

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

LCB File No. R054-04

May 7, 2004

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

AUTHORITY: §§1, 2 and 4, NRS 501.181 and 502.160; §3, NRS 501.181, 502.148 and 502.160; §5, NRS 501.105, 501.181, 502.160 and 502.250; §§6, 24 and 26, NRS 501.181; §§7-23 and 25, NRS 501.181 and 504.390.

A REGULATION relating to wildlife guides; requiring master guides who operate on federally administered public lands to possess a valid special use permit from the federal land management agency having jurisdiction in the area; requiring master guides and subguides to carry licenses and special use permits while conducting guiding activities; requiring master guides to inform the Department of Wildlife within 72 hours after terminating the employment of subguides; requiring applicants to pass a written examination before applying for a master guide or subguide license; requiring an applicant for a master guide license to submit various types of proof that he possessed a guide license in this State or another jurisdiction; amending the time allowed for the Department to make its decision on issuing a master guide or subguide license; requiring applicants for master guide licenses to provide authorization to the Department for obtaining a credit history report; requiring an applicant for a master guide license to provide the Department with proof of liability insurance or a self-insurance bond upon conditional approval of the his application for a license; allowing a subguide to enter into a contract with a client on behalf of the master guide with prior approval from the master guide; requiring master guides and subguides to maintain records of each client; changing the licensing period for master guides and subguides from a fiscal year to a calendar year; and providing other matters properly relating thereto.

Section 1. Chapter 502 of NAC is hereby amended by adding thereto a new section to read as follows:

“Federal land management agency” means the United States Forest Service, the United States Bureau of Land Management, the United States Fish and Wildlife Service or the National Park Service.

Sec. 2. NAC 502.423 is hereby amended to read as follows:

502.423 As used in NAC 502.423 to 502.4239, inclusive, *and section 1 of this regulation*, unless the context otherwise requires, the words and terms defined in NAC 502.42302 to 502.42307, inclusive, *and section 1 of this regulation* have the meanings ascribed to them in those sections.

Sec. 3. NAC 502.4231 is hereby amended to read as follows:

NAC 502.4231 is hereby amended to read as follows:

502.4231 1. A person who wishes to obtain a restricted nonresident deer tag must apply to the Department on a form provided by the Department which includes spaces , *boxes* or lines for the applicant to:

- (a) Specify his name, address and date of birth;
- (b) Select not more than five hunter choice numbers; and
- (c) Except as otherwise provided in subsection 2, sign the application.

2. If an application is submitted electronically by a master guide for the applicant, the application must include a space , *box* or line for the master guide to acknowledge the affidavit that:

- (a) Is included in the application provided by the Department; ~~and~~
- (b) Indicates that the master guide ~~is authorized~~ *has power of attorney* to sign the application on behalf of the applicant ~~is~~ ; *and*

(c) Indicates whether the master guide will be guiding on federally administered public lands and, if so, indicates that the master guide possesses a valid special use permit issued by the federal land management agency having jurisdiction within the wildlife management area or unit for which the applicant is applying.

3. The Commission will establish the seasons and quotas for a restricted nonresident deer hunt, and the method for submission and deadline for receipt of applications.

4. Except as otherwise provided in this subsection, an application for a restricted nonresident deer tag may be withdrawn after it is received by the Department only if the applicant submits to the Department, before the draw and with sufficient time for processing, a written request that includes, without limitation, his client number. An application may not be withdrawn after the Department has rejected the application. The Department shall not consider a withdrawn application in the procedure for awarding tags.

5. A valid hunting license issued by the Department must be obtained by the applicant before submitting his application, except that an applicant may apply for a hunting license at the time he submits his application. Except as otherwise provided in subsection 6, the application must be accompanied by:

(a) The appropriate fee for the tag, as provided in NRS 502.148;

(b) If the applicant has not obtained a valid hunting license issued by the Department, the fee for the hunting license, as provided in NRS 502.240, and the habitat conservation fee, as provided in NRS 502.242;

(c) The fee required pursuant to NRS 502.253 for the support of programs to control predators and protect wildlife habitat; and

(d) A fee of \$10, which must be applied by the Department to the cost of processing applications, conducting drawings for tags and for performing other related activities as directed by the Commission.

6. If ~~[an applicant submits his]~~ *the* application *is submitted* electronically, the application must be accompanied by:

(a) The fee required pursuant to NRS 502.253 for the support of programs to control predators and protect wildlife habitat;

(b) Any donation the applicant wishes to make to a program specified in paragraph (a) or any other program conducted by the Department;

(c) A fee of \$10, which must be applied by the Department to the cost of processing applications, conducting drawings for tags and for performing other related activities as directed by the Commission;

(d) The fee for a hunting license, as provided in NRS 502.240, if the applicant:

(1) Has not obtained a hunting license; and

(2) Indicates on his application that he wishes to purchase the hunting license regardless of whether his application is successfully drawn; and

(e) The habitat conservation fee, as provided in NRS 502.242, if the applicant:

(1) Has not obtained a hunting license; and

(2) Indicates on his application that he wishes to purchase the hunting license regardless of whether his application is successfully drawn.

7. If an application for a tag specified in subsection 6 is successfully drawn, the Department shall collect from the applicant:

(a) The appropriate fee for the tag as provided in NRS 502.250;

(b) The fee for a hunting license, as provided in NRS 502.240, if the applicant:

(1) Has not obtained a hunting license; and

(2) Indicates on his application that he wishes to purchase the hunting license only if his application is successfully drawn; and

(c) The habitat conservation fee, as provided in NRS 502.242, if the applicant:

(1) Has not obtained a hunting license; and

(2) Indicates on his application that he wishes to purchase the hunting license only if his application is successfully drawn.

8. All fees submitted with an application must be paid by:

(a) A cashier's check;

(b) A certified check;

(c) A money order; or

(d) If the application is submitted electronically, an electronic method of payment that is specified by the Department.

9. The Department and its agents or employees shall not:

(a) Amend or otherwise alter an application to obtain a restricted nonresident deer tag.

(b) Issue a restricted nonresident deer tag to an applicant who fails to submit the fees required pursuant to this section.

Sec. 4. NAC 502.4233 is hereby amended to read as follows:

502.4233 At the time an application for a nonresident deer tag is submitted, the master guide who will accompany the restricted nonresident deer hunter on the restricted nonresident deer hunt must ~~[be licensed]~~ :

1. Be licensed by the Department to provide guide services related to deer hunting in the wildlife management area or ~~[units applied for.] unit for which the applicant is applying; and~~

2. If applicable, possess a valid special use permit required by the federal land management agency having jurisdiction within the wildlife management area or unit for which the applicant is applying.

Sec. 5. NAC 502.4235 is hereby amended to read as follows:

502.4235 1. The Department shall reject an application for a restricted nonresident deer tag if:

(a) The applicant fails to specify his name, date of birth, city or state on the application, unless that information exists in the computer file of the Department, in which case the application must not be rejected if the applicant has specified his name and client number.

(b) The applicant fails to specify or he incorrectly specifies on the application the number of his hunting license and the year the license was issued, unless that information exists in the computer file of the Department, in which case the application must not be rejected for that reason.

(c) The applicant fails to specify his social security number on his application for a hunting license if:

(1) The application for a hunting license is included with his application for a tag; and

(2) The Social Security Administration has issued a social security number to the applicant.

(d) An applicant who is at least 12 years of age but not more than 17 years of age fails to obtain the signature of his parent or legal guardian on his application for a hunting license.

(e) The applicant fails to specify a valid hunter choice number on the application. If the applicant specifies valid and invalid numbers, the Department shall accept the application for the valid numbers only.

(f) The applicant fails to complete the application in a legible manner.

(g) The applicant or the master guide fails to sign the application.

(h) The applicant fails to submit the fees required pursuant to NAC 502.4231 or his bank fails to honor his check or draft for those fees.

(i) The applicant fails to complete and return the questionnaire required pursuant to NAC 502.4239, unless he pays the applicable administrative fine not later than the third Friday in March of the year in which the application is submitted.

(j) The applicant submits more than one application to hunt for the same species of wildlife during the same year, unless such an application is specifically authorized by the Commission. If such an application to hunt is not authorized, all applications to hunt for the same species that are submitted by the applicant will be rejected.

(k) The applicant fails to comply with the provisions of NRS 502.330.

(l) The master guide named in the application:

(1) Is not licensed for each *wildlife* management area or unit named in the application; ~~or~~

(2) Fails to specify or incorrectly specifies on his application the number of his current master guide license ~~is~~; *or*

(3) If applicable, does not possess a valid special use permit required by the federal land management agency having jurisdiction within the wildlife management area or unit for which the applicant is applying.

(m) The applicant or master guide provides any false information on the application.

(n) The applicant and the master guide named in the application are the same person.

(o) The applicant holds a license as a subguide issued by the Department which authorizes the applicant to guide for deer in the *wildlife* management area or unit for which he is applying for a restricted nonresident deer tag.

(p) The applicant is otherwise ineligible to apply for the tag.

2. Except as otherwise provided in NAC 502.42375 and 502.42377, if an application is rejected by the Department pursuant to this section, the application must not be included in the procedure for awarding tags.

3. If the Department rejects an application pursuant to paragraph (h) of subsection 1 because the applicant's bank failed to honor his check or draft for the fees specified in that paragraph, the applicant is ineligible to receive or exercise any privilege conferred upon him pursuant to title 45 of NRS until the Department receives:

(a) The nonrefundable application fee for acting upon the application;

(b) The fee required pursuant to NRS 502.253 for the support of programs to control predators and protect wildlife habitat; and

(c) The fee for the returned check or draft specified in NAC 502.119. The Department shall, until the fee is paid, indicate that the applicant owes the fee in the file of the applicant maintained by the Department.

Sec. 6. Chapter 504 of NAC is hereby amended by adding thereto the provisions set forth as sections 7 to 12, inclusive, of this regulation.

Sec. 7. *As used in NAC 504.600 to 504.701, inclusive, and sections 7 to 12, inclusive, of this regulation, unless the context otherwise requires, "federal land management agency" means the United States Forest Service, the United States Bureau of Land Management, the United States Fish and Wildlife Service or the National Park Service.*

Sec. 8. *At all times while transporting, providing a service to or otherwise in the company of a client, a master guide or subguide shall carry on his person or otherwise have readily available:*

1. *His valid master guide or subguide license issued by the Department or a legible, unaltered copy of the license; and*
2. *If applicable, the valid original or a legible, unaltered copy of the portion of the special use permit, issued to the master guide by the federal land management agency having jurisdiction within the wildlife management area or unit that contains the:*
 - (a) *Name of the master guide; and*
 - (b) *Description of the wildlife management area or unit where the master guide or subguide is guiding the client.*

Sec. 9. 1. *A master guide shall notify the Department in writing within 72 hours after terminating the employment of a subguide.*

2. *Upon receipt of the notification required pursuant to subsection 1, the Department shall:*

- (a) *If the subguide is licensed under only one master guide, immediately suspend the license of the subguide; or*
- (b) *If the subguide is licensed under more than one master guide, suspend the portion of the subguide license that pertains to the master guide described in subsection 1.*

Sec. 10. 1. *A master guide licensed by the Department shall not:*

(a) *Enter into a contract to provide a service for a species of wildlife or in a wildlife management area or unit for which the guide does not possess a valid:*

- (1) *License issued by the Department; or*
- (2) *Special use permit issued by the federal land management agency having jurisdiction within the wildlife management area or unit.*

(b) Sign or submit an application for a restricted nonresident deer tag pursuant to NAC 502.4231 related to a wildlife management area or unit, or for a hunter choice number representing a wildlife management area or unit, for which the master guide does not possess a valid special use permit required by the federal land management agency having jurisdiction over the wildlife management area or unit.

(c) Apply for a license as a subguide to operate in a wildlife management area or unit that requires a special use permit from a federal land management agency if he:

(1) Does not possess the special use permit from a federal land management agency; and

(2) Is applying for the purpose of circumventing the requirement that a master guide possess a special use permit from a federal land management agency having jurisdiction within the wildlife management area or unit for which the he is applying.

2. A person shall not advertise that he provides guide services in the State unless he possesses a valid master guide license issued by the Department.

Sec. 11. 1. Before submitting an application for a license as a master guide or subguide for:

(a) Any hunting service, a person must pass an examination related to hunting established by the Department with a minimum score of 80 percent.

(b) Any fishing service, a person must pass an examination related to fishing established by the Department with a minimum score of 80 percent.

(c) Hunting and fishing services, a person must pass the examinations described in paragraphs (a) and (b) with minimum scores of 80 percent.

2. *A master guide licensed by the Department who desires to add a fishing or hunting service to his license must pass an examination established by the Department with a minimum score of 80 percent.*

3. *A person who fails to renew his master guide or subguide license for 3 consecutive years must pass the applicable examination required pursuant to subsection 1 before the Department will reissue his license.*

4. *The Department shall administer the examinations required pursuant to this section by appointment at its regional offices located in Las Vegas, Reno and Elko from April 1 to November 30 of each year.*

5. *A person may only take the examinations required pursuant to this section twice in a calendar year.*

Sec. 12. *The Department shall not amend any master guide or subguide license unless the licensee submits his request for an amendment at least 10 working days before the licensee intends for the amendment to become effective.*

Sec. 13. NAC 504.600 is hereby amended to read as follows:

504.600 1. An applicant for a license as a master guide must:

(a) Be a competent person of good moral character.

(b) Be 21 years of age or older.

(c) ~~[Know]~~ *Demonstrate knowledge of* the wildlife ~~[and boating]~~ laws and regulations of the State relevant to the license for which the applicant is applying ~~[-~~

~~—(d) Have a minimum of three full seasons of experience in the use of equipment and livestock used by licensees of the particular class for which he has made application or have an employee~~

~~so qualified in charge of all hunting and fishing parties. A season of experience must not be less than 3 months. The applicant must describe his experience in detail on the application.~~

~~—(e) Provide] by passing the examination required pursuant to section 11 of this regulation.~~

(d) Submit proof *with his application* of *current* certification in [a] :

(1) *An American Red Cross [Standard First Aid course or an] course in standard first aid and adult cardiopulmonary resuscitation;*

(2) *An American Heart Association course in standard first aid and adult cardiopulmonary resuscitation; or*

(3) *An equivalent course [approved by the Division with his original application for a license.*

~~(f)] in standard first aid and adult cardiopulmonary resuscitation. The applicant must submit proof with his application that this course meets or exceeds the requirements of the American Red Cross or the American Heart Association.~~

(e) Provide proof of his United States Coast Guard license, if applicable. If a boat will be used to provide a service to a client and a United States Coast Guard license is not required, the applicant must provide proof that he has obtained a minimum score of 80 percent on the boating safety examination in ~~[Navigating] Boat Nevada~~, a booklet which may be obtained free of charge from the ~~[Division] Department~~ of Wildlife, 1100 Valley Road, ~~[P.O. Box 10678, Reno, Nevada, 89520-0022.~~

~~—(g) Provide proof that the requirements of NAC 504.663 have been satisfied.] Reno, Nevada 89512.~~

(f) *Provide proof that the applicant successfully completed a course in the responsibilities of hunters approved by the Department.*

2. *Except as otherwise provided in subsection 6, in addition to the requirements of subsection 1, an applicant for a license as a master guide:*

(a) Must submit:

(1) Proof that he:

(I) Possessed a valid subguide license, or held an equivalent position, in another state, Canadian province or foreign country for at least 2 of the 5 years immediately preceding the date of the application; and

(II) Successfully completed a licensed training program for hunting guides within the 5 years immediately preceding the date of the application;

(2) Four letters of recommendation written by clients whom the applicant personally guided during the period described in sub-subparagraph (I) of subparagraph (1); and

(3) Either:

(I) A letter of recommendation written by the master guide, registered guide, professional guide or outfitter who employed the applicant as a subguide, or an equivalent position, during the period described in sub-subparagraph (I) of subparagraph (1); or

(II) Except as otherwise provided in subsection 3, proof that he spent a minimum of 15 days guiding clients in the field during the period described in sub-subparagraph (I) of subparagraph (1);

(b) Must submit:

(1) Proof that he possessed a valid subguide license, or held an equivalent position, in another state, Canadian province or foreign country for at least 3 of the 5 years immediately preceding the date of the application;

(2) Four letters of recommendation written by clients whom the applicant personally guided during the period described in subparagraph (1); and

(3) Either:

(I) A letter of recommendation written by the master guide, registered guide, professional guide or outfitter who employed the applicant as a subguide, or an equivalent position, during the period described in subparagraph (1); or

(II) Except as otherwise provided in subsection 3, proof that he spent a minimum of 15 days guiding clients in the field during the period described in subparagraph (1); or

(c) Must submit proof that he held the position of, or was licensed in another state, Canadian province or foreign country as a master guide, registered guide, professional guide or outfitter and has at least 20 days of guiding experience for at least 2 of the 5 years immediately preceding the date of the application.

3. An applicant for a license as a master guide who:

(a) Applies on or before December 1, 2004;

(b) Possessed a valid subguide license issued by the Department between July 1, 2001, and December 31, 2004, and who is in good standing; and

(c) Otherwise meets the other requirements of subsection 2,

↳ will receive 5 days of credit toward the requirements of sub-subparagraph (II) of subparagraph (3) of paragraph (a) of subsection 2 or sub-subparagraph (II) of subparagraph (3) of paragraph (b) of subsection 2 for each fiscal year that he was licensed.

*4. An application for **the** issuance or renewal of a master guide license received by the ~~[Division after June]~~ **Department after December** 1 of the current calendar year will not be processed , and all fees will be returned.*

~~3.1~~ 5. An applicant for a license as a subguide must:

(a) Satisfy the requirements outlined in paragraphs (a), (c), ~~[(e) and (f)]~~ (d) and (e) of subsection 1; and

(b) Be 18 years of age or older.

6. An applicant for a license as a master guide who submitted his application on or before December 1, 2004, is not required to comply with the provisions of subsection 2 if he:

(a) Possessed a valid subguide license for hunting services issued by the Department during the previous 3 years; and

(b) Did not have his subguide license suspended or revoked.

7. As used in subsection 2, “proof” means:

(a) Copies of records maintained by a state agency or board that issues a license to act as a guide or outfitter;

(b) Reports:

(1) Required by a federal land management agency that issues special use permits; and

(2) Signed by the master guide, registered guide, professional guide or outfitter who employed the applicant during the period described in sub-subparagraph (I) of subparagraph (1) of paragraph (a) of subsection 2 or subparagraph (1) of paragraph (b) of subsection 2; or

(c) An affidavit verifying the applicant’s guiding experience submitted by the master guide, registered guide, professional guide or outfitter who employed the applicant.

Sec. 14. NAC 504.605 is hereby amended to read as follows:

504.605 1. The ~~Division~~ **Department** will make such additional investigation of an applicant for a license as a subguide and his qualifications as the ~~Division~~ **Department** deems

necessary. The final decision of the ~~[Division to approve or deny an application for a license as a subguide will be made:~~

~~—(a) If the application is for the] Department:~~

(a) *Upon an application for renewal of [a] an existing license, will be made not later than [30] 60 days after the date [on which the completed application is received; and*

~~—(b) If the application is for an initial license,] of receipt of the completed application; and~~

(b) *Upon an initial application for a license, will be made not later than 90 days after the date [on which the completed application is received.] of receipt of the completed application.*

↪ A licensee who is in good standing and whose application for renewal is received on or before December 1 is entitled to a new license for the ensuing license year upon complying with the provisions of NAC 504.600 to 504.701, inclusive, and sections 7 to 12, inclusive, of this regulation. If a licensee submits his application for renewal on or before December 1, the current license issued by the Department will remain in effect until the Department issues a new license or notifies the licensee in writing that it has denied the application for renewal.

2. If an applicant fails to include proof of certification in first aid *and adult cardiopulmonary resuscitation or proof that he completed successfully a course in the responsibilities of hunters* with his application as required by NAC 504.600, the ~~[Division will formally] Department will~~ notify the applicant *in writing or electronically* of the omission. The applicant must submit the required documentation to the ~~[Division] Department~~ within 30 days after he receives the formal notification from the ~~[Division] Department~~ of the omission. If the ~~[Division] Department~~ does not receive the documentation within the 30-day period, the ~~[Division] Department~~ will consider the application to be incomplete and will take no further action on the application.

3. If an application is denied for reasons set forth in NAC 504.671, the ~~[Division]~~ *Department* will notify the applicant, in writing, of the reasons for ~~[the]~~ denial. The applicant may appeal such a denial to the Commission.

4. The ~~[Division]~~ *Department* will deny the application for a license as a subguide ~~[for a specific region if the]~~ *if:*

(a) *The* applicant holds a current restricted nonresident deer tag ~~[for that same region.]~~; *and*

(b) *The master guide who will employ the applicant as a subguide is not authorized by the Department to guide in the area that the applicant lists in his application.*

Sec. 15. NAC 504.620 is hereby amended to read as follows:

504.620 *1.* An applicant ~~[must be financially responsible and have sufficient capital, as determined by the Administrator, to conduct an operation of the size and type for which he has applied. An applicant may be required to furnish evidence]~~ *for a license as a master guide must provide to the Department:*

(a) *Evidence* of financial ability and bank, credit and other financial references ~~[.]~~; *and*

(b) *Authorization for the Department to obtain the applicant's credit report from a credit reporting agency.*

2. Information obtained by the Department pursuant to subsection 1 is confidential.

Sec. 16. NAC 504.641 is hereby amended to read as follows:

504.641 *1.* An applicant for a license as a guide must describe in his application the ~~[area within a specific management area or a designated county or on a particular body of water in a region where he has experience as a guide and]~~ *geographic area, as prescribed by the Department, within which the applicant* intends to operate. ~~[He must describe the area by boundaries that allow easy identification of the area. Each license issued to a guide will limit his~~

~~operations to the area in which he, in the opinion of the Administrator of the Division has had adequate experience.~~

~~—2. Except as otherwise provided in this subsection, a guide will not be authorized to operate for the same big game species in more than one administrative region. The Administrator, or his designee, may authorize a guide to operate in more than one administrative region if:~~

~~—(a) The guide's services are for hunting mountain lions and the extension of the area is necessary for proper management of mountain lions;~~

~~—(b) The guide will provide services with respect to the different subspecies of bighorn sheep in each additional region; or~~

~~—(c) The management area or unit for which the guide is licensed crosses regional boundaries.~~

~~—3. The Division]~~

2. The Department may authorize a master guide to provide services for *big game mammals, bobcats, foxes, beavers, unprotected mammals and* all species of *game fish, unprotected fish* and game birds on a statewide basis.

Sec. 17. NAC 504.651 is hereby amended to read as follows:

504.651 1. If a license is issued for big game guiding, it must specify in terms of a **[game] wildlife** management area ~~[, or portions thereof,]~~ **or unit, or other geographic area as prescribed by the Department,** the exact territorial limits of the guide's big game operations. ~~[The Division may consider the following factors in issuing a license:~~

~~—(a) The length of time the guide has operated in the area;~~

~~—(b) The extent to which the guide is qualified by reasons of experience, equipment and resources to operate in the area;~~

~~—(c) The guide's prior safety record; and~~

~~—(d) The accessibility and terrain of the area and the weather conditions normal to the area during the big game hunting season.]~~

2. Only one person may act as a master guide under one license.

3. Except as *otherwise* provided in subsection 4, a licensee may operate only in the big game hunting area indicated on his license.

4. The ~~[Division]~~ *Department* may adjust the territorial limits within which a master guide may operate for reasons of game harvest, to resolve territorial conflicts between master guides or for the safety of persons who utilize the services of the guide.

~~[5.—The Commission may establish a quota of nonresident guides for a specific area.]~~

Sec. 18. NAC 504.656 is hereby amended to read as follows:

504.656 1. A licensed master guide or subguide may transport a big game mammal taken by his client from the location where the mammal was harvested without first obtaining a transportation permit in accordance with NRS 503.040 if:

(a) The big game mammal has been tagged in accordance with NAC 502.400 and the tag has been properly validated in accordance with NAC 502.390; and

(b) The master guide or subguide transports the big game mammal in accordance with the conditions established on his master guide license only to a commercial or private ~~[preservation]~~ facility within the State, including any cold storage locker, trailer or walk-in facility offered as a service to its customers ~~[]~~, *for the purpose of preserving the meat or carcass of the big game mammal.*

2. During any reasonable hour, upon the request of an agent of the ~~[Division]~~ *Department* authorized to enforce the provisions of title 45 of NRS, a master guide or subguide shall present any big game mammal which he is transporting or has transported pursuant to this section.

Sec. 19. NAC 504.661 is hereby amended to read as follows:

504.661 1. The ~~{Division}~~ *Department* will make such additional investigation of an applicant for a license as a master guide and his qualifications as it deems necessary. ~~{The final}~~

A preliminary decision of the ~~{Division:}~~ *Department:*

(a) Upon an application for renewal of an existing license, will be made not later than ~~{30}~~ *60* days after the date of receipt of the complete application; and

(b) Upon an initial application for a license, will be made not later than 90 days after the date of receipt of the complete application.

↪ A licensee who is in good standing and whose application for renewal is received on or before ~~{June}~~ *December* 1 is entitled to a new license for the ensuing license year upon complying with the provisions of NAC 504.600 to 504.701, inclusive ~~{}~~, *and sections 7 to 12, inclusive, of this regulation. If a licensee submits his application for renewal on or before December 1, the current license issued by the Department will remain in effect until the Department issues a new license or notifies the licensee in writing that it has denied the application for renewal.*

2. If an applicant fails to include proof of certification in first aid *and adult cardiopulmonary resuscitation* or proof of ~~{liability insurance}~~ *the successful completion of a course in the responsibilities of hunters* with his application as required in NAC 504.600 or has failed to submit timely client reports pursuant to NAC 504.667, the ~~{Division will formally}~~ *Department will* notify the applicant, *in writing or electronically*, of the deficiency. The applicant must submit the required documents to the ~~{Division}~~ *Department* within 30 days after he receives the ~~{formal}~~ notification. If the ~~{Division}~~ *Department* does not receive the requisite documentation within the 30-day period, the ~~{Division}~~ *Department* will consider the application

to be incomplete, will return the application to the applicant and will take no further action on the application.

3. If an application is denied for a reason listed in NAC 504.671, the ~~[Division]~~ *Department* will notify the applicant, in writing, of the reasons for denial. The applicant may appeal such a denial to the Commission.

4. The Department will only accept applications for licenses as a master guide beginning on October 1 and ending on December 1 of each year.

Sec. 20. NAC 504.663 is hereby amended to read as follows:

504.663 1. ~~[An applicant]~~ *If the Department approves an application* for a license to be a master guide *pursuant to NAC 504.661, the applicant* must provide proof *to the Department within 30 days after the notification* that he carries liability insurance for a Nevada guiding business or a self-insurance bond in the following amounts:

(a) At least \$100,000 for each person with a claim.

(b) At least \$300,000 for each occurrence.

(c) At least \$25,000 for property damage.

2. The ~~[Division must be named as a holder of the certificate for the policy of insurance or self-insurance bond.]~~ *Department shall issue a master guide license to the applicant upon receiving proof of liability insurance or proof of the self-insurance bond required pursuant to subsection 1.*

3. The policy for liability insurance or the bond must remain in effect during the entire time the master guide is licensed to guide.

4. A master guide must submit proof to the Department that he continues to carry the liability insurance or self-insurance bond required pursuant to subsection 1 when he renews his insurance policy or bond.

Sec. 21. NAC 504.665 is hereby amended to read as follows:

504.665 1. Before providing a service to a client, a licensed master guide must furnish the client with a contract ~~which states:~~

~~(a)~~:

(a) Stating:

(1) The type of service to be provided, including , *without limitation*, food, lodging, transportation, caping, field dressing services and the packing out of harvested wildlife.

~~(b)~~ *(2)* The dates on which guide services are to be provided.

~~(c)~~ *(3)* The fee schedule for the guide's services.

~~(d)~~ *(4)* The maximum number of clients which may accompany a guide on any one occasion.

~~(e)~~ *(5)* The master guide's policy regarding the cancellation and amendment of a contract for guide services.

~~(f)~~ *(6)* The master guide's policy regarding the return of a deposit if the contract is cancelled.

~~(g)~~ *(7)* Whether the client can expect to be guided by a person other than the master guide.

(b) Signed by the master guide, client and, if applicable, the subguide who will be providing guide services.

2. A contract must be provided to every client whether or not the master guide does the actual guiding.

3. *A master guide shall provide the client with a contract signed by the master guide within 30 days after receipt of a deposit for future guide services.*

4. Only the master guide, *or a subguide with authorization from the master guide*, may enter into a contract with a client.

~~4.— Both the master guide and the client must sign and date the contract before any services are rendered. A copy of the contract must be provided to the client.~~ *If a subguide enters into a contract with a client:*

(a) The contract must contain the original signature of the master guide;

(b) The subguide shall not alter the provisions of the contract unless he receives authorization from the master guide; and

(c) If applicable, the subguide shall initial and date any alterations made to the contract.

5. The master guide shall retain ~~the~~ *all* original signed ~~contract~~ *contracts* for not less than ~~2 years.~~

~~5.]~~ *3 years.*

6. If requested, the master guide shall provide any contracts to an agent of the ~~Division~~ *Department* authorized to enforce the provisions of NAC 504.600 to 504.701, inclusive ~~1, and~~ *sections 7 to 12, inclusive, of this regulation.*

7. *Whenever guiding in this State, a nonresident master guide shall keep copies of all contracts for clients guided in the State during the current calendar year readily available for inspection by any agent of the Department.*

Sec. 22. NAC 504.667 is hereby amended to read as follows:

504.667 1. Licensed master guides *and subguides* shall keep and have available complete, current and accurate records regarding their clients.

2. Records regarding clients must be written on forms furnished by the ~~[Division]~~ *Department* to all licensed master guides. These forms will include spaces for:
- (a) The client's name.
 - (b) The client's hunting or fishing license number, whichever is applicable.
 - (c) The client's ~~[big game or swan]~~ tag *or permit* number ~~[.]~~, *if a tag or permit is required by the Department.*
 - (d) The dates, *specifying the days, months and years* on which the client was guided.
 - (e) The date, *specifying the day, month and year on which* each species of wildlife was harvested, the species harvested and the number of the species harvested.
 - (f) The point class of the animal harvested if the animal is a deer or elk.
 - (g) The management unit where each animal was harvested.
 - (h) The name of each of the guides who guided the client.
3. ~~[Records must be updated by the master guide or the subguide who was responsible for the client]~~ *A guide shall:*
- (a) *Make the initial entry in the records that are required pursuant to subsection 2 on the first day that he provides guide services to the client;*
 - (b) *Update the records required pursuant to subsection 2 for as long as [service is] guide services are provided to the client; and*
 - (c) *Make the final entry in the records required pursuant to subsection 2 on the final day guide services are provided to the client.*
4. The master guide shall submit *to the Department* all original record forms for his clients, including the record forms of any subguides employed by the master guide, no later than ~~[June]~~ *December* 1 of the year for which the guide is currently licensed.

5. The master guide *and subguide* shall present his clients' records for inspection at any reasonable hour or place to any agent of the ~~[Division]~~ *Department* authorized to enforce the provisions of NAC 504.600 to 504.701, inclusive ~~[]~~, *and sections 7 to 12, inclusive, of this regulation.*

Sec. 23. NAC 504.671 is hereby amended to read as follows:

504.671 The ~~[application of a person for a guide's license may be denied and a guide's license may be revoked or suspended:~~

~~—1.—~~ ~~[For fraud]~~ *Department may deny an application for or revoke or suspend a guide's license for any of the following:*

1. *Fraud* or deception in procuring a license.

2. ~~[For fraudulent,]~~ *Fraudulent*, untruthful or misleading advertising.

3. ~~[For a]~~ *A* conviction of any felony.

4. ~~[For a]~~ *A* conviction of having violated a regulation of ~~[the United States Forest Service, United States Bureau of Land Management, United States Fish and Wildlife Service or National Park Service.~~

~~—5.—~~ ~~[For immoral,]~~ *a federal land management agency.*

5. *Immoral*, unethical or dishonorable conduct in the licensee's relation to his guest ~~[or patron.~~

~~—6.—~~ ~~[For a]~~, *patron or a member of the public while providing guide services.*

6. *A* conviction of having violated a provision of ~~[chapter]~~:

(a) *Chapter* 488 or title 45 of NRS, or any regulation adopted pursuant thereto, or for a conviction of having violated an equivalent provision in the law or regulations of any other state or the Federal Government ~~[]~~; *or*

(b) NRS 444.630 or 445A.465, or any regulation adopted pursuant thereto, relating to the conduct of the guide while providing guide services.

↳ For the purposes of this subsection, the term “ conviction ” means a final conviction. A forfeiture of bail or collateral deposited to secure a defendant’s appearance or a plea of nolo contendere is equivalent to a conviction.

7. ~~{For a}~~ *A* guide’s substantial breach of any contract with any person utilizing his services ~~{~~

~~—8.—~~ ~~{For operation}~~, *as determined by a court of competent jurisdiction.*

8. *Operation* by a guide in an area other than that for which he is licensed or specifically authorized ~~{~~

~~—9.—~~ ~~{For the}~~ *by the Department or the federal land management agency having jurisdiction.*

9. *The* employment *or use* of an unlicensed subguide by a master guide.

10. ~~{For two}~~ *Two* or more convictions of any provision of chapter 484 or 488 of NRS or an equivalent provision of law of any other state or the Federal Government relating to driving a motor vehicle or operating a boat while under the influence of an intoxicating liquor or a controlled substance within the 7 years immediately preceding the application for a license to be a guide.

11. ~~{For a}~~ *A* conviction of any provision of chapter 453 of NRS or an equivalent provision of law of any other state or the Federal Government relating to controlled substances within the 5 years immediately preceding the application for a license to be a guide.

12. ~~{For failing}~~ *Failing* to report *to the Law Enforcement Bureau of the Department without undue delay*, any violation of the wildlife laws or regulations of which the guide has knowledge.

13. ~~For shooting,~~ *Shooting*, killing or taking a client's wildlife.

14. ~~For failing,~~ *Failing* to comply with any provision of NAC 504.663, 504.665 or 504.667.

15. Providing guide services relating to hunting or fishing on public land or public waters without having the necessary special use permit issued by the federal land management agency having jurisdiction within the wildlife management area or unit.

16. Providing guide services relating to hunting or fishing on private land in violation of NRS 503.240.

17. Intimidating, threatening or intentionally interfering with a person who is lawfully hunting or fishing, or who is attempting to do so.

18. Revocation of a hunting or fishing license of the guide in any state.

Sec. 24. NAC 504.610, 504.630 and 504.691 are hereby repealed.

Sec. 25. 1. All annual guide licenses issued by the Department expire without limitation on December 31, 2004. If a licensee paid for an annual license valid from July 1, 2004, to June 30, 2005, he must receive credit for the prorated fee paid for the period from January 1, 2005, to June 30, 2005.

2. The Department shall reissue annual guide licenses that will be valid from January 1, 2005, to December 31, 2005, if the licensee:

(a) Submits to the Department between October 1, 2004, and December 1, 2004, the license fee required pursuant to NRS 502.240, prorated for the period from June 30, 2005, to December 31, 2005; and

(b) Is in good standing.

3. If the licensee satisfies the requirements pursuant to subsection 2, his current license will be valid until the Department issues the new license.

Sec. 26. 1. This section and sections 1 to 10, inclusive, 12 and 14 to 25, inclusive, of this regulation become effective upon filing with the Secretary of State.

2. Sections 11 and 13 of this regulation become effective on October 1, 2004, or upon filing with the Secretary of State, whichever occurs later.

TEXT OF REPEALED SECTIONS

504.610 Adequate equipment and animals.

1. An applicant must possess adequate equipment and animals to accomplish the purpose of the class of license for which he applies.

2. An applicant or his employee in charge must, upon request from the Administrator of the Division or his authorized representative, produce his equipment and animals for inspection and show proficiency in the use of the animals and equipment upon application for a license or renewal thereof.

504.630 Physical condition. An applicant and his employees must be of sound mind, free from infectious or communicable diseases and not addicted to the use of alcohol or drugs. An applicant or his employee in charge of hunting and fishing parties must be in good physical condition with no disability which would interfere with the performance of his duties or endanger the safety of his patrons.

504.691 Master guides: Sanitary standards. A master guide must maintain at least minimum acceptable sanitary standards at all facilities used by his guests and employees, including:

1. Sufficient clean, fresh drinking water.
2. Adequate protection against the contamination of goods.
3. Adequate disposal of garbage and debris.
4. Satisfactory disposition of human waste.
5. Satisfactory measures for the separation of livestock facilities and camp facilities.