

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

LCB File No. R015-16

Effective September 9, 2016

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

AUTHORITY: §§1, 6, 7, 11, 12 and 20-22, NRS 488.045 and 501.181; §§2-4, 9, 10, 14-17 and 19, NRS 488.045, 488.075 and 501.181; §§5 and 8, NRS 488.045, 488.175 and 501.181; §13, NRS 488.045 and 501.181 and section 1 of Assembly Bill No. 35, chapter 9, Statutes of Nevada 2015, at page 36 (NRS 488.169); §18, NRS 488.045, 488.075 and 501.181 and section 1 of Assembly Bill No. 35, chapter 9, Statutes of Nevada 2015, at page 36 (NRS 488.169).

A REGULATION relating to vessels; revising the requirements for applications for certificates of number and certificates of ownership; revising requirements for the contents of certificates of number and certificates of ownership; revising the contents required in a certificate of number; invalidating and requiring the surrender of a certificate of number under certain circumstances; providing for the assignment of a state hull number to certain vessels; revising certain requirements for the transfer or sale of certain vessels; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

During the 78th Regular Session, the Nevada Legislature passed Assembly Bill No. 35, which requires the Board of Wildlife Commissioners to adopt regulations relating to the issuance and verification of hull numbers of vessels in this State in conformity with requirements prescribed by the United States Coast Guard. (Chapter 9, Statutes of Nevada 2015, at page 35 (NRS 488.169))

Existing regulations establish certain requirements for the contents of an application for a certificate of number or certificate of ownership and set forth certain documents which may be used as evidence of information requested in those applications. (NAC 488.100) **Section 2** of this regulation revises the required contents of those applications and adds a statement to be signed by the owner of a vessel to serve as evidence of information requested in such an application.

Existing regulations establish certain requirements for the contents of a certificate of number. (NAC 488.105) **Section 3** of this regulation revises the required contents of such a certificate by adding the make and model of the vessel and by specifying that the physical address of the owner must be included.

Existing regulations set forth certain circumstances under which a certificate of number for a motorboat is invalid and must be surrendered to the Department of Wildlife. (NAC 488.140) **Section 6** of this regulation adds the provision that a certificate of number is invalid and must be surrendered to the Department if the certificate of ownership for the motorboat is incomplete or incorrect.

Existing regulations require the Department of Wildlife to print the word “salvage” on each subsequent certificate of number and certificate of ownership which it issues for a motorboat after that boat has been destroyed or abandoned. (NAC 488.145) **Section 7** of this regulation eliminates the requirement that the word “salvage” be printed on each subsequent certificate of number or certificate of ownership and instead allows “salvage” to be printed on a certificate of ownership.

Existing law provides that before a motorboat which was originally manufactured on or after January 1, 1972, is rebuilt, the owner of the boat shall either cause the boat to be inspected by the Department of Wildlife to determine the hull identification number or provide other required proof of ownership. (NAC 488.305) **Section 18** of this regulation provides that before any vessel which was originally manufactured on or after January 1, 1972, is rebuilt, the owner of the vessel shall either cause the vessel to be inspected by the Department to determine the hull identification number or provide other required proof of ownership. **Section 18** also provides that the Department will assign a state hull number to such a vessel if the hull number of the vessel does not meet the requirements prescribed by the United States Coast Guard.

Existing regulations establish certain requirements for the contents of a certificate of ownership. (NAC 488.315) **Section 19** of this regulation revises the required contents of such a certificate by adding the make and model of the vessel and by specifying that the mailing address of the legal owner and the mailing and physical addresses of the registered owner must be included.

Existing regulations provide that, with specified exceptions, certain vessels for which a certificate of ownership is required must be inspected by the Department of Wildlife or a person designated by the Department when the vessel is transferred or sold. (NAC 488.320) **Section 20** of this regulation eliminates certain of the specified exceptions to provide that a vessel need not be inspected if the Department is certain that the description of the vessel is correct after reviewing any documents submitted by the owner. **Section 20** also requires a registered owner, upon transfer or sale of the vessel, to verify the hull number displayed on the vessel and endorse a statement attesting to the verification of the hull number.

Section 21 of this regulation revises the proof which a transferee must provide to transfer a certificate of ownership of a vessel that is the subject of a sale pursuant to a lien by an owner of a storage facility.

Section 22 of this regulation revises the proof which a transferee must provide to transfer a certificate of ownership of a vessel that is the subject of a sale pursuant to a lien for storage, maintenance, repair, rental of space or other facilities, services or supplies for the vessel.

Section 1. NAC 488.010 is hereby amended to read as follows:

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

1. *“Air thrust” means a method of propulsion by which a vessel is propelled by a type of propeller that is used by aircraft and powered by an engine.*
2. *“Airboat” has the meaning ascribed to it in 33 C.F.R. § 174.3.*
3. *“Auxiliary sail” has the meaning ascribed to it in 33 C.F.R § 174.3.*
4. *“Cabin motorboat” has the meaning ascribed to it in 33 C.F.R. § 174.3.*
5. *“Certificate of number” means a permanent or temporary document issued by the Department for a vessel for which the state of principal operation is this State.*
6. *“Charter fishing” has the meaning ascribed to it in 33 C.F.R. § 174.3.*
7. *“Commercial fishing” has the meaning ascribed to it in 33 C.F.R. § 174.3.*
8. “Commission” has the meaning ascribed to it in NRS 488.035.
- ~~2.~~ 9. “Demonstrating” or “demonstration” means to operate a ~~motorboat~~ vessel 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,~~ vessel, including the operation of the ~~motorboat~~ vessel by a manufacturer for purposes of testing the ~~motorboat,~~ vessel. The term does not include the operation of a ~~motorboat~~ vessel 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.~~ 10. “Department” has the meaning ascribed to it in NRS 488.035.
- ~~4.~~ 11. “Flat wake” has the meaning ascribed to it in NRS 488.035.
- ~~5.~~ 12. *“Houseboat” has the meaning ascribed to in in 33 C.F.R. § 174.3.*

13. “Identification number” means the number assigned by the Department to each ~~motorboat~~ vessel registered in accordance with chapter 488 of NRS.
- ~~16.~~ 14. *“Inboard” has the meaning ascribed to it in 33 C.F.R. § 174.3.*
15. *“Inflatable boat” has the meaning ascribed to it in 33 C.F.R. § 174.3.*
16. “Legal owner” has the meaning ascribed to it in NRS 488.035.
- ~~17.~~ 17. “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.
- ~~18.~~ 18. *“Livery” means the rent or lease for consideration of a vessel that is owned by a business.*
19. “Motorboat” has the meaning ascribed to it in NRS 488.035.
- ~~19.~~ 20. *“Open motorboat” has the meaning ascribed to it in 33 C.F.R. § 174.3.*
21. “Operate” has the meaning ascribed to it in NRS 488.035.
- ~~10.~~ 22. *“Operator” has the meaning ascribed to it in 33 C.F.R. § 174.3.*
23. *“Outboard” has the meaning ascribed to it in 33 C.F.R. § 174.3.*
24. “Owner” has the meaning ascribed to it in NRS 488.035.
- ~~11.~~ 25. *“Paddlecraft” has the meaning ascribed to it in 33 C.F.R. § 174.3.*
26. *“Person” has the meaning ascribed to it in 33 C.F.R. § 174.3.*
27. “Personal watercraft” has the meaning ascribed to it in NRS 488.580.
- ~~12.~~ 28. *“Pod drive” has the meaning ascribed to it in 33 C.F.R. § 174.3.*
29. *“Pontoon boat” has the meaning ascribed to it in 33 C.F.R. § 174.3.*
30. “Registered owner” has the meaning ascribed to it in NRS 488.035.
- ~~13.~~ 31. *“Rowboat” has the meaning ascribed to it in 33 C.F.R. § 174.3.*

32. *“Sail only” has the meaning ascribed to it in 33 C.F.R. § 174.3.*

33. “State of principal ~~use~~ *operation*” means the state on whose waters a vessel is ~~used~~ *operated* or to be ~~used~~ *operated* for most of the calendar year.

~~14.~~ 34. *“Sterndrive” has the meaning ascribed to it in 33 C.F.R. § 174.3.*

35. “Under way” has the meaning ascribed to it in NRS 488.035.

~~15.~~ 36. “Vessel” has the meaning ascribed to it in NRS 488.035.

~~16.~~ 37. “Waters of this State” has the meaning ascribed to it in NRS 488.035.

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 or certificate of ownership must contain:

(a) The name ~~social~~ *of the owner.*

(b) *The physical address and mailing address, including the zip codes, of the registered owner.*

(c) *The mailing address, including the zip code, of the lien holder, if any.*

(d) *Other identifying information for each registered owner, including, without limitation:*

(1) *The social security number, or the tax identification number or employer identification number* if the application is made under a business name ~~, and address, including the zip code, of each owner;~~

~~(b)~~ ; and

(2) *The date of birth and either the registered owner’s driver’s license number or another unique number from an identification document that is issued by a governmental authority.*

(e) The state of principal ~~use;~~

~~—(e)~~ *operation of the vessel.*

(f) The *identification* number previously issued for the ~~{motorboat,}~~ *vessel*, if any. ~~‡~~

~~—(d)~~

(g) The reason for the application, including applying for a new *identification* number, renewal of *the certificate of* number or transfer of ownership. ~~‡~~

~~—(e)~~

(h) The manner in which the ~~{motorboat}~~ *vessel* is ~~{used,}~~ *operated*, including pleasure, livery, ~~{demonstration,}~~ *government, dealer or manufacturer*, commercial ~~{transportation,}~~ *carrying of passengers*, commercial fishing, *charter fishing* or other ~~{use;~~

~~—(f)~~ *operation.*

(i) The manufacturer, *make and model* of the ~~{motorboat;~~

~~—(g)~~ *vessel.*

(j) The *model* year *of* the ~~{motorboat was manufactured;~~

~~—(h)~~ *vessel.*

(k) The hull number assigned ~~{by:~~

~~—(1) The manufacturer; or~~

~~—(2) The Department pursuant to NAC 488.185, if the manufacturer did not assign a hull number;~~

~~—(i)~~ *to the vessel.*

(l) The length of the ~~{motorboat;~~

~~—(j)~~ *vessel.*

(m) The type of ~~motorboat,~~ vessel, including open ~~motorboat,~~ cabin ~~house,~~ motorboat, houseboat, sail ~~only,~~ inflatable ~~boat,~~ personal watercraft, ~~rubber~~ rowboat, airboat, auxiliary sail, paddlecraft, pontoon boat or other type of ~~motorboat;~~
~~(k)~~ vessel.

(n) The material from which the hull was made, including wood, steel, aluminum, fiberglass, plastic, rubber, vinyl, canvas or other material. ~~;~~
~~(l)~~

(o) The type of propulsion used, including ~~inboard, outboard, inboard-outdrive, electric,~~ air thrust, water jet, sail only, manual, propeller or ~~sail with auxiliary motor;~~
~~(m)~~ other type of propulsion.

(p) The type of drive of the engine, including inboard, outboard, sterndrive, pod drive or other type of drive.

(q) The type of fuel or power used, including gasoline, diesel, electric or other type of fuel ~~;~~
~~and~~
~~(n)~~ or power.

(r) The signature of the owner.

2. An application for a certificate of number for a ~~motorboat~~ vessel which is to be ~~used~~ operated by a manufacturer or dealer for demonstration need not include the information described in paragraphs ~~(f)~~ (i) to ~~(m)~~ (r), inclusive, of subsection 1.

3. The following documents, when presented with an application for a certificate of number 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~~ certificate of ownership to the ~~motorboat or~~ vessel;

- (b) A manufacturer's statement of origin;
- (c) A Statement of Fact submitted pursuant to subsection 2 of NAC 488.305;
- (d) A dealer's report of ~~motorboat~~ vessel 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 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 Department ~~+~~; *and*
- (i) A statement signed by the owner indicating that:*

I, the signator owner in signing this statement, hereby attest that the hull number assigned to this vessel has been visually inspected and verified to be the hull number recorded in the application.

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 *physical* address of the owner, including the zip code;
- (b) The state of principal ~~use;~~ *operation of the vessel;*
- (c) The manner in which the ~~motorboat~~ vessel is ~~used;~~ *operated*, including pleasure, livery, ~~demonstration;~~ *government, dealer or manufacturer*, commercial ~~transportation;~~ *carrying of passengers*, commercial fishing, *charter fishing* or other ~~use;~~ *operation;*

- (d) The manufacturer , *make and model* of the ~~{motorboat;}~~ *vessel;*
- (e) The *model* year of the ~~{motorboat was manufactured;}~~ *vessel;*
- (f) The hull number assigned ~~{by the manufacturer, if any;}~~ *to the vessel;*
- (g) The length of the ~~{motorboat;}~~ *vessel;*
- (h) The type of ~~{motorboat;}~~ *vessel*, including open ~~{;}~~ *motorboat*, cabin ~~{, house;}~~ *motorboat*, *houseboat*, sail ~~{;}~~ *only*, inflatable ~~{;}~~ *boat*, personal watercraft, ~~{rubber}~~ *rowboat*, *airboat*, *auxiliary sail*, *paddlecraft*, *pontoon boat* or other type of ~~{motorboat;}~~ *vessel;*
- (i) The material from which the hull was made, including wood, steel, aluminum, fiberglass, plastic, rubber , *vinyl*, *canvas* or other material;
- (j) The type of propulsion used, including ~~{inboard, outboard, inboard-outdrive, electric;}~~ air thrust, *water* jet, sail *only*, *manual*, *propeller* or ~~{sail with auxiliary motor;}~~ *other type of propulsion;*
- (k) *The type of drive of the engine, including inboard, outboard, sterndrive, pod drive or other type of drive;*
- (l) The type of fuel *or power* used, including gasoline, diesel , *electric* or other type of fuel ~~{;}~~ ~~{-}~~ ~~{+}~~ *or power;*
- (m) The identification number assigned to the ~~{motorboat;}~~ ~~{m}~~ *vessel;*
- (n) The expiration date of the certificate; and
- ~~{n}~~ (o) 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 *of number* on board the ~~motorboat;~~ *vessel*;
 - (5) Provision of aid in a boat accident; and
 - (6) Requirement of reporting casualties and accidents.
2. A certificate *of number* issued for a livery boat will not include the type of propulsion and fuel *or power* used by the boat if it is to be rented *or leased* without a motor.
 3. A certificate *of number* issued for a ~~motorboat~~ *vessel* which is to be ~~used~~ *operated* by a manufacturer or dealer for demonstration will not include the information described in paragraphs (d) to ~~(k);~~ *(l)*, inclusive, of subsection 1.

Sec. 4. NAC 488.115 is hereby amended to read as follows:

488.115 1. The certificate of number issued for a motorboat which is to be ~~used~~ *operated* for hire will be plainly marked “livery boat.”

2. As used in this section, “motorboat which is to be ~~used~~ *operated* for hire” includes, without limitation, vessels that are owned by businesses which rent or lease vessels for consideration according to a contract of membership which affords vessels for ~~use~~ *operation* by its members.

Sec. 5. NAC 488.120 is hereby amended to read as follows:

488.120 1. The Department may issue a temporary operating permit to a vessel owner who has applied to the United States Coast Guard for a marine document and who is awaiting approval for such a document.

2. A vessel owner who requests a temporary operating permit must provide to the Department a copy of the application for a marine document that:

- (a) The vessel owner submitted to the United States Coast Guard; and
- (b) Includes the vessel’s physical description and hull ~~identification~~ number.

3. A temporary operating permit issued by the Department pursuant to subsection 1 is valid:

(a) For the time period prescribed by the Department on the permit, not to exceed 90 days;

and

(b) Only on the waters of this State.

4. The 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 if the vessel owner presents to the Department a copy of that marine document.

Sec. 6. NAC 488.140 is hereby amended to read as follows:

488.140 A certificate of number is invalid and must be surrendered to the Department if:

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

2. The motorboat is destroyed or abandoned;

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

4. ~~or~~ *The* fees for the issuance of the certificate are not paid ~~or~~ ; *or*

5. *The certificate of ownership for the motorboat is incomplete or incorrect.*

Sec. 7. NAC 488.145 is hereby amended to read as follows:

488.145 1. The registered owner of a destroyed or abandoned ~~motorboat~~ *vessel* that is numbered pursuant to chapter 488 of NRS shall provide the notice required by NRS 488.145 to the Department in writing. The written notice must be signed by the registered owner and notarized.

2. The written notice provided pursuant to subsection 1 must indicate the reason for the destruction or abandonment of the ~~motorboat~~ *vessel* and the current location and condition of the ~~motorboat~~ *vessel*.

3. The registered owner shall surrender to the Department the certificate of number and the certificate of ownership issued for the ~~{motorboat,}~~ *vessel*, if in existence, at the time he or she provides the written notice to the Department pursuant to subsection 1.

4. Once a vessel has been destroyed or abandoned, the Department ~~{shall}~~ *may* print the word “salvage” on each subsequent ~~{certificate of number and}~~ certificate of ownership which it issues for that vessel.

Sec. 8. NAC 488.155 is hereby amended to read as follows:

488.155 1. ~~{Numbers}~~ *Identification numbers* issued by the Department for ~~{motorboats}~~ *vessels* which are exempt from the statutory requirement of registration must be displayed in the same manner as the identification numbers issued to nonexempt ~~{motorboats,}~~ *vessels*.

2. The *identification* number issued to an exempt ~~{motorboat}~~ *vessel* will consist of the letters “NV” followed by a combination of four numerals and the letters “EX.”

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

488.160 1. Except as otherwise provided in subsections 3 to 6, inclusive, the owner shall paint on or otherwise permanently attach to each side of the forward half of his or her vessel the identification number assigned to that ~~{boat}~~ *vessel* by the Department.

2. The *identification* 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

identification number;

(d) Be on the forward half of the hull or permanent superstructure of the ~~motorboat~~ vessel 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 *identification* number issued to a manufacturer or dealer for a ~~motorboat~~ vessel which is to be ~~used~~ operated in connection with the demonstration, exchange or sale of ~~motorboats~~ vessels 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~~ vessel. The *identification* number so displayed must meet the requirements of subsection 2.

4. If a ~~motorboat~~ vessel is built so that ~~a~~ an *identification* number on the hull or superstructure would not be easily visible, the *identification* number must be painted on or attached to the forward half of the ~~boat~~ vessel so that it is clearly visible on both the port and starboard sides.

5. The *identification* 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 inflatable boat. The *identification* 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 *identification* number and validation decals from the vessel when the certificate of number becomes invalid.

Sec. 11. NAC 488.170 is hereby amended to read as follows:

488.170 The Department or a boat dealer authorized by the Department may issue a dealer's report of ~~motorboat~~ *vessel* sale and a 10-day temporary operating permit which is valid only on the waters of this State.

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

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

(a) The vessel is exempt pursuant to NRS 488.175;

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

(c) The person possesses a valid temporary operating permit issued by the Department pursuant to NAC 488.120.

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.

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

6. For the purposes of this section, a vessel is being ~~used~~ *operated* 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 488.185 is hereby amended to read as follows:

488.185 1. Whenever the Department assigns a *state* hull number to a vessel, the number will consist of two letters designating the State followed by the letter “Z,” the next five characters will be an identifying serial number, and the last four characters will indicate the ~~month and~~ year that the vessel is issued a certificate of ownership.

2. The registered owner of a vessel for which a hull number has been assigned *by another state* shall carve, burn, stamp, emboss or otherwise permanently affix the assigned hull number to the outboard side of the starboard side of the transom ~~+~~ or, if there is no transom, to the outermost starboard side at the end of the hull that bears the rudder or other steering mechanism and above the waterline of the ~~boat~~ *vessel* in such a way that alteration, removal or replacement would be obvious and evident. The number must be at least one-quarter inch in height.

3. On and after January 1, 1995, the Department shall affix to each vessel ~~{which has been assigned a hull number a decal which indicates}~~ the ~~{assigned}~~ *state* hull number. The ~~{decal}~~ *state hull number* must be affixed no more than 2 inches below the location of the hull number placed pursuant to the provisions of subsection 2. ~~{At the time of affixing the decal, the}~~ *The* Department shall also affix ~~{a duplicate of the decal}~~ *the state hull number* to an unexposed portion of the interior of the vessel.

4. Unless written approval is first obtained from the Department, it is unlawful to remove, alter or deface a ~~{decal or duplicate decal}~~ *state hull number* which has been issued for or affixed to a vessel pursuant to the provisions of subsection 3, or to affix or otherwise display ~~{such a decal or duplicate decal}~~ *a state hull number* on any vessel other than the vessel for which the *state* hull number was assigned.

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

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

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

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

Sec. 15. NAC 488.210 is hereby amended to read as follows:

488.210 1. The certificate of number issued for a ~~motorboat~~ vessel which is to be used by a manufacturer or dealer for demonstrating or testing will be plainly marked for demonstration.

2. The identification number assigned to such a ~~motorboat~~ vessel will consist of the letters “NV” followed by a combination of four numerals and the letters “DL.”

Sec. 16. NAC 488.215 is hereby amended to read as follows:

488.215 The 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~~ vessel for demonstration or testing of the ~~motorboat~~ vessel is used for a purpose which is not connected with the demonstration, exchange or sale of a ~~motorboat;~~ vessel;

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. 17. NAC 488.300 is hereby amended to read as follows:

488.300 The Department will accept an application for a certificate of ownership from a ~~motorboat~~ vessel owner who wishes to obtain a certificate of ownership for the ~~boat~~ vessel even though a sale or purchase has not been transacted.

Sec. 18. 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 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~~ vessel up to the present owner.

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

(c) If the ~~motorboat~~ vessel 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~~ vessel. 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~~ vessel and a copy of the construction plans, if any.

(d) If the ~~motorboat~~ vessel 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~~ vessel. 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~~ vessel; 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 paragraph (a) or (b) of subsection 1 is available, the applicant must submit an affidavit of ownership or attach to his or her application a completed Statement of Fact.

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

(a) Cause the ~~{motorboat}~~ vessel to be inspected by the Department to determine the hull ~~{identification}~~ number; or

(b) Provide such other proof of ownership as the Department may require.

↪ *The Department will assign a state hull number to the vessel if the hull number of the vessel does not meet the requirements prescribed by the United States Coast Guard.*

Sec. 19. NAC 488.315 is hereby amended to read as follows:

488.315 The certificate of ownership for a ~~{motorboat}~~ vessel will include:

1. The name and *mailing* address of the legal owner and *the name, mailing address and physical address of* the registered owner;

2. The date on which the certificate is issued;

3. The type of ~~{boat;}~~ vessel;

4. The hull material;

5. The identification number of the ~~{boat;}~~ vessel;

6. The ~~{name-of-the}~~ manufacturer, *make and model* of the ~~{boat;}~~ vessel;

7. The hull number of the ~~{boat;}~~ vessel;

8. The *model* year *of* the ~~{boat-was-manufactured;}~~ vessel;

9. The length of the ~~{boat;}~~ vessel;

10. The type of propulsion;

11. *The type of drive of the engine;*

12. The type of fuel ~~{~~

~~—12.} or power;~~

13. The ~~{intended-use-of}~~ *manner in which* the ~~{boat;}~~ vessel is operated; and

~~{13.}~~ 14. A statement in substantially the following form:

The 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 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 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. 20. NAC 488.320 is hereby amended to read as follows:

488.320 1. Except as otherwise provided in subsection 2, any ~~{motorboat}~~ vessel for which a certificate of ownership is required under the Nevada Boat Act must be inspected by the Department or a person designated by the Department when the ~~{motorboat}~~ vessel is transferred or sold.

2. A ~~{motorboat}~~ vessel need not be inspected if ~~{~~:

~~—(a) The motorboat has a Nevada certificate of ownership;~~

~~—(b) The owner produces a correctly completed certificate of origin from the manufacturer of the motorboat; or~~

~~—(c) The~~ *the* Department is certain that the description of the ~~{motorboat}~~ vessel is correct, after reviewing ~~{other}~~ *any* documents submitted by the owner.

3. Upon transfer or sale of the vessel, the registered owner shall verify the hull number displayed on the vessel and endorse the statement required by paragraph (i) of subsection 3 of NAC 488.100.

Sec. 21. NAC 488.322 is hereby amended to read as follows:

488.322 1. In addition to any other applicable requirements relating to the transfer of a certificate of ownership of a vessel set forth in this chapter and chapter 488 of NRS, to transfer a certificate of ownership of a vessel that is the subject of a lien pursuant to NRS 108.473 to 108.4783, inclusive, relating to the storage of vessels, a transferee of a certificate of ownership of the vessel must provide:

(a) Proof of any lien satisfied from known persons holding a security interest in the vessel, and evidence satisfactory to the Department of a valid release of all claims to the vessel from all owners and legal owners of the vessel in the form of a title to the vessel that has been signed over, a notarized affidavit that the title to the vessel was lost or a legal document which indicates that the lien has been discharged or released.

(b) If a valid release of a lien is not available because of:

(1) A failure to make a claim after lawful demand and notice or dissolution of a secured party:

(I) A complete and notarized affidavit that states that all requirements contained in NRS 108.473 to 108.4783, inclusive, have been satisfied;

(II) A description of the vessel that includes the ~~boat~~ *identification* number and hull ~~identification~~ number, if known;

(III) Evidence, if any, of the status of all claims attached to the vessel; and

(IV) A notarized copy of the affidavit of publication for the sale or auction of the vessel; or

(2) A failure to notify all persons holding an interest in the vessel, a notarized affidavit stating that all reasonable attempts were made, including notification to the registered owner, legal owner and any other known person who may have an interest in the vessel and setting forth the reasons why those attempts were unsuccessful. For the purposes of this ~~{paragraph,}~~ *subparagraph*, a “reasonable attempt” includes, without limitation, mailing a ~~{certified letter}~~ *notice of sale* to the main office of the successors to the business that originally held the lien and was subsequently relocated or reorganized, if known.

(c) A copy of the notice of sale sent by certified mail , *with return receipt requested*, to the holders of the secured interest in the vessel and , if the ~~{certified letter}~~ *notice of sale* was:

- (1) Delivered, a copy of the ~~{letter}~~ *notice of sale* and certified return receipt.
- (2) Returned undelivered in the envelope, unopened if possible, with a copy of the ~~{certified letter}~~ *notice of sale* and documentation of attempted postal delivery.

(d) Evidence of the affidavit of publication that the sale took place at least 22 days after the date of the first advertisement.

(e) If the occupant of the storage unit is not the registered *owner* or legal owner of the vessel, evidence that separate notices were sent to the registered owner and the legal owner of the vessel and to the occupant of the storage unit.

(f) A notarized affidavit attesting that a notice of auction was posted, including the dates when and locations where the notice was posted.

(g) If required pursuant to NAC 488.320:

(1) Proof of an inspection of the vessel conducted by an employee of the Department or a person designated by the Department when the vessel was transferred or sold; or

(2) An opportunity for an employee of the Department or a person designated by the Department to inspect the vessel.

2. As used in this section, “transferee” means the lien claimant or a new buyer of the vessel that is subject to NRS 108.473 to 108.4783, inclusive.

Sec. 22. NAC 488.324 is hereby amended to read as follows:

488.324 1. In addition to any other applicable requirements relating to the transfer of a certificate of ownership of a vessel set forth in this chapter or chapter 488 of NRS, to transfer a certificate of ownership of a vessel that is the subject of a lien pursuant to NRS 108.670 to 108.760, inclusive, relating to vessels, a transferee of a certificate of ownership of the vessel must provide:

(a) Proof of any lien satisfied from known persons holding a security interest in the vessel, and evidence satisfactory to the Department of a valid release of all claims to the vessel from all owners and legal owners of the vessel in the form of a title to the vessel that has been signed over, a notarized affidavit that the title to the vessel was lost or a legal document which indicates that the lien has been discharged or released.

(b) If a valid release is not available because of:

(1) A failure to make a claim after lawful demand and notice or dissolution of a secured party:

(I) A complete and notarized affidavit that states that all requirements contained in NRS 108.670 to 108.760, inclusive, have been satisfied;

(II) A description of the vessel that includes the ~~{boat}~~ *identification* number and hull ~~{identification}~~ number, if known;

(III) Evidence, if any, of the status of all claims attached to the vessel; and

(IV) A notarized copy of the affidavit of publication for the sale or auction of the vessel; or

(2) A failure to notify all persons holding an interest in the vessel, a notarized affidavit stating that all reasonable attempts were made, including notification to the registered owner, legal owner and any other known person who may have an interest in the vessel and setting forth the reasons why those attempts were unsuccessful. For the purposes of this ~~{paragraph,}~~ *subparagraph*, a “reasonable attempt” includes, without limitation, mailing a ~~{certified letter}~~ *notice of sale* to the main office of successors to the business that originally held the lien and was subsequently relocated or reorganized, if known.

(c) A copy of the notice of sale sent by certified mail , *with return receipt requested*, to the holder of the secured interest , and if the ~~{certified letter}~~ *notice of sale* was:

(1) Delivered, a copy of the ~~{letter}~~ *notice of sale* and certified return receipt.

(2) Returned undelivered in the envelope, unopened if possible, with a copy of the ~~{certified letter}~~ *notice of sale* and documentation of attempted postal delivery.

(d) Evidence of the affidavit of publication for the sale that took place at least 22 days after the date of the first advertisement.

(e) If required pursuant to NAC 488.320:

(1) Proof of an inspection of the vessel conducted by an employee of the Department or a person designated by the Department when the vessel was transferred or sold; or

(2) An opportunity for an employee of the Department or a person designated by the Department to inspect the vessel.

2. As used in this section, “transferee” means the lien claimant or a new buyer of the vessel that is subject to NRS 108.670 to 108.760, inclusive.

**STATE OF NEVADA
BOARD OF WILDLIFE COMMISSIONERS
NEVADA DEPARTMENT OF WILDLIFE**

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS
AS REQUIRED BY NRS 233B.066
Informational Statement**

LCB FILE NO. R015-16

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 488.

1. A clear and concise explanation of the need for the adopted regulation:

In 2012 the United States Coast Guard (USCG) amended 33 Code of Federal Regulations (CFR) Parts 173, 174, 181 and 187 in order to modernize and standardize vessel database information and terminology collected by all of the states. These changes were intended to improve boating safety efforts, enhance law enforcement capabilities, clarify requirements, and promote USCG strategic goals and maritime safety and security. As such, Nevada Revised Statutes (NRS) Chapter 488 was revised during the 2015 legislative session (Assembly Bill 35). Nevada Administrative Code (NAC) Chapter 488 (Watercraft) is now being revised for compliance with the NRS and CFR. This regulation addresses changes associated with vessel hull numbers (similar to Vehicle Identification Numbers (VINs)), the verification and issuance of hull numbers; the content of applications for certificate of number (i.e., vessel registration) and certificate of ownership (i.e., title), additional definitions and descriptions, and personal identification information of owners. Per 33 CFR, states must be compliant by January 2017.

2. Description of how public comment was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of the summary:

Public comment was solicited through a workshop of the regulation which involved the County Advisory Boards to Manage Wildlife meetings and Nevada Board of Wildlife Commission meetings. Regulation workshop occurred during the Commission's May 13, 2016 meeting and the regulation was adopted at the Commission's June 25, 2016 meeting. There were no public comments presented at the County Advisory Boards to Manage Wildlife meetings preceding the Commission's May and June meetings. Furthermore, there was no public comment presented at the May and June Commission meetings.

3. The number of persons who:

- (a) **Attended each hearing:** May 13, 2016 Workshop: 58 attendees, and June 25, 2016 Adoption: 28 attendees.
- (b) **Testified at each hearing:** No public testimony at the May 13, 2016 Workshop or the June 25, 2016 Adoption.
- (c) **Submitted written comments:** There were not any written comments received.

4. For each person identified in number 3 above, the following information if provided to the agency conducting the hearing:

None

- (a) Name:
- (b) Telephone number:
- (c) Business address:
- (d) Business telephone number:
- (e) Electronic mail address:
- (f) Name of entity or organization represented:

5. 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:

Comment was not solicited from businesses because this regulation does not affect businesses. This regulation only pertains to vessel owners.

6. 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 regulation was adopted with minor changes identified.

7. The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:

(a) Estimated effect on business:

1) Both adverse and beneficial effects:

This regulation may affect some governmental agencies with vessels (e.g., county sheriff's offices), and commercial vessel and vessel rental businesses, but only if existing hull numbers on the vessels do not meet USCG requirements. Of the approximately 40,000 vessels registered with the Department in recent years, the Department estimates that approximately 800 to 1,200 vessels have existing hull numbers which are non-compliant. In these cases, at the time the owner(s) renew the registration or make changes to the title, the vessels will be subject to a physical inspection conducted by Department staff, prior to being assigned a new hull number. In those cases the adverse effect might be the inconvenience to the owner if he/she is required to bring the vessel to a Department office. However, under certain conditions, Department staff may travel to the commercial/rental location to conduct the inspection on site and assign the new hull number. Regardless of inspection location, there are no new fees or costs associated with this regulation. The beneficial effect of this regulation is that for those vessels with a non-compliant hull number, once the compliant hull number is assigned and affixed to the vessel, the owner will have legal registration and title documents meeting USCG requirements.

2) Both immediate and long-term effects:

Once the compliant hull number is assigned and affixed to the vessel, the owner will have legal registration and title documents meeting USCG requirements.

(b) Estimated effect on the public:

1) Both adverse and beneficial effects: and

This regulation may affect private vessel owners if the existing hull number on their vessel(s) does not meet USCG requirements. Of the approximately 40,000 vessels registered with the department in recent years, the department estimates that approximately 800 to 1,200 vessels have existing hull numbers which are non-compliant. In these cases, at the time the owner(s) renew the registration or make changes to the title, the vessels will be subject to a physical inspection conducted by department staff, prior to being assigned a new hull number. In those cases the adverse effect might be the inconvenience to the owner if he/she is required to bring the vessel to a department office. Regardless of inspection location, there are no new fees or costs associated with this regulation. The beneficial effect of this regulation is that for those vessels with a non-compliant hull number, once the compliant hull number is assigned and affixed to the vessel, the owner will have legal registration and title documents meeting USCG requirements.

2) Both immediate and long-term effects:

Once the compliant hull number is assigned and affixed to the vessel, the owner will have legal registration and title documents meeting USCG requirements.

8. The estimated cost to the agency for enforcement of the adopted regulation:

The cost to implement will be short term as there will be database programming changes required to capture the new data that is required by the USCG. The Department has a contract in place with programming monies available to cover programming related to such regulatory changes. The enforcement of the regulation will be incorporated into the daily business of the Department.

9. 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. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency:

The United States Coast Guard (USCG) amended 33 CFR Parts 173, 174, 181 and 187, and Nevada adopted required statute changes in NRS 488, via Assembly Bill 35, to comply with the CFR. NAC 488 changes now allow the Department to meet the requirements of both the CFR and NRS. Each state is required to implement these changes at the state level by January 2017.

10. If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of such provisions:

This regulation is not more stringent than the federal regulation. The language has been reviewed by the USCG and meets the standards requested of the states to standardize the terminology and requirements for the data being requested.

11. 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:

No new fees are being introduced as a result of this regulation change.