

ASSEMBLY BILL NO. 469—ASSEMBLYMEN BEERS, COLLINS, BROWN,
HETTRICK, HUMKE, LEE, OHRENSCHALL, PRICE AND TIFFANY

MARCH 19, 2001

Referred to Committee on Natural Resources, Agriculture, and Mining

SUMMARY—Makes various changes relating to safe use of watercraft. (BDR 43-462)

FISCAL NOTE: Effect on Local Government: Yes.
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 watercraft; prohibiting the operation of certain motorboats by persons who do not satisfy certain requirements; prohibiting the rental or lease of certain motorboats to those 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 to establish a database of persons who possess certificates relating to safe boating; revising provisions regarding the operation of personal watercraft; 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:

- 1 **Section 1.** Chapter 488 of NRS is hereby amended by adding thereto
2 the provisions set forth as sections 2 to 5, inclusive, of this act.
3 **Sec. 2.** *As used in sections 2 to 5, inclusive, of this act, unless the*
4 *context otherwise requires, “division” means the division of wildlife of*
5 *the state department of conservation and natural resources.*
6 **Sec. 3.** *1. A person born on or after January 1, 1983, shall not*
7 *operate a motorboat that has a motor which exceeds 15 horsepower on*
8 *any waters of this state unless the operator:*
9 *(a) Has:*
10 *(1) Successfully completed a course in safe boating that is approved*
11 *by the National Association of State Boating Law Administrators or*
12 *passed a proficiency examination if the examination was proctored and*
13 *tested the knowledge of information included in the curriculum of such a*
14 *course; and*
15 *(2) Received a certificate as evidence of successful completion of*
16 *the course or passage of the examination;*



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- 1 (b) Possesses a license to operate a vessel issued for maritime
2 personnel by the United States Coast Guard pursuant to 46 C.F.R. Part
3 10 or an equivalent license issued by the Canadian Coast Guard;
4 (c) Possesses a nonrenewable temporary operator's permit to operate
5 the motorboat which is valid for 60 days and was issued with the
6 certificate of number for the motorboat if the boat is new or was sold
7 with a transfer of ownership;
8 (d) Possesses a rental or lease agreement provided pursuant to
9 subsection 3 which lists the person as an authorized operator of the
10 motorboat; or
11 (e) Is not a resident of this state, is at least 18 years of age, is
12 temporarily using the waters of this state for a period not to exceed 60
13 consecutive days and satisfies any applicable requirements of his state of
14 residency or province relating to the operation of a motorboat.
- 15 2. A person born on or after January 1, 1983, who is operating a
16 motorboat that has a motor which exceeds 15 horsepower on any waters
17 of this state and who is stopped by a game warden, sheriff or other peace
18 officer in the enforcement of this chapter or the regulations adopted
19 pursuant thereto shall present to the game warden, sheriff or peace
20 officer:
- 21 (a) The certificate received by the person pursuant to subparagraph
22 (2) of paragraph (a) of subsection 1;
23 (b) A license described in paragraph (b) of subsection 1;
24 (c) An operator's permit for the motorboat described in paragraph (c)
25 of subsection 1;
26 (d) A rental or lease agreement for the motorboat provided pursuant
27 to subsection 3 which lists the person as an authorized operator of the
28 motorboat;
29 (e) Proof that he satisfies the requirements of paragraph (e) of
30 subsection 1.
- 31 Failure to present the certificate, license, permit, agreement or proof
32 constitutes prima facie evidence of a violation of subsection 1. A person
33 who fails to present the certificate, license, permit, agreement or proof is
34 guilty of a misdemeanor unless he presents the required documents in
35 court. The documents must prove that the person was operating the
36 motorboat in compliance with this section on the date of the violation.
- 37 3. A person or his agent or employee engaged in the business of
38 renting or leasing motorboats shall not rent or lease a motorboat that has
39 a motor which exceeds 15 horsepower to any person born on or after
40 January 1, 1983, for operation on the waters of this state unless the
41 person:
- 42 (a) Is 18 years of age or older; and
43 (b) Signs an affidavit that he:
- 44 (1) Has successfully completed a course in safe boating that is
45 approved by the National Association of State Boating Law
46 Administrators or has passed a proficiency examination that was
47 proctored and tests knowledge of the information included in the
48 curriculum of such a course;



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1 (2) Possesses a license to operate a vessel issued for maritime
2 personnel by the United States Coast Guard pursuant to 46 C.F.R. Part
3 10 or an equivalent license issued by the Canadian Coast Guard; or

4 (3) Is not a resident of this state, is temporarily using the waters of
5 this state for a period not to exceed 60 consecutive days and satisfies any
6 applicable requirements of his state of residency or province relating to
7 the operation of a motorboat.

8 4. A person or his agent or employee engaged in the business of
9 renting or leasing motorboats shall list on each rental or lease agreement
10 for a motorboat the name and age of each person who is authorized to
11 operate the motorboat. The person to whom the motorboat is rented or
12 leased shall ensure that only those persons who are listed as authorized
13 operators are allowed to operate the motorboat. A person who is under 16
14 years of age may:

15 (a) Be listed as an authorized operator.

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

19 5. A person or his agent or employee engaged in the business of
20 renting or leasing motorboats shall provide to each authorized operator
21 of a motorboat a summary of the statutes and regulations governing the
22 operation of a motorboat and instructions regarding the safe operation of
23 the motorboat. Each person who is listed as an authorized operator of the
24 motorboat shall review the summary of the statutes, regulations and
25 instructions before the motorboat departs from the rental or leasing
26 office.

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

32 2. The division may offer the courses in cooperation with
33 organizations that provide education in safe boating, including, without
34 limitation, the United States Coast Guard Auxiliary and the United States
35 Power Squadrons.

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

39 **Sec. 5. 1.** A person born on or after January 1, 1983, who is a
40 resident of this state and who possesses a certificate that evidences his
41 successful:

42 (a) Completion of a course in safe boating that is approved by the
43 National Association of State Boating Law Administrators, including,
44 without limitation, courses offered pursuant to section 4 of this act and
45 courses offered by the United States Coast Guard Auxiliary or the United
46 States Power Squadrons; or

47 (b) Passage of a proficiency examination that was proctored and tests
48 the knowledge of the information included in the curriculum of such a
49 course,



1 *shall submit or cause to be submitted a copy of the certificate to the*
2 *division. The division may request additional information necessary for*
3 *the division to maintain the database pursuant to subsection 2.*

4 *2. The division shall establish and maintain a database of certificates*
5 *that it receives pursuant to subsection 1. The database must include,*
6 *without limitation, the:*

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

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

10 *(c) Number on the certificate.*

11 **Sec. 6.** NRS 488.580 is hereby amended to read as follows:

12 488.580 1. A person shall not operate or authorize another person to
13 operate a personal watercraft under his ownership or control:

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

16 (b) Unless the operator *and each passenger* is wearing a personal
17 flotation device of a type approved by the United States Coast Guard and
18 prescribed by the regulations of the commission.

19 (c) Unless the operator is at least ~~14~~ 16 years of age.

20 *(d) Unless the operator satisfies any applicable provisions of section 3*
21 *of this act.*

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

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

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

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

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

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

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

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

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

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

43 **Sec. 7.** NRS 488.950 is hereby amended to read as follows:

44 488.950 1. Except as otherwise provided in this chapter, any person
45 who violates any of the provisions of this chapter is guilty of a
46 misdemeanor.

47 *2. A court may prohibit a person who violates any of the provisions*
48 *of this chapter from operating a motorboat upon the waters of this state*
49 *until the person successfully completes, after the date of the violation, a*



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1 *course in safe boating approved by the National Association of State*
2 *Boating Law Administrators.*

3 **Sec. 8.** The provisions of section 3 of this act do not apply to offenses
4 committed before January 1, 2003.

5 **Sec. 9.** 1. This section and sections 1, 2, 4 and 8 of this act become
6 effective upon passage and approval.

7 2. Section 5 of this act becomes effective upon passage and approval
8 for the purpose of establishing a database and on January 1, 2003, for all
9 other purposes.

10 3. Sections 3, 6 and 7 of this act become effective on January 1, 2003.

