

(REPRINTED WITH ADOPTED AMENDMENTS)
FIRST REPRINT **A.B. 632**

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 12 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 12 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, Personal flotation devices approved by the United States
5 Coast Guard are not required by federal law to be worn by persons less
6 than 12 years of age while a vessel is under way; and
7 WHEREAS, It is estimated that requiring persons less than 12 years of
8 age to wear properly fitted personal flotation devices may decrease by up
9 to 85 percent the rate of fatalities by drowning of such persons; and
10 WHEREAS, All reasonable safety precautions should be taken to
11 preserve a life; and
12 WHEREAS, Requiring persons less than 12 years of age to wear personal
13 flotation devices while a vessel is under way will also reduce the costs of
14 related civil litigation; and
15 WHEREAS, Several states have already enacted similar measures
16 designed to reduce unnecessary deaths and litigation; now, therefore,

17
18 THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
19 SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:



* A B 6 3 2 R 1 *

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

3 1. *Except as otherwise provided in subsection 2, a person shall not*
4 *operate or authorize another person to operate a vessel under his*
5 *ownership or control on any waters of this state unless each person on*
6 *the vessel who is less than 12 years of age is wearing a personal flotation*
7 *device of a type approved by the United States Coast Guard and*
8 *prescribed by the regulations of the commission while the vessel is under*
9 *way.*

10 2. *The provisions of subsection 1 do not apply to persons on board:*

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

13 (b) *Any other vessel who are below the deck or inside a cabin of the*
14 *vessel.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

