

S.B. 411

SENATE BILL NO. 411—COMMITTEE ON FINANCE
(ON BEHALF OF THE DEPARTMENT OF ADMINISTRATION)

APRIL 15, 2009

Referred to Committee on Finance

SUMMARY—Revises provisions governing the issuance of hunting, fishing and trapping licenses. (BDR 45-1177)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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

AN ACT relating to wildlife; providing for the permanent revocation of a license, permit or privilege to hunt, fish or trap in certain circumstances; requiring a person to maintain a principal and permanent residence in this State to be eligible for a resident license, tag or permit to hunt, fish or trap; providing for the forfeiture of a bonus point or other increased opportunity to be awarded a tag for making a false statement or furnishing false information in certain circumstances; requiring a person seeking to obtain a license, tag or permit on behalf of another for a fee or other compensation to have a power of attorney to do so; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law provides that a license, permit or privilege of a person to hunt, fish
2 or trap may be suspended or revoked for wildlife convictions, but not for more than
3 3 years except in certain circumstances. The license, permit or privilege of a person
4 who is convicted pursuant to NRS 501.376 of: (1) a gross misdemeanor may not be
5 suspended or revoked for more than 5 years; and (2) a felony may not be suspended
6 or revoked for more than 10 years. (NRS 501.1816) **Section 2** of this bill expands
7 the suspension and revocation penalties to require that the license, permit or
8 privilege of a person who has been convicted of two or more felonies pursuant to
9 NRS 501.376 be permanently revoked.



* S B 4 1 1 *

Existing law requires that a person meet certain requirements before he can be issued a resident license, tag or permit pursuant to chapter 502 of NRS. (NRS 502.015) **Section 3** of this bill clarifies the language regarding domicile to mean maintaining a principal and permanent residence in this State beyond just owning a home in Nevada.

Existing law prohibits giving a false statement or furnishing false information to obtain any license, tag or permit, making such an action a misdemeanor, or to obtain a big game tag, making such an action a gross misdemeanor. (NRS 502.060) **Section 4** of this bill adds a provision that any person who is convicted of giving a false statement or furnishing false information to obtain a license, tag, permit or big game tag forfeits any bonus point or other increased opportunity to be awarded a tag in a subsequent drawing.

Existing law requires a person attempting to obtain a license, tag or permit on behalf of another person to have a power of attorney giving him the authority to do so. (NRS 502.061) **Section 5** of this bill restricts the requirement to have a power of attorney to only those persons attempting to acquire a license, tag or permit on behalf of another for a fee or other compensation.

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

Section 1. NRS 501.1814 is hereby amended to read as follows:

501.1814 1. The Commission shall establish and the Department 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 license, permit or privilege issued pursuant to this title, the Department 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~~ **conviction** 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. 2. NRS 501.1816 is hereby amended to read as follows:

501.1816 1. If a person accumulates 9 or more demerit points, but less than 12, the Department shall notify him of that fact by certified mail. If, after the Department mails the notice, the person presents proof to the Department that he has, after his most recent wildlife conviction, successfully completed a course of instruction in the responsibilities of hunters approved by the



1 Department, the Department shall deduct 4 demerit points from his
2 record. A person may attend a course of instruction in the
3 responsibilities of hunters only once in 60 months for the purpose of
4 reducing his demerit points.

5 2. If a person accumulates 12 or more demerit points before
6 completing a course of instruction pursuant to subsection 1, the
7 Department shall suspend or revoke any license, permit or privilege
8 issued to him pursuant to this title.

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

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

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

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

24 5. The periods of suspension or revocation imposed pursuant to
25 this section must run concurrently. Except as otherwise provided in
26 this subsection, no license, permit or privilege may be suspended or
27 revoked pursuant to this section for more than 3 years. The license,
28 permit or privilege of a person who is convicted pursuant to NRS
29 501.376 of:

30 (a) A gross misdemeanor may not be suspended or revoked for
31 more than 5 years; ~~to~~

32 (b) ~~to~~ *Except as otherwise provided in paragraph (c), a* felony
33 may not be suspended or revoked for more than 10 years ~~to~~; *or*

34 (c) *Two or more felonies, arising from separate events, must be*
35 *permanently revoked.*

36 6. If the Department suspends or revokes a license, permit or
37 privilege pursuant to this section, the period of suspension or
38 revocation begins 30 days after notification pursuant to subsection 3
39 or a determination is made by the Commission pursuant to
40 subsection 4. After a person's license, permit or privilege is
41 suspended or revoked pursuant to this section, all demerit points
42 accumulated by that person must be cancelled.



1 **Sec. 3.** NRS 502.015 is hereby amended to read as follows:

2 502.015 1. For the purpose of issuing and using resident
3 licenses, tags or permits pursuant to this chapter, a person is
4 considered to be a resident of the State of Nevada if:

5 (a) He is a citizen of, or is lawfully entitled to remain in, the
6 United States; and

7 (b) During the 6 months next preceding his application to the
8 Department for a license, tag or permit, he:

9 (1) ~~Was domiciled~~ *Maintained his principal and*
10 *permanent residence* in this State;

11 (2) Was physically present in this State, except for temporary
12 absences; and

13 (3) Did not purchase or apply for any resident license, tag or
14 permit to hunt, fish or trap in another state, country or province.

15 2. A person who ~~is not domiciled~~ *does not maintain his*
16 *principal and permanent residence* in Nevada but who is attending
17 an institution of higher learning in this State as a full-time student is
18 eligible for a resident license, tag or permit if, during the 6 months
19 next preceding his application to the Department for a license, tag or
20 permit, he:

21 (a) Was physically present in Nevada, except for temporary trips
22 outside of the State; and

23 (b) Did not purchase or apply for any resident license, tag or
24 permit to hunt, fish or trap in another state, country or province.

25 3. A resident license, tag or permit issued by this State is void
26 if the person to whom it was issued establishes *or maintains* his
27 ~~domicile~~ *principal and permanent residence* in and obtains any
28 *hunting, fishing or trapping* privilege or entitlement conditional on
29 residency from another state, country or province.

30 4. *As used in this section, "principal and permanent*
31 *residence" means a place where a person is legally domiciled and*
32 *maintains a permanent habitation in which he lives and to which*
33 *he intends to return when he leaves the state in which the*
34 *permanent habitation is located. The term does not include merely*
35 *owning a residence in a state.*

36 **Sec. 4.** NRS 502.060 is hereby amended to read as follows:

37 502.060 1. A person applying for and procuring a license, *tag*
38 *or permit*, as provided in this chapter, shall give to the license agent
39 his name and residence address, which must be entered by the
40 license agent ~~[on the license and stub,]~~ *, manually or electronically*
41 *in a record specified by the Department*, together with the date of
42 issuance and a description of the person. If a child under the age of
43 18 years is applying for a license to hunt, the child's parent or legal
44 guardian must sign the application and an attached statement



1 acknowledging that the parent or legal guardian has been advised of
2 the provisions of NRS 41.472.

3 2. Except as otherwise provided in subsection 3, any person
4 who makes any false statement or furnishes false information to
5 obtain any license, tag or permit issued pursuant to the provisions of
6 this title is guilty of a misdemeanor.

7 3. Any person who makes any false statement or furnishes
8 false information to obtain any big game tag issued pursuant to the
9 provisions of this title is guilty of a gross misdemeanor.

10 4. It is unlawful for any person to hunt, fish or trap using any
11 hunting, fishing or trapping license which is invalid by reason of
12 expiration or a false statement made to obtain the license.

13 5. *Any person convicted of violating the provisions of*
14 *subsection 2 or 3 forfeits any bonus point or other increased*
15 *opportunity to be awarded a tag in a subsequent drawing*
16 *conducted for that tag if the bonus point or other increased*
17 *opportunity was acquired by the false statement or false*
18 *information.*

19 6. As used in this section, "big game tag" means a tag
20 permitting a person to hunt any species of pronghorn antelope, bear,
21 deer, mountain goat, mountain lion, bighorn sheep or elk.

22 **Sec. 5.** NRS 502.061 is hereby amended to read as follows:

23 502.061 1. A person , *for a fee or other form of*
24 *compensation*, may obtain or attempt to obtain on behalf of an
25 applicant any license, tag or permit issued pursuant to this chapter
26 *only* if the person acts pursuant to a power of attorney or other
27 written instrument that:

28 (a) Provides that the power of attorney or other written
29 instrument is executed for the sole purpose of authorizing the person
30 to apply in the State of Nevada on behalf of the applicant for a
31 license, tag or permit for a specific season;

32 (b) Provides that the power of attorney or other written
33 instrument expires on February 28 of the year following the year in
34 which the power of attorney or other written instrument is executed;
35 and

36 (c) Is acknowledged and includes a jurat as defined in NRS
37 240.0035, or is otherwise certified.

38 2. Any license, tag or permit which is obtained by the use of a
39 power of attorney or other written instrument that does not comply
40 with the provisions of subsection 1 is void.

41 **Sec. 6.** This act becomes effective on January 1, 2010.

