

Assembly Bill No. 35–Committee on Natural
Resources, Agriculture, and Mining

CHAPTER.....

AN ACT 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; authorizing the Department to require the inspection of a vessel under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Federal law requires that, effective January 1, 2017, before taking certain actions related to a vessel, a state must verify that the vessel’s hull number meets the requirements prescribed by the United States Coast Guard and issue a new hull number if the hull number does not meet those requirements. (33 C.F.R. § 174.16; 33 C.F.R. Part 181, Subpart C) **Section 1** of this bill requires the Board of Wildlife Commissioners to adopt regulations establishing a process for the issuance and verification of state hull numbers to ensure compliance with the requirements prescribed by the United States Coast Guard. **Section 2** of this bill defines “state hull number” to mean a hull number issued by the Department of Wildlife which meets the requirements prescribed by the United States Coast Guard. **Section 4** of this bill requires the Department to assign a state hull number pursuant to the regulations adopted by the Commissioners.

Existing law authorizes the Department, under certain circumstances, to assign a hull number to a motorboat. (NRS 488.065) **Section 3** of this bill requires the Department to assign a state hull number upon receipt of an application for a certificate of ownership or transfer of a certificate of ownership of a motorboat if the hull number does not meet the requirements prescribed by the United States Coast Guard.

Existing law also provides that under certain circumstances an owner of a vessel may apply for a duplicate certificate of ownership. (NRS 488.1813) **Section 5** of this bill authorizes the Department to require an inspection of the vessel upon receipt of an application for a duplicate certificate of ownership.

Existing law authorizes the Department, under certain circumstances, to assign a hull number to an abandoned vessel. (NRS 488.293) **Section 6** of this bill requires the Department, under certain circumstances, to assign a state hull number to such a vessel if the existing hull number does not comply with the requirements prescribed by the United States Coast Guard.

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



THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

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

The Commission shall adopt regulations establishing a process for the issuance and verification of state hull numbers that comply with the requirements for hull numbers prescribed by the United States Coast Guard.

Sec. 2. NRS 488.035 is hereby amended to read as follows:

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

1. "Aquatic invasive species" means an aquatic species which is exotic or not native to this State and which the Commission has determined to be detrimental to aquatic life, water resources or infrastructure for providing water in this State.

2. "Aquatic plant material" means aquatic plants or parts of plants that are dependent on an aquatic environment to survive.

3. "Commission" means the Board of Wildlife Commissioners.

4. "Conveyance" means a motor vehicle, trailer or any other equipment used to transport a vessel or containers or devices used to haul water on a vessel that may contain or carry an aquatic invasive species or aquatic plant material.

5. "Decontaminate" means eliminate any aquatic invasive species on a vessel or conveyance in a manner specified by the Commission which may include, without limitation, washing the vessel or conveyance, draining the water in the vessel or conveyance, drying the vessel or conveyance or chemically, thermally or otherwise treating the vessel or conveyance.

6. "Department" means the Department of Wildlife.

7. "Flat wake" means the condition of the water close astern a moving vessel that results in a flat wave disturbance.

8. "Interstate waters of this State" means waters forming the boundary between the State of Nevada and an adjoining state.

9. "Legal owner" means a secured party under a security agreement relating to a vessel or a renter or lessor of a vessel to the State or any political subdivision of the State under a lease or an agreement to lease and sell or to rent and purchase which grants possession of the vessel to the lessee for a period of 30 consecutive days or more.

10. "Motorboat" means any vessel propelled by machinery, whether or not the machinery is the principal source of propulsion.

11. "Operate" means to navigate or otherwise use a motorboat or a vessel.



12. "Owner" means:

(a) A person having all the incidents of ownership, including the legal title of a vessel, whether or not he or she lends, rents or pledges the vessel; and

(b) A debtor under a security agreement relating to a vessel.

↳ "Owner" does not include a person defined as a "legal owner" under subsection 9.

13. "Prohibited substance" has the meaning ascribed to it in NRS 484C.080.

14. "Registered owner" means the person registered by the Commission as the owner of a vessel.

15. *"State hull number" means a hull number issued for a vessel by the Department that meets the requirements prescribed by the United States Coast Guard, including, without limitation, 33 C.F.R. § 174.16 and 33 C.F.R. Part 181, Subpart C.*

16. A vessel is "under way" if it is adrift, making way or being propelled, and is not aground, made fast to the shore, or tied or made fast to a dock or mooring.

~~H6~~ 17. "Vessel" means every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

~~H7~~ 18. "Waters of this State" means any waters within the territorial limits of this State.

Sec. 3. NRS 488.065 is hereby amended to read as follows:

488.065 1. Every motorboat on the waters of this state must be numbered and titled, except as otherwise provided in subsection 4 and NRS 488.175.

2. Upon receipt of an original application for a certificate of ownership or for transfer of a certificate of ownership on an undocumented motorboat, the Department ~~may~~ *shall* assign an appropriate ~~builder's~~ *state* hull number to the motorboat whenever there is no builder's hull number thereon, ~~or~~ when the builder's hull number has been destroyed or obliterated ~~it~~, *or if the builder's hull number does not meet the requirements prescribed by the United States Coast Guard.* The ~~builder's~~ *state* hull number must be permanently marked on an integral part of the hull which is accessible for inspection.

3. A person shall not operate or give permission for the operation of any motorboat on the waters of this state unless:

(a) The motorboat is numbered in accordance with the provisions of this chapter or with the federally approved numbering system of another state;



(b) The certificate of number awarded to the motorboat is in effect;

(c) The identifying number set forth in the certificate of number is displayed on each side of the bow of the motorboat; and

(d) A valid certificate of ownership has been issued to the owner of any motorboat required to be numbered under this chapter.

4. Any person who purchases or otherwise owns a motorboat before January 1, 1972, is not required to obtain title for the motorboat until the person transfers any portion of his or her ownership in the motorboat to another person.

Sec. 4. NRS 488.171 is hereby amended to read as follows:

488.171 1. *The Department shall assign a state hull number to any vessel as required by the regulations adopted by the Commission pursuant to section 1 of this act.*

2. A person shall not:

(a) Intentionally deface, destroy, remove or alter any hull number required for a vessel without written authorization from the Department; or

(b) Place or stamp any serial number upon a vessel except a number assigned to the vessel by the Department.

~~2-~~ 3. This section does not prohibit:

(a) The restoration of the original hull number by an owner of a vessel when the restoration is authorized by the Department; or

(b) Any manufacturer from placing numbers or marks in the ordinary course of business upon new vessels or parts of vessels.

~~3-~~ 4. The Department shall, upon request, assign a *state* hull number to any handmade vessel.

~~4-~~ 5. Any person who violates subsection ~~4-~~ 2 is guilty of a gross misdemeanor.

Sec. 5. NRS 488.1813 is hereby amended to read as follows:

488.1813 1. If a certificate of ownership is lost, stolen, damaged or mutilated, an application for transfer may be made upon a form provided by the Department for a duplicate certificate of ownership. The transferor shall write his or her signature and address in the appropriate spaces provided upon the application and file it together with the proper fees for a duplicate certificate of ownership and transfer.

2. The Department may receive the application and examine into the circumstances of the case and may require *an inspection of the vessel and* the filing of affidavits or other information. ~~and when~~ *When* the Department is satisfied that the applicant is entitled to a transfer of ownership, ~~the~~ *the Department* may transfer the



ownership of the motorboat ~~H~~ and issue a new certificate of ownership and certificate of number to the person found to be entitled thereto.

Sec. 6. NRS 488.293 is hereby amended to read as follows:

488.293 1. A peace officer may attempt to identify the registered owner of a vessel abandoned on private property by inspection of the vessel and any trailer to which it is attached and may supply the information to the property owner. The property owner must declare by affidavit the reasons why he or she believes the property to be abandoned. The property owner must give 5 days' notice to the last registered owner before causing the removal of the vessel. If the last registered owner is unknown or cannot be notified, the vessel may immediately be removed to a secure location designated by a peace officer.

2. A peace officer shall, within 48 hours after directing the removal of an abandoned vessel on a public waterway or public or private property, notify the Department of the status of the vessel.

3. A law enforcement agency that has custody of an abandoned vessel shall, if the agency knows or can reasonably discover the name and address of the owner of the vessel or any person who holds a security interest in the vessel, notify the owner or the holder of the security interest of the location of the vessel and the method by which the vessel may be claimed. The notice must be sent by certified or registered mail.

4. If the abandoned vessel is held by a law enforcement agency as evidence in the investigation or prosecution of a criminal offense, the notice required by subsection 3 must be sent:

(a) Upon the decision of the law enforcement agency or district attorney not to pursue or prosecute the case;

(b) Upon the conviction of the person who committed the offense; or

(c) If the case is otherwise terminated.

5. Failure to reclaim the vessel within 180 days after the date the notice is mailed constitutes a waiver of interest in the vessel by any person having an interest in the vessel and the vessel shall be deemed abandoned for all purposes.

6. If all recorded interests in a vessel are waived, as provided in subsection 5 or by written disclaimer, the Department may issue a certificate of ownership to the law enforcement agency that has custody of the vessel. If ~~[necessary,]~~ *a certificate of ownership is to be issued to the law enforcement agency and the vessel is subject to the requirements for hull numbers prescribed by the United States Coast Guard but does not comply with those requirements,*



the Department ~~may~~ *shall* assign a *state* hull number to the vessel. This subsection does not preclude the subsequent return of a vessel, or any component part thereof, by a law enforcement agency to the registered owner of the vessel upon presentation by the registered owner of satisfactory proof of ownership.

7. A law enforcement agency to which a certificate of ownership is issued pursuant to subsection 6 may use, sell or destroy the vessel, and shall keep a record of the disposition of the vessel. If the law enforcement agency:

(a) Sells the vessel, all proceeds from the sale of the vessel become the property of the law enforcement agency.

(b) Destroys the vessel, the law enforcement agency shall, within 10 days, give notice of the destruction of the vessel to the Department.

Sec. 7. This act becomes effective upon passage and approval for the purposes of adopting regulations and performing any other administrative tasks that are necessary to carry out the provisions of this act, and on January 1, 2016, for all other purposes.

