

SENATE BILL NO. 59—COMMITTEE ON
GROWTH AND INFRASTRUCTURE

(ON BEHALF OF THE DEPARTMENT OF WILDLIFE)

PREFILED NOVEMBER 16, 2022

Referred to Committee on Growth and Infrastructure

SUMMARY—Revises provisions relating to vessels.
(BDR 43-225)

FISCAL NOTE: Effect on Local Government: Increases or Newly
Provides for Term of Imprisonment in County or City
Jail or Detention Facility.
Effect on the State: Yes.

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

AN ACT relating to vessels; revising certain crimes relating to the operation of a vessel while under the influence of alcohol or a prohibited substance; prescribing procedures to obtain a certificate of ownership to a power-driven vessel under certain circumstances; revising certain terminology; clarifying that mechanically propelled personal hydrofoils, motorized surfboards and vessels equipped with both a sail and a motor are subject to certain requirements governing power-driven vessels; making certain provisions governing vessels applicable to governmental entities; requiring a sailing vessel or a human-powered vessel to be numbered; increasing certain fees; revising certain class categories for vessels; revising provisions governing the removal of an abandoned vessel; revising the prohibition on operating a power-driven vessel under certain circumstances; authorizing a court to prohibit a person from operating any vessel on the interstate waters of this State under certain circumstances; providing penalties; and providing other matters properly relating thereto.



Legislative Counsel's Digest:

1 Existing law defines the term "motorboat" to mean any vessel propelled by
2 machinery. (NRS 488.035) Existing law: (1) requires, with certain exceptions, a
3 motorboat to be numbered and titled; (2) establishes requirements for obtaining
4 such a number or a certificate of ownership, transferring of the title of or any
5 interest in a motorboat and perfecting security interest in a motorboat; and (3)
6 establishes certain other requirements governing the equipment and operation of a
7 motorboat. (NRS 488.065-488.1827, 488.187, 488.193, 488.195, 488.580, 488.585)
8 **Sections 8-10, 16-19, 22, 23, 37, 38 and 48** of this bill replace the term
9 "motorboat" with the term "power-driven vessel." **Sections 8 and 22** also
10 standardize terminology used to refer to sailing vessels and human-powered
11 vessels. **Section 8** specifically includes a mechanically propelled personal
12 hydrofoil, a motorized surfboard and a vessel equipped with both a sail and a motor
13 within the definition of "power-driven vessel," thereby clarifying that such vessels
14 are subject to requirements governing power-driven vessels. However, **section 23**
15 exempts a mechanically propelled personal hydrofoil or a motorized surfboard from
16 the requirement that a power-driven vessel must be equipped with certain fire
17 extinguishers. **Section 8** also: (1) includes a governmental entity within the
18 definition of "person," thereby requiring a governmental entity to comply with
19 certain provisions governing watercraft that currently apply to persons; and (2)
20 defines certain other terms relating to watercraft.

21 **Sections 6, 7 and 19** of this bill authorize a person to apply to obtain a
22 certificate of ownership to a power-driven vessel if the certificate of ownership is
23 unavailable and: (1) the person files a bond with the Department of Wildlife and
24 allows the Department to inspect the vessel and conduct a search of the history of
25 the vessel; or (2) the vessel was previously registered and the Department
26 investigates the situation and is satisfied that the person is entitled to a new
27 certificate of ownership. **Section 17** of this bill requires an applicant for the transfer
28 of title to or any interest in a power-driven vessel to provide to the Department a
29 declaration of the amount paid for the vessel or the value of the vessel, as
30 determined by the National Automobile Dealers Association. **Section 18** of this bill
31 increases the fee to apply for the new certificate of ownership for a power-driven
32 vessel and authorizes an applicant to expedite his or her application for an increased
33 fee. **Sections 25 and 26** of this bill remove duplicative terminology.

34 **Sections 9, 11-16 and 20** of this bill require a human-powered vessel and a
35 sailing vessel to be numbered under similar conditions as currently apply to the
36 numbering of power-driven vessels. **Section 45** of this bill requires the Department
37 to treat the money collected as fees for issuing numbers for sailing vessels and
38 human-powered vessels in the same manner as fees for issuing numbers to power-
39 driven vessels.

40 **Section 8** includes within the definition of the term "owner" a person, other
41 than secured party, who has a property right with regard to a human-powered
42 vessel. **Section 8** thus makes such a person responsible for the vessel for purposes
43 including abandonment, operation and, in combination with **sections 9, 11-16 and**
44 **20**, numbering. (NRS 488.291, 488.293, 488.600) **Section 21** of this bill expands
45 the class categories prescribed by existing law for power-driven vessels to apply to
46 all vessels.

47 Existing law: (1) prohibits a person, other than a peace officer engaged in law
48 enforcement activities, from displaying a flashing blue light or a flashing red light
49 on a vessel operating on the waters of this State; and (2) requires a peace officer to
50 seize, or cause to be seized, such a light installed or operated on such a vessel.
51 (NRS 488.187) **Section 22** removes that requirement and instead authorizes a peace
52 officer to seize, or cause to be seized, such a light. **Section 22** also authorizes a
53 peace officer engaged in public safety activities that do not also constitute law
54 enforcement activities to display a flashing blue light.



55 Existing federal law requires each vessel to be equipped with a certain number
56 of life jackets and ring life buoys. (46 C.F.R. §§ 180.70, 180.71) **Sections 23, 36**
57 **and 37** of this bill revise terminology used in existing law to conform more closely
58 to terminology used in those federal regulations.

59 Existing law authorizes a game warden, sheriff or other peace officer to remove
60 a vessel from a public waterway under certain conditions. (NRS 488.293) **Section**
61 **24** of this bill additionally authorizes the game warden, sheriff or other peace
62 officer to order the removal of such a vessel, thereby clarifying that such a peace
63 officer is not required to personally remove the vessel. **Section 24** also authorizes
64 such a peace officer to remove or order the removal of a vessel that has been left
65 unattended and adrift, moored, docked, beached or made fast to land in such a
66 position as to interfere with navigation for more than 48 hours if the peace officer
67 has made a reasonable attempt to contact or has contacted the owner.

68 Existing law prohibits a person from operating or being in actual physical
69 control of a vessel under power or sail while the person meets certain criteria for
70 being under the influence of alcohol or a prohibited substance. (NRS 488.410,
71 488.420) Existing law also provides that a person is guilty of homicide by vessel if
72 the person: (1) meets certain criteria for being under the influence of alcohol or a
73 prohibited substance; (2) operates or is in actual physical control of a vessel under
74 power or sail; (3) proximately causes the death of another person; and (4) has
75 previously been convicted of at least three offenses relating to the operation of a
76 vessel under power or sail while under the influence of alcohol or a prohibited
77 substance. (NRS 488.425) For the purposes of these crimes, **sections 27-29** of this
78 bill prohibit a person from operating or being in actual physical control of a power-
79 driven vessel or sailing vessel when the person is under the influence of alcohol or
80 a prohibited substance, regardless of the manner in which the vessel is actually
81 propelled. **Sections 1-4, 30-35 and 37-47** of this bill make conforming changes to
82 provisions that refer to those offenses.

83 Existing federal law requires a person operating certain recreational vessels to
84 use an engine cut-off switch, which stops the engine of the vessel if activated,
85 under certain circumstances. (46 U.S.C. § 4312) Existing law prohibits a person
86 who owns or controls a power-driven vessel that is equipped with an engine cut-off
87 switch from operating or authorizing another person to operate the power-driven
88 vessel above certain speeds if: (1) the engine cut-off switch is missing,
89 disconnected or not operating properly; or (2) the engine-cut off switch link is not
90 attached to his or her body, clothing or personal flotation device. (NRS 488.585)
91 **Section 38:** (1) narrows the applicability of this provision to only apply to
92 recreational power-driven vessels covered by federal law; (2) revises the maximum
93 speed under which a person is authorized to operate such a vessel if the engine cut-
94 off switch is missing, disconnected or not operating properly; and (3) removes any
95 prohibitions applicable where the engine-cut off switch link is not attached to the
96 body, clothing or personal flotation device of the operator.

97 Existing law provides that any violation of a provision of state law governing
98 the use of a watercraft is a misdemeanor unless otherwise stated. (NRS 488.950)
99 **Section 39** of this bill revises this penalty to instead provide that, except where
100 otherwise stated, a person commits a misdemeanor if the person: (1) performs an
101 act or attempts to perform an act prohibited by state law relating to the use of a
102 watercraft; (2) willfully fails to perform an act required by state law relating to the
103 use of a watercraft; (3) hinders, obstructs, delays or interferes with an officer,
104 employee or agent of the Department who is enforcing or attempting to enforce a
105 provision of state law relating to the use of a watercraft or a related regulation; or
106 (4) violates an order issued or regulation adopted by the Board of Wildlife
107 Commissioners pursuant to state law relating to the use of a watercraft.

108 If a person violates any provision of state law governing the use of a watercraft,
109 existing law authorizes a court to prohibit the person from operating a power-driven



110 vessel on the interstate waters of this State until the person successfully completes a
111 course in safe boating. **Section 39** also expands the authority of a court by
112 authorizing the court to prohibit a person who commits such a violation from
113 operating any vessel on the interstate waters of this State until the person completes
114 such a course.

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

1 **Section 1.** NRS 484A.774 is hereby amended to read as
2 follows:

3 484A.774 1. Except as otherwise provided in subsection 2,
4 after a person is arrested for the commission of a traffic violation
5 pursuant to chapters 484A to 484E, inclusive, of NRS, there is a
6 presumption that the person should be released on his or her own
7 recognizance.

8 2. The presumption established in subsection 1 does not apply
9 if:

10 (a) A person is arrested for:

11 (1) Reckless driving in violation of NRS 484B.653;

12 (2) Vehicular manslaughter in violation of NRS 484B.657; or

13 (3) Driving, operating or being in actual physical control of a
14 vehicle, *a power-driven vessel* or a *sailing* vessel ~~under power or~~
15 ~~sail~~ while under the influence of intoxicating liquor or a controlled
16 substance in violation of NRS 484C.110, 484C.120 or 488.410, as
17 applicable; or

18 (b) The court determines that a person is willfully refusing to
19 satisfy any obligations imposed by the court, including, without
20 limitation, willfully refusing to pay any amount owed or willfully
21 refusing to perform community service.

22 **Sec. 2.** NRS 484A.780 is hereby amended to read as follows:

23 484A.780 1. Except as otherwise provided in subsection 2,
24 and subject to the limitation imposed by NRS 484A.782, a grace
25 period of not less than 30 calendar days must be provided to a
26 person who has failed to appear in court or failed to pay any
27 administrative assessment, fine or court fee imposed upon the
28 person for a violation of any provision of chapters 484A to 484E,
29 inclusive, of NRS before a warrant can be issued for such a failure
30 to appear or failure to pay.

31 2. The provisions of subsection 1 do not apply if:

32 (a) The court determines that providing such a grace period
33 would substantially jeopardize public safety;

34 (b) The person was issued a traffic citation for:

35 (1) Reckless driving in violation of NRS 484B.653;

36 (2) Vehicular manslaughter in violation of NRS 484B.657; or



1 (3) Driving, operating or being in actual physical control of a
2 vehicle , *a power-driven vessel* or a *sailing* vessel ~~under power or~~
3 ~~sail~~ while under the influence of intoxicating liquor or a controlled
4 substance in violation of NRS 484C.110, 484C.120 or 488.410, as
5 applicable; or

6 (c) During the immediately preceding 30 calendar days, the
7 person was released from custody and given a date to return to court
8 but failed to appear in court.

9 **Sec. 3.** NRS 484A.798 is hereby amended to read as follows:

10 484A.798 1. Notwithstanding any other provision of law, and
11 except as otherwise provided in subsection 2, any conviction for a
12 traffic violation pursuant to chapters 484A to 484E, inclusive, of
13 NRS is not a criminal conviction for the purpose of applying for
14 employment, a professional license or any educational opportunity.

15 2. The provisions of subsection 1 do not apply if a person is
16 convicted of:

17 (a) Reckless driving in violation of NRS 484B.653;

18 (b) Vehicular manslaughter in violation of NRS 484B.657; or

19 (c) Driving, operating or being in actual physical control of a
20 vehicle , *a power-driven vessel* or a *sailing* vessel ~~under power or~~
21 ~~sail~~ while under the influence of intoxicating liquor or a controlled
22 substance in violation of NRS 484C.110, 484C.120 or 488.410, as
23 applicable.

24 **Sec. 4.** NRS 484C.360 is hereby amended to read as follows:

25 484C.360 1. When a program of treatment is ordered
26 pursuant to NRS 484C.340 or subsection 1 of NRS 484C.400, the
27 court shall place the offender under the clinical supervision of a
28 treatment provider for treatment in accordance with the report
29 submitted to the court pursuant to NRS 484C.340 or subsection 3, 4,
30 5 or 6 of NRS 484C.350, as appropriate. The court shall:

31 (a) Order the offender to be placed under the supervision of a
32 treatment provider, then release the offender for supervised aftercare
33 in the community; or

34 (b) Release the offender for treatment in the community,

35 ↪ for the period of supervision ordered by the court.

36 2. The court shall:

37 (a) Require the treatment provider to submit monthly progress
38 reports on the treatment of an offender pursuant to this section; and

39 (b) Order the offender, to the extent of his or her financial
40 resources, to pay any charges for treatment pursuant to this section.
41 If the offender does not have the financial resources to pay all those
42 charges, the court shall, to the extent possible, arrange for the
43 offender to obtain the treatment from a treatment provider that
44 receives a sufficient amount of federal or state money to offset the
45 remainder of the charges.



1 3. A treatment provider is not liable for any damages to person
2 or property caused by a person who:

3 (a) Drives, operates or is in actual physical control of a vehicle ,
4 *a power-driven vessel* or a *sailing* vessel ~~[under power or sail]~~ while
5 under the influence of intoxicating liquor or a controlled substance;
6 or

7 (b) Engages in any other conduct prohibited by NRS 484C.110,
8 484C.120, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS
9 488.410, 488.420 or 488.425 or a law of any other jurisdiction that
10 prohibits the same or similar conduct,

11 ↪ after the treatment provider has certified that the offender has
12 successfully completed a program of treatment ordered pursuant to
13 NRS 484C.340 or subsection 1 of NRS 484C.400.

14 **Sec. 5.** Chapter 488 of NRS is hereby amended by adding
15 thereto the provisions set forth as sections 6 and 7 of this act.

16 **Sec. 6. 1.** *If an applicant who is seeking a certificate of*
17 *ownership to a power-driven vessel from the Department pursuant*
18 *to NRS 488.075 or 488.1813 or section 7 of this act is unable to*
19 *satisfy the Department that the applicant is entitled to a certificate*
20 *of ownership, the applicant may apply to obtain a new certificate*
21 *of ownership from the Department by:*

22 (a) *Filing a bond with the Department that meets the*
23 *requirements of subsection 3;*

24 (b) *Allowing the Department to inspect the power-driven vessel*
25 *to verify the hull identification number and identification*
26 *numbers, if any, on parts used to repair the power-driven vessel;*
27 *and*

28 (c) *Authorizing the Department to conduct a search of the*
29 *history of the power-driven vessel through any national crime*
30 *information system, including, without limitation, the National*
31 *Crime Information Center, as defined in NRS 179A.061.*

32 2. *Any person damaged by the issuance of a certificate of*
33 *ownership pursuant to this section has a right of action to recover*
34 *on the bond for any breach of its conditions, except the aggregate*
35 *liability of the surety to all persons must not exceed the amount of*
36 *the bond. The Department shall return the bond, and any deposit*
37 *accompanying it, 3 years after the bond was filed with the*
38 *Department, except that the Department shall not return the bond*
39 *if the Department has been notified of the pendency of an action*
40 *to recover on the bond.*

41 3. *The bond required pursuant to subsection 1 must be:*

42 (a) *In a form prescribed by the Department;*

43 (b) *Executed by the applicant as principal and by a*
44 *corporation qualified under the laws of this State as surety;*



1 (c) *In an amount equal to one and one-half times the value of*
2 *the power-driven vessel, as determined by the Department; and*

3 (d) *Conditioned to indemnify any:*

4 (1) *Prior owner or lienholder of the power-driven vessel,*
5 *and his or her successors in interest;*

6 (2) *Subsequent purchaser of the power-driven vessel, and*
7 *his or her successors in interest; or*

8 (3) *Person acquiring a security interest in the power-driven*
9 *vessel, and his or her successors in interest,*

10 *↪ against any expenses, loss or damage because of the issuance of*
11 *the certificate of ownership or because of any defect in or*
12 *undisclosed security interest in the right or certificate of*
13 *ownership of the applicant to the power-driven vessel or the*
14 *interest of the applicant in the power-driven vessel.*

15 4. *A right of action does not exist in favor of any person by*
16 *reason of any action or failure to act on the part of the*
17 *Department or any officer or employee thereof in carrying out the*
18 *provisions of this section, or in giving or failing to give any*
19 *information concerning the legal ownership of a power-driven*
20 *vessel or the existence of a certificate of ownership obtained*
21 *pursuant to this section.*

22 **Sec. 7. 1.** *Whenever application is made to the Department*
23 *for registration of a power-driven vessel previously registered*
24 *pursuant to this chapter and the applicant is unable to present the*
25 *certificate of ownership previously issued for the power-driven*
26 *vessel because the certificate of ownership is lost, unlawfully*
27 *detained by one in possession or otherwise not available, the*
28 *Department may receive the application, investigate the*
29 *circumstances of the case and require the filing of affidavits or*
30 *other information. When the Department is satisfied that the*
31 *applicant is entitled to a new certificate of ownership, it may*
32 *register the power-driven vessel and issue a new certificate of*
33 *ownership to the person or persons entitled thereto. An applicant*
34 *who is unable to satisfy the Department that the applicant is*
35 *entitled to a new certificate of ownership pursuant to this*
36 *subsection may obtain a new certificate of ownership pursuant to*
37 *the provisions of section 6 of this act.*

38 2. *Whenever an application is made to the Department for the*
39 *registration of a power-driven vessel of which the:*

40 (a) *Ownership has been transferred;*

41 (b) *Certificate of ownership is lost, unlawfully detained by one*
42 *in possession or otherwise not available; and*

43 (c) *Model year is 9 years old or newer,*

44 *↪ the transferor of the power-driven vessel may, to furnish any*
45 *information required by the Department to carry out the*



1 *provisions of NRS 488.1793, designate the transferee of the*
2 *power-driven vessel as attorney-in-fact on a form for a power of*
3 *attorney provided by the Department.*

4 *3. The Department shall provide the form described in*
5 *subsection 2.*

6 *4. The Department may charge a fee not to exceed \$1 for*
7 *each form the Department provides.*

8 **Sec. 8.** NRS 488.035 is hereby amended to read as follows:

9 488.035 As used in this chapter, unless the context otherwise
10 requires:

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

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

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

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

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

28 6. "Department" means the Department of Wildlife.

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

31 8. *"Hull identification number" means the number assigned*
32 *to a vessel pursuant to 33 C.F.R. Part 181, Subpart C.*

33 *9. "Human-powered vessel" means a vessel propelled by*
34 *human power.*

35 *10. "Interstate waters of this State" means waters forming the*
36 *boundary between the State of Nevada and an adjoining state.*

37 ~~9.]~~ **11.** "Legal owner" means a secured party under a security
38 agreement relating to a vessel or a renter or lessor of a vessel to the
39 State or any political subdivision of the State under a lease or an
40 agreement to lease and sell or to rent and purchase which grants
41 possession of the vessel to the lessee for a period of 30 consecutive
42 days or more.

43 ~~[10.—"Motorboat" means any vessel propelled by machinery,~~
44 ~~whether or not the machinery is the principal source of propulsion.]~~



1 12. *“Mechanically propelled personal hydrofoil” means a*
2 *power-driven vessel that consists of a board fitted with a mast*
3 *extending below the board that is attached to a fuselage with a*
4 *forward wing, rear stabilizer and electric motor or internal*
5 *combustion engine.*

6 13. *“Motorized surfboard” means a power-driven vessel that*
7 *consists of a board using a surfboard-type design fitted with either*
8 *an electric motor or internal combustion engine.*

9 ~~[11.]~~ 14. “Operate” means to navigate or otherwise use a
10 ~~[motorboat or a]~~ vessel.

11 ~~[12.]~~ 15. “Owner” means:

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

15 (b) A debtor under a security agreement relating to a vessel ~~[]~~ ;
16 *or*

17 (c) *A person, other than a secured party, who has a property*
18 *right with regard to a human-powered vessel, including, without*
19 *limitation, a person entitled to use or possess a human-powered*
20 *vessel subject to a security interest of another person.*

21 ↪ “Owner” does not include a person defined as a “legal owner”
22 under subsection ~~[9.]~~ 11 *or a person who is leasing a vessel where*
23 *the vessel is not a security interest under the lease.*

24 16. *“Person” has the meaning ascribed to it in NRS 0.039*
25 *and includes, without limitation, a governmental entity.*

26 ~~[13.]~~ 17. *“Power-driven vessel” means any vessel propelled*
27 *by machinery, whether or not the machinery is the principal*
28 *source of propulsion. The term includes, without limitation:*

29 (i) *A mechanically propelled personal hydrofoil;*

30 (ii) *A motorized surfboard; and*

31 (iii) *A vessel equipped with both a sail and a motor.*

32 18. “Prohibited substance” has the meaning ascribed to it in
33 NRS 484C.080.

34 ~~[14.]~~ 19. “Registered owner” means the person registered by
35 the Department as the owner of a vessel.

36 20. *“Sailing vessel” means a vessel that is propelled by wind*
37 *power and is not equipped with a motor.*

38 ~~[15.]~~ 21. “State hull number” means a hull number issued for a
39 vessel by the Department that meets the requirements prescribed by
40 the United States Coast Guard, including, without limitation, 33
41 C.F.R. § 174.16 and 33 C.F.R. Part 181, Subpart C.

42 22. *“State of principal operation” means the state in which a*
43 *vessel is operated or will be operated for at least 6 months of a*
44 *calendar year.*



1 ~~[16-]~~ 23. "Under the influence" means impaired to a degree
2 that renders a person incapable of safely operating or exercising
3 actual physical control of a vessel.

4 ~~[17-]~~ 24. A vessel is "under way" if it is adrift, making way or
5 being propelled, and is not aground, made fast to the shore, or tied
6 or made fast to a dock or mooring.

7 ~~[18-]~~ 25. "Vessel" means every description of watercraft, other
8 than a seaplane on the water, used or capable of being used as a
9 means of transportation on water.

10 ~~[19-]~~ 26. "Waters of this State" means any waters within the
11 territorial limits of this State.

12 **Sec. 9.** NRS 488.065 is hereby amended to read as follows:

13 488.065 1. Every ~~[motorboat on the waters of]~~ *power-driven*
14 *vessel for which this State is the principal state of operation* must
15 be numbered and titled, except as otherwise provided in subsection
16 ~~[4]~~ 6 and NRS 488.175.

17 2. *Every sailing vessel and human-powered vessel for which*
18 *this State is the state of principal operation must be numbered,*
19 *except as otherwise provided in NRS 488.175. The Commission*
20 *shall adopt regulations governing the numbering of sailing vessels*
21 *and human-powered vessels and prescribing the fees for such*
22 *numbering.*

23 3. Upon receipt of an original application for a certificate of
24 ownership or for transfer of a certificate of ownership on an
25 undocumented ~~[motorboat.]~~ *power-driven vessel*, the Department
26 shall assign an appropriate state hull number to the ~~[motorboat]~~
27 *power-driven vessel* whenever there is no builder's hull
28 *identification* number thereon, when the builder's hull
29 *identification* number has been destroyed or obliterated, or if the
30 builder's hull *identification* number does not meet the requirements
31 prescribed by the United States Coast Guard. The state hull number
32 must be permanently marked on an integral part of the hull which is
33 accessible for inspection.

34 ~~[3-]~~ 4. A person shall not operate or give permission for the
35 operation of any ~~[motorboat]~~ *vessel* on the waters of this state
36 unless:

37 (a) The ~~[motorboat]~~ *vessel* is numbered in accordance with the
38 provisions of this chapter or with the federally approved numbering
39 system of another state;

40 (b) The certificate of number awarded to the ~~[motorboat]~~ *vessel*
41 is in effect; *and*

42 (c) The identifying number set forth in the certificate of number
43 is displayed on each side of the bow of the ~~[motorboat; and~~
44 ~~—(d)]~~ *vessel in the manner set forth in 33 C.F.R. Part 173.*



1 5. A *person shall not operate or give permission for the*
2 *operation of any power-driven vessel on the waters of this State*
3 *unless a* valid certificate of ownership has been issued to the owner
4 of ~~any motorboat required to be numbered under this chapter.~~
5 ~~—4.] the power-driven vessel.~~

6 6. Any person who purchases or otherwise owns a ~~motorboat~~
7 *power-driven vessel* before January 1, 1972, is not required to
8 obtain title for the ~~motorboat~~ *power-driven vessel* until the person
9 transfers any portion of his or her ownership in the ~~motorboat~~
10 *power-driven vessel* to another person.

11 **Sec. 10.** NRS 488.075 is hereby amended to read as follows:

12 488.075 1. The owner of each ~~motorboat~~ *power-driven*
13 *vessel* requiring numbering by this State shall file an application for
14 a number and for a certificate of ownership with the Department on
15 forms approved by it accompanied by:

16 (a) Proof of payment of Nevada sales or use tax as evidenced by
17 proof of sale by a Nevada dealer or by a certificate of use tax paid
18 issued by the Department of Taxation, or by proof of exemption
19 from those taxes as provided in NRS 372.320.

20 (b) Such evidence of ownership as the Department may require.
21 ↪ The Department shall not issue a number, a certificate of number
22 or a certificate of ownership until this evidence is presented to it.

23 2. The application must be signed by the owner of the
24 ~~motorboat~~ *power-driven vessel* and must be accompanied by:

25 (a) A fee of ~~[\$20]~~ \$25 for the certificate of ownership ~~[-]~~ *or \$45*
26 *for an expedited certificate of ownership;* and

27 (b) Except as otherwise provided in subsection 2 of NRS
28 488.125, an annual fee according to the following schedule as
29 determined by the straight line length which is measured from the
30 tip of the bow to the back of the transom of the ~~motorboat:]~~ *power-*
31 *driven vessel:*

32	
33	Less than 13 feet..... \$20
34	13 feet or more but less than 18 feet..... 25
35	18 feet or more but less than 22 feet..... 40
36	22 feet or more but less than 26 feet..... 55
37	26 feet or more but less than 31 feet..... 75
38	31 feet or more 100
39	

40 Except as otherwise provided in this subsection, all fees received by
41 the Department under the provisions of this chapter must be
42 deposited in the Wildlife Account in the State General Fund and,
43 except as otherwise provided in NRS 488.536, may be expended
44 only for the administration and enforcement of the provisions of this
45 chapter. On or before December 31 of each year, the Department



1 shall deposit with the State Education Fund 50 percent of each fee
2 collected according to the ~~motorboat's~~ length *of the power-driven*
3 *vessel* for every ~~motorboat~~ *power-driven vessel* registered. Upon
4 receipt of the application in approved form, the Department shall
5 enter the application upon the records of its office and issue to the
6 applicant a certificate of number stating the number awarded to the
7 ~~motorboat,~~ *power-driven vessel*, a certificate of ownership stating
8 the same information and the name and address of the registered
9 owner and the legal owner.

10 3. The Commission shall adopt regulations providing for the
11 renewal of a certificate of number by the purchase of a validation
12 decal. The fee for a validation decal is determined by the straight
13 line length of the ~~motorboat~~ *power-driven vessel* and is equivalent
14 to the fee set forth in the schedule provided in paragraph (b) of
15 subsection 2. The amount of the fee for issuing a duplicate
16 validation decal is \$20.

17 4. The owner shall paint on or attach to each side of the bow of
18 the ~~motorboat~~ *power-driven vessel* the identification number in
19 such manner as may be prescribed by regulations of the
20 Commission in order that the number may be clearly visible. The
21 number must be maintained in legible condition.

22 5. The certificate of number must be available at all times for
23 inspection on the ~~motorboat~~ *power-driven vessel* for which issued,
24 whenever the ~~motorboat~~ *power-driven vessel* is in operation.

25 6. The Commission shall provide by regulation for the issuance
26 of numbers to manufacturers and dealers which may be used
27 interchangeably upon ~~motorboats~~ *power-driven vessels* operated
28 by the manufacturers and dealers in connection with the
29 demonstration, sale or exchange of those ~~motorboats,~~ *power-*
30 *driven vessels*. The amount of the fee for each such a number is \$20.

31 **Sec. 11.** NRS 488.085 is hereby amended to read as follows:

32 488.085 The owner of any ~~motorboat~~ *vessel* already covered
33 by a number in effect which has been awarded to it pursuant to a
34 federally approved numbering system of another state must record
35 the number before operating the ~~motorboat~~ *vessel* on the waters of
36 this State. The recordation must be in the manner and pursuant to
37 the procedure required for the award of a number under NRS
38 488.075 ~~and~~ *or the regulations adopted pursuant to subsection 2 of*
39 *NRS 488.065, as applicable*, but no additional or substitute number
40 may be issued.

41 **Sec. 12.** NRS 488.105 is hereby amended to read as follows:

42 488.105 If an agency of the United States Government has in
43 force an overall system of identification numbering for ~~motorboats~~
44 *vessels* within the United States, the numbering system employed



1 pursuant to the provisions of this chapter by the Department must be
2 in conformity therewith.

3 **Sec. 13.** NRS 488.125 is hereby amended to read as follows:

4 488.125 1. Every certificate of number awarded pursuant to
5 the provisions of this chapter shall continue in full force and effect
6 for a period of 1 year, or 2 years if allowed by regulations adopted
7 by the Commission, unless sooner terminated or discontinued in
8 accordance with the provisions of this chapter.

9 2. The fee for the issuance or renewal of a certificate of number
10 for 2 years, if allowed, is an amount which is equal to twice the
11 annual fee for the ~~motorboat~~ vessel set forth in paragraph (b) of
12 subsection 2 of NRS 488.075 ~~or the regulations adopted~~
13 ~~pursuant to subsection 2 of NRS 488.065, as applicable.~~

14 3. Certificates of number may be renewed by the owner in
15 accordance with regulations adopted pursuant to subsection 2 of
16 ~~NRS 488.065 and subsection 3 of NRS 488.075~~ ~~or the regulations adopted~~
17 ~~pursuant to subsection 2 of NRS 488.065, as applicable.~~

18 **Sec. 14.** NRS 488.145 is hereby amended to read as follows:

19 488.145 1. The owner shall furnish the Department notice of
20 the destruction or abandonment of any ~~motorboat~~ vessel numbered
21 under this chapter, within 10 days thereof.

22 2. Such destruction or abandonment terminates the certificate
23 of number for the ~~motorboat~~ vessel.

24 **Sec. 15.** NRS 488.165 is hereby amended to read as follows:

25 488.165 No number or decal other than the number or decal
26 awarded to a ~~motorboat~~ vessel or granted reciprocity pursuant to
27 the provisions of this chapter may be painted, attached or otherwise
28 displayed on either side of the bow of such ~~motorboat~~ vessel.
29 Only the current decal may be displayed or otherwise attached on
30 either side of the bow of such ~~motorboat~~ vessel.

31 **Sec. 16.** NRS 488.175 is hereby amended to read as follows:

32 488.175 1. Except as otherwise provided in this section, a
33 ~~motorboat~~ vessel need not be numbered pursuant to the provisions
34 of this chapter if it is:

35 (a) Already covered by a number in effect which has been
36 awarded or issued to it pursuant to a federally approved numbering
37 system of another state.

38 (b) A ~~motorboat~~ vessel from a country other than the United
39 States temporarily using the waters of this State.

40 (c) A public vessel of the United States, a state or a political
41 subdivision of a state.

42 (d) A ship's lifeboat.

43 (e) A ~~motorboat~~ vessel belonging to a class of ~~boats~~ vessels
44 which has been exempted from numbering by the Department after
the Department has found:



1 (1) That the numbering of ~~motorboats~~ *vessels* of that class
2 will not materially aid in their identification; and

3 (2) If an agency of the Federal Government has a numbering
4 system applicable to the class of ~~motorboats~~ *vessels* to which the
5 ~~motorboat~~ *vessel* in question belongs, that the ~~motorboat~~ *vessel*
6 would also be exempt from numbering if it were subject to the
7 federal law.

8 2. If the owner or operator of a ~~motorboat~~ *vessel* which is not
9 numbered in this State is a resident of another state, and if this State
10 is or will be the state of principal operation of the ~~motorboat~~ *vessel*
11 during a calendar year, the ~~motorboat~~ *vessel* must be numbered
12 and a certificate of number issued for the ~~motorboat~~ *vessel*
13 pursuant to this chapter. ~~[As used in this subsection, "state of~~
14 ~~principal operation" means a state in whose waters a motorboat is~~
15 ~~primarily operated during a calendar year.]~~

16 3. The Department may, by regulation, provide for the issuance
17 of exempt numbers for ~~motorboats~~ *vessels* not required to be
18 registered under the provisions of this chapter.

19 4. A ~~motorboat~~ *power-driven vessel* need not be titled
20 pursuant to the provisions of this chapter, if it is:

21 (a) Covered by a certificate of ownership which has been
22 awarded or issued to it pursuant to the title system of another state;
23 or

24 (b) Documented pursuant to 46 U.S.C. §§ 12101 et seq.

25 **Sec. 17.** NRS 488.1793 is hereby amended to read as follows:

26 488.1793 **1.** Except as otherwise provided for the creation or
27 transfer of a security interest or the transfer on death of a certificate
28 of ownership pursuant to NRS 488.1794, no transfer of title to or
29 any interest in any ~~motorboat~~ *power-driven vessel* required to be
30 numbered under this chapter is effective until one of the following
31 conditions is fulfilled:

32 ~~[1.]~~ (a) The transferor has properly endorsed and delivered the
33 certificate of ownership and has delivered the certificate of number
34 to the transferee as provided in this chapter, and the transferee has,
35 within the prescribed time, delivered the documents to the
36 Department or placed them in the United States mail addressed to
37 the Department with the transfer fee.

38 ~~[2.]~~ (b) The transferor has delivered to the Department or
39 placed in the United States mail addressed to the Department the
40 appropriate documents for the transfer of ownership pursuant to the
41 sale or transfer.

42 *2. The documents provided to the Department pursuant to*
43 *subsection 1 must include, without limitation, a declaration of*
44 *amount paid for the power-driven vessel or the NADA value of the*
45 *power-driven vessel.*



1 **3. As used in this section, "NADA value" means the value**
2 **given to a power-driven vessel by the National Automobile Dealers**
3 **Association, or its successor organization.**

4 **Sec. 18.** NRS 488.1795 is hereby amended to read as follows:
5 488.1795 Upon receipt of a properly endorsed certificate of
6 ownership and the certificate of number of any ~~[motorboat,]~~ **power-**
7 **driven vessel**, the transferee shall within 10 days file the certificates,
8 accompanied by a fee of ~~[\$20,]~~ **\$25, or \$45 for an expedited**
9 **certificate of ownership**, with the Department and thereby make
10 application for a new certificate of ownership and **, when required,**
11 a new certificate of number.

12 **Sec. 19.** NRS 488.1813 is hereby amended to read as follows:
13 488.1813 1. If a certificate of ownership is lost, stolen,
14 damaged or mutilated, an application for transfer may be made upon
15 a form provided by the Department for a duplicate certificate of
16 ownership. The transferor shall write his or her signature and
17 address in the appropriate spaces provided upon the application and
18 file it together with the proper fees for a duplicate certificate of
19 ownership and transfer.

20 2. The Department may receive the application and examine
21 into the circumstances of the case and may require an inspection of
22 the **power-driven** vessel and the filing of affidavits or other
23 information. When the Department is satisfied that the applicant is
24 entitled to a transfer of ownership, the Department may transfer the
25 ownership of the ~~[motorboat]~~ **power-driven vessel** and issue a new
26 certificate of ownership and certificate of number to the person
27 found to be entitled thereto.

28 **3. An applicant who is unable to furnish information**
29 **satisfactory to the Department that the applicant is entitled to a**
30 **duplicate certificate of ownership pursuant to this section may**
31 **obtain a new certificate of ownership pursuant to the provisions of**
32 **section 6 of this act.**

33 **Sec. 20.** NRS 488.1827 is hereby amended to read as follows:
34 488.1827 The Department may suspend or revoke any
35 certificate of ownership, certificate of number or number of any
36 ~~[motorboat]~~ **vessel** if it is satisfied that any such certificate or
37 number was fraudulently obtained, or that the appropriate fee was
38 not paid.

39 **Sec. 21.** NRS 488.185 is hereby amended to read as follows:
40 488.185 ~~[Motorboats]~~ **Vessels** subject to the provisions of this
41 chapter shall be divided into four classes as follows:

42 Class A. Less than 16 feet in length.

43 Class 1. Sixteen feet or over and less than 26 feet in length.



1 Class 2. Twenty-six feet or over and less than 40 feet in
2 length.

3 Class 3. Forty feet or over.

4 **Sec. 22.** NRS 488.187 is hereby amended to read as follows:

5 488.187 1. Every ~~motorboat~~ *power-driven vessel or sailing*
6 *vessel* in all weathers from sunset to sunrise, as established by the
7 Nautical Almanac Office, United States Naval Observatory,
8 Washington, D.C., must carry and exhibit the following lights when
9 underway, and during that time other lights which may be mistaken
10 for those prescribed must not be exhibited:

11 (a) Every ~~motorboat~~ *power-driven vessel* of classes A and 1
12 must carry the following lights:

13 (1) A bright white light aft to show all around the horizon.

14 (2) A combined lantern in the forepart of the *power-driven*
15 vessel and lower than the white light aft, showing green to starboard
16 and red to port, so fixed as to throw the light from right ahead to 2
17 points abaft the beam on their respective sides.

18 (b) Every ~~motorboat~~ *power-driven vessel* of classes 2 and 3
19 must carry the following lights:

20 (1) A bright white light in the forepart of the *power-driven*
21 vessel as near the stem as practicable, so constructed as to show an
22 unbroken light over an arc of the horizon of 20 points of the
23 compass, so fixed as to throw the light 10 points on each side of the
24 *power-driven* vessel, from right ahead to 2 points abaft the beam on
25 either side.

26 (2) A bright white light aft to show 12 points.

27 (3) On the starboard side a green light so constructed as to
28 show an unbroken light over an arc of the horizon of 10 points of
29 the compass, so fixed as to throw the light from right ahead to 2
30 points abaft the beam on the starboard side. On the port side a red
31 light so constructed as to show an unbroken light over an arc of the
32 horizon of 10 points of the compass, so fixed as to throw the light
33 from right ahead to 2 points abaft the beam on the port side. The
34 side lights must be fitted with inboard screens of sufficient height so
35 set as to prevent these lights from being seen across the bow.

36 (c) ~~Vessels~~ *Sailing vessels* of classes A and 1 ~~when propelled~~
37 ~~by sail alone~~ must carry the combined lantern in the forepart of the
38 *sailing* vessel and a white 12-point stern light. ~~Vessels~~ *Sailing*
39 *vessels* of classes 2 and 3 ~~when so propelled,~~ must carry the
40 colored side lights, fitted so as to prevent these lights from being
41 seen across the bow and a white 12-point stern light.

42 2. Every white light prescribed by this section must be visible
43 at a distance of at least 2 miles. Every colored light prescribed by
44 this section must be visible at a distance of at least 1 mile. As used



1 in this subsection, “visible” means visible on a dark night with clear
2 atmosphere.

3 3. ~~When propelled by sail and machinery a vessel must carry~~
4 ~~the lights required by this section for a motorboat propelled by~~
5 ~~machinery only.~~

6 — 4. ~~Manually propelled~~ **Human-powered** vessels ~~of classes A~~
7 ~~and 1~~ must have ready at hand an electric torch or lighted lantern
8 showing a white light which must be exhibited in sufficient time to
9 prevent a collision.

10 ~~5.~~ 4. Any vessel may carry and exhibit the lights required by
11 the Inland Navigational Rules, ~~34 U.S.C. §§ 2001 et seq.,~~ 33
12 **C.F.R. Part 83**, in lieu of the lights required by this section.

13 ~~6.~~ 5. Except for vessels anchored or moored in an area
14 designated by the Commission as an anchoring or mooring area
15 pursuant to the provisions of NRS 488.265, every vessel, ~~whether~~
16 ~~propelled by sail or machinery,~~ when anchored or moored between
17 sunset and sunrise where other vessels may navigate, must display a
18 white light clearly visible in all directions.

19 ~~7.~~ 6. Except as otherwise provided in this subsection, it is
20 unlawful for a person to display a flashing blue light or a flashing
21 red light on a vessel operating on the waters of this state. A vessel of
22 the United States, this state or its political subdivisions or a
23 bordering state under interstate compact may display a flashing blue
24 light when operated by a peace officer engaged in law enforcement
25 **or public safety** activities. A peace officer ~~shall~~ **may** seize, or
26 cause to be seized, a flashing red or blue light installed or operated
27 in violation of this subsection.

28 **Sec. 23.** NRS 488.193 is hereby amended to read as follows:

29 488.193 1. Except for a contrivance, propelled by a sail,
30 whose occupant must stand erect, every vessel must carry at least
31 one ~~personal flotation device~~ **life jacket** of ~~a~~ **an appropriate size**
32 **and type for the person for whom it is intended that has been**
33 approved by the United States Coast Guard and **meets any**
34 **requirements** prescribed by the regulations of the Commission for
35 each person on board and any person in a vessel being towed, so
36 placed as to be readily accessible for use in an emergency. Every
37 vessel carrying passengers for hire must carry so placed as to be
38 readily accessible for use in an emergency at least one ~~personal~~
39 ~~flotation device~~ **life jacket** of the sort prescribed by **this subsection**
40 **and** the regulations of the Commission for each person on board. A
41 ~~personal flotation device~~ **life jacket** required by this subsection is
42 readily accessible for use in an emergency if:

43 (a) It is being worn; or

44 (b) It is stowed where it is quickly reachable and is:

45 (1) Ready to wear;



- 1 (2) Out of its original packaging; and
- 2 (3) Not under lock and key.

3 2. In addition to the requirements set forth in subsection 1,
4 unless exempted by the United States Coast Guard or the regulations
5 of the Commission:

6 (a) Every vessel which is 16 feet or more in length but less than
7 26 feet in length, regardless of its method of propulsion, must carry,
8 so placed as to be readily accessible for use in an emergency, a ~~{type~~
9 ~~IV}~~ *throwable* personal flotation device approved by the United
10 States Coast Guard, ~~{which is capable of being thrown,}~~ such as a
11 ring life buoy or buoyant cushion. A ~~{type-IV}~~ *throwable* personal
12 flotation device required by this paragraph is readily accessible for
13 use in an emergency if it is stowed in close proximity to the operator
14 of the vessel and in a position to be thrown to a person overboard by
15 either the operator or a passenger.

16 (b) Except as otherwise provided in this paragraph, every vessel
17 which is 26 feet or more in length, regardless of its method of
18 propulsion, must carry, so placed as to be readily accessible for use
19 in an emergency, a ~~{type-IV}~~ *throwable* personal flotation device
20 approved by the United States Coast Guard, ~~{which is capable of~~
21 ~~being thrown,}~~ such as a ring life buoy or buoyant cushion, with not
22 less than 30 feet of throwing line attached. If the vessel is 40 feet or
23 more in length, such a ~~{type-IV}~~ *throwable* personal flotation device
24 must be carried on both the fore and the aft of the vessel. A ~~{type~~
25 ~~IV}~~ *throwable* personal flotation device required by this paragraph
26 is readily accessible for use in an emergency if it is prominently
27 displayed on a bulkhead, railing or gunwale, and in a position to be
28 thrown to a person overboard by either the operator or a passenger.

29 3. Every ~~{motorboat}~~ *power-driven vessel, except a*
30 *mechanically propelled personal hydrofoil or a motorized*
31 *surfboard,* must be provided with such number, size and type of fire
32 extinguishers, capable of promptly and effectually extinguishing
33 burning gasoline, as may be prescribed by the regulations of the
34 Commission. The fire extinguishers must be of a marine type which
35 has been approved by the United States Coast Guard and kept in
36 condition for immediate and effective use and so placed as to be
37 readily accessible.

38 4. Every ~~{motorboat}~~ *power-driven vessel* must have the
39 carburetor of every engine therein, except outboard motors, using
40 gasoline as fuel, equipped with such efficient flame arrestor,
41 backfire trap or other similar device as may be prescribed by the
42 regulations of the Commission.

43 5. Every ~~{motorboat and every}~~ vessel, except open boats,
44 using as fuel any liquid of a volatile nature, must be provided with
45 such means as may be prescribed by the regulations of the



1 Commission for properly and efficiently ventilating the bilges of the
2 engine and compartments for tanks of fuel to remove any explosive
3 or flammable gases.

4 6. The Commission may adopt regulations modifying the
5 requirements for equipment contained in this section to the extent
6 necessary to keep these requirements in conformity with the
7 provisions of the Federal Navigation Laws or with the rules for
8 navigation adopted by the United States Coast Guard.

9 **Sec. 24.** NRS 488.291 is hereby amended to read as follows:

10 488.291 1. A person shall not abandon a vessel upon a public
11 waterway or public or private property without the consent of the
12 owner or person in lawful possession or control of the property.

13 2. The abandonment of any vessel in a manner prohibited by
14 subsection 1 is prima facie evidence that the last registered owner of
15 record, unless the registered owner has notified the Department or
16 other appropriate agency of his or her relinquishment of title or
17 interest therein, is responsible for the abandonment. The person so
18 responsible is liable for the cost of removal and disposition of the
19 vessel.

20 3. A game warden, sheriff or other peace officer of this state
21 may remove *or order the removal of* a vessel from a public
22 waterway when:

23 (a) The vessel is left unattended and is adrift, moored, docked,
24 beached or made fast to land in such a ~~position~~ :

25 (1) *Position* as to interfere with navigation ~~for in such a~~
26 ~~condition~~ *for more than 48 hours and a game warden, sheriff or*
27 *other peace officer of this State has contacted or made a*
28 *reasonable attempt to contact the owner; or*

29 (2) *Condition* as to create a hazard to other vessels using the
30 waterway, to public safety or to the property of another.

31 (b) The vessel is found upon a waterway and a report has
32 previously been made that the vessel has been stolen or embezzled.

33 (c) The person in charge of the vessel is by reason of physical
34 injuries or illness incapacitated to such an extent as to be unable to
35 provide for its custody or removal.

36 (d) An officer arrests a person operating or in control of the
37 vessel for an alleged offense, and the officer is required or permitted
38 to take, and does take, the person arrested before a magistrate
39 without unnecessary delay.

40 (e) The vessel seriously interferes with navigation or otherwise
41 poses a critical and immediate danger to navigation or to the public
42 health, safety or welfare.

43 **Sec. 25.** NRS 488.305 is hereby amended to read as follows:

44 488.305 1. The Department may authorize the holding of
45 regattas, ~~motorboat or other boat~~ *vessel* races, marine parades,



1 tournaments or exhibitions on any waters of this state. The
2 Commission shall adopt regulations concerning the safety of
3 ~~motorboats and other~~ vessels and persons thereon, either observers
4 or participants.

5 2. At least 30 days before a regatta, ~~motorboat or other boat~~
6 *vessel* race, marine parade, tournament or exhibition is proposed to
7 be held, the person in charge thereof must file an application with
8 the Department for permission to hold the regatta, ~~motorboat or~~
9 ~~other boat~~ *vessel* race, marine parade, tournament or exhibition. No
10 such event may be conducted without the written authorization of
11 the Department.

12 3. The Director of the Department may require an applicant, or
13 the sponsor of the event, as a condition of the approval of a regatta,
14 ~~motorboat or other boat~~ *vessel* race, marine parade, tournament or
15 exhibition, to enter into an agreement to reimburse the Department
16 for expenses incurred by the Department to ensure that the event is
17 conducted safely, including, without limitation, expenses for
18 equipment used, expenses for personnel and general operating
19 expenses.

20 4. The application must set forth the date, time and location
21 where it is proposed to hold the regatta, ~~motorboat or other boat~~
22 *vessel* race, marine parade, tournament or exhibition, the type of
23 vessels participating, the number and kind of navigational aids
24 required and the name of a person who will be present at the event
25 to ensure that the conditions of the permit are satisfied.

26 5. The provisions of this section do not exempt any person
27 from compliance with applicable federal law or regulation.

28 **Sec. 26.** NRS 488.400 is hereby amended to read as follows:

29 488.400 1. A person shall not operate any ~~motorboat or~~
30 vessel, or manipulate any water skis, surfboard or similar device in a
31 reckless or negligent manner so as to endanger the life or property of
32 any person.

33 2. A person shall not operate any ~~motorboat or~~ vessel, or
34 manipulate any water skis, surfboard or similar device while
35 intoxicated or under the influence of any controlled substance,
36 unless in accordance with a lawfully issued prescription.

37 **Sec. 27.** NRS 488.410 is hereby amended to read as follows:

38 488.410 1. It is unlawful for any person who:

- 39 (a) Is under the influence of intoxicating liquor;
40 (b) Has a concentration of alcohol of 0.08 or more in his or her
41 blood or breath; or
42 (c) Is found by measurement within 2 hours after operating or
43 being in actual physical control of a *power-driven vessel or sailing*
44 vessel to have a concentration of alcohol of 0.08 or more in his or
45 her blood or breath,



1 ➔ to operate or be in actual physical control of a *power-driven*
2 *vessel or sailing* vessel ~~[under power or sail]~~ on the waters of this
3 State.

4 2. It is unlawful for any person who:

5 (a) Is under the influence of a controlled substance;

6 (b) Is under the combined influence of intoxicating liquor and a
7 controlled substance; or

8 (c) Inhales, ingests, applies or otherwise uses any chemical,
9 poison or organic solvent, or any compound or combination of any
10 of these, to a degree which renders the person incapable of safely
11 operating or exercising actual physical control of a *power-driven*
12 *vessel or sailing* vessel, ~~[under power or sail]~~

13 ➔ to operate or be in actual physical control of a *power-driven*
14 *vessel or sailing* vessel ~~[under power or sail]~~ on the waters of this
15 State.

16 3. It is unlawful for any person to operate or be in actual
17 physical control of a *power-driven vessel or sailing* vessel ~~[under~~
18 ~~power or sail]~~ on the waters of this State with an amount of any of
19 the following prohibited substances in his or her blood or urine that
20 is equal to or greater than:

Prohibited substance	Urine Nanograms per milliliter	Blood Nanograms per milliliter
(a) Amphetamine	500	100
(b) Cocaine	150	50
(c) Cocaine metabolite	150	50
(d) Heroin	2,000	50
(e) Heroin metabolite:		
(1) Morphine	2,000	50
(2) 6-monoacetyl morphine	10	10
(f) Lysergic acid diethylamide	25	10
(g) Methamphetamine	500	100
(h) Phencyclidine	25	10

36
37 4. For any violation that is punishable pursuant to NRS
38 488.427, it is unlawful for any person to operate or be in actual
39 physical control of a *power-driven vessel or sailing* vessel ~~[under~~
40 ~~power or sail]~~ on the waters of this State with an amount of any of
41 the following prohibited substances in his or her blood that is equal
42 to or greater than:



	Blood Nanograms per milliliter
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Prohibited substance

- (a) Marijuana (delta-9-tetrahydrocannabinol) 2
- (b) Marijuana metabolite (11-OH-tetrahydrocannabinol) 5

5. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after operating or being in actual physical control of the *power-driven vessel or sailing* vessel, *as applicable*, and before his or her blood was tested, to cause the defendant to have a concentration of 0.08 or more of alcohol in his or her blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

6. Except as otherwise provided in NRS 488.427, a person who violates the provisions of this section is guilty of a misdemeanor.

Sec. 28. NRS 488.420 is hereby amended to read as follows:

488.420 1. Unless a greater penalty is provided pursuant to NRS 488.425, a person who:

- (a) Is under the influence of intoxicating liquor;
- (b) Has a concentration of alcohol of 0.08 or more in his or her blood or breath;
- (c) Is found by measurement within 2 hours after operating or being in actual physical control of a *power-driven vessel or sailing* vessel ~~[under power or sail]~~ to have a concentration of alcohol of 0.08 or more in his or her blood or breath;
- (d) Is under the influence of a controlled substance or is under the combined influence of intoxicating liquor and a controlled substance;
- (e) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely operating or being in actual physical control of a *power-driven vessel or sailing* vessel ; ~~[under power or sail];~~ or

(f) Has a prohibited substance in his or her blood or urine, as applicable, in an amount that is equal to or greater than the amount set forth in subsection 3 or 4 of NRS 488.410,

➔ and does any act or neglects any duty imposed by law while operating or being in actual physical control of any *power-driven vessel or sailing* vessel , ~~[under power or sail.]~~ if the act or neglect of duty proximately causes the death of, or substantial bodily harm



1 to, another person, is guilty of a category B felony and shall be
2 punished by imprisonment in the state prison for a minimum term of
3 not less than 2 years and a maximum term of not more than 20 years
4 and shall be further punished by a fine of not less than \$2,000 nor
5 more than \$5,000. A person so imprisoned must, insofar as
6 practicable, be segregated from offenders whose crimes were violent
7 and, insofar as practicable, be assigned to an institution or facility of
8 minimum security.

9 2. A prosecuting attorney shall not dismiss a charge of
10 violating the provisions of subsection 1 in exchange for a plea of
11 guilty, guilty but mentally ill or nolo contendere to a lesser charge or
12 for any other reason unless the prosecuting attorney knows or it is
13 obvious that the charge is not supported by probable cause or cannot
14 be proved at the time of trial. A sentence imposed pursuant to
15 subsection 1 must not be suspended, and probation must not be
16 granted.

17 3. If consumption is proven by a preponderance of the
18 evidence, it is an affirmative defense under paragraph (c) of
19 subsection 1 that the defendant consumed a sufficient quantity of
20 alcohol after operating or being in actual physical control of the
21 *power-driven vessel or sailing* vessel ~~[under power or sail]~~, *as*
22 *applicable*, and before his or her blood was tested, to cause the
23 defendant to have a concentration of alcohol of 0.08 or more in his
24 or her blood or breath. A defendant who intends to offer this defense
25 at a trial or preliminary hearing must, not less than 14 days before
26 the trial or hearing or at such other time as the court may direct, file
27 and serve on the prosecuting attorney a written notice of that intent.

28 4. If a person less than 15 years of age was in the vessel at the
29 time of the defendant's violation, the court shall consider that fact as
30 an aggravating factor in determining the sentence of the defendant.

31 **Sec. 29.** NRS 488.425 is hereby amended to read as follows:

32 488.425 1. A person commits homicide by vessel if the
33 person:

34 (a) Operates or is in actual physical control of a *power-driven*
35 *vessel or sailing* vessel ~~[under power or sail]~~ on the waters of this
36 State and:

37 (1) Is under the influence of intoxicating liquor;

38 (2) Has a concentration of alcohol of 0.08 or more in his or
39 her blood or breath;

40 (3) Is found by measurement within 2 hours after operating
41 or being in actual physical control of a *power-driven vessel or*
42 *sailing* vessel ~~[under power or sail]~~ to have a concentration of
43 alcohol of 0.08 or more in his or her blood or breath;



1 (4) Is under the influence of a controlled substance or is
2 under the combined influence of intoxicating liquor and a controlled
3 substance;

4 (5) Inhales, ingests, applies or otherwise uses any chemical,
5 poison or organic solvent, or any compound or combination of any
6 of these, to a degree which renders the person incapable of safely
7 operating or exercising actual physical control of a *power-driven*
8 *vessel or sailing* vessel ; ~~under power or sail;~~ or

9 (6) Has a prohibited substance in his or her blood or urine, as
10 applicable, in an amount that is equal to or greater than the amount
11 set forth in subsection 3 or 4 of NRS 488.410;

12 (b) Proximately causes the death of another person while
13 operating or in actual physical control of a *power-driven vessel or*
14 *sailing* vessel ; ~~under power or sail;~~ and

15 (c) Has previously been convicted of at least three offenses.

16 2. A person who commits homicide by vessel is guilty of a
17 category A felony and shall be punished by imprisonment in the
18 state prison:

19 (a) For life with the possibility of parole, with eligibility for
20 parole beginning when a minimum of 10 years has been served; or

21 (b) For a definite term of 25 years, with eligibility for parole
22 beginning when a minimum of 10 years has been served.

23 3. A person imprisoned pursuant to subsection 2 must, insofar
24 as practicable, be segregated from offenders whose crimes were
25 violent and, insofar as practicable, be assigned to an institution or
26 facility of minimum security.

27 4. A prosecuting attorney shall not dismiss a charge of
28 homicide by vessel in exchange for a plea of guilty, guilty but
29 mentally ill or nolo contendere to a lesser charge or for any other
30 reason unless the prosecuting attorney knows or it is obvious that
31 the charge is not supported by probable cause or cannot be proved at
32 the time of trial. A sentence imposed pursuant to subsection 2 may
33 not be suspended nor may probation be granted.

34 5. If consumption is proven by a preponderance of the
35 evidence, it is an affirmative defense under subparagraph (3) of
36 paragraph (a) of subsection 1 that the defendant consumed a
37 sufficient quantity of alcohol after operating or being in actual
38 physical control of the *power-driven vessel or sailing* vessel, *as*
39 *applicable*, and before his or her blood or breath was tested, to cause
40 the defendant to have a concentration of alcohol of 0.08 or more in
41 his or her blood or breath. A defendant who intends to offer this
42 defense at a trial or preliminary hearing must, not less than 14 days
43 before the trial or hearing or at such other time as the court may
44 direct, file and serve on the prosecuting attorney a written notice of
45 that intent.



6. If the defendant was transporting a person who is less than 15 years of age in the *power-driven vessel or sailing vessel*, *as applicable*, at the time of the violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.

7. As used in this section, "offense" means:

(a) A violation of NRS 488.410 or 488.420;

(b) A homicide resulting from operating or being in actual physical control of a *power-driven vessel or sailing vessel* while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by this section or NRS 488.410 or 488.420; or

(c) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a) or (b).

Sec. 30. NRS 488.450 is hereby amended to read as follows:

488.450 1. Any person who operates or is in actual physical control of a *power-driven vessel or sailing vessel* ~~[under power or sail]~~ on the waters of this State shall be deemed to have given consent to a preliminary test of his or her breath to determine the concentration of alcohol in his or her breath when the test is administered at the request of a peace officer after a *power-driven vessel or sailing vessel* accident or collision or where an officer stops a *power-driven vessel or sailing vessel*, if the officer has reasonable grounds to believe that the person to be tested was:

(a) Operating or in actual physical control of a *power-driven vessel or sailing vessel* ~~[under power or sail]~~ while under the influence of intoxicating liquor or a controlled substance; or

(b) Engaging in any other conduct prohibited by NRS 488.410, 488.420 or 488.425.

2. If the person fails to submit to the test, the officer shall, if reasonable grounds otherwise exist, arrest the person and take him or her to a convenient place for the administration of a reasonably available evidentiary test under NRS 488.460.

3. The result of the preliminary test must not be used in any criminal action, except to show there were reasonable grounds to make an arrest.

Sec. 31. NRS 488.460 is hereby amended to read as follows:

488.460 1. Except as otherwise provided in subsections 3 and 4, a person who operates or is in actual physical control of a *power-driven vessel or sailing vessel* ~~[under power or sail]~~ on the waters of this State shall be deemed to have given consent to an evidentiary test of his or her blood, urine, breath or other bodily substance to determine the concentration of alcohol in his or her blood or breath or to determine whether a controlled substance, chemical, poison, organic solvent or another prohibited substance is present, if such a



1 test is administered at the request of a peace officer having
2 reasonable grounds to believe that the person to be tested was:

3 (a) Operating or in actual physical control of a *power-driven*
4 *vessel or sailing* vessel ~~[under power or sail]~~ while under the
5 influence of intoxicating liquor or a controlled substance or with a
6 prohibited substance in his or her blood or urine; or

7 (b) Engaging in any other conduct prohibited by NRS 488.410,
8 488.420 or 488.425.

9 2. If the person to be tested pursuant to subsection 1 is dead or
10 unconscious, the officer shall direct that samples of blood from the
11 person be tested.

12 3. Any person who is afflicted with hemophilia or with a heart
13 condition requiring the use of an anticoagulant as determined by a
14 physician is exempt from any blood test which may be required
15 pursuant to this section, but must, when appropriate pursuant to the
16 provisions of this section, be required to submit to a breath or urine
17 test.

18 4. If the concentration of alcohol of the blood or breath of the
19 person to be tested is in issue:

20 (a) Except as otherwise provided in this section, the person may
21 refuse to submit to a blood test if means are reasonably available to
22 perform a breath test.

23 (b) The person may request a blood test, but if means are
24 reasonably available to perform a breath test when the blood test is
25 requested, and the person is subsequently convicted, the person must
26 pay for the cost of the blood test, including the fees and expenses of
27 witnesses whose testimony in court is necessary because of the use
28 of the blood test. The expenses of such a witness may be assessed at
29 an hourly rate of not less than:

30 (1) Fifty dollars for travel to and from the place of the
31 proceeding; and

32 (2) One hundred dollars for giving or waiting to give
33 testimony.

34 (c) Except as otherwise provided in NRS 488.470, not more than
35 three samples of the person's blood or breath may be taken during
36 the 5-hour period immediately following the time of the initial
37 arrest.

38 5. Except as otherwise provided in subsection 6, if the presence
39 of a controlled substance, chemical, poison, organic solvent or
40 another prohibited substance in the blood or urine of the person is in
41 issue, the officer may request that the person submit to a blood or
42 urine test, or both.

43 6. If the presence of marijuana in the blood of the person is in
44 issue, the officer may request that the person submit to a blood test.



1 7. Except as otherwise provided in subsections 3 and 5, a peace
2 officer shall not request that a person submit to a urine test.

3 8. If a person to be tested fails to submit to a required test as
4 requested by a peace officer pursuant to this section and the officer
5 has reasonable grounds to believe that the person to be tested was:

6 (a) Operating or in actual physical control of a *power-driven*
7 *vessel or sailing* vessel ~~[under power or sail]~~ while under the
8 influence of intoxicating liquor or a controlled substance or with a
9 prohibited substance in his or her blood or urine; or

10 (b) Engaging in any other conduct prohibited by NRS 488.410,
11 488.420 or 488.425,

12 ↪ the officer may apply for a warrant or court order directing that
13 reasonable force be used to the extent necessary to obtain samples of
14 blood from the person to be tested.

15 9. If a person who is less than 18 years of age is requested to
16 submit to an evidentiary test pursuant to this section, the officer
17 shall, before testing the person, make a reasonable attempt to notify
18 the parent, guardian or custodian of the person, if known.

19 **Sec. 32.** NRS 488.480 is hereby amended to read as follows:

20 488.480 1. If a person refuses to submit to a required
21 chemical test provided for in NRS 488.450 or 488.460, evidence of
22 that refusal is admissible in any criminal action arising out of acts
23 alleged to have been committed while the person was:

24 (a) Operating or in actual physical control of a *power-driven*
25 *vessel or sailing* vessel ~~[under power or sail]~~ while under the
26 influence of intoxicating liquor or a controlled substance; or

27 (b) Engaging in any other conduct prohibited by NRS 488.410,
28 488.420 or 488.425.

29 2. Except as otherwise provided in subsection 3 of NRS
30 488.450, a court may not exclude evidence of a required test or
31 failure to submit to such a test if the peace officer or other person
32 substantially complied with the provisions of NRS 488.450 to
33 488.500, inclusive.

34 3. If a person submits to a chemical test provided for in NRS
35 488.450 or 488.460, full information concerning that test must be
36 made available, upon request, to the person or the person's attorney.

37 4. Evidence of a required test is not admissible in a criminal
38 proceeding unless it is shown by documentary or other evidence that
39 the device for testing breath was certified pursuant to NRS
40 484C.610 and was calibrated, maintained and operated as provided
41 by the regulations of the Committee on Testing for Intoxication
42 adopted pursuant to NRS 484C.620, 484C.630 or 484C.640.

43 5. If the device for testing breath has been certified by the
44 Committee on Testing for Intoxication to be accurate and reliable
45 pursuant to NRS 484C.610, it is presumed that, as designed and



1 manufactured, the device is accurate and reliable for the purpose of
2 testing a person's breath to determine the concentration of alcohol in
3 the person's breath.

4 6. A court shall take judicial notice of the certification by the
5 Director of a person to operate testing devices of one of the certified
6 types. If a test to determine the amount of alcohol in a person's
7 breath has been performed with a certified type of device by a
8 person who is certified pursuant to NRS 484C.630 or 484C.640, it is
9 presumed that the person operated the device properly.

10 7. This section does not preclude the admission of evidence of
11 a test of a person's breath where the:

12 (a) Information is obtained through the use of a device other
13 than one of a type certified by the Committee on Testing for
14 Intoxication.

15 (b) Test has been performed by a person other than one who is
16 certified by the Director.

17 8. As used in this section, "Director" means the Director of the
18 Department of Public Safety.

19 **Sec. 33.** NRS 488.490 is hereby amended to read as follows:

20 488.490 1. A person who is arrested for operating or being in
21 actual physical control of a *power-driven vessel or sailing* vessel
22 ~~[under power or sail]~~ while under the influence of intoxicating
23 liquor or a controlled substance or for engaging in any other conduct
24 prohibited by NRS 488.410, 488.420 or 488.425 must be permitted,
25 upon the person's request and at his or her expense, reasonable
26 opportunity to have a qualified person of his or her own choosing
27 administer a chemical test to determine:

28 (a) The concentration of alcohol in his or her blood or breath; or

29 (b) Whether a controlled substance, chemical, poison, organic
30 solvent or another prohibited substance is present in his or her blood
31 or urine.

32 2. The failure or inability to obtain such a test does not
33 preclude the admission of evidence relating to the refusal to submit
34 to a test or relating to a test taken upon the request of a peace
35 officer.

36 3. A test obtained under the provisions of this section may not
37 be substituted for or stand in lieu of the test required by
38 NRS 488.460.

39 **Sec. 34.** NRS 488.500 is hereby amended to read as follows:

40 488.500 1. The results of any blood test administered under
41 the provisions of NRS 488.460 or 488.490 are not admissible in any
42 criminal action arising out of acts alleged to have been committed
43 by a person who was operating or in actual physical control of a
44 *power-driven vessel or sailing* vessel ~~[under power or sail]~~ while
45 under the influence of intoxicating liquor or a controlled substance



1 or with a prohibited substance in his or her blood or urine or who
2 was engaging in any other conduct prohibited by NRS 488.410,
3 488.420 or 488.425 unless:

4 (a) The blood tested was withdrawn by a person, other than an
5 arresting officer, who:

6 (1) Is a physician, registered nurse, licensed practical nurse,
7 advanced emergency medical technician, paramedic or a
8 phlebotomist, technician, technologist or assistant employed in a
9 medical laboratory; or

10 (2) Has special knowledge, skill, experience, training and
11 education in withdrawing blood in a medically acceptable manner,
12 including, without limitation, a person qualified as an expert on that
13 subject in a court of competent jurisdiction or a person who has
14 completed a course of instruction that qualifies him or her to take an
15 examination in phlebotomy that is administered by the American
16 Medical Technologists or the American Society for Clinical
17 Pathology; and

18 (b) The test was performed on whole blood, except if the sample
19 was clotted when it was received by the laboratory, the test may be
20 performed on blood serum or plasma.

21 2. The limitation contained in paragraph (a) of subsection 1
22 does not apply to the taking of a chemical test of the urine, breath or
23 other bodily substance.

24 3. No person listed in paragraph (a) of subsection 1 incurs any
25 civil or criminal liability as a result of the administering of a blood
26 test when requested by a peace officer or the person to be tested to
27 administer the test.

28 **Sec. 35.** NRS 488.520 is hereby amended to read as follows:

29 488.520 1. Any coroner, or other public officer performing
30 like duties, shall in all cases in which a death has occurred as a
31 result of an accident involving a *power-driven vessel or sailing*
32 vessel ~~[under power or sail]~~ on the waters of this state, whether the
33 person killed is the operator of the vessel or a passenger or other
34 person, cause to be drawn from each decedent, within 8 hours after
35 the accident, a blood sample to be analyzed for the presence and
36 concentration of alcohol.

37 2. The findings of the examinations are a matter of public
38 record and must be reported to the Commission by the coroner or
39 other public officer within 30 days after the death.

40 3. Analyses of blood alcohol are acceptable only if made by
41 laboratories licensed to perform this function.

42 **Sec. 36.** NRS 488.575 is hereby amended to read as follows:

43 488.575 1. Except as otherwise provided in subsection 2, a
44 person shall not operate or authorize another person to operate a
45 vessel under his or her ownership or control on any waters of this



1 State unless each person on the vessel who is less than 13 years of
2 age is wearing a ~~personal flotation device~~ *life jacket* of ~~an~~ *an*
3 *appropriate size and* type *for the person for whom it is intended*
4 *that has been* approved by the United States Coast Guard and *meets*
5 *any requirements* prescribed by the regulations of the Commission
6 while the vessel is under way.

7 2. The provisions of subsection 1 do not apply to persons on
8 board:

9 (a) A commercial vessel licensed by the United States Coast
10 Guard for the transportation of passengers for hire; or

11 (b) Any other vessel who are below the deck or inside a cabin of
12 the vessel.

13 **Sec. 37.** NRS 488.580 is hereby amended to read as follows:

14 488.580 1. A person shall not operate or authorize another
15 person to operate a personal watercraft under his or her ownership
16 or control:

17 (a) In a reckless or negligent manner so as to endanger the life or
18 property of another person.

19 (b) Unless the operator and each passenger is wearing a
20 ~~personal flotation device~~ *life jacket* of ~~an~~ *an appropriate size and*
21 type *for the person for whom it was intended that has been*
22 approved by the United States Coast Guard and *meets any*
23 *requirements* prescribed by the regulations of the Commission.

24 (c) Unless the operator is at least 14 years of age.

25 (d) Unless the operator satisfies any applicable provisions of
26 NRS 488.730.

27 2. There is prima facie evidence that a person is operating a
28 personal watercraft in a reckless or negligent manner if that person
29 commits two or more of the following acts simultaneously:

30 (a) Operates the personal watercraft within a zone closer than 5
31 lengths of the longest vessel, unless both are leaving a flat wake or
32 traveling at a speed of not more than 5 nautical miles per hour.

33 (b) Operates the personal watercraft in the vicinity of a
34 ~~motorboat~~ *power-driven vessel* in a manner that obstructs the
35 visibility of either operator.

36 (c) Heads into the wake of a ~~motorboat~~ *power-driven vessel*
37 which is within a zone closer than 5 lengths of the longest vessel
38 and causes one-half or more of the length of the personal watercraft
39 to leave the water.

40 (d) Within a zone closer than 5 lengths of the longest vessel,
41 maneuvers quickly, turns sharply or swerves, unless the maneuver is
42 necessary to avoid collision.

43 3. As used in this section, "personal watercraft" means ~~a~~ *a*:

44 (a) A class A ~~motorboat~~ *power-driven vessel* which:

45 ~~(a)~~ (I) Is less than 13 feet in length;



1 ~~[(b)]~~ (2) Is designed to be operated by a person sitting, standing
2 or kneeling on, rather than in, the ~~[motorboat.]~~ *power-driven vessel*;
3 ~~[(e)]~~ (3) Is capable of performing sharp turns or quick
4 maneuvers; and

5 ~~[(d)]~~ (4) Has a motor that exceeds 10 horsepower.

6 (b) *A mechanically propelled personal hydrofoil or motorized*
7 *surfboard.*

8 **Sec. 38.** NRS 488.585 is hereby amended to read as follows:

9 488.585 1. A person who owns or controls a ~~[motorboat]~~
10 *power-driven vessel used for a recreational purpose* that ~~[is~~
11 ~~equipped]~~:

12 (a) *Is less than 26 feet in length;*

13 (b) *Has a main helm that is not enclosed in a cabin;*

14 (c) *Is capable of developing 115 pounds or more of static*
15 *thrust; and*

16 (d) *Is equipped with an engine cut-off switch or built on or*
17 *after December 4, 2019,*

18 ~~↳ shall not operate or authorize another person to operate the~~
19 ~~[motorboat at a rate of speed greater than 5 nautical miles per hour]~~
20 *power-driven vessel on plane or above displacement speed* if the
21 engine cut-off switch or engine cut-off switch link is missing,
22 disconnected or not operating properly.

23 2. ~~[A person shall not operate a motorboat that is equipped~~
24 ~~with an engine cut off switch at a rate of speed greater than 5~~
25 ~~nautical miles per hour unless the engine cut off switch link is~~
26 ~~attached to his or her body, clothing or personal flotation device.~~

27 ~~—3.]~~ As used in this section:

28 (a) “Engine cut-off switch” means a switch that automatically
29 stops the engine of a ~~[motorboat.]~~ *power-driven vessel* if activated
30 by an engine cut-off switch link.

31 (b) “Engine cut-off switch link” means a device that, if attached
32 to an operator, activates an engine cut-off switch if the operator is
33 separated from the ~~[motorboat.]~~ *power-driven vessel*. The term
34 includes a lanyard or other mechanical device and a wireless cut-off
35 device.

36 (c) ~~["Wireless cut off device" means an engine cut off switch~~
37 ~~link that transmits an electromagnetic signal to an engine cut off~~
38 ~~switch.]~~ “Static thrust” means *the forward or backward thrust*
39 *developed by a propulsion system that is self-contained, including,*
40 *without limitation, an inboard engine, outboard motor or*
41 *sterndrive engine, while stationary.*

42 **Sec. 39.** NRS 488.950 is hereby amended to read as follows:

43 488.950 1. Except as otherwise provided in this chapter, ~~[any~~
44 ~~person who violates any of the provisions of this chapter is guilty of~~
45 ~~a misdemeanor.]~~ *a person is guilty of a misdemeanor if the person:*



1 (a) *Performs an act or attempts to perform an act made*
2 *unlawful or prohibited by this chapter;*

3 (b) *Willfully fails to perform an act required of the person by*
4 *this chapter;*

5 (c) *Obstructs, hinders, delays or otherwise interferes with any*
6 *officer, employee or agent of the Department in the performance*
7 *of any duty while enforcing or attempting to enforce any provision*
8 *of this chapter or any regulation adopted pursuant thereto; or*

9 (d) *Violates any order issued or regulation adopted by the*
10 *Commission under the provisions of this chapter.*

11 2. A court may prohibit a person who violates any of the
12 provisions of this chapter from operating a ~~motorboat~~ vessel upon
13 the interstate waters of this State until the person successfully
14 completes, after the date of the violation, a course in safe boating
15 approved by the National Association of State Boating Law
16 Administrators. As used in this subsection, "interstate waters of this
17 State" means waters forming the boundary between the State of
18 Nevada and an adjoining state.

19 **Sec. 40.** NRS 50.325 is hereby amended to read as follows:

20 50.325 1. If a person is charged with an offense listed in
21 subsection 4, and it is necessary to prove:

22 (a) The existence of any alcohol;

23 (b) The quantity of a controlled substance; or

24 (c) The existence or identity of a controlled substance, chemical,
25 poison, organic solvent or another prohibited substance,

26 ↪ the prosecuting attorney may request that the affidavit or
27 declaration of an expert or other person described in NRS 50.315
28 and 50.320 be admitted into evidence at the preliminary hearing,
29 hearing before a grand jury or trial concerning the offense. Except
30 as otherwise provided in NRS 50.315 and 50.320, the affidavit or
31 declaration must be admitted into evidence at the trial.

32 2. If the request is to have the affidavit or declaration admitted
33 into evidence at a preliminary hearing or hearing before a grand
34 jury, the affidavit or declaration must be admitted into evidence
35 upon submission. If the request is to have the affidavit or declaration
36 admitted into evidence at trial, the request must be:

37 (a) Made at least 10 days before the date set for the trial;

38 (b) Sent to the defendant's counsel and to the defendant, by
39 registered or certified mail, or personally served on the defendant's
40 counsel or the defendant; and

41 (c) Accompanied by a copy of the affidavit or declaration and
42 the name, address and telephone number of the affiant or declarant.

43 3. The provisions of this section do not prohibit either party
44 from producing any witness to offer testimony at trial.



1 4. The provisions of this section apply to any of the following
2 offenses:

3 (a) An offense punishable pursuant to NRS 202.257, 455A.170,
4 455B.080, 493.130 or 639.283.

5 (b) An offense punishable pursuant to chapter 453, 484A to
6 484E, inclusive, or 488 of NRS.

7 (c) A homicide resulting from driving, operating or being in
8 actual physical control of a vehicle , *a power-driven vessel* or a
9 *sailing* vessel ~~[under power or sail]~~ while under the influence of
10 intoxicating liquor or a controlled substance or resulting from any
11 other conduct prohibited by NRS 484C.110, 484C.130, 484C.430,
12 subsection 2 of NRS 488.400, NRS 488.410, 488.420 or 488.425.

13 (d) Any other offense for which it is necessary to prove, as an
14 element of the offense:

15 (1) The existence of any alcohol;

16 (2) The quantity of a controlled substance; or

17 (3) The existence or identity of a controlled substance,
18 chemical, poison, organic solvent or another prohibited substance.

19 **Sec. 41.** NRS 62E.620 is hereby amended to read as follows:

20 62E.620 1. The juvenile court shall order a delinquent child
21 to undergo an evaluation to determine whether the child has an
22 alcohol or substance use disorder if the child committed:

23 (a) An unlawful act in violation of NRS 484C.110, 484C.120,
24 484C.130 or 484C.430;

25 (b) The unlawful act of using, possessing, selling or distributing
26 a controlled substance; or

27 (c) The unlawful act of purchasing, consuming or possessing an
28 alcoholic beverage in violation of NRS 202.020.

29 2. Except as otherwise provided in subsection 3, an evaluation
30 of the child must be conducted by:

31 (a) A clinical alcohol and drug counselor who is licensed, an
32 alcohol and drug counselor who is licensed or certified, or an
33 alcohol and drug counselor intern or a clinical alcohol and drug
34 counselor intern who is certified, pursuant to chapter 641C of NRS,
35 to make that classification; or

36 (b) A physician who is certified to make that classification by
37 the Board of Medical Examiners.

38 3. If the child resides in this State but the nearest location at
39 which an evaluation may be conducted is in another state, the court
40 may allow the evaluation to be conducted in the other state if the
41 person conducting the evaluation:

42 (a) Possesses qualifications that are substantially similar to the
43 qualifications described in subsection 2;

44 (b) Holds an appropriate license, certificate or credential issued
45 by a regulatory agency in the other state; and



1 (c) Is in good standing with the regulatory agency in the other
2 state.

3 4. The evaluation of the child may be conducted at an
4 evaluation center.

5 5. The person who conducts the evaluation of the child shall
6 report to the juvenile court the results of the evaluation and make a
7 recommendation to the juvenile court concerning the length and
8 type of treatment required for the child.

9 6. The juvenile court shall:

10 (a) Order the child to undergo a program of treatment as
11 recommended by the person who conducts the evaluation of the
12 child.

13 (b) Require the treatment provider to submit monthly reports on
14 the treatment of the child pursuant to this section.

15 7. Except as otherwise provided in this subsection, the juvenile
16 court shall not order the child or the parent or guardian of the child
17 to pay any charges relating to the evaluation and treatment of the
18 child pursuant to this section. The juvenile court shall:

19 (a) To the extent possible, arrange for the child to receive such
20 evaluation and treatment from an approved provider that receives a
21 sufficient amount of federal or state funding to offset the remainder
22 of the costs of such evaluation and treatment.

23 (b) Arrange for the billing of any available public or private
24 medical insurance to pay for such evaluation and treatment.

25 (c) Not order the parent or guardian of the child to pay the costs
26 for such evaluation and treatment unless the child receives such
27 evaluation and treatment from a provider that is not approved or the
28 child seeks additional evaluation or treatment beyond that
29 recommended for the child, in which case the parent or guardian of
30 the child shall pay the costs of such evaluation and treatment.

31 8. After a treatment provider has certified a child's successful
32 completion of a program of treatment ordered pursuant to this
33 section, the treatment provider is not liable for any damages to
34 person or property caused by a child who:

35 (a) Drives, operates or is in actual physical control of a vehicle ,
36 *a power-driven vessel* or a *sailing* vessel ~~[under power or sail]~~ while
37 under the influence of intoxicating liquor or a controlled substance;
38 or

39 (b) Engages in any other conduct prohibited by NRS 484C.110,
40 484C.120, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS
41 488.410, 488.420 or 488.425 or a law of any other jurisdiction that
42 prohibits the same or similar conduct.

43 9. The provisions of this section do not prohibit the juvenile
44 court from:



1 (a) Requiring an evaluation to be conducted by a person who is
2 employed by a private company if the company meets the standards
3 of the Division of Public and Behavioral Health of the Department
4 of Health and Human Services. The evaluation may be conducted at
5 an evaluation center.

6 (b) Ordering the child to attend a program of treatment which is
7 administered by a private company.

8 10. Except as otherwise provided in NRS 239.0115, all
9 information relating to the evaluation or treatment of a child
10 pursuant to this section is confidential and, except as otherwise
11 authorized by the provisions of this title or the juvenile court, must
12 not be disclosed to any person other than:

13 (a) The juvenile court;

14 (b) The child;

15 (c) The attorney for the child, if any;

16 (d) The parents or guardian of the child;

17 (e) The district attorney; and

18 (f) Any other person for whom the communication of that
19 information is necessary to effectuate the evaluation or treatment of
20 the child.

21 11. A record of any finding that a child has violated the
22 provisions of NRS 484C.110, 484C.120, 484C.130 or 484C.430
23 must be included in the driver's record of that child for 7 years after
24 the date of the offense.

25 **Sec. 42.** NRS 178.484 is hereby amended to read as follows:

26 178.484 1. Except as otherwise provided in this section, a
27 person arrested for an offense other than murder of the first degree
28 must be admitted to bail.

29 2. A person arrested for a felony who has been released on
30 probation or parole for a different offense must not be admitted to
31 bail unless:

32 (a) A court issues an order directing that the person be admitted
33 to bail;

34 (b) The State Board of Parole Commissioners directs the
35 detention facility to admit the person to bail; or

36 (c) The Division of Parole and Probation of the Department of
37 Public Safety directs the detention facility to admit the person to
38 bail.

39 3. A person arrested for a felony whose sentence has been
40 suspended pursuant to NRS 4.373 or 5.055 for a different offense or
41 who has been sentenced to a term of residential confinement
42 pursuant to NRS 4.3762 or 5.076 for a different offense must not be
43 admitted to bail unless:

44 (a) A court issues an order directing that the person be admitted
45 to bail; or



1 (b) A department of alternative sentencing directs the detention
2 facility to admit the person to bail.

3 4. A person arrested for murder of the first degree may be
4 admitted to bail unless the proof is evident or the presumption great
5 by any competent court or magistrate authorized by law to do so in
6 the exercise of discretion, giving due weight to the evidence and to
7 the nature and circumstances of the offense.

8 5. A person arrested for a violation of NRS 484C.110,
9 484C.120, 484C.130, 484C.430, 488.410, 488.420 or 488.425 who
10 is under the influence of intoxicating liquor must not be admitted to
11 bail or released on the person's own recognizance unless the person
12 has a concentration of alcohol of less than 0.04 in his or her breath.
13 A test of the person's breath pursuant to this subsection to determine
14 the concentration of alcohol in his or her breath as a condition of
15 admission to bail or release is not admissible as evidence against the
16 person.

17 6. A person arrested for a violation of NRS 484C.110,
18 484C.120, 484C.130, 484C.430, 488.410, 488.420 or 488.425 who
19 is under the influence of a controlled substance, is under the
20 combined influence of intoxicating liquor and a controlled
21 substance, or inhales, ingests, applies or otherwise uses any
22 chemical, poison or organic solvent, or any compound or
23 combination of any of these, to a degree which renders the person
24 incapable of safely driving or exercising actual physical control of a
25 vehicle, *a power-driven vessel* or *a sailing vessel* ~~[under power or~~
26 ~~sail]~~ must not be admitted to bail or released on the person's own
27 recognizance sooner than 12 hours after arrest.

28 7. A person arrested for a battery that constitutes domestic
29 violence pursuant to NRS 33.018 must not be admitted to bail
30 sooner than 12 hours after arrest. If the person is admitted to bail
31 more than 12 hours after arrest, without appearing personally before
32 a magistrate or without the amount of bail having been otherwise set
33 by a magistrate or a court, the amount of bail must be:

34 (a) Three thousand dollars, if the person has no previous
35 convictions of battery that constitute domestic violence pursuant to
36 NRS 33.018 and there is no reason to believe that the battery for
37 which the person has been arrested resulted in substantial bodily
38 harm or was committed by strangulation;

39 (b) Five thousand dollars, if the person has:

40 (1) No previous convictions of battery that constitute
41 domestic violence pursuant to NRS 33.018, but there is reason to
42 believe that the battery for which the person has been arrested
43 resulted in substantial bodily harm or was committed by
44 strangulation; or



1 (2) One previous conviction of battery that constitutes
2 domestic violence pursuant to NRS 33.018, but there is no reason to
3 believe that the battery for which the person has been arrested
4 resulted in substantial bodily harm or was committed by
5 strangulation; or

6 (c) Fifteen thousand dollars, if the person has:

7 (1) One previous conviction of battery that constitutes
8 domestic violence pursuant to NRS 33.018 and there is reason to
9 believe that the battery for which the person has been arrested
10 resulted in substantial bodily harm or was committed by
11 strangulation; or

12 (2) Two or more previous convictions of battery that
13 constitute domestic violence pursuant to NRS 33.018.

14 ➤ The provisions of this subsection do not affect the authority of a
15 magistrate or a court to set the amount of bail when the person
16 personally appears before the magistrate or the court, or when a
17 magistrate or a court has otherwise been contacted to set the amount
18 of bail. For the purposes of this subsection, a person shall be
19 deemed to have a previous conviction of battery that constitutes
20 domestic violence pursuant to NRS 33.018 if the person has been
21 convicted of such an offense in this State or has been convicted of
22 violating a law of any other jurisdiction that prohibits the same or
23 similar conduct.

24 8. A person arrested for violating a temporary or extended
25 order for protection against domestic violence issued pursuant to
26 NRS 33.017 to 33.100, inclusive, or for violating a restraining order
27 or injunction that is in the nature of a temporary or extended order
28 for protection against domestic violence issued in an action or
29 proceeding brought pursuant to title 11 of NRS, or for violating a
30 temporary or extended order for protection against stalking,
31 aggravated stalking or harassment issued pursuant to NRS 200.591,
32 or for violating a temporary or extended order for protection against
33 sexual assault pursuant to NRS 200.378 must not be admitted to bail
34 sooner than 12 hours after arrest if:

35 (a) The arresting officer determines that such a violation is
36 accompanied by a direct or indirect threat of harm;

37 (b) The person has previously violated a temporary or extended
38 order for protection of the type for which the person has been
39 arrested; or

40 (c) At the time of the violation or within 2 hours after the
41 violation, the person has:

42 (1) A concentration of alcohol of 0.08 or more in the
43 person's blood or breath; or



1 (2) An amount of a prohibited substance in the person's
2 blood or urine, as applicable, that is equal to or greater than the
3 amount set forth in subsection 3 or 4 of NRS 484C.110.

4 9. If a person is admitted to bail more than 12 hours after
5 arrest, pursuant to subsection 8, without appearing personally before
6 a magistrate or without the amount of bail having been otherwise set
7 by a magistrate or a court, the amount of bail must be:

8 (a) Three thousand dollars, if the person has no previous
9 convictions of violating a temporary or extended order for
10 protection against domestic violence issued pursuant to NRS 33.017
11 to 33.100, inclusive, or of violating a restraining order or injunction
12 that is in the nature of a temporary or extended order for protection
13 against domestic violence issued in an action or proceeding brought
14 pursuant to title 11 of NRS, or of violating a temporary or extended
15 order for protection against stalking, aggravated stalking or
16 harassment issued pursuant to NRS 200.591, or of violating a
17 temporary or extended order for protection against sexual assault
18 pursuant to NRS 200.378;

19 (b) Five thousand dollars, if the person has one previous
20 conviction of violating a temporary or extended order for protection
21 against domestic violence issued pursuant to NRS 33.017 to 33.100,
22 inclusive, or of violating a restraining order or injunction that is in
23 the nature of a temporary or extended order for protection against
24 domestic violence issued in an action or proceeding brought
25 pursuant to title 11 of NRS, or of violating a temporary or extended
26 order for protection against stalking, aggravated stalking or
27 harassment issued pursuant to NRS 200.591, or of violating a
28 temporary or extended order for protection against sexual assault
29 pursuant to NRS 200.378; or

30 (c) Fifteen thousand dollars, if the person has two or more
31 previous convictions of violating a temporary or extended order for
32 protection against domestic violence issued pursuant to NRS 33.017
33 to 33.100, inclusive, or of violating a restraining order or injunction
34 that is in the nature of a temporary or extended order for protection
35 against domestic violence issued in an action or proceeding brought
36 pursuant to title 11 of NRS, or of violating a temporary or extended
37 order for protection against stalking, aggravated stalking or
38 harassment issued pursuant to NRS 200.591, or of violating a
39 temporary or extended order for protection against sexual assault
40 pursuant to NRS 200.378.

41 ➔ The provisions of this subsection do not affect the authority of a
42 magistrate or a court to set the amount of bail when the person
43 personally appears before the magistrate or the court or when a
44 magistrate or a court has otherwise been contacted to set the amount
45 of bail. For the purposes of this subsection, a person shall be



1 deemed to have a previous conviction of violating a temporary or
2 extended order for protection against domestic violence issued
3 pursuant to NRS 33.017 to 33.100, inclusive, or of violating a
4 restraining order or injunction that is in the nature of a temporary or
5 extended order for protection against domestic violence issued in an
6 action or proceeding brought pursuant to title 11 of NRS, or of
7 violating a temporary or extended order for protection against
8 stalking, aggravated stalking or harassment issued pursuant to NRS
9 200.591, or of violating a temporary or extended order for
10 protection against sexual assault pursuant to NRS 200.378, if the
11 person has been convicted of such an offense in this State or has
12 been convicted of violating a law of any other jurisdiction that
13 prohibits the same or similar conduct.

14 10. For the purposes of subsections 8 and 9, an order or
15 injunction is in the nature of a temporary or extended order for
16 protection against domestic violence if it grants relief that might be
17 given in a temporary or extended order issued pursuant to NRS
18 33.017 to 33.100, inclusive.

19 11. As used in this section, "strangulation" has the meaning
20 ascribed to it in NRS 200.481.

21 **Sec. 43.** NRS 458.260 is hereby amended to read as follows:

22 458.260 1. Except as otherwise provided in subsection 2, the
23 use of alcohol, the status of drunkard and the fact of being found in
24 an intoxicated condition are not:

25 (a) Public offenses and shall not be so treated in any ordinance
26 or resolution of a county, city or town.

27 (b) Elements of an offense giving rise to a criminal penalty or
28 civil sanction.

29 2. The provisions of subsection 1 do not apply to:

30 (a) A civil or administrative violation for which intoxication is
31 an element of the violation pursuant to the provisions of a specific
32 statute or regulation;

33 (b) A criminal offense for which intoxication is an element of
34 the offense pursuant to the provisions of a specific statute or
35 regulation;

36 (c) A homicide resulting from driving, operating or being in
37 actual physical control of a vehicle, *a power-driven vessel* or a
38 *sailing* vessel ~~[under power or sail]~~ while under the influence of
39 intoxicating liquor or a controlled substance or resulting from any
40 other conduct prohibited by NRS 484C.110, 484C.130, 484C.430,
41 subsection 2 of NRS 488.400, NRS 488.410, 488.420 or 488.425;
42 and

43 (d) Any offense or violation which is similar to an offense or
44 violation described in paragraph (a), (b) or (c) and which is set forth
45 in an ordinance or resolution of a county, city or town.



1 3. This section does not make intoxication an excuse or
2 defense for any criminal act.

3 **Sec. 44.** NRS 458.270 is hereby amended to read as follows:

4 458.270 1. Except as otherwise provided in subsection 7, a
5 person who is found in any public place under the influence of
6 alcohol, in such a condition that the person is unable to exercise care
7 for his or her health or safety or the health or safety of other persons,
8 must be placed under civil protective custody by a peace officer.

9 2. A peace officer may use upon such a person the kind and
10 degree of force which would be lawful if the peace officer were
11 effecting an arrest for a misdemeanor with a warrant.

12 3. If a licensed facility for the treatment of persons with an
13 alcohol use disorder that has been certified by the Division for civil
14 protective custody exists in the community where the person is
15 found, the person must be delivered to the facility for observation
16 and care. If no such facility exists in the community, the person so
17 found may be placed in a county or city jail or detention facility for
18 shelter or supervision for his or her health and safety until he or she
19 is no longer under the influence of alcohol. The person may not be
20 required against his or her will to remain in a licensed facility, jail or
21 detention facility longer than 48 hours.

22 4. An intoxicated person taken into custody by a peace officer
23 for a public offense must immediately be taken to a secure
24 detoxification unit or other appropriate medical facility if the
25 condition of the person appears to require emergency medical
26 treatment. Upon release from the detoxification unit or medical
27 facility, the person must immediately be remanded to the custody of
28 the apprehending peace officer and the criminal proceedings
29 proceed as prescribed by law.

30 5. The placement of a person found under the influence of
31 alcohol in civil protective custody must be:

32 (a) Recorded at the facility, jail or detention facility to which the
33 person is delivered; and

34 (b) Communicated at the earliest practical time to the person's
35 family or next of kin if they can be located.

36 6. Every peace officer and other public employee or agency
37 acting pursuant to this section is performing a discretionary function
38 or duty.

39 7. The provisions of this section do not apply to a person who
40 is apprehended or arrested for:

41 (a) A civil or administrative violation for which intoxication is
42 an element of the violation pursuant to the provisions of a specific
43 statute or regulation;



1 (b) A criminal offense for which intoxication is an element of
2 the offense pursuant to the provisions of a specific statute or
3 regulation;

4 (c) A homicide resulting from driving, operating or being in
5 actual physical control of a vehicle , *a power-driven vessel* or a
6 *sailing vessel* ~~[under power or sail]~~ while under the influence of
7 intoxicating liquor or a controlled substance or resulting from any
8 other conduct prohibited by NRS 484C.110, 484C.130, 484C.430,
9 subsection 2 of NRS 488.400, NRS 488.410, 488.420 or 488.425;
10 and

11 (d) Any offense or violation which is similar to an offense or
12 violation described in paragraph (a), (b) or (c) and which is set forth
13 in an ordinance or resolution of a county, city or town.

14 **Sec. 45.** NRS 501.356 is hereby amended to read as follows:

15 501.356 1. Money received by the Department from:

16 (a) The sale of licenses;

17 (b) Fees described in NRS 278.337;

18 (c) Fees pursuant to the provisions of NRS *488.065*, 488.075
19 and 488.1795;

20 (d) Remittances from the State Treasurer pursuant to the
21 provisions of NRS 365.535;

22 (e) Appropriations made by the Legislature; and

23 (f) All other sources, including, without limitation, the Federal
24 Government, except money derived from the forfeiture of any
25 property described in NRS 501.3857 or money deposited in the
26 Wildlife Heritage Account pursuant to NRS 501.3575, the Wildlife
27 Trust Fund pursuant to NRS 501.3585, the Energy Planning and
28 Conservation Account created by NRS 701.630 or the Account for
29 the Recovery of Costs created by NRS 701.640,

30 ➔ must be deposited with the State Treasurer for credit to the
31 Wildlife Account in the State General Fund.

32 2. The interest and income earned on the money in the Wildlife
33 Account, after deducting any applicable charges, must be credited to
34 the Account.

35 3. Except as otherwise provided in subsection 4 and NRS
36 503.597, the Department may use money in the Wildlife Account
37 only to carry out the provisions of this title and chapter 488 of NRS
38 and as provided in NRS 365.535, and the money must not be
39 diverted to any other use.

40 4. Except as otherwise provided in NRS 502.250, 502.410 and
41 504.155, all fees for the sale or issuance of stamps, tags, permits and
42 licenses that are required to be deposited in the Wildlife Account
43 pursuant to the provisions of this title and any matching money
44 received by the Department from any source must be accounted for
45 separately and must be used:



1 (a) Only for the protection, propagation and management of
2 wildlife; and

3 (b) If the fee is for the sale or issuance of a license, permit or tag
4 other than a tag specified in subsection 5 or 6 of NRS 502.250,
5 under the guidance of the Commission pursuant to subsection 2 of
6 NRS 501.181.

7 **Sec. 46.** NRS 678C.300 is hereby amended to read as follows:

8 678C.300 1. A person who holds a registry identification
9 card or letter of approval issued to him or her pursuant to NRS
10 678C.230 or 678C.270 is not exempt from state prosecution for, nor
11 may the person establish an affirmative defense to charges arising
12 from, any of the following acts:

13 (a) Driving, operating or being in actual physical control of a
14 vehicle, *a power-driven vessel* or a *sailing* vessel ~~[under power or~~
15 ~~sail]~~ while under the influence of cannabis.

16 (b) Engaging in any other conduct prohibited by NRS 484C.110,
17 484C.120, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS
18 488.410, 488.420, 488.425 or 493.130.

19 (c) Possessing a firearm in violation of paragraph (b) of
20 subsection 1 of NRS 202.257.

21 (d) Possessing cannabis in violation of NRS 453.336 or
22 possessing paraphernalia in violation of NRS 453.560 or 453.566:

23 (1) If the possession of the cannabis or paraphernalia is
24 discovered because the person engaged or assisted in the medical
25 use of cannabis in:

26 (I) Except as otherwise provided by regulations adopted
27 by the Board pursuant to NRS 678B.645, any public place or in any
28 place open to the public or exposed to public view; or

29 (II) Any local detention facility, county jail, state prison,
30 reformatory or other correctional facility, including, without
31 limitation, any facility for the detention of juvenile offenders; or

32 (2) If the possession of the cannabis or paraphernalia occurs
33 on school property.

34 (e) Delivering cannabis to another person who he or she knows
35 does not lawfully hold a registry identification card or letter of
36 approval issued by the Division or its designee pursuant to NRS
37 678C.230 or 678C.270.

38 (f) Delivering cannabis for consideration to any person,
39 regardless of whether the recipient lawfully holds a registry
40 identification card or letter of approval issued by the Division or its
41 designee pursuant to NRS 678C.230 or 678C.270.

42 2. Except as otherwise provided in NRS 678C.240 and in
43 addition to any other penalty provided by law, if the Division
44 determines that a person has willfully violated a provision of this
45 chapter or any regulation adopted by the Division to carry out the



1 provisions of this chapter, the Division may, at its own discretion,
2 prohibit the person from obtaining or using a registry identification
3 card or letter of approval for a period of up to 6 months.

4 3. Nothing in the provisions of this chapter shall be construed
5 as in any manner affecting the provisions of chapter 678D of NRS
6 relating to the adult use of cannabis.

7 4. As used in this section, "school property" means the grounds
8 of any public school described in NRS 388.020 and any private
9 school as defined in NRS 394.103.

10 **Sec. 47.** NRS 678D.300 is hereby amended to read as follows:

11 678D.300 1. A person is not exempt from state prosecution
12 for any of the following acts:

13 (a) Driving, operating or being in actual physical control of a
14 vehicle, *a power-driven vessel* or a *sailing* vessel ~~[under power or~~
15 ~~sail]~~ while under the influence of cannabis.

16 (b) Engaging in any other conduct prohibited by NRS 484C.110,
17 484C.120, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS
18 488.410, 488.420, 488.425 or 493.130.

19 (c) Possessing a firearm in violation of paragraph (b) of
20 subsection 1 of NRS 202.257.

21 (d) Possessing cannabis in violation of NRS 453.336 or
22 possessing paraphernalia in violation of NRS 453.560 or 453.566:

23 (1) If the possession of the cannabis or paraphernalia is
24 discovered because the person engaged in the adult use of cannabis
25 in:

26 (I) Except as otherwise provided by regulations adopted
27 by the Board pursuant to NRS 678B.645, any public place or in any
28 place open to the public or exposed to public view; or

29 (II) Any local detention facility, county jail, state prison,
30 reformatory or other correctional facility, including, without
31 limitation, any facility for the detention of juvenile offenders; or

32 (2) If the possession of the cannabis or paraphernalia occurs
33 on school property.

34 (e) Knowingly delivering cannabis to another person who is not
35 21 years of age or older unless:

36 (1) The recipient holds a valid registry identification card or
37 letter of approval issued to the person by the Division of Public and
38 Behavioral Health of the Department of Health and Human Services
39 or its designee pursuant to NRS 678C.230 or 678C.270.

40 (2) The person demanded and was shown bona fide
41 documentary evidence of the age and identity of the recipient issued
42 by a federal, state, county or municipal government, or subdivision
43 or agency thereof.



1 2. As used in this section, “school property” means the grounds
2 of any public school described in NRS 388.020 and any private
3 school as defined in NRS 394.103.

4 **Sec. 48.** The Legislative Counsel shall:

5 1. In preparing the Nevada Revised Statutes, use the authority
6 set forth in subsection 10 of NRS 220.120 to substitute
7 appropriately the term “power-driven vessel” for the term
8 “motorboat.”

9 2. In preparing supplements to Nevada Administrative Code,
10 substitute appropriately the term “power-driven vessel” for the term
11 “motorboat.”

12 **Sec. 49.** 1. Notwithstanding the amendatory provisions of
13 this act, a sailing vessel or human-powered vessel for which this
14 State is the state of principal operation is not required to be
15 numbered until January 1, 2024.

16 2. As used in this section, “human-powered vessel,” “sailing
17 vessel” and “state of principal operation” have the meanings
18 ascribed to them in NRS 488.035, as amended by section 8 of this
19 act.

20 **Sec. 50.** 1. This section becomes effective upon passage and
21 approval.

22 2. Sections 1 to 49, inclusive, of this act become effective:

23 (a) Upon passage and approval for the purpose of adopting any
24 regulations and performing any other preparatory administrative
25 tasks that are necessary to carry out the provisions of this act; and

26 (b) On July 1, 2023, for all other purposes.

