

**PROPOSED REGULATION OF THE
BOARD OF WILDLIFE COMMISSIONERS**

LCB File No. R095-00

June 28, 2000

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §1, NRS 501.181 and 502.030; §§2 and 3, NRS 501.181 and 502.040.

Section 1. NAC 502.101 is hereby amended to read as follows:

502.101 “Short-term permit” means a permit to fish or hunt upland game and waterfowl for 1 *calendar* day and any number of additional consecutive *calendar* days if the additional days are purchased at the same time the permit is issued.

Sec. 2. NAC 502.145 is hereby amended to read as follows:

502.145 1. Any person may apply for appointment as a license agent by submitting a completed application on forms provided by the division.

2. *The division may require an applicant to provide:*

(a) Evidence of the financial ability of the applicant to perform the duties of a license agent; and

(b) Credit references, references from banks and other financial references requested by the division.

3. The applicant must show that the major portion of his business will be conducted in a permanent building. The building must have within it a secure place for keeping the division’s licenses, tags, stamps and sales records. Documents authorized by the division may only be

issued from this permanent building unless prior approval is given by the division for the issuance of such documents at another location.

~~[3.]~~ 4. The division will conduct an investigation of each applicant's qualifications and suitability to serve the public as a license agent. If the division finds that any of the information on the application is false or misleading, the application will be denied.

~~[4.]~~ 5. The division will require an approved applicant to enter into a contract with the division. A person may not become a license agent until the contract is signed by both him and the division.

Sec. 3. NAC 502.147 is hereby amended to read as follows:

502.147 1. ~~[The division may use the following criteria in determining]~~ *To determine* whether to approve or deny an application for appointment as a license agent ~~[:]~~, *the division may consider, without limitation, the following criteria:*

(a) Whether the applicant has met the bonding requirements of ~~[NRS 502.040 and]~~ NAC 502.150.

(b) *Whether the applicant is financially responsible.*

(c) *Whether the applicant has been convicted of a violation of law relating to wildlife within the 5 years immediately preceding the date on which the applicant submits the application.*

(d) *Whether the applicant is under investigation for a violation of law relating to wildlife at the time he submits the application.*

(e) *Whether the applicant has been convicted of a felony.*

(f) *Whether the applicant is the subject of felony criminal proceedings at the time he submits the application.*

(g) The cooperation of the applicant and his employees.

~~(e)~~ (h) *Characteristics of the business where the applicant desires to issue licenses, including, without limitation:*

(1) Accessibility *of the business* to all segments of the public ~~;~~
~~(d)~~;

(2) The number of ~~[agencies]~~ *license agents* in the geographical area and their proximity to the ~~[applicant.~~
~~(e)] business;~~

(3) The remoteness of the area in which the ~~[applicant]~~ *business* is located ~~;~~
~~(f)~~;

(4) The hours ~~[an applicant]~~ *the business* will be open to the public ~~;~~
~~(g) The volume of license sales the applicant has had in the past or what the previous agent had, in a replacement agency.~~
~~(h) The performance record for compliance with the requirements for license agencies of the applicant or the prior agent.~~
~~(i)~~;

(5) The number of times the ownership of the business ~~[for which the applicant is applying]~~ has been transferred ~~;~~

~~(j) The division's]; and~~

(6) *The need for a license [agency] agent, as determined by the division,* in the general area of the ~~[applicant's]~~ business.

(i) If the applicant previously was a license agent:

(1) The total number of licenses sold by the applicant while he was a license agent;

(2) Whether the applicant complied with all laws and regulations relating to a license agent; and

(3) Whether the applicant was placed on probation or had his authority as a license agent cancelled pursuant to NAC 502.195.

(j) If the applicant will replace an agent at the business where the applicant desires to issue licenses:

(1) The total number of licenses sold by the license agent who will be replaced;

(2) Whether the license agent who will be replaced complied with all laws and regulations relating to a license agent; and

(3) Whether the license agent who will be replaced was placed on probation or had his authority as a license agent cancelled pursuant to NAC 502.195.

2. Except as otherwise provided in this subsection, ~~[all applicants for a new license agency]~~ *if an applicant desires to issue licenses at a business where licenses have not been issued previously, the business* must have been established ~~[in business]~~ for at least 1 year. The division may waive this requirement ~~[in the case of a license agency]~~ *for an applicant whose business is located in a remote area if there is an extreme need for* ~~[the agency. Changes in ownership of established agencies]~~ *an agent in that area. All other applications* will be handled on a case-by-case basis ~~[]~~ *in accordance with subsection 1.*