

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

LCB File No. R122-03

Effective January 20, 2004

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

AUTHORITY: §§1, 5, 7-12, and 16-18, NRS 488.045 and 501.181; §2, NRS 488.045, 501.181 and 501.243; §§3, 4, 6, 13-15, and 19, NRS 488.045, 488.075 and 501.181.

Section 1. Chapter 488 of NAC is hereby amended by adding thereto a new section to read as follows:

Upon the written request of a person who has obtained a certificate of number or a certificate of ownership, the Department shall remove the name and other personal information of the person from any list sold by the Department.

Sec. 2. NAC 488.010 is hereby amended to read as follows:

488.010 As used in this chapter, unless the context otherwise requires:

1. “Commission” has the meaning ascribed to it in NRS 488.035.
2. “Demonstrating” or “demonstration” means to operate a motorboat on the waters of this state for the purpose of selling, transferring, bartering, trading, negotiating or attempting to negotiate the sale or exchange of any interest in a new or used motorboat, including the operation of the motorboat by a manufacturer for purposes of testing the motorboat. The term does not include the operation of a motorboat for personal purposes by a dealer or manufacturer or an employee of a dealer or manufacturer, or by the friends or the members of the families of those persons.

3. ~~["Division" means the Division of Wildlife of the State Department of Conservation and Natural Resources.]~~ *"Department" has the meaning ascribed to it in NRS 488.035.*

4. "Flat wake" has the meaning ascribed to it in NRS 488.035.

5. "Identification number" means the number assigned by the ~~[Division]~~ *Department* to each motorboat registered in accordance with chapter 488 of NRS.

6. "Legal owner" has the meaning ascribed to it in NRS 488.035.

7. "Length" means the length of a vessel measured in a straight line from one end of the hull to the other, excluding the deck, bowsprits, bumpkins, rudders, outboard motor brackets and similar fittings or attachments.

8. "Motorboat" has the meaning ascribed to it in NRS 488.035.

9. "Operate" has the meaning ascribed to it in NRS 488.035.

10. "Owner" has the meaning ascribed to it in NRS 488.035.

11. "Personal watercraft" has the meaning ascribed to it in NRS 488.580.

12. "Registered owner" has the meaning ascribed to it in NRS 488.035.

13. "State of principal use" means the state on whose waters a vessel is used or to be used for most of the calendar year.

14. "Under way" has the meaning ascribed to it in NRS 488.035.

15. "Vessel" has the meaning ascribed to it in NRS 488.035.

16. "Waters of this state" has the meaning ascribed to it in NRS 488.035.

Sec. 3. 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]~~ *or* certificate of ownership must contain:

- (a) The name, social security number , *or tax identification number if the application is made under a business name*, and address, 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]~~ *manufacturer* of the motorboat;
- (g) The year the motorboat was manufactured;
- (h) The hull number assigned by :
 - (1) ~~[the manufacture, if any;]~~ *The manufacturer; or*
 - (2) *The Department pursuant to NAC 488.185, if the manufacturer did not assign a hull number;*
- (i) The length of the motorboat;
- (j) The type of motorboat, including open, cabin, house, sail, inflatable, personal watercraft , *rubber* 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-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 *of number* 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~~ *or* 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 copy of a valid marine document issued by the United States Coast Guard for a documented vessel;*
- (f) A certificate of inspection of the vessel completed by an employee of the ~~[Division; and~~
~~—(f) If the vessel was purchased outside Nevada, a receipt for the payment of use taxes issued~~
~~by the Department of Taxation; and]~~ *Department;*
- (g) *Proof of payment of Nevada sales or use tax paid to the Department of Taxation or proof of exemption from those taxes as provided in NRS 372.320; and*
- (h) Such other proof of ownership as may be requested by the ~~[Division.]~~ *Department.*

Sec. 4. 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, including pleasure, livery, demonstration, commercial transportation, commercial fishing or other use;
- (d) The ~~make~~ *manufacturer* 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, including open, cabin, house, sail, inflatable, personal watercraft, *rubber* or other type of motorboat;
- (i) The material from which the hull was made, including wood, steel, aluminum, fiberglass, plastic, rubber or other material;
- (j) The type of propulsion used, including inboard, outboard, inboard-outdrive, electric, air thrust, jet, sail or sail with auxiliary motor;
- (k) The type of fuel used, including gasoline, diesel or 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:
 - (1) Change of ownership or address;
 - (2) Documentation of a vessel by the United States Coast Guard;
 - (3) Loss, destruction, abandonment, theft or recovery of a vessel;
 - (4) Carriage of the certificate on board the motorboat;
 - (5) Provision of aid in a boat accident; and
 - (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. 5. NAC 488.120 is hereby amended to read as follows:

488.120 The ~~{Division will not}~~ *Department shall* issue a certificate of number *and validation decal* for a vessel which has a valid marine document issued by the United States Coast Guard.

Sec. 6. NAC 488.125 is hereby amended to read as follows:

488.125 If a certificate of number is lost or destroyed, the person whose name appears on the certificate as the owner may apply for a duplicate certificate by submitting to the ~~{Division;}~~ *Department:*

1. An application on a form provided by the ~~{Division;}~~ *Department;* and

2. A fee of ~~[\$10.]~~ *\$20.*

Sec. 7. NAC 488.135 is hereby amended to read as follows:

488.135 When *a* renewal ~~{certificates}~~ *certificate* of number ~~{are}~~ *is* printed, the ~~{Division will}~~ *Department shall* issue a certificate which incorporates any change in the address of the owner of a vessel.

Sec. 8. NAC 488.140 is hereby amended to read as follows:

488.140 A certificate of number is invalid and must be surrendered to the ~~{Division if:~~
~~—1.—The vessel is documented or required to be documented under federal law;~~
~~—2.—~~ *Department if:*

1. The person listed on the certificate as owner of the motorboat transfers all or part of his interest in the motorboat or loses his interest by a legal process;

~~3.~~ 2. The motorboat is destroyed or abandoned;

~~4.~~ 3. The application for the certificate contains a false or fraudulent statement; or

~~5.~~ 4. If fees for the issuance of the certificate are not paid.

Sec. 9. NAC 488.160 is hereby amended to read as follows:

488.160 1. Except as otherwise provided in subsections 3 ~~4 and 5,~~ to 6, inclusive, 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,~~ Department.

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.

6. A vessel documented by the United States Coast Guard is exempt from the requirements of this section.

Sec. 10. NAC 488.165 is hereby amended to read as follows:

488.165 The person whose name appears on a certificate of number as the owner of a vessel shall remove the number and validation decals from the vessel when ~~[-~~

~~—1. The vessel is issued a marine document by the Coast Guard; or~~

~~—2. The] the~~ certificate of number becomes invalid.

Sec. 11. NAC 488.175 is hereby amended to read as follows:

488.175 *1.* Pending the issuance of a certificate of number, the ~~[Division]~~ **Department** may issue a temporary certificate which is valid for not more than 60 days after it is issued.

2. If the application for a certificate of number for a vessel was made via the Internet, the Department may issue to the applicant a temporary authorization number that is valid for use of the vessel on the waters of the State for not more than 10 days after the date of issuance.

Sec. 12. NAC 488.180 is hereby amended to read as follows:

488.180 1. A person may not use a vessel which does not have a current validation decal on each side of the vessel unless ~~the~~ :

(a) *The* vessel is exempt pursuant to NRS 488.175 ~~f~~.

~~2. The~~; or

(b) *Not more than 10 days before the date of the use of the vessel, the Department issued a temporary authorization number for the vessel pursuant to subsection 2 of NAC 488.175.*

2. *Except as otherwise provided in subsection 3, the* decals *required for a vessel* must be attached:

(a) Within 6 inches of the last letter of the identification number on the port side;

(b) Within 6 inches of the letters "NV" on the starboard side; and

(c) Level with the identification numbers on both sides.

3. *A vessel with a valid marine document issued by the United States Coast Guard:*

(a) *Is exempt from the requirements of subsection 2;*

(b) *Must be properly marked, pursuant to federal requirements, with the name and home port of the vessel; and*

(c) *Must have the validation decal of the vessel attached to each side of the forward half of the vessel so that the decal is distinctly visible on both the port and starboard sides.*

4. The year in which each validation decal expires will be indicated by the colors blue, international orange, green or red in rotation beginning with blue for decals that expire in 1973.

The decal will be approximately 3 inches square.

~~4.~~ 5. A validation decal that has been cut, trimmed or otherwise altered is not valid.

~~5.~~ 6. For the purposes of this section, a vessel is being used if the vessel:

(a) Is upon the waters of this state, including, without limitation, if it is tied or fastened to a dock, mooring or shore; and

(b) Is not aground on the shore.

Sec. 13. NAC 488.195 is hereby amended to read as follows:

488.195 1. The ~~[Division will]~~ *Department shall* not issue a dealer's certificate of number to a manufacturer or dealer *or authorize the manufacturer or dealer to issue a dealer's report of sale* until he submits an application to the ~~[Division]~~ *Department* which contains such information as the ~~[Division]~~ *Department* may require.

2. *In determining whether to approve or deny an application submitted pursuant to subsection 1, the Department may consider, without limitation, the following criteria:*

(a) *Whether the applicant has been convicted of violating a law or regulation relating to wildlife or watercraft within the 5 years immediately preceding the date of the application.*

(b) *Whether the applicant has been convicted of a felony or a crime involving moral turpitude.*

(c) *The cooperation of the applicant and employees of the applicant.*

(d) *Characteristics of the business where the applicant would issue a dealer's report of sale, including, without limitation:*

(1) *Accessibility of the business to all segments of the public;*

(2) *Hours the business will be open to the public; and*

(3) *The number of times ownership of the business has been transferred.*

(e) *If the applicant was previously a boat dealer for the Department:*

(1) Whether the applicant complied with all laws and regulations for the issuance of a dealer's report of sale and properly used a dealer's certificate of number for demonstration purposes only; and

(2) Whether the applicant's authority to serve as a boat dealer for the Department was cancelled. If the authority was cancelled, the applicant must provide proof that the reason for cancellation has been corrected.

3. Except as otherwise provided in this subsection, if an applicant wishes to be a boat dealer for the Department, the business of the applicant must have been established for at least 1 year immediately preceding the date of the application. The Department may waive this requirement if the applicant has previous experience in the business of buying and selling boats and the Department determines there is a need for a boat dealer for the Department.

4. A dealer must have an established place of business in Nevada and a permanent building or structure on a lot owned or leased with sufficient space to display one or more boats.

5. As used in this section, the term "permanent building or structure" does not include a residence.

Sec. 14. NAC 488.205 is hereby amended to read as follows:

488.205 1. The ~~Division will~~ **Department shall** determine the number of dealer's certificates of number to which the manufacturer or dealer is entitled. A manufacturer or dealer ~~will~~ **must** not be issued more of the certificates than a number equal to one more than the number of his salesmen.

2. A dealer must sell at least one boat during the previous 12 months to be eligible for renewal of certificates of number. The ~~Division~~ **Department** may require proof of the sales.

3. Upon failure by a dealer to renew a certificate of number for 2 consecutive years, that number will become inactive. If the dealer wishes to renew the number and the dealer is in good standing with the Department, the Department shall reactivate the number.

Sec. 15. NAC 488.215 is hereby amended to read as follows:

488.215 The ~~[Division will revoke the identification]~~ *Department shall revoke authority to serve as a boat dealer for the Department if:*

1. The certificate of number issued to a manufacturer or dealer for a motorboat ~~[which is to be used]~~ for demonstration or testing ~~[if]~~ *of* the motorboat is used for a purpose which is not connected with the demonstration, exchange or sale of a motorboat ~~[;]~~;

2. The boat dealer or an employee of the boat dealer falsifies any information on, or otherwise fails to issue correctly, a dealer's report of sale, or aids in, causes or attempts such an act; or

3. The boat dealer or an employee of the boat dealer fails to comply with applicable laws, regulations and procedures of the Department.

Sec. 16. NAC 488.305 is hereby amended to read as follows:

488.305 1. Except as *otherwise* provided in subsection 2, each applicant for a certificate of ownership must submit one of the following documents ~~[to the boat agent or]~~ to the ~~[Division]~~ *Department* as evidence of proof of ownership:

(a) The original bill of sale from the dealer and subsequent bills of sale from all owners of the motorboat up to the present owner.

(b) The previous owner's certificate of ownership for the motorboat.

(c) If the motorboat is homemade, a sworn statement attesting to the identity of the builder, the location or place of construction, the source of the material used for construction and a

description of the boat. The statement must also be accompanied by any receipts received for the purchase or acquisition of the materials used in the construction of the motorboat and a copy of the construction plans, if any.

(d) If the motorboat has been rebuilt, a sworn statement attesting to the identity of the rebuilders, the location or place of rebuilding, the source of the material used for rebuilding and a description of the boat. The statement must also be accompanied by:

(1) Any receipts received for the purchase or acquisition of the materials used in the rebuilding of the motorboat; and

(2) Documentation indicating the source of the original hull and proof of ownership from the previous owner.

2. If neither of the documents listed in ~~paragraphs~~ *paragraph* (a) or (b) of subsection 1 is available, the applicant must submit an affidavit of ownership or attach to his application a completed Statement of Fact . ~~[, Form 60-XX-07.]~~

3. Before a motorboat which was originally manufactured on or after January 1, 1972, is rebuilt, the owner of the motorboat shall:

(a) Cause the motorboat to be inspected by the ~~[Division]~~ *Department* to determine the hull identification number; or

(b) Provide such other proof of ownership as the ~~[Division]~~ *Department* may require.

Sec. 17. NAC 488.315 is hereby amended to read as follows:

488.315 The certificate of ownership for a motorboat will include:

1. The name and address of the legal owner and the registered owner;
2. The date on which the certificate is issued;
3. *The type of boat;*

4. The hull material;
- ~~{4.}~~ 5. The identification number of the boat;
- ~~{5.}~~ 6. The name of the manufacturer of the boat;
- ~~{6.}~~ 7. The hull number of the boat;
- ~~{7.}~~ 8. The year the boat was manufactured;
- ~~{8.}~~ 9. The length of the boat;
- ~~{9.}~~ 10. The type of propulsion;
- ~~{10.}~~ 11. The type of fuel;
- ~~{11.}~~ 12. The intended use of the boat; and
- ~~{12.}~~ 13. A statement in substantially the following form:

The ~~{Division of Wildlife of the State Department of Conservation and Natural Resources}~~ *Department of Wildlife* of the State of Nevada hereby certifies that, pursuant to the provisions of chapter 488 of the Nevada Revised Statutes and the regulations adopted pursuant thereto, an application has been made for a certificate of ownership for the motorboat or vessel described in this certificate. The ~~{Division}~~ *Department* has received information, including statements signed under penalty of perjury, which indicate that the statements contained in this certificate correctly indicate the ownership of the motorboat or vessel described in this certificate. The ~~{Division}~~ *Department* has not made a title search to establish conclusively the ownership or lienholders, or both, of the motorboat or vessel and makes no warranty as to the truth of the statements contained in this certificate.

Sec. 18. NAC 488.110 is hereby repealed.

Sec. 19. 1. This section and sections 1 to 5, inclusive, and 7 to 18, inclusive, of this regulation become effective upon filing with the Secretary of State.

2. Section 6 of this regulation becomes effective on January 1, 2004, or upon filing with the Secretary of State, whichever occurs later.

TEXT OF REPEALED SECTION

488.110 Size of certificate of number. Each certificate of number will be approximately 3 1/2 inches by 7 inches.

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R122-03**

The Board of Wildlife Commissioners adopted regulations assigned LCB File No. R122-03 which pertain to chapter 488 of the Nevada Administrative Code on December 6, 2003.

Notice date: 11/3/2003
Hearing date: 12/6/2003

Date of adoption by agency: 12/6/2003
Filing date: 1/20/2004

INFORMATIONAL STATEMENT

- 1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.**
In addition to the traditional mail out to the Board of Wildlife Commissioners, and the 17 county advisory boards to manage wildlife, the regulation was sent to all 45 Department boat dealers. NDOW received no written responses and only one phone call inquiring about the definition of certificates of number. Public comment is solicited throughout the workshop and meeting to act upon the regulation. Interested persons can obtain a copy of the summary by contacting the NDOW License Office at 688-1510.
- 2. The number of persons who:**

(a) Attended each hearing:	75
(b) Testified at each hearing:	0
(c) Submitted to the agency written statements:	0
- 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.**
The regulation was sent to all 45 Department boat dealers. NDOW received no written responses and only one phone call inquiring about the definition of certificates of number. Interested persons can obtain a copy of the summary by contacting the NDOW License Office at 688-1510.
- 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.**
The Board of Wildlife Commissioners approved the regulation with one change.
- 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 - Not applicable.
(3) Immediate - Not applicable.
(4) Long term - Not applicable.

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

- (1) Adverse - None.**
- (2) Beneficial - Not applicable.**
- (3) Immediate - Not applicable.**
- (4) Long term - Not applicable.**

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

Unknown.

7. A description of any regulations of other state or governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping 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 that 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.