

Amendment No. 300

Senate Amendment to Senate Bill No. 59	(BDR 43-225)
<b>Proposed by:</b> Senate Committee on Growth and Infrastructure	
<b>Amends:</b> Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

Adoption of this amendment will REMOVE the 2/3s majority vote requirement from S.B. 59.

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

DP/AAK



Date: 4/23/2023

S.B. No. 59—Revises provisions relating to vessels. (BDR 43-225)





SENATE BILL NO. 59—COMMITTEE ON  
GROWTH AND INFRASTRUCTURE

(ON BEHALF OF THE DEPARTMENT OF WILDLIFE)

PREFILED NOVEMBER 16, 2022

Referred to Committee on Growth and Infrastructure

SUMMARY—Revises provisions relating to vessels. (BDR 43-225)

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 vessels; revising certain crimes relating to the operation of a vessel while under the influence of alcohol or a prohibited substance; ~~prescribing procedures to obtain a certificate of ownership to a power-driven vessel under certain circumstances;~~ revising certain terminology; clarifying that mechanically propelled personal hydrofoils, motorized surfboards and vessels equipped with both a sail and a motor are subject to certain requirements governing power-driven vessels; making certain provisions governing vessels applicable to governmental entities; requiring a sailing vessel ~~for a human-powered vessel~~ to be numbered; ~~increasing certain fees;~~ revising certain class categories for vessels; revising provisions governing the removal of an abandoned vessel; revising the prohibition on operating a power-driven vessel under certain circumstances; authorizing a court to prohibit a person from operating any vessel on the interstate waters of this State under certain circumstances; providing penalties; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law defines the term "motorboat" to mean any vessel propelled by machinery. (NRS 488.035) Existing law: (1) requires, with certain exceptions, a motorboat to be numbered and titled; (2) establishes requirements for obtaining such a number or a certificate of ownership, transferring of the title of or any interest in a motorboat and perfecting security interest in a motorboat; and (3) establishes certain other requirements governing the equipment and operation of a motorboat. (NRS 488.065-488.1827, 488.187, 488.193, 488.195, 488.580, 488.585) **Sections 8-10, 16-19, 22, 23, 37, 38 and 48** of this bill replace the term "motorboat" with the term "power-driven vessel." **Sections 8 and 22** also standardize terminology used to refer to sailing vessels and human-powered vessels. **Section 8** specifically includes a mechanically propelled personal hydrofoil, a motorized surfboard and a

vessel equipped with both a sail and a motor within the definition of “power-driven vessel,” thereby clarifying that such vessels are subject to requirements governing power-driven vessels. However, **section 23** exempts a mechanically propelled personal hydrofoil or a motorized surfboard from the requirement that a power-driven vessel must be equipped with certain fire extinguishers. **Section 8** also: (1) includes a governmental entity within the definition of “person,” thereby requiring a governmental entity to comply with certain provisions governing watercraft that currently apply to persons; and (2) defines certain other terms relating to watercraft.

~~[Sections 6, 7 and 19 of this bill authorize a person to apply to obtain a certificate of ownership to a power-driven vessel if the certificate of ownership is unavailable and: (1) the person files a bond with the Department of Wildlife and allows the Department to inspect the vessel and conduct a search of the history of the vessel; or (2) the vessel was previously registered and the Department investigates the situation and is satisfied that the person is entitled to a new certificate of ownership. Section 17 of this bill requires an applicant for the transfer of title to or any interest in a power-driven vessel to provide to the Department a declaration of the amount paid for the vessel or the value of the vessel, as determined by the National Automobile Dealers Association. Section 18 of this bill increases the fee to apply for the new certificate of ownership for a power-driven vessel and authorizes an applicant to expedite his or her application for an increased fee.] Sections 25 and 26 of this bill remove duplicative terminology.~~

~~Sections 9, 11-16 and 20 of this bill require ~~for a human-powered vessel and~~ a sailing vessel to be numbered under similar conditions as currently apply to the numbering of power-driven vessels. ~~[Section 45 of this bill requires the Department to treat the money collected as fees for issuing numbers for sailing vessels and human-powered vessels in the same manner as fees for issuing numbers to power-driven vessels.]~~~~

**Section 8** includes within the definition of the term “owner” a person, other than secured party, who has a property right with regard to a human-powered vessel. **Section 8** thus makes such a person responsible for the vessel for purposes including abandonment, operation and, in combination with **sections 9, 11-16 and 20**, numbering. (NRS 488.291, 488.293, 488.600) **Section 21** of this bill expands the class categories prescribed by existing law for power-driven vessels to apply to all vessels.

Existing law: (1) prohibits a person, other than a peace officer engaged in law enforcement activities, from displaying a flashing blue light or a flashing red light on a vessel operating on the waters of this State; and (2) requires a peace officer to seize, or cause to be seized, such a light installed or operated on such a vessel. (NRS 488.187) **Section 22** removes that requirement and instead authorizes a peace officer to seize, or cause to be seized, such a light. **Section 22** also authorizes a peace officer engaged in public safety activities that do not also constitute law enforcement activities to display a flashing blue light.

Existing federal law requires each vessel to be equipped with a certain number of life jackets and ring life buoys. (46 C.F.R. §§ 180.70, 180.71) **Sections 23, 36 and 37** of this bill revise terminology used in existing law to conform more closely to terminology used in those federal regulations.

Existing law authorizes a game warden, sheriff or other peace officer to remove a vessel from a public waterway under certain conditions. (NRS 488.293) **Section 24** of this bill additionally authorizes the game warden, sheriff or other peace officer to order the removal of such a vessel, thereby clarifying that such a peace officer is not required to personally remove the vessel. **Section 24** also authorizes such a peace officer to remove or order the removal of a vessel that has been left unattended and adrift, moored, docked, beached, run aground, trailed or made fast to land in such a position as to interfere with navigation ~~for more than 48 hours if the peace officer has made a reasonable attempt to contact or has contacted the owner.~~ in such a condition as to create a hazard or in a location owned or administered by a public entity.

Existing law prohibits a person from operating or being in actual physical control of a vessel under power or sail while the person meets certain criteria for being under the influence of alcohol or a prohibited substance. (NRS 488.410, 488.420) Existing law also provides that a person is guilty of homicide by vessel if the person: (1) meets certain criteria for being under the influence of alcohol or a prohibited substance; (2) operates or is in actual physical control of a vessel under power or sail; (3) proximately causes the death of another person; and (4) has previously been convicted of at least three offenses relating to the operation of a vessel

under power or sail while under the influence of alcohol or a prohibited substance. (NRS 488.425) For the purposes of these crimes, **sections 27-29** of this bill prohibit a person from operating or being in actual physical control of a power-driven vessel or sailing vessel under way when the person is under the influence of alcohol or a prohibited substance, regardless of the manner in which the vessel is actually propelled. **Sections 1-4, 30-35 and 40-47** of this bill make conforming changes to provisions that refer to those offenses.

Existing federal law requires a person operating certain recreational vessels to use an engine cut-off switch, which stops the engine of the vessel if activated, under certain circumstances. (46 U.S.C. § 4312) Existing law prohibits a person who owns or controls a power-driven vessel that is equipped with an engine cut-off switch from operating or authorizing another person to operate the power-driven vessel above certain speeds if: (1) the engine cut-off switch is missing, disconnected or not operating properly; or (2) the engine-cut off switch link is not attached to his or her body, clothing or personal flotation device. (NRS 488.585) **Section 38:** (1) ~~[narrows the applicability of this provision to only apply to]~~ requires a person who operates a recreational power-driven ~~[vessels]~~ vessel covered by federal law ~~;~~ (2) ~~revises the maximum speed under which a person is authorized to operate such a vessel if the engine cut off switch is missing, disconnected or not operating properly;~~ and (3) ~~removes any prohibitions applicable where the]~~ to use the engine-cut off switch link [is not] when the vessel is on plane or above displacement speed; and (2) prohibits the operation of such a vessel that is equipped with an engine cut-off switch unless the engine cut-off switch link is attached to the body, clothing or properly worn personal flotation device of the operator.

Existing law provides that any violation of a provision of state law governing the use of a watercraft is a misdemeanor unless otherwise stated. (NRS 488.950) **Section 39** of this bill revises this penalty to instead provide that, except where otherwise stated, a person commits a misdemeanor if the person: (1) performs an act or attempts to perform an act prohibited by state law relating to the use of a watercraft; (2) willfully fails to perform an act required by state law relating to the use of a watercraft; or (3) ~~[hinders, obstructs, delays or interferes with an officer, employee or agent of the Department who is enforcing or attempting to enforce a provision of state law relating to the use of a watercraft or a related regulation; or (4)]~~ violates an order issued or regulation adopted by the Board of Wildlife Commissioners pursuant to state law relating to the use of a watercraft.

If a person violates any provision of state law governing the use of a watercraft, existing law authorizes a court to prohibit the person from operating a power-driven vessel on the interstate waters of this State until the person successfully completes a course in safe boating. **Section 39** also expands the authority of a court by authorizing the court to prohibit a person who commits such a violation from operating any vessel on the interstate waters of this State until the person completes such a course.

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

**Section 1.** NRS 484A.774 is hereby amended to read as follows:

484A.774 1. Except as otherwise provided in subsection 2, after a person is arrested for the commission of a traffic violation pursuant to chapters 484A to 484E, inclusive, of NRS, there is a presumption that the person should be released on his or her own recognizance.

2. The presumption established in subsection 1 does not apply if:

(a) A person is arrested for:

(1) Reckless driving in violation of NRS 484B.653;

(2) Vehicular manslaughter in violation of NRS 484B.657; or

(3) Driving, operating or being in actual physical control of a vehicle , a power-driven vessel or a sailing vessel under [power or sail] way while under the influence of intoxicating liquor or a controlled substance in violation of NRS 484C.110, 484C.120 or 488.410, as applicable; or

(b) The court determines that a person is willfully refusing to satisfy any obligations imposed by the court, including, without limitation, willfully refusing to pay any amount owed or willfully refusing to perform community service.

**Sec. 2.** NRS 484A.780 is hereby amended to read as follows:

484A.780 1. Except as otherwise provided in subsection 2, and subject to the limitation imposed by NRS 484A.782, a grace period of not less than 30 calendar days must be provided to a person who has failed to appear in court or failed to pay any administrative assessment, fine or court fee imposed upon the person for a violation of any provision of chapters 484A to 484E, inclusive, of NRS before a warrant can be issued for such a failure to appear or failure to pay.

2. The provisions of subsection 1 do not apply if:

(a) The court determines that providing such a grace period would substantially jeopardize public safety;

(b) The person was issued a traffic citation for:

(1) Reckless driving in violation of NRS 484B.653;

(2) Vehicular manslaughter in violation of NRS 484B.657; or

(3) Driving, operating or being in actual physical control of a vehicle, *a power-driven vessel* or a *sailing* vessel ~~under [power or sail]~~ *way* while under the influence of intoxicating liquor or a controlled substance in violation of NRS 484C.110, 484C.120 or 488.410, as applicable; or

(c) During the immediately preceding 30 calendar days, the person was released from custody and given a date to return to court but failed to appear in court.

**Sec. 3.** NRS 484A.798 is hereby amended to read as follows:

484A.798 1. Notwithstanding any other provision of law, and except as otherwise provided in subsection 2, any conviction for a traffic violation pursuant to chapters 484A to 484E, inclusive, of NRS is not a criminal conviction for the purpose of applying for employment, a professional license or any educational opportunity.

2. The provisions of subsection 1 do not apply if a person is convicted of:

(a) Reckless driving in violation of NRS 484B.653;

(b) Vehicular manslaughter in violation of NRS 484B.657; or

(c) Driving, operating or being in actual physical control of a vehicle, *a power-driven vessel* or a *sailing* vessel ~~under [power or sail]~~ *way* while under the influence of intoxicating liquor or a controlled substance in violation of NRS 484C.110, 484C.120 or 488.410, as applicable.

**Sec. 4.** NRS 484C.360 is hereby amended to read as follows:

484C.360 1. When a program of treatment is ordered pursuant to NRS 484C.340 or subsection 1 of NRS 484C.400, the court shall place the offender under the clinical supervision of a treatment provider for treatment in accordance with the report submitted to the court pursuant to NRS 484C.340 or subsection 3, 4, 5 or 6 of NRS 484C.350, as appropriate. The court shall:

(a) Order the offender to be placed under the supervision of a treatment provider, then release the offender for supervised aftercare in the community; or

(b) Release the offender for treatment in the community,  
➤ for the period of supervision ordered by the court.

2. The court shall:

(a) Require the treatment provider to submit monthly progress reports on the treatment of an offender pursuant to this section; and

(b) Order the offender, to the extent of his or her financial resources, to pay any charges for treatment pursuant to this section. If the offender does not have the financial resources to pay all those charges, the court shall, to the extent possible, arrange for the offender to obtain the treatment from a treatment provider that

receives a sufficient amount of federal or state money to offset the remainder of the charges.

3. A treatment provider is not liable for any damages to person or property caused by a person who:

(a) Drives, operates or is in actual physical control of a vehicle , *a power-driven vessel* or a *sailing* vessel *under [power or sail] way* while under the influence of intoxicating liquor or a controlled substance; or

(b) Engages in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420 or 488.425 or a law of any other jurisdiction that prohibits the same or similar conduct,

➤ after the treatment provider has certified that the offender has successfully completed a program of treatment ordered pursuant to NRS 484C.340 or subsection 1 of NRS 484C.400.

~~Sec. 5. [Chapter 488 of NRS is hereby amended by adding thereto the provisions set forth as sections 6 and 7 of this act.] (Deleted by amendment.)~~

~~Sec. 6. 1. If an applicant who is seeking a certificate of ownership to a power driven vessel from the Department pursuant to NRS 488.075 or 488.1813 or section 7 of this act is unable to satisfy the Department that the applicant is entitled to a certificate of ownership, the applicant may apply to obtain a new certificate of ownership from the Department by:~~

~~— (a) Filing a bond with the Department that meets the requirements of subsection 3;~~

~~— (b) Allowing the Department to inspect the power driven vessel to verify the hull identification number and identification numbers, if any, on parts used to repair the power driven vessel; and~~

~~— (c) Authorizing the Department to conduct a search of the history of the power driven vessel through any national crime information system, including, without limitation, the National Crime Information Center, as defined in NRS 179A.061.~~

~~2. Any person damaged by the issuance of a certificate of ownership pursuant to this section has a right of action to recover on the bond for any breach of its conditions, except the aggregate liability of the surety to all persons must not exceed the amount of the bond. The Department shall return the bond, and any deposit accompanying it, 3 years after the bond was filed with the Department, except that the Department shall not return the bond if the Department has been notified of the pendency of an action to recover on the bond.~~

~~3. The bond required pursuant to subsection 1 must be:~~

~~— (a) In a form prescribed by the Department;~~

~~— (b) Executed by the applicant as principal and by a corporation qualified under the laws of this State as surety;~~

~~— (c) In an amount equal to one and one half times the value of the power driven vessel, as determined by the Department; and~~

~~— (d) Conditioned to indemnify any:~~

~~— (1) Prior owner or lienholder of the power driven vessel, and his or her successors in interest;~~

~~— (2) Subsequent purchaser of the power driven vessel, and his or her successors in interest; or~~

~~— (3) Person acquiring a security interest in the power driven vessel, and his or her successors in interest,~~

~~➤ against any expenses, loss or damage because of the issuance of the certificate of ownership or because of any defect in or undisclosed security interest in the~~

~~right or certificate of ownership of the applicant to the power-driven vessel or the interest of the applicant in the power-driven vessel.~~

~~4. A right of action does not exist in favor of any person by reason of any action or failure to act on the part of the Department or any officer or employee thereof in carrying out the provisions of this section, or in giving or failing to give any information concerning the legal ownership of a power-driven vessel or the existence of a certificate of ownership obtained pursuant to this section. (Deleted by amendment.)~~

**Sec. 7.** ~~(1. Whenever application is made to the Department for registration of a power-driven vessel previously registered pursuant to this chapter and the applicant is unable to present the certificate of ownership previously issued for the power-driven vessel because the certificate of ownership is lost, unlawfully detained by one in possession or otherwise not available, the Department may receive the application, investigate the circumstances of the case and require the filing of affidavits or other information. When the Department is satisfied that the applicant is entitled to a new certificate of ownership, it may register the power-driven vessel and issue a new certificate of ownership to the person or persons entitled thereto. An applicant who is unable to satisfy the Department that the applicant is entitled to a new certificate of ownership pursuant to this subsection may obtain a new certificate of ownership pursuant to the provisions of section 6 of this act.~~

~~2. Whenever an application is made to the Department for the registration of a power-driven vessel of which the~~

~~(a) Ownership has been transferred;~~

~~(b) Certificate of ownership is lost, unlawfully detained by one in possession or otherwise not available; and~~

~~(c) Model year is 9 years old or newer,~~

~~the transferor of the power-driven vessel may, to furnish any information required by the Department to carry out the provisions of NRS 488.1793, designate the transferee of the power-driven vessel as attorney in fact on a form for a power of attorney provided by the Department.~~

~~3. The Department shall provide the form described in subsection 2.~~

~~4. The Department may charge a fee not to exceed \$1 for each form the Department provides. (Deleted by amendment.)~~

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



8. *"Hull identification number" means the number assigned to a vessel pursuant to 33 C.F.R. Part 181, Subpart C.*

9. *"Human-powered vessel" means a vessel propelled by human power.*

10. "Interstate waters of this State" means waters forming the boundary between the State of Nevada and an adjoining state.

~~9.~~ 11. "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. "Motorboat" means any vessel propelled by machinery, whether or not the machinery is the principal source of propulsion.~~

12. *"Mechanically propelled personal hydrofoil" means a power-driven vessel that consists of a board fitted with a mast extending below the board that is attached to a fuselage with a forward wing, rear stabilizer and electric motor or internal combustion engine.*

13. *"Motorized surfboard" means a power-driven vessel that consists of a board using a surfboard-type design fitted with either an electric motor or internal combustion engine.*

~~11.~~ 14. "Operate" means to navigate or otherwise use a ~~motorboat or a~~ vessel.

~~12.~~ 15. "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 ~~and~~; or

*(c) A person, other than a secured party, who has a property right with regard to a human-powered vessel, including, without limitation, a person entitled to use or possess a human-powered vessel subject to a security interest of another person.*

➤ "Owner" does not include a person defined as a "legal owner" under subsection ~~9.~~ 11 or a person who is leasing a vessel where the vessel is not a security interest under the lease.

16. *"Person" has the meaning ascribed to it in NRS 0.039 and includes, without limitation, a governmental entity.*

~~13.~~ 17. *"Power-driven vessel" means any vessel propelled by machinery, whether or not the machinery is the principal source of propulsion. The term includes, without limitation:*

*(a) A mechanically propelled personal hydrofoil;*

*(b) A motorized surfboard; and*

*(c) A vessel equipped with both a sail and a motor.*

18. "Prohibited substance" has the meaning ascribed to it in NRS 484C.080.

~~14.~~ 19. "Registered owner" means the person registered by the Department as the owner of a vessel.

20. *"Sailing vessel" means a vessel that is propelled by wind power and is not equipped with a motor.*

~~15.~~ 21. "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.

22. *"State of principal operation" means the state in ~~which~~ whose waters a vessel is ~~operated~~ or will be operated ~~for at least 6 months off~~ most during a calendar year.*

~~[46.]~~ 23. "Under the influence" means impaired to a degree that renders a person incapable of safely operating or exercising actual physical control of a vessel.

~~[47.]~~ 24. 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.

~~[48.]~~ 25. "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.

~~[49.]~~ 26. "Waters of this State" means any waters within the territorial limits of this State.

**Sec. 9.** NRS 488.065 is hereby amended to read as follows:

488.065 1. Every ~~{motorboat on the waters of}~~ *power-driven vessel for which this State is the principal state of operation* must be numbered and titled, except as otherwise provided in subsection ~~[4-6]~~ 5 and NRS 488.175.

2. ~~{Every sailing vessel and human-powered vessel for which this State is the state of principal operation must be numbered, except as otherwise provided in NRS 488.175. The Commission shall adopt regulations governing the numbering of sailing vessels and human-powered vessels and prescribing the fees for such numbering.}~~

~~3-}~~ Upon receipt of an original application for a certificate of ownership or for transfer of a certificate of ownership on an undocumented ~~{motorboat,}~~ *power-driven vessel*, the Department shall assign an appropriate state hull number to the ~~{motorboat}~~ *power-driven vessel* whenever there is no builder's hull *identification* number thereon, when the builder's hull *identification* number has been destroyed or obliterated, or if the builder's hull *identification* number does not meet the requirements prescribed by the United States Coast Guard. The state hull number must be permanently marked on an integral part of the hull which is accessible for inspection.

~~3.~~ ~~[4.]~~ A person shall not operate or give permission for the operation of any ~~{motorboat}~~ *vessel* on the waters of this state unless:

(a) The ~~{motorboat}~~ *vessel* is numbered in accordance with the provisions of this chapter or with the federally approved numbering system of another state;

(b) The certificate of number awarded to the ~~{motorboat}~~ *vessel* is in effect; *and*

(c) The identifying number set forth in the certificate of number is displayed on each side of the bow of the ~~{motorboat; and~~

~~—(d)} vessel in the manner set forth in 33 C.F.R. Part 173.~~

~~[5.]~~ ~~4.~~ A person shall not operate or give permission for the operation of any *power-driven vessel on the waters of this State unless a* valid certificate of ownership has been issued to the owner of ~~{any motorboat required to be numbered under this chapter.~~

~~—4-}~~ *the power-driven vessel.*

~~[6-]~~ ~~5.~~ Any person who purchases or otherwise owns a ~~{motorboat}~~ *power-driven vessel* before January 1, 1972, is not required to obtain title for the ~~{motorboat}~~ *power-driven vessel* until the person transfers any portion of his or her ownership in the ~~{motorboat}~~ *power-driven vessel* to another person.

**Sec. 10.** NRS 488.075 is hereby amended to read as follows:

488.075 1. The owner of each ~~{motorboat}~~ *power-driven vessel* 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}~~ **power-driven vessel** and must be accompanied by:

(a) A fee of ~~\$20~~ ~~{~~\$25~~}~~ for the certificate of ownership ~~: for \$45 for an expedited certificate of ownership~~ and

(b) Except as otherwise provided in subsection 2 of NRS 488.125, an annual 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}~~ **power-driven vessel**:

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 NRS 488.536, 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 State Education Fund 50 percent of each fee collected according to the ~~{motorboat's}~~ **length of the power-driven vessel** for every ~~{motorboat}~~ **power-driven vessel** registered. 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}~~ **power-driven vessel**, a certificate of ownership stating the same information and the name and address of the registered owner and the legal owner.

3. The Commission shall adopt regulations providing for the renewal of a certificate of number by the purchase of a validation decal. The fee for a validation decal is determined by the straight line length of the ~~{motorboat}~~ **power-driven vessel** and is equivalent to the fee set forth in the schedule provided in paragraph (b) of subsection 2. The amount of the fee for issuing a duplicate validation decal is \$20.

4. The owner shall paint on or attach to each side of the bow of the ~~{motorboat}~~ **power-driven vessel** the identification number in such manner as may be prescribed by regulations of the Commission in order that the number may be clearly visible. The number must be maintained in legible condition.

5. The certificate of number must be available at all times for inspection on the ~~{motorboat}~~ **power-driven vessel** for which issued, whenever the ~~{motorboat}~~ **power-driven vessel** is in operation.

6. The Commission shall provide by regulation for the issuance of numbers to manufacturers and dealers which may be used interchangeably upon ~~{motorboats}~~ **power-driven vessels** operated by the manufacturers and dealers in connection with the demonstration, sale or exchange of those ~~{motorboats}~~ **power-driven vessels**. The amount of the fee for each such a number is \$20.

**Sec. 11.** NRS 488.085 is hereby amended to read as follows:

488.085 The owner of any ~~motorboat~~ vessel already covered by a number in effect which has been awarded to it pursuant to a federally approved numbering system of another state must record the number before operating the ~~motorboat~~ vessel on the waters of this State. The recordation must be in the manner and pursuant to the procedure required for the award of a number under NRS 488.075 ~~for the regulations adopted pursuant to subsection 2 of NRS 488.065, as applicable,~~ but no additional or substitute number may be issued.

**Sec. 12.** NRS 488.105 is hereby amended to read as follows:

488.105 If an agency of the United States Government has in force an overall system of identification numbering for ~~motorboats~~ vessels within the United States, the numbering system employed pursuant to the provisions of this chapter by the Department must be in conformity therewith.

**Sec. 13.** NRS 488.125 is hereby amended to read as follows:

488.125 1. Every certificate of number awarded pursuant to the provisions of this chapter shall continue in full force and effect for a period of 1 year, or 2 years if allowed by regulations adopted by the Commission, unless sooner terminated or discontinued in accordance with the provisions of this chapter.

2. The fee for the issuance or renewal of a certificate of number for 2 years, if allowed, is an amount which is equal to twice the annual fee for the ~~motorboat~~ vessel set forth in paragraph (b) of subsection 2 of NRS 488.075 ~~for the regulations adopted pursuant to subsection 2 of NRS 488.065, as applicable.~~

3. Certificates of number may be renewed by the owner in accordance with regulations adopted pursuant to subsection ~~2 of NRS 488.065 and subsection~~ 3 of NRS 488.075 ~~as applicable.~~

**Sec. 14.** NRS 488.145 is hereby amended to read as follows:

488.145 1. The owner shall furnish the Department notice of the destruction or abandonment of any ~~motorboat~~ vessel numbered under this chapter, within 10 days thereof.

2. Such destruction or abandonment terminates the certificate of number for the ~~motorboat~~ vessel.

**Sec. 15.** NRS 488.165 is hereby amended to read as follows:

488.165 No number or decal other than the number or decal awarded to a ~~motorboat~~ vessel or granted reciprocity pursuant to the provisions of this chapter may be painted, attached or otherwise displayed on either side of the bow of such ~~motorboat~~ vessel. Only the current decal may be displayed or otherwise attached on either side of the bow of such ~~motorboat~~ vessel.

**Sec. 16.** NRS 488.175 is hereby amended to read as follows:

488.175 1. Except as otherwise provided in this section, a ~~motorboat~~ vessel need not be numbered pursuant to the provisions of this chapter if it is:

(a) Already covered by a number in effect which has been awarded or issued to it pursuant to a federally approved numbering system of another state.

(b) A ~~motorboat~~ vessel from a country other than the United States temporarily using the waters of this State.

(c) A public vessel of the United States, a state or a political subdivision of a state.

(d) A ship's lifeboat.

(e) A ~~motorboat~~ vessel belonging to a class of ~~boats~~ vessels which has been exempted from numbering by the Department after the Department has found:

(1) That the numbering of ~~motorboats~~ vessels of that class will not materially aid in their identification; and

(2) If an agency of the Federal Government has a numbering system applicable to the class of ~~motorboats~~ vessels to which the ~~motorboat~~ vessel in

question belongs, that the ~~[motorboat]~~ vessel would also be exempt from numbering if it were subject to the federal law.

2. If the owner or operator of a ~~[motorboat]~~ vessel which is not numbered in this State is a resident of another state, and if this State is or will be the state of principal operation of the ~~[motorboat]~~ vessel during a calendar year, the ~~[motorboat]~~ vessel must be numbered and a certificate of number issued for the ~~[motorboat]~~ vessel pursuant to this chapter. ~~[As used in this subsection, "state of principal operation" means a state in whose waters a motorboat is primarily operated during a calendar year.]~~

3. The Department may, by regulation, provide for the issuance of exempt numbers for ~~[motorboats]~~ vessels not required to be registered under the provisions of this chapter.

4. A ~~[motorboat]~~ power-driven vessel need not be titled pursuant to the provisions of this chapter, if it is:

(a) Covered by a certificate of ownership which has been awarded or issued to it pursuant to the title system of another state; or

(b) Documented pursuant to 46 U.S.C. §§ 12101 et seq.

**Sec. 17.** NRS 488.1793 is hereby amended to read as follows:

488.1793 ~~[[~~ Except as otherwise provided for the creation or transfer of a security interest or the transfer on death of a certificate of ownership pursuant to NRS 488.1794, no transfer of title to or any interest in any ~~[motorboat]~~ power-driven vessel required to be numbered under this chapter is effective until one of the following conditions is fulfilled:

1. ~~[(a)]~~ The transferor has properly endorsed and delivered the certificate of ownership and has delivered the certificate of number to the transferee as provided in this chapter, and the transferee has, within the prescribed time, delivered the documents to the Department or placed them in the United States mail addressed to the Department with the transfer fee.

2. ~~[(b)]~~ The transferor has delivered to the Department or placed in the United States mail addressed to the Department the appropriate documents for the transfer of ownership pursuant to the sale or transfer.

~~[(2. The documents provided to the Department pursuant to subsection 1 must include, without limitation, a declaration of amount paid for the power-driven vessel or the NADA value of the power-driven vessel.]~~

~~3. As used in this section, "NADA value" means the value given to a power-driven vessel by the National Automobile Dealers Association, or its successor organization.]~~

**Sec. 18.** NRS 488.1795 is hereby amended to read as follows:

488.1795 Upon receipt of a properly endorsed certificate of ownership and the certificate of number of any ~~[motorboat]~~ power-driven vessel, the transferee shall within 10 days file the certificates, accompanied by a fee of ~~\$20, [\$25, or \$45 for an expedited certificate of ownership.]~~ with the Department and thereby make application for a new certificate of ownership and , when required, a new certificate of number.

**Sec. 19.** NRS 488.1813 is hereby amended to read as follows:

488.1813 1. If a certificate of ownership is lost, stolen, damaged or mutilated, an application for transfer may be made upon a form provided by the Department for a duplicate certificate of ownership. The transferor shall write his or her signature and address in the appropriate spaces provided upon the application and file it together with the proper fees for a duplicate certificate of ownership and transfer.

2. The Department may receive the application and examine into the circumstances of the case and may require an inspection of the power-driven vessel

1 and the filing of affidavits or other information. When the Department is satisfied  
2 that the applicant is entitled to a transfer of ownership, the Department may transfer  
3 the ownership of the ~~{motorboat}~~ **power-driven vessel** and issue a new certificate of  
4 ownership and certificate of number to the person found to be entitled thereto.

5 ~~{3. An applicant who is unable to furnish information satisfactory to the~~  
6 ~~Department that the applicant is entitled to a duplicate certificate of ownership~~  
7 ~~pursuant to this section may obtain a new certificate of ownership pursuant to the~~  
8 ~~provisions of section 6 of this act.}~~

9 **Sec. 20.** NRS 488.1827 is hereby amended to read as follows:

10 488.1827 The Department may suspend or revoke any certificate of  
11 ownership, certificate of number or number of any ~~{motorboat}~~ **vessel** if it is  
12 satisfied that any such certificate or number was fraudulently obtained, or that the  
13 appropriate fee was not paid.

14 **Sec. 21.** NRS 488.185 is hereby amended to read as follows:

15 488.185 ~~{Motorboats}~~ **Vessels** subject to the provisions of this chapter shall  
16 be divided into four classes as follows:

17  
18 Class A. Less than 16 feet in length.

19 Class 1. Sixteen feet or over and less than 26 feet in length.

20 Class 2. Twenty-six feet or over and less than 40 feet in length.

21 Class 3. Forty feet or over.

22 **Sec. 22.** NRS 488.187 is hereby amended to read as follows:

23 488.187 1. Every ~~{motorboat}~~ **power-driven vessel or sailing vessel** in all  
24 weathers from sunset to sunrise, as established by the Nautical Almanac Office,  
25 United States Naval Observatory, Washington, D.C., must carry and exhibit the  
26 following lights when underway, and during that time other lights which may be  
27 mistaken for those prescribed must not be exhibited:

28 (a) Every ~~{motorboat}~~ **power-driven vessel** of classes A and 1 must carry the  
29 following lights:

30 (1) A bright white light aft to show all around the horizon.

31 (2) A combined lantern in the forepart of the **power-driven** vessel and  
32 lower than the white light aft, showing green to starboard and red to port, so fixed  
33 as to throw the light from right ahead to 2 points abaft the beam on their respective  
34 sides.

35 (b) Every ~~{motorboat}~~ **power-driven vessel** of classes 2 and 3 must carry the  
36 following lights:

37 (1) A bright white light in the forepart of the **power-driven** vessel as near  
38 the stem as practicable, so constructed as to show an unbroken light over an arc of  
39 the horizon of 20 points of the compass, so fixed as to throw the light 10 points on  
40 each side of the **power-driven** vessel, from right ahead to 2 points abaft the beam on  
41 either side.

42 (2) A bright white light aft to show 12 points.

43 (3) On the starboard side a green light so constructed as to show an  
44 unbroken light over an arc of the horizon of 10 points of the compass, so fixed as to  
45 throw the light from right ahead to 2 points abaft the beam on the starboard side.  
46 On the port side a red light so constructed as to show an unbroken light over an arc  
47 of the horizon of 10 points of the compass, so fixed as to throw the light from right  
48 ahead to 2 points abaft the beam on the port side. The side lights must be fitted with  
49 inboard screens of sufficient height so set as to prevent these lights from being seen  
50 across the bow.

51 (c) ~~{Vessels}~~ **Sailing vessels** of classes A and 1 ~~{when propelled by sail alone}~~  
52 must carry the combined lantern in the forepart of the **sailing** vessel and a white 12-  
53 point stern light. ~~{Vessels}~~ **Sailing vessels** of classes 2 and 3 ~~{, when so propelled,}~~

1 must carry the colored side lights, fitted so as to prevent these lights from being  
2 seen across the bow and a white 12-point stern light.

3 2. Every white light prescribed by this section must be visible at a distance of  
4 at least 2 miles. Every colored light prescribed by this section must be visible at a  
5 distance of at least 1 mile. As used in this subsection, "visible" means visible on a  
6 dark night with clear atmosphere.

7 ~~3. [When propelled by sail and machinery a vessel must carry the lights~~  
8 ~~required by this section for a motorboat propelled by machinery only.~~

9 ~~4. Manually propelled~~ *Human-powered* vessels ~~[of classes A and I]~~ must  
10 have ready at hand an electric torch or lighted lantern showing a white light which  
11 must be exhibited in sufficient time to prevent a collision.

12 ~~[5.]~~ 4. Any vessel may carry and exhibit the lights required by the Inland  
13 Navigational Rules, ~~[34 U.S.C. §§ 2001 et seq.]~~ *33 C.F.R. Part 83*, in lieu of the  
14 lights required by this section.

15 ~~[6.]~~ 5. Except for vessels anchored or moored in an area designated by the  
16 Commission as an anchoring or mooring area pursuant to the provisions of NRS  
17 488.265, every vessel, ~~[whether propelled by sail or machinery.]~~ when anchored or  
18 moored between sunset and sunrise where other vessels may navigate, must  
19 display a white light clearly visible in all directions.

20 ~~[7.]~~ 6. Except as otherwise provided in this subsection, it is unlawful for a  
21 person to display a flashing blue light or a flashing red light on a vessel operating  
22 on the waters of this state. A vessel of the United States, this state or its political  
23 subdivisions or a bordering state under interstate compact may display a flashing  
24 blue light when operated by a peace officer engaged in law enforcement *or public*  
25 *safety* activities. A peace officer ~~[shall]~~ *may* seize, or cause to be seized, a flashing  
26 red or blue light installed or operated in violation of this subsection.

27 **Sec. 23.** NRS 488.193 is hereby amended to read as follows:

28 488.193 1. Except for a contrivance, propelled by a sail, whose occupant  
29 must stand erect, every vessel must carry at least one ~~[personal flotation device]~~ *life*  
30 *jacket* of ~~[a]~~ *an appropriate size and type for the person for whom it is intended*  
31 *that has been* approved by the United States Coast Guard and *meets any*  
32 *requirements* prescribed by the regulations of the Commission for each person on  
33 board and any person in a vessel being towed, so placed as to be readily accessible  
34 for use in an emergency. Every vessel carrying passengers for hire must carry so  
35 placed as to be readily accessible for use in an emergency at least one ~~[personal~~  
36 ~~flotation device]~~ *life jacket* of the sort prescribed by *this subsection and* the  
37 regulations of the Commission for each person on board. A ~~[personal flotation~~  
38 ~~device]~~ *life jacket* required by this subsection is readily accessible for use in an  
39 emergency if:

- 40 (a) It is being worn; or  
41 (b) It is stowed where it is quickly reachable and is:  
42 (1) Ready to wear;  
43 (2) Out of its original packaging; and  
44 (3) Not under lock and key.

45 2. In addition to the requirements set forth in subsection 1, unless exempted  
46 by the United States Coast Guard or the regulations of the Commission:

47 (a) Every vessel which is 16 feet or more in length but less than 26 feet in  
48 length, regardless of its method of propulsion, must carry, so placed as to be readily  
49 accessible for use in an emergency, a ~~[type IV]~~ *throwable* personal flotation device  
50 approved by the United States Coast Guard, ~~[which is capable of being thrown.]~~  
51 such as a ring life buoy or buoyant cushion. A ~~[type IV]~~ *throwable* personal  
52 flotation device required by this paragraph is readily accessible for use in an



emergency if it is stowed in close proximity to the operator of the vessel and in a position to be thrown to a person overboard by either the operator or a passenger.

(b) Except as otherwise provided in this paragraph, every vessel which is 26 feet or more in length, regardless of its method of propulsion, must carry, so placed as to be readily accessible for use in an emergency, a ~~[type IV] throwable~~ personal flotation device approved by the United States Coast Guard, ~~[which is capable of being thrown,]~~ such as a ring life buoy or buoyant cushion. ~~[, with not less than 30 feet of throwing line attached,]~~ If the vessel is 40 feet or more in length, such a ~~[type IV] throwable~~ personal flotation device must be carried on both the fore and the aft of the vessel. A ~~[type IV] throwable~~ personal flotation device required by this paragraph is readily accessible for use in an emergency if it is prominently displayed on a bulkhead, railing or gunwale, and in a position to be thrown to a person overboard by either the operator or a passenger.

3. Every ~~[motorboat and every]~~ **power-driven vessel, except a mechanically propelled personal hydrofoil or a motorized surfboard,** must be provided with such number, size and type of fire extinguishers, capable of promptly and effectually extinguishing burning gasoline, as may be prescribed by the regulations of the Commission. The fire extinguishers must be of a marine type which has been approved by the United States Coast Guard and kept in condition for immediate and effective use and so placed as to be readily accessible.

4. Every ~~[motorboat and every]~~ **power-driven vessel** must have the carburetor of every engine therein, except outboard motors, using gasoline as fuel, equipped with such efficient flame arrestor, backfire trap or other similar device as may be prescribed by the regulations of the Commission.

5. Every ~~[motorboat and every]~~ vessel, except open boats, using as fuel any liquid of a volatile nature, must be provided with such means as may be prescribed by the regulations of the Commission for properly and efficiently ventilating the bilges of the engine and compartments for tanks of fuel to remove any explosive or flammable gases.

6. The Commission may adopt regulations modifying the requirements for equipment contained in this section to the extent necessary to keep these requirements in conformity with the provisions of the Federal Navigation Laws or with the rules for navigation adopted by the United States Coast Guard.

**Sec. 24.** NRS 488.291 is hereby amended to read as follows:

488.291 1. A person shall not abandon a vessel upon a public waterway or public or private property without the consent of the owner or person in lawful possession or control of the property.

2. The abandonment of any vessel in a manner prohibited by subsection 1 is prima facie evidence that the last registered owner of record, unless the registered owner has notified the Department or other appropriate agency of his or her relinquishment of title or interest therein, is responsible for the abandonment. The person so responsible is liable for the cost of removal and disposition of the vessel.

3. A game warden, sheriff or other peace officer of this state may remove **or order the removal of** a vessel from a public waterway when:

(a) The vessel is left unattended and is adrift, moored, docked, beached, **run aground, trailered** or made fast to land in **[such a position]**;

**(1) [Position] Such a position** as to interfere with navigation; ~~[or in such a condition for more than 48 hours and a game warden, sheriff or other peace officer of this State has contacted or made a reasonable attempt to contact the owner; or]~~

**(2) [Condition] Such a condition** as to create a hazard to other vessels using the waterway, to public safety or to the property of another; ~~[; or]~~

**(3) A location owned or administered by a public entity.**



(b) The vessel is found upon a waterway and a report has previously been made that the vessel has been stolen or embezzled.

(c) The person in charge of the vessel is by reason of physical injuries or illness incapacitated to such an extent as to be unable to provide for its custody or removal.

(d) An officer arrests a person operating or in control of the vessel for an alleged offense, and the officer is required or permitted to take, and does take, the person arrested before a magistrate without unnecessary delay.

(e) The vessel seriously interferes with navigation or otherwise poses a critical and immediate danger to navigation or to the public health, safety or welfare.

**Sec. 25.** NRS 488.305 is hereby amended to read as follows:

488.305 1. The Department may authorize the holding of regattas, ~~motorboat or other boat~~ vessel races, marine parades, tournaments or exhibitions on any waters of this state. The Commission shall adopt regulations concerning the safety of ~~motorboats and other~~ vessels and persons thereon, either observers or participants.

2. At least 30 days before a regatta, ~~motorboat or other boat~~ vessel race, marine parade, tournament or exhibition is proposed to be held, the person in charge thereof must file an application with the Department for permission to hold the regatta, ~~motorboat or other boat~~ vessel race, marine parade, tournament or exhibition. No such event may be conducted without the written authorization of the Department.

3. The Director of the Department may require an applicant, or the sponsor of the event, as a condition of the approval of a regatta, ~~motorboat or other boat~~ vessel race, marine parade, tournament or exhibition, to enter into an agreement to reimburse the Department for expenses incurred by the Department to ensure that the event is conducted safely, including, without limitation, expenses for equipment used, expenses for personnel and general operating expenses.

4. The application must set forth the date, time and location where it is proposed to hold the regatta, ~~motorboat or other boat~~ vessel race, marine parade, tournament or exhibition, the type of vessels participating, the number and kind of navigational aids required and the name of a person who will be present at the event to ensure that the conditions of the permit are satisfied.

5. The provisions of this section do not exempt any person from compliance with applicable federal law or regulation.

**Sec. 26.** NRS 488.400 is hereby amended to read as follows:

488.400 1. A person shall not operate any ~~motorboat or~~ vessel, or manipulate any water skis, surfboard or similar device in a reckless or negligent manner so as to endanger the life or property of any person.

2. A person shall not operate any ~~motorboat or~~ vessel, or manipulate any water skis, surfboard or similar device while intoxicated or under the influence of any controlled substance, unless in accordance with a lawfully issued prescription.

**Sec. 27.** NRS 488.410 is hereby amended to read as follows:

488.410 1. It is unlawful for any person who:

(a) Is under the influence of intoxicating liquor;

(b) Has a concentration of alcohol of 0.08 or more in his or her blood or breath;

or

(c) Is found by measurement within 2 hours after operating or being in actual physical control of a *power-driven vessel or sailing* vessel *under way* to have a concentration of alcohol of 0.08 or more in his or her blood or breath,

to operate or be in actual physical control of a *power-driven vessel or sailing* vessel *under ~~power or sail~~ way* on the waters of this State.

2. It is unlawful for any person who:

(a) Is under the influence of a controlled substance;  
(b) Is under the combined influence of intoxicating liquor and a controlled substance; or

(c) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely operating or exercising actual physical control of a **power-driven vessel or sailing vessel** ~~under [power or sail]~~ way, **to operate or be in actual physical control of a power-driven vessel or sailing vessel** ~~under [power or sail]~~ way on the waters of this State.

3. It is unlawful for any person to operate or be in actual physical control of a **power-driven vessel or sailing vessel** ~~under [power or sail]~~ way on the waters of this State with an amount of any of the following prohibited substances in his or her blood or urine that is equal to or greater than:

Prohibited substance	Urine	Blood
	Nanograms per milliliter	Nanograms per milliliter
(a) Amphetamine	500	100
(b) Cocaine	150	50
(c) Cocaine metabolite	150	50
(d) Heroin	2,000	50
(e) Heroin metabolite:		
(1) Morphine	2,000	50
(2) 6-monoacetyl morphine	10	10
(f) Lysergic acid diethylamide	25	10
(g) Methamphetamine	500	100
(h) Phencyclidine	25	10

4. For any violation that is punishable pursuant to NRS 488.427, it is unlawful for any person to operate or be in actual physical control of a **power-driven vessel or sailing vessel** ~~under [power or sail]~~ way on the waters of this State with an amount of any of the following prohibited substances in his or her blood that is equal to or greater than:

Prohibited substance	Blood
	Nanograms per milliliter
(a) Marijuana (delta-9-tetrahydrocannabinol)	2
(b) Marijuana metabolite (11-OH-tetrahydrocannabinol)	5

5. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after operating or being in actual physical control of the **power-driven vessel or sailing vessel**, *as applicable*, under way and before his or her blood was tested, to cause the defendant to have a concentration of 0.08 or more of alcohol in his or her blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

6. Except as otherwise provided in NRS 488.427, a person who violates the provisions of this section is guilty of a misdemeanor.

**Sec. 28.** NRS 488.420 is hereby amended to read as follows:

488.420 1. Unless a greater penalty is provided pursuant to NRS 488.425, a person who:

(a) Is under the influence of intoxicating liquor;

(b) Has a concentration of alcohol of 0.08 or more in his or her blood or breath;

(c) Is found by measurement within 2 hours after operating or being in actual physical control of a *power-driven vessel or sailing* vessel ~~under [power or sail]~~ *way* to have a concentration of alcohol of 0.08 or more in his or her blood or breath;

(d) Is under the influence of a controlled substance or is under the combined influence of intoxicating liquor and a controlled substance;

(e) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely operating or being in actual physical control of a *power-driven vessel or sailing* vessel ~~or under [power or sail]~~ *way*; or

(f) Has a prohibited substance in his or her blood or urine, as applicable, in an amount that is equal to or greater than the amount set forth in subsection 3 or 4 of NRS 488.410,

and does any act or neglects any duty imposed by law while operating or being in actual physical control of any *power-driven vessel or sailing* vessel ~~or under [power or sail]~~ *way*, if the act or neglect of duty proximately causes the death of, or substantial bodily harm to, another person, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years and shall be further punished by a fine of not less than \$2,000 nor more than \$5,000. A person so imprisoned must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.

2. A prosecuting attorney shall not dismiss a charge of violating the provisions of subsection 1 in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any other reason unless the prosecuting attorney knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial. A sentence imposed pursuant to subsection 1 must not be suspended, and probation must not be granted.

3. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after operating or being in actual physical control of the *power-driven vessel or sailing* vessel ~~[under power or sail]~~, *as applicable, under way* and before his or her blood was tested, to cause the defendant to have a concentration of alcohol of 0.08 or more in his or her blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

4. If a person less than 15 years of age was in the vessel at the time of the defendant's violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.

**Sec. 29.** NRS 488.425 is hereby amended to read as follows:

488.425 1. A person commits homicide by vessel if the person:

(a) Operates or is in actual physical control of a *power-driven vessel or sailing* vessel ~~under [power or sail]~~ *way* on the waters of this State and:

(1) Is under the influence of intoxicating liquor;

(2) Has a concentration of alcohol of 0.08 or more in his or her blood or breath;

(3) Is found by measurement within 2 hours after operating or being in actual physical control of a *power-driven vessel or sailing* vessel ~~under [power or sail]~~ way to have a concentration of alcohol of 0.08 or more in his or her blood or breath;

(4) Is under the influence of a controlled substance or is under the combined influence of intoxicating liquor and a controlled substance;

(5) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely operating or exercising actual physical control of a *power-driven vessel or sailing* vessel ~~under [power or sail]~~ way; or

(6) Has a prohibited substance in his or her blood or urine, as applicable, in an amount that is equal to or greater than the amount set forth in subsection 3 or 4 of NRS 488.410;

(b) Proximately causes the death of another person while operating or in actual physical control of a *power-driven vessel or sailing* vessel ~~under [power or sail]~~ way; and

(c) Has previously been convicted of at least three offenses.

2. A person who commits homicide by vessel is guilty of a category A felony and shall be punished by imprisonment in the state prison:

(a) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served; or

(b) For a definite term of 25 years, with eligibility for parole beginning when a minimum of 10 years has been served.

3. A person imprisoned pursuant to subsection 2 must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.

4. A prosecuting attorney shall not dismiss a charge of homicide by vessel in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any other reason unless the prosecuting attorney knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial. A sentence imposed pursuant to subsection 2 may not be suspended nor may probation be granted.

5. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under subparagraph (3) of paragraph (a) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after operating or being in actual physical control of the *power-driven vessel or sailing* vessel, as applicable, under way and before his or her blood or breath was tested, to cause the defendant to have a concentration of alcohol of 0.08 or more in his or her blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

6. If the defendant was transporting a person who is less than 15 years of age in the *power-driven vessel or sailing* vessel, as applicable, under way at the time of the violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.

7. As used in this section, "offense" means:

(a) A violation of NRS 488.410 or 488.420;

(b) A homicide resulting from operating or being in actual physical control of a *power-driven vessel or sailing* vessel under way while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by this section or NRS 488.410 or 488.420; or

(c) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a) or (b).

1       **Sec. 30.** NRS 488.450 is hereby amended to read as follows:

2       488.450 1. Any person who operates or is in actual physical control of a  
3 *power-driven vessel or sailing* vessel ~~under {power or sail}~~ *way* on the waters of  
4 this State shall be deemed to have given consent to a preliminary test of his or her  
5 breath to determine the concentration of alcohol in his or her breath when the test is  
6 administered at the request of a peace officer after a *power-driven vessel or sailing*  
7 vessel accident or collision *while under way* or where an officer stops a *power-*  
8 *driven vessel or sailing* vessel ~~under way~~ *way*, if the officer has reasonable grounds  
9 to believe that the person to be tested was:

10       (a) Operating or in actual physical control of a *power-driven vessel or sailing*  
11 vessel ~~under {power or sail}~~ *way* while under the influence of intoxicating liquor or  
12 a controlled substance; or

13       (b) Engaging in any other conduct prohibited by NRS 488.410, 488.420 or  
14 488.425.

15       2. If the person fails to submit to the test, the officer shall, if reasonable  
16 grounds otherwise exist, arrest the person and take him or her to a convenient place  
17 for the administration of a reasonably available evidentiary test under NRS  
18 488.460.

19       3. The result of the preliminary test must not be used in any criminal action,  
20 except to show there were reasonable grounds to make an arrest.

21       **Sec. 31.** NRS 488.460 is hereby amended to read as follows:

22       488.460 1. Except as otherwise provided in subsections 3 and 4, a person  
23 who operates or is in actual physical control of a *power-driven vessel or sailing*  
24 vessel ~~under {power or sail}~~ *way* on the waters of this State shall be deemed to have  
25 given consent to an evidentiary test of his or her blood, urine, breath or other bodily  
26 substance to determine the concentration of alcohol in his or her blood or breath or  
27 to determine whether a controlled substance, chemical, poison, organic solvent or  
28 another prohibited substance is present, if such a test is administered at the request  
29 of a peace officer having reasonable grounds to believe that the person to be tested  
30 was:

31       (a) Operating or in actual physical control of a *power-driven vessel or sailing*  
32 vessel ~~under {power or sail}~~ *way* while under the influence of intoxicating liquor or  
33 a controlled substance or with a prohibited substance in his or her blood or urine; or

34       (b) Engaging in any other conduct prohibited by NRS 488.410, 488.420 or  
35 488.425.

36       2. If the person to be tested pursuant to subsection 1 is dead or unconscious,  
37 the officer shall direct that samples of blood from the person be tested.

38       3. Any person who is afflicted with hemophilia or with a heart condition  
39 requiring the use of an anticoagulant as determined by a physician is exempt from  
40 any blood test which may be required pursuant to this section, but must, when  
41 appropriate pursuant to the provisions of this section, be required to submit to a  
42 breath or urine test.

43       4. If the concentration of alcohol of the blood or breath of the person to be  
44 tested is in issue:

45       (a) Except as otherwise provided in this section, the person may refuse to  
46 submit to a blood test if means are reasonably available to perform a breath test.

47       (b) The person may request a blood test, but if means are reasonably available  
48 to perform a breath test when the blood test is requested, and the person is  
49 subsequently convicted, the person must pay for the cost of the blood test, including  
50 the fees and expenses of witnesses whose testimony in court is necessary because  
51 of the use of the blood test. The expenses of such a witness may be assessed at an  
52 hourly rate of not less than:

53       (1) Fifty dollars for travel to and from the place of the proceeding; and

(2) One hundred dollars for giving or waiting to give testimony.

(c) Except as otherwise provided in NRS 488.470, not more than three samples of the person's blood or breath may be taken during the 5-hour period immediately following the time of the initial arrest.

5. Except as otherwise provided in subsection 6, if the presence of a controlled substance, chemical, poison, organic solvent or another prohibited substance in the blood or urine of the person is in issue, the officer may request that the person submit to a blood or urine test, or both.

6. If the presence of marijuana in the blood of the person is in issue, the officer may request that the person submit to a blood test.

7. Except as otherwise provided in subsections 3 and 5, a peace officer shall not request that a person submit to a urine test.

8. If a person to be tested fails to submit to a required test as requested by a peace officer pursuant to this section and the officer has reasonable grounds to believe that the person to be tested was:

(a) Operating or in actual physical control of a *power-driven vessel or sailing vessel* ~~under [power or sail]~~ *way* while under the influence of intoxicating liquor or a controlled substance or with a prohibited substance in his or her blood or urine; or

(b) Engaging in any other conduct prohibited by NRS 488.410, 488.420 or 488.425,

the officer may apply for a warrant or court order directing that reasonable force be used to the extent necessary to obtain samples of blood from the person to be tested.

9. If a person who is less than 18 years of age is requested to submit to an evidentiary test pursuant to this section, the officer shall, before testing the person, make a reasonable attempt to notify the parent, guardian or custodian of the person, if known.

**Sec. 32.** NRS 488.480 is hereby amended to read as follows:

1. If a person refuses to submit to a required chemical test provided for in NRS 488.450 or 488.460, evidence of that refusal is admissible in any criminal action arising out of acts alleged to have been committed while the person was:

(a) Operating or in actual physical control of a *power-driven vessel or sailing vessel* ~~under [power or sail]~~ *way* while under the influence of intoxicating liquor or a controlled substance; or

(b) Engaging in any other conduct prohibited by NRS 488.410, 488.420 or 488.425.

2. Except as otherwise provided in subsection 3 of NRS 488.450, a court may not exclude evidence of a required test or failure to submit to such a test if the peace officer or other person substantially complied with the provisions of NRS 488.450 to 488.500, inclusive.

3. If a person submits to a chemical test provided for in NRS 488.450 or 488.460, full information concerning that test must be made available, upon request, to the person or the person's attorney.

4. Evidence of a required test is not admissible in a criminal proceeding unless it is shown by documentary or other evidence that the device for testing breath was certified pursuant to NRS 484C.610 and was calibrated, maintained and operated as provided by the regulations of the Committee on Testing for Intoxication adopted pursuant to NRS 484C.620, 484C.630 or 484C.640.

5. If the device for testing breath has been certified by the Committee on Testing for Intoxication to be accurate and reliable pursuant to NRS 484C.610, it is presumed that, as designed and manufactured, the device is accurate and reliable for

the purpose of testing a person's breath to determine the concentration of alcohol in the person's breath.

6. A court shall take judicial notice of the certification by the Director of a person to operate testing devices of one of the certified types. If a test to determine the amount of alcohol in a person's breath has been performed with a certified type of device by a person who is certified pursuant to NRS 484C.630 or 484C.640, it is presumed that the person operated the device properly.

7. This section does not preclude the admission of evidence of a test of a person's breath where the:

(a) Information is obtained through the use of a device other than one of a type certified by the Committee on Testing for Intoxication.

(b) Test has been performed by a person other than one who is certified by the Director.

8. As used in this section, "Director" means the Director of the Department of Public Safety.

**Sec. 33.** NRS 488.490 is hereby amended to read as follows:

488.490 1. A person who is arrested for operating or being in actual physical control of a ~~power-driven vessel or sailing vessel~~ ~~under [power or sail]~~ way while under the influence of intoxicating liquor or a controlled substance or for engaging in any other conduct prohibited by NRS 488.410, 488.420 or 488.425 must be permitted, upon the person's request and at his or her expense, reasonable opportunity to have a qualified person of his or her own choosing administer a chemical test to determine:

(a) The concentration of alcohol in his or her blood or breath; or

(b) Whether a controlled substance, chemical, poison, organic solvent or another prohibited substance is present in his or her blood or urine.

2. The failure or inability to obtain such a test does not preclude the admission of evidence relating to the refusal to submit to a test or relating to a test taken upon the request of a peace officer.

3. A test obtained under the provisions of this section may not be substituted for or stand in lieu of the test required by NRS 488.460.

**Sec. 34.** NRS 488.500 is hereby amended to read as follows:

488.500 1. The results of any blood test administered under the provisions of NRS 488.460 or 488.490 are not admissible in any criminal action arising out of acts alleged to have been committed by a person who was operating or in actual physical control of a ~~power-driven vessel or sailing vessel~~ ~~under [power or sail]~~ way while under the influence of intoxicating liquor or a controlled substance or with a prohibited substance in his or her blood or urine or who was engaging in any other conduct prohibited by NRS 488.410, 488.420 or 488.425 unless:

(a) The blood tested was withdrawn by a person, other than an arresting officer, who:

(1) Is a physician, registered nurse, licensed practical nurse, advanced emergency medical technician, paramedic or a phlebotomist, technician, technologist or assistant employed in a medical laboratory; or

(2) Has special knowledge, skill, experience, training and education in withdrawing blood in a medically acceptable manner, including, without limitation, a person qualified as an expert on that subject in a court of competent jurisdiction or a person who has completed a course of instruction that qualifies him or her to take an examination in phlebotomy that is administered by the American Medical Technologists or the American Society for Clinical Pathology; and

(b) The test was performed on whole blood, except if the sample was clotted when it was received by the laboratory, the test may be performed on blood serum or plasma.



2. The limitation contained in paragraph (a) of subsection 1 does not apply to the taking of a chemical test of the urine, breath or other bodily substance.

3. No person listed in paragraph (a) of subsection 1 incurs any civil or criminal liability as a result of the administering of a blood test when requested by a peace officer or the person to be tested to administer the test.

**Sec. 35.** NRS 488.520 is hereby amended to read as follows:

488.520 1. Any coroner, or other public officer performing like duties, shall in all cases in which a death has occurred as a result of an accident involving a *power-driven vessel or sailing vessel under ~~power or sail~~ way* on the waters of this state, whether the person killed is the operator of the vessel or a passenger or other person, cause to be drawn from each decedent, within 8 hours after the accident, a blood sample to be analyzed for the presence and concentration of alcohol.

2. The findings of the examinations are a matter of public record and must be reported to the Commission by the coroner or other public officer within 30 days after the death.

3. Analyses of blood alcohol are acceptable only if made by laboratories licensed to perform this function.

**Sec. 36.** NRS 488.575 is hereby amended to read as follows:

488.575 1. Except as otherwise provided in subsection 2, a person shall not operate or authorize another person to operate a vessel under his or her ownership or control on any waters of this State unless each person on the vessel who is less than 13 years of age is wearing a *~~personal flotation device~~ life jacket of ~~a~~ an appropriate size and type for the person for whom it is intended that has been approved by the United States Coast Guard and meets any requirements* 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) A commercial vessel licensed by the United States Coast Guard for the transportation of passengers for hire; or

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

**Sec. 37.** 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 or her 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 and each passenger is wearing a *~~personal flotation device~~ life jacket of ~~a~~ an appropriate size and type for the person for whom it was intended that has been approved by the United States Coast Guard and meets any requirements* prescribed by the regulations of the Commission.

(c) Unless the operator is at least 14 years of age.

(d) Unless the operator satisfies any applicable provisions of NRS 488.730.

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~~ power-driven vessel* in a manner that obstructs the visibility of either operator.

(c) Heads into the wake of a *~~motorboat~~ power-driven vessel* 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)]~~ :

(a) A class A ~~motorboat~~ *power-driven vessel* which:

~~[(a)]~~ (1) Is less than 13 feet in length;

~~[(b)]~~ (2) Is designed to be operated by a person sitting, standing or kneeling on, rather than in, the ~~motorboat~~ *power-driven vessel*;

~~[(c)]~~ (3) Is capable of performing sharp turns or quick maneuvers; and

~~[(d)]~~ (4) Has a motor that exceeds 10 horsepower.

(b) *A mechanically propelled personal hydrofoil or motorized surfboard.*

**Sec. 38.** NRS 488.585 is hereby amended to read as follows:

488.585 1. A person who ~~owns or controls a motorboat~~ *operates a recreational power-driven vessel* ~~used for a recreational purpose~~ that ~~is equipped~~ :

(a) *Is less than 26 feet overall in length;*

(b) *Has a main helm that is not installed within an enclosed* ~~fin-a~~ *cabin;*

(c) *Is capable of developing 115 pounds or more of static thrust; and*

(d) *Is equipped* with an engine cut-off switch *or built on or after December 4, 2019,*

↪ shall ~~not operate or authorize another person to operate the motorboat at a rate of speed greater than 5 nautical miles per hour power driven vessel on plane or above displacement speed if~~ *use* the ~~engine cut off switch or~~ engine cut-off switch link ~~is missing, disconnected or not operating properly,~~ *when the vessel is on plane or above displacement speed.*

2. ~~A person shall not operate a motorboat~~ *recreational power-driven vessel that is equipped with an engine cut-off switch* ~~at a rate of speed greater than 5 nautical miles per hour~~ *unless the operator has attached the engine cut-off switch link* ~~is attached~~ *to his or her body, clothing or properly worn personal flotation device.*

3. As used in this section:

(a) “Engine cut-off switch” means a switch that ~~automatically stops the engine of a motorboat power driven vessel if~~ , *when* activated ~~by an engine cut off switch link,~~ *in an emergency, provides the means to stop the mechanical propulsion system.*

(b) “Engine cut-off switch link” means a device ~~that, if attached to an~~ *designed to attach the* operator ~~activates an engine cut off switch if the operator is separated from the motorboat power driven vessel~~ *of a vessel to the system that stops the engine under emergency conditions.* The term includes a lanyard or other mechanical device and a wireless cut-off device.

(c) ~~“Wireless cut-off device” means an engine cut off switch link that transmits an electromagnetic signal to an engine cut off switch.~~ *“Static thrust” means the forward or backward thrust developed by* ~~[(a)] propulsion~~ *system that is self contained, including, without limitation, an inboard engine, outboard motor or stern-drive engine,* *machinery while stationary.*

**Sec. 39.** NRS 488.950 is hereby amended to read as follows:

488.950 1. Except as otherwise provided in this chapter, ~~any person who violates any of the provisions of this chapter is guilty of a misdemeanor.~~ *a person is guilty of a misdemeanor if the person:*

(a) *Performs an act or attempts to perform an act made unlawful or prohibited by this chapter;*

(b) *Willfully fails to perform an act required of the person by this chapter; or*

~~(c) [Obstructs, hinders, delays or otherwise interferes with any officer, employee or agent of the Department in the performance of any duty while enforcing or attempting to enforce any provision of this chapter or any regulation adopted pursuant thereto; or~~

~~—(d) Violates any order issued or regulation adopted by the Commission under the provisions of this chapter.~~

2. A court may prohibit a person who violates any of the provisions of this chapter from operating a ~~[motorboat]~~ vessel upon the interstate waters of this State until the person successfully completes, after the date of the violation, a course in safe boating approved by the National Association of State Boating Law Administrators. As used in this subsection, “interstate waters of this State” means waters forming the boundary between the State of Nevada and an adjoining state.

**Sec. 40.** NRS 50.325 is hereby amended to read as follows:

50.325 1. If a person is charged with an offense listed in subsection 4, and it is necessary to prove:

(a) The existence of any alcohol;

(b) The quantity of a controlled substance; or

(c) The existence or identity of a controlled substance, chemical, poison, organic solvent or another prohibited substance,

the prosecuting attorney may request that the affidavit or declaration of an expert or other person described in NRS 50.315 and 50.320 be admitted into evidence at the preliminary hearing, hearing before a grand jury or trial concerning the offense. Except as otherwise provided in NRS 50.315 and 50.320, the affidavit or declaration must be admitted into evidence at the trial.

2. If the request is to have the affidavit or declaration admitted into evidence at a preliminary hearing or hearing before a grand jury, the affidavit or declaration must be admitted into evidence upon submission. If the request is to have the affidavit or declaration admitted into evidence at trial, the request must be:

(a) Made at least 10 days before the date set for the trial;

(b) Sent to the defendant’s counsel and to the defendant, by registered or certified mail, or personally served on the defendant’s counsel or the defendant; and

(c) Accompanied by a copy of the affidavit or declaration and the name, address and telephone number of the affiant or declarant.

3. The provisions of this section do not prohibit either party from producing any witness to offer testimony at trial.

4. The provisions of this section apply to any of the following offenses:

(a) An offense punishable pursuant to NRS 202.257, 455A.170, 455B.080, 493.130 or 639.283.

(b) An offense punishable pursuant to chapter 453, 484A to 484E, inclusive, or 488 of NRS.

(c) A homicide resulting from driving, operating or being in actual physical control of a vehicle, ~~a power-driven vessel~~ or a sailing vessel ~~under [power or sail]~~ way while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420 or 488.425.

(d) Any other offense for which it is necessary to prove, as an element of the offense:

(1) The existence of any alcohol;

(2) The quantity of a controlled substance; or

(3) The existence or identity of a controlled substance, chemical, poison, organic solvent or another prohibited substance.

1       **Sec. 41.** NRS 62E.620 is hereby amended to read as follows:

2       62E.620 1. The juvenile court shall order a delinquent child to undergo an  
3 evaluation to determine whether the child has an alcohol or substance use disorder  
4 if the child committed:

5       (a) An unlawful act in violation of NRS 484C.110, 484C.120, 484C.130 or  
6 484C.430;

7       (b) The unlawful act of using, possessing, selling or distributing a controlled  
8 substance; or

9       (c) The unlawful act of purchasing, consuming or possessing an alcoholic  
10 beverage in violation of NRS 202.020.

11       2. Except as otherwise provided in subsection 3, an evaluation of the child  
12 must be conducted by:

13       (a) A clinical alcohol and drug counselor who is licensed, an alcohol and drug  
14 counselor who is licensed or certified, or an alcohol and drug counselor intern or a  
15 clinical alcohol and drug counselor intern who is certified, pursuant to chapter  
16 641C of NRS, to make that classification; or

17       (b) A physician who is certified to make that classification by the Board of  
18 Medical Examiners.

19       3. If the child resides in this State but the nearest location at which an  
20 evaluation may be conducted is in another state, the court may allow the evaluation  
21 to be conducted in the other state if the person conducting the evaluation:

22       (a) Possesses qualifications that are substantially similar to the qualifications  
23 described in subsection 2;

24       (b) Holds an appropriate license, certificate or credential issued by a regulatory  
25 agency in the other state; and

26       (c) Is in good standing with the regulatory agency in the other state.

27       4. The evaluation of the child may be conducted at an evaluation center.

28       5. The person who conducts the evaluation of the child shall report to the  
29 juvenile court the results of the evaluation and make a recommendation to the  
30 juvenile court concerning the length and type of treatment required for the child.

31       6. The juvenile court shall:

32       (a) Order the child to undergo a program of treatment as recommended by the  
33 person who conducts the evaluation of the child.

34       (b) Require the treatment provider to submit monthly reports on the treatment  
35 of the child pursuant to this section.

36       7. Except as otherwise provided in this subsection, the juvenile court shall not  
37 order the child or the parent or guardian of the child to pay any charges relating to  
38 the evaluation and treatment of the child pursuant to this section. The juvenile court  
39 shall:

40       (a) To the extent possible, arrange for the child to receive such evaluation and  
41 treatment from an approved provider that receives a sufficient amount of federal or  
42 state funding to offset the remainder of the costs of such evaluation and treatment.

43       (b) Arrange for the billing of any available public or private medical insurance  
44 to pay for such evaluation and treatment.

45       (c) Not order the parent or guardian of the child to pay the costs for such  
46 evaluation and treatment unless the child receives such evaluation and treatment  
47 from a provider that is not approved or the child seeks additional evaluation or  
48 treatment beyond that recommended for the child, in which case the parent or  
49 guardian of the child shall pay the costs of such evaluation and treatment.

50       8. After a treatment provider has certified a child's successful completion of a  
51 program of treatment ordered pursuant to this section, the treatment provider is not  
52 liable for any damages to person or property caused by a child who:

1 (a) Drives, operates or is in actual physical control of a vehicle , *a power-*  
2 *driven vessel* or a *sailing* vessel under ~~power or sail~~ way while under the  
3 influence of intoxicating liquor or a controlled substance; or

4 (b) Engages in any other conduct prohibited by NRS 484C.110, 484C.120,  
5 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420 or  
6 488.425 or a law of any other jurisdiction that prohibits the same or similar  
7 conduct.

8 9. The provisions of this section do not prohibit the juvenile court from:

9 (a) Requiring an evaluation to be conducted by a person who is employed by a  
10 private company if the company meets the standards of the Division of Public and  
11 Behavioral Health of the Department of Health and Human Services. The  
12 evaluation may be conducted at an evaluation center.

13 (b) Ordering the child to attend a program of treatment which is administered  
14 by a private company.

15 10. Except as otherwise provided in NRS 239.0115, all information relating to  
16 the evaluation or treatment of a child pursuant to this section is confidential and,  
17 except as otherwise authorized by the provisions of this title or the juvenile court,  
18 must not be disclosed to any person other than:

19 (a) The juvenile court;

20 (b) The child;

21 (c) The attorney for the child, if any;

22 (d) The parents or guardian of the child;

23 (e) The district attorney; and

24 (f) Any other person for whom the communication of that information is  
25 necessary to effectuate the evaluation or treatment of the child.

26 11. A record of any finding that a child has violated the provisions of NRS  
27 484C.110, 484C.120, 484C.130 or 484C.430 must be included in the driver's  
28 record of that child for 7 years after the date of the offense.

29 **Sec. 42.** NRS 178.484 is hereby amended to read as follows:

30 178.484 1. Except as otherwise provided in this section, a person arrested  
31 for an offense other than murder of the first degree must be admitted to bail.

32 2. A person arrested for a felony who has been released on probation or  
33 parole for a different offense must not be admitted to bail unless:

34 (a) A court issues an order directing that the person be admitted to bail;

35 (b) The State Board of Parole Commissioners directs the detention facility to  
36 admit the person to bail; or

37 (c) The Division of Parole and Probation of the Department of Public Safety  
38 directs the detention facility to admit the person to bail.

39 3. A person arrested for a felony whose sentence has been suspended pursuant  
40 to NRS 4.373 or 5.055 for a different offense or who has been sentenced to a term  
41 of residential confinement pursuant to NRS 4.3762 or 5.076 for a different offense  
42 must not be admitted to bail unless:

43 (a) A court issues an order directing that the person be admitted to bail; or

44 (b) A department of alternative sentencing directs the detention facility to  
45 admit the person to bail.

46 4. A person arrested for murder of the first degree may be admitted to bail  
47 unless the proof is evident or the presumption great by any competent court or  
48 magistrate authorized by law to do so in the exercise of discretion, giving due  
49 weight to the evidence and to the nature and circumstances of the offense.

50 5. A person arrested for a violation of NRS 484C.110, 484C.120, 484C.130,  
51 484C.430, 488.410, 488.420 or 488.425 who is under the influence of intoxicating  
52 liquor must not be admitted to bail or released on the person's own recognizance  
53 unless the person has a concentration of alcohol of less than 0.04 in his or her

1 breath. A test of the person's breath pursuant to this subsection to determine the  
2 concentration of alcohol in his or her breath as a condition of admission to bail or  
3 release is not admissible as evidence against the person.

4 6. A person arrested for a violation of NRS 484C.110, 484C.120, 484C.130,  
5 484C.430, 488.410, 488.420 or 488.425 who is under the influence of a controlled  
6 substance, is under the combined influence of intoxicating liquor and a controlled  
7 substance, or inhales, ingests, applies or otherwise uses any chemical, poison or  
8 organic solvent, or any compound or combination of any of these, to a degree  
9 which renders the person incapable of safely driving or exercising actual physical  
10 control of a vehicle, *a power-driven vessel* or *a sailing vessel* ~~under [power or sail]~~  
11 *way* must not be admitted to bail or released on the person's own recognizance  
12 sooner than 12 hours after arrest.

13 7. A person arrested for a battery that constitutes domestic violence pursuant  
14 to NRS 33.018 must not be admitted to bail sooner than 12 hours after arrest. If the  
15 person is admitted to bail more than 12 hours after arrest, without appearing  
16 personally before a magistrate or without the amount of bail having been otherwise  
17 set by a magistrate or a court, the amount of bail must be:

18 (a) Three thousand dollars, if the person has no previous convictions of battery  
19 that constitute domestic violence pursuant to NRS 33.018 and there is no reason to  
20 believe that the battery for which the person has been arrested resulted in  
21 substantial bodily harm or was committed by strangulation;

22 (b) Five thousand dollars, if the person has:

23 (1) No previous convictions of battery that constitute domestic violence  
24 pursuant to NRS 33.018, but there is reason to believe that the battery for which the  
25 person has been arrested resulted in substantial bodily harm or was committed by  
26 strangulation; or

27 (2) One previous conviction of battery that constitutes domestic violence  
28 pursuant to NRS 33.018, but there is no reason to believe that the battery for which  
29 the person has been arrested resulted in substantial bodily harm or was committed  
30 by strangulation; or

31 (c) Fifteen thousand dollars, if the person has:

32 (1) One previous conviction of battery that constitutes domestic violence  
33 pursuant to NRS 33.018 and there is reason to believe that the battery for which the  
34 person has been arrested resulted in substantial bodily harm or was committed by  
35 strangulation; or

36 (2) Two or more previous convictions of battery that constitute domestic  
37 violence pursuant to NRS 33.018.

38 ➤ The provisions of this subsection do not affect the authority of a magistrate or a  
39 court to set the amount of bail when the person personally appears before the  
40 magistrate or the court, or when a magistrate or a court has otherwise been  
41 contacted to set the amount of bail. For the purposes of this subsection, a person  
42 shall be deemed to have a previous conviction of battery that constitutes domestic  
43 violence pursuant to NRS 33.018 if the person has been convicted of such an  
44 offense in this State or has been convicted of violating a law of any other  
45 jurisdiction that prohibits the same or similar conduct.

46 8. A person arrested for violating a temporary or extended order for  
47 protection against domestic violence issued pursuant to NRS 33.017 to 33.100,  
48 inclusive, or for violating a restraining order or injunction that is in the nature of a  
49 temporary or extended order for protection against domestic violence issued in an  
50 action or proceeding brought pursuant to title 11 of NRS, or for violating a  
51 temporary or extended order for protection against stalking, aggravated stalking or  
52 harassment issued pursuant to NRS 200.591, or for violating a temporary or

1 extended order for protection against sexual assault pursuant to NRS 200.378 must  
2 not be admitted to bail sooner than 12 hours after arrest if:

3 (a) The arresting officer determines that such a violation is accompanied by a  
4 direct or indirect threat of harm;

5 (b) The person has previously violated a temporary or extended order for  
6 protection of the type for which the person has been arrested; or

7 (c) At the time of the violation or within 2 hours after the violation, the person  
8 has:

9 (1) A concentration of alcohol of 0.08 or more in the person's blood or  
10 breath; or

11 (2) An amount of a prohibited substance in the person's blood or urine, as  
12 applicable, that is equal to or greater than the amount set forth in subsection 3 or 4  
13 of NRS 484C.110.

14 9. If a person is admitted to bail more than 12 hours after arrest, pursuant to  
15 subsection 8, without appearing personally before a magistrate or without the  
16 amount of bail having been otherwise set by a magistrate or a court, the amount of  
17 bail must be:

18 (a) Three thousand dollars, if the person has no previous convictions of  
19 violating a temporary or extended order for protection against domestic violence  
20 issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining  
21 order or injunction that is in the nature of a temporary or extended order for  
22 protection against domestic violence issued in an action or proceeding brought  
23 pursuant to title 11 of NRS, or of violating a temporary or extended order for  
24 protection against stalking, aggravated stalking or harassment issued pursuant to  
25 NRS 200.591, or of violating a temporary or extended order for protection against  
26 sexual assault pursuant to NRS 200.378;

27 (b) Five thousand dollars, if the person has one previous conviction of  
28 violating a temporary or extended order for protection against domestic violence  
29 issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining  
30 order or injunction that is in the nature of a temporary or extended order for  
31 protection against domestic violence issued in an action or proceeding brought  
32 pursuant to title 11 of NRS, or of violating a temporary or extended order for  
33 protection against stalking, aggravated stalking or harassment issued pursuant to  
34 NRS 200.591, or of violating a temporary or extended order for protection against  
35 sexual assault pursuant to NRS 200.378; or

36 (c) Fifteen thousand dollars, if the person has two or more previous convictions  
37 of violating a temporary or extended order for protection against domestic violence  
38 issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining  
39 order or injunction that is in the nature of a temporary or extended order for  
40 protection against domestic violence issued in an action or proceeding brought  
41 pursuant to title 11 of NRS, or of violating a temporary or extended order for  
42 protection against stalking, aggravated stalking or harassment issued pursuant to  
43 NRS 200.591, or of violating a temporary or extended order for protection against  
44 sexual assault pursuant to NRS 200.378.

45 ➤ The provisions of this subsection do not affect the authority of a magistrate or a  
46 court to set the amount of bail when the person personally appears before the  
47 magistrate or the court or when a magistrate or a court has otherwise been contacted  
48 to set the amount of bail. For the purposes of this subsection, a person shall be  
49 deemed to have a previous conviction of violating a temporary or extended order  
50 for protection against domestic violence issued pursuant to NRS 33.017 to 33.100,  
51 inclusive, or of violating a restraining order or injunction that is in the nature of a  
52 temporary or extended order for protection against domestic violence issued in an  
53 action or proceeding brought pursuant to title 11 of NRS, or of violating a

temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378, if the person has been convicted of such an offense in this State or has been convicted of violating a law of any other jurisdiction that prohibits the same or similar conduct.

10. For the purposes of subsections 8 and 9, an order or injunction is in the nature of a temporary or extended order for protection against domestic violence if it grants relief that might be given in a temporary or extended order issued pursuant to NRS 33.017 to 33.100, inclusive.

11. As used in this section, "strangulation" has the meaning ascribed to it in NRS 200.481.

**Sec. 43.** NRS 458.260 is hereby amended to read as follows:

458.260 1. Except as otherwise provided in subsection 2, the use of alcohol, the status of drunkard and the fact of being found in an intoxicated condition are not:

(a) Public offenses and shall not be so treated in any ordinance or resolution of a county, city or town.

(b) Elements of an offense giving rise to a criminal penalty or civil sanction.

2. The provisions of subsection 1 do not apply to:

(a) A civil or administrative violation for which intoxication is an element of the violation pursuant to the provisions of a specific statute or regulation;

(b) A criminal offense for which intoxication is an element of the offense pursuant to the provisions of a specific statute or regulation;

(c) A homicide resulting from driving, operating or being in actual physical control of a vehicle, *a power-driven vessel* or a *sailing vessel* ~~under [power or sail]~~ *way* while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420 or 488.425; and

(d) Any offense or violation which is similar to an offense or violation described in paragraph (a), (b) or (c) and which is set forth in an ordinance or resolution of a county, city or town.

3. This section does not make intoxication an excuse or defense for any criminal act.

**Sec. 44.** NRS 458.270 is hereby amended to read as follows:

458.270 1. Except as otherwise provided in subsection 7, a person who is found in any public place under the influence of alcohol, in such a condition that the person is unable to exercise care for his or her health or safety or the health or safety of other persons, must be placed under civil protective custody by a peace officer.

2. A peace officer may use upon such a person the kind and degree of force which would be lawful if the peace officer were effecting an arrest for a misdemeanor with a warrant.

3. If a licensed facility for the treatment of persons with an alcohol use disorder that has been certified by the Division for civil protective custody exists in the community where the person is found, the person must be delivered to the facility for observation and care. If no such facility exists in the community, the person so found may be placed in a county or city jail or detention facility for shelter or supervision for his or her health and safety until he or she is no longer under the influence of alcohol. The person may not be required against his or her will to remain in a licensed facility, jail or detention facility longer than 48 hours.

4. An intoxicated person taken into custody by a peace officer for a public offense must immediately be taken to a secure detoxification unit or other appropriate medical facility if the condition of the person appears to require

emergency medical treatment. Upon release from the detoxification unit or medical facility, the person must immediately be remanded to the custody of the apprehending peace officer and the criminal proceedings proceed as prescribed by law.

5. The placement of a person found under the influence of alcohol in civil protective custody must be:

(a) Recorded at the facility, jail or detention facility to which the person is delivered; and

(b) Communicated at the earliest practical time to the person's family or next of kin if they can be located.

6. Every peace officer and other public employee or agency acting pursuant to this section is performing a discretionary function or duty.

7. The provisions of this section do not apply to a person who is apprehended or arrested for:

(a) A civil or administrative violation for which intoxication is an element of the violation pursuant to the provisions of a specific statute or regulation;

(b) A criminal offense for which intoxication is an element of the offense pursuant to the provisions of a specific statute or regulation;

(c) A homicide resulting from driving, operating or being in actual physical control of a vehicle, a power-driven vessel or a sailing vessel under [power or sail] way while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420 or 488.425; and

(d) Any offense or violation which is similar to an offense or violation described in paragraph (a), (b) or (c) and which is set forth in an ordinance or resolution of a county, city or town.

**Sec. 45.** ~~[NRS 501.356 is hereby amended to read as follows:~~

~~501.356 1. Money received by the Department from:~~

~~(a) The sale of licenses;~~

~~(b) Fees described in NRS 278.337;~~

~~(c) Fees pursuant to the provisions of NRS 488.065, 488.075 and 488.1795;~~

~~(d) Remittances from the State Treasurer pursuant to the provisions of NRS 365.535;~~

~~(e) Appropriations made by the Legislature; and~~

~~(f) All other sources, including, without limitation, the Federal Government, except money derived from the forfeiture of any property described in NRS 501.3857 or money deposited in the Wildlife Heritage Account pursuant to NRS 501.3575, the Wildlife Trust Fund pursuant to NRS 501.3585, the Energy Planning and Conservation Account created by NRS 701.630 or the Account for the Recovery of Costs created by NRS 701.640,~~

~~— must be deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund.~~

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

~~3. Except as otherwise provided in subsection 4 and NRS 503.597, the Department may use money in the Wildlife Account only to carry out the provisions of this title and chapter 488 of NRS and as provided in NRS 365.535, and the money must not be diverted to any other use.~~

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



~~(a) Only for the protection, propagation and management of wildlife; and~~  
~~(b) If the fee is for the sale or issuance of a license, permit or tag other than a~~  
~~tag specified in subsection 5 or 6 of NRS 502.250, under the guidance of the~~  
~~Commission pursuant to subsection 2 of NRS 501.181.] (Deleted by amendment.)~~

**Sec. 46.** NRS 678C.300 is hereby amended to read as follows:

678C.300 1. A person who holds a registry identification card or letter of approval issued to him or her pursuant to NRS 678C.230 or 678C.270 is not exempt from state prosecution for, nor may the person establish an affirmative defense to charges arising from, any of the following acts:

(a) Driving, operating or being in actual physical control of a vehicle , **a power-driven vessel** or a **sailing** vessel ~~under [power or sail]~~ **way** while under the influence of cannabis.

(b) Engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420, 488.425 or 493.130.

(c) Possessing a firearm in violation of paragraph (b) of subsection 1 of NRS 202.257.

(d) Possessing cannabis in violation of NRS 453.336 or possessing paraphernalia in violation of NRS 453.560 or 453.566:

(1) If the possession of the cannabis or paraphernalia is discovered because the person engaged or assisted in the medical use of cannabis in:

(I) Except as otherwise provided by regulations adopted by the Board pursuant to NRS 678B.645, any public place or in any place open to the public or exposed to public view; or

(II) Any local detention facility, county jail, state prison, reformatory or other correctional facility, including, without limitation, any facility for the detention of juvenile offenders; or

(2) If the possession of the cannabis or paraphernalia occurs on school property.

(e) Delivering cannabis to another person who he or she knows does not lawfully hold a registry identification card or letter of approval issued by the Division or its designee pursuant to NRS 678C.230 or 678C.270.

(f) Delivering cannabis for consideration to any person, regardless of whether the recipient lawfully holds a registry identification card or letter of approval issued by the Division or its designee pursuant to NRS 678C.230 or 678C.270.

2. Except as otherwise provided in NRS 678C.240 and in addition to any other penalty provided by law, if the Division determines that a person has willfully violated a provision of this chapter or any regulation adopted by the Division to carry out the provisions of this chapter, the Division may, at its own discretion, prohibit the person from obtaining or using a registry identification card or letter of approval for a period of up to 6 months.

3. Nothing in the provisions of this chapter shall be construed as in any manner affecting the provisions of chapter 678D of NRS relating to the adult use of cannabis.

4. As used in this section, "school property" means the grounds of any public school described in NRS 388.020 and any private school as defined in NRS 394.103.

**Sec. 47.** NRS 678D.300 is hereby amended to read as follows:

678D.300 1. A person is not exempt from state prosecution for any of the following acts:

(a) Driving, operating or being in actual physical control of a vehicle , **a power-driven vessel** or a **sailing** vessel ~~under [power or sail]~~ **way** while under the influence of cannabis.

(b) Engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420, 488.425 or 493.130.

(c) Possessing a firearm in violation of paragraph (b) of subsection 1 of NRS 202.257.

(d) Possessing cannabis in violation of NRS 453.336 or possessing paraphernalia in violation of NRS 453.560 or 453.566:

(1) If the possession of the cannabis or paraphernalia is discovered because the person engaged in the adult use of cannabis in:

(I) Except as otherwise provided by regulations adopted by the Board pursuant to NRS 678B.645, any public place or in any place open to the public or exposed to public view; or

(II) Any local detention facility, county jail, state prison, reformatory or other correctional facility, including, without limitation, any facility for the detention of juvenile offenders; or

(2) If the possession of the cannabis or paraphernalia occurs on school property.

(e) Knowingly delivering cannabis to another person who is not 21 years of age or older unless:

(1) The recipient holds a valid registry identification card or letter of approval issued to the person by the Division of Public and Behavioral Health of the Department of Health and Human Services or its designee pursuant to NRS 678C.230 or 678C.270.

(2) The person demanded and was shown bona fide documentary evidence of the age and identity of the recipient issued by a federal, state, county or municipal government, or subdivision or agency thereof.

2. As used in this section, "school property" means the grounds of any public school described in NRS 388.020 and any private school as defined in NRS 394.103.

**Sec. 48.** The Legislative Counsel shall:

1. In preparing the Nevada Revised Statutes, use the authority set forth in subsection 10 of NRS 220.120 to substitute appropriately the term "power-driven vessel" for the term "motorboat."

2. In preparing supplements to Nevada Administrative Code, substitute appropriately the term "power-driven vessel" for the term "motorboat."

**Sec. 49.** 1. Notwithstanding the amendatory provisions of this act, a sailing vessel or human-powered vessel for which this State is the state of principal operation is not required to be numbered until January 1, 2024.

2. As used in this section, "human-powered vessel," "sailing vessel" and "state of principal operation" have the meanings ascribed to them in NRS 488.035, as amended by section 8 of this act.

**Sec. 50.** 1. This section becomes effective upon passage and approval.

2. Sections 1 to 49, inclusive, of this act become effective:

(a) 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

(b) On July 1, 2023, for all other purposes.