

**ADOPTED REGULATION OF THE BOARD
OF WILDLIFE COMMISSIONERS**

LCB File No. R114-02

Effective January 21, 2003

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

AUTHORITY: §§1, 4 and 6, NRS 488.045, 488.075 and 501.181; §2, 5 and 7, NRS 488.045 and 501.181; §3, NRS 488.045, 488.175 and 501.181; §8, NRS 488.045, 488.193 and 501.181; §9, NRS 488.045, 488.540 and 501.181; §10, NRS 488.045, 488.550 and 501.181.

Section 1. NAC 488.100 is hereby amended to read as follows:

488.100 1. Except as otherwise provided in subsection 2, each application for a certificate of number and certificate of ownership must contain:

(a) The name , *social security number* and address , ~~{of the owner,}~~ including the zip code ~~{;}~~ , *of each owner;*

(b) The state of principal use;

(c) The number previously issued for the motorboat, if any;

(d) The reason for the application, including applying for a new number, renewal of number or transfer of ownership;

(e) The manner in which the motorboat is used, including pleasure, livery, demonstration, commercial transportation, commercial fishing or other use;

(f) The make of the motorboat;

(g) The year the motorboat was manufactured;

(h) The hull number assigned by the manufacturer, if any;

(i) The length of the motorboat;

(j) The type of motorboat, including open, cabin, house, sail , *inflatable, personal watercraft* or other type of motorboat;

(k) The material from which the hull was made, including wood, steel, aluminum, fiberglass, plastic , *rubber* or other material;

(l) The type of propulsion used, including inboard, outboard, ~~[inboard and outboard,]~~ *inboard-outdrive, electric*, air thrust, jet, sail or sail with auxiliary motor;

(m) The type of fuel used, including gasoline, diesel or other type of fuel; and

(n) The signature of the owner.

2. An application for a certificate for a motorboat which is to be used by a manufacturer or dealer for demonstration need not include the information described in paragraphs (f) to (m), inclusive, of subsection 1.

3. The following documents, when presented with an application for a certificate of number and certificate of ownership as evidence of proof of ownership of a vessel, will be attached to the application and may be used as evidence of information requested in the application:

(a) A title to the motorboat or vessel;

(b) A manufacturer's statement of origin;

(c) A Statement of Fact, Form 60-XX-07, submitted pursuant to subsection 2 of NAC 488.305;

(d) A dealer's report of motorboat sale;

(e) A certificate of inspection of the vessel completed by an employee of the division;

(f) If the vessel was purchased outside Nevada, a receipt for the payment of use taxes issued by the department of taxation; and

~~(g)~~ (g) Such other proof of ownership as may be requested by the division.

Sec. 2. NAC 488.105 is hereby amended to read as follows:

488.105 1. Except as otherwise provided in subsections 2 and 3, each certificate of number will contain:

- (a) The name and address of the owner, including the zip code;
- (b) The state of principal use;
- (c) The manner in which the motorboat is used ~~[(pleasure,)]~~, *including pleasure*, livery, demonstration, commercial transportation, commercial fishing or ~~[other;]~~ *other use*;
- (d) The make of the motorboat;
- (e) The year the motorboat was manufactured;
- (f) The hull number assigned by the manufacturer, if any;
- (g) The length of the motorboat;
- (h) The type of motorboat ~~[(open,)]~~, *including open*, cabin, house, sail, *inflatable, personal watercraft* or ~~[other;]~~ *other type of motorboat*;
- (i) The material from which the hull was made ~~[(wood,)]~~, *including wood*, steel, aluminum, fiberglass, plastic, *rubber* or ~~[other;]~~ *other material*;
- (j) The type of propulsion used ~~[(inboard, outboard, inboard and outboard,)]~~, *including inboard, outboard, inboard-outdrive, electric*, air thrust, jet, sail or sail with auxiliary ~~[motor;]~~ *motor*;
- (k) The type of fuel used ~~[(gasoline,)]~~, *including gasoline*, diesel or ~~[other;]~~ *other type of fuel*;
- (l) The identification number assigned to the motorboat;
- (m) The expiration date of the certificate; and
- (n) The provisions of the Nevada Boat Act relating to the ~~[change]~~ :

- (1) *Change* of ownership or address; ~~[documentation, loss,]~~
- (2) *Documentation of a vessel by the United States Coast Guard;*
- (3) *Loss*, destruction, abandonment, theft or recovery of a vessel; ~~[carriage]~~
- (4) *Carriage* of the certificate on board the motorboat; ~~[provision]~~
- (5) *Provision* of aid in a boat accident; and ~~[the requirement]~~
- (6) *Requirement* of reporting casualties and accidents.

2. A certificate issued for a livery boat will not include the type of propulsion and fuel used by the boat if it is to be rented without a motor.

3. A certificate issued for a motorboat which is to be used by a manufacturer or dealer for demonstration will not include the information described in paragraphs (d) to (k), inclusive, of subsection 1.

Sec. 3. NAC 488.155 is hereby amended to read as follows:

488.155 1. Numbers issued by the division for motorboats which are exempt from the statutory requirement of registration must be displayed in the same manner as the identification numbers issued to nonexempt motorboats.

2. The number issued to an exempt motorboat will consist of the letters “NV” followed by a combination of ~~[three or]~~ four numerals ~~[, followed by]~~ *and* the letters “EX.”

Sec. 4. NAC 488.160 is hereby amended to read as follows:

488.160 1. Except as otherwise provided in subsections 3, 4 and 5, the owner shall paint on or otherwise permanently attach to each side of the forward half of his vessel the identification number assigned to that boat by the division.

2. The number must:

(a) Be in numerals and letters which are vertical, not less than 3 inches in height and without border, trim and shading;

(b) Be in numerals and letters of a solid color which contrasts with the background on which it is placed and is distinctly visible;

(c) Have a space or hyphen between the letter and numeral groups which is equal to the width of a letter other than “I” and a numeral other than “1” of the same size used to display the number;

(d) Be on the *forward half of the* hull or permanent superstructure of the motorboat in a place which is clearly legible from another vessel or the shore; and

(e) Be placed so as to read from left to right.

3. The number issued to a manufacturer or dealer for a motorboat which is to be used in connection with the demonstration, exchange or sale of motorboats may be painted on or attached to removable plates that are temporarily but firmly attached to each side of the forward half of the motorboat. The number so displayed must meet the requirements of subsection 2.

4. If a motorboat is built so that a number on the hull or superstructure would not be easily visible, the number must be painted on or attached to the forward half of the boat so that it is clearly visible on both the port and starboard sides.

5. The number assigned to an inflatable boat may be painted on or attached to removable plates that are temporarily but firmly attached to each side of the forward half of the boat. The number so displayed must meet the requirements of subsection 2.

Sec. 5. NAC 488.170 is hereby amended to read as follows:

488.170 The division or a ~~licensed~~ boat dealer *authorized by the division* may issue a dealer's report of motorboat sale and a 10-day temporary operating permit which is valid only on the waters of this state.

Sec. 6. NAC 488.210 is hereby amended to read as follows:

488.210 1. The certificate of number issued for a motorboat which is to be used by a manufacturer or dealer for demonstrating or testing will be plainly marked for demonstration.

2. The identification number assigned to such a motorboat will consist of the letters "NV" followed by ~~three or~~ *a combination of* four numerals and the letters "DL."

Sec. 7. NAC 488.320 is hereby amended to read as follows:

488.320 1. Except as otherwise provided in subsection 2, any motorboat for which a certificate of ownership is required under the Nevada Boat Act must be inspected by ~~an authorized boat dealer, agent or other~~ *the division or a* person designated by the division when the motorboat is transferred or sold.

2. A motorboat need not be inspected if:

(a) The motorboat has a Nevada certificate of ownership;

(b) The owner produces a correctly completed certificate of origin from the manufacturer of the motorboat; or

(c) The ~~agent~~ *division* is certain that the description of the motorboat is correct, after ~~he has reviewed~~ *reviewing* other documents submitted by the owner.

Sec. 8. NAC 488.415 is hereby amended to read as follows:

488.415 1. Each motorboat having:

(a) A closed compartment under a thwart or seat wherein a portable fuel tank may be stored;

- (b) A double bottom which is not sealed to the hull or which is not completely filled with flotation material;
- (c) A closed living space;
- (d) A closed storage compartment in which combustible or flammable material is stored; or
- (e) A permanently installed fuel tank,

FLUSH must carry the type and number of fire extinguishers described in subsections 2 and 3 ~~[]~~, *each of which must be fully charged and serviceable.*

2. Each motorboat which lacks a system built within its engine compartment for extinguishing a fire and which is a:

- (a) Class A or class 1 motorboat must carry one B-I fire extinguisher.
- (b) Class 2 motorboat must carry two B-I fire extinguishers or one B-II fire extinguisher.
- (c) Class 3 motorboat must carry:
 - (1) Three B-I fire extinguishers; or
 - (2) One B-I and one B-II fire extinguisher.

3. Each motorboat which has a system built within its engine compartment for extinguishing a fire and which is a:

- (a) Class A or class 1 motorboat is not required to carry a portable fire extinguisher.
- (b) Class 2 motorboat must carry one B-I fire extinguisher.
- (c) Class 3 motorboat must carry two B-I fire extinguishers or one B-II fire extinguisher.

4. ~~[For the purposes of this section, motorboats are divided into four classes:~~

- ~~—(a) Class A consists of motorboats which are less than 16 feet in length;~~
- ~~—(b) Class 1 consists of motorboats which are 16 feet or over and less than 26 feet in length;~~

~~—(c) Class 2 consists of motorboats which are 26 feet or over and less than 40 feet in length; and~~

~~—(d) Class 3 consists of motorboats which are 40 feet or over in length.]~~ *The classes of motorboats identified in this section are as described in NRS 488.185.*

5. For the purposes of this section:

(a) ~~[A B-I fire extinguisher is]~~ *“B-I fire extinguisher” means* a portable marine extinguisher containing at least:

- (1) One and one-quarter gallons of a concentrated liquid foam;
- (2) Two pounds of a dry chemical, fire extinguishing agent; *or*
- (3) Four pounds of carbon dioxide; ~~for~~

~~—(4) Two and one-half pounds of Freon;] and~~

(b) ~~[A B-II fire extinguisher is]~~ *“B-II fire extinguisher” means* a portable marine extinguisher containing at least:

- (1) Two and one-half gallons of a concentrated liquid foam;
- (2) Ten pounds of a dry chemical, fire extinguishing agent; or
- (3) Fifteen pounds of carbon dioxide.

Sec. 9. NAC 488.430 is hereby amended to read as follows:

488.430 The Inland Navigation Rules Act of 1980, prescribed in Public Law 96-591 and published by the United States Coast Guard as COMDTINST ~~[M16672.2B,]~~ *M16672.2D*, is hereby incorporated by reference and made applicable to all waters within the boundaries of the State of Nevada. A copy of Public Law 96-591 or COMDTINST ~~[M16672.2B]~~ *M16672.2D* may be obtained from the Superintendent of Documents, ~~[United States Government Printing Office, Washington, D.C. 20402,]~~ *P.O. Box 371954, Pittsburgh, Pennsylvania 15250-7954*, at a price

of ~~[\$8.]~~ *\$14.50*. A copy of Public Law 96-591 or COMDTINST ~~[M16672.2B]~~ *M16672.2D* is available for public inspection at the main office and the regional offices of the division.

Sec. 10. NAC 488.445 is hereby amended to read as follows:

488.445 1. ~~[The]~~ *Except as otherwise provided in subsection 4, the* operator of ~~[the]~~ *a* vessel shall submit to the division a report, on a form provided by the division or the United States Coast Guard, whenever as a result of an occurrence involving the vessel or its equipment:

- (a) A person dies;
- (b) A person is injured and receives medical treatment beyond first aid;
- (c) Damage occurs to the vessel and other property which totals more than ~~[\$200;]~~ *\$500;* or
- (d) A person disappears from the vessel under circumstances indicating his death or injury.

2. The report must be submitted within 48 hours after the occurrence if a person dies within 24 hours after the occurrence, is injured and receives medical treatment beyond first aid, or disappears from the vessel.

3. The report must be submitted within 10 days after the occurrence or death if an earlier report is not required by subsection 2.

4. If the operator of the vessel cannot submit the report, the owner shall submit it.

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R114-02**

The Board of Wildlife Commissioners adopted regulations assigned LCB File No. R114-02 which pertain to chapter 488 of the Nevada Administrative Code on December 7, 2002.

Notice date: 11/1/2002
Hearing date: 12/7/2002

Date of adoption by agency: 12/7/2002
Filing date: 1/21/2003

INFORMATIONAL STATEMENT

1. **A description of how public comment was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of the summary.** Based on the 10 year review requirement the regulations contained in NAC 488 were routed to all agency personnel for suggested amendments to update the boating regulations. The vessel registration, administration and law enforcement personnel submitted proposals that were submitted to Legislative Counsel Bureau. Their draft was circulated to the same personnel along with letters requesting comments to 32 boating stakeholders on October 14, 2002. A regulation workshop was noticed and conducted on December 6, 2002.
2. **The number of persons who:**
 - (a) **Attended the hearing:** 0
 - (b) **Testified at the hearing:** 0
 - (c) **Submitted to the agency written statements:** 2 - The State of Oregon and the Las Vegas Bay Marina telephoned the boating law administrator in support with minor editorial suggestions. The State of Utah and the U.S. Coast Guard submitted written suggestions to the October 14, 2002 stakeholder letter.
3. **A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary:** 6 businesses were sent the stakeholder letter. 1 telephoned in support with a suggested editorial change.
4. **If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change:** All comments were considered and changes made where appropriate.
5. **The estimated economic effect of the regulations on the businesses they are to regulate and on the public.**
 - (a) **Estimated economic effect on the businesses which they are to regulate.**
 - (1) **Adverse** - None
 - (2) **Beneficial** - None
 - (3) **Immediate** - None
 - (4) **Long term** - None

(b) Estimated economic effect on the public which they are to regulate.

(1) Adverse - None

(2) Beneficial - Property damage increase from \$200 to \$500 reduces public burden to report minor incidents.

(3) Immediate - Small price increase since last regulation update for navigation rules from the Superintendents of Documents \$8.00 to \$14.50.

(4) Long term - None

6. The estimated cost to the agency for enforcement of the adopted regulation: None

7. A description of any regulations of other state or governmental agencies which the regulation overlaps or duplicates and a statement explaining why the duplication or overlap is necessary. None

If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency:

8. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions: None

9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used: None