

LCB File No. T011-02

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

COMMISSION GENERAL REGULATION NUMBER 309

NOTICE OF INTENT TO ACT UPON A REGULATION

**Notice of Hearing for The (Adoption/Amendment/Repeal) of Regulations of The
Nevada Board of Wildlife Commissioners**

The Board of Wildlife Commissioners will hold a public hearing for adoption on December 7, 2002 at the Nevada Division of Wildlife, 1100 Valley Road, Reno, Nevada. The purpose of the hearing is to receive comments from all interested persons regarding the adoption of regulation CGR 309 (LCB File # TEMPORARY) pertaining to Chapter 488 of the Nevada Administrative Code.

1. The need for and purpose of the proposed regulation: This proposed regulation provides the specific details for implementing the mandatory boating education requirement outlined in NRS 488.730 through 488.750.
2. Text of the proposed regulation: See attached
- 3A. The estimated economic effect of the regulation on the business which it is to regulate:
 - (a) Adverse effect - None
 - (b) Beneficial effect - None
 - (c) Immediate effect - None
 - (d) Long-term effect - None
- 3B. The estimated economic effect of the regulation on the public which it is to regulate:
 - (a) Adverse effect – Minimal impact to public. Regulation calls for reasonable fees for outside providers of boating education course. Any individual may choose to take the no-cost Division course.
 - (b) Beneficial effect – Lays the foundation for the mandatory boater education program including issuance of boater education cards at not cost to the public.
 - (c) Immediate effect – Gives the public the specific details on where and how to comply with this already-passed statute.

(d) Long-term effect – Establishes policies and procedures for this program that will remain for the life of the program.

4. Estimated cost to the Division of Wildlife for enforcement of the proposed regulation:
The statute itself is already in place. These accompanying regulations only add details the Division to follow to offer courses, deliver boater education cards and distribute information.

5. A description of and citation to any regulations of other state or local government agencies which the proposed regulation overlaps or duplicates, NRS 488.730 through 488.750. The duplication or overlapping is necessary because the original statute did not detail specific information on how the program would be implemented.

6. If the regulation is required pursuant to federal law, a citation and description of the federal law: Not applicable

7. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions: Not applicable

8. The proposed regulation establishes a new fee or increases an existing fee:
XX No ___ Yes

Persons wishing to comment upon the proposed action of the Board of Wildlife Commissioners may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, to the Secretary, Board of Wildlife Commissioners, 1100 Valley Road, Reno, Nevada 89512. Written submissions must be received by the Secretary, Board of Wildlife Commissioners, at least five days before the scheduled public hearing. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Board of Wildlife Commissioners may proceed immediately to act upon any written submissions.

A copy of this notice and the proposed regulation will be on file at the State Library and Archives, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the regulations to be adopted will be available for inspection and may be copied at the following locations:

Nevada Division of Wildlife
1100 Valley Road
Reno, Nevada
(775) 688-1500

Western Region
380 W. "B" Street
Fallon, NV 89406
(775) 423-3171

Eastern Region
1375 Mt. City Highway
Elko, NV 89801
(775) 738-5332

Southern Region
4747 Vegas Drive
Las Vegas, NV 89108
(702) 486-5127

The regulations will be available for inspection at all county main public libraries. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations are prepared and published monthly by the Legislative Council Bureau pursuant to NRS 233B.0653 and on the Internet at <http://www.leg.state.nv.us>. Copies will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person either before adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the above locations.

Terry R. Crawford, Secretary
Board of Wildlife Commissioners

PROPOSED TEMPORARY REGULATION OF THE BOARD OF WILDLIFE COMMISSIONERS

COMMISSION GENERAL REGULATION NUMBER 309

Explanation: This proposed regulation provides the specific details and requirements of fees for implementing the mandatory the boating education requirement outlined in NRS 488.730-488.740.

Note: Matter in *italics* is new; matter within brackets **[]** is to be omitted.

1. A Boater Education Card” means the boating safety certificate required by NRS 488.730. This document certifies that the person named on the card has established proof of competency and is authorized to operate a boat on Nevada interstate waters.

2. “Boating Safety Course” means a course of instruction that is offered by an approved course provider and approved by the National Association of Boating Law Administrators.

3. A Boat Nevada Correspondence Course and Self Test means a boating safety course and examination provided by the Division that is taken at home without a proctor.

4. “Challenge Test” means the Boat Nevada test administered by a proctor to an individual who has not completed an approved Boating Safety Course.

5. “Proctor” means an individual who is a member of the U. S. Coast Guard Auxiliary, U.S. Power Squadron, American Red Cross, the Division or other approved individual or organization that is authorized to provide courses or proctor Challenge Tests.

Where To Get Materials, Classes

1. Any person may obtain The Boat Nevada Correspondence Course and Self Test by:

(a) Requesting the material in person at any of the Division regional offices or;
(b) Mailing a request in writing to the Division Headquarters at 1100 Valley Road, Reno, Nevada 89512 or;

(c) Visiting the Boat Nevada Course web site at Boatnevada.org.

2. 1. Individuals may request information on available boating safety courses by:

(a) Requesting the information in person or by telephone from any of the Division regional offices or;

(b) Mailing a request to the Division Headquarters at 1100 Valley Road, Reno Nevada 89512 or;

(c) Visiting the Boat Nevada web site at Boatnevada.org and selecting the “List of Boating Courses.”

Meeting The Education Requirement, Boater Education Cards

1. Any person may satisfy the mandatory education requirement by completing one of the following:

(a) The Boat Nevada Correspondence Course and Self Test with a score of 80% or better.

(b) Completing the Boat Nevada Correspondence Course and Self Test online with a score of 80% or better.

(c) Completing a boating safety course from an approved provider such as, but not limited to the U.S. Coast Guard Auxiliary, U.S. Power Squadron or similarly boating safety course approved by the National Association of Boating Law Administrators.

(d) Achieving U.S. Coast Guard certification as Crewman or Coxswain or similar classification within other branches of the armed forces.

(e) Achieving a score of at least 80% on a proctored equivalency exam. Individuals may take the equivalency exam no more than once within any 30-day period.

(f) Completion of a course in boating safety offered by another state or Canada that is approved by the National Association of Boating Law Administrators.

2. To receive a Boater Education Card a person must present to the Division by mail or in person at any Regional Office including Fallon, Elko, Las Vegas or Division Headquarters in Reno, one of the following:

(a) A completed Boat Nevada Self Test with a passing score of 80% or better; or

(b) A certificate of completion issued by the U.S. Power Squadrons, U.S. Coast Guard Auxiliary, the Division or course approved by the National Association of Boating Law Administrators or;

(c) A certificate, card, or other official document issued by a proctor stating that the individual passed the equivalency exam with a score of 80% or better or;

(d) A United States Coast Guard operator’s license either valid or expired or;

(e) A letter from a Coast Guard Commanding Officer/Officer in Charge stating that the individual has achieved certification as a Coast Guard Crewman or Coxswain or similar classification within other branches of the armed forces or;

(g) Copy of a certificate, card, or other official document issued by another state or Canada that is equivalent to Nevada Boater Education Card or;

(f) In the event the original document establishing proof of competency is not available, a signed statement from an approved-course provider of a boating safety course stating that the individual has successfully completed a boating safety course or equivalency exam will be accepted.

Individuals, Organizations That Wish to Provide Instruction

1. An individual or organization which teaches their own approved boating safety course including, but not limited to, the U.S. Coast Guard Auxiliary, U.S. Power Squadron and American Power Boating Association are considered approved course providers and are not required to obtain authorization from the Division to deliver the boating safety course.

2. An individual or private organization that would like to teach the Nevada State Boating Safety course, approved by the National Association of Boating Law Administrators, must apply with the Division to become approved course provider. Each applicant to be an instructor must:

(a) Obtain or submit a copy of his Nevada boater education card; and

(b) Submit a course outline to be approved by the Division or agree to use the outline provided by the Division

3. A public safety organization or government agency that would like to teach a safety course approved by the National Association of Boating Law Administrators must apply with the Division to become approved course provider. A public safety organization or government agency may be given approval to approve it's own instructors, but must meet with the Division to discuss course outline and materials.