
ASSEMBLY BILL NO. 167—ASSEMBLYMEN BUSTAMANTE
ADAMS, BOBZIEN; GOICOECHEA, GRADY AND HARDY

FEBRUARY 16, 2011

JOINT SPONSORS: SENATORS LEE; AND MANENDO

Referred to Committee on Natural Resources,
Agriculture, and Mining

SUMMARY—Enacts provisions for the protection of the waters of
this State from aquatic invasive species.
(BDR 45-847)

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 aquatic species; prohibiting a person from
introducing certain aquatic species into the waters of this
State; providing for the inspection of vessels for aquatic
invasive species; requiring vessels to be inspected for the
presence of aquatic invasive species before being
operated on the waters of this State; requiring
decontamination of any vessels where an aquatic invasive
species is present; authorizing the impoundment or
quarantine of certain vessels; requiring an aquatic
invasive species fee to be paid by all operators of vessels;
providing a civil penalty; providing penalties; and
providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law makes it a misdemeanor for any person to introduce any aquatic
- 2 life into this State without the permission of the Department of Wildlife. Existing
- 3 law also authorizes the Board of Wildlife Commissioners to prohibit the
- 4 importation, transportation or possession of any species of wildlife that the
- 5 Commission deems detrimental to the wildlife or the habitat of the wildlife in this
- 6 State. (NRS 503.597) **Section 2** of this bill makes it a category E felony to



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7 knowingly or intentionally introduce any aquatic species which may be detrimental
8 to the aquatic resources, aquatic species or water resources of this State. **Section 2**
9 also provides for an additional civil penalty of not less than \$25,000 and not more
10 than \$250,000 for anyone convicted of such introduction.

11 **Section 4** of this bill authorizes the Department to set up inspection stations for
12 vessels operating on the waters of this State to inspect such vessels for aquatic
13 invasive species and prohibits any person from operating a vessel without first
14 complying with the inspection program. **Section 4** also prohibits any person
15 operating a vessel from leaving an impaired body of water and entering another
16 body of water in this State without first having the vessel decontaminated. In
17 addition, **section 4** allows a peace officer to inspect a vessel at any point if the
18 peace officer has a reasonable belief based on articulable facts that an aquatic
19 invasive species may be present on the vessel. Finally, if a person refuses to comply
20 with a peace officer or the requirements of an inspection station, **section 4** allows
21 the person's vessel to be impounded or quarantined. **Section 5** of this bill
22 authorizes a peace officer to keep a vessel in impound or quarantine until it has
23 been decontaminated or shown to be in compliance with the requirements of the
24 Department.

25 **Section 6** of this bill requires the Commission to establish an aquatic invasive
26 species fee and requires the Department to issue an aquatic invasive species decal
27 as evidence of payment. **Section 6** prohibits any person from operating a vessel on
28 the waters of this State without first paying the fee and attaching the decal to his or
29 her vessel as proof of payment.

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

1 **Section 1.** NRS 501.356 is hereby amended to read as follows:

2 501.356 1. Money received by the Department from:

3 (a) The sale of licenses;

4 (b) Fees pursuant to the provisions of NRS 488.075 and
5 488.1795;

6 (c) Remittances from the State Treasurer pursuant to the
7 provisions of NRS 365.535;

8 (d) Appropriations made by the Legislature; and

9 (e) All other sources, except money derived from the forfeiture
10 of any property described in NRS 501.3857 or money deposited in
11 the Wildlife Heritage Trust Account pursuant to NRS 501.3575 or in
12 the Trout Management Account pursuant to NRS 502.327,

13 ➡ must be deposited with the State Treasurer for credit to the
14 Wildlife Account in the State General Fund.

15 2. The interest and income earned on the money in the Wildlife
16 Account, after deducting any applicable charges, must be credited to
17 the Account.

18 3. Except as otherwise provided in subsection 4 **and NRS**
19 **503.597**, the Department may use money in the Wildlife Account
20 only to carry out the provisions of this title and chapter 488 of NRS



1 and as provided in NRS 365.535, and the money must not be
2 diverted to any other use.

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

9 (a) Only for the management of wildlife; and

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

14 **Sec. 2.** NRS 503.597 is hereby amended to read as follows:

15 503.597 1. Except as otherwise provided in this section, it is
16 unlawful, except by the written consent and approval of the
17 Department, for any person at anytime to receive, bring or have
18 brought or shipped into this State, or remove from one stream or
19 body of water in this State to any other, or from one portion of the
20 State to any other, or to any other state, any aquatic life or wildlife,
21 or any spawn, eggs or young of any of them.

22 2. The Department shall require an applicant to conduct an
23 investigation to confirm that such an introduction or removal will
24 not be detrimental to the wildlife or the habitat of wildlife in this
25 State. Written consent and approval of the Department may be given
26 only if the results of the investigation prove that the introduction,
27 removal or importation will not be detrimental to existing aquatic
28 life or wildlife, or any spawn, eggs or young of any of them.

29 3. The Commission may through appropriate regulation
30 provide for the inspection of such introduced or removed creatures
31 and the inspection fees therefor.

32 4. The Commission may adopt regulations to prohibit the
33 importation, transportation or possession of any species of wildlife
34 which the Commission deems to be detrimental to the wildlife or the
35 habitat of the wildlife in this State.

36 5. *A person who knowingly or intentionally introduces,*
37 *causes to be introduced or attempts to introduce an aquatic*
38 *invasive species or injurious aquatic species into any waters of this*
39 *State is guilty of a category E felony and shall be punished as*
40 *provided in NRS 193.130.*

41 6. *A court before whom a defendant is convicted of a*
42 *violation of subsection 5 shall, for each violation, order the*
43 *defendant to pay a civil penalty of at least \$25,000 but not more*
44 *than \$250,000. The money must be deposited into the Wildlife*
45 *Account in the State General Fund and used to:*



1 (a) Remove the aquatic invasive species or injurious aquatic
2 species;

3 (b) Reintroduce any game fish or other aquatic wildlife
4 destroyed by the aquatic invasive species or injurious aquatic
5 species;

6 (c) Restore any habitat destroyed by the aquatic invasive
7 species or injurious aquatic species;

8 (d) Repair any other damage done to the waters of this State by
9 the introduction of the aquatic invasive species or injurious
10 aquatic species; and

11 (e) Defray any other costs incurred by the Department because
12 of the introduction of the aquatic invasive species or injurious
13 aquatic species.

14 7. The provisions of this section do not apply to ~~[alternative]~~ :

15 (a) ~~Alternative~~ livestock and products made therefrom ~~[]~~ ; or

16 (b) ~~The introduction of any species by the Department for~~
17 ~~sport fishing or other wildlife management programs.~~

18 8. As used in this section:

19 (a) "Aquatic invasive species" means an aquatic species which
20 is exotic or not native to this State and which the Commission has
21 determined to be detrimental to aquatic life, water resources or
22 infrastructure for providing water in this State.

23 (b) "Injurious aquatic species" means an aquatic species
24 which the Commission has determined to be a threat to sensitive,
25 threatened or endangered aquatic species or game fish or to the
26 habitat of sensitive, threatened or endangered aquatic species or
27 game fish by any means, including, without limitation:

28 (1) Predation;

29 (2) Parasitism;

30 (3) Interbreeding; or

31 (4) The transmission of disease.

32 **Sec. 3.** Chapter 488 of NRS is hereby amended by adding
33 thereto the provisions set forth as sections 4, 5 and 6 of this act.

34 **Sec. 4. 1. It is unlawful for any person at any time to:**

35 (a) Launch a vessel into any body of water in this State for
36 which the Department has approved an inspection program
37 without first complying with that program;

38 (b) Refuse to comply with any requirements of the Department
39 or any requirements of an inspection program approved by the
40 Department; or

41 (c) Leave an impaired body of water in this State or any other
42 state after operating a vessel on that impaired body of water and
43 launch the vessel on any other body of water in this State without
44 first decontaminating the vessel and any conveyance used on the
45 impaired body of water.



2. *In addition to any inspection conducted pursuant to NRS 488.900, each owner, operator or person in control of a vessel or conveyance shall stop at any mandatory inspection station for aquatic invasive species authorized by the Department. If a peace officer reasonably believes, based on articulable facts, that an aquatic invasive species or aquatic plant material may be present on the vessel or conveyance, the peace officer may:*

(a) *Require the owner, operator or person in control of the vessel or conveyance to decontaminate the vessel or conveyance; or*

(b) *In addition to any seizure required pursuant to NRS 488.910, impound or quarantine the vessel or conveyance.*

3. *A peace officer may stop and inspect a vessel or conveyance for the presence of aquatic invasive species or aquatic plant material, or for proof of a required inspection:*

(a) *Before a vessel is launched into a body of water in this State;*

(b) *Before a vessel or conveyance departs from a body of water in this State, a launch ramp or a vessel staging area;*

(c) *If the vessel or conveyance is visibly transporting any aquatic invasive species or aquatic plant material; or*

(d) *If the peace officer reasonably believes, based on articulable facts, that an aquatic invasive species or aquatic plant material is present.*

4. *If a peace officer conducts an inspection of a vessel or conveyance pursuant to this section and determines that an aquatic invasive species or aquatic plant material is present on the vessel or conveyance, the peace officer may order the vessel or conveyance to be decontaminated.*

5. *A peace officer may impound or quarantine a vessel if:*

(a) *An inspection conducted pursuant to this section indicates the presence of an aquatic invasive species or aquatic plant material on the vessel or conveyance; or*

(b) *The owner, operator or person in control of the vessel or conveyance refuses to:*

(1) *Submit to an inspection authorized pursuant to this section; or*

(2) *Comply with an order issued pursuant to this section to decontaminate his or her vessel or conveyance.*

6. *As used in this section, "impaired body of water" means any body of water in this State or any other state which the Commission or another governmental entity has identified as containing an aquatic invasive species.*

Sec. 5. 1. *If a peace officer orders a vessel or conveyance to be impounded or quarantined pursuant to section 4 of this act, the*



1 vessel or conveyance may be impounded or quarantined for a
2 reasonable period to ensure that the vessel or conveyance is
3 inspected and decontaminated and that any aquatic invasive
4 species or aquatic plant material is completely removed.

5 2. The owner of a vessel or conveyance which is impounded
6 or quarantined is responsible for all costs associated with the
7 impoundment or quarantine.

8 3. The Department may suspend the certificate of number or
9 validation decal of an impounded or quarantined vessel until:

10 (a) The operator or owner of the vessel has completed the
11 decontamination of the vessel; and

12 (b) The Department has inspected the vessel and determined
13 that it is in compliance with section 4 of this act.

14 **Sec. 6. 1. A person shall not operate a vessel on the waters**
15 **of this State unless the person has:**

16 (a) Paid to the Department the aquatic invasive species fee
17 established pursuant to subsection 4; and

18 (b) Attached the aquatic invasive species decal issued pursuant
19 to subsection 2 to the port side transom of the vessel so that the
20 decal is distinctly visible.

21 2. The Department shall issue to a person who pays the fee
22 established pursuant to subsection 4 an aquatic invasive species
23 decal as evidence of the payment of the aquatic invasive species
24 fee.

25 3. Aquatic invasive species decals expire at the end of each
26 calendar year. Only the decal for the current year may be
27 displayed on a vessel.

28 4. The Commission shall establish by regulation a reasonable
29 aquatic invasive species fee to be paid annually. The fee must be
30 deposited in the Wildlife Account in the State General Fund and
31 used by the Department for enforcement of this section, NRS
32 503.597 and sections 4 and 5 of this act and for education about
33 and management of aquatic invasive species.

34 **Sec. 7. NRS 488.035 is hereby amended to read as follows:**

35 488.035 As used in this chapter, unless the context otherwise
36 requires:

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

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

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

44 ~~[2-]~~ 4. "Conveyance" means a motor vehicle, trailer or any
45 other equipment used to transport a vessel or containers or devices



1 *used to haul water on a vessel that may contain or carry an*
2 *aquatic invasive species or aquatic plant material.*

3 5. *“Decontaminate” means eliminate any aquatic invasive*
4 *species on a vessel or conveyance in a manner specified by the*
5 *Commission which may include, without limitation, washing the*
6 *vessel or conveyance, draining the water in the vessel or*
7 *conveyance, drying the vessel or conveyance or chemically,*
8 *thermally or otherwise treating the vessel or conveyance.*

9 6. “Department” means the Department of Wildlife.

10 ~~[3-]~~ 7. “Flat wake” means the condition of the water close
11 astern a moving vessel that results in a flat wave disturbance.

12 ~~[4-]~~ 8. “Interstate waters of this State” means waters forming
13 the boundary between the State of Nevada and an adjoining state.

14 ~~[5-]~~ 9. “Legal owner” means a secured party under a security
15 agreement relating to a vessel or a renter or lessor of a vessel to the
16 State or any political subdivision of the State under a lease or an
17 agreement to lease and sell or to rent and purchase which grants
18 possession of the vessel to the lessee for a period of 30 consecutive
19 days or more.

20 ~~[6-]~~ 10. “Motorboat” means any vessel propelled by
21 machinery, whether or not the machinery is the principal source of
22 propulsion.

23 ~~[7-]~~ 11. “Operate” means to navigate or otherwise use a
24 motorboat or a vessel.

25 ~~[8-]~~ 12. “Owner” means:

26 (a) A person having all the incidents of ownership, including the
27 legal title of a vessel, whether or not he or she lends, rents or
28 pledges the vessel; and

29 (b) A debtor under a security agreement relating to a vessel.

30 ➤ “Owner” does not include a person defined as a “legal owner”
31 under subsection ~~[5-]~~ 9.

32 ~~[9-]~~ 13. “Prohibited substance” has the meaning ascribed to it
33 in NRS 484C.080.

34 ~~[10-]~~ 14. “Registered owner” means the person registered by
35 the Commission as the owner of a vessel.

36 ~~[11-]~~ 15. A vessel is “under way” if it is adrift, making way or
37 being propelled, and is not aground, made fast to the shore, or tied
38 or made fast to a dock or mooring.

39 ~~[12-]~~ 16. “Vessel” means every description of watercraft, other
40 than a seaplane on the water, used or capable of being used as a
41 means of transportation on water.

42 ~~[13-]~~ 17. “Waters of this State” means any waters within the
43 territorial limits of this State.



Sec. 8. NRS 488.075 is hereby amended to read as follows:

488.075 1. The owner of each motorboat requiring numbering by this State shall file an application for a number and for a certificate of ownership with the Department on forms approved by it accompanied by:

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

(b) Such evidence of ownership as the Department may require.

➤ The Department shall not issue a number, a certificate of number or a certificate of ownership until this evidence is presented to it.

2. The application must be signed by the owner of the motorboat and must be accompanied by a fee of \$20 for the certificate of ownership and a fee according to the following schedule as determined by the straight line length which is measured from the tip of the bow to the back of the transom of the motorboat:

Less than 13 feet.....	\$20
13 feet or more but less than 18 feet	25
18 feet or more but less than 22 feet	40
22 feet or more but less than 26 feet	55
26 feet or more but less than 31 feet	75
31 feet or more	100

Except as otherwise provided in this subsection, all fees received by the Department under the provisions of this chapter must be deposited in the Wildlife Account in the State General Fund and , *except as otherwise provided in section 6 of this act*, may be expended only for the administration and enforcement of the provisions of this chapter. On or before December 31 of each year, the Department shall deposit with the respective county school districts 50 percent of each fee collected according to the motorboat's length for every motorboat registered from their respective counties. Upon receipt of the application in approved form, the Department shall enter the application upon the records of its office and issue to the applicant a certificate of number stating the number awarded to the motorboat, a certificate of ownership stating the same information and the name and address of the registered owner and the legal owner.

3. A certificate of number may be renewed each year by the purchase of a validation decal. The fee for a validation decal is determined by the straight line length of the motorboat and is equivalent to the fee set forth in the schedule provided in



1 subsection 2. The amount of the fee for issuing a duplicate
2 validation decal is \$20.

3 4. The owner shall paint on or attach to each side of the bow of
4 the motorboat the identification number in such manner as may be
5 prescribed by regulations of the Commission in order that the
6 number may be clearly visible. The number must be maintained in
7 legible condition.

8 5. The certificate of number must be available at all times for
9 inspection on the motorboat for which issued, whenever the
10 motorboat is in operation.

11 6. The Commission shall provide by regulation for the issuance
12 of numbers to manufacturers and dealers which may be used
13 interchangeably upon motorboats operated by the manufacturers and
14 dealers in connection with the demonstration, sale or exchange of
15 those motorboats. The amount of the fee for each such a number is
16 \$20.

17 **Sec. 9.** 1. This section becomes effective upon passage and
18 approval.

19 2. Sections 1 and 2 of this act become effective on July 1,
20 2011.

21 3. Sections 3 to 8, inclusive, of this act become effective:

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

25 (b) On January 1, 2012 for all other purposes.

