

# PROPOSED REGULATION OF THE BOARD OF WILDLIFE COMMISSIONERS

LCB File No. R015-16

## COMMISSION GENERAL REGULATION 462

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

AUTHORITY: §§1 and 2, NRS 488.035, 488.045, 488.065, 488.075, 488.135, 488.175, 501.181,

A REGULATION relating to vessels; requiring the Board of Wildlife Commissioners to adopt regulations for issuing and verifying the hull numbers of vessels in this State; requiring the Department of Wildlife, under certain circumstances, to assign a hull number to a vessel that meets the requirements prescribed by the United States Coast Guard and authorizing the Department to require the inspection of a vessel under certain circumstances.

Additionally, this regulation amends language to meet the federal requirements associated with the processing of applications for certificate of number and certificate of title, to include definitions, personal information of owners and descriptions of vessels.

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

488.010 *1. Abandoned vessel means NRS 488.291*

- 2. “Airboat” means a vessel that is typically flat-bottomed and propelled by an aircraft-type propeller powered by an engine.*
- 3. “Air Thrust” means a type of propulsion whereby an aircraft-type propeller powered by an engine propels a vessel.*
- 4. “Auxiliary sail” means a vessel with sail as its primary method of propulsion and mechanical propulsion as its secondary method.*
- 5. “Boat” means any vessel manufactured or used primarily for noncommercial use; leased, rented or chartered to another for the latter’s noncommercial use; or operated as an uninspected passenger vessel.*

6. *“Cabin motorboat” means a vessel propelled by propulsion machinery and providing enclosed spaces inside its structure.*
7. *“Canoe” means a small narrow vessel, propelled by paddles. Canoes usually are pointed at both bow and stern and are normally open on top, but can be covered.*
8. *“Charter fishing” means a vessel carrying a passenger(s) for hire who is (are) engaged in recreational fishing.*
9. *“Certificate of number” is a document or temporary document issued by the state for a vessel which is principally operated in the state.*
10. *“Commercial fishing” means a vessel that commercially engages in the catching, taking, or harvesting of fish which, either in whole or in part, is intended to enter commerce through sale, barter, or trade.*
11. *“Documentation Number” means a number assigned to a boat of 5 or more net tons owned by a citizen of the United States, documented by the Coast Guard. A documented boat has the name and hailing port plainly marked on the exterior part of the hull in clearly legible letters not less than 4 inches in height. The document number is affixed in block type on some clearly visible interior structural part of the boat.*
12. *“Houseboat” means a motorized vessel that is usually non-planing and designed primarily for multi-purpose accommodation spaces with low freeboard and little or no foredeck or cockpit.*
13. *“Hull Identification number” is a unique identification number issued by a manufacturer or builder as prescribed by the United States Coast Guard.*
14. *“Kayak” means a small vessel with a cockpit that is propelled by a double-bladed paddle by a sitting paddler*

15. ~~{1.}~~ “Commission” has the meaning ascribed to it in NRS 488.035.
16. ~~{2.}~~ “Demonstrating” or “demonstration” means to operate a motorboat 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, including the operation of the motorboat by a manufacturer for purposes of testing the motorboat. The term does not include the operation of a motorboat 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.
17. ~~{3.}~~ “Department” has the meaning ascribed to it in NRS 488.035.
18. ~~{4.}~~ “Flat wake” has the meaning ascribed to it in NRS 488.035.
19. ~~{5.}~~ “Identification number” means the number assigned by the Department to each motorboat registered in accordance with chapter 488 of NRS.
20. *“Inboard” means an engine mounted inside the confines of a vessel which powers a drive shaft that turns a water jet impeller or that runs through the bottom of the hull and is attached to a propeller at the other end.*
21. *“Inflatable boat” means a vessel that uses air-filled flexible fabric for buoyancy.*
22. ~~{6.}~~ “Legal owner” has the meaning ascribed to it in NRS 488.035.
23. ~~{7.}~~ “Length” means the ~~{length}~~ *measurement* of a vessel ~~{measured in a straight line}~~ from one end of the hull to the other, *in a straight line*, excluding the deck, bowsprits, bumpkins, rudders, outboard motor brackets and similar fittings or attachments.
24. *“Livery” vessels that are owned by a business which rent or lease vessels for consideration.*
25. ~~{8.}~~ “Motorboat” has the meaning ascribed to it in NRS 488.035.

26. *“Open motorboat” means a vessel equipped with propulsion machinery and having an open load carrying area that does not have a continuous deck to protect it from the entry of water.*
27. ~~19.~~ “Operate” has the meaning ascribed to it in NRS 488.035.
28. *“Operator” means the person who is in control or in charge of a vessel while it is in operation.*
29. *“Outboard” means an engine with propeller or water jet integrally attached, which is usually mounted at the stern of a vessel.*
30. ~~10.~~ “Owner” has the meaning ascribed to it in NRS 488.035.
31. *“Paddlecraft” means a vessel powered only by its occupants, using a single or double bladed paddle as a lever without the aid of a fulcrum provided by oarlocks, thole pins, crutches, or similar arrangements.*
32. *“Person” means an individual, firm, partnership, corporation, company, association, joint-stock association, or governmental entity and includes a trustee, receiver, assignee, or similar representative of any of them.*
33. ~~11.~~ “Personal watercraft” has the meaning ascribed to it in NRS 488.580.
34. *“Pod drive” means an engine mounted in front of the transom of a vessel and attached through the bottom of the hull to a steerable propulsion unit.*
35. *“Pontoon boat” means a vessel with a broad, flat deck that is affixed on top of closed cylinders which are used for buoyancy, the basic design of which is usually implemented with two rows of floats as a catamaran or with three rows of floats as a trimaran.*
36. ~~12.~~ “Registered owner” has the meaning ascribed to it in NRS 488.035.
37. *“Rowboat” means an open vessel manually propelled by oars.*

38. *“Sail only” means a vessel propelled only by sails.*
39. *“Salvaged” means a vessel that at any time has been declared a total loss or had “salvage” or a similar word or designation placed on any title issued for the vessel.*
40. *“State of principal operation” means the State in whose waters a vessel is or will be operated most during a calendar year.*
41. *“Sterndrive” means an engine, powering a propeller using shifts and gears, mounted in front of the transom of a vessel and attached through the transom to a drive unit that is similar to the lower unit of an outboard, which may also be known as an inboard-outdrive or an inboard-outboard.*
42. ~~†4.†~~ “Under way” has the meaning ascribed to it in NRS 488.035.
43. ~~†5.†~~ “Vessel” has the meaning ascribed to it in NRS 488.035.
44. ~~†6.†~~ “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 *of the owner*,
- (b) *The physical address and mailing address including zip code of the registered owner, and the mailing address of the lien holder, including zip code,*
- (c) *Owner identifying information required for each registered owner, social security number, or owner’s tax identification number, date of birth together with driver’s license number or date of birth together with other unique number. Employer identification number is also acceptable* if the application is made under a business name, ~~†and address, including the zip code, of each owner†~~.

~~(b)~~(d) The state of principal *operation* ~~{use}~~;

~~(e)~~(e) The number previously issued for the motorboat, if any;

~~(f)~~(f) The reason for the application, including applying for a new number, renewal of number or transfer of ownership;

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

~~(h)~~(h) The manufacturer, *make and model* of the ~~{motorboat}~~ *vessel* ;

~~(g)~~(i) ~~{The year the motorboat was manufactured}~~ *Model year of vessel*;

~~(h)~~(j) 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 *or the manufacturer hull number does not meet the requirement of NRS 488.065*;

~~(i)~~(k) The length of the *vessel* ~~{motorboat}~~;

~~(j)~~(l) The type of *vessel* ~~{motorboat}~~ including open, cabin *motorboat*, *houseboat*, sail *only*, inflatable, personal watercraft, ~~{rubber}~~, *rowboat*, *airboat*, *auxiliary sail*, *paddlecraft*, *pontoon* or other type of *vessel* ~~{motorboat}~~;

~~(k)~~(m) The material from which the hull was made, including aluminum, fiberglass, wood, steel, plastic, rubber/*vinyl/canvas* or other material;

~~(l)~~(n) The type of propulsion used, including ~~{inboard, outboard, inboard-outdrive, electric}~~ air thrust, *water* jet, sail *only*, *manual*, *propeller or other* ~~{or sail with auxiliary motor}~~;

*(o) The engine drive type, inboard, outboard, sterndrive, pod drive, or other;*

~~(m)~~(p) The type of fuel used, including gasoline, diesel, *electric*, or other type of fuel; and

~~(n)~~(q) 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 ~~(n)~~ (q), 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 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) A hull identification number statement to be signed by the owner: "I the signator holder in signing this statement hereby attest that the primary Hull Identification Number (HIN) assigned to this vessel has been visually inspected and verified to the HIN recorded in this document".*

~~(g)~~(h) 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)~~(i) Such other proof of ownership as may be requested by the 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 *physical* address of the owner, including the zip code;
- (b) The state of principal *operation* ~~{use}~~;
- (c) The manner in which the *vessel* ~~{motorboat}~~ is *operated* ~~{used}~~, including pleasure, livery, *government*, ~~{demonstration}~~, *dealer or manufacturer*, commercial *passenger carrying* ~~{transportation}~~, commercial fishing, *charter fishing*, or other *operation* ~~{use}~~;
- (d) The manufacturer, *make and model* of the *vessel* ~~{motorboat}~~;
- (e) ~~{The year the motorboat was manufactured}~~ *Model year of vessel*;
- (f) The hull number assigned by the manufacturer, *or one assigned by the Department pursuant to NAC 488.185* if any;
- (g) The length of the *vessel* ~~{motorboat}~~;
- (h) The type of *vessel* ~~{motorboat}~~, including open, cabin *motorboat*, *houseboat*, sail *only*, inflatable, personal watercraft, ~~{rubber}~~, *rowboat*, *airboat*, *auxiliary sail*, *paddlecraft*, *pontoon* or other type of *vessel* ~~{motorboat}~~;
- (i) The material from which the hull was made, including aluminum, fiberglass, wood, steel, 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 other* ~~{or sail with auxiliary motor}~~;
- (k) The engine drive type, inboard, outboard, sterndrive, pod drive, or other;*
- ~~{(k)}~~ *(l)* The type of fuel used, including gasoline, diesel, *electric* or other type of fuel;
- ~~{(l)}~~ *(m)* The identification number assigned to the *vessel* ~~{motorboat}~~;
- ~~{(m)}~~ *(n)* The expiration date of the certificate; and

(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 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 *or leased* without a motor.

3. A certificate issued for a motorboat which is to be *operated* ~~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 488.115 is hereby amended to read as follows:***

**488.115 Certificates of number for motorboats *operated* ~~used~~ for hire.**

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

2. As used in this section, “motorboat which is to be *operated* ~~used 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 operation~~ ~~used~~ by its members.

***Sec 5. 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. If fees for the issuance of the certificate are not paid; *or*
5. *If motorboat certificate of ownership is incomplete or incorrect.*

***Sec. 6. NAC 488.145 is hereby amended to read as follows:***

488.145 1. The registered owner of a destroyed or abandoned motorboat 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 and the current location and condition of the motorboat.

3. The registered owner shall surrender to the Department the certificate of number and the certificate of ownership issued for the motorboat, 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 print the word “salvage” on ~~each subsequent certificate of number and~~ *the* certificate of ownership which it issues for that vessel.

***Sec 7. 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 ~~this or her~~ *the* vessel the identification number assigned to that boat by the 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 *vessel* ~~{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}~~ *vessel* which is to be *operated* ~~{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}~~ *vessel*. The number so displayed must meet the requirements of subsection 2.

4. If a ~~{motorboat}~~ *vessel* 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. A vessel documented by the United States Coast Guard is exempt from the requirements of this section.

***Sec. 8. NAC 488.170 is hereby amended to read as follows:***

488.170 **Dealer's report of ~~motorboat~~ vessel sale and temporary operating permit.** 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. 9. NAC 488.180 is hereby amended to read as follows:***

488.180 1. A person may not **operate ~~use~~** 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~~ **operation ~~use~~** 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 *operated* ~~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. 10. NAC 488.185 is hereby amended to read as follows:***

488.185 1. Whenever the Department assigns a 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 a state* shall carve, burn, stamp, emboss or otherwise permanently affix the *state* 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 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 *the state assigned* ~~{which has been assigned a}~~ hull number. ~~{a decal which indicates the assigned hull number.}~~ The *state assigned hull number* ~~{decal}~~ 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.}~~ ~~T~~he Department shall also affix a duplicate *state assigned hull number* ~~{of the decal}~~ 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 assigned 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 assigned hull number* on any vessel other than the vessel for which the hull number was assigned.

*Sec. 11. NAC 488.210 is hereby amended to read as follows:*

488.210 ~~{Motorboats}~~ *Vessels used for demonstration or testing: Certificate of number; identification number.*

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. 12. 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. 12. 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 even though a sale or purchase has not been transacted.

***Sec. 13. 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 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 rebuilders, 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 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 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 Department to determine the hull identification number. *The Department may issue a State hull identification number if the hull identification number does not meet the requirements prescribed by the United States Coast Guard*; or

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

*Sec. 14. 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 *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;
6. ~~{The name of the manufacturer of the boat;}~~ *The manufacturer, make, and model of the*

*vessel.*

7. ~~{The hull number of the boat;}~~ *The hull number assigned by the manufacturer or*

*Department*

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

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

10. The type of propulsion;

*11. The engine drive type;*

- ~~{11.}~~ *12. The type of fuel;*

- ~~{12.}~~ *13. The intended use of the ~~{boat}~~ vessel; 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. 15. NAC 488.320 is hereby amended to read as follows:*

488.320 **Inspection of ~~motorboat~~ vessel upon transfer or sale.**

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)}~~ (a) The Department is certain that the description of the ~~motorboat~~-vessel is correct, after reviewing other documents submitted by the owner.

*3. Upon transfer or sale the registered owner will verify the hull identification number (HIN) displayed on the vessel and by endorsing the statement as provided in Section 2 subsection 3g of this regulation.*

*Sec. 16. 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 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, 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 *together with Domestic Return Receipt Service* 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~~ *mail* receipt *together with the Domestic 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 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) Vessel inspection by the Department or a person designated by the Department when the ~~motorboat~~ vessel is transferred or sold.*

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. 17. 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 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, 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 together with Domestic Return Receipt Service* ~~{mail}~~ 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~~ *mail* receipt *together with the Domestic 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) Vessel inspection by the Department or a person designated by the Department when the ~~motorboat~~ vessel is transferred or sold.*

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.