

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

LCB File No. R006-10

February 8, 2010

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

AUTHORITY: §§1-5, NRS 501.105, 501.181 and 504.390.

A REGULATION relating to wildlife; revising the date after which the Department of Wildlife will not process an application for the issuance or renewal of a master guide license; amending certain examination dates for a master guide license; amending the requirements concerning the amount of insurance a master guide must carry; authorizing the Department to deny, revoke or suspend a guide's license for a conviction of a crime involving physical violence, theft or fraud; 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 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 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 *Boat Nevada*, 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 successfully completed a course in the responsibilities of hunters approved by the Department.

2. Except as otherwise provided in subsection 7, 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:

(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 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 was licensed.

4. An application for the issuance or renewal of a master guide license received by the Department after ~~December 1~~ **August 30** of the current calendar year will not be processed, and all fees will be returned.

5. 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. 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. An applicant for a license as a master guide is not required to comply with the provisions of subsection 2 if he:

- (a) Is applying only to provide fishing services; or
- (b) Submitted his application on or before December 1, 2004, and he:
 - (1) Possessed a valid subguide license for hunting services issued by the Department during the previous 3 years; and
 - (2) Did not have his subguide license suspended or revoked.

8. 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. 2. NAC 504.608 is hereby amended to read as follows:

504.608 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:

(a) ~~April~~ *January* 1 to ~~November~~ *August* 30 of each year for:

(1) Applicants for the issuance or reissuance of a master guide license; or

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

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

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

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 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 ~~December 1~~ *August 30* is entitled to a new license for the ensuing license year upon complying with the provisions of NAC 504.590 to 504.711, inclusive. If a licensee submits his application

for renewal on or before ~~December 1,~~ *August 30*, 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 application as required in NAC 504.600 or 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 receives the notification. If the Department does not receive the requisite documentation within the 30-day period, 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 Department will only accept applications for licenses as a master guide beginning on ~~October~~ *July* 1 and ending on ~~December 1~~ *August 30* of each year.

Sec. 4. NAC 504.663 is hereby amended to read as follows:

504.663 1. 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 ~~[\$5,000]~~ **\$25,000** for ~~[each person with a medical claim.]~~ ***damage to property.***

2. The 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. 5. 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 ~~[felony.]~~ :

(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 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 his services, 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 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 ~~chapter 484~~ *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 ~~Bureau~~ of the Department, without undue delay, any violation of the wildlife laws or regulations of which the guide has 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.

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