

**ADOPTED REGULATION OF THE BOARD
OF WILDLIFE COMMISSIONERS**

LCB File No. R109-02

Effective January 21, 2003

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

AUTHORITY: §§1-4 and 20, NRS 501.181; §§5-13, NRS 501.181 and 502.040; §§14 and 15, NRS 501.181, 502.030 and 502.040; §§16 and 19, NRS 501.105, 501.181 and 502.130; §17, NRS 501.181 and 502.077; §18, NRS 501.181 and 503.290.

Section 1. Chapter 502 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

Sec. 2. *“Automated license agent” means a license agent who is participating in the automated licensing system administered by the division.*

Sec. 3. *“Manual license agent” means a license agent who is not participating in the automated licensing system administered by the division.*

Sec. 4. NAC 502.001 is hereby amended to read as follows:

502.001 As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 502.006 to 502.115, inclusive, *and sections 2 and 3 of this regulation* have the meanings ascribed to them in those sections.

Sec. 5. NAC 502.140 is hereby amended to read as follows:

502.140 **1.** The division will appoint such license agents as *are* necessary to provide readily available service to the hunting, fishing and trapping public.

2. *A license agent appointed:*

(a) On or after January 21, 2003, must participate in the automated licensing system administered by the division and:

(1) Complete such training as the division determines to be necessary for that participation;

(2) Obtain and maintain at his own expense such a communication line as the division determines to be necessary for that participation; and

(3) Pay any expenses incurred by the division to install and set up any other equipment required for that participation.

(b) Before January 21, 2003, must, except for good cause as determined by the division, participate in the automated licensing system administered by the division and:

(1) Complete such training as the division determines to be necessary for that participation; and

(2) Obtain and maintain at his own expense such a communication line as the division determines to be necessary for that participation. The division shall, at its own expense and on behalf of a license agent who pursuant to this paragraph participates in the automated licensing system administered by the division, install and set up any other equipment required for that participation.

Sec. 6. 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.]~~

(b) An original copy of the current credit rating of the applicant as issued by a credit rating agency recognized by the division; and

(c) Any banking information and evidence of binding authority necessary for the electronic transfer of any money the applicant may receive from the sale of any licenses, permits, tags, stamps and other documents authorized by the division to a bank account designated 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, *permits*, 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.

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.

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. 7. NAC 502.147 is hereby amended to read as follows:

502.147 1. 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 NAC 502.150.

(b) Whether the applicant is financially responsible.

(c) *Whether the applicant has provided the banking information and binding authority necessary for the electronic transfer of any money the applicant may receive from the sale of any licenses, permits, tags, stamps and other documents authorized by the division to a bank account designated by the division.*

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

~~(e)~~ (e) Whether the applicant is under investigation for a violation of a law or regulation relating to wildlife at the time he submits the application.

~~(f)~~ (f) Whether the applicant has been convicted of a felony or gross misdemeanor.

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

~~(h)~~ (h) Whether the applicant has been convicted of a crime involving moral turpitude.

~~(i)~~ (i) The cooperation of the applicant and his employees.

~~(j)~~ (j) 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;

(2) The number of license agents in the geographical area and their proximity to the business;

(3) The remoteness of the area in which the business is located;

(4) The hours the business will be open to the public;

(5) The number of times the ownership of the business has been transferred; and

(6) The need for a license agent, as determined by the division, in the general area of the business.

~~(j)~~ (k) 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 canceled pursuant to NAC 502.195.

~~(k)~~ (l) 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 canceled pursuant to NAC 502.195.

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

Sec. 8. NAC 502.160 is hereby amended to read as follows:

502.160 1. Except as otherwise provided in subsections ~~[2 and 3,]~~ **3 and 4**, a license agent shall ~~[forward]~~, ***as specified by the division:***

(a) *Forward* to the license office ~~[the full amount of money due with each batch report.]~~; or

(b) *Deposit at least once every 7 days for electronic transfer to a bank account designated by the division,*
FLUSH *any money collected by the license agent, excluding any service fees to which the license agent is entitled, for the sale and issuance of any licenses, permits, tags, stamps and other documents authorized by the division.*

2. *If a manual license agent fails to comply with the provisions of subsection 1 regarding all the money due for the period covered by a batch report on or before the date that batch report is due, or an automated license agent fails to comply with the provisions of subsection 1 regarding all the money due for a calendar week on or before the Wednesday immediately following that calendar week, the division:*

(a) *Shall send a notice of delinquency to the license agent; and*

(b) *If the license agent is:*

(1) *A manual license agent, shall not send any more licenses, permits, tags, stamps or other licensing documents to the license agent until all the money due has been received by the division; or*

(2) *An automated license agent, shall terminate the ability of the license agent to issue licenses, permits, tags, stamps or other licensing documents until all the money due has been received by the division.*

3. If the license office, after receiving a ~~[license agent's]~~ batch report *from a manual license agent*, determines that a balance is due as reflected on the agent's statement of account, the balance must be paid by the agent within 10 *calendar* days after receipt of the statement of account by the agent.

~~[3.— If the]~~

4. *If a license* agent’s statement of account reflects a credit owing to the agent, the agent may deduct the credit from the amount owed ~~[as indicated in his batch report submitted for the following month.~~

~~—4.]~~ *for the next reporting period.*

5. All money collected by a license agent from ~~[sales of the division’s]~~ *the sale and issuance of any* licenses, *permits, tags,* stamps and other documents ~~[.]~~ *authorized by the division,* except the agent’s service fees, is the property of the State of Nevada and must be kept readily available for forwarding *or electronic transfer* to the division. *All equipment and documents provided to a license agent by the division and any records regarding the sale or issuance of any licenses, permits, tags, stamps and other documents authorized by the division are the property of the State of Nevada and must be made available for inspection and audit upon request by the division.*

Sec. 9. NAC 502.170 is hereby amended to read as follows:

502.170 1. ~~[Every license agent will be assigned a date for monthly submission of his batch report and the money due for the period covered by the report.]~~ *The division shall assign to each manual license agent dates for the submission of batch reports.* The agent shall submit at least ~~[one batch report]~~ *two batch reports* each month which must be received by the division by the assigned ~~[date.]~~ *dates.* If the agent has had no sales during the period covered by a *batch* report, he shall enter “no sale” on the report and submit it to the division. The *batch* report must be received by the division by the assigned date.

2. ~~[The division will]~~ *If the division does not receive a batch report on or before the date assigned pursuant to subsection 1, the division:*

(a) *Shall* not send any more licenses, permits, tags, stamps or other *licensing* documents to ~~[a]~~ *the* license agent until his batch report ~~[and any money due to the division for the month is received.~~

~~—3.— If a license agent fails to submit to the division his batch report or money due to the division by the assigned date,] *is received; and*~~

(b) *Shall send* a notice of delinquency ~~[will be sent by the division within 10 days.]~~ *to the license agent.*

Sec. 10. NAC 502.180 is hereby amended to read as follows:

502.180 1. Credit may be given to ~~[any]~~ :

(a) *A manual* license agent for licenses , *permits* and tags that have been voided if the agent returns to the division the original and remittance copy of the license , *permit* or tag with the word “void” written across it.

(b) *An automated license agent for licensing documents that have been printed and voided if the agent submits the original voided document to the division.*

2. Credit may be given to any license agent for stamps that are returned to the division with the word “void” written across the face.

3. If a *manual* license agent declares that a document is void but has not submitted both the original and remittance copy of the document, the license agent will be sent a notification of incomplete documents. If the license agent does not substantiate that the document is void within 60 days after receiving such notification, the agent will be assessed the value of the document as determined in the manner provided in paragraphs (a), (b) and (c) of subsection 3 of NAC 502.185.

4. If the division does not receive an original voided document from an automated license agent within 10 days after the date of the transaction for which the document was printed, the agent will be assessed the recorded value of the document.

Sec. 11. NAC 502.185 is hereby amended to read as follows:

502.185 1. If a license agent's batch report has been lost in the mail, the license agent may receive credit if the agent notifies the division of the loss and provides photocopies of the report to the division.

2. If documents have been stolen, the license agent may receive credit if the agent notifies the division and submits a copy of a police report to the division listing the document numbers of the stolen documents.

3. If the provisions of subsections 1, ~~and~~ 2 *and* 4 of NAC 502.180 do not apply, or if a document has been lost or destroyed by an agent or stolen and no copy is available, the assessed value of the document is:

(a) For a license or permit from a book, an amount equal to the highest priced license or permit in that book;

(b) For a tag from a book, an amount equal to the highest priced tag in that book; and

(c) For a stamp, the face value.

Sec. 12. NAC 502.195 is hereby amended to read as follows:

502.195 The division may:

1. Place a license agent on probation for not more than 6 months ~~or~~
- ~~2. Cancel~~ *or cancel* a license agent's authority ~~;~~

FLUSH ~~upon a finding by~~ if the division *determines* that the agent has violated any of the provisions of the agent's contract or has failed to comply with any regulation of the commission relating to license agents.

2. Cancel a license agent's authority at the end of a licensing year if the license agent:

(a) Is located in an incorporated city and fails to sell:

(1) At least 300 licensing documents during his first year of appointment as a license agent; and

(2) At least 600 licensing documents during his second and each subsequent year of appointment as a license agent; or

(b) Is not located in an incorporated city and fails to sell:

(1) At least 100 licensing documents during his first year of appointment as a license agent; and

(2) At least 200 licensing documents during his second and each subsequent year of appointment as a license agent.

3. As used in this section, "licensing document" means a license, permit, tag, stamp or other licensing document authorized by the division.

Sec. 13. NAC 502.197 is hereby amended to read as follows:

502.197 1. Any person whose authority as a license agent is canceled by the division may appeal from that decision to the commission. The appeal must be filed in writing with the division within ~~10~~ 30 days after the agent is notified of the division's decision.

2. The commission may affirm or set aside the division's decision or place the agent on probation.

3. If a person's authority as a license agent is canceled by the division and the decision of the division is not appealed to the commission or, if appealed, is affirmed by the commission, the person:

(a) May not reapply for appointment as a license agent for a period of 1 year after the date of the cancellation by the division; and

(b) If the person reapplies after that period, must substantiate that measures have been taken to rectify the problems that caused the cancellation by the division.

Sec. 14. NAC 502.200 is hereby amended to read as follows:

502.200 1. A license agent may require an applicant for a resident's license or permit to provide reasonable proof of the applicant's identity and proof that the applicant has had at least 6 months of continuous residence in Nevada before issuing a resident's license or permit to the applicant. Such proof may include, but is not limited to, a Nevada driver's license or other identification containing a photograph of the applicant, receipts from the rent or lease of a residence located within this state, records of public utilities, stubs from employment checks or any other document indicating the applicant's name and current address. Any document presented must be dated at least 6 months before the date a license or permit is issued. A license or permit issued by the division for a previous year is not acceptable proof of residency.

2. The license agent shall correctly enter the required information on the original and all copies of any licenses and permits issued to residents. The information must include:

(a) The applicant's legal name, mailing address, street address, city, county, state and zip code;

(b) *The applicant's social security number, unless the applicant is a citizen of a country other than the United States;*

(c) *The month and year of the applicant's residency;*

(d) The month, day, year and time the license or permit is issued to the applicant;

~~(e)~~ (e) A description of the applicant, including his height, weight, sex and date of birth;

~~(d)~~ (f) If the applicant was born after January 1, 1960, and is applying for a hunting license or a combination hunting and fishing license, a statement indicating that the applicant has presented proof of successful completion of a course in the responsibilities of hunters as required by the provisions of NRS 502.330;

~~(e)~~ (g) The class of license or permit for which the applicant is applying;

~~(f)~~ (h) The license agent's account number and the initials of the person who issues the license or permit; and

~~(g)~~ (i) If a short-term permit to fish is issued, the starting date of the permit.

3. The license or permit must contain a statement in the form required by law, signed by the applicant, attesting that the applicant is entitled to the license or permit under the laws of Nevada.

4. The ~~applicant shall enter on the license or permit:~~

~~(a) The month and year of his residency; and~~

~~(b) His social security number as required by law, unless the applicant is a citizen of a country other than the United States.~~

~~5. The applicant] license agent~~ may, *at the option of the applicant*, enter on the license or permit the number of ~~his] the~~ driver's license *of the applicant* and the state of its issuance if ~~he] the applicant~~ holds a driver's license.

Sec. 15. NAC 502.260 is hereby amended to read as follows:

502.260 1. A license agent shall correctly enter the required information on the original and all copies of licenses or permits issued to nonresidents. The information must include:

(a) The applicant's legal name, mailing address, street address, city, state and zip code;

(b) *The social security number of the applicant, unless the applicant is a citizen of a country other than the United States;*

(c) The month, day, year and time the license or permit is issued to the applicant;

~~(e)~~ (d) A description of the applicant, including his height, weight, sex and date of birth;

~~(d)~~ (e) If the applicant was born after January 1, 1960, and is applying for a hunting license or a short-term hunting permit, a statement indicating that the applicant has presented proof of successful completion of a course in the responsibilities of hunters as required by the provisions of NRS 502.330;

~~(e)~~ (f) The class of license or permit for which the applicant is applying;

~~(f)~~ (g) The license agent's account number and the initials of the person who issues the license or permit; and

~~(g)~~ (h) If a short-term permit is issued, the starting date of the permit.

2. The ~~applicant shall enter on the license or permit his social security number as required by law, unless the applicant is a citizen of a country other than the United States.~~

~~3. The applicant] license agent~~ may, *at the option of the applicant*, enter on the license or permit the number of ~~his] the~~ driver's license *of the applicant* and the state of its issuance if ~~he] the applicant~~ holds a driver's license.

Sec. 16. NAC 502.283 is hereby amended to read as follows:

502.283 1. ~~[A]~~ *Except as otherwise provided in this section, a* short-term permit issued as provided in chapter 502 of NRS and this chapter authorizes the person to whom it is issued to

fish or hunt only on the starting date specified on the permit and each consecutive day thereafter, if any, until the expiration of the term of the permit. No short-term permit is valid unless it is issued for a term of at least 1 day.

2. If no starting date is specified on the permit, then the date of issuance of the permit will be deemed the starting date.

3. The division may issue a short-term permit in the form of an authorization number in lieu of a document. Such a permit may be used only:

(a) By the person for whom it is issued; and

(b) On the date of issuance and each consecutive day thereafter, if any, until the expiration of the term for which the permit is issued.

FLUSH *A person using such a permit must, upon the request of a law enforcement officer, specify the authorization number and present proof of his identity.*

Sec. 17. NAC 502.295 is hereby amended to read as follows:

502.295 1. The administrative head of an institution or organization may submit an application for a maximum of two special fishing permits to the ~~[License Office, Division of Wildlife, Post Office Box 10678, Reno, Nevada 89520.]~~ *division at the address specified on the application.* The application must be accompanied by the statutory fee of \$15 for each permit.

2. Special fishing permits expire on the last day of February of each year.

Sec. 18. NAC 502.297 is hereby amended to read as follows:

502.297 1. A person may fish with a second combination of hook, line and rod if he:

(a) Has ~~[a]~~:

(1) A stamp for a second rod, validated by his signature in ink across the face of the stamp, affixed to his fishing license or permit to fish; or

(2) A permit for a second rod; and

(b) Complies with the provisions of subsection 1 of NRS 503.290.

2. No person may use more than two combinations of hook, line and rod at any time.

Sec. 19. NAC 503.502 is hereby amended to read as follows:

503.502 1. A person who ~~possesses~~ *has* a fishing license or short-term permit to fish, or who is not required to obtain such a license or permit pursuant to NRS 502.010 and NAC 502.285 and 502.288, may capture, transport and use bait for fishing or personal consumption except that:

(a) The use of any game fish or protected species of fish for bait is prohibited.

(b) Aquatic bait other than salamanders or saltwater mudsuckers may be used only in the water from which it is taken.

(c) Aquatic life may be imported into this state only with the prior approval of the division.

(d) Aquatic bait and live bait fish may be transported from one river basin to another or from one area of this state to another only as provided in the appropriate regional regulation for the use of live bait fish.

2. A person who possesses bait in accordance with the provisions of this section shall not sell, barter or trade that bait.

3. Any bait obtained from a dealer in live bait fish who is licensed in this state must be accompanied by a currently dated receipt issued by that dealer.

Sec. 20. NAC 502.070 is hereby repealed.

TEXT OF REPEALED SECTION

502.070 “License agent’s sales and receipts” defined. “License agent’s sales and receipts” means the report issued by the license office of an agent’s sales, credits, adjustments and amounts due. The report is an agent’s statement.

NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R109-02

The Board of Wildlife Commissioners adopted regulations assigned LCB File No. R109-02 which pertain to chapter 502 of the Nevada Administrative Code on December 7, 2002.

Notice date: 11/1/2002
Hearing date: 12/7/2002

Date of adoption by agency: 12/7/2002
Filing date: 1/21/2003

INFORMATIONAL STATEMENT

1. **A description of how public comment was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of the summary.** The proposed regulation was sent to all 167 license agents, the 17 county advisory boards to manage wildlife, and division staff affected by the regulation.
2. **The number of persons who:**
 - (a) **Attended the hearing:** 30
 - (b) **Testified at the hearing:** 1
 - (c) **Submitted to the agency written statements:** 21
3. **A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary:** The proposed regulation was sent to all affected businesses. Twenty one written responses were received and compiled and presented to the Board of Wildlife Commissioners. The summary can be obtained by contacting the Division of Wildlife, License Agent Office.
4. **If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change:** The Board of Wildlife Commissioners approved the regulation with changes to sections 8 and 12.
5. **The estimated economic effect of the regulations on the businesses they are to regulate and on the public.**
 - (a) **Estimated economic effect on the businesses which they are to regulate.**
 - (1) **Adverse** - New agents will have to pay for equipment set up and training and a communications line for the point of sale equipment.
 - (2) **Beneficial** - The automated agents will have real-time sales with edits which will reduce errors, and batch reporting requirements.
 - (3) **Immediate** - Real-time sales will reduce manual processes.
 - (4) **Long term** - Real-time sales will reduce manual processes.
 - (b) **Estimated economic effect on the public which they are to regulate.**
 - (1) **Adverse** - N/A
 - (2) **Beneficial** - N/A
 - (3) **Immediate** - N/A

(4) Long term - N/A

6. **The estimated cost to the agency for enforcement of the adopted regulation:** None
7. **A description of any regulations of other state or governmental agencies which the regulation overlaps or duplicates and a statement explaining why the duplication or overlap is necessary.** None

If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency: None

8. **If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions:** None
9. **If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used:** Fee would cover the cost of equipment for automation.