

ASSEMBLY BILL NO. 199—ASSEMBLYMEN BEERS, NOLAN, CHOWNING,
KOIVISTO, DE BRAGA, LESLIE, BROWER, HETTRICK, CEGAVSKE, GIBBONS,
VON TOBEL, PARKS AND THOMAS

FEBRUARY 11, 1999

Referred to Committee on Natural Resources,
Agriculture, and Mining

SUMMARY—Makes various changes relating to safe boating. (BDR 43-1215)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State or on Industrial Insurance: Yes.

~

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

AN ACT relating to watercraft; prohibiting the operation of certain motorboats by certain persons who do not satisfy prescribed requirements; prohibiting the rental or lease of certain motorboats to such persons; requiring the division of wildlife of the state department of conservation and natural resources to certify instructors to provide courses in safe boating; requiring the division of wildlife to establish a data base of persons who possess certificates relating to safe boating; providing a penalty; and providing other matters properly relating thereto.

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

Section 1. Chapter 488 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. *As used in sections 2 to 6, inclusive, of this act, unless the context otherwise requires, “division” means the division of wildlife of the state department of conservation and natural resources.*

Sec. 3. 1. *A person born on or after January 1, 1981, shall not operate a motorboat that has a motor which exceeds 15 horsepower on any waters of this state unless the operator:*

(a) Has:

(1) Successfully completed a course in safe boating that is approved by the National Association of State Boating Law Administrators or passed a proficiency examination if the examination was proctored and

1 tested the knowledge of information included in the curriculum of such a
2 course; and

3 (2) Received a certificate as evidence of successful completion of
4 the course or passage of the examination;

5 (b) Possesses a valid license to operate a vessel issued for maritime
6 personnel by the United States Coast Guard pursuant to 46 C.F.R. Part
7 10 or an equivalent license issued by the Canadian Coast Guard;

8 (c) Possesses a nonrenewable temporary operator's permit to operate
9 the motorboat which is valid for 60 days and was issued with the
10 certificate of number for the motorboat if the boat is new or was sold
11 with a transfer of ownership;

12 (d) Possesses a rental or lease agreement provided pursuant to
13 subsection 3 which lists the person as an authorized operator of the
14 motorboat; or

15 (e) Is not a resident of this state, is at least 18 years of age and is
16 temporarily using the waters of this state for a period not to exceed 60
17 consecutive days, if he meets any applicable requirements of his state of
18 residency or province.

19 2. A person born on or after January 1, 1981, who is operating a
20 motorboat that has a motor which exceeds 15 horsepower on any waters
21 of this state and who is stopped by a game warden, sheriff or other peace
22 officer in the enforcement of this chapter or the regulations adopted
23 pursuant thereto shall present to the game warden, sheriff or peace
24 officer:

25 (a) The certificate received by the person pursuant to subparagraph
26 (2) of paragraph (a) of subsection 1;

27 (b) A valid license described in paragraph (b) of subsection 1;

28 (c) A valid operator's permit for the motorboat described in paragraph
29 (c) of subsection 1;

30 (d) A rental or lease agreement for the motorboat provided pursuant
31 to subsection 3 which lists the person as an authorized operator of the
32 motorboat; or

33 (e) Proof that he meets the requirements of paragraph (e) of
34 subsection 1.

35 Failure to present the certificate, license, permit, agreement or proof
36 constitutes prima facie evidence of a violation of subsection 1. A person
37 who fails to present the certificate, license, permit, agreement or proof is
38 guilty of a misdemeanor unless he presents the required documents in
39 court. Such documents must prove that the person was operating the
40 motorboat in compliance with this section on the date of the violation.

41 3. A person or his agent or employee engaged in the business of
42 renting or leasing motorboats shall not rent or lease a motorboat that has
43 a motor which exceeds 15 horsepower to any person born on or after

1 *January 1, 1981, for operation on the waters of this state unless the*
2 *person:*

3 *(a) Is 18 years of age or older; and*

4 *(b) Signs an affidavit that he:*

5 *(1) Has successfully completed a course in safe boating that is*
6 *approved by the National Association of State Boating Law*
7 *Administrators or has passed a proficiency examination that was*
8 *proctored and tests knowledge of the information included in the*
9 *curriculum of such a course;*

10 *(2) Possesses a valid license to operate a vessel issued for maritime*
11 *personnel by the United States Coast Guard pursuant to 46 C.F.R. Part*
12 *10 or an equivalent license issued by the Canadian Coast Guard; or*

13 *(3) Is not a resident of this state, is temporarily using the waters of*
14 *this state for a period not to exceed 60 consecutive days and meets any*
15 *applicable requirements of his state of residency or province.*

16 *4. A person or his agent or employee engaged in the business of*
17 *renting or leasing motorboats shall list on each rental or lease agreement*
18 *for a motorboat the name and age of each person who is authorized to*
19 *operate the motorboat. The person to whom the motorboat is rented or*
20 *leased shall ensure that only those persons who are listed as authorized*
21 *operators are allowed to operate the motorboat. A person who is under 16*
22 *years of age may:*

23 *(a) Be listed as an authorized operator.*

24 *(b) Operate the motorboat only if an authorized operator who is 18*
25 *years of age or older is on board the motorboat and supervises the*
26 *person.*

27 *5. A person or his agent or employee engaged in the business of*
28 *renting or leasing motorboats shall provide to each authorized operator*
29 *of a motorboat a summary of the statutes and regulations governing the*
30 *operation of a motorboat and instructions regarding the safe operation of*
31 *the motorboat. Each person who is listed as an authorized operator of the*
32 *motorboat shall review the summary of the statutes, regulations and*
33 *instructions before the motorboat departs from the rental or leasing*
34 *office.*

35 *Sec. 4. 1. The division shall certify persons to provide, in*
36 *cooperation with the division, instruction in safe boating approved by the*
37 *National Association of State Boating Law Administrators. All persons*
38 *who successfully complete the course must be issued a certificate*
39 *evidencing successful completion.*

40 *2. The division may offer the courses in cooperation with*
41 *organizations that provide education in safe boating, including, without*
42 *limitation, the United States Coast Guard Auxiliary and the United States*
43 *Power Squadrons.*

1 **3. The division shall maintain a list, available for public inspection,**
2 **of the availability of courses in safe boating and any instructors who are**
3 **certified pursuant to subsection 1.**

4 **Sec. 5. 1. A person born on or after January 1, 1981, who is a**
5 **resident of this state and who possesses a certificate that evidences his**
6 **successful:**

7 **(a) Completion of a course in safe boating that is approved by the**
8 **National Association of State Boating Law Administrators, including,**
9 **without limitation, courses offered pursuant to section 4 of this act and**
10 **courses offered by the United States Coast Guard Auxiliary or the United**
11 **States Power Squadrons; or**

12 **(b) Passage of a proficiency examination that was proctored and tests**
13 **the knowledge of the information included in the curriculum of such a**
14 **course,**

15 **shall submit or cause to be submitted a copy of the certificate to the**
16 **division. The division may request additional information necessary for**
17 **the division to maintain the data base pursuant to subsection 2.**

18 **2. The division shall establish and maintain a data base of**
19 **certificates that it receives pursuant to subsection 1. The data base must**
20 **include, without limitation, the:**

21 **(a) Name, date of birth and gender of the holder of the certificate;**

22 **(b) Date, location and name of the course that the holder of the**
23 **certificate completed or the examination that he passed; and**

24 **(c) Number on the certificate.**

25 **Sec. 6. The commission may adopt regulations to carry out the**
26 **provisions of sections 2 to 6, inclusive, of this act.**

27 **Sec. 7. NRS 488.580 is hereby amended to read as follows:**

28 488.580 1. A person shall not operate or authorize another person to
29 operate a personal watercraft under his ownership or control:

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

32 (b) Unless the operator is wearing a personal flotation device of a type
33 approved by the United States Coast Guard and prescribed by the
34 regulations of the commission.

35 (c) Unless the operator is at least 12 years of age.

36 **(d) Unless the operator complies with any applicable provisions of**
37 **section 3 of this act.**

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

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

1 (b) Operates the personal watercraft in the vicinity of a motorboat in a
2 manner that obstructs the visibility of either operator.

3 (c) Heads into the wake of a motorboat which is within a zone closer
4 than 5 lengths of the longest vessel and causes one-half or more of the
5 length of the personal watercraft to leave the water.

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

9 3. As used in this section, "personal watercraft" means a class A
10 motorboat which:

11 (a) Is less than 13 feet in length;

12 (b) Is designed to be operated by a person sitting, standing or kneeling
13 on, rather than in, the motorboat;

14 (c) Is capable of performing sharp turns or quick maneuvers; and

15 (d) Has a motor that exceeds 10 horsepower.

16 **Sec. 8.** NRS 488.950 is hereby amended to read as follows:

17 488.950 1. Except as otherwise provided in this chapter, any person
18 who violates any of the provisions of this chapter is guilty of a
19 misdemeanor.

20 2. *A court may prohibit a person who violates any of the provisions*
21 *of this chapter from operating a motorboat upon the waters of this state*
22 *until the person successfully completes, after the date of the violation, a*
23 *course in safe boating approved by the National Association of State*
24 *Boating Law Administrators.*

25 **Sec. 9.** The provisions of section 3 of this act do not apply to offenses
26 that are committed before January 1, 2001.

27 **Sec. 10.** 1. This section and sections 1, 2, 4, 6 and 9 of this act
28 become effective upon passage and approval.

29 2. Section 5 of this act becomes effective upon passage and approval
30 for the purpose of establishing a data base and on January 1, 2001, for all
31 other purposes.

32 3. Sections 3, 7 and 8 of this act becomes effective on January 1, 2001.