SUMMARY—Revises provisions relating to the Department of Wildlife. (BDR 45-167)

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: No.

Effect on the State Highway Fund: No.

AN ACT relating to the Department of Wildlife; providing that, with certain exceptions, certain information collected by the Department for certain purposes related to wildlife management is confidential; authorizing certain nonresidents of this State to hunt or fish without a license; revising the required uses of certain money in the Wildlife Account; revising provisions governing the stamp required for the hunting of migratory birds; revising provisions relating to the operation of certain power-driven vessels on the waters of this State; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Wildlife to administer the wildlife laws of this State. (NRS 501.331) **Section 1** of this bill makes confidential certain data and location information collected by the Department through certain monitoring devices. **Section 1** also prohibits the Department from disclosing such information to any person except as otherwise necessary for the administration or enforcement of state law or as authorized by the Department. **Section 7** of this

bill makes a conforming change relating to the information made confidential pursuant to **section 1**.

Existing law authorizes a nonresident of this State who is under 12 years of age to fish in this State without a license provided that the number of fish taken by the nonresident does not exceed certain possession limits as provided by law. Existing law also authorizes a resident of this State who is under 12 years of age to hunt or fish without a license. (NRS 502.010) **Section 2** of this bill: (1) removes the restriction on the number of fish which may be taken by a nonresident of this State who is under 12 years of age; and (2) authorizes such nonresidents to hunt in this State without a license.

Existing law requires a certain amount of the fees charged and collected for certain hunting, fishing or combination hunting and fishing licenses or limited permits to be deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund. (NRS 502.3262, 502.3264) Existing law requires that all such money deposited for credit to the Wildlife Account be used for the protection, propagation and management of trout in this State and for the payment of any bonded indebtedness incurred therefor. (NRS 502.3264) **Section 4** of this bill instead requires that all such money deposited for credit to the Wildlife Account be used for the protection, propagation and management of game fish in this State and for the payment of any bonded indebtedness incurred therefor. **Section 3** of this bill makes a conforming change to reflect the expansion of the trout program to the game fish program.

Existing law prohibits certain activities relating to the taking of game mammals and game birds. (NRS 503.010) **Section 5** of this bill prohibits a person, with certain exceptions, from using

information collected by the Department as described in **section 1** to locate, harass, pursue, take or attempt to take any game mammal, game bird or other wildlife.

Existing federal law authorizes a person hunting migratory waterfowl to carry on his or her person an unexpired federal migratory bird hunting stamp in an electronic form. (Duck Stamp Modernization Act of 2023, Public Law No. 118-25, 137 Stat. 129) Existing law requires a person hunting migratory waterfowl in this State to carry on his or her person an unexpired federal migratory bird hunting stamp with his or her signature except as otherwise authorized by federal law. (NRS 503.135) **Section 6** of this bill authorizes a person hunting migratory waterfowl in this State to carry on his or her person an unexpired federal migratory bird hunting stamp in either an electronic or paper form.

Existing law: (1) prohibits certain persons from operating certain power-driven vessels on any interstate waters of this State unless the person satisfies certain requirements; and (2) requires certain persons who are operating certain power-driven vessels on any interstate waters of this State and who are stopped by certain officers in the enforcement of the laws of this State to present certain documentation. A person who violates this prohibition and fails to present certain documentation is guilty of a misdemeanor. Existing law also: (1) prohibits the rental or lease of certain power-driven vessels to certain persons for operation on the interstate waters of this State; and (2) requires persons engaged in the business of renting or leasing certain power-driven vessels for operation on the interstate waters of this State to list certain information in a rental or lease agreement and provide certain information to the authorized operators of the rented or leased power-driven vessel. (NRS 488.730) **Section 9** of this bill applies such provisions to the operation

of certain power-driven vessels on any waters of this State instead of the interstate waters of this State. **Section 8** of this bill makes a conforming change to remove the definition of the term "interstate waters of this State."

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

Section 1. Chapter 501 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Any photograph, video recording, image, metadata, location information or other data collected by the Department through the use of a trail camera or similar device for the purposes of wildlife management, research, conservation, law enforcement or surveying is confidential.

2. Except as otherwise necessary for the administration or enforcement of this title or as authorized by the Department, the Department may not disclose to any person any information described in subsection 1.

3. As used in this section, "trail camera or similar device" means any device which:

(a) Is not held or manually operated by a person; and

(b) Is used to capture images, video or location data using heat or motion to trigger the device.

➥ The term includes a device that uses a time-lapse recording function.

Sec. 2. NRS 502.010 is hereby amended to read as follows:

502.010 1. A person who hunts or fishes any wildlife without having first procured a license or permit to do so, as provided in this title, is guilty of a misdemeanor, except that:

(a) A license to hunt or fish is not required of a ~~[resident of this State]~~ ***child*** who is under 12 years of age, unless required for the issuance of tags as prescribed in this title or by the regulations of the Commission.

(b) ~~[A license to fish is not required of a nonresident of this State who is under 12 years of age, but the number of fish taken by the nonresident must not exceed 50 percent of the daily creel and possession limits as provided by law.~~

~~(c)]~~ Except as otherwise provided in subsection 6 or 7 of NRS 202.300 and NRS 502.066, it is unlawful for any child who is under 18 years of age to hunt any wildlife with any firearm, unless the child is accompanied at all times by the child's parent or guardian or is accompanied at all times by an adult person authorized by the child's parent or guardian to have control or custody of the child to hunt if the authorized person is also licensed to hunt.

~~[(d)]~~ ***(c)*** A child ***who is*** under 12 years of age, whether accompanied by a qualified person or not, shall not hunt big game in the State of Nevada unless he or she participates in a program established pursuant to NRS 502.104. This section does not prohibit any child from accompanying an adult licensed to hunt.

~~[(e)]~~ ***(d)*** The Commission may adopt regulations setting forth:

(1) The species of wildlife which may be hunted or trapped without a license or permit; or

(2) The circumstances under which a person may fish without a license, permit or stamp in a lake or pond that is located entirely on private property and is stocked with lawfully acquired fish.

~~[(f)]~~ ***(e)*** The Commission may declare 1 day per year as a day upon which persons may fish without a license to do so.

2. This section does not apply to the protection of persons or property from unprotected wildlife on or in the immediate vicinity of home or ranch premises.

Sec. 3. NRS 502.3262 is hereby amended to read as follows:

502.3262 On or before August 30 of each year, an amount of money which is equal to 8.5 percent of the fees charged and collected during the immediately preceding fiscal year for hunting, fishing or combination hunting and fishing licenses or limited permits pursuant to NRS 502.240 must be deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund. The Department shall maintain separate accounting records for the receipt and expenditure of that money. An amount not to exceed 10 percent of that money may be used to reimburse the Department for the cost of administering the ~~[trout]~~ ***game fish*** program and any purpose specified in NRS 502.3264. This amount is in addition to the compensation allowed persons authorized to issue and sell licenses.

Sec. 4. NRS 502.3264 is hereby amended to read as follows:

502.3264 Except as otherwise provided in NRS 502.3262, all money deposited pursuant to NRS 502.3262 must be used for the protection, propagation and management of ~~[trout]~~ ***game fish*** in this State and for the payment of any bonded indebtedness incurred therefor.

Sec. 5. NRS 503.010 is hereby amended to read as follows:

503.010 1. Except as otherwise provided in this section or subsection 2 of NRS 503.005, it is unlawful to harass any game mammals or game birds by any means, including, without limitation, with a manned or unmanned aircraft, firearm, helicopter, horse, power-driven vessel, motor-driven vehicle, noisemaker or sailboat.

2. Except as otherwise provided in this subsection, it is unlawful to shoot at any game mammals or game birds with a weapon from a manned or unmanned aircraft, helicopter or motor-driven vehicle. A person who is a paraplegic, has had one or both legs amputated or has suffered a paralysis of one or both legs which severely impedes the person's walking may shoot from a stopped motor vehicle which is not parked on the traveled portion of a public highway, but the person may not shoot from, over or across a highway or road specified in NRS 503.175.

3. It is unlawful to spot or locate game mammals or game birds with any kind of manned or unmanned aircraft or helicopter and communicate that information, within 24 hours after the aircraft or helicopter has landed or in violation of a regulation of the Commission, by any means to a person on the ground for the purpose of hunting or trapping. The provisions of this subsection do not prohibit an employee or agent of the Department from providing general information to the public concerning the location of game birds or game mammals.

4. It is unlawful to use any information obtained in violation of the provisions of subsection 3 to hunt or kill game mammals or game birds.

5. It is unlawful to use a helicopter to transport game, hunters or hunting equipment, except when:

(a) The cargo or passengers, or both, are loaded and unloaded at airports, airplane landing fields or heliports, which have been established by a department or agency of the Federal or State Government or by a county or municipal government and which are accessible by a public road; or

(b) The loading or unloading is done in the course of an emergency or search and rescue operation.

6. It is unlawful to:

(a) Use any information obtained from a radio signal or other transmission received from any transmitting device;

(b) Make use of equipment designed to receive a radio signal or other transmission from a transmitting device; or

(c) Use any location information obtained from records maintained by the Department within 1 year after the date on which the information was collected, including, without limitation, records of information received from a transmitting device,

➥ to harass or take any game mammal, game bird or other wildlife.

7. It is unlawful to make use of equipment designed to receive a radio signal or other transmission from a transmitting device for any purpose without written authorization of the Department.

8. The provisions of subsection 1 do not apply to an employee or agent of the Department who, while carrying out his or her duties, conducts a survey of wildlife with the use of an aircraft.

9. ***Except as otherwise provided in section 1 of this act, it is unlawful to use any information described in section 1 of this act to locate, harass, pursue, take or attempt to take any game mammal, game bird or other wildlife.***

10. As used in this section:

(a) "Aircraft" includes, without limitation, any unmanned aerial vehicle, as defined in NRS 493.020, or any other device that is used for navigation of, or flight in, the air.

(b) "Game bird" does not include a raven, even if classified as a game bird pursuant to NRS 501.110.

(c) "Harass" means to molest, chase, rally, concentrate, herd, intercept, torment or drive.

(d) "Transmitting device" means any collar or other device which is attached to any game mammal, game bird or other wildlife or which is placed for the express purpose of detecting any game mammal, game bird or other wildlife and emits an electronic signal or uses radio telemetry or a satellite transmission to determine the location of the game mammal, game bird or other wildlife.

Sec. 6. NRS 503.135 is hereby amended to read as follows:

503.135 Except as otherwise authorized by federal law, it is unlawful for any person subject to the federal migratory bird hunting stamp tax to hunt any migratory waterfowl unless at the time of such hunting the person carries on his or her person an unexpired federal migratory bird hunting stamp ***in:***

1. An electronic form; or

2. A paper form which is validated by his or her signature written by the person in ink across the face of the stamp prior to the person's hunting such birds.

Sec. 7. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.703, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127A.160, 127A.230, 127B.370, 127B.750, 127C.420, 127C.870, 127E.120, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 164.041, 172.075, 172.245, 176.01334, 176.01385, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.4715, 178.5691, 178.5717, 179.495, 179A.070, 179A.165, 179D.160, 180.600, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218F.150, 218G.130, 218G.240, 218G.350, 218G.615, 223.250, 226.462, 226.796, 228.270, 228.380, 228.450, 228.495, 228.570, 231.069, 231.1285, 231.1473, 232.1369, 232.49925, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.027, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 240A.260, 241.020, 241.029, 241.030, 241.039, 242.105, 242.1289, 242.129, 244.264, 244.335, 244.3635, 247.540,

247.545, 247.550, 247.560, 250.087, 250.130, 250.140, 250.145, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.57697, 293.870, 293.906, 293.908, 293.909, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1571, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 353D.250, 360.240, 360.247, 360.255, 360.755, 360.889, 360.890, 360.945, 360.950, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398.310, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 422A.6772, 422A.609, 425.400, 427A.1236, 427A.872, 427A.940, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.5282, 439.840, 439.914, 439A.116, 439A.124, 439B.2839, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 449.209, 449.245, 449A.112, 449B.180, 449B.480, 449B.580, 450.140, 450B.188,

450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 489.431, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 604D.500, 604D.600, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.043, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.2687, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.427, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 634B.730, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.248, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640.154, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641A.191, 641A.217, 641A.262, 641A.305, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 670B.680, 671.365, 671.415, 673.450, 673.480, 675.380, 676A.340, 676A.370,

677.243, 678A.470, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.480, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and section 1 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without

limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 8. NRS 488.035 is hereby amended to read as follows:

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

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

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

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

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

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

6. "Department" means the Department of Wildlife.

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

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

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

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

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

~~[12.]~~ ***11.*** “Mechanically propelled personal hydrofoil” means a power-driven vessel that consists of a board fitted with a mast extending below the board that is attached to a fuselage with a forward wing, rear stabilizer and electric motor or internal combustion engine.

~~[13.]~~ ***12.*** “Motorized surfboard” means a power-driven vessel that consists of a board using a surfboard-type design fitted with either an electric motor or internal combustion engine.

~~[14.]~~ ***13.*** “Operate” means to navigate or otherwise use a vessel.

~~[15.]~~ ***14.*** “Owner” means:

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

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

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

➥ "Owner" does not include a person defined as a "legal owner" under subsection ~~[11]~~ ***10*** or a person who is leasing a vessel where the vessel is not a security interest under the lease.

~~[16.]~~ ***15.*** "Person" has the meaning ascribed to it in NRS 0.039 and includes, without limitation, a governmental entity.

~~[17.]~~ ***16.*** "Power-driven vessel" means any vessel propelled by machinery, whether or not the machinery is the principal source of propulsion. The term includes, without limitation:

(a) A mechanically propelled personal hydrofoil;

(b) A motorized surfboard; and

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

~~[18.]~~ ***17.*** "Prohibited substance" has the meaning ascribed to it in NRS 484C.080.

~~[19.]~~ ***18.*** "Registered owner" means the person registered by the Department as the owner of a vessel.

~~[20.]~~ ***19.*** "Sailing vessel" means a vessel that is propelled by wind power and is not equipped with a motor.

~~[21.]~~ ***20.*** "State hull number" means a hull number issued for a vessel by the Department that meets the requirements prescribed by the United States Coast Guard, including, without limitation, 33 C.F.R. § 174.16 and 33 C.F.R. Part 181, Subpart C.

~~[22.]~~ ***21.*** "State of principal operation" means the state in whose waters a vessel is or will be operated most during a calendar year.

~~[23.]~~ ***22.*** "Under the influence" means impaired to a degree that renders a person incapable of safely operating or exercising actual physical control of a vessel.

~~[24.]~~ ***23.*** A vessel is "under way" if it is adrift, making way or being propelled, and is not aground, made fast to the shore, or tied or made fast to a dock or mooring.

~~[25.]~~ ***24.*** "Vessel" means every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

~~[26.]~~ ***25.*** "Waters of this State" means any waters within the territorial limits of this State.

Sec. 9. NRS 488.730 is hereby amended to read as follows:

488.730 1. A person born on or after January 1, 1983, shall not operate a power-driven vessel that has a motor which exceeds 15 horsepower on any ~~[interstate]~~ waters of this State unless the operator:

(a) Has:

(1) Successfully completed a course in safe boating that is approved by the National Association of State Boating Law Administrators or passed a proficiency examination if the examination was proctored and tested the knowledge of information included in the curriculum of such a course; and

(2) Received a certificate as evidence of successful completion of the course or passage of the examination;

(b) Possesses a license to operate a vessel issued for maritime personnel by the United States Coast Guard pursuant to 46 C.F.R. Part 10 or an equivalent license issued by the Canadian Coast Guard;

(c) Possesses a nonrenewable temporary operator's permit to operate the power-driven vessel which is valid for 60 days and was issued with the certificate of number for the power-driven vessel if the vessel is new or was sold with a transfer of ownership;

(d) Possesses a rental or lease agreement provided pursuant to subsection 4 which lists the person as an authorized operator of the power-driven vessel; or

(e) Is not a resident of this State, is at least 18 years of age, is temporarily using ~~[the interstate]~~ ***any*** waters of this State for a period not to exceed 60 consecutive days and satisfies any applicable requirements of the person's state of residency or province relating to the operation of a power-driven vessel.

2. A person born on or after January 1, 1983, who is operating a power-driven vessel that has a motor which exceeds 15 horsepower on any ~~[interstate]~~ waters of this State and who is stopped by a game warden, sheriff or other peace officer in the enforcement of this chapter or the regulations adopted pursuant thereto shall present to the game warden, sheriff or peace officer:

(a) The certificate received by the person pursuant to subparagraph (2) of paragraph (a) of subsection 1;

(b) A license described in paragraph (b) of subsection 1;

(c) An operator's permit for the power-driven vessel described in paragraph (c) of subsection 1;

(d) A rental or lease agreement for the power-driven vessel provided pursuant to subsection 4 which lists the person as an authorized operator of the power-driven vessel; or

(e) Proof that the person satisfies the requirements of paragraph (e) of subsection 1.

➥ Failure to present the certificate, license, permit, agreement or proof constitutes prima facie evidence of a violation of subsection 1. A person who fails to present the certificate, license, permit, agreement or proof is guilty of a misdemeanor unless the person presents the required documents in court. The documents must prove that the person was operating the power-driven vessel in compliance with this section on the date of the violation.

3. A person or an agent or employee of a person engaged in the business of renting or leasing power-driven vessels for operation on ~~[the interstate]~~ ***any*** waters of this State shall not rent or lease a power-driven vessel that has a motor which exceeds 15 horsepower to any person born on or after January 1, 1983, for operation on ~~[the interstate]~~ ***any*** waters of this State unless the person:

(a) Is 18 years of age or older; and

(b) Signs an affidavit that the person:

(1) Has successfully completed a course in safe boating that is approved by the National Association of State Boating Law Administrators or has passed a proficiency examination that was proctored and tests knowledge of the information included in the curriculum of such a course;

(2) Possesses a license to operate a vessel issued for maritime personnel by the United States Coast Guard pursuant to 46 C.F.R. Part 10 or an equivalent license issued by the Canadian Coast Guard; or

(3) Is not a resident of this State, is temporarily using ~~[the interstate]~~ ***any*** waters of this State for a period not to exceed 60 consecutive days and satisfies any applicable requirements of the person's state of residency or province relating to the operation of a power-driven vessel.

4. A person or an agent or employee of a person engaged in the business of renting or leasing power-driven vessels for operation on ~~[the interstate]~~ ***any*** waters of this State shall list on each rental or lease agreement for a power-driven vessel the name and age of each person who is authorized to operate the power-driven vessel. The person to whom the power-driven vessel is rented or leased shall ensure that only those persons who are listed as authorized operators are allowed to operate the power-driven vessel. A person who is under 16 years of age may:

(a) Be listed as an authorized operator.

(b) Operate the power-driven vessel only if an authorized operator who is 18 years of age or older is on board the power-driven vessel and supervises the person.

5. A person or an agent or employee of a person engaged in the business of renting or leasing power-driven vessels for operation on ~~[the interstate]~~ ***any*** waters of this State shall provide to each authorized operator of a power-driven vessel a summary of the statutes and regulations governing the operation of a power-driven vessel and instructions regarding the safe operation of the power-driven vessel. Each person who is listed as an authorized operator of the power-driven vessel shall review the summary of the statutes, regulations and instructions before the power-driven vessel departs from the rental or leasing office.

Sec. 10. This act becomes effective upon passage and approval.