INSTRUCTIONS
MASTER GUIDE'S LICENSE – DIVISION OF LAW ENFORCEMENT
6980 SIERRA CENTER PARKWAY, SUITE 120
RENO, NEVADA 89511

LEGAL AUTHORITY: NRS 504.390; NAC 504.600 through 504.701, inclusive.

MINIMUM AGE: 21 years old.

"GUIDE" DEFINED: "Guide" means to assist another person in hunting wild animals or wild birds and fishing and includes the transporting of another person or his equipment to hunting and fishing locations within a general hunting and fishing area whether or not the guide determines the destination or course of travel.

LICENSE/PERMIT REQUIREMENTS:

Every person who provides guide service for compensation or provides guide service as an incidental service to customers of any commercial enterprise, whether a direct fee is charged for the guide service or not, must obtain a master guide license from the Department.

Each person who assists a person who is required to have a master guide license and acts as a guide in the course of that activity must obtain a subguide license from the Department.

Any person who desires a master guide license must make application for the license on a form prescribed and furnished by the Department. The application must contain such information as the Commission may require by regulation. *Application Processing Fee. If that person was not licensed as a master guide during the previous licensing year, his application must be accompanied by a processing fee of $1,500, which is not refundable.

If the holder of a master guide license operates with pack or riding animals, he shall also have a grazing or special use permit if he operates in any area where such a permit is required.

RESIDENT: "Resident" means a person who is a citizen of the United States, who has actually been physically present in the State of Nevada for at least 6 months immediately preceding his application for a license, tag or permit, and who intends to make Nevada his permanent home.

NONRESIDENT: "Nonresident" means a person who is not a resident of Nevada.

WHERE TO OBTAIN APPLICATIONS: An application for a master guide's license may be obtained from the NDOW website (ndow.org) or the headquarters of the Department of Wildlife, Division of Law Enforcement, Kasen Cornmesser, 6980 Sierra Center Parkway, Suite 120, Reno, NV 89511.

APPLICATION DEADLINE: The deadline for receipt of applications for renewals or new applications is between April 1 and ending May 31 of each year. **All annual guide licenses issued by the Department expire without limitation on December 31 of each year.** The Department shall reissue annual guide licenses that will be valid from January 1 to December 31 if the licensee submits application between April 1, - May 31 of each year. **Any master guide who was not licensed during the previous licensing year must accompany his application with a processing fee of $1,500, which is not refundable.**

DENIAL OF LICENSE: Whenever 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.

ACTING AS GUIDE WITHOUT LICENSE:

1. Any person who acts as a master guide or as a subguide without first obtaining a license pursuant to NRS 504.390 is guilty of a gross misdemeanor.
2. Any vessel, vehicle, aircraft, pack or riding animal or other equipment used by a person operating in violation of subsection 1 is subject to forfeiture upon the conviction of that person of a gross misdemeanor if that person knew or should have known that the vessel, vehicle, aircraft, animal or equipment would be used in violation of subsection 1.

GENERAL RESTRICTIONS, CONDITIONS, AND REQUIREMENTS

1. General requirements for license. 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) Know the wildlife and boating laws and regulations of the state relevant to the license for which the applicant is applying and **pass required examination with minimum score of 80% (*new applicant only)**.
(d) Provide **proof of completion of a course in the responsibilities of hunters (*new applicant only)**.
(e) Provide proof of current certification in a Red Cross Standard First Aid course or an equivalent course approved by the Department.
(f) 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 successfully obtained a minimum score of 80 percent on the boating safety examination in the Navigating Nevada booklet, which may be obtained free of charge from the Nevada Department of Wildlife, Division of Law Enforcement, 6980 Sierra Center Parkway, Suite 120, Reno, Nevada 89512.
(g) Provide proof of insurance (*see Section 7 below*).
(h) Meet the requirements of one of the following. Option1, Option 2, Option 3 of master guide checklist. (*New applicant only)

2. Financial responsibility. An applicant must be financially responsible and have sufficient capital, as determined by the Director, to conduct an operation of the size and type for which he has applied.

3. Action by Department on applications. 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 is entitled to a new license for the ensuing license year upon complying with the provisions of NAC 504.600 to 504.701.

If an applicant fails to include proof of certification in first aid or proof of liability insurance with his application as required in NAC 504.600 or **proof of completion of class in responsibilities of hunters (*new applicant only) or has failed to pass required examination (new applicant only)** has failed to submit timely client report pursuant to NAC 504.667, 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 formal notification. If the Department does not receive the documentation within the 30-day period, the Department will consider the application to be incomplete and will return the application to the applicant and will take no further action on the application.

NOTE: *If you intend to guide on lands administered by a federal agency such as the U.S. Forest Service, National Park Service or Bureau of Land Management, special-use permits may be or are required from that agency. Please check with the appropriate agency.*

4. Insurance. An application for a license to be a master guide must provide proof that he carries liability insurance 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 $25,000 for damage to property.

The Department must be named as a holder of the certificate for the policy of insurance or self-insurance bond. The policy for liability insurance or the bond must remain in effect during the entire time the master guide is licensed to guide.

NOTE: *First-time applicants need not submit proof of insurance until they have been notified that their application has been tentatively approved; you will have 30 days after receipt of notification to submit proof of insurance. Also, if your guiding activities fall under the jurisdiction of the U.S. Forest Service, BLM, National Park Service, etc., be sure to check their insurance coverage limits before obtaining a policy which satisfies our requirements. You will have to obtain a policy which satisfies the higher coverage limits.*

5. <u>Contracts.</u> Before providing a service to a client, a licensed master guide must furnish the client with a contract:

1). Stating:

(a) The type of service to be provided, including, without limitation, food, lodging, transportation, caping, field dressing services, and the packing out of harvested wildlife.
(b) The dates on which guide services are to be provided.
(c) The fee schedule for the guide's services.
(d) The maximum number of clients which may accompany a guide on any one occasion.
(e) The master guide's policy regarding the cancellation and amendment of a contract for guide services.
(f) The master guide's policy regarding the return of a deposit if the contract is canceled.
(g) Whether the client can expect to be guided by a person other than the master guide.

2). Signed by the master guide and the client.

*A contract must be provided to every client whether or not the master guide does the actual guiding.

*A master guide shall provide the client with a contract signed by the master guide within 30 days after receipt of a deposit for future guide services.

*Only the master guide may enter into a contract with a client.

*A subguide, with authorization from the master guide, may present a contract to a client for the purpose of obtaining the clients signature. If a subguide presents a contract to a client the contract must contain the original signature of the master guide and the subguide shall not alter any provisions of the contract unless he receives authorization from the master guide; and if applicable, the subguide shall initial and date any alterations made to the contract. The master guide shall retain the original signed contract for not less than 3 years.

If requested, the master guide shall provide any contracts to an agent of the Department authorized to enforce the guide regulations.

6. <u>Records.</u> NAC 504.688 - Licensed master guides and subguides shall keep and have available complete, current, and accurate records regarding their clients. Records regarding clients must be written on forms furnished by the Department to all licensed master guides. These forms will include spaces for:

(a) The client's name.
(b) The client's hunting or fishing license number, whichever is applicable.
(c) The client's tag or permit number, if a tag or permit is required by the Department.
(d) The dates, specifying the days, months and years, on which the client was guided.
(e) The date, specifying the day, month and year, on which each species of wildlife was harvested, the species harvested, and the number of the species harvested.
(f) The point class of the animal harvested if the animal is a deer or elk.
(g) The management unit where each animal was harvested.
(h) The name of each of the guides who guided the client.

A guide shall make the initial entry into the records that are required on the first day that he provides guide services to a client.

Update the records for as long as service is provided to the client.

Make the final entry in the records on the final day guide services are provided.

The master guide shall submit to the Department all original record forms for his clients, including the record forms of any subguides employed by the master guide, no later than May 31 of the year for which the guide is currently licensed.

The master guide shall present his clients' records for inspection at any reasonable hour or place to any agent of the Department authorized to enforce guide regulations.

7. <u>Area of operation.</u> An applicant for a license as a guide must describe in his application the geographic area, as prescribed by the Department, within which the applicant intends to operate. The Department may authorize a master guide to provide services for big game mammals, fur-bearing mammals and all species of game fish, unprotected fish and game birds on a statewide basis.

8. <u>Big game guiding.</u> If a license is issued for big game guiding, it must specify in terms of a wildlife management area or unit, or other geographic area as prescribed by the Department, the exact territorial limits of the guide's big game operations.

*Only one person may act as a master guide under one license.

Except as otherwise provided immediately below, a licensee may operate only in the big game hunting area indicated on his license.

The Department may adjust the territorial limits within which a master guide may operate for reasons of game harvest, to resolve territorial conflicts between master guides or for the safety of persons who utilize the services of the guide.

9. <u>Grounds for denial, revocation or suspension.</u> 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:
   (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 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.

10. Habitual violators. An application for a license as a master guide or a subguide may be permanently denied if the applicant is a habitual violator. "Habitual violator" means a person who has been previously convicted of three or more violations of the wildlife laws of Nevada or the equivalent provisions of the law of any other state or federal law.

11. Guiding a hunt for mountain lion. A master guide or subguide who is hired to hunt a mountain lion shall ensure that his client physically accompanies him in the pursuit and killing of the mountain lion.

12. Transportation of big game mammal. A licensed master guide or subguide may transport a big game mammal taken by his client from the location where the mammal was harvested without first obtaining a transportation permit in accordance with NRS 503.040 if:

(a) The big game mammal has been tagged in accordance with NAC 502.400 and the tag has been properly validated in accordance with NAC 502.390; and

(b) The master guide or subguide transports the big game mammal in accordance with the conditions established on his master guide license only to a commercial or private preservation facility within the state, including any cold storage locker, trailer or walk-in facility offered as a service to its customers, for the purpose of preserving meat or carcass of the big game mammal.

During any reasonable hour, upon the request of an agent of the Department authorized to enforce the provisions of Title 45 of NRS, a guide shall present any big game mammal which he is transporting or has transported.

NOTE: *This provision does not exempt a hunter from personally presenting bighorn, mountain lion, swan or mountain goat for inspection*.

PERTINENT STATUTES AND REGULATIONS

NRS 504.390 Licensing; records; regulations. [Effective until the date of the repeal of 42 U.S.C. § 666, the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]

1. As used in this section, unless the context otherwise requires:

(a) "Compensation" means any remuneration given in exchange for providing guide service which is predicated on a business relationship between the parties. The term does not include any reimbursement for shared trip expenses, including, without limitation, expenses for gasoline, food or any other costs that are generally associated with persons who are engaging in recreational hunting or fishing together.

(b) "Guide" means to assist another person for compensation in hunting wild mammals or wild birds and fishing and includes the transporting of another person or the person's equipment to hunting and fishing locations within a general hunting and fishing area whether or not the guide determines the destination or course of travel.

2. Each person who provides guide service for compensation or provides guide service as an incidental service to customers of any commercial enterprise, whether a direct fee is charged for the guide service or not, must obtain a master guide license from the Department. Such a license must not be issued to any person who has not reached 21 years of age.

3. Except as otherwise provided in this subsection, each person who assists a person who is required to have a master guide license and acts as a guide in the course of that activity must obtain a subguide license from the Department. Such a license must not be issued to any person who has not reached 18 years of age. The provisions of this subsection do not apply to a person who:

(a) Is employed by or assists a person who holds a master guide license solely for the purpose of cooking, cutting wood, caring for, grooming or saddling livestock, or transporting a person by motor vehicle to or from a public facility for transportation, including, without limitation, a public airport.

(b) Holds a master guide license which authorizes the person to provide services for the same species and in the same areas as the guide who employs him or her or requests the person's assistance and has submitted to the Department a notarized statement which indicates that the person is employed by or provides assistance to the guide. The statement must be signed by both guides.

4. Fees for master guide and subguide licenses must be as provided in NRS 502.240.

5. Any person who desires a master guide license must apply for the license on a form prescribed and furnished by the Department. The application must contain the social security number of the applicant and such other information as the Commission may require by regulation. If that person was not licensed as a master guide during the previous licensing year, the person's application must be accompanied by a nonrefundable fee of $1,500.

6. Any person who desires a subguide license must apply for the license on a form prescribed and furnished by the Department. If that person was not licensed as a subguide during the previous licensing year, the person's application must be accompanied by a nonrefundable fee of $50.

7. It is unlawful for the holder of a master guide license to operate in any area where a special use permit is required without first obtaining a permit unless the holder is employed by or providing assistance to a guide pursuant to subsection 3.

8. The holder of a master guide license shall maintain records of the number of hunters and anglers served, and any other information which the Department may require concerning fish and game taken by such persons. The information must be furnished to the Department on request.

9. If any licensee under this section, or person served by a licensee, is convicted of a violation of any provision of this title or chapter 488 of NRS, the Commission may revoke the license of the licensee and may refuse issuance of another license to the licensee for a period not to exceed 5 years.

10. The Commission may adopt regulations covering the conduct and operation of a guide service.

11. The Department may issue master guide and subguide licenses that are valid only in certain management areas, management units or administrative regions in such a manner as may be determined by the regulations of the Commission.

NAC 503.148 Use of aircraft, hot air balloons, satellites or other devices. (NRS 501.105, 501.181)

1. Except as otherwise provided in this section, a person shall not, for the purpose of hunting, locate or observe, or assist a person in locating or observing, any big game mammal in a management unit described in NAC 504.210 during the period beginning 48 hours before a big game hunting season opens until the close of the season in that management unit with the use of:

(a) An aircraft, including, without limitation, any device that is used for navigation of, or flight in, the air;

(b) A hot air balloon or any other device that is lighter than air; or

(c) A satellite or any other device that orbits the earth and is equipped to produce images.

2. For the purposes of subsection 1, the season for hunting a mountain lion which is open in a management unit shall be deemed not to be a big game hunting season during the period beginning after the big game hunting season for all other species of big game has closed in that management unit until the period beginning 48 hours before the opening of a big game hunting season established for hunting any other species of big game in that management unit.

3. Evidence of an act constituting a violation of subsection 1 includes, without limitation:

(a) Flying slowly at low altitudes;

(b) Hovering;

(c) Circling; or

(d) Repeatedly flying,

Ê over a forest, marsh, field, woodland or rangeland where a big game mammal is likely to be found.

4. The provisions of this section do not apply to a person who:

(a) Is acting within the scope of his or her official duties and who is:

(1) An employee or authorized agent of this State;

(2) An employee of a municipal or county government of this State; or

(3) An employee of the Federal Government;

(b) Holds a scientific permit issued by the Department for the collection of wildlife and who is acting in compliance with the terms and conditions of the permit; or

(c) Holds a permit issued by the Department which authorizes the control of bobcats, coyotes or ravens from an aircraft and who is acting in compliance with the terms and conditions of the permit.

5. The provisions of this section do not authorize any act that is prohibited by NRS 503.010.