**ELKO**  
***To Be Announced***  
***Elko, NV 89801***

### **AGENDA**

The purpose of the hearing is to receive comments from all interested persons regarding the adoption of amendments that pertain to Chapter 366 of the Nevada Administrative Code.

NRS 366.203 requires the Department of Motor Vehicles to define in regulation the phrase "incidentally operated or moved upon a highway" in the context of the operation of certain vehicles using dyed special fuel. The purpose of this regulation is to comply with statute. Whereas NAC 366.0065 currently interprets the phrase as used in NRS 366.085, this regulation amends NAC 366.0065 to include the required reference to NRS 366.203.

**Note:** Items on the agenda may be taken in a different order than listed. Two or more agenda items may be combined for consideration. An item may be removed from this agenda or discussion relating to an item on this agenda may be delayed at any time.

A period of public comment will be allowed after each item on the agenda. No action will be taken on these items during the public hearing. Because of time considerations, the period for public comment by each speaker may be limited.

## ITEMS FOR CONSIDERATION

- Addition of reference to NRS 366.203.
- Repeal of NAC 366.190; the term “federal law” is no longer used in the statute.

### Proposed Regulations of the Department of Motor Vehicles, LCB File No R026-13

The following information is provided pursuant to the requirements of NRS 233B.0603:

**1. The need for and the purpose of the proposed regulation or amendment.**

NRS 366.203 requires the Department of Motor Vehicles to define in regulation the phrase “incidentally operated or moved upon a highway” in the context of the operation of certain vehicles using dyed special fuel. The purpose of this regulation is to comply with statute. Whereas NAC 366.0065 currently interprets the phrase as used in NRS 366.085, this regulation amends NAC 366.0065 to include the required reference to NRS 366.203.

**2. Either the terms or the substance of the regulations to be adopted, amended or repealed, or a description of the subjects and issues involved.**

- Addition of reference to NRS 366.203.
- Repeal of NAC 366.190; the term “federal law” is no longer used in the statute.

**3. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately and in each case must include:**

**Business**

**(a) Both adverse and beneficial effects.** The proposed regulation will have no impact on businesses and the general public.

**and**

**(b) Both immediate and long-term effects.** The proposed regulation will have no impact on businesses and the general public.

**Public**

**(a) Both adverse and beneficial effects.** The proposed regulation will have no impact on businesses and the general public.

**and**

**(b) Both immediate and long-term effects.** The proposed regulation will have no impact on businesses and the general public.

**4. The estimated cost to the agency for enforcement of the proposed regulation.**

There is no cost to the Department in the enforcement of these proposed regulations.

- 5. A description of and citation to any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.**

The proposed amendments to the regulations do not overlap that of any other state, local, or federal government agency.

- 6. If the regulation is required pursuant to federal law, a citation and description of the federal law.**

These regulations are not required pursuant to federal law.

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

The proposed amendment does not include provisions which are more stringent than a federal regulation.

- 8. Whether the proposed regulation establishes a new fee or increases an existing fee.**

The proposed regulation does not establish a new fee or increase any existing fees.

Persons wishing to comment upon the proposed action of the Department of Motor Vehicles may appear at the scheduled public hearing or may address their comments, data, views, or arguments, in written form to:

Peter Olson, Management Analyst III  
Department of Motor Vehicles  
Management Services and Programs Division  
555 Wright Way, Carson City, NV 89711  
E-mail: [polson@dmv.nv.gov](mailto:polson@dmv.nv.gov) Phone: (775) 684-4960

Written submission must be received by Department of Motor Vehicles on or before **Wednesday, October 9, 2014**. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Department of Motor Vehicles may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be adopted will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and regulations to be adopted will be available at each of the Department of Motor Vehicles listed, and at the main public libraries listed, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://leg.state.nv.us/Register/>. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the locations listed on the attached page.

Dated: September 8, 2014

**THIS NOTICE HAS BEEN POSTED AT THE FOLLOWING LOCATIONS:**

**DEPARTMENT OF MOTOR VEHICLE BRANCH OFFICES**

Carson City DMV  
555 Wright Way  
Carson City, NV 89711

Las Vegas DMV (West Flamingo)  
8250 West Flamingo  
Las Vegas, NV 89147

Elko DMV  
3920 East Idaho Street  
Elko, NV 89801

Reno DMV (Galletti Office)  
305 Galletti Way  
Reno, NV 89512

Ely DMV  
178 Avenue F (PO Box 150088)  
Ely, NV 89301 (Ely, NV 89315)

Henderson DMV  
1399 American Pacific Drive  
Henderson, NV 89704

Fallon DMV  
973 West Williams Street  
Fallon, NV 89406

Las Vegas DMV (Sahara Office)  
2701 East Sahara  
Las Vegas, NV 89104

Donovan DMV  
4110 Donovan Way  
N. Las Vegas, NV 89030

Hawthorne DMV  
1085 Highway 95 (PO Box 2093)  
Hawthorne, NV 89415

Tonopah DMV  
1137 S. Main St. #C-8  
Tonopah, NV 89049

Laughlin DMV (PO Box 32908)  
3030 South Needles Hwy Suite 900  
Laughlin, NV 89028

Yerington DMV  
215 West Bridge Street #9  
Yerington, NV 89447

Pahrump DMV  
1780 E. Basin Avenue, Suite #1  
Pahrump, NV 89060

Winnemucca DMV  
3505 Construction Way  
Winnemucca, NV 89445

Decatur DMV  
7170 N. Decatur Blvd.  
Las Vegas, NV 89131

Mesquite DMV  
550 West Pioneer Blvd., Suite 120  
Mesquite, NV 89027

## LIBRARIES

Carson City Library  
900 North Roop St.  
Carson City, NV 89701

Goldfield Public Library  
Fourth & Crook Street  
PO Box 430  
Goldfield, Nevada 89013

Lincoln County Library  
63 Main Street  
Pioche, Nevada 89043

Eureka Branch Library  
10190 Monroe Street  
Eureka, Nevada 89316

Battle Mountain Branch  
625 South Broad Street  
PO Box 141  
Battle Mountain, Nevada 89820

Douglas County Library  
1625 Library Lane  
PO Box 337  
Minden, NV 89423

Humboldt County Library  
85 East 5<sup>th</sup> St.  
Winnemucca, NV 89445

Lyon County Library System  
20 Nevin Way  
Yerington, NV 89447

Tonopah Public Library  
P.O. Box 449  
Tonopah, NV 89049

Washoe County Library System  
301 South Center St.  
Reno, NV 89501

Churchill County Library  
553 South Main St.  
Fallon, NV 89406

Pershing County Library  
1125 Central Avenue  
PO Box 781  
Lovelock, Nevada 89419

Storey County Library  
95 South R Street  
Virginia City, Nevada 89440

Nevada State Library  
100 North Stewart Street  
Carson City, Nevada 89701

Mineral County Library  
110 1<sup>st</sup> Street  
Hawthorne, NV 89415

Elko County Library  
720 Court St.  
Elko, NV 89801

Esmeralda County Library  
Crook & 4<sup>th</sup> St.  
Goldfield, NV 89013

Mineral County Library  
110 First St.  
Hawthorne, NV 89415

White Pine County Library  
950 Campton St.  
Ely, NV 89301