

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

LCB File No. R154-12

September 5, 2012

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

AUTHORITY: §§1-6, NRS 505.010.

A REGULATION relating to wildlife; authorizing the Department of Wildlife to revoke or suspend a fur dealer's license under certain circumstances; authorizing the Department to deny an application for a fur dealer's license permanently if the applicant is a habitual offender; revising certain provisions relating to the licensing, operation and recordkeeping of fur dealers; and providing other matters properly relating thereto.

Section 1. Chapter 505 of NAC is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this regulation.

Sec. 2. *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 within the 10 years immediately preceding the date of the application of any felony or of violating the laws or regulations relating to:
 - (a) Title 45 of NRS or an equivalent provision of law or regulations of any other state or the Federal Government; or*
 - (b) Any federal or state law relating to the commercialization of wildlife.**
- 3. The employment or use of an unlicensed fur dealer by a licensed fur dealer.*
- 4. Knowingly purchasing, possessing or transferring furs or other wildlife parts 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. 3. 1. *An application for a fur dealer's license may be permanently denied by the Department if the applicant is a habitual violator.*

2. As used in this section, "habitual violator" means a person who has during the 10 years preceding the date of the application been previously convicted of three or more violations, or any combination of violations, of title 45 of NRS, including regulations adopted pursuant thereto, or an equivalent provision of law of any other state or the Federal Government.

Sec. 4. *As used in NRS 505.010, the Commission will interpret the term "dealing" to include, without limitation, any grading or appraisal of a raw skin or pelt of a wild mammal by a person on his or her behalf or on behalf of another person.*

Sec. 5. NAC 505.100 is hereby amended to read as follows:

505.100 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 or she 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 *within the 10 years immediately preceding the date of the application* of *any felony or 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:]~~ :
 - (1) *Fraud or deception in procuring a license;*
 - (2) *Title 45 of NRS or any regulation adopted pursuant thereto, or for a conviction of having violated an equivalent provision of law or regulations of any other state or the Federal Government; or*
 - (3) *Any federal or state law relating to the commercialization of wildlife:*
 - ~~(1)~~ (I) A description of each violation;
 - ~~(2)~~ (II) A description of the penalty imposed for each such violation; and
 - ~~(3)~~ (III) 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.

Sec. 6. NAC 505.110 is hereby amended to read as follows:

505.110 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 purchases,~~ *any transactions or transfers, any seal or tag numbers, the state of origin* and the name, address and license number of the ~~trapper who legally took the mammals,~~ *person selling, trading, purchasing or receiving the raw skins or pelts.* This information must be recorded at the time of ~~purchase~~ *the transaction or transfer* on the forms provided by the Department. ~~of Wildlife.~~ *The fur dealer must possess the records when acting as a fur dealer, or while in the possession of furs that have been acquired through a transaction or transfer, 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.

2. 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.