

EMERGENCY REQUEST OF ASSEMBLY MINORITY LEADER

ASSEMBLY BILL NO. 624—ASSEMBLYMEN GOICOECHEA,
GOEDHART, CARPENTER, GRADY, BEERS, HARDY AND
SETTELMAYER

MAY 24, 2007

Referred to Committee on Transportation

SUMMARY—Provides that special mobile equipment or a farm vehicle that contains dyed special fuel in the fuel tank may be operated on certain highways in this State in certain circumstances. (BDR 32-1509)

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 special fuel; providing that a farm vehicle or special mobile equipment that contains dyed special fuel in the fuel tank may be operated on certain highways in this State under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law allows a farm vehicle that contains dyed special fuel in the fuel
 - 2 tank to be operated on a highway in this State only when it is crossing the highway
 - 3 from one parcel of land to another parcel of land which is owned by or under the
 - 4 control of the person operating the farm vehicle. (NRS 366.203) This bill provides
 - 5 that any farm vehicle that is not required to be registered with the Department of
 - 6 Motor Vehicles or special mobile equipment that is incidentally operated or moved
 - 7 upon a highway may contain dyed special fuel in the fuel tank of the farm vehicle
 - 8 or special mobile equipment while it is operated on certain highways in this State.
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* A B 6 2 4 R 1 *

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

1 **Section 1.** NRS 366.203 is hereby amended to read as follows:
2 366.203 1. Special fuel, other than compressed natural gas,
3 liquefied petroleum gas or kerosene, which is exempt from the tax
4 pursuant to subsection 3 or 4 of NRS 366.200 must be dyed before it
5 is removed for distribution from a rack. The dye added to the
6 exempt special fuel must be of the color and concentration required
7 by the regulations adopted by the Secretary of the Treasury pursuant
8 to 26 U.S.C. § 4082.

9 2. Except as otherwise provided in subsections 3 ~~[-, 4 and 5,]~~
10 **and 4**, a person shall not operate or maintain on any highway in this
11 State a motor vehicle which contains dyed special fuel in the fuel
12 tank of that vehicle. A person who operates or maintains a motor
13 vehicle in violation of this subsection and the registered owner of
14 the motor vehicle are jointly and severally liable for any taxes,
15 penalties and interest payable to the Department.

16 3. A person who, pursuant to subsection 2, 3 or 4 of NRS
17 366.200, is exempt from the tax imposed by this chapter may
18 operate or maintain a motor vehicle on a highway in this State
19 which contains dyed special fuel in the fuel tank of that vehicle.

20 4. ~~[To the extent permitted by federal law, a]~~ A person may
21 operate or maintain on a highway in this State any special mobile
22 equipment **that is incidentally operated or moved upon a highway**
23 or farm equipment ~~[that]~~ **which** contains dyed special fuel in the fuel
24 tank of the special mobile equipment or farm equipment. As used in
25 this subsection:

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

33 ~~—— (1) Owned or leased by the operator of the farm equipment;~~
34 ~~and~~

35 ~~—— (2) Used to store or process the crops or agricultural~~
36 ~~products.~~

37 ~~→]~~ **and which is not required to be registered with the Department.**

38 The term includes a tractor, baler or swather , ~~[or]~~ any implement
39 used to retrieve hay ~~[;]~~ , **or any special mobile equipment that is**
40 **used for farming purposes. The term does not include a truck-**
41 **tractor or any other vehicle primarily used for hauling loads long**
42 **distances over a public highway.**



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

(c) *"Truck-tractor" has the meaning ascribed to it in NRS 482.130.*

(d) *"Vehicle" has the meaning ascribed to it in NRS 482.135.*

~~{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 dyed special fuel in the fuel tank 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.~~

~~—6.}~~ 5. There is a rebuttable presumption that all special fuel which is not dyed special fuel and which is sold or distributed in this State is for the purpose of propelling a motor vehicle.

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

Sec. 2. This act becomes effective upon passage and approval.

