

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

LCB File No. R054-13

October 16, 2013

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

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

A REGULATION relating to watercraft; revising provisions concerning the aquatic invasive species fee for certain vessels; and providing other matters properly relating thereto.

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

1. For the purposes of NRS 488.536 and NAC 488.523 and 488.525, the Commission will interpret “resident of this State” to mean a person who, during the 6 months before the person’s application to the Department for an aquatic invasive species decal:

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

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

2. As used in this section, “principle 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 this State. The term does not include merely owning a residence in this State.

Sec. 2. NAC 488.523 is hereby amended to read as follows:

1. The amount of the aquatic invasive species fee required pursuant to NRS 488.536 is:

(a) For a motorboat which is owned or operated by a person who is a resident of this State, \$10;

(b) For a vessel, other than a motorboat, which is owned or operated by a person who is a resident of this State, \$5;

(c) For a motorboat which is owned or operated by a nonresident of this State, \$20; and

(d) For a vessel, other than a motorboat, which is owned or operated by a nonresident of this State, \$10.

2. ~~[For the purpose of NRS 488.536, the Commission will interpret “resident of this State” to mean a person who, during the 6 months before 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.~~

~~—3. 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 this State. The term does not include merely owning a residence in this State.]~~

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. 3. NAC 488.525 is hereby amended to read as follows:

1. The aquatic invasive species decal issued by the Department for an inflatable vessel with an inflatable transom may be attached to a removable plate that is securely attached to the port side transom of the vessel.

2. Each aquatic invasive species decal issued by the Department:

(a) For a vessel which is owned and operated by a resident of this State must be designated with the letter “R” on the face of the decal;

(b) For a vessel which is owned and operated by a nonresident of this State must be designated with the letters “NR” on the face of the decal;

(c) Must be approximately 3 inches square; and

(d) On and after January 1, 2013, must be issued in an annual rotation of the colors blue, international orange, green and red.

3. An aquatic invasive species decal is invalid if the decal has been cut, trimmed or otherwise altered.

4. Only an aquatic species decal issued by the Department for the current calendar year may be displayed on a vessel.

5. 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.

6. A manufacturer or dealer must possess an aquatic invasive species decal for each temporary operating permit issued by the Department.

Sec. 4. This regulation becomes effective on January 1, 2014.