

LCB File No. R109-02

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

COMMISSION GENERAL REGULATION 306

AUTHORITY: NRS 501.181, 502.030, 502.040, 502.077, 503.290

NOTICE OF INTENT:

WORKSHOP DATE:

COMMISSION APPROVAL DATE:

EXPLANATION: Amends NAC to change the conditions of appointment of license agents; identifies the criteria and agents to be included in the automated licensing system; requires prospective agents to submit a current credit rating with the application; requires all agents to use electronic fund transfers for monies owed for the sale of licenses; requires that all equipment, documents and records provided by the division remain the property of the division; requires semi-monthly sales reporting for agents who sell licenses under the manual issuance program; clarifies penalty for failure to remit reports or money; clarifies credit for voided documents; requires agents to meet minimum sales; clarifies information required on licenses; adds language to short-term permits to allow the authorization number to be used in lieu of a physical document and requires the individual to carry proof of identity; updates the address for special fishing permit applications; and adds language for a second rod permit.

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

Section 1. NAC 502.140 is hereby amended to read as follows:

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

2. Agents appointed after the effective date of this regulation must agree to participate in the automated licensing system upon implementation. The license agent must participate in mandatory training, pay a set up fee for the cost of the equipment and obtain and pay for a communication line as defined in the contract between the license agent and the division.

3. License agents appointed prior to the effective date of this regulation will be required to participate in the automated licensing system upon implementation if the license agent meets the threshold of license sales as determined by the division and defined in the contract between the license agent and the division. The division will provide the equipment to these license agents to issue licenses, permits, tags, stamps or documents; however, the licenses agent must participate in mandatory training and obtain and pay for a communication line as defined in the contract between the license agent and the division.

4. License agents appointed prior to the effective date of this regulation who do not meet the threshold of license sales will be allowed to continue with a manual process to issue licenses, permits, tags, stamps or documents:

(a) Until such time as their sales meet or exceed the threshold of license sales; or

(b) If the business is sold or closed,

at which time subsection 2 of this regulation will apply.

Sec. 2. 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.]~~ *An original copy of a current credit rating from a recognized credit bureau.*

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, 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. 3. 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 monies from the sales of licenses, permits, tags, and stamps from his account to the state's account.*

~~(e)~~ (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.

~~(k)~~ (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.

~~[(4)]~~ (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. 4. NAC 502.160 is hereby amended to read as follows:

502.160 1. Except as otherwise provided in subsections 2 and 3, ~~[a license agent shall forward to the license office the full amount of money due with each batch report]~~ *all monies collected from the sale and issuance of division documents, less the agent's service fee, shall be deposited not less frequently than once every seven (7) calendar days in a bank account prescribed by the division, and made available for electronic fund transfer to the state's account as outlined in the license agent contract.*

2. If the license office after receiving a license agent's batch report 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 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]~~ *from their next reporting period.*

4. All money collected by a license agent from sales of the division's licenses, stamps and other documents, except the agent's service fees, is the property of the State of Nevada and must be kept readily available for *electronic* forwarding to the division. *All licensing equipment, documents and records shall remain the property of the division and shall be made available for inspection and audit upon request of the division.*

Sec. 5. NAC 502.170 is hereby amended to read as follows:

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

2. *If a license agent fails to submit a report to the division by his assigned date, [The] the* division will not send any more licenses, permits, tags, stamps or other documents to a 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, a notice of delinquency will be sent by the division ~~[within 10 days]~~.

4. If a manual license agent fails to deposit the full amount of monies due for the sale of licenses, permits, tags, stamps and documents into the prescribed bank account by his assigned date, the division will not send any more licenses, permits, tags, stamps or other documents to a license agent until all money due has been received by the division. Automated license agents will be unable to issue licenses until the full amount of monies due are made available to the division.

5. If a license agent fails to deposit the full amount of monies due by his assigned date, a notice of delinquency will be sent by the division.

6. For automated license agents, the accounting and reporting period is a calendar week (Sunday through Saturday). All monies due for the week are to be deposited in the prescribed bank account by the following Wednesday.

Sec. 6. NAC 502.180 is hereby amended to read as follows:

502.180 1. Credit may be given to ~~any~~ *a manual* license agent for licenses and tags that have been voided if the agent returns to the division the original and remittance copy of the license or tag with the word “void” written across it. *Automated agents may receive credit for a voided document if the original voided document is submitted to the division. If the original document is not received within 10 days of the transaction date, the agent may be charged the value of the document.*

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 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.

Sec 7. 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 a license agent's authority~~;~~

a. ~~Upon~~ Upon a finding by the division 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.

b. For failure to meet minimum sales:

(1) When an agent located in an incorporated city fails to sell at least three hundred (300) licenses during the first year of operation, or sell at least six hundred (600) during the second and subsequent years, will have their authority cancelled at the end of the license year.

(2) All other agents who fail to sell at least one hundred (100) licenses during the first year of operation, or at least two hundred (200) licenses during the second and subsequent years, will have their authority cancelled at the end of the license year.

Sec. 8. 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. 9. 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 month, day, year and time the license or permit is issued to the applicant;

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

(d) 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) The class of license or permit for which the applicant is applying;

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

(g) 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]~~ *provide*:

(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 may ~~[enter on the license or permit]~~ *provide* the number of his driver's license and the state of its issuance if he holds a driver's license.

Sec. 10. 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 month, day, year and time the license or permit is issued to the applicant;

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

(d) 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) The class of license or permit for which the applicant is applying;

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

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

2. The applicant shall ~~enter~~ *provide* 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 may ~~enter on the license or permit~~ *provide* the number of his driver's license and the state of its issuance if he holds a driver's license.

Sec. 11. NAC 502.283 is hereby amended to read as follows:

502.283 1. 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. For a short-term permit, an authorization number may be used in lieu of the actual permit only by the individual for whom the license was purchased. When used in lieu of a permit, the person must carry proof of identity and upon request of an authorized officer, present such identification for inspection.

Sec. 12. 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]~~ *Administrative Services Bureau at an 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. 13. 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 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; ~~[and]~~ *or*

(b) *Has a permit for a second rod; and*

(c) 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.