

PROPOSED REGULATION OF THE BOARD OF WILDLIFE COMMISSIONERS

LCB File No. R154-12

COMMISSION GENERAL REGULATION 415

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

AUTHORITY: §1, NRS 505.010.

A REGULATION relating to wildlife; establishes provisions pertaining to fur dealer licensing, records and reports.

Section 1. Chapter 505 of NAC is hereby amended by adding thereto section 2 through 6, inclusive of this regulation, to read as follows.

Sec. 2. NAC 505.010 **Definitions.** As used in this chapter, unless the context otherwise requires:

1. “Fur dealer” means any person engaging in, carrying on, or conducting wholly or in part the business of buying, *grading* or selling, trading or dealing, within the State of Nevada, in the raw skins or pelts of any wild mammal. *Fur dealer does not include a person who sells raw skins or pelts taken by that or pelts taken person under the authority of a trapping license.*

2. “Wild mammal” means any animal classified in a regulation of the Board of Wildlife Commissioners as a game mammal, fur-bearing mammal or unprotected mammal.

Sec. 3. NAC 505.100 Fur dealer’s license: Application; duration. (NRS 505.010)

1. An application for a fur dealer’s license may be submitted to any office of the Department of Wildlife. The applicant must include on the application for a fur dealer’s license:

- (a) The name of the applicant;
- (b) The physical and mailing addresses of the applicant’s residence and place of *employment*;
- (c) The telephone numbers of the applicant’s place of employment and residence;
- (d) The applicant’s driver’s license number, if he has been issued a driver’s license;
- (e) The applicant’s date of birth;
- (f) The name of each state in which the applicant holds or has held similar licenses or permits;
- (g) If the applicant has been convicted of violating the laws or regulations relating to:

(a) Fraud or deception in procuring a license;

(b) A conviction of any felony;

(c) 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

(d) Any federal or state law pertaining to the commercialization of wildlife □

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.

~~[the commercialization of wildlife of any state or the United States Fish and Wildlife Service within the 5]~~ 10 years immediately preceding the date of the application:

- (1) A description of each violation;
- (2) A description of the penalty imposed for each such violation; and
- (3) The name of the state in which the conviction occurred;

(h) Whether, at the time of the application, the privileges granted to the applicant by another state relating to fur dealing are suspended or revoked;

~~[(i) The name and date of birth of each additional buyer who will be authorized by the applicant to buy and deal fur pursuant to the applicant's fur dealer's license and:~~

~~— (1) The name of each state in which the buyer holds or has held similar licenses or permits;]~~

~~— [(2) If the buyer has been convicted of violating the laws or regulations relating to the commercialization of wildlife of any state or the United States Fish and Wildlife Service within the 5 years immediately preceding the date of the application:~~

- ~~— (I) A description of each violation;~~
~~— (II) A description of the penalty imposed for each such violation; and~~
~~— (III) The name of the state in which the conviction occurred; and~~
~~— (3) Whether, at the time of the application, the privileges granted to the buyer by another state relating to fur dealing are suspended or revoked;]~~ and

- (j) The applicant's signature and the date on which the application was signed.
2. The license expires on June 30 of each year.

~~[Bd. of Wildlife Comm'rs, No. 28 § 2, eff. 9 25 79]~~—(NAC A 8-21-97)

Sec. 4. NAC 505.* *Grounds for denial, revocation or suspension of license. (NRS 501.105, 501.181, 505.010) The Department may deny an application for or revoke or suspend a fur dealer's license for any of the following:***

- 1. Fraud or deception in procuring a license.*
- 2. A conviction of any:*

(a) Felony;

(b) 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 within the past 10 years;

(c) any federal or state law pertaining to the commercialization of wildlife within the past 10 years.

↪ 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.

3. The employment or use of an unlicensed fur dealer by a licensed fur dealer.

4. A fur dealer knowingly purchases, possesses, or transfers furs or other wildlife parts or parts thereof that were unlawfully obtained, possessed, purchased or transferred.

5. Failing to report to the Division of Law Enforcement of the Department, without undue delay, any violation of the wildlife laws or regulations of which the fur dealer has knowledge.

6. Failing to comply with any provision of NAC 505.100 or 505.110.

7. Revocation of a hunting, trapping, fishing or fur dealing license of the applicant or fur dealer in any state.

8. An outstanding warrant for the arrest of the applicant or fur dealer issued in any state.

Sec. 5. NAC 505.* Habitual violators. (NRS 501.105, 501.181, 505.010)**

1. *An application for a license as a fur dealer may be permanently denied if the applicant is a habitual violator.*

2. *For the purposes of this section, “habitual violator” means a person who has been previously convicted of three or more violations, or combination of violations, of title 45 of NRS, including regulations adopted pursuant thereto, or the equivalent provisions of the law of any other state or federal law during the previous 10 years.*

Sec. 6. NAC 505.110 Records and reports: (NRS 505.010)

1. Each fur dealer shall keep a record of the number and kind of raw skins or pelts of wild mammals bought, sold or traded within this State, the dates of ~~the~~ *any transactions or transfers* ~~purchases~~, *seal or tag numbers, State of origin* and the name, address and license number of the *person selling, trading, purchasing and receiving the raw skins or pelts.* ~~trapper who legally took the mammals.~~

2. This information must be recorded at the time of ~~purchase~~ *transaction or transfer* on the forms provided by the Department of Wildlife. *The fur dealer must be in possession of the records when acting as a fur dealer, or while in possession of furs, or during any fur transaction.* A person who is authorized to enforce the provisions of title 45 of NRS may inspect the records at any reasonable hour.

3. The fur dealer shall submit the record for the preceding 12 months to the Department no later than 30 days after the expiration of the fur dealer’s license. Any fur dealer who fails to submit the record may be denied a fur dealer’s license for 2 years.