

**ADOPTED REGULATION OF
THE BOARD OF WILDLIFE COMMISSIONERS**

LCB File No. R038-23

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

AUTHORITY: § 1, NRS 502.160 and 502.175.

A REGULATION relating to wildlife; revising provisions governing the award of tags using an electronic system; revising provisions governing the required suspension of any person who abuses the electronic system from applying for certain tags; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing regulations authorize the Department of Wildlife to provide all eligible hunters with an opportunity to apply electronically for certain tags. Existing regulations require the Department to suspend a person who attempts to create or creates an unfair advantage in obtaining a tag from applying for any tags remaining for the applicable season. Existing regulations also require the Department to suspend a person who makes continued and substantial efforts to create an unfair advantage from using the electronic system to apply for remaining tags in any future hunting seasons. (NAC 502.4215) This regulation further requires the Department to suspend any other person who assists in such abuse from applying for any tags remaining for the applicable season or for remaining tags in any future hunting seasons, as applicable.

Existing regulations list certain activities that constitute such abuse of the system and are cause for such a suspension, including: (1) the use of a technological program designed to carry out tasks that would otherwise be performed under human supervision; (2) the use of technology designed to create an unfair advantage; (3) multiple logins into a single customer account; or (4) multiple browser sessions open at a single time. (NAC 502.4215) This regulation adds to that list of abusive activities: (1) obtaining or offering to obtain a tag in exchange for anything of value; and (2) exchanging or offering to exchange anything of value to obtain a tag.

Section 1. NAC 502.4215 is hereby amended to read as follows:

502.4215 1. The Department may provide all eligible hunters with an opportunity to apply electronically for any tags that are:

(a) Remaining after tags have been issued for a season by using the computerized system of drawing and alternate list; or

(b) Returned less than 14 calendar days before the opening day for that season.

↪ The Department shall act upon applications for such tags in the order received.

2. If an application for a tag described in subsection 1 is successfully drawn, the Department shall collect from the applicant:

(a) The appropriate fee for the tag as provided in NRS 502.250; and

(b) The fee for a hunting license or combination hunting and fishing license, as provided in NRS 502.240, if:

(1) The applicant has not obtained a hunting license and indicates on the application that he or she wishes to purchase the hunting license or combination hunting and fishing license only if his or her application is successfully drawn; or

(2) The hunting license or combination hunting and fishing license submitted with the application for the tag or permit will expire before the opening day of the season for the permit or tag.

3. If a tag is issued to a person pursuant to this section, the person will be treated as if he or she was successful in drawing a tag for a season for that species in respect to any applicable bonus points and waiting periods.

4. If a person who uses the electronic system to apply for a tag pursuant to subsection 1 abuses the electronic system by attempting to create or by creating an unfair advantage in obtaining the tag, he or she *and any other person who assists in such abuse* must be suspended by the Department from applying for any tags remaining for the applicable season. Activities that are cause for such suspension include, without limitation:

(a) The use of a technological program designed to carry out tasks that would otherwise be performed under human supervision;

(b) The use of technology designed to create an unfair advantage;

(c) Multiple logins into a single customer's account; ~~for~~

(d) Multiple browser sessions open at a single time ~~for~~ ;

(e) Obtaining or offering to obtain a tag in exchange for anything of value, including, without limitation, money, goods or services; or

(f) Exchanging or offering to exchange anything of value, including, without limitation, money, goods or services, to obtain a tag.

5. If a person who uses the electronic system to apply for a tag pursuant to subsection 1 abuses the system by making continued and substantial efforts to create an unfair advantage, as described in subsection 4, he or she *and any other person who assists in such abuse* must be suspended by the Department from using the electronic system to apply for remaining tags in any future hunting seasons.