

SENATE BILL NO. 106—COMMITTEE ON NATURAL RESOURCES

(ON BEHALF OF DIVISION OF WILDLIFE)

FEBRUARY 4, 1999

Referred to Committee on Natural Resources

SUMMARY—Defines “license” and “permit” for purposes of assessment of demerit points for wildlife convictions. (BDR 45-460)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

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

AN ACT relating to wildlife; defining the terms “license” and “permit” for the purposes of the assessment of demerit points for wildlife convictions; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** NRS 501.1812 is hereby amended to read as follows:
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3 501.1812 As used in NRS 501.1812 to 501.1818, inclusive, unless the
4 context otherwise requires:
5 1. ***“License” means a license or tag issued by the division for:***
6 ***(a) Recreational hunting or fishing; or***
7 ***(b) Taking fur-bearing mammals, trapping unprotected mammals or***
8 ***selling raw furs for profit.***
9 2. “Permit” ~~does not include~~ ***means*** a permit issued by the division
10 ~~pursuant to NRS 502.390 authorizing the development or maintenance of an~~
11 ~~artificial or man-made body of water.~~
12 ~~—2.] for recreational hunting or fishing.~~
13 3. “Wildlife conviction” means a conviction obtained in any court of
14 competent jurisdiction in this state, including, without limitation, a conviction
15 obtained upon a plea of nolo contendere or upon a forfeiture of
16 bail not vacated in any such court, for a violation of:

1 (a) A provision of this Title or any regulation adopted pursuant to this
2 Title other than a provision of NRS 502.370, 502.390, 503.185, 503.310 or
3 ~~504.300~~ 504.295 to 504.390, inclusive; or

4 (b) A provision of the Lacey Act Amendment of 1981 (Pub. L. No. 97-79, Nov.
5 16, 1981), if the violation of that provision is based on a violation
6 of a law or regulation of this state.

7 **Sec. 2.** NRS 501.1814 is hereby amended to read as follows:

8 501.1814 1. The commission shall establish and the division shall administer
9 and enforce a system of assessing demerit points for wildlife
10 convictions. The system must be uniform in its operation.

11 2. Pursuant to the schedule of demerit points established by regulation
12 of the commission for each wildlife conviction occurring within this state affecting
13 any holder of a ~~hunting, fishing or trapping~~ license, permit or
14 privilege issued pursuant to this Title, the division shall assess demerit points for the
15 60-month period preceding a person's most recent wildlife
16 conviction. Sixty months after the date of the conviction, the demerit points for that
17 conviction must be deleted from the total demerit points
18 accumulated by that person. The date of the violation shall be deemed the date on
19 which accumulated demerit points must be assessed. If a
20 conviction of two or more wildlife violations committed at a single event is
21 obtained, demerit points must be assessed for the offense having the
22 greater number of demerit points.

23 **Sec. 3.** NRS 501.1816 is hereby amended to read as follows:

24 501.1816 1. If a person accumulates 6 or more demerit points, but less than 12,
25 the division shall notify him of that fact by certified mail. If,
26 after the division mails the notice, the person presents proof to the division that he
27 has, after his most recent wildlife conviction, successfully
28 completed a course of instruction in the responsibilities of hunters approved by the
29 division, the division shall deduct 4 demerit points from
30 his record. A person may attend a course of instruction in the responsibilities of
31 hunters only once in 60 months for the purpose of
32 reducing his demerit points.

33 2. If a person accumulates 12 or more demerit points before
34 completing a course of instruction pursuant to subsection 1, the division shall
35 suspend or revoke any ~~hunting, fishing or trapping~~ license, permit
36 or privilege issued to him pursuant to this Title.

37 3. Not later than 60 days after the division determines that a person has
38 accumulated 12 demerit points, the division shall notify the person by certified mail
39 that his privileges will be suspended or revoked. Except as
40 otherwise provided in subsection 4, the division shall suspend or revoke those
41 privileges 30 days after it mails the notice.

1 4. Any person who receives the notice required by subsection 3 may submit to
2 the division a written request for a hearing before the
3 commission not later than 30 days after the receipt of the notice. If a written request
4 for a hearing is received by the division:

5 (a) The suspension or revocation of the license, permit or privilege is stayed until
6 a determination is made by the commission after the hearing.

7 (b) The hearing must be held within 60 days after the request is received.

8 5. The periods of suspension or revocation imposed pursuant to this section must
9 run concurrently. No license, permit or privilege may be
10 suspended or revoked pursuant to this section for more than 3 years.

11 6. If the division suspends or revokes a license, permit or privilege
12 pursuant to this section, the period of suspension or revocation begins 30 days after
13 notification pursuant to subsection 3 or a determination is made
14 by the commission pursuant to subsection 4. After a person's license,
15 permit or privilege is suspended or revoked pursuant to this section, all
16 demerit points accumulated by that person must be canceled.

17 **Sec. 4.** This act becomes effective upon passage and approval.