

## SENATE BILL NO. 434—COMMITTEE ON NATURAL RESOURCES

MARCH 25, 2013

## Referred to Committee on Natural Resources

SUMMARY—Revises provisions relating to vessels.  
(BDR 43-1002)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: No.

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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 vessels; authorizing a peace officer to seize a vessel without a warrant and to treat the vessel as abandoned under certain circumstances; revising the circumstances under which an operator of a vessel must file a description of a collision, accident or other casualty involving the vessel; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law prohibits the operation of a motorboat on the waters of this State unless the motorboat is numbered and titled, with certain exceptions. (NRS 488.065) Existing law also prohibits a person, under certain circumstances, from: (1) intentionally defacing, destroying, removing or altering any hull number required for a vessel without authorization from the Department of Wildlife; or (2) placing or stamping a serial number upon a vessel except a number assigned to the vessel by the Department. (NRS 488.171) If a peace officer has probable cause to believe that a vessel or its contents contain evidence tending to show that a criminal offense has been committed or that a particular person has committed an offense, the peace officer may take reasonable steps to ensure the preservation of the evidence, including the safe storage of the vessel or its contents. (NRS 488.910) Existing law also sets forth the actions that a peace officer may take to attempt to establish ownership of an abandoned vessel on private property, including the removal of the vessel to a secure location designated by the peace officer. (NRS 488.293) **Section 1** of this bill authorizes a peace officer, without a warrant, to seize any vessel: (1) which is being operated with any improper number, certificate of number or certificate of ownership; (2) which the peace officer has probable cause to believe has been stolen; (3) on which any hull number or other identifying mark has been falsely attached, removed, defaced, altered or obliterated; or (4) which contains a part with a certain identification number or other distinguishing number or mark which has been falsely attached, removed, defaced, altered or obliterated. **Section 1** also authorizes a law enforcement agency to treat the vessel as



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abandoned and to proceed in the manner set forth in existing law for the disposal of an abandoned vessel.

Existing law requires the operator of a vessel involved in a collision, accident or other casualty to file with the Department a full description of the casualty if the collision, accident or casualty results in the death of or injury to a person or damage to property in excess of \$500. (NRS 488.550) **Section 2** of this bill increases the threshold for filing a full description of the casualty from an amount in excess of \$500 to an amount in excess of \$2,000.

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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. In addition to any seizure authorized pursuant to NRS 488.910, any peace officer, without a warrant, may seize and take possession of any vessel:*

*(a) Which is being operated with any improper number, certificate of number or certificate of ownership;*

*(b) Which the peace officer has probable cause to believe has been stolen;*

*(c) On which any hull number or other identifying mark has been falsely attached, removed, defaced, altered or obliterated; or*

*(d) Which contains a part on which was placed or stamped by the manufacturer pursuant to federal law or regulation an identification number or other distinguishing number or mark that has been falsely attached, removed, defaced, altered or obliterated.*

*2. A law enforcement agency shall inspect any vessel seized pursuant to paragraph (c) or (d) of subsection 1 to determine whether the number or mark in question on the vessel or part from the vessel has been falsely attached, removed, defaced, altered or obliterated and whether any person has presented satisfactory evidence of ownership of the vessel.*

*3. If the results of the investigation conclude that the number or mark in question has been falsely attached, removed, defaced, altered or obliterated and no person has presented satisfactory evidence of ownership, then the law enforcement agency may treat the vessel as abandoned and proceed in the manner set forth in NRS 488.293.*

**Sec. 2.** NRS 488.550 is hereby amended to read as follows:

488.550 1. The operator of a vessel involved in a collision, accident or other casualty shall, so far as the operator can do so without serious danger to his or her own vessel, crew and passengers, render to other persons affected by the casualty such assistance as may be practicable and as may be necessary to save



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1 them from or minimize any danger caused by the casualty, and shall  
2 give his or her name, address and the identification of his or her  
3 vessel in writing to any person injured and to the owner of any  
4 property damaged in the casualty.

5 2. In the case of collision, accident or other casualty involving  
6 a vessel, the operator thereof, if the casualty results in death or  
7 injury to a person or damage to property in excess of ~~+\$500+~~ **\$2,000**,  
8 shall file with the Department a full description of the casualty,  
9 including, without limitation, such information as the Commission  
10 may, by regulation, require.

11 3. Upon receipt of a claim under a policy of insurance with  
12 respect to a collision, accident or other casualty for which a report is  
13 required by subsection 2, the insurer shall provide written notice to  
14 the insured of the insured's responsibility pursuant to subsection 2  
15 to file with the Department a full description of the casualty.

16 4. Upon receipt of a request for repair with respect to a  
17 collision, accident or other casualty for which a report is required by  
18 subsection 2, the person who repairs the vessel shall provide written  
19 notice to the person requesting the repairs of the requirement set  
20 forth in subsection 2 that the operator file with the Department a full  
21 description of the casualty.

22 5. The insurer and the person who repairs a vessel shall  
23 transmit a copy of each notice they provide pursuant to subsections  
24 3 and 4, respectively, to the Department at the same time the notice  
25 is provided to the insured or person requesting the repairs.

26 6. The Department shall investigate or cause to be investigated  
27 a collision, accident or other casualty involving a vessel which  
28 results in death or substantial bodily injury and shall gather evidence  
29 to be used in the prosecution of a person charged with violating a  
30 law in connection with the collision, accident or other casualty. The  
31 Department may investigate or cause to be investigated a collision,  
32 accident or other casualty involving a vessel which does not result in  
33 death or substantial bodily injury and may gather evidence to be  
34 used in the prosecution of a person charged with violating a law in  
35 connection with the collision, accident or other casualty.

36 **Sec. 3.** This act becomes effective on July 1, 2013.

