

**LCB File No. R122-03**

**PROPOSED REGULATION OF THE BOARD  
OF WILDLIFE COMMISSIONERS**

**NOTICE OF INTENT TO ACT UPON A REGULATION  
Notice of Hearing for The (Adoption/Amendment/Repeal) of Regulations of The  
Board of Wildlife Commissioners**

The Board of Wildlife Commissioners will hold a public hearing on December 6, 2003 at the Nevada Department of Wildlife, 1100 Valley Road, Reno, Nevada 89512. The purpose of the hearing is to receive comments from all interested persons regarding the adoption of regulation CGR 313 (LCB File ) pertaining to Chapter 488 of the Nevada Administrative Code.

1. The need for and purpose of the proposed regulation: (Description of regulation)

Makes various changes to the watercraft section: Adds language to allow a person to request his name and records be removed from lists which are old; clarifies certain requirements for vessel titling and registration; requires vessels documented by the U.S. Coast Guard to be registered annually; allows the use of an authorization number in lieu of the registration and validation decals for 10 days upon an Internet transaction; adds criteria for the boat dealer program for approval and denial of applications and for cancellation.

2. Text of the proposed regulation:

Please see attached.

3A. The estimated economic effect of the regulation on the business which it is to regulate:

- (a) Adverse effect - N/A
- (b) Beneficial effect – N/A
- (c) Immediate effect – N/A
- (d) Long-term effect – N/A

3B. The estimated economic effect of the regulation on the public which it is to regulate:

- (a) Adverse effect – N/A.
- (b) Beneficial effect – N/A
- (c) Immediate effect – N/A
- (d) Long-term effect – N/A

4. Estimated cost to the Department of Wildlife for enforcement of the proposed regulation:

N/A

5. A description of and citation to any regulations of other state or local government agencies which the proposed regulation overlaps or duplicates, None. The duplication or overlapping is necessary because N/A. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency: N/A.
  
6. If the regulation is required pursuant to federal law, a citation and description of the federal law  
  
N/A.
  
7. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions:  
  
N/A.
  
8. The proposed regulation establishes a new fee or increases an existing fee:  No  Yes

Persons wishing to comment upon the proposed action of the Board of Wildlife Commissioners may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, to the Secretary, Board of Wildlife Commissioners, 1100 Valley Road, Reno, Nevada 89512. Written submissions must be received by the Secretary, Board of Wildlife Commissioners, at least five days before the scheduled public hearing. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Board of Wildlife Commissioners may proceed immediately to act upon any written submissions.

A copy of this notice and the proposed regulation will be on file at the State Library and Archives, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the regulations to be adopted will be available for inspection and may be copied at the following locations:

Nevada Division of Wildlife  
1100 Valley Road  
Reno, Nevada  
(775) 688-1500

Western Region  
380 W. "B" Street  
Fallon, NV 89406  
(775) 423-3171

Eastern Region  
60 Youth Center Rd.  
Elko, NV 89801  
(775) 777-2300

Southern Region  
4747 Vegas Drive  
Las Vegas, NV 89108  
(702) 486-5127

The regulations will be available for inspection at all county main public libraries. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations are prepared and published monthly by the Legislative Council Bureau pursuant to NRS 233B.0653 and on the Internet at <http://www.leg.state.nv.us>. Copies

will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person either before adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the above locations.

---

Terry R. Crawforth, Secretary  
Board of Wildlife Commissioners

LCB File No. R122-03

PROPOSED REGULATION OF THE BOARD  
OF WILDLIFE COMMISSIONERS

COMMISSION GENERAL REGULATION 313

**Authority:** [NRS 488.035](#), [488.045](#), [488.075](#), 488.305, 488.580, [501.181](#), 501.243

**Notice of Intent:**

**Workshop Date:**

**Adoption Date:**

**Explanation:** Makes various changes to the watercraft section: Adds language to allow a person to request his name and records be removed from lists which are sold; clarifies certain requirements for vessel titling and registration; requires vessels documented by the Coast Guard to be registered annually; allows the use of an authorization number in lieu of the registration and validation decals for 10 days upon an Internet transaction; adds criteria for the boat dealer program for approval and denial of applications and for cancellation.

Note: Mater in *italics* is new; matter within **brackets** **[ ]** is to be omitted.

**Section 1. Chapter 488 is hereby amended by adding the following:**

*Any person who has obtained a certificate of ownership or certificate of number may, by request, ask that their name and personal information be removed from lists which are sold.*

**Sec. 2. 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 for a certificate of number or certificate of ownership is in 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 the manufacturer, if any; *otherwise the hull number assigned by the department according to NAC 488.185;*
- (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 which is issued by the United States Coast Guard for a documented vessel;*

~~[(e)]~~ (f) A certificate of inspection of the vessel completed by an employee of the ~~[division]~~ *department*; and

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

(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. 3. 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. 4. NAC 488.120 is hereby amended to read as follows:**

488.120. The ~~[division]~~ *department* will ~~[not]~~ 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. 5 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 effective January 1, 2004*.

**Sec. 6. NAC 488.135 is hereby amended to read as follows:**

488.135. When *the* renewal certificate~~s~~ of number ~~are~~ *is* printed, the ~~[division]~~ *department* will issue a certificate which incorporates any change in the address of the owner of a vessel.

**Sec. 7. 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]~~ *department* if:

- 1. ~~[The vessel is documented or required to be documented under federal law;~~
- ~~—2.]~~ 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. 8. NAC 488.160 is hereby amended to read as follows:**

488.160. 1. Except as otherwise provided in subsections 3, 4 ~~[and]~~ , 5 *and* 6, 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. Vessels documented by the United States Coast Guard.***

**Sec. 9. 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. 10. NAC 488.170 is hereby amended to read as follows:**

488.170. The ~~[division]~~ *department* or a boat dealer authorized by the ~~[division]~~ *department* 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. 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 certificate of number is applied for via the Internet, then the department may issue a temporary authorization number which can be used by the person only on the waters of the state for 10 days from 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 vessel is exempt pursuant to NRS 488.175, *or unless the validation decal was applied for via the Internet, then the department may issue a temporary authorization number which can be used by the person only on the waters of the state for 10 days from the date of issuance.*

*2.* The decals 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.

*Except that vessels with a valid marine document issued by the United States Coast Guard, must properly mark, pursuant to federal requirements, the name of the vessel and the vessel's home port, and must attach the validation decals to each side of the forward half of the vessel to be distinctly visible on both the port and starboard sides.*

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

5. 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]~~ *department* will not issue *dealer's reports of sale or [a]* dealer's certificate of number to a manufacturer or dealer until he submits an application to the ~~[division]~~ *department* which contains such information as the ~~[division]~~ *department* may require.

2. *To determine whether to approve or deny an application for appointment to issue dealer's reports of sale or to issue one or more dealer's certificate of number, the department may consider, without limitation, the following criteria:*

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

*(b) The cooperation of the applicant and his employees.*

*(c) Characteristics of the business where the applicant desires to issue dealer's report of sales, including, without limitation:*

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

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

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

*(d) If the applicant was previously a boat dealer for the department:*

*(1) Whether the applicant complied with all laws and regulations for the correct issuance of the dealer's report of sale and properly using one or more dealer's certificate of number for demonstration purposes only; and*

*(2) Whether the applicant had his authority to serve as a boat dealer for the department canceled. If the applicant had been canceled by the department, then the applicant must show proof that the reason for cancellation has been corrected.*

*3. If an applicant desires to be a boat dealer for the department, the business must have been established for at least 1 year. The department may waive this requirement for an applicant with previous boat business experience if the department determines there is a need for the boat dealer.*

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. 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]~~ *department* will determine the number of dealer's certificates of number to which the manufacturer or dealer is entitled. A manufacturer or dealer will 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. If the dealer fails to renew a certificate of number for two consecutive years, that number will become inactive. If at such time as the dealer desires to renew that certificate of number and the dealer is in good standing with the department, the number will be reactivated.*

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

488.215 The ~~[division]~~ *department* will revoke *the authority to serve as a boat dealer for the department if:*

*1. ~~[the identification]~~ The certificate of number issued to a manufacturer or dealer for a motorboat which is to be used for demonstration or testing if 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 his employees fail to correctly issue or falsify any information on a dealer's report of sale, or aid in or attempt such acts or cause such acts to be done.*

*3. The boat dealer or his employees fail to comply with all laws, regulations, and procedures of the department.*

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

488.305. 1. Except as 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 rebuilder, 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 (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 boat type;*
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]~~ *department* of wildlife ~~[of the state department of conservation and natural resources]~~ 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.

**To be repealed:**

**NAC 488.110 is hereby repealed:**

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