

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

LCB File No. R053-13

October 28, 2013

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

AUTHORITY: §§1-13, NRS 501.105, 501.181 and 504.390.

A REGULATION relating to guides; revising provisions relating to the issuance and renewal of a license as a master guide or subguide; permitting a master guide to use the services of another master guide or a subguide licensed under another master guide in certain circumstances; removing territorial limitations imposed by the State on the operation of master guides; revising the grounds for denying an application for a license or for revoking or suspending a license; extending the period within which a master guide must notify the Department of Wildlife after terminating the employment of a subguide; revising provisions governing the licensure of habitual violators and the submission of records relating to the clients of a master guide; expanding the circumstances under which a client must physically accompany the master guide or subguide during the entire pursuit and taking of an animal; and providing other matters properly relating thereto.

Section 1. 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) Demonstrate knowledge of the wildlife laws and regulations of the State relevant to the

license for which the applicant is applying by passing the examination required pursuant to NAC 504.608.

(d) Submit proof with his or her application of current certification in:

- (1) An American Red Cross course in standard first aid;

(2) An American Heart Association course in standard first aid; or

(3) An equivalent course in standard first aid. The applicant must submit proof with his or her application that this course meets or exceeds the requirements of the American Red Cross or the American Heart Association.

(e) Provide proof of his or her 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 or she has obtained a minimum score of 80 percent on the boating safety examination in ~~{Boat Nevada,}~~ *The Handbook of Nevada Boating Laws*, a booklet which may be obtained free of charge from the Department of Wildlife, 1100 Valley Road, Reno, Nevada 89512.

(f) If applying for a license for hunting services, provide proof that the applicant *has* successfully completed a course in the responsibilities of hunters approved by the Department.

2. Except as otherwise provided in subsection ~~{7,}~~ 6, in addition to the requirements of subsection 1, an applicant for a license as a master guide for hunting services or hunting and fishing services:

(a) Must submit:

(1) Proof that he ~~for she:~~

~~—— (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 or she 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~~ or she possessed a valid subguide license ~~{}~~ *in Nevada*, 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}~~ *Proof* that he or she spent a minimum of 15 days guiding clients in the field during the period described in subparagraph (1);

or

~~{(e)}~~ **(b)** Must submit proof that he or she 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 November 30, 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 or she was licensed.~~

~~—4.—An~~ ***Except as otherwise provided in this subsection, an*** application for the issuance or renewal of a master guide license ***must be*** received by the Department ~~{after August}~~ ***on or before May 31*** of the current ~~{calendar}~~ year . ***An application for renewal received after May 31 but before July 1 will be processed and a warning letter will be issued for the first occurrence within 3 years. Any subsequent late application for renewal submitted within 3 years after the receipt of a late application will be denied. An application for renewal received on or after July 1 will not be processed, and all fees will be returned.***

~~{5.}~~ ***The denial of or refusal to process an application for the issuance or renewal of a master guide license pursuant to this subsection does not preclude the submission of a timely application for the issuance or renewal of such a license in the next ensuing license year.***

4. An applicant for a license as a subguide must:

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

(b) Be 18 years of age or older.

~~{6.}~~ 5. An application for the renewal of a license as a master guide or subguide must include proof of current certification in standard first aid, as described in paragraph (d) of subsection 1.

~~{7.}~~ 6. An applicant for a license as a master guide is not required to comply with the provisions of subsection 2 if : ~~{he or she.}~~

(a) ~~{Hs}~~ *He or she is* applying only to provide fishing services; ~~{or}~~ *and*

(b) ~~{Submitted his or her application on or before December 1, 2004, and the applicant:~~

~~—— (1) Possessed a valid subguide license for hunting services issued by the Department during the previous 3 years; and~~

~~—— (2) Did not have his} *His* or her {subguide} license *as a subguide or an equivalent position, as applicable, is not currently* suspended or revoked.~~

~~{8.}~~ 7. As used in subsection 2, “proof” means ~~{:~~

~~—— (a) Copies of records} *a copy of an official record* 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 (1) 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. 2. NAC 504.608 is hereby amended to read as follows:

504.608 1. Before submitting an application for ~~{a}~~ *the issuance of an initial* 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 or her license must pass an examination established by the Department with a minimum score of 80 percent.

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

~~—4.—The~~ *Except as otherwise provided in subsection 5, the* Department shall administer the examinations required ~~{pursuant to}~~ *by* this section by appointment at its regional offices located in Las Vegas, Reno and Elko from:

(a) January 1 to ~~{August}~~ *May* 31 of each year for:

(1) Applicants for the issuance ~~{or reissuance}~~ of ~~{a}~~ *an initial* master guide license; or

(2) A master guide who wishes to add a fishing or hunting service to his or her license;
and

(b) January 1 to December 31 of each year for applicants for the issuance ~~for reissuance~~ of ~~a~~ *an initial* subguide license.

~~5.~~ 4. A person may only take the examinations required ~~pursuant to~~ *by* this section twice in a calendar year.

5. A master guide may, by prior arrangement with the Department, take any examination required by this section at a time or location other than those specified in subsection 3.

Sec. 3. NAC 504.661 is hereby amended to read as follows:

504.661 1. The Department will make such additional investigation of an applicant for a license as a master guide and his or her qualifications as it deems necessary. A preliminary decision of the Department:

(a) Upon an application for renewal of an existing license, will be made not later than 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 ~~August~~ *May* 31 is entitled to a new license for the *next* ensuing license year upon complying with the provisions of NAC 504.590 to 504.711, inclusive. If a licensee submits his or her application for renewal on or before ~~August~~ *May* 31, 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 or proof of the successful completion of a course in the responsibilities of hunters with his or her application as required in NAC 504.600, ~~{for has failed to submit timely client reports pursuant to NAC 504.688,}~~ the Department will notify the applicant, in writing or electronically, of the deficiency. The applicant must submit the required documents to the Department ~~{within 30 days after he or she receives the notification.}~~ *before the Department will process the application.* If the Department does not receive the requisite documentation ~~{within the 30-day period,}~~ *on or before May 31,* the 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 Department will notify the applicant, in writing or electronically, of the reasons for denial. The applicant may appeal such a denial to the Commission.

4. ~~{The}~~ *Except as otherwise provided in NAC 504.600, the* Department will only accept ~~{applications for licenses}~~ *an application for the issuance or renewal of a license* as a master guide beginning on ~~{July}~~ *April* 1 and ending on ~~{August}~~ *May* 31 of each year.

Sec. 4. NAC 504.666 is hereby amended to read as follows:

504.666 1. The Department will make such additional investigation of an applicant for a license as a subguide and his or her qualifications as the Department deems necessary. The final decision of the Department:

(a) Upon an application for renewal of an existing license, will be made not later than 60 days after the date 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 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 *next* ensuing license year upon complying with the provisions of NAC 504.590 to 504.711, inclusive. If a licensee submits his or her 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 or proof that he or she completed successfully a course in the responsibilities of hunters with his or her application as required by NAC 504.600, the Department will notify the applicant, in writing or electronically, of the omission. The applicant must submit the required documentation to the Department within ~~30~~ 60 days after he or she receives the formal notification from the Department of the omission. If the Department does not receive the documentation within the ~~30-day~~ 60-day period, the 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 Department will notify the applicant, in writing or electronically, of the reasons for denial. The applicant may appeal such a denial to the Commission.

4. The Department will deny the application for a license as a subguide if ~~+~~
~~—(a) The~~ *the* applicant holds a current restricted nonresident deer tag. ~~+~~
~~—(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 or her application.~~

Sec. 5. NAC 504.669 is hereby amended to read as follows:

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

2. In an emergency, a master guide may use the services of:

(a) Another currently licensed master guide; or

(b) A subguide licensed under another master guide,

↪ for a period not to exceed 10 consecutive days. A master guide who uses the services of a master guide or subguide as described in this subsection shall give notice of the use to the Division of Law Enforcement of the Department by telephone before beginning or within 24 hours after beginning the use, and electronically or in writing within 10 days after beginning the use.

Sec. 6. NAC 504.671 is hereby amended to read as follows:

504.671 The 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. Fraudulent, untruthful or misleading advertising.
3. A conviction of any:
 - (a) Felony; or
 - (b) Crime involving physical violence, theft or fraud.
4. A conviction of having violated a regulation of a federal land management agency.
5. Immoral, unethical or dishonorable conduct in the licensee's relation to his or her guest, client, patron or a member of the public while providing guide services.
6. A conviction of having violated a provision of:

(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. A guide’s substantial breach of any contract with any person utilizing the guide’s services, as determined by a court of competent jurisdiction.

8. Operation by a guide in an area other than that for which the guide is ~~licensed or~~ specifically authorized 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. Two or more convictions of any provision of chapters 484A to 484E, inclusive, or chapter 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. 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. Failing to report to the Division of Law Enforcement of the Department, without undue delay, any violation of the wildlife laws or regulations *pertaining to the unlawful killing, possession or waste of any wildlife* of which the guide has *personal* knowledge.

13. Shooting, killing or taking a client's wildlife.

14. Failing to comply with any provision of NAC 504.663, 504.685 or 504.688.

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 ~~H~~ *for the current hunting or fishing season.*

19. An outstanding warrant for the arrest of the applicant or guide issued in any state.

Sec. 7. NAC 504.676 is hereby amended to read as follows:

504.676 1. A master guide shall notify the Department *electronically or* in writing within ~~{72 hours}~~ *10 days* 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. 8. NAC 504.681 is hereby amended to read as follows:

504.681 1. An application for a license as a master guide or a subguide 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 or chapter 488 of NRS, including regulations adopted pursuant thereto, or the equivalent provisions of the law of any other state or federal law ~~H~~ *within any 5-year period.*

Sec. 9. NAC 504.688 is hereby amended to read as follows:

504.688 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 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 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. A guide shall:

(a) Make the initial entry in the records that are required pursuant to subsection 2 on the first day that he or she provides guide services to the client; and

(b) 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 or her clients ~~H~~ *for the immediately preceding license year*, including the record forms of any subguides employed by the master guide, ~~no~~ *by certified mail, return receipt requested, not later than ~~December 31~~ the last day of February* of the year for which the guide is currently licensed. *If:*

(a) No clients were guided during the immediately preceding license year, the master guide shall submit one page from his or her client record book and one page from the client record book of each subguide employed by the master guide, with the notation “no clients” written on the page.

(b) A master guide fails to submit the record forms for his or her clients on or before the last day of February, the Department will give the master guide electronic or written notice of that fact. If the master guide fails to submit the required forms on or before March 31, the Department may deny the master guide’s application for renewal for the next ensuing license year.

(c) A master guide fails to submit the record forms for his or her clients on or before the last day of February two or more times within a 3-year period, the Department may deny the master guide’s application for renewal for the next ensuing license year.

5. The master guide and subguide shall present his or her clients' records for inspection at any reasonable hour or place to any agent of the Department authorized to enforce the provisions of NAC 504.590 to 504.711, inclusive.

Sec. 10. NAC 504.693 is hereby amended to read as follows:

504.693 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 or her person or otherwise have readily available:

1. His or her 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 ~~{+}~~ *and annual letter of authorization* 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 or the name of his or her guiding business; and

(b) Description of the wildlife management area or unit, or other geographic area where the master guide is authorized to guide pursuant to the special use permit.

Sec. 11. NAC 504.701 is hereby amended to read as follows:

504.701 A master guide who is hired to guide a hunt for a mountain lion , *black bear or bobcat* shall ensure that his or her client physically accompanies the master guide or his or her subguide ~~{+}~~ *within close proximity during* the *entire* pursuit and ~~{killing}~~ *taking* of the mountain lion ~~{+}~~ , *black bear or bobcat*.

Sec. 12. NAC 504.711 is hereby amended to read as follows:

504.711 ~~{+}~~ A master guide licensed by the Department shall not:

~~{(a)}~~ 1. 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; and~~

~~{(2) If applicable,}~~ special use permit, *if applicable*, issued by the federal land management agency having jurisdiction within the wildlife management area or unit.

~~{(b)}~~ 2. 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 within 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 the master guide:~~

~~— (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 he or she is applying.~~

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

Sec. 13. NAC 504.620, 504.641 and 504.651 are hereby repealed.

TEXT OF REPEALED SECTIONS

504.620 Master guides: Submission of financial references and credit report; confidentiality of information. (NRS 501.105, 501.181, 504.390)

1. An applicant for a license as a master guide must provide to the Department:
 - (a) 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.

504.641 Area of operation: Description in application; authority of Department. (NRS 501.105, 501.181, 504.390)

1. An applicant for a license as a guide must describe in his or her application the geographic area, as prescribed by the Department, within which the applicant intends to operate.
2. The Department may authorize a master guide to provide services for big game mammals, fur-bearing mammals, unprotected mammals and all species of game fish, unprotected fish and game birds on a statewide basis.

504.651 License for big game guiding: Territorial limits; restrictions on use. (NRS 501.105, 501.181, 504.390)

1. If a license is issued for big game guiding, it must specify in terms of a wildlife management area or unit, or other geographic area as prescribed by the Department, the exact territorial limits of the guide's big game operations.
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 or her license.
4. The 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.