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91090
 NO. STATE OF NEBRASKA
 OFFICIAL
 DEC 2 1991
 DEPT. OF JUSTICE

DATE: November 26, 1991
 SUBJECT: Flotation Devices for Sailboards
 REQUESTED BY: Emil E. Beyer, Jr., State Senator, District No. 3,
 State Capitol, Lincoln, Nebraska 68509
 WRITTEN BY: Don Stenberg, Attorney General
 Linda L. Willard, Assistant Attorney General

You have inquired whether a sailboard is defined as a vessel under Neb.Rev.Stat. § 37-1241 (Reissue 1988), thereby requiring that a flotation device be aboard. It is our determination that a sailboard is a vessel under the State statutes and does require a flotation device to be aboard.

Neb.Rev.Stat. § 37-1241 states in pertinent part "every vessel shall carry at least one life preserver, ring buoy, or other device of the sort prescribed by the regulations of the Commission for each person on board, . . ." § 37-1203 defines vessel to mean "every description of water craft, other than a seaplane on the water, used or capable of being used as a means of transportation on water." Webster's Ninth Collegiate Dictionary, Copyright 1984, defines sailboard as "a small flat sailboat that is designed for one or two passengers."

Additionally, the rules and regulations of the Nebraska Game and Parks Commission, promulgated under the Administrative Procedures Act, state at Title 163, NAC Chapter 3.003.02A: "Every boat, canoe, raft, or other description of vessel, including any buoyant devise capable of being used as a means of transportation on water, shall carry at least one life preserver, ring buoy or other life saving device of suitable size for each person on board. . . ."

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It is our determination that a sailboard is a vessel and under the statutes of this State as well as the rules and regulations of the Game and Parks Commission relating to boating regulations. Therefore, sailboards must carry at least one life preserver, ring buoy or other appropriate equipment for each person on board.


Sincerely,

DON STENBERG
Attorney General



Linda L. Willard
Assistant Attorney General

Approved By:



Attorney General

28-38-6.91