



STATE OF NEVADA

DEPARTMENT OF WILDLIFE

Law Enforcement Division

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#19 B

MEMORANDUM

February 11, 2017

To: Nevada Board of Wildlife Commissioners, County Advisory Boards to Manage Wildlife, and Interested Publics

From: Tyler Turnipseed, Chief Game Warden

Title: **Regulation Changes: Commission General Regulations 467**

Description: The Board of Wildlife Commissioners will consider an addition to NAC prescribing the circumstances under which a person may assist a person with certain disabilities in hunting a big game mammal for which the person with a disability has obtained a tag.

Presenter: Tyler Turnipseed, Chief Game Warden

CGR 467: Special Assistance Permit: Possession of permit; requirements for accompaniment and assistance to disabled hunter.

This proposed addition to NAC 502 has eight separate sections. Sections 1-5 are for a new NAC entirely, Sections 6-8 are amendments to existing NAC.

The first section delineates that Chapter 502 of NAC will be amended to include this regulation.

The second section defines a designated licensed assistant as someone who assists the holder of a special assistance permit in accordance with the regulation.

The third section defines that a person issued a special assistance permit is someone who meets the requirements of Section 4 of this regulation.

The fourth section, part one, details under what conditions a tag holder may be issued a special assistance permit. Those conditions include: having a tag for a big game mammal; is paraplegic or has one or both legs amputated, or has suffered a paralysis of one or both legs which severely impedes the holders walking.

The fourth section, part two, covers what information is required on the special assistance permit. This details the application process by which the disabled hunter may apply for a special assistance permit. This would include: name, address, Social Security Number, etc. The applicant must also have a certificate issued by a licensed physician certifying that the applicant has a permanent disability. Also a statement from both the applicant and the designated licensed assistant would need to be included as well, affirming eligibility for both.

The fourth section, part three, states that the disabled hunter who has more than one tag must complete a separate application for each tag if desiring a designated licensed assistant for each tag. Also the disabled hunter is not required to use the same assistant for each tag.

The fourth section, part four, details the requirements to be a disabled licensed assistant: Must be 18 years or older, hold valid NV hunting license, not have any revocations or suspensions per title 45 of NRS.

Additionally, there is no charge for this permit.

The fifth section, part one, states that the holder of a special assistance permit must have a copy of the permit in their possession while in the field. It also states that the holder of a special assistance permit may be accompanied by more than one designated assistant listed on the permit, but may only be actively assisted during the hunt by one designated assistant at a time.

The fifth section, part two, states that each designated licensed assistant in the field with the holder of a special assistance permit must have a copy of the permit in his or her possession, and must exhibit the copy of the permit upon demand of any officer authorized to enforce the fish and game laws of this state.

The fifth section, part three, lists the requirements and permitted actions of the designated licensed assistant. These include: they must have hunting license in possession and must use a weapon authorized by the permit holder. Special privileges are also given to the designated licensed assistant: they may in good faith discharge a weapon to assist in the taking of a big game mammal lawfully wounded by the permit holder; validate and attach per NAC, the tag of the permit holder; and retrieve the big game mammal wounded or killed by the permit holder.

The fifth section, part four, states that for purposes of title 45 of NRS, any big game mammal harvested pursuant to this section, the holder of the special assistance permit will be deemed the person who killed or harvested the big game mammal.

The fifth section, part five, states each holder of a special assistance permit and each designated licensed assistant are subject to all applicable laws and regulations related to the type of hunt for which the tag holder is authorized.

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

LCB File No. R105-16

October 18, 2016

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

AUTHORITY: §§1-5, NRS 501.181; §§6-8, NRS 501.181 and 502.160.

A REGULATION relating to hunting; authorizing certain persons with disabilities to apply for the issuance of a special assistance permit; authorizing a designated licensed assistant to provide assistance to the holder of a special assistance permit in hunting a big game mammal under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Board of Wildlife Commissioners to adopt regulations prescribing the circumstances under which a person may assist a person with certain disabilities in hunting a big game mammal for which the person with a disability has obtained a tag. (NRS 501.181) **Section 4** of this regulation sets forth the manner in which a person with a qualifying disability who holds a tag to hunt a big game mammal may obtain a special assistance permit which names one or more designated licensed assistants. **Section 4** also sets forth the required qualifications for the person with a disability and each designated licensed assistant. A designated licensed assistant must be at least 18 years of age and must hold a valid hunting license, but is not required to hold a tag for the big game mammal which the person with a disability is authorized to hunt. **Section 5** of this regulation provides that only one designated licensed assistant may assist the holder of special permit at a time during the hunt. The acting designated licensed assistant must be accompanied by the holder of a special assistance permit during the hunt except for certain circumstances that allow the designated licensed assistant to assist the person with a disability in the field by: (1) if the designated licensed assistant has a good faith belief that the person with a disability has lawfully wounded a big game mammal, discharging his or her weapon to assist in the taking of the big game mammal; (2) validating the tag which authorizes the taking of the big game mammal and attaching that tag to the carcass; and (3) retrieving the big game mammal. **Section 5** also provides that: (1) the designated licensed assistant must have a copy of the special assistance permit in his or her possession in the field during a hunt; (2) the designated licensed assistant is prohibited from using a weapon other than the weapon authorized by the tag; and (3) the person with a disability and the designated licensed assistant are subject to all other applicable laws and regulations governing the hunt. Existing law makes it a misdemeanor for a person engaged in a hunt, including a designated licensed assistant, to: (1) fail to have his or her required license or permit in his or her

possession; or (2) refuse to exhibit that license or permit upon the demand of any officer authorized to enforce the fish and game laws of this State. (NRS 502.120)

Section 1. Chapter 502 of NAC is hereby amended by adding thereto the provisions set forth as section 2 to 5, inclusive, of this regulation.

Sec. 2. *“Designated licensed assistant” means a person designated on a special assistance permit to assist the holder of the permit in accordance with sections 2 to 5, inclusive, of this regulation.*

Sec. 3. *“Special assistance permit” means a permit issued by the Department to a person who meets the requirements of section 4 of this regulation.*

Sec. 4. 1. *The holder of a tag issued by the Department authorizing the holder to hunt a big game mammal may apply for a special assistance permit authorizing a designated licensed assistant to assist the holder in accordance with section 5 of this regulation if the holder:*

(a) Is a paraplegic;

(b) Has had one or both legs amputated; or

(c) Has suffered a paralysis of one or both legs which severely impedes the holder’s walking.

2. An application for a special assistance permit must:

(a) Be submitted on a form provided by the Department and must include, without limitation:

(1) The applicant’s legal name, physical address, mailing address if different from the physical address and telephone number;

(2) The social security number and client number of the applicant;

(3) The class and number of the hunting license issued to the applicant in this State;

(4) The legal name of each designated licensed assistant;

(5) The physical mailing address and telephone number of each designated licensed assistant; and

(6) The hunting license number and client number of each designated licensed assistant.

(b) Include:

(1) A statement signed by the applicant which affirms that the applicant is eligible for the special assistance permit pursuant to subsection 1; and

(2) A signed statement from each designated licensed assistant named in the application affirming that the designated licensed assistant meets the requirements of subsection 4.

(c) Be accompanied by a certificate issued by a licensed physician certifying that the applicant meets the requirements of subsection 1.

3. An applicant for a special assistance permit pursuant to this section who holds more than one tag issued by the Department authorizing the holder to hunt a big game mammal must complete a separate application for each tag. The applicant:

(a) Is not required to use the same designated licensed assistant for each tag; and

(b) May list more than one designated licensed assistant for each tag.

4. To be a designated licensed assistant, a person:

(a) Must be 18 years of age or older;

(b) Must hold a valid hunting license in this State;

(c) Must not have any license, permit or privilege issued to him or her pursuant to title 45 of NRS suspended or revoked; and

(d) Is not required to hold a tag for the big game mammal which the holder of the special assistance permit is authorized to take.

5. A special assistance permit issued pursuant to this section must be issued free of charge to the applicant.

Sec. 5. 1. *A holder of a special assistance permit who is in the field:*

(a) Must have the special assistance permit in his or her possession; and

(b) May be accompanied by more than one designated licensed assistant listed on his or her special assistance permit but may only be actively assisted during the hunt by one designated licensed assistant at a time.

2. Each designated licensed assistant in the field with the holder of a special assistance permit must have a copy of the special assistance permit in his or her possession, and must exhibit the copy of the permit upon the demand of any officer authorized to enforce the fish and game laws of this State.

3. A designated licensed assistant who is in the field to assist the holder of a special assistance permit during a hunt:

(a) Must have his or her hunting license and a copy of the special assistance permit in his or her possession;

(b) May not use a weapon other than the weapon authorized by the tag of the holder of the special assistance permit;

(c) Except as required to perform any task authorized in paragraphs (d) and (e), must be accompanied at all times during the hunt by the holder of the special assistance permit;

(d) May, if he or she has a good faith belief that the holder of a special assistance permit has lawfully wounded a big game mammal, discharge his or her weapon to assist in the taking of the big game mammal; and

(e) May assist the holder of a special assistance permit in:

(1) The validation and attachment of the tag of the holder of a special assistance permit that is required by NAC 502.390 and 502.400; and

(2) Retrieving the big game mammal wounded or killed by the holder of a special assistance permit.

4. For the purposes of title 45 of NRS, if a big game mammal is harvested pursuant to the provisions of this section, the holder of the special assistance permit will be deemed to be the person who killed or harvested the big game mammal.

5. Except as otherwise provided in this section and section 4 of this regulation, each holder of a special assistance permit and each designated licensed assistant is subject to all applicable laws and regulations relating to the type of hunt for which the holder of the special assistance permit is authorized, except those provisions which by their nature can have no application.

Sec. 6. NAC 502.385 is hereby amended to read as follows:

502.385 1. The tag or permit must:

(a) Include, in the space provided on the tag or permit, the signature of the holder of the tag or permit and the date on which and time at which the holder signed the tag or permit; and

(b) Be carried by the holder at all times while the holder is hunting or trapping or while he or she is fishing for wildlife for which a tag or permit is required.

2. ~~It~~ *Except as otherwise provided in section 5 of this regulation, it* is unlawful for any person to:

(a) Use or possess a tag or permit issued to any other person;

(b) Transfer or give a tag or permit issued to him or her to any other person;

(c) Use any tag or permit in a management area or unit for which it is not intended; or

(d) Use a tag or permit at any time other than at the time intended.

3. After it has been issued, a tag or permit may not be exchanged or a refund made except in accordance with the policies and regulations of the Commission.

Sec. 7. NAC 502.390 is hereby amended to read as follows:

502.390 ~~When~~ *Except as otherwise provided in section 5 of this regulation, when* a person reaches any wildlife which the person has killed, he or she must validate his or her tag or permit immediately by clearly punching out the spaces necessary to properly identify the physical description of the animal, including its sex and antler points, where appropriate, and the day and month of the kill.

Sec. 8. NAC 502.400 is hereby amended to read as follows:

502.400 1. Except as otherwise provided in subsection 2 ~~+~~ *and section 5 of this regulation*, the owner of a tag or permit must firmly attach it to the carcass of an animal killed by the owner, at or before the time he or she first reaches his or her means of transportation or camp. The tag or permit must remain with the major portion of the meat until it is consumed.

2. If the animal killed is a mountain lion or fur-bearing mammal for which a tag or permit is required, the owner of the tag or permit *or a designated licensed assistant pursuant to section 5 of this regulation* must firmly attach it to the hide or pelt of the animal. The tag or permit must remain attached to the hide while it is transported and until it is processed.