

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

LCB File No. R135-04

Effective October 28, 2004

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

AUTHORITY: §1, NRS 488.045, 488.400, 501.181 and 501.243.

A REGULATION relating to watercraft; revising the provisions relating to the reckless or negligent operation of a vessel; and providing other matters properly relating thereto.

Section 1. NAC 488.435 is hereby amended to read as follows:

488.435 Each of the following acts endangers life, limb or property and constitutes prima facie evidence of reckless or negligent operation of a vessel:

1. Riding on the bow, gunwale ~~[, transom or swim platform]~~ *or transom* of a ~~[vessel propelled by machinery and]~~ *motorboat* underway at a speed greater than 5 nautical miles per hour, unless the act is done by a vessel's crewmen in managing a sail.
2. Maneuvering a towed skier or device so as to pass the towline over another vessel or its skier.
3. Navigating any vessel, skis or device between a towing vessel and its tow.
4. *Operating a motorboat while any person is hanging onto, or sitting, standing or riding on, a swim platform or a swim ladder that is attached to the motorboat.*

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R135-04**

The Board of Wildlife Commissioners adopted regulations assigned LCB File No. R135-04 which pertain to chapter 488 of the Nevada Administrative Code on September 11, 2004.

Notice date: 8/5/2004
Hearing date: 9/11/2004

Date of adoption by agency: 9/11/2004
Filing date: 10/28/2004

INFORMATIONAL STATEMENT

- 1. 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.**

The regulation was sent to the Board of Wildlife Commissioners and the 17 county advisory boards to manage wildlife and other interested persons. Public comment is solicited throughout the workshop and meeting to act upon the regulation. There was no comment received.

- 2. The number of persons who:**

- (a) Attended each hearing: 8
(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 the Board of Wildlife Commissioners and the 17 county advisory boards to manage wildlife and other interested persons. Public comment is solicited throughout the workshop and meeting to act upon the regulation.

- 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:** Participating public satisfied with language as presented.

- 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 – N/A

(2) Beneficial – N/A

(3) Immediate - N/A

(4) Long term – N/A

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

(1) Adverse – N/A

(2) Beneficial – N/A

(3) Immediate - N/A

(4) Long term - N/A

6. **The estimated cost to the agency for enforcement of the proposed regulation:** N/A

7. **A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary:** United States Coast Guard

If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency: United States Coast Guard

8. **If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions:** N/A

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:** N/A