

ASSEMBLY BILL NO. 39—COMMITTEE ON TRANSPORTATION

(ON BEHALF OF THE DEPARTMENT OF MOTOR VEHICLES)

PREFILED JANUARY 26, 2007

Referred to Committee on Transportation

SUMMARY—Revises the definition of “special mobile equipment.” (BDR 43-619)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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

AN ACT relating to motor vehicles; revising the definition of “special mobile equipment”; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 **Sections 1-4** of this bill clarify that concrete pumpers, cranes and drill rigs with
2 highway-rated tires are not considered special mobile equipment in certain
3 circumstances. **Sections 1-4** also require the Department of Motor Vehicles to
4 define, by regulation, “incidentally operated or moved upon a highway” for
5 purposes of those sections of NRS that use the phrase in the definition of “special
6 mobile equipment.” (NRS 366.085, 482.123, 484.173, 706.121)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 482.123 is hereby amended to read as follows:
2 482.123 1. “Special mobile equipment” means every *motor*
3 vehicle not designed or used primarily for the transportation of
4 persons or property and only incidentally operated or moved upon a
5 highway, including, but not limited to, scoomobiles, forklifts,
6 ditch-digging apparatus, well-boring apparatus and road
7 construction and maintenance machinery such as asphalt graders,
8 bituminous mixers, bucket loaders, tractors other than truck tractors,
9 leveling graders, finishing machines, motor graders, road rollers,



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1 scarifiers, earth-moving carryalls and scrapers, power shovels and
2 draglines, ~~{and self-propelled cranes}~~ and earth-moving equipment.

3 2. "Special mobile equipment" does not include house trailers,
4 dump trucks, truck-mounted transit mixers, *concrete pumps,*
5 *cranes or drill rigs with highway-rated tires* or other vehicles
6 designed for the transportation of persons or property to which
7 machinery has been attached.

8 3. The Director may make ~~{an individual}~~ *the final*
9 determination as to whether ~~{any particular vehicle or kind of}~~ *a*
10 vehicle ~~{}~~ not specifically ~~{listed}~~ *enumerated* in subsection 1 or 2
11 ~~{}~~ falls within this definition.

12 4. *The Department shall, by regulation, define "incidentally*
13 *operated or moved upon a highway" for purposes of this section.*

14 **Sec. 2.** Chapter 484 of NRS is hereby amended by adding
15 thereto a new section to read as follows:

16 *The Department may adopt regulations relating to the*
17 *administration and enforcement of provisions in this chapter*
18 *pertaining to special mobile equipment, as defined in*
19 *NRS 484.173.*

20 **Sec. 3.** NRS 484.173 is hereby amended to read as follows:

21 484.173 1. "Special mobile equipment" means every *motor*
22 vehicle not designed or used primarily for the transportation of
23 persons or property and only incidentally operated or moved upon a
24 highway, including but not limited to scoopmobiles, forklifts, ditch-
25 digging apparatus, well-boring apparatus and road construction and
26 maintenance machinery such as asphalt graders, bituminous mixers,
27 bucket loaders, tractors other than truck-tractors, leveling graders,
28 finishing machines, motor graders, road rollers, scarifiers, earth-
29 moving carryalls and scrapers, power shovels and draglines, ~~{and~~
30 ~~self-propelled cranes}~~ and earth-moving equipment.

31 2. "Special mobile equipment" does not include house trailers,
32 dump trucks, truck-mounted transit mixers, *concrete pumps,*
33 *cranes or drill rigs with highway-rated tires* or other vehicles
34 designed for the transportation of persons or property to which
35 machinery has been attached.

36 3. The Director may make ~~{an individual}~~ *the final*
37 determination as to whether ~~{any particular}~~ *a* vehicle ~~{}~~ not
38 specifically enumerated in ~~{subsections}~~ *subsection 1* ~~{and}~~ *or 2* ~~{is~~
39 ~~special mobile equipment as defined in this section.}~~ *falls within*
40 *this definition.*

41 4. *The Department shall, by regulation, define "incidentally*
42 *operated or moved upon a highway" for purposes of this section.*

43 **Sec. 4.** NRS 366.085 is hereby amended to read as follows:

44 366.085 1. "Special mobile equipment" means ~~{a}~~ *every*
45 *motor* vehicle not designed or used primarily for the transportation



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1 of persons or property, and only incidentally operated or moved
2 upon a highway. The term includes scoopmobiles, forklifts, ditch-
3 digging apparatus, well-boring apparatus and road construction and
4 maintenance machinery, such as asphalt graders, bituminous mixers,
5 bucket loaders, tractors other than truck tractors; leveling graders,
6 finishing machines, motor graders, road rollers, scarifiers, earth-
7 moving carryalls and scrapers, power shovels ~~and~~ and draglines ~~and~~
8 ~~self-propelled cranes~~, and earth-moving equipment.

9 2. "Special mobile equipment" does not include house trailers,
10 dump trucks, truck-mounted transit mixers, *concrete pumpers,*
11 *cranes or drill rigs with highway-rated tires* or other vehicles
12 designed for the transportation of persons or property to which
13 machinery has been attached.

14 3. *The Director of the Department may make the final*
15 *determination as to whether a vehicle not specifically enumerated*
16 *in subsection 1 or 2 falls within this definition.*

17 Sec. 5. NRS 706.121 is hereby amended to read as follows:

18 706.121 1. "Special mobile equipment" means every *motor*
19 vehicle not designed or used primarily for the transportation of
20 persons or property and only incidentally operated or moved upon a
21 highway, including but not limited to scoopmobiles, forklifts, ditch-
22 digging apparatus, well-boring apparatus and road construction and
23 maintenance machinery such as asphalt graders, bituminous mixers,
24 bucket loaders, tractors other than truck tractors, leveling graders,
25 finishing machines, motor graders, road rollers, scarifiers, earth-
26 moving carryalls and scrapers, power shovels and draglines, ~~and~~
27 ~~self-propelled cranes~~ and earth-moving equipment.

28 2. "Special mobile equipment" does not include house trailers,
29 dump trucks, truck-mounted transit mixers, *concrete pumpers,*
30 *cranes or drill rigs with highway-rated tires* or other vehicles
31 designed for the transportation of persons or property to which
32 machinery has been attached.

33 3. *The Director of the Department may make the final*
34 *determination as to whether a vehicle not specifically enumerated*
35 *in subsection 1 or 2 falls within this definition.*

36 4. *The Department shall, by regulation, define "incidentally*
37 *operated or moved upon a highway" for purposes of this section.*

38 Sec. 6. This act becomes effective on July 1, 2007.

