

# Tag Return, Transfer, and Deference Program CGR 485



# Why was this program authorized by the Legislature?

- A firefighter in Battle Mountain was severely burned fighting a fire and was unable to hunt for the species he drew
- One man had a heart attack on the Saturday before his season began and was unable to hunt during the time period allotted
- A man's father passed away in New York right before his hunt began
- One individual broke his leg while hiking on opening day of his hunt
- This season, one lady was in an accident on the way to her hunt and is now unable to participate in that hunt

# ASSEMBLY BILL 404

EFFECTIVE JANUARY 1, 2020



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

**Section 1.** Chapter 502 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Commission may adopt regulations establishing:*

(a) *Conditions or events which are extenuating circumstances;*

(b) *A process through which a big game hunter who claims an extenuating circumstance may provide documentation to the Department which shows that his or her condition or event qualifies as an extenuating circumstance; and*

(c) *A program through which a big game hunter who has proven that he or she qualifies for an extenuating circumstance pursuant to paragraph (b) may:*

(1) *Transfer his or her tag to another person who is otherwise eligible to hunt a big game mammal in this State;*

(2) *Defer his or her use of the tag to the next applicable open season; or*

(3) *Return his or her tag to the Department for restoration by the Department of any bonus points that he or she used to obtain the tag that is being returned.*

2. *If a big game hunter transfers his or her tag to another person pursuant to subparagraph (1) of paragraph (c) of subsection 1, the big game hunter may not charge a fee or receive any compensation for such a transfer.*

3. *As used in this section:*

(a) *“Big game hunter” means a person who holds a tag.*

(b) *“Extenuating circumstance” means any injury, illness or other condition or event, as determined by the Commission, of a big game hunter or a family member of a big game hunter that causes the big game hunter to be unable to use his or her tag.*

(c) *“Family member” means:*

(1) *A spouse of the big game hunter;*

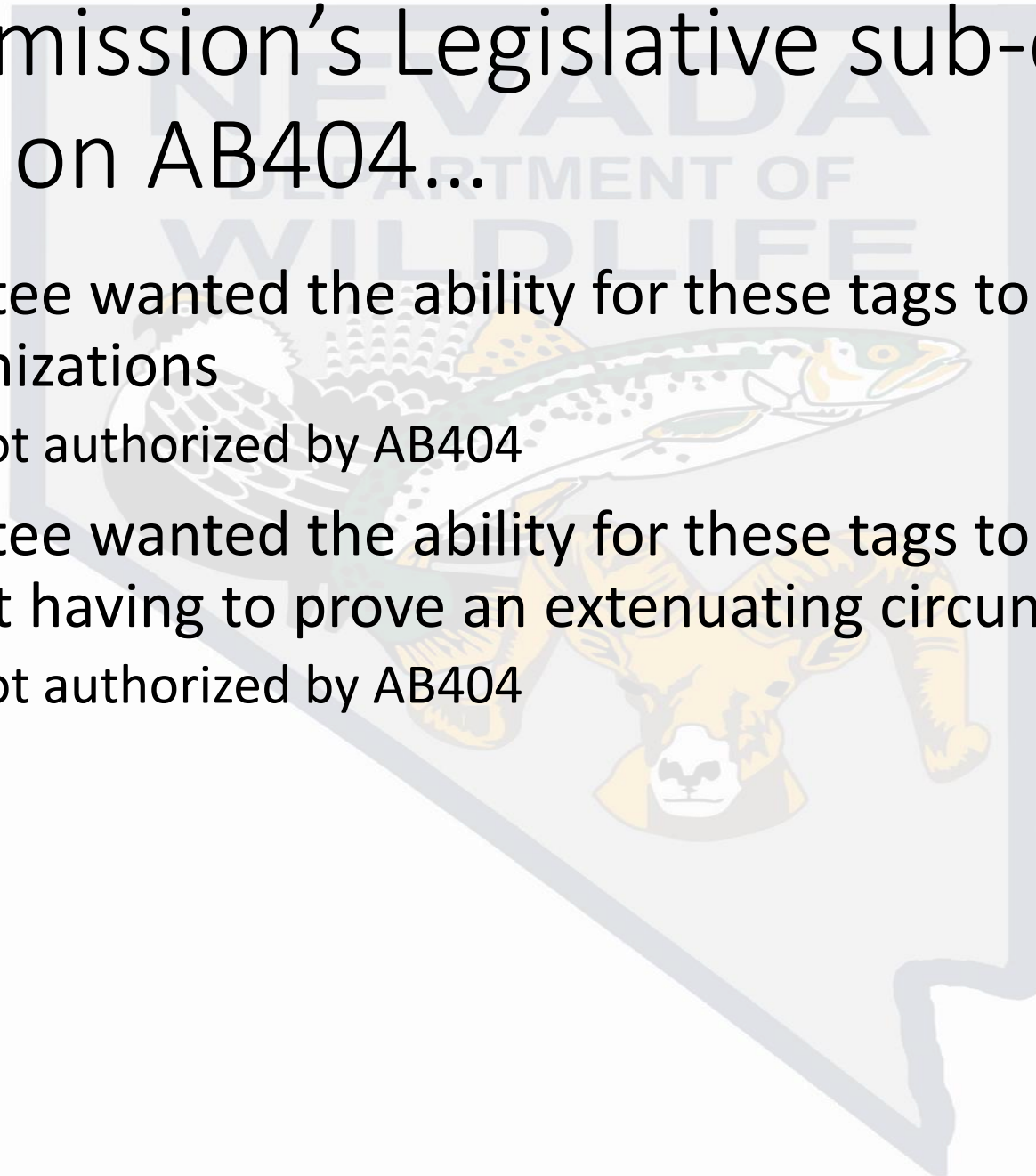
(2) *A person who is related to the big game hunter within the first degree of consanguinity; or*

(3) *A stepchild of the big game hunter.*

(d) *“Tag” means a tag to hunt a big game mammal in this State.*

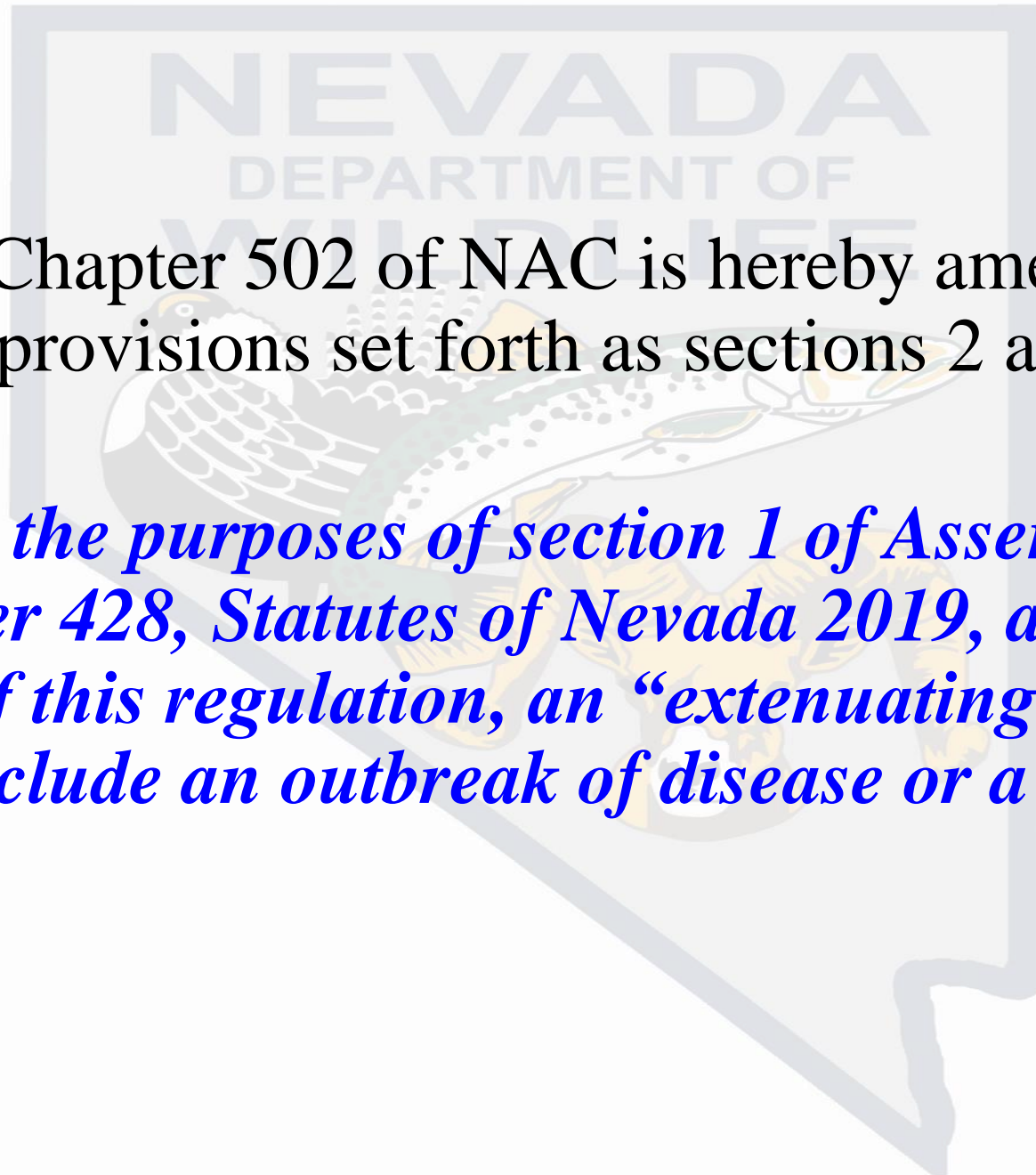
# The Commission's Legislative sub-committee's thoughts on AB404...

- The Committee wanted the ability for these tags to be donated to certain organizations
  - This was not authorized by AB404
- The Committee wanted the ability for these tags to be donated to a child without having to prove an extenuating circumstance
  - This was not authorized by AB404



**NAC 502.422 Cancellation of tag issued in error; return of tag; provision of refund. ([NRS 501.105](#), [501.181](#), [502.160](#), [502.219](#), [502.250](#))**

1. The Department may cancel a tag and provide a refund if the Department issues the tag in error.
2. The Department shall provide a refund if the holder of a tag:
  - (a) Or a person to whom the holder is related within the third degree of consanguinity or affinity dies, as verified by a certificate of death;
  - (b) Or a person to whom the holder is related within the third degree of consanguinity or affinity incurs a disability, as verified in writing by a physician, which prevents him or her from hunting during the season for which the tag was issued;
  - (c) Is serving in the Armed Forces of the United States and is transferred, as verified by a copy of his or her orders or other proof satisfactory to the Department, to a location which makes it impracticable for the holder to hunt in the area for which the tag was issued; or
  - (d) Is a recipient of a Dream Tag issued pursuant to [NRS 502.219](#) and returns the drawn tag to the Department pursuant to [NAC 502.42695](#), and, except as otherwise provided in [NAC 502.336](#), his or her tag is received by the Department at least 1 business day before the opening day of the season for which the tag was issued. If the holder obtained his or her hunting license with his or her tag, the hunting license may be returned with the tag.
3. If a refund is provided pursuant to subsection 1 or 2, the Department shall:
  - (a) Return all the fees submitted with the application for the tag except the fees required pursuant to [NRS 502.253](#) and [NAC 502.331](#); and
  - (b) Except as otherwise provided in subsection 2 of [NAC 502.4225](#), treat the recipient of the refund, with respect to his or her eligibility to obtain a tag and to be awarded a bonus point, as if the tag had not been issued and the applicant was unsuccessful.
4. If a tag for any subspecies of bighorn sheep or mountain goat is returned for a reason other than the reasons set forth in subsection 1 or 2, the Department shall:
  - (a) If the tag is received not later than July 15, return all the fees submitted with the application for the tag except the fees required pursuant to [NRS 502.253](#) and [NAC 502.331](#); and
  - (b) Except as otherwise provided in subsection 2 of [NAC 502.4225](#), treat the recipient of the refund, with respect to his or her eligibility to obtain a tag and to be awarded a bonus point, as if the tag had not been issued and the applicant was unsuccessful.
5. If a tag for antelope, bighorn sheep, mountain goat, bear, turkey, deer, moose or elk is returned for a reason other than the reasons set forth in subsection 1 or 2, and if the tag is received at least 1 business day before the opening day of the season for which the tag was issued, the Department:
  - (a) Shall, except as otherwise provided in subsection 2 of [NAC 502.4225](#), treat the applicant, with respect to his or her eligibility to obtain a tag and to be awarded a bonus point, as if the tag had not been issued and the applicant was unsuccessful; and
  - (b) Shall not return any fee paid for the tag.
6. Except as otherwise provided in [NAC 502.421](#), the Department is not required to refill a quota for the issuance of tags if the application of this section reduces the number of tags issued to less than a quota.



**Section 1.** Chapter 502 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

**Sec. 2.** *For the purposes of section 1 of Assembly Bill No. 404, chapter 428, Statutes of Nevada 2019, at page 2657, and section 3 of this regulation, an “extenuating circumstance” does not include an outbreak of disease or a natural disaster.*

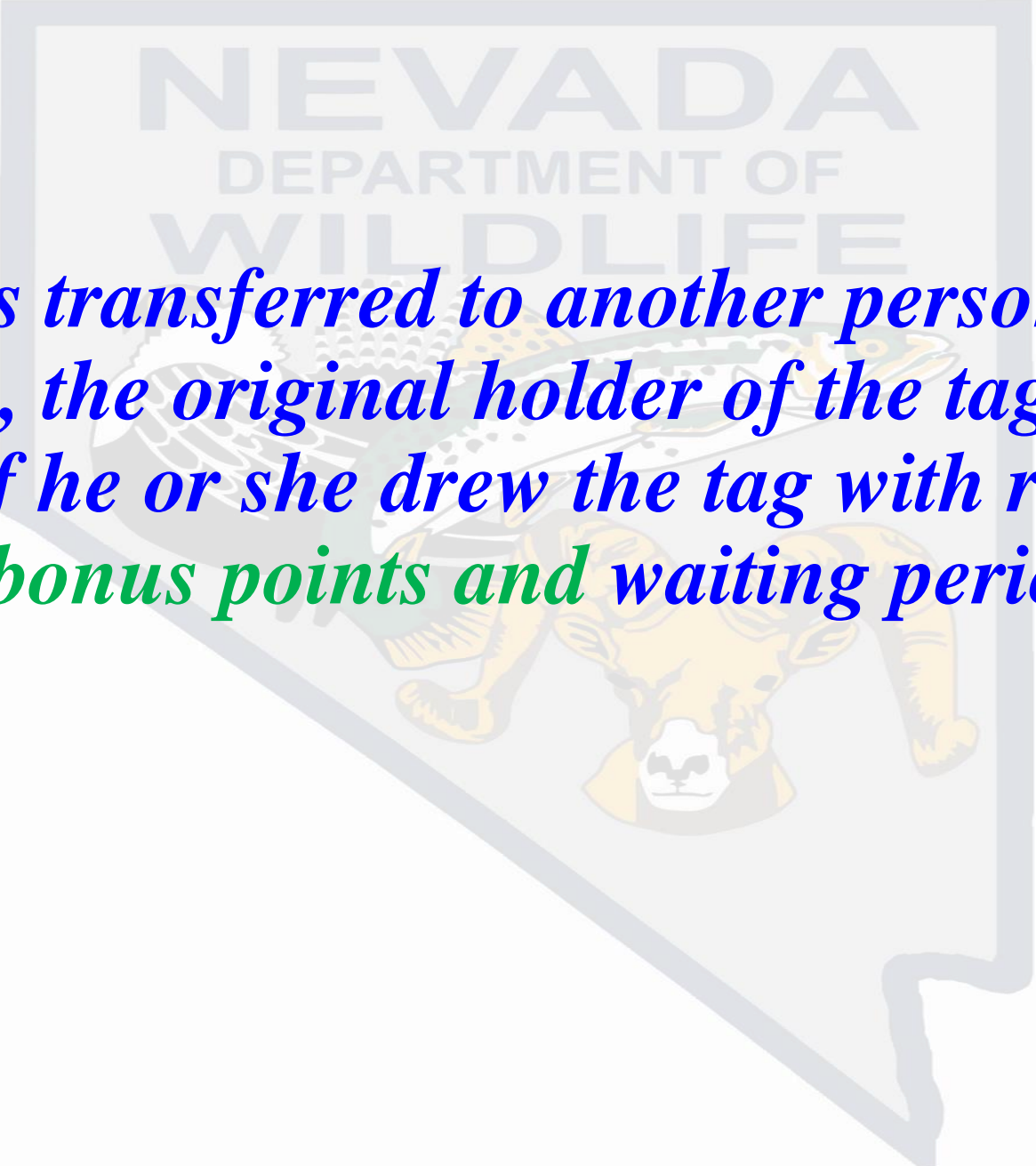
*Sec. 3. 1. In accordance with the requirements of this section, the holder of a tag who incurs an extenuating circumstance provided in subsection 2 may:*

- (a) Transfer the tag to another person who is otherwise eligible to hunt a big game mammal in this State; or*
- (b) Defer the use of the tag for ~~an identical~~ **the most similar** privilege in the same management unit, ~~and~~ **weapon class and to the next applicable** hunting season **the following year**; or*
- (c) Return the tag to the Department for restoration of any bonus points that he or she used to obtain the tag that is being returned.*

*2. Except as otherwise provided in subsection 4, the Department shall allow the holder of a tag to transfer, ~~or~~ defer, or return a tag pursuant to subsection 1 if any of the following extenuating circumstances occur:*

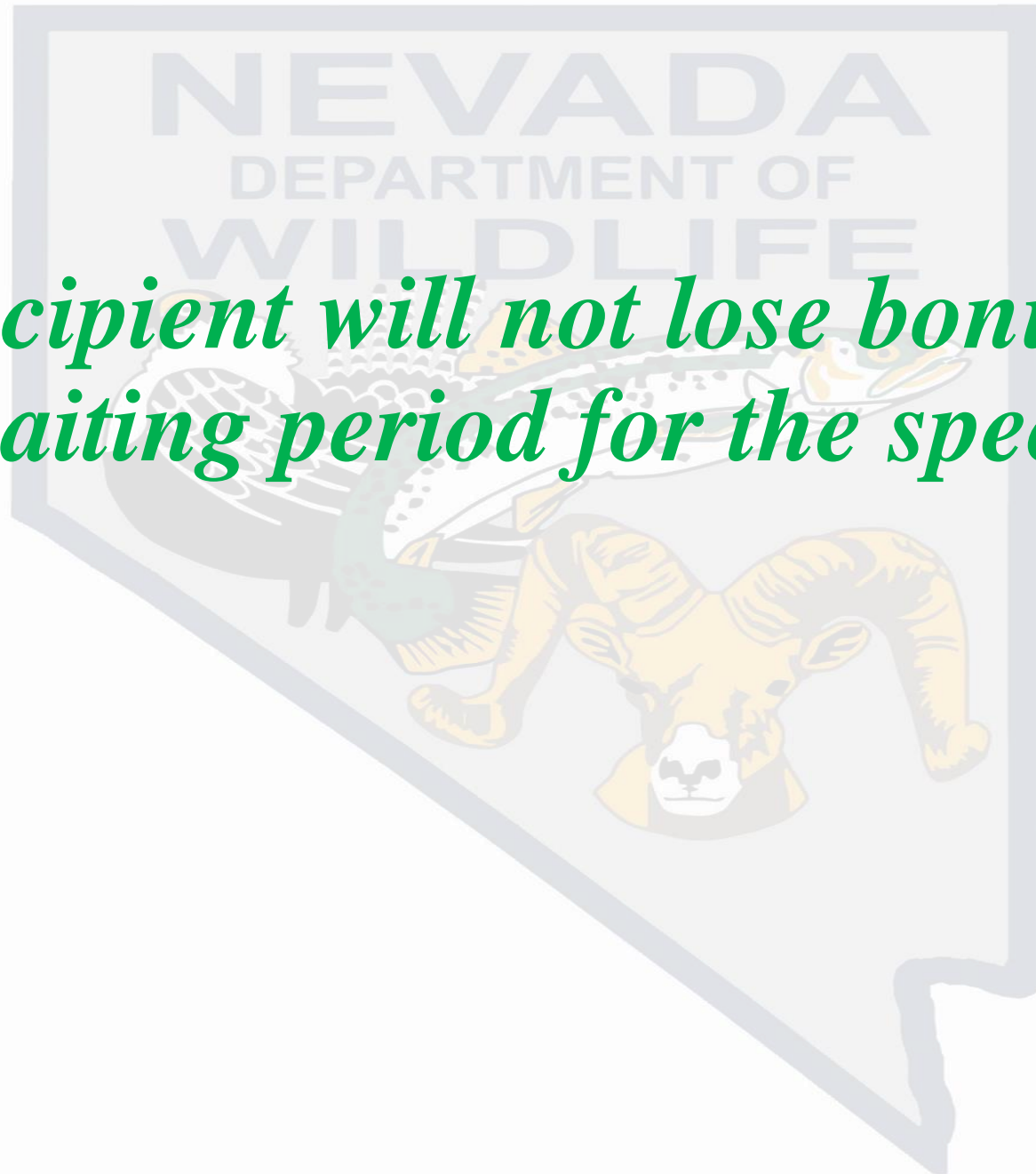
- (a) The death of a family member of the holder, as verified by a certificate of death;*
- (b) The holder or a family member of the holder incurs a disability or illness which prevents him or her from hunting during the season for which the tag was issued, as verified in writing by a physician;*
- (c) The holder is serving in the Armed Forces of the United States and is transferred to a location which makes it impracticable for the holder to hunt in the area for which the tag was issued, as verified by a copy of his or her orders or other proof satisfactory to the Department;*
- (d) The holder is the recipient of a dream tag issued pursuant to NRS 502.219 and returns the drawn tag to the Department pursuant to NAC 502.42695; or*
- (e) Any other extenuating circumstance that the Commission and the Department determine qualifies the holder to transfer or defer his or her tag.*

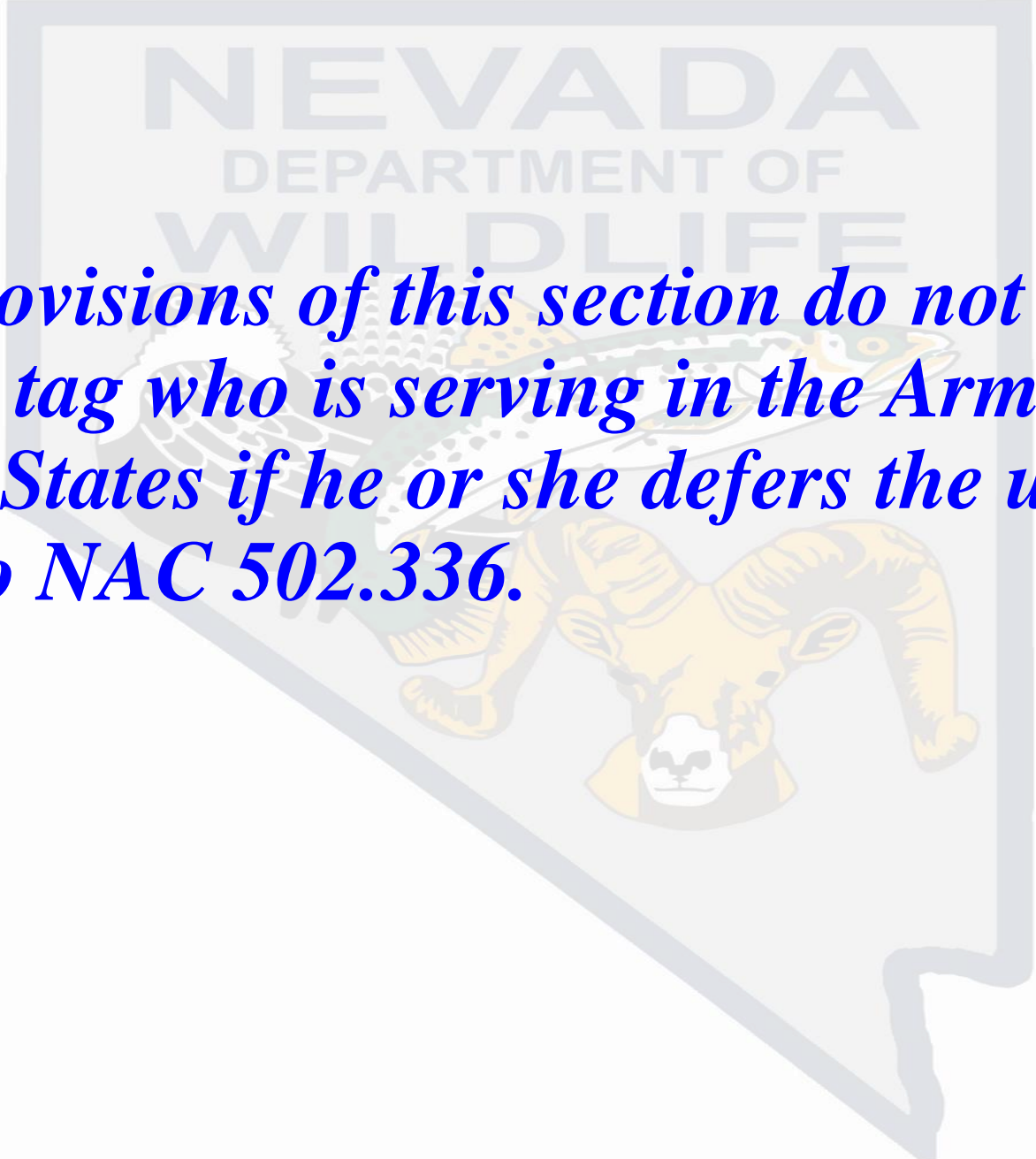




*3. If a tag is transferred to another person pursuant to this section, the original holder of the tag will be treated as if he or she drew the tag with respect to any applicable **bonus points and** waiting periods.*

*4. The recipient will not lose bonus points or be in a waiting period for the species of that tag.*

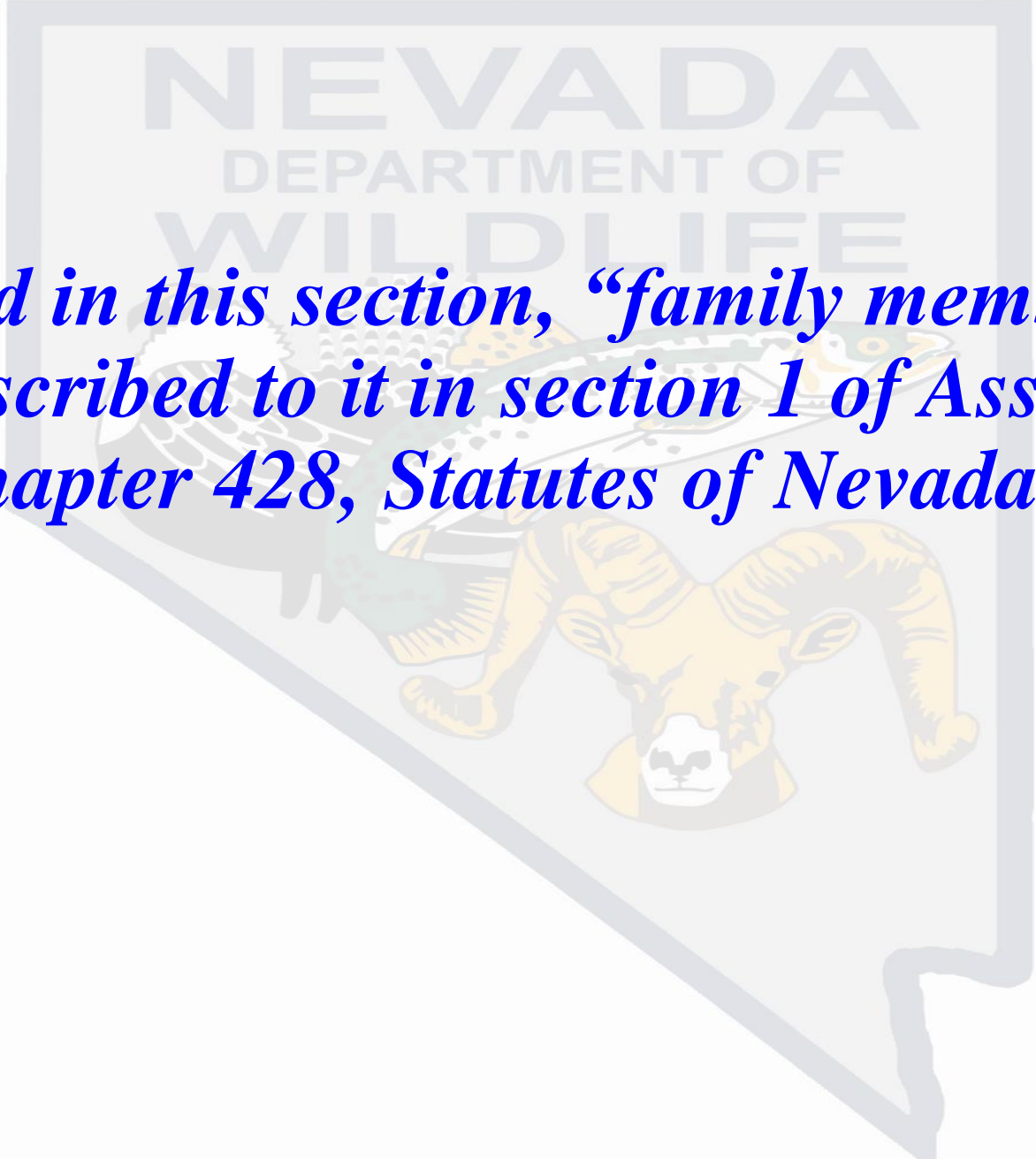




***4-5. The provisions of this section do not apply to the holder of a tag who is serving in the Armed Forces of the United States if he or she defers the use of a tag pursuant to NAC 502.336.***



***5 6. The Department shall update the Commission on all tags that are transferred or deferred pursuant to this section.***



***¶ 7. As used in this section, “family member” has the meaning ascribed to it in section 1 of Assembly Bill No. 404, chapter 428, Statutes of Nevada 2019, at page 2657.***

**Sec. 4.** NAC 502.336 is hereby amended to read as follows:

502.336 1. ~~[A]~~ *Except as otherwise provided in subsection 4, a* person who receives a game tag and who, after receiving the tag, is mobilized or deployed while serving on active duty in the Armed Forces of the United States may:

- (a) Return the tag for a refund as provided in NAC 502.422; and
- (b) Request that, without entering the drawing for game tags, the privilege to hunt during the season for which the tag is issued be deferred for an identical privilege for not more than 2 successive years during which the hunting season for the identical privilege is open. The person must exercise the privilege during the 2 successive years. If the person did not go hunting under the authority of a hunting license issued to him or her for the hunt year in which the tag was issued, the person may return the hunting license for a refund.

2. Remains the same

3. *Remains the same*

*4. The provisions of this section do not apply to the holder of a tag who is serving on active duty in the Armed Forces of the United States if he or she defers the use of the tag pursuant to section 3 of this regulation.*

**Sec. 5.** NAC 502.385 is hereby amended to read as follows:

502.385 1. The tag or permit must 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. Except as otherwise provided in NAC 502.42905 [.] *and section 3 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. 6.**

NAC 502.4187 is hereby amended to read as follows:

502.41871. *Remains the same.*

2. *Remains the same.*

3. *Remains the same.*

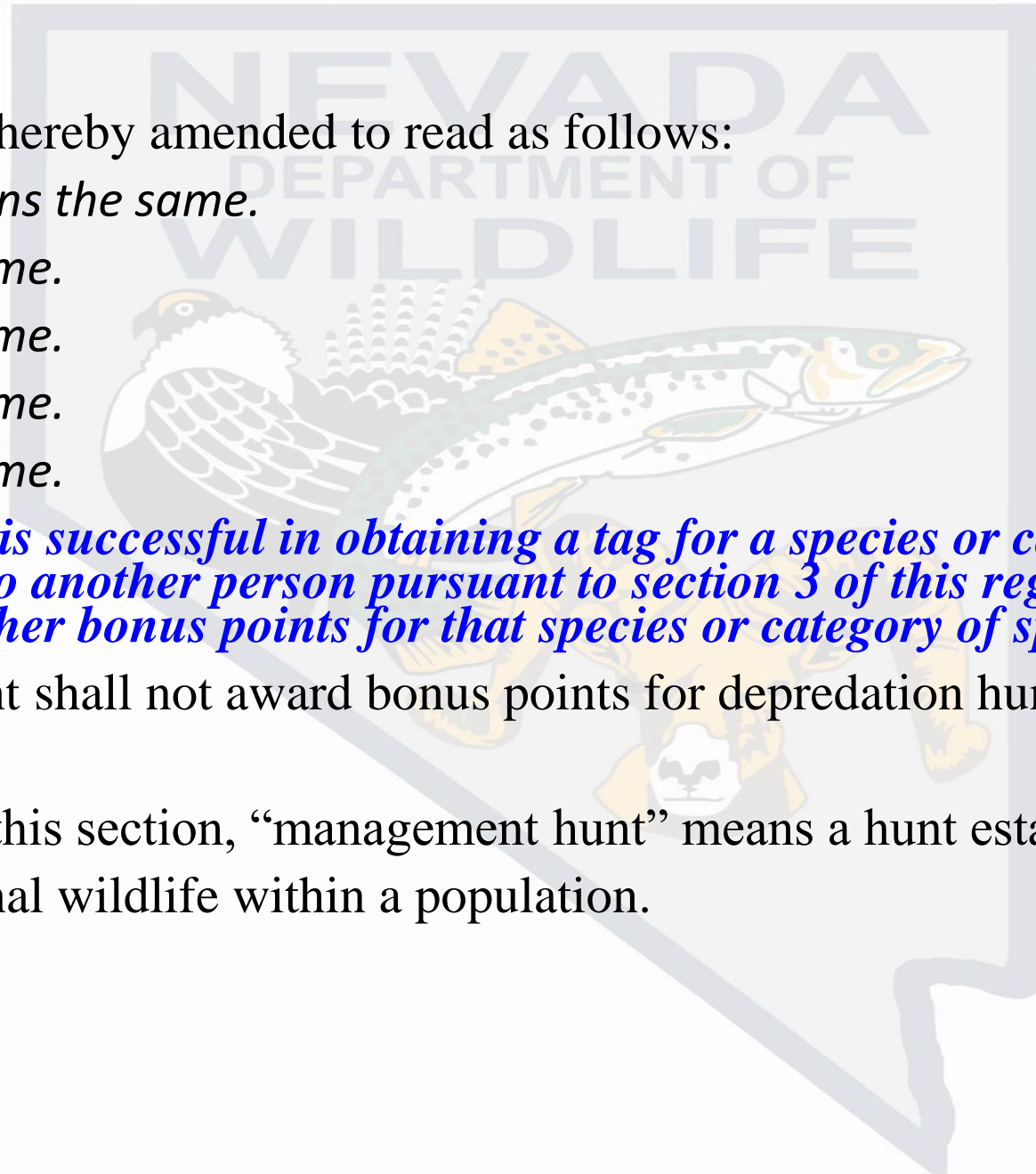
4. *Remains the same.*

5. *Remains the same.*

6. *If an applicant is successful in obtaining a tag for a species or category of a species but transfers the tag to another person pursuant to section 3 of this regulation, the applicant loses all of his or her bonus points for that species or category of species.*

7. The Department shall not award bonus points for depredation hunts or management hunts.

~~[7.]~~8. As used in this section, “management hunt” means a hunt established to seek the harvest of additional wildlife within a population.





**Sec. 7.** NAC 502.421 is hereby amended to read as follows:

502.421 1. *Remains the same.*

2. If the return of tags pursuant to NAC 502.422 or 502.42695 *or the deferral of tags pursuant to section 3 of this regulation* reduces the number of tags awarded for an area and season to less than the quota for that area and season, the Department shall refill the quota by awarding tags from the alternate list, unless there are fewer than 14 business days remaining until the opening day for that season.

3. *Remains the same.*

4. *Remains the same.*

5. *Remains the same.*

6. *Remains the same.*

7. *Remains the same.*

**Sec. 8.** NAC 502.422 is hereby amended to read as follows:

502.422 1. The Department may cancel a tag and provide a refund if the Department issues the tag in error.

2. The Department shall provide a refund if the holder of a tag:

(a) Or a person to whom the holder is related within the third degree of consanguinity or affinity dies, as verified by a certificate of death;

(b) Or a person to whom the holder is related within the third degree of consanguinity or affinity incurs a disability ~~[,]~~ *or illness*, as verified in writing by a physician, which prevents him or her from hunting during the season for which the tag was issued;

(c) Is serving in the Armed Forces of the United States and is transferred, as verified by a copy of his or her orders or other proof satisfactory to the Department, to a location which makes it impracticable for the holder to hunt in the area for which the tag was issued; ~~[or]~~

(d) Is a recipient of a Dream Tag issued pursuant to NRS 502.219 and returns the drawn tag to the Department pursuant to NAC 502.42695 ~~[,]; or~~

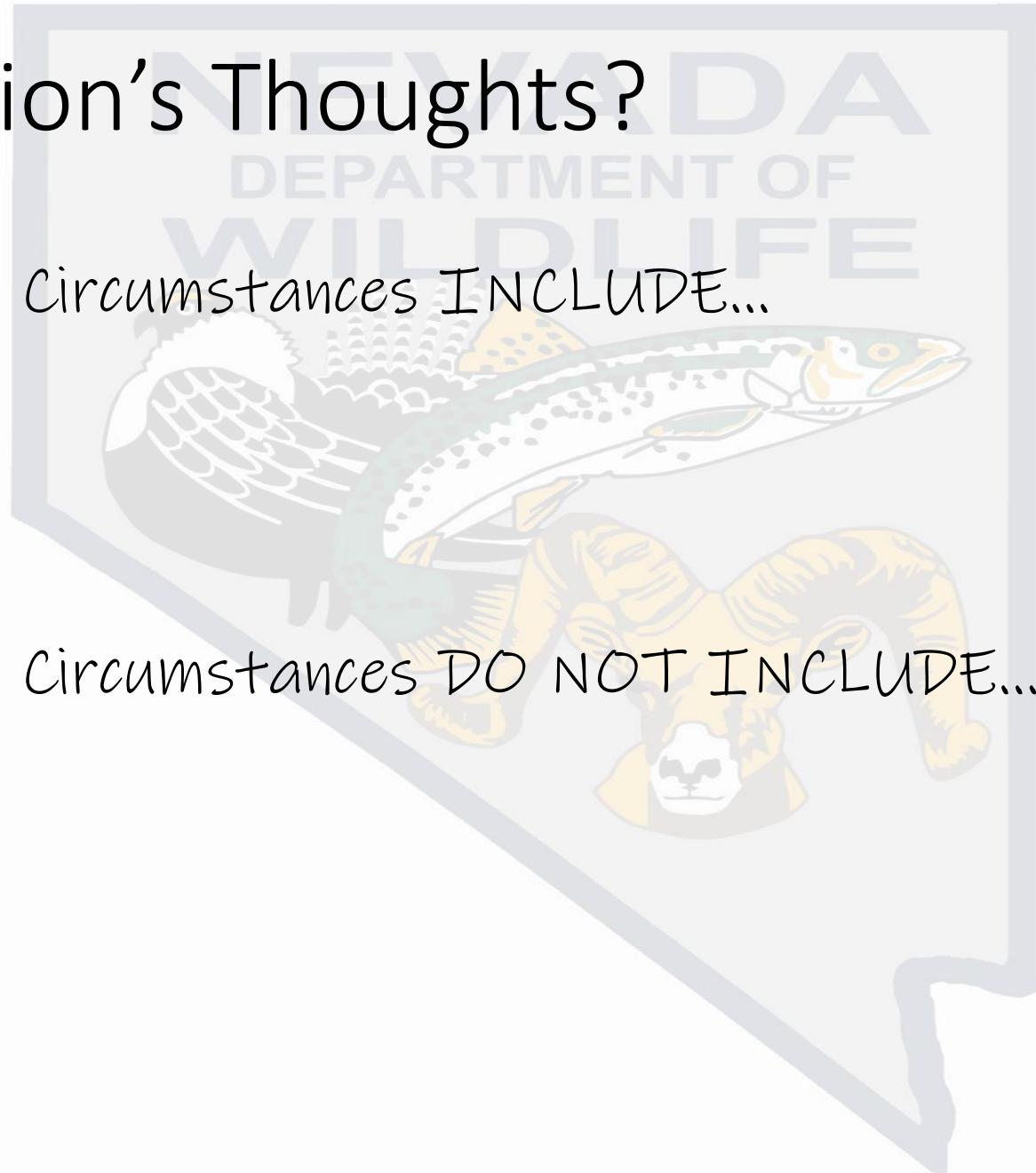
~~*(e) Incurs any other circumstances that the Commission and the Department determine qualifies the holder for a refund,*~~

↪ and, except as otherwise provided in NAC 502.336, his or her tag is received by the Department at least 1 business day before the opening day of the season for which the tag was issued. If the holder obtained his or her hunting license with his or her tag, the hunting license may be returned with the tag.

# Commission's Thoughts?

- Extenuating Circumstances INCLUDE...

- Extenuating Circumstances DO NOT INCLUDE...



# What do other states do?

- Utah – a person may not lend, transfer, sell, give, or assign a license, permit or tag
- California - it is unlawful to transfer any license, tag, or stamp
- Idaho – it is unlawful to transfer any license, tag, or permit or use another's license, tag or permit
  - Except: the holder of a controlled hunt tag for big game excluding moose, bighorn sheep, and mountain goat, may transfer a tag to his or her child or grandchild under the age of 18 who is eligible to hunt. The transfer must be made before the opening day of the hunt
- Oregon – Under no circumstances may a tag be transferred to another individual
  - Privilege
- Arizona – An individual may transfer a tag to a qualified organization (must undergo and application process) for use by a minor who has a life-threatening medical condition or permanent disability, a veteran of the Armed Forces who has a service-connected disability. A parent, grandparent, or legal guardian may transfer a tag to their minor child or minor grandchild.