

Nevada AIS Statutes

Nev. Rev. Stat. Tit. 43, Ch. 488 (Watercraft)

General Provisions

§ 488.035. Definitions

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. “Interstate waters of this State” means waters forming the boundary between the State of Nevada and an adjoining state.
9. “Legal owner” means a secured party under a security agreement relating to a vessel or a renter or lessor of a vessel to the State or any political subdivision of the State under a lease or an agreement to lease and sell or to rent and purchase which grants possession of the vessel to the lessee for a period of 30 consecutive days or more.
10. “Motorboat” means any vessel propelled by machinery, whether or not the machinery is the principal source of propulsion.
11. “Operate” means to navigate or otherwise use a motorboat or a vessel.

12. "Owner" means:
 - (a) A person having all the incidents of ownership, including the legal title of a vessel, whether or not he or she lends, rents or pledges the vessel; and
 - (b) A debtor under a security agreement relating to a vessel.

"Owner" does not include a person defined as a "legal owner" under subsection 9.
13. "Prohibited substance" has the meaning ascribed to it in NRS 484C.080.
14. "Registered owner" means the person registered by the Commission as the owner of a vessel.
15. "State hull number" means a hull number issued for a vessel by the Department that meets the requirements prescribed by the United States Coast Guard, including, without limitation, 33 C.F.R. § 174.16 and 33 C.F.R. Part 181, Subpart C.
16. "Under the influence" means impaired to a degree that renders a person incapable of safely operating or exercising actual physical control of a vessel.
17. A vessel is "under way" if it is adrift, making way or being propelled, and is not aground, made fast to the shore, or tied or made fast to a dock or mooring.
18. "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.
19. "Waters of this State" means any waters within the territorial limits of this State.

§ 488.045. Regulations of Board of Wildlife Commissioners: Adoption

The Commission may carry out the provisions of this chapter by appropriate regulations.

Aquatic Invasive Species

§ 488.530. Unlawful acts; inspections; authority of peace officers

1. It is unlawful for any person at any time to:
 - (a) Launch a vessel into any body of water in this State for which the Department has approved an inspection program without first complying with that program;
 - (b) Refuse to comply with any requirements of the Department or any requirements of an inspection program approved by the Department; or
 - (c) Leave an impaired body of water in this State or any other state after operating a vessel on that impaired body of water and launch the vessel on any other body of water in this State without first decontaminating the vessel and any conveyance used on the impaired body of water.

2. In addition to any inspection conducted pursuant to NRS 488.900, each owner, operator or person in control of a vessel or conveyance shall stop at any mandatory inspection station for aquatic invasive species authorized by the Department. If a peace officer reasonably believes, based on articulable facts, that an aquatic invasive species or aquatic plant material may be present on the vessel or conveyance, the peace officer may:

(a) Require the owner, operator or person in control of the vessel or conveyance to decontaminate the vessel or conveyance; or

(b) In addition to any seizure required pursuant to NRS 488.910, impound or quarantine the vessel or conveyance.

3. A peace officer may stop and inspect a vessel or conveyance for the presence of aquatic invasive species or aquatic plant material, or for proof of a required inspection:

(a) Before a vessel is launched into a body of water in this State;

(b) Before a vessel or conveyance departs from a body of water in this State, a launch ramp or a vessel staging area;

(c) If the vessel or conveyance is visibly transporting any aquatic invasive species or aquatic plant material; or

(d) If the peace officer reasonably believes, based on articulable facts, that an aquatic invasive species or aquatic plant material is present.

4. If a peace officer conducts an inspection of a vessel or conveyance pursuant to this section and determines that an aquatic invasive species or aquatic plant material is present on the vessel or conveyance, the peace officer may order the vessel or conveyance to be decontaminated.

5. A peace officer may impound or quarantine a vessel if:

(a) An inspection conducted pursuant to this section indicates the presence of an aquatic invasive species or aquatic plant material on the vessel or conveyance; or

(b) The owner, operator or person in control of the vessel or conveyance refuses to:

(1) Submit to an inspection authorized pursuant to this section; or

(2) Comply with an order issued pursuant to this section to decontaminate his or her vessel or conveyance.

6. As used in this section, “impaired body of water” means any body of water in this State or any other state which the Commission or another governmental entity has identified as containing an aquatic invasive species.

§ 488.533. Impoundment or quarantine

1. If a peace officer orders a vessel or conveyance to be impounded or quarantined pursuant to NRS 488.530, the vessel or conveyance may be impounded or quarantined for a reasonable period to ensure that the vessel or conveyance is inspected and decontaminated and that any aquatic invasive species or aquatic plant material is completely removed.
2. The owner of a vessel or conveyance which is impounded or quarantined is responsible for all costs associated with the impoundment or quarantine.
3. The Department may suspend the certificate of number or validation decal of an impounded or quarantined vessel until:
 - (a) The operator or owner of the vessel has completed the decontamination of the vessel; and
 - (b) The Department has inspected the vessel and determined that it is in compliance with NRS 488.530.

§ 488.536. Fees; decal; exceptions

1. Except as otherwise provided in subsection 7, a person shall not operate a vessel on the waters of this State unless the person has:
 - (a) Paid to the Department the aquatic invasive species fee established pursuant to subsection 4; and
 - (b) Attached the aquatic invasive species decal issued pursuant to subsection 2 to the port side transom of the vessel so that the decal is distinctly visible.
2. The Department shall issue to a person who pays the fee established pursuant to subsection 4 an aquatic invasive species decal as evidence of the payment of the aquatic invasive species fee.
3. The Department shall fix a day and month of the year on which an aquatic invasive species decal expires. One a valid decal may be displayed on a vessel.
4. The Commission shall establish by regulation an annual aquatic invasive species fee, which:
 - (a) For a motorboat which is owned or operated by a person on the waters of this State, must not exceed \$12; and
 - (b) For a vessel, other than a motorboat, which is owned or operated by a person on the waters of this State, must not exceed \$5.

5. Each aquatic invasive species decal is valid for 1 year, or 2 years if allowed by regulations adopted by the Commission. The Commission may adopt regulations for the renewal of an aquatic invasive species decal. The fee for the issuance or renewal of the decal for 2 years, if allowed, is an amount which is equal to twice the annual fee set forth in subsection 4. The fee for the issuance or renewal of an aquatic invasive species decal must be deposited in the Wildlife Account in the State General Fund and used by the Department for enforcement of this section and NRS 488.530, 488.533 and 503.597 and for education about and management of aquatic invasive species.
6. The provisions of this section do not apply to a person who operates a vessel on the waters of:
 - (a) The Colorado River, Lake Mead or Lake Mohave if, as determined by the Department, the vessel is registered in Arizona and Arizona has a program in effect for the management of aquatic invasive species; or
 - (b) Lake Tahoe or Topaz Lake if, as determined by the Department, the vessel is registered in California and California has a program in effect for the management of aquatic invasive species.

Enforcement

§ 488.900. Enforcement by game wardens and other peace officers; inspection of vessel

1. Every game warden, sheriff and other peace officer of this State and its political subdivisions shall enforce the provisions of this chapter and may stop and board any vessel subject to the provisions of this chapter.
2. Any vessel located upon the waters of this State is subject to inspection by the Department or any lawfully designated agent or inspector thereof at any time to determine whether the vessel is equipped in compliance with the provisions of this chapter.
3. Any vessel located upon the waters of this State is subject to inspection by the Division of Environmental Protection of the State Department of Conservation and Natural Resources or any lawfully designated agent or inspector thereof at any time to determine whether the vessel is equipped in compliance with the provisions of NRS 488.320. As used in this subsection, "vessel" includes any watercraft or structure floating on the water, whether or not capable of self-locomotion, including houseboats, barges and similar structures.

§ 488.910. Seizure of vessel to preserve evidence of crime; payment of storage fees

1. If a peace officer has probable cause to believe that a vessel or its contents contain evidence tending to show that a criminal offense has been committed or that a particular person has committed an offense, the officer may take whatever steps are reasonable to ensure the preservation of the evidence including safe storage of the vessel or its contents.

2. If a criminal conviction is obtained as a result of an action taken pursuant to subsection 1, the person convicted shall pay any storage fees incurred pursuant to that subsection. If a conviction is not obtained, the law enforcement agency that seized the vessel pursuant to subsection 1 shall pay those fees.

Nev. Rev. Stat. Tit. 45, Ch. 501 (Wildlife: Administration and Enforcement)

§ 501.105. Commission to establish policies and adopt regulations

The Commission shall establish policies and adopt regulations necessary to the preservation, protection, management and restoration of wildlife and its habitat. In establishing such policies and adopting such regulations, the Commission must first consider the recommendations of the Department, the county advisory boards to manage wildlife and other persons who present their views at an open meeting of the Commission.

§ 501.181. Duties; regulations

The Commission shall:

1. Establish broad policies for:
 - (a) The protection, propagation, restoration, transplanting, introduction and management of wildlife in this State.
 - (b) The promotion of the safety of persons using or property used in the operation of vessels on the waters of this State.
 - (c) The promotion of uniformity of laws relating to policy matters.
2. Guide the Department in its administration and enforcement of the provisions of this title and of chapter 488 of NRS by the establishment of such policies.
3. Establish policies for areas of interest including:
 - (a) The management of big and small game mammals, upland and migratory game birds, fur-bearing mammals, game fish, and protected and unprotected mammals, birds, fish, reptiles and amphibians.
 - (b) The management and control of predatory wildlife.
 - (c) The acquisition of lands, water rights and easements and other property for the management, propagation, protection and restoration of wildlife.
 - (d) The entry, access to, and occupancy and use of such property, including leases of grazing rights, sales of agricultural products and requests by the Director to the State Land Registrar for the sale of timber if the sale does not interfere with the use of the property on which the timber is located for wildlife management or for hunting or fishing thereon.

- (e) The control of nonresident hunters.
 - (f) The introduction, transplanting or exporting of wildlife.
 - (g) Cooperation with federal, state and local agencies on wildlife and boating programs.
 - (h) The revocation of licenses issued pursuant to this title to any person who is convicted of a violation of any provision of this title or any regulation adopted pursuant thereto.
4. Establish regulations necessary to carry out the provisions of this title and of chapter 488 of NRS, including:
- (a) Seasons for hunting game mammals and game birds, for hunting or trapping fur-bearing mammals and for fishing, the daily and possession limits, the manner and means of taking wildlife, including, but not limited to, the sex, size or other physical differentiation for each species, and, when necessary for management purposes, the emergency closing or extending of a season, reducing or increasing of the bag or possession limits on a species, or the closing of any area to hunting, fishing or trapping. If, in establishing any regulations pursuant to this subsection, the Commission rejects the recommendations of a county advisory board to manage wildlife with regard to the length of seasons for fishing, hunting and trapping or the bag or possession limits applicable within the respective county, the Commission shall provide to the county advisory board to manage wildlife at the meeting an explanation of the Commission's decision to reject the recommendations and, as soon as practicable after the meeting, a written explanation of the Commission's decision to reject the recommendations. Any regulations relating to the closure of a season must be based upon scientific data concerning the management of wildlife. The data upon which the regulations are based must be collected or developed by the Department.
 - (b) The manner of using, attaching, filling out, punching, inspecting, validating or reporting tags.
 - (c) The delineation of game management units embracing contiguous territory located in more than one county, irrespective of county boundary lines.
 - (d) The number of licenses issued for big game and, if necessary, other game species.
5. Adopt regulations requiring the Department to make public, before official delivery, its proposed responses to any requests by federal agencies for its comment on drafts of statements concerning the environmental effect of proposed actions or regulations affecting public lands.
6. Adopt regulations:

- (a) Governing the provisions of the permit required by NRS 502.390 and for the issuance, renewal and revocation of such a permit.
 - (b) Establishing the method for determining the amount of an assessment, and the time and manner of payment, necessary for the collection of the assessment required by NRS 502.390.
7. Designate those portions of wildlife management areas for big game mammals that are of special concern for the regulation of the importation, possession and propagation of alternative livestock pursuant to NRS 576.129.
 8. Adopt regulations governing the trapping of fur-bearing mammals in a residential area of a county whose population is 100,000 or more.
 9. Adopt regulations prescribing the circumstances under which a person, regardless of whether the person has obtained a valid tag issued by the Department, may assist in the killing and retrieval of a wounded big game mammal by another person who:
 - (a) 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; and
 - (b) Has obtained a valid tag issued by the Department for hunting that animal.
 10. In establishing any policy or adopting any regulations pursuant to this section, first consider the recommendations of the Department, the county advisory boards to manage wildlife and other persons who present their views at an open meeting of the Commission.

Nev. Rev. Stat. Tit. 45, Ch. 503 (Hunting, Fishing and Trapping; Miscellaneous Protective Measures)

§ 503.597. Introduction or removal of aquatic life or wildlife: Approval required; investigation; regulations; penalties

1. Except as otherwise provided in this section, it is unlawful, except by the written consent and approval of the Department, for any person at any time to receive, bring or have brought or shipped into this State, or remove from one stream or body of water in this State to any other, or from one portion of the State to any other, or to any other state, any aquatic life or wildlife, or any spawn, eggs or young of any of them.
2. The Department shall require an applicant to conduct an investigation to confirm that such an introduction or removal will not be detrimental to the wildlife or the habitat of wildlife in this State. Written consent and approval of the Department may be given only if the results of the investigation prove that the introduction, removal or importation will not be detrimental to existing aquatic life or wildlife, or any spawn, eggs or young of any of them.

3. The Commission may through appropriate regulation provide for the inspection of such introduced or removed creatures and the inspection fees therefor.
4. The Commission may adopt regulations to prohibit the importation, transportation or possession of any species of wildlife which the Commission deems to be detrimental to the wildlife or the habitat of the wildlife in this State.
5. A person who knowingly or intentionally introduces, causes to be introduced or attempts to introduce an aquatic invasive species or injurious aquatic species into any waters of this State is guilty of:
 - (a) For a first offense, a misdemeanor; and
 - (b) For any subsequent offense, a category E felony and shall be punished as provided in NRS 193.130.
6. A court before whom a defendant is convicted of a violation of subsection 5 shall, for each violation, order the defendant to pay a civil penalty of at least \$25,000 but not more than \$250,000. The money must be deposited into the Wildlife Account in the State General Fund and used to:
 - (a) Remove the aquatic invasive species or injurious aquatic species;
 - (b) Reintroduce any game fish or other aquatic wildlife destroyed by the aquatic invasive species or injurious aquatic species;
 - (c) Restore any habitat destroyed by the aquatic invasive species or injurious aquatic species;
 - (d) Repair any other damage done to the waters of this State by the introduction of the aquatic invasive species or injurious aquatic species; and
 - (e) Defray any other costs incurred by the Department because of the introduction of the aquatic invasive species or injurious aquatic species.
7. The provisions of this section do not apply to:
 - (a) Alternative livestock and products made therefrom; or
 - (b) The introduction of any species by the Department for sport fishing or other wildlife management programs.
8. As used in this section:
 - (a) "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.

(b) “Injurious aquatic species” means an aquatic species which the Commission has determined to be a threat to sensitive, threatened or endangered aquatic species or game fish or to the habitat of sensitive, threatened or endangered aquatic species or game fish by any means, including, without limitation:

- (1) Predation;
- (2) Parasitism;
- (3) Interbreeding; or
- (4) The transmission of disease.