

Certain Equipment is no longer classified as SME

Effective July 1, 2007, concrete pumpers, cranes, well (boring) drilling equipment, and all trailers operated over the public highway are no longer classified as Special Mobile Equipment (SME). On May 21, 2007, Governor Gibbons signed AB39 into law, which specifically removes these vehicles from the SME classification.

Therefore, any person operating the equipment listed above is required to license these vehicles as of July 1, 2007. Upon payment of registration fees and governmental services tax (GST), the vehicle will be issued a standard motor carrier cab card and plate(s).

Additionally, for **all** motor vehicles with a Gross Vehicle Weight Rating (GVWR) over 26,000 lbs., mileage and fuel records, including beginning and ending odometer readings, routes of travel, total miles traveled and total fuel purchased in each jurisdiction must be maintained and reported on the Special Fuel User Tax Return for In-State and IFTA carriers. Mileage information must also be included on the Annual Registration Renewal Documents.

For motor vehicles, records must be kept for four (4) years from the date the tax report or registration is due. Travel by these motor vehicles is subject to audit. Failure to maintain proper records may result in additional fuel taxes, registration fees, interest, penalty, and/or administrative fines.

Generally, if the vehicle is capable of traveling long distances at posted highway speeds, has highway rated tires, or travels on a controlled-access highway, it is not SME. The vehicle is required to be licensed and must **not** operate on the highway with dyed fuel or without paying the appropriate registration and GST fees. Administrative penalties for the illegal use of dyed fuel on the highway range from \$2,500 - \$10,000.

Special Mobile Equipment is defined as every **motor** vehicle not designed or used primarily for the transportation of persons or property and only **incidentally** operated or moved upon a highway.

If you have any questions, you may contact the Nevada Department of Motor Vehicles, Motor Carrier Division at (775) 684-4711.

Assembly Bill No. 39—Committee on Transportation

CHAPTER.....

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

Legislative Counsel’s Digest:

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

Section 1. NRS 482.123 is hereby amended to read as follows:

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

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

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

4. The Department shall, by regulation, define “incidentally operated or moved upon a highway” for purposes of this section.



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

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

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

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

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

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

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

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

366.085 1. “Special mobile equipment” means ~~a~~ *every* *motor* vehicle not designed or used primarily for the transportation of persons or property, and only incidentally operated or moved upon a highway. The term includes scoopmobiles, forklifts, ditch-digging apparatus, well-boring apparatus and road construction and maintenance machinery, such as asphalt graders, bituminous mixers, bucket loaders, tractors other than truck tractors; leveling graders, finishing machines, motor graders, road rollers, scarifiers, earth-moving carryalls and scrapers, power shovels ~~is~~ *and* draglines ~~and self-propelled cranes~~, and earth-moving equipment.

2. “Special mobile equipment” does not include house trailers, dump trucks, truck-mounted transit mixers, *concrete pumps, cranes or drill rigs with highway-rated tires* or other vehicles



designed for the transportation of persons or property to which machinery has been attached.

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

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

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

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

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

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

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



