

SENATE BILL NO. 423—SENATOR OHRENSCHALL

MARCH 21, 2019

Referred to Committee on Natural Resources

SUMMARY—Revises provisions governing certain watercraft.
(BDR 43-962)

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 watercraft; authorizing the operation of an electric vertical takeoff and landing craft upon and over the waters of this State; providing a definition of such a craft; imposing certain requirements and limitations on the operation of such a craft; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires every game warden, sheriff and other peace officer of this State and its political subdivisions to enforce the provisions of existing law in the Nevada Boat Act regarding watercraft. (NRS 488.900) The Board of Wildlife Commissioners is authorized to adopt regulations to carry out such provisions. (NRS 488.045)

Section 1 of this bill authorizes an electric vertical takeoff craft to operate upon and over the waters of this State, subject to all the applicable provisions regarding watercraft. **Section 2** of this bill defines an electric vertical takeoff craft as “a craft propelled by one or more electric motors that can be operated autonomously, remotely or by a person on or inside the craft and can, without limitation, move upon the water and through the air, take off in a vertical or near vertical manner and land on water or land.” (NRS 488.035) **Section 2** also includes an electric vertical takeoff craft in the definition of “vessel” and excludes such a craft from the definition of “motorboat” for the purposes of the Nevada Boat Act. **Section 1** requires that, before an electric vertical takeoff craft may be operated, it must be: (1) issued a state hull number by the Commission; (2) capable of complying with all applicable laws for vessels; and (3) capable, if being operated autonomously or remotely, of achieving a safe state in the case of a failure of the operating system. In addition, **section 1** provides such a craft may not be operated: (1) anywhere in this State that is not upon or over the waters of this State; (2) more than 25 feet above the surface of the water; and (3) at an airspeed that exceeds 60 miles per



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hour. Existing law makes a violation of any of these requirements or limitations a misdemeanor. (NRS 488.950) **Section 3** of this bill excludes such an electric vertical takeoff craft from the definition of "aircraft" and the definition of "unmanned aerial vehicle" for the purposes of provisions governing aircraft. (NRS 493.020)

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. A person may operate an electric vertical takeoff craft that meets the requirements of this section upon and over the waters of this State.

2. An electric vertical takeoff craft must be:

(a) Registered with the Commission and issued a state hull number pursuant to NRS 488.171.

(b) Capable, when operated on or over the waters of this State, of complying with all applicable provisions of this chapter.

(c) Capable, if being operated in an unmanned manner, whether autonomously or remotely, upon a failure of any portion of the operating system that renders the craft unable to perform in compliance with all the applicable provisions of this chapter, of achieving a reasonably safe state which may include, without limitation, bringing the craft to a safe water landing.

3. An electric vertical takeoff craft may not be operated:

(a) Anywhere in this State that is not upon or over the waters of this State.

(b) More than 25 feet above the surface of the water.

(c) At an airspeed that exceeds 60 miles per hour.

4. An electric vertical takeoff craft being operated in this State is subject to all the applicable provisions of this chapter except those provisions which by their nature can have no application to such a craft.

Sec. 2. NRS 488.035 is hereby amended to read as follows:

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

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

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

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



4. "Conveyance" means a motor vehicle, trailer or any other equipment used to transport a vessel or containers or devices used to haul water on a vessel that may contain or carry an aquatic invasive species or aquatic plant material.

5. "Decontaminate" means eliminate any aquatic invasive species on a vessel or conveyance in a manner specified by the Commission which may include, without limitation, washing the vessel or conveyance, draining the water in the vessel or conveyance, drying the vessel or conveyance or chemically, thermally or otherwise treating the vessel or conveyance.

6. "Department" means the Department of Wildlife.

7. *"Electric vertical takeoff craft" means a craft propelled by one or more electric motors that can be operated autonomously, remotely or by a person on or inside the craft and can, without limitation, move upon the water and through the air, take off in a vertical or near vertical manner and land on water or land.*

8. "Flat wake" means the condition of the water close astern a moving vessel that results in a flat wave disturbance.

~~8-9~~ 9. "Interstate waters of this State" means waters forming the boundary between the State of Nevada and an adjoining state.

~~9-10~~ 10. "Legal owner" means a secured party under a security agreement relating to a vessel or a renter or lessor of a vessel to the State or any political subdivision of the State under a lease or an agreement to lease and sell or to rent and purchase which grants possession of the vessel to the lessee for a period of 30 consecutive days or more.

~~10-11~~ 11. "Motorboat" means any vessel propelled by machinery, whether or not the machinery is the principal source of propulsion. *The term does not include an electric vertical takeoff craft.*

~~11-12~~ 12. "Operate" means to navigate or otherwise use a motorboat or a vessel.

~~12-13~~ 13. "Owner" means:

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

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

➤ "Owner" does not include a person defined as a "legal owner" under subsection ~~9-10~~ 10.

~~13-14~~ 14. "Prohibited substance" has the meaning ascribed to it in NRS 484C.080.

~~14-15~~ 15. "Registered owner" means the person registered by the Commission as the owner of a vessel.

~~15-16~~ 16. "State hull number" means a hull number issued for a vessel by the Department that meets the requirements prescribed by



the United States Coast Guard, including, without limitation, 33 C.F.R. § 174.16 and 33 C.F.R. Part 181, Subpart C.

~~16-1~~ 17. “Under the influence” means impaired to a degree that renders a person incapable of safely operating or exercising actual physical control of a vessel.

~~17-1~~ 18. A vessel is “under way” if it is adrift, making way or being propelled, and is not aground, made fast to the shore, or tied or made fast to a dock or mooring.

~~18-1~~ 19. “Vessel” means every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water. *The term includes an electric vertical takeoff craft.*

~~19-1~~ 20. “Waters of this State” means any waters within the territorial limits of this State.

Sec. 3. NRS 493.020 is hereby amended to read as follows:
493.020 As used in NRS 493.010 to 493.120, inclusive, unless the context otherwise requires:

1. “Aircraft” includes a balloon, airplane, hydroplane, unmanned aerial vehicle and any other vehicle used for navigation through the air. A hydroplane, while at rest on water and while being operated on or immediately above water, is governed by the rules regarding water navigation. A hydroplane while being operated through the air other than immediately above water, is an aircraft. *The term does not include an electric vertical takeoff craft as that term is defined in NRS 488.035.*

2. “Critical facility” means a petroleum refinery, a petroleum or chemical production, transportation, storage or processing facility, a chemical manufacturing facility, a pipeline and any appurtenance thereto, a wastewater treatment facility, a water treatment facility, a mine as that term is defined in NRS 512.006, a power generating station, plant or substation and any appurtenances thereto, any transmission line that is owned in whole or in part by an electric utility as that term is defined in subsection 5 of NRS 704.187 or owned, operated, inspected, maintained or repaired in whole or in part by the Colorado River Commission of Nevada pursuant to NRS 538.161 or 538.166, a county, city or town jail or detention facility and any prison, facility or institution under the control of the Department of Corrections. The term does not include any facility or infrastructure of a utility that is located underground.

3. “Department” means the Department of Public Safety.

4. “Law enforcement agency” means an agency, office, bureau, board, commission, department or division of this State or a political subdivision of this State, the primary duty of which is to enforce the law.



5. "Operator" includes aviator, pilot, balloonist and any other person having any part in the operation of aircraft while in flight.

6. "Passenger" includes any person riding in an aircraft, but having no part in its operation.

7. "Public agency" means an agency, office, bureau, board, commission, department or division of this State or a political subdivision of this State other than a law enforcement agency.

8. "Unmanned aerial vehicle" means a powered aircraft of any size without a human operator aboard the vehicle and that is operated remotely or autonomously. *The term does not include an electric vertical takeoff craft as that term is defined in NRS 488.035.*

Sec. 4. This act becomes effective:

1. Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On January 1, 2020, for all other purposes.

