

ASSEMBLY BILL NO. 632—COMMITTEE ON NATURAL RESOURCES,
AGRICULTURE, AND MINING

(ON BEHALF OF ASSEMBLYMAN PERKINS)

MARCH 26, 2001

Referred to Committee on Natural Resources, Agriculture, and Mining

SUMMARY—Prohibits operation of certain vessels unless persons less than 16 years of age are wearing personal flotation devices while vessel is under way.
(BDR 43-1487)

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 water safety; prohibiting the operation of certain vessels unless persons less than 16 years of age are wearing personal flotation devices while the vessel is under way; providing a penalty; and providing other matters properly relating thereto.

- 1 WHEREAS, Recreational boating is a vastly increasing source of
- 2 entertainment in Nevada; and
- 3 WHEREAS, Most boating-related fatalities are caused by drowning; and
- 4 WHEREAS, Persons less than 16 years of age are 70 percent more likely
- 5 than adults to perish in a boating-related accident according to the United
- 6 States Coast Guard; and
- 7 WHEREAS, Personal flotation devices approved by the United States
- 8 Coast Guard are not required by federal law to be worn by persons less
- 9 than 16 years of age while a vessel is under way; and
- 10 WHEREAS, Wearing a properly fitted personal flotation device decreases
- 11 by 85 percent the fatality rate of drowning victims who are less than 16
- 12 years of age; and
- 13 WHEREAS, All reasonable safety precautions should be taken to
- 14 preserve a life; and
- 15 WHEREAS, Requiring persons less than 16 years of age to wear personal
- 16 flotation devices while a vessel is under way will also reduce the costs of
- 17 related civil litigation; and
- 18 WHEREAS, Several states have already enacted similar measures
- 19 designed to reduce unnecessary deaths and litigation; now, therefore,



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

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

1. Except as otherwise provided in subsection 2, a person shall not operate or authorize another person to operate a vessel under his ownership or control on any waters of this state unless each person on the vessel who is less than 16 years of age is wearing a personal flotation device of a type approved by the United States Coast Guard and prescribed by the regulations of the commission while the vessel is under way.

2. The provisions of subsection 1 do not apply to persons on board a commercial vessel licensed by the United States Coast Guard for the transportation of passengers for hire.

Sec. 2. NRS 488.580 is hereby amended to read as follows:

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

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

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

(c) *Unless any passenger to whom the provisions of section 1 of this act applies is wearing a personal flotation device of a type approved by the United States Coast Guard and prescribed by the regulations of the commission.*

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

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

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

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

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

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

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

(a) Is less than 13 feet in length;

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

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

(d) Has a motor that exceeds 10 horsepower.



* A B 6 3 2 *

1 **Sec. 3.** The provisions of this act do not apply to offenses committed
2 before October 1, 2001.

