

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

LCB File No. R054-13

August 28, 2013

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

AUTHORITY: §§1, 5 and 6, NRS 488.045; §§2, 3 and 4, NRS 488.045 and 488.536.

A REGULATION relating to watercraft; establishing the amount of the aquatic invasive species fee for certain vessels; requiring that an aquatic invasive species decal be displayed on certain vessels; and providing other matters properly relating thereto.

Section 1. Chapter 488 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this regulation.

Sec. 2. 1. *For the purposes of NRS 488.536 and sections 3, 4 and 5 of this regulation, the Department shall interpret the term “resident of this State” to mean a person who, during the 6 months immediately preceding the person’s application to the Department for an aquatic invasive species decal:*

(a) Maintained his or her principal and permanent residence in this State; and

(b) Was physically present in this State, except for temporary absences.

2. *As used in this section, “principal and permanent residence” means a place where a person is legally domiciled and maintains a permanent habitation in which the person lives and to which the person intends to return when he or she leaves the state in which the permanent habitation is located. The term does not include merely owning a residence in a state.*

Sec. 3. 1. *A person who wishes to obtain an aquatic invasive species decal pursuant to NRS 488.536 must pay to the Department the following aquatic invasive species fee:*

<i>For motorboat which is owned or operated by a person who is a resident of this State</i>	<i>\$10</i>
<i>For a vessel, other than a motorboat, which is owned or operated by a person who is a resident of this State</i>	<i>5</i>
<i>For a motorboat which is owned or operated by a nonresident of this State</i>	<i>20</i>
<i>For a vessel, other than a motorboat, which is owned or operated by a nonresident of this State</i>	<i>10</i>

2. *A person who wishes to obtain a replacement aquatic invasive species decal for a lost, stolen, mutilated or destroyed aquatic invasive species decal must pay to the Department a replacement fee of \$5.*

Sec. 4. 1. *Each aquatic invasive species decal issued by the Department must:*

- (a) For a vessel owned and operated by a resident of this State, be designated with the letter “R” on the face of the decal;*
- (b) For a vessel that is owned and operated by a nonresident of this State, be designated with the letters “NR” on the face of the decal;*
- (c) For all vessels, be approximately 3 square inches; and*
- (d) For all vessels, on or after January 1, 2014, be issued in an annual rotation of the colors blue, international orange, green and red.*

2. *An aquatic invasive species decal is invalid if the decal has been cut, trimmed or otherwise altered.*
3. *An aquatic invasive species decal other than an aquatic invasive species decal issued by the Department may not be displayed on a vessel.*
4. *An aquatic invasive species decal is invalid and must be surrendered to the Department if:*
 - (a) *The application submitted to obtain the aquatic invasive species decal contained false or fraudulent information; or*
 - (b) *The fee for the issuance of the decal is not paid.*
5. *An aquatic invasive species decal issued for an inflatable boat with an inflatable transom may be attached to a removable plate that is securely attached to the port side transom of the boat.*
6. *A manufacturer or dealer must possess an aquatic invasive species decal for each temporary operating permit issued by the Department.*

Sec. 5. *The provisions of sections 2, 3 and 4 of this regulation do not apply to a vessel which is not capable of retaining water.*

Sec. 6. This regulation becomes effective on January 1, 2014.