

Senate Bill No. 106–Committee on Natural Resources

CHAPTER.....

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:

Section 1. NRS 501.1812 is hereby amended to read as follows:

501.1812 As used in NRS 501.1812 to 501.1818, inclusive, unless the context otherwise requires:

1. *“License” means a license or tag issued by the division for:*

(a) Recreational hunting or fishing; or

(b) Taking fur-bearing mammals, trapping unprotected mammals or selling raw furs for profit.

2. “Permit” ~~{does not include}~~ *means* a permit issued by the division ~~{pursuant to NRS 502.390 authorizing the development or maintenance of an artificial or man-made body of water.~~

~~–2.}~~ *for recreational hunting or fishing.*

3. “Wildlife conviction” means a conviction obtained in any court of competent jurisdiction in this state, including, without limitation, a conviction obtained upon a plea of nolo contendere or upon a forfeiture of bail not vacated in any such court, for a violation of:

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

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

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

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

2. Pursuant to the schedule of demerit points established by regulation of the commission for each wildlife conviction occurring within this state affecting any holder of a ~~{hunting, fishing or trapping}~~ license, permit or privilege issued pursuant to this Title, the division shall assess demerit points for the 60-month period preceding a person’s most recent wildlife conviction. Sixty months after the date of the conviction, the demerit points for that conviction must be deleted from the total demerit points accumulated by that person. The date of the violation shall be deemed the date on which accumulated demerit points must be assessed. If a conviction of two or more wildlife violations committed at a single event is obtained,

demerit points must be assessed for the offense having the greater number of demerit points.

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

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

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

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

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

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

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

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

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

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