

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; 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 to be numbered; 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:

- 1 Existing law defines the term "motorboat" to mean any vessel propelled by
- 2 machinery. (NRS 488.035) Existing law: (1) requires, with certain exceptions, a
- 3 motorboat to be numbered and titled; (2) establishes requirements for obtaining
- 4 such a number or a certificate of ownership, transferring of the title of or any



5 interest in a motorboat and perfecting security interest in a motorboat; and (3)
6 establishes certain other requirements governing the equipment and operation of a
7 motorboat. (NRS 488.065-488.1827, 488.187, 488.193, 488.195, 488.580, 488.585)
8 **Sections 8-10, 16-19, 22, 23, 37, 38 and 48** of this bill replace the term
9 “motorboat” with the term “power-driven vessel.” **Sections 8 and 22** also
10 standardize terminology used to refer to sailing vessels and human-powered
11 vessels. **Section 8** specifically includes a mechanically propelled personal
12 hydrofoil, a motorized surfboard and a vessel equipped with both a sail and a motor
13 within the definition of “power-driven vessel,” thereby clarifying that such vessels
14 are subject to requirements governing power-driven vessels. However, **section 23**
15 exempts a mechanically propelled personal hydrofoil or a motorized surfboard from
16 the requirement that a power-driven vessel must be equipped with certain fire
17 extinguishers. **Section 8** also: (1) includes a governmental entity within the
18 definition of “person,” thereby requiring a governmental entity to comply with
19 certain provisions governing watercraft that currently apply to persons; and (2)
20 defines certain other terms relating to watercraft.

21 **Sections 25 and 26** of this bill remove duplicative terminology.

22 **Sections 9, 11-16 and 20** of this bill require a sailing vessel to be numbered
23 under similar conditions as currently apply to the numbering of power-driven
24 vessels.

25 **Section 8** includes within the definition of the term “owner” a person, other
26 than secured party, who has a property right with regard to a human-powered
27 vessel. **Section 8** thus makes such a person responsible for the vessel for purposes
28 including abandonment, operation and, in combination with **sections 9, 11-16 and**
29 **20**, numbering. (NRS 488.291, 488.293, 488.600) **Section 21** of this bill expands
30 the class categories prescribed by existing law for power-driven vessels to apply to
31 all vessels.

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

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

44 Existing law authorizes a game warden, sheriff or other peace officer to remove
45 a vessel from a public waterway under certain conditions. (NRS 488.293) **Section**
46 **24** of this bill additionally authorizes the game warden, sheriff or other peace
47 officer to order the removal of such a vessel, thereby clarifying that such a peace
48 officer is not required to personally remove the vessel. **Section 24** also authorizes
49 such a peace officer to remove or order the removal of a vessel that has been left
50 unattended and adrift, moored, docked, beached, run aground, trailered or made fast
51 to land in such a position as to interfere with navigation, in such a condition as to
52 create a hazard or in a location owned or administered by a public entity.

53 Existing law prohibits a person from operating or being in actual physical
54 control of a vessel under power or sail while the person meets certain criteria for
55 being under the influence of alcohol or a prohibited substance. (NRS 488.410,
56 488.420) Existing law also provides that a person is guilty of homicide by vessel if
57 the person: (1) meets certain criteria for being under the influence of alcohol or a
58 prohibited substance; (2) operates or is in actual physical control of a vessel under
59 power or sail; (3) proximately causes the death of another person; and (4) has



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

68 Existing federal law requires a person operating certain recreational vessels to
69 use an engine cut-off switch, which stops the engine of the vessel if activated,
70 under certain circumstances. (46 U.S.C. § 4312) Existing law prohibits a person
71 who owns or controls a power-driven vessel that is equipped with an engine cut-off
72 switch from operating or authorizing another person to operate the power-driven
73 vessel above certain speeds if: (1) the engine cut-off switch is missing,
74 disconnected or not operating properly; or (2) the engine-cut off switch link is not
75 attached to his or her body, clothing or personal flotation device. (NRS 488.585)
76 **Section 38:** (1) requires a person who operates a recreational power-driven vessel
77 covered by federal law to use the engine-cut off switch link when the vessel is on
78 plane or above displacement speed; and (2) prohibits the operation of such a vessel
79 that is equipped with an engine cut-off switch unless the engine cut-off switch link
80 is attached to the body, clothing or properly worn personal flotation device of the
81 operator.

82 Existing law provides that any violation of a provision of state law governing
83 the use of a watercraft is a misdemeanor unless otherwise stated. (NRS 488.950)
84 **Section 39** of this bill revises this penalty to instead provide that, except where
85 otherwise stated, a person commits a misdemeanor if the person: (1) performs an
86 act or attempts to perform an act prohibited by state law relating to the use of a
87 watercraft; (2) willfully fails to perform an act required by state law relating to the
88 use of a watercraft; or (3) violates an order issued or regulation adopted by the
89 Board of Wildlife Commissioners pursuant to state law relating to the use of a
90 watercraft.

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

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

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

3 484A.774 1. Except as otherwise provided in subsection 2,
4 after a person is arrested for the commission of a traffic violation
5 pursuant to chapters 484A to 484E, inclusive, of NRS, there is a
6 presumption that the person should be released on his or her own
7 recognizance.

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



1 (a) A person is arrested for:

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

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

4 (3) Driving, operating or being in actual physical control of a
5 vehicle , *a power-driven vessel* or a *sailing* vessel under ~~[power-or~~
6 ~~sail]~~ way while under the influence of intoxicating liquor or a
7 controlled substance in violation of NRS 484C.110, 484C.120 or
8 488.410, as applicable; or

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

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

14 484A.780 1. Except as otherwise provided in subsection 2,
15 and subject to the limitation imposed by NRS 484A.782, a grace
16 period of not less than 30 calendar days must be provided to a
17 person who has failed to appear in court or failed to pay any
18 administrative assessment, fine or court fee imposed upon the
19 person for a violation of any provision of chapters 484A to 484E,
20 inclusive, of NRS before a warrant can be issued for such a failure
21 to appear or failure to pay.

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

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

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

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

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

28 (3) Driving, operating or being in actual physical control of a
29 vehicle , *a power-driven vessel* or a *sailing* vessel under ~~[power-or~~
30 ~~sail]~~ way while under the influence of intoxicating liquor or a
31 controlled substance in violation of NRS 484C.110, 484C.120 or
32 488.410, as applicable; or

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

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

37 484A.798 1. Notwithstanding any other provision of law, and
38 except as otherwise provided in subsection 2, any conviction for a
39 traffic violation pursuant to chapters 484A to 484E, inclusive, of
40 NRS is not a criminal conviction for the purpose of applying for
41 employment, a professional license or any educational opportunity.

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

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

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



1 (c) Driving, operating or being in actual physical control of a
2 vehicle , a *power-driven vessel* or a *sailing* vessel under ~~[power or~~
3 ~~sail]~~ way while under the influence of intoxicating liquor or a
4 controlled substance in violation of NRS 484C.110, 484C.120 or
5 488.410, as applicable.

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

7 484C.360 1. When a program of treatment is ordered
8 pursuant to NRS 484C.340 or subsection 1 of NRS 484C.400, the
9 court shall place the offender under the clinical supervision of a
10 treatment provider for treatment in accordance with the report
11 submitted to the court pursuant to NRS 484C.340 or subsection 3, 4,
12 5 or 6 of NRS 484C.350, as appropriate. The court shall:

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

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

18 2. The court shall:

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

21 (b) Order the offender, to the extent of his or her financial
22 resources, to pay any charges for treatment pursuant to this section.
23 If the offender does not have the financial resources to pay all those
24 charges, the court shall, to the extent possible, arrange for the
25 offender to obtain the treatment from a treatment provider that
26 receives a sufficient amount of federal or state money to offset the
27 remainder of the charges.

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

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

34 (b) Engages in any other conduct prohibited by NRS 484C.110,
35 484C.120, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS
36 488.410, 488.420 or 488.425 or a law of any other jurisdiction that
37 prohibits the same or similar conduct,

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

41 **Sec. 5.** (Deleted by amendment.)

42 **Sec. 6.** (Deleted by amendment.)

43 **Sec. 7.** (Deleted by amendment.)



1 **Sec. 8.** NRS 488.035 is hereby amended to read as follows:
2 488.035 As used in this chapter, unless the context otherwise
3 requires:

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

8 2. “Aquatic plant material” means aquatic plants or parts of
9 plants that are dependent on an aquatic environment to survive.

10 3. “Commission” means the Board of Wildlife Commissioners.

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

15 5. “Decontaminate” means eliminate any aquatic invasive
16 species on a vessel or conveyance in a manner specified by the
17 Commission which may include, without limitation, washing the
18 vessel or conveyance, draining the water in the vessel or
19 conveyance, drying the vessel or conveyance or chemically,
20 thermally or otherwise treating the vessel or conveyance.

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

22 7. “Flat wake” means the condition of the water close astern a
23 moving vessel that results in a flat wave disturbance.

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

26 9. *“Human-powered vessel” means a vessel propelled by*
27 *human power.*

28 10. “Interstate waters of this State” means waters forming the
29 boundary between the State of Nevada and an adjoining state.

30 ~~10.]~~ 11. “Legal owner” means a secured party under a security
31 agreement relating to a vessel or a renter or lessor of a vessel to the
32 State or any political subdivision of the State under a lease or an
33 agreement to lease and sell or to rent and purchase which grants
34 possession of the vessel to the lessee for a period of 30 consecutive
35 days or more.

36 ~~11.]~~ ~~“Motorboat” means any vessel propelled by machinery,~~
37 ~~whether or not the machinery is the principal source of propulsion.]~~

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

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



1 ~~[11.]~~ 14. "Operate" means to navigate or otherwise use a
2 ~~[motorboat or a]~~ vessel.

3 ~~[12.]~~ 15. "Owner" means:

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

7 (b) A debtor under a security agreement relating to a vessel ~~[]~~ ;
8 or

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

13 ↪ "Owner" does not include a person defined as a "legal owner"
14 under subsection ~~[9.]~~ 11 or a person who is leasing a vessel where
15 the vessel is not a security interest under the lease.

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

18 ~~[13.]~~ 17. "Power-driven vessel" means any vessel propelled
19 by machinery, whether or not the machinery is the principal
20 source of propulsion. The term includes, without limitation:

21 (a) A mechanically propelled personal hydrofoil;

22 (b) A motorized surfboard; and

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

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

26 ~~[14.]~~ 19. "Registered owner" means the person registered by
27 the Department as the owner of a vessel.

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

30 ~~[15.]~~ 21. "State hull number" means a hull number issued for a
31 vessel by the Department that meets the requirements prescribed by
32 the United States Coast Guard, including, without limitation, 33
33 C.F.R. § 174.16 and 33 C.F.R. Part 181, Subpart C.

34 22. "State of principal operation" means the state in whose
35 waters a vessel is or will be operated most during a calendar year.

36 ~~[16.]~~ 23. "Under the influence" means impaired to a degree
37 that renders a person incapable of safely operating or exercising
38 actual physical control of a vessel.

39 ~~[17.]~~ 24. A vessel is "under way" if it is adrift, making way or
40 being propelled, and is not aground, made fast to the shore, or tied
41 or made fast to a dock or mooring.

42 ~~[18.]~~ 25. "Vessel" means every description of watercraft, other
43 than a seaplane on the water, used or capable of being used as a
44 means of transportation on water.



1 ~~[19.]~~ 26. "Waters of this State" means any waters within the
2 territorial limits of this State.

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

4 488.065 1. Every ~~[motorboat on the waters of]~~ *power-driven*
5 *vessel for which this State is the principal state of operation* must
6 be numbered and titled, except as otherwise provided in subsection
7 ~~[4.]~~ 5 and NRS 488.175.

8 2. Upon receipt of an original application for a certificate of
9 ownership or for transfer of a certificate of ownership on an
10 undocumented ~~[motorboat.]~~ *power-driven vessel*, the Department
11 shall assign an appropriate state hull number to the ~~[motorboat]~~
12 *power-driven vessel* whenever there is no builder's hull
13 *identification* number thereon, when the builder's hull
14 *identification* number has been destroyed or obliterated, or if the
15 builder's hull *identification* number does not meet the requirements
16 prescribed by the United States Coast Guard. The state hull number
17 must be permanently marked on an integral part of the hull which is
18 accessible for inspection.

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

22 (a) The ~~[motorboat]~~ *vessel* is numbered in accordance with the
23 provisions of this chapter or with the federally approved numbering
24 system of another state;

25 (b) The certificate of number awarded to the ~~[motorboat]~~ *vessel*
26 is in effect; *and*

27 (c) The identifying number set forth in the certificate of number
28 is displayed on each side of the bow of the ~~[motorboat; and~~
29 ~~(d)]~~ *vessel in the manner set forth in 33 C.F.R. Part 173.*

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

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

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

41 488.075 1. The owner of each ~~[motorboat]~~ *power-driven*
42 *vessel* requiring numbering by this State shall file an application for
43 a number and for a certificate of ownership with the Department on
44 forms approved by it accompanied by:



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

5 (b) Such evidence of ownership as the Department may require.
6 ↪ The Department shall not issue a number, a certificate of number
7 or a certificate of ownership until this evidence is presented to it.

8 2. The application must be signed by the owner of the
9 ~~motorboat~~ *power-driven vessel* and must be accompanied by:

10 (a) A fee of \$20 for the certificate of ownership; and

11 (b) Except as otherwise provided in subsection 2 of NRS
12 488.125, an annual fee according to the following schedule as
13 determined by the straight line length which is measured from the
14 tip of the bow to the back of the transom of the ~~motorboat~~ *power-*
15 *driven vessel*:
16

17	Less than 13 feet.....	\$20
18	13 feet or more but less than 18 feet.....	25
19	18 feet or more but less than 22 feet.....	40
20	22 feet or more but less than 26 feet.....	55
21	26 feet or more but less than 31 feet.....	75
22	31 feet or more	100

23
24 Except as otherwise provided in this subsection, all fees received by
25 the Department under the provisions of this chapter must be
26 deposited in the Wildlife Account in the State General Fund and,
27 except as otherwise provided in NRS 488.536, may be expended
28 only for the administration and enforcement of the provisions of this
29 chapter. On or before December 31 of each year, the Department
30 shall deposit with the State Education Fund 50 percent of each fee
31 collected according to the ~~motorboat's~~ length *of the power-driven*
32 *vessel* for every ~~motorboat~~ *power-driven vessel* registered. Upon
33 receipt of the application in approved form, the Department shall
34 enter the application upon the records of its office and issue to the
35 applicant a certificate of number stating the number awarded to the
36 ~~motorboat,~~ *power-driven vessel*, a certificate of ownership stating
37 the same information and the name and address of the registered
38 owner and the legal owner.

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



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

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

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

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

16 488.085 The owner of any ~~motorboat~~ *vessel* already covered
17 by a number in effect which has been awarded to it pursuant to a
18 federally approved numbering system of another state must record
19 the number before operating the ~~motorboat~~ *vessel* on the waters of
20 this State. The recordation must be in the manner and pursuant to
21 the procedure required for the award of a number under NRS
22 488.075, but no additional or substitute number may be issued.

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

24 488.105 If an agency of the United States Government has in
25 force an overall system of identification numbering for ~~motorboats~~
26 *vessels* within the United States, the numbering system employed
27 pursuant to the provisions of this chapter by the Department must be
28 in conformity therewith.

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

30 488.125 1. Every certificate of number awarded pursuant to
31 the provisions of this chapter shall continue in full force and effect
32 for a period of 1 year, or 2 years if allowed by regulations adopted
33 by the Commission, unless sooner terminated or discontinued in
34 accordance with the provisions of this chapter.

35 2. The fee for the issuance or renewal of a certificate of number
36 for 2 years, if allowed, is an amount which is equal to twice the
37 annual fee for the ~~motorboat~~ *vessel* set forth in paragraph (b) of
38 subsection 2 of NRS 488.075.

39 3. Certificates of number may be renewed by the owner in
40 accordance with regulations adopted pursuant to subsection 3 of
41 NRS 488.075.

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

43 488.145 1. The owner shall furnish the Department notice of
44 the destruction or abandonment of any ~~motorboat~~ *vessel* numbered
45 under this chapter, within 10 days thereof.



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

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

4 488.165 No number or decal other than the number or decal
5 awarded to a ~~motorboat~~ vessel or granted reciprocity pursuant to
6 the provisions of this chapter may be painted, attached or otherwise
7 displayed on either side of the bow of such ~~motorboat~~ vessel.
8 Only the current decal may be displayed or otherwise attached on
9 either side of the bow of such ~~motorboat~~ vessel.

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

11 488.175 1. Except as otherwise provided in this section, a
12 ~~motorboat~~ vessel need not be numbered pursuant to the provisions
13 of this chapter if it is:

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

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

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

21 (d) A ship's lifeboat.

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

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

27 (2) If an agency of the Federal Government has a numbering
28 system applicable to the class of ~~motorboats~~ vessels to which the
29 ~~motorboat~~ vessel in question belongs, that the ~~motorboat~~ vessel
30 would also be exempt from numbering if it were subject to the
31 federal law.

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

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

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



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

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

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

6 488.1793 Except as otherwise provided for the creation or
7 transfer of a security interest or the transfer on death of a certificate
8 of ownership pursuant to NRS 488.1794, no transfer of title to or
9 any interest in any ~~[motorboat]~~ *power-driven vessel* required to be
10 numbered under this chapter is effective until one of the following
11 conditions is fulfilled:

12 1. The transferor has properly endorsed and delivered the
13 certificate of ownership and has delivered the certificate of number
14 to the transferee as provided in this chapter, and the transferee has,
15 within the prescribed time, delivered the documents to the
16 Department or placed them in the United States mail addressed to
17 the Department with the transfer fee.

18 2. The transferor has delivered to the Department or placed in
19 the United States mail addressed to the Department the appropriate
20 documents for the transfer of ownership pursuant to the sale or
21 transfer.

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

23 488.1795 Upon receipt of a properly endorsed certificate of
24 ownership and the certificate of number of any ~~[motorboat,]~~ *power-*
25 *driven vessel*, the transferee shall within 10 days file the certificates,
26 accompanied by a fee of \$20, with the Department and thereby
27 make application for a new certificate of ownership and , *when*
28 *required*, a new certificate of number.

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

30 488.1813 1. If a certificate of ownership is lost, stolen,
31 damaged or mutilated, an application for transfer may be made upon
32 a form provided by the Department for a duplicate certificate of
33 ownership. The transferor shall write his or her signature and
34 address in the appropriate spaces provided upon the application and
35 file it together with the proper fees for a duplicate certificate of
36 ownership and transfer.

37 2. The Department may receive the application and examine
38 into the circumstances of the case and may require an inspection of
39 the *power-driven* vessel and the filing of affidavits or other
40 information. When the Department is satisfied that the applicant is
41 entitled to a transfer of ownership, the Department may transfer the
42 ownership of the ~~[motorboat]~~ *power-driven vessel* and issue a new
43 certificate of ownership and certificate of number to the person
44 found to be entitled thereto.

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



1 488.1827 The Department may suspend or revoke any
2 certificate of ownership, certificate of number or number of any
3 ~~motorboat~~ vessel if it is satisfied that any such certificate or
4 number was fraudulently obtained, or that the appropriate fee was
5 not paid.

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

7 488.185 ~~Motorboats~~ Vessels subject to the provisions of this
8 chapter shall be divided into four classes as follows:

9
10 Class A. Less than 16 feet in length.

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

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

14 Class 3. Forty feet or over.

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

16 488.187 1. Every ~~motorboat~~ power-driven vessel or sailing
17 vessel in all weathers from sunset to sunrise, as established by the
18 Nautical Almanac Office, United States Naval Observatory,
19 Washington, D.C., must carry and exhibit the following lights when
20 underway, and during that time other lights which may be mistaken
21 for those prescribed must not be exhibited:

22 (a) Every ~~motorboat~~ power-driven vessel of classes A and 1
23 must carry the following lights:

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

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

29 (b) Every ~~motorboat~~ power-driven vessel of classes 2 and 3
30 must carry the following lights:

31 (1) A bright white light in the forepart of the power-driven
32 vessel as near the stem as practicable, so constructed as to show an
33 unbroken light over an arc of the horizon of 20 points of the
34 compass, so fixed as to throw the light 10 points on each side of the
35 power-driven vessel, from right ahead to 2 points abaft the beam on
36 either side.

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

38 (3) On the starboard side a green light so constructed as to
39 show an unbroken light over an arc of the horizon of 10 points of
40 the compass, so fixed as to throw the light from right ahead to 2
41 points abaft the beam on the starboard side. On the port side a red
42 light so constructed as to show an unbroken light over an arc of the
43 horizon of 10 points of the compass, so fixed as to throw the light
44 from right ahead to 2 points abaft the beam on the port side. The



1 side lights must be fitted with inboard screens of sufficient height so
2 set as to prevent these lights from being seen across the bow.

3 (c) ~~[Vessels]~~ *Sailing vessels* of classes A and 1 ~~[when propelled~~
4 ~~by sail alone]~~ must carry the combined lantern in the forepart of the
5 *sailing* vessel and a white 12-point stern light. ~~[Vessels]~~ *Sailing*
6 *vessels* of classes 2 and 3 ~~[, when so propelled,]~~ must carry the
7 colored side lights, fitted so as to prevent these lights from being
8 seen across the bow and a white 12-point stern light.

9 2. Every white light prescribed by this section must be visible
10 at a distance of at least 2 miles. Every colored light prescribed by
11 this section must be visible at a distance of at least 1 mile. As used
12 in this subsection, "visible" means visible on a dark night with clear
13 atmosphere.

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

17 ~~—4. Manually propelled]~~ *Human-powered* vessels ~~[of classes A~~
18 ~~and 1]~~ must have ready at hand an electric torch or lighted lantern
19 showing a white light which must be exhibited in sufficient time to
20 prevent a collision.

21 ~~[5.]~~ 4. Any vessel may carry and exhibit the lights required by
22 the Inland Navigational Rules, ~~[34 U.S.C. §§ 2001 et seq.,]~~ 33
23 *C.F.R. Part 83*, in lieu of the lights required by this section.

24 ~~[6.]~~ 5. Except for vessels anchored or moored in an area
25 designated by the Commission as an anchoring or mooring area
26 pursuant to the provisions of NRS 488.265, every vessel, ~~[whether~~
27 ~~propelled by sail or machinery,]~~ when anchored or moored between
28 sunset and sunrise where other vessels may navigate, must display a
29 white light clearly visible in all directions.

30 ~~[7.]~~ 6. Except as otherwise provided in this subsection, it is
31 unlawful for a person to display a flashing blue light or a flashing
32 red light on a vessel operating on the waters of this state. A vessel of
33 the United States, this state or its political subdivisions or a
34 bordering state under interstate compact may display a flashing blue
35 light when operated by a peace officer engaged in law enforcement
36 *or public safety* activities. A peace officer ~~[shall]~~ *may* seize, or
37 cause to be seized, a flashing red or blue light installed or operated
38 in violation of this subsection.

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

40 488.193 1. Except for a contrivance, propelled by a sail,
41 whose occupant must stand erect, every vessel must carry at least
42 one ~~[personal flotation device]~~ *life jacket* of ~~[a]~~ *an appropriate size*
43 *and type for the person for whom it is intended that has been*
44 approved by the United States Coast Guard and *meets any*
45 *requirements* prescribed by the regulations of the Commission for



1 each person on board and any person in a vessel being towed, so
2 placed as to be readily accessible for use in an emergency. Every
3 vessel carrying passengers for hire must carry so placed as to be
4 readily accessible for use in an emergency at least one ~~personal~~
5 ~~flotation device~~ *life jacket* of the sort prescribed by *this subsection*
6 *and* the regulations of the Commission for each person on board. A
7 ~~personal flotation device~~ *life jacket* required by this subsection is
8 readily accessible for use in an emergency if:

- 9 (a) It is being worn; or
- 10 (b) It is stowed where it is quickly reachable and is:
 - 11 (1) Ready to wear;
 - 12 (2) Out of its original packaging; and
 - 13 (3) Not under lock and key.

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

17 (a) Every vessel which is 16 feet or more in length but less than
18 26 feet in length, regardless of its method of propulsion, must carry,
19 so placed as to be readily accessible for use in an emergency, a ~~type~~
20 ~~IV~~ *throwable* personal flotation device approved by the United
21 States Coast Guard , ~~[which is capable of being thrown,]~~ such as a
22 ring life buoy or buoyant cushion. A ~~type-IV~~ *throwable* personal
23 flotation device required by this paragraph is readily accessible for
24 use in an emergency if it is stowed in close proximity to the operator
25 of the vessel and in a position to be thrown to a person overboard by
26 either the operator or a passenger.

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

41 3. Every ~~motorboat~~ *power-driven vessel, except a*
42 *mechanically propelled personal hydrofoil or a motorized*
43 *surfboard*, must be provided with such number, size and type of fire
44 extinguishers, capable of promptly and effectually extinguishing
45 burning gasoline, as may be prescribed by the regulations of the



1 Commission. The fire extinguishers must be of a marine type which
2 has been approved by the United States Coast Guard and kept in
3 condition for immediate and effective use and so placed as to be
4 readily accessible.

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

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

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

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

22 488.291 1. A person shall not abandon a vessel upon a public
23 waterway or public or private property without the consent of the
24 owner or person in lawful possession or control of the property.

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

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

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

38 (1) *Such a position* as to interfere with navigation ; ~~[or in~~
39 ~~such a condition]~~

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

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

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



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

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

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

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

12 488.305 1. The Department may authorize the holding of
13 regattas, ~~[motorboat or other boat]~~ *vessel* races, marine parades,
14 tournaments or exhibitions on any waters of this state. The
15 Commission shall adopt regulations concerning the safety of
16 ~~[motorboats and other]~~ vessels and persons thereon, either observers
17 or participants.

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

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

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

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

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

42 488.400 1. A person shall not operate any ~~[motorboat or]~~
43 vessel, or manipulate any water skis, surfboard or similar device in a
44 reckless or negligent manner so as to endanger the life or property
45 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 Nanograms per milliliter	Blood 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



	Urine	Blood
	Nanograms per	Nanograms per
Prohibited substance	milliliter	milliliter
(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:

	Blood
	Nanograms per
Prohibited substance	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;



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

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

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

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

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

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



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

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

5 488.425 1. A person commits homicide by vessel if the
6 person:

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

10 (1) Is under the influence of intoxicating liquor;

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

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

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

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

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

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

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

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

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

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

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

43 4. A prosecuting attorney shall not dismiss a charge of
44 homicide by vessel in exchange for a plea of guilty, guilty but
45 mentally ill or nolo contendere to a lesser charge or for any other



1 reason unless the prosecuting attorney knows or it is obvious that
2 the charge is not supported by probable cause or cannot be proved at
3 the time of trial. A sentence imposed pursuant to subsection 2 may
4 not be suspended nor may probation be granted.

5 5. If consumption is proven by a preponderance of the
6 evidence, it is an affirmative defense under subparagraph (3) of
7 paragraph (a) of subsection 1 that the defendant consumed a
8 sufficient quantity of alcohol after operating or being in actual
9 physical control of the *power-driven vessel or sailing* vessel, *as*
10 *applicable, under way* and before his or her blood or breath was
11 tested, to cause the defendant to have a concentration of alcohol of
12 0.08 or more in his or her blood or breath. A defendant who intends
13 to offer this defense at a trial or preliminary hearing must, not less
14 than 14 days before the trial or hearing or at such other time as the
15 court may direct, file and serve on the prosecuting attorney a written
16 notice of that intent.

17 6. If the defendant was transporting a person who is less than
18 15 years of age in the *power-driven vessel or sailing* vessel, *as*
19 *applicable, under way* at the time of the violation, the court shall
20 consider that fact as an aggravating factor in determining the
21 sentence of the defendant.

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

23 (a) A violation of NRS 488.410 or 488.420;

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

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

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

32 488.450 1. Any person who operates or is in actual physical
33 control of a *power-driven vessel or sailing* vessel under ~~[power or~~
34 ~~sail]~~ *way* on the waters of this State shall be deemed to have given
35 consent to a preliminary test of his or her breath to determine the
36 concentration of alcohol in his or her breath when the test is
37 administered at the request of a peace officer after a *power-driven*
38 *vessel or sailing* vessel accident or collision *while under way* or
39 where an officer stops a *power-driven vessel or sailing* vessel ~~[~~
40 *under way*, if the officer has reasonable grounds to believe that the
41 person to be tested was:

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



1 (b) Engaging in any other conduct prohibited by NRS 488.410,
2 488.420 or 488.425.

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

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

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

11 488.460 1. Except as otherwise provided in subsections 3 and
12 4, a person who operates or is in actual physical control of a *power-*
13 *driven vessel or sailing* vessel under ~~[power or sail]~~ way on the
14 waters of this State shall be deemed to have given consent to an
15 evidentiary test of his or her blood, urine, breath or other bodily
16 substance to determine the concentration of alcohol in his or her
17 blood or breath or to determine whether a controlled substance,
18 chemical, poison, organic solvent or another prohibited substance is
19 present, if such a test is administered at the request of a peace
20 officer having reasonable grounds to believe that the person to be
21 tested was:

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

26 (b) Engaging in any other conduct prohibited by NRS 488.410,
27 488.420 or 488.425.

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

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

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

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

42 (b) The person may request a blood test, but if means are
43 reasonably available to perform a breath test when the blood test is
44 requested, and the person is subsequently convicted, the person must
45 pay for the cost of the blood test, including the fees and expenses of



1 witnesses whose testimony in court is necessary because of the use
2 of the blood test. The expenses of such a witness may be assessed at
3 an hourly rate of not less than:

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

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

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

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

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

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

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

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

28 (b) Engaging in any other conduct prohibited by NRS 488.410,
29 488.420 or 488.425,

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

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

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

38 488.480 1. If a person refuses to submit to a required
39 chemical test provided for in NRS 488.450 or 488.460, evidence of
40 that refusal is admissible in any criminal action arising out of acts
41 alleged to have been committed while the person was:

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



1 (b) Engaging in any other conduct prohibited by NRS 488.410,
2 488.420 or 488.425.

3 2. Except as otherwise provided in subsection 3 of NRS
4 488.450, a court may not exclude evidence of a required test or
5 failure to submit to such a test if the peace officer or other person
6 substantially complied with the provisions of NRS 488.450 to
7 488.500, inclusive.

8 3. If a person submits to a chemical test provided for in NRS
9 488.450 or 488.460, full information concerning that test must be
10 made available, upon request, to the person or the person's attorney.

11 4. Evidence of a required test is not admissible in a criminal
12 proceeding unless it is shown by documentary or other evidence that
13 the device for testing breath was certified pursuant to NRS
14 484C.610 and was calibrated, maintained and operated as provided
15 by the regulations of the Committee on Testing for Intoxication
16 adopted pursuant to NRS 484C.620, 484C.630 or 484C.640.

17 5. If the device for testing breath has been certified by the
18 Committee on Testing for Intoxication to be accurate and reliable
19 pursuant to NRS 484C.610, it is presumed that, as designed and
20 manufactured, the device is accurate and reliable for the purpose of
21 testing a person's breath to determine the concentration of alcohol in
22 the person's breath.

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

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

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

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

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

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

39 488.490 1. A person who is arrested for operating or being in
40 actual physical control of a *power-driven vessel or sailing* vessel
41 under ~~[power or sail]~~ way while under the influence of intoxicating
42 liquor or a controlled substance or for engaging in any other conduct
43 prohibited by NRS 488.410, 488.420 or 488.425 must be permitted,
44 upon the person's request and at his or her expense, reasonable



1 opportunity to have a qualified person of his or her own choosing
2 administer a chemical test to determine:

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

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

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

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

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

15 488.500 1. The results of any blood test administered under
16 the provisions of NRS 488.460 or 488.490 are not admissible in any
17 criminal action arising out of acts alleged to have been committed
18 by a person who was operating or in actual physical control of a
19 *power-driven vessel or sailing* vessel under ~~[power or sail]~~ way
20 while under the influence of intoxicating liquor or a controlled
21 substance or with a prohibited substance in his or her blood or urine
22 or who was engaging in any other conduct prohibited by NRS
23 488.410, 488.420 or 488.425 unless:

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

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

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

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

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

44 3. No person listed in paragraph (a) of subsection 1 incurs any
45 civil or criminal liability as a result of the administering of a blood



1 test when requested by a peace officer or the person to be tested to
2 administer the test.

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

4 488.520 1. Any coroner, or other public officer performing
5 like duties, shall in all cases in which a death has occurred as a
6 result of an accident involving a *power-driven vessel or sailing*
7 vessel under ~~[power or sail]~~ *way* on the waters of this state, whether
8 the person killed is the operator of the vessel or a passenger or other
9 person, cause to be drawn from each decedent, within 8 hours after
10 the accident, a blood sample to be analyzed for the presence and
11 concentration of alcohol.

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

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

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

18 488.575 1. Except as otherwise provided in subsection 2, a
19 person shall not operate or authorize another person to operate a
20 vessel under his or her ownership or control on any waters of this
21 State unless each person on the vessel who is less than 13 years of
22 age is wearing a ~~[personal flotation device]~~ *life jacket* of ~~[a]~~ *an*
23 *appropriate size and* type *for the person for whom it is intended*
24 *that has been* approved by the United States Coast Guard and *meets*
25 *any requirements* prescribed by the regulations of the Commission
26 while the vessel is under way.

27 2. The provisions of subsection 1 do not apply to persons on
28 board:

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

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

33 **Sec. 37.** NRS 488.580 is hereby amended to read as follows:

34 488.580 1. A person shall not operate or authorize another
35 person to operate a personal watercraft under his or her ownership
36 or control:

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

39 (b) Unless the operator and each passenger is wearing a
40 ~~[personal flotation device]~~ *life jacket* of ~~[a]~~ *an appropriate size and*
41 type *for the person for whom it was intended that has been*
42 approved by the United States Coast Guard and *meets any*
43 *requirements* prescribed by the regulations of the Commission.

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



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

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

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

9 (b) Operates the personal watercraft in the vicinity of a
10 ~~[motorboat]~~ *power-driven vessel* in a manner that obstructs the
11 visibility of either operator.

12 (c) Heads into the wake of a ~~[motorboat]~~ *power-driven vessel*
13 which is within a zone closer than 5 lengths of the longest vessel
14 and causes one-half or more of the length of the personal watercraft
15 to leave the water.

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

19 3. As used in this section, "personal watercraft" means ~~[a]~~ :

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

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

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

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

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

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

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

30 488.585 1. A person who ~~[owns or controls a motorboat]~~
31 *operates a recreational power-driven vessel* that ~~[is equipped]~~ :

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

33 (b) *Has a main helm that is not installed within an enclosed*
34 *cabin;*

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

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

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

44 2. A person shall not operate a ~~[motorboat]~~ *recreational*
45 *power-driven vessel* that is equipped with an engine cut-off switch



1 ~~[at a rate of speed greater than 5 nautical miles per hour]~~ unless *the*
2 *operator has attached* the engine cut-off switch link ~~[is attached]~~ to
3 his or her body, clothing or *properly worn* personal flotation device.

4 3. As used in this section:

5 (a) "Engine cut-off switch" means a switch that ~~[automatically~~
6 ~~stops the engine of a motorboat if]~~, when activated ~~[by an engine~~
7 ~~cut-off switch link.]~~ *in an emergency, provides the means to stop*
8 *the mechanical propulsion system.*

9 (b) "Engine cut-off switch link" means a device ~~[that, if attached~~
10 ~~to an]~~ *designed to attach the* operator ~~[, activates an engine cut off~~
11 ~~switch if the operator is separated from the motorboat.]~~ *of a vessel*
12 *to the system that stops the engine under emergency conditions.*
13 The term includes a lanyard or other mechanical device and a
14 wireless cut-off device.

15 (c) ~~["Wireless cut off device" means an engine cut off switch~~
16 ~~link that transmits an electromagnetic signal to an engine cut off~~
17 ~~switch.]~~ *"Static thrust" means the forward or backward thrust*
18 *developed by propulsion machinery while stationary.*

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

20 488.950 1. Except as otherwise provided in this chapter, ~~[any~~
21 ~~person who violates any of the provisions of this chapter is guilty of~~
22 ~~a misdemeanor.]~~ *a person is guilty of a misdemeanor if the person:*

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

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

27 (c) *Violates any order issued or regulation adopted by the*
28 *Commission under the provisions of this chapter.*

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

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

38 50.325 1. If a person is charged with an offense listed in
39 subsection 4, and it is necessary to prove:

40 (a) The existence of any alcohol;

41 (b) The quantity of a controlled substance; or

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

44 ↪ the prosecuting attorney may request that the affidavit or
45 declaration of an expert or other person described in NRS 50.315



1 and 50.320 be admitted into evidence at the preliminary hearing,
2 hearing before a grand jury or trial concerning the offense. Except
3 as otherwise provided in NRS 50.315 and 50.320, the affidavit or
4 declaration must be admitted into evidence at the trial.

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

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

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

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

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

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

20 (a) An offense punishable pursuant to NRS 202.257, 455A.170,
21 455B.080, 493.130 or 639.283.

22 (b) An offense punishable pursuant to chapter 453, 484A to
23 484E, inclusive, or 488 of NRS.

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

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

32 (1) The existence of any alcohol;

33 (2) The quantity of a controlled substance; or

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

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

37 62E.620 1. The juvenile court shall order a delinquent child
38 to undergo an evaluation to determine whether the child has an
39 alcohol or substance use disorder if the child committed:

40 (a) An unlawful act in violation of NRS 484C.110, 484C.120,
41 484C.130 or 484C.430;

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

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



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

3 (a) A clinical alcohol and drug counselor who is licensed, an
4 alcohol and drug counselor who is licensed or certified, or an
5 alcohol and drug counselor intern or a clinical alcohol and drug
6 counselor intern who is certified, pursuant to chapter 641C of NRS,
7 to make that classification; or

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

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

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

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

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

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

22 5. The person who conducts the evaluation of the child shall
23 report to the juvenile court the results of the evaluation and make a
24 recommendation to the juvenile court concerning the length and
25 type of treatment required for the child.

26 6. The juvenile court shall:

27 (a) Order the child to undergo a program of treatment as
28 recommended by the person who conducts the evaluation of the
29 child.

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

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

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

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

42 (c) Not order the parent or guardian of the child to pay the costs
43 for such evaluation and treatment unless the child receives such
44 evaluation and treatment from a provider that is not approved or the
45 child seeks additional evaluation or treatment beyond that



1 recommended for the child, in which case the parent or guardian of
2 the child shall pay the costs of such evaluation and treatment.

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

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

11 (b) Engages in any other conduct prohibited by NRS 484C.110,
12 484C.120, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS
13 488.410, 488.420 or 488.425 or a law of any other jurisdiction that
14 prohibits the same or similar conduct.

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

17 (a) Requiring an evaluation to be conducted by a person who is
18 employed by a private company if the company meets the standards
19 of the Division of Public and Behavioral Health of the Department
20 of Health and Human Services. The evaluation may be conducted at
21 an evaluation center.

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

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

29 (a) The juvenile court;

30 (b) The child;

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

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

33 (e) The district attorney; and

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

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

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

42 178.484 1. Except as otherwise provided in this section, a
43 person arrested for an offense other than murder of the first degree
44 must be admitted to bail.



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

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

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

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

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

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

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

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

25 5. A person arrested for a violation of NRS 484C.110,
26 484C.120, 484C.130, 484C.430, 488.410, 488.420 or 488.425 who
27 is under the influence of intoxicating liquor must not be admitted to
28 bail or released on the person's own recognizance unless the person
29 has a concentration of alcohol of less than 0.04 in his or her breath.
30 A test of the person's breath pursuant to this subsection to determine
31 the concentration of alcohol in his or her breath as a condition of
32 admission to bail or release is not admissible as evidence against the
33 person.

34 6. A person arrested for a violation of NRS 484C.110,
35 484C.120, 484C.130, 484C.430, 488.410, 488.420 or 488.425 who
36 is under the influence of a controlled substance, is under the
37 combined influence of intoxicating liquor and a controlled
38 substance, or inhales, ingests, applies or otherwise uses any
39 chemical, poison or organic solvent, or any compound or
40 combination of any of these, to a degree which renders the person
41 incapable of safely driving or exercising actual physical control of a
42 vehicle, *a power-driven vessel* or *a sailing* vessel under ~~[power-or~~
43 ~~sail]~~ way must not be admitted to bail or released on the person's
44 own recognizance sooner than 12 hours after arrest.



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

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

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

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

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

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

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

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

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

41 8. A person arrested for violating a temporary or extended
42 order for protection against domestic violence issued pursuant to
43 NRS 33.017 to 33.100, inclusive, or for violating a restraining order
44 or injunction that is in the nature of a temporary or extended order
45 for protection against domestic violence issued in an action or



1 proceeding brought pursuant to title 11 of NRS, or for violating a
2 temporary or extended order for protection against stalking,
3 aggravated stalking or harassment issued pursuant to NRS 200.591,
4 or for violating a temporary or extended order for protection against
5 sexual assault pursuant to NRS 200.378 must not be admitted to bail
6 sooner than 12 hours after arrest if:

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

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

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

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

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

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

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

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



1 (c) Fifteen thousand dollars, if the person has two or more
2 previous convictions of violating a temporary or extended order for
3 protection against domestic violence issued pursuant to NRS 33.017
4 to 33.100, inclusive, or of violating a restraining order or injunction
5 that is in the nature of a temporary or extended order for protection
6 against domestic violence issued in an action or proceeding brought
7 pursuant to title 11 of NRS, or of violating a temporary or extended
8 order for protection against stalking, aggravated stalking or
9 harassment issued pursuant to NRS 200.591, or of violating a
10 temporary or extended order for protection against sexual assault
11 pursuant to NRS 200.378.

12 ↪ The provisions of this subsection do not affect the authority of a
13 magistrate or a court to set the amount of bail when the person
14 personally appears before the magistrate or the court or when a
15 magistrate or a court has otherwise been contacted to set the amount
16 of bail. For the purposes of this subsection, a person shall be
17 deemed to have a previous conviction of violating a temporary or
18 extended order for protection against domestic violence issued
19 pursuant to NRS 33.017 to 33.100, inclusive, or of violating a
20 restraining order or injunction that is in the nature of a temporary or
21 extended order for protection against domestic violence issued in an
22 action or proceeding brought pursuant to title 11 of NRS, or of
23 violating a temporary or extended order for protection against
24 stalking, aggravated stalking or harassment issued pursuant to NRS
25 200.591, or of violating a temporary or extended order for
26 protection against sexual assault pursuant to NRS 200.378, if the
27 person has been convicted of such an offense in this State or has
28 been convicted of violating a law of any other jurisdiction that
29 prohibits the same or similar conduct.

30 10. For the purposes of subsections 8 and 9, an order or
31 injunction is in the nature of a temporary or extended order for
32 protection against domestic violence if it grants relief that might be
33 given in a temporary or extended order issued pursuant to NRS
34 33.017 to 33.100, inclusive.

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

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

38 458.260 1. Except as otherwise provided in subsection 2, the
39 use of alcohol, the status of drunkard and the fact of being found in
40 an intoxicated condition are not:

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

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

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



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

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

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

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

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

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

20 458.270 1. Except as otherwise provided in subsection 7, a
21 person who is found in any public place under the influence of
22 alcohol, in such a condition that the person is unable to exercise care
23 for his or her health or safety or the health or safety of other persons,
24 must be placed under civil protective custody by a peace officer.

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

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

38 4. An intoxicated person taken into custody by a peace officer
39 for a public offense must immediately be taken to a secure
40 detoxification unit or other appropriate medical facility if the
41 condition of the person appears to require emergency medical
42 treatment. Upon release from the detoxification unit or medical
43 facility, the person must immediately be remanded to the custody of
44 the apprehending peace officer and the criminal proceedings
45 proceed as prescribed by law.



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

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

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

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

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

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

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

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

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

28 **Sec. 45.** (Deleted by amendment.)

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

30 678C.300 1. A person who holds a registry identification
31 card or letter of approval issued to him or her pursuant to NRS
32 678C.230 or 678C.270 is not exempt from state prosecution for, nor
33 may the person establish an affirmative defense to charges arising
34 from, any of the following acts:

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

38 (b) Engaging in any other conduct prohibited by NRS 484C.110,
39 484C.120, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS
40 488.410, 488.420, 488.425 or 493.130.

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

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



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

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

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

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

12 (e) Delivering cannabis to another person who he or she knows
13 does not lawfully hold a registry identification card or letter of
14 approval issued by the Division or its designee pursuant to NRS
15 678C.230 or 678C.270.

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

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

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

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

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

34 678D.300 1. A person is not exempt from state prosecution
35 for any of the following acts:

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

39 (b) Engaging in any other conduct prohibited by NRS 484C.110,
40 484C.120, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS
41 488.410, 488.420, 488.425 or 493.130.

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

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



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

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

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

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

12 (e) Knowingly delivering cannabis to another person who is not
13 21 years of age or older unless:

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

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

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

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

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

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

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

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

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

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



- 1 (a) Upon passage and approval for the purpose of adopting any
2 regulations and performing any other preparatory administrative
3 tasks that are necessary to carry out the provisions of this act; and
4 (b) On July 1, 2023, for all other purposes.

