

TITLE 19 NATURAL RESOURCES AND WILDLIFE
CHAPTER 30 WILDLIFE ADMINISTRATION
PART 9 GAME AND FISH LICENSES/PERMITS

19.30.9.1 ISSUING AGENCY: New Mexico Department of Game and Fish.
[19.30.9.1 NMAC - Rp, 19.30.9.1 NMAC, 4/1/2020]

19.30.9.2 SCOPE: License vendors and individuals utilizing the special use of wildlife licenses and permits.
[19.30.9.2 NMAC - Rp, 19.30.9.2 NMAC, 4/1/2020]

19.30.9.3 STATUTORY AUTHORITY: Sections 17-1-14, 17-3-5, 17-3-7, and 17-3-12 NMSA 1978 provide that the New Mexico state game commission has the authority to establish rules and regulations that it may deem necessary to carry out the purpose of Chapter 17, NMSA 1978 and all other acts pertaining to protected species.
[19.30.9.3 NMAC - Rp, 19.30.9.3 NMAC, 4/1/2020]

19.30.9.4 DURATION: Permanent.
[19.30.9.4 NMAC - Rp, 19.30.9.4 NMAC, 4/1/2020]

19.30.9.5 EFFECTIVE DATE: April 1, 2020, unless a later date is cited at the end of a section.
[19.30.9.5 NMAC - Rp, 19.30.9.5 NMAC, 4/1/2020]

19.30.9.6 OBJECTIVE: Establishing eligibility and application requirements, procedures and financial obligations of license vendors, and certain licenses, permits, certificates and fees for special uses of wildlife, draw applications and license purchases.
[19.30.9.6 NMAC - Rp, 19.30.9.6 NMAC, 4/1/2020]

19.30.9.7 DEFINITIONS:

A. "Vendor" shall mean any owner(s) of a private or public business concern authorized by the New Mexico department of game and fish to sell license documents.

B. "Carcass tag" shall mean any tag form provided to the vendor by the Department of Game and Fish that authorizes a person to legally possess big-game species or turkey killed in New Mexico.

C. "Financial obligation" shall mean any dollar value owed to the Department, including penalty fees for unreturned carcass tags and payments for cash sales.

D. "License year" shall mean the period of April 1 through March 31.

E. "Hearing officer" shall mean the official designated by the department for the purpose of conducting revocation hearings and providing recommendations to the state game commission, relating to the suspension of hunting and fishing license vendors.

[19.30.9.7 NMAC - Rp, 19.30.9.7 NMAC, 4/1/2020]

19.30.9.8 LICENSE VENDORS:

A. Financial Obligations to the Department of Game and Fish:

(1) The department will consign carcass tags to each vendor prior to the beginning of each license year, and will conduct an audit at the end of the license year to account for all carcass tags not issued to customers. All carcass tags designated unusable in any month during the license year must be returned to the department no later than the 10th day of the next month, and all blank, unused carcass tags must be returned to the department at the end of the license year no later than May 10.

(2) A fee of \$100 per missing carcass tag shall be levied upon the license vendor for failure to return any carcass tag designated unusable or any blank, unused carcass tag as required.

(3) Each vendor accepting cash payments, must submit payment for cash sales to the department every two weeks or when the total amount due (including license and vendor fees) reaches \$5,000, whichever comes first.

(4) If a vendor is more than five days delinquent in its payment for cash sales, the privilege to accept cash for department licenses and permits shall be immediately suspended, and the department shall only reactivate the vendor's full license sale privilege once payment is received in full.

(5) A vendor that is delinquent more than three times in a license year shall be evaluated by the director, who shall determine whether to suspend, restrict or place conditions on the vendor's privileges pursuant to Subsection C of 19.30.9.8 NMAC.

(6) Any vendor that has their privileges suspended, restricted, or conditioned may request a hearing before a hearing officer to appeal the director's determination. Any vendor that does not request a hearing agrees to pay to the department the appropriate amount as specified in Paragraphs 1-3 of Subsection A of 19.30.9.8 NMAC within ten (10) working days and to comply with the director's determination. If a vendor requests a hearing as provided by this rule, the department, within 20 days of receipt of such request, shall notify the vendor of the time and place of the hearing and the name or names of the person or persons who shall conduct the hearing for the commission. The hearing shall be held not more than 90 or less than 30 days from the date of service of such notice unless a continuance is granted to either party by the hearing officer.

(7) In the case of unusual mitigating or extraordinary circumstances, the state game commission may determine, and the hearing officer may recommend, financial obligation in an amount other than the amounts described in Paragraphs 1-3 of Subsection A of 19.30.9.8 NMAC. The decision of the state game commission shall be final.

(8) Vendors, whether active or inactive, shall meet all financial obligations due to the department. Costs to collect overdue financial obligations may be added to the total obligation.

B. Vendor eligibility, application and procedures:

(1) Each vendor must sign a current license vendor agreement with the department on a form approved by the department annually.

(2) Each vendor shall participate in the department's web-based sales system and follow the procedures set forth in the most current New Mexico department of game and fish license vendor manual and vendor agreement.

(3) Each new vendor, or any vendor who has been inactive for one year or more, shall submit a vendor application form, a current credit score (provided by a credit reporting company), and shall be subject to a background check conducted by the department.

(4) A vendor applicant's ability to meet the financial obligations herein shall be evaluated and their privileges may be subject to restrictions or conditions pursuant to Subsection C of 19.30.9.8 NMAC.

(5) A vendor applicant who has a felony conviction may be subject to restrictions or conditions placed on their vendor privileges pursuant to Subsection C of 19.30.9.8 NMAC.

(6) A vendor applicant who has their hunting, fishing or trapping license privileges currently revoked or suspended or who has an outstanding civil assessment owed to the department shall be ineligible to be a vendor.

(7) A vendor applicant who wishes to challenge any eligibility determination under this rule, may appeal to the director whose determination will be final and not subject to further appeal.

C. Director's authority: The director may suspend, restrict or place conditions, including requiring a surety bond, on a license vendor's privileges if the vendor is found to be in violation of their vendor agreement or delinquent in their financial obligation to the department. If such a determination is made, a notice of the suspension, restriction(s), or condition(s) shall be sent to the vendor within 10 days of the director's determination. A vendor may request a hearing pursuant to this rule to challenge the determination.

D. Vendor fee:

(1) The department will pay the vendor fees earned by the vendor for the previous month license sales, no later the 10th business day of the next month, to the vendor,

(2) The vendor shall be required to be registered in the state of New Mexico's central accounting system.

[19.30.9.8 NMAC - Rp, 19.30.9.8 NMAC, 4/1/2020]

19.30.9.9 ESTABLISHING CERTAIN LICENSES, PERMITS, CERTIFICATES AND FEES:

Type	Further description	Fee
Certificate of application	NM resident draw application fee	\$7.00
	Non-resident draw application fee	\$13.00
Wildlife conservation stamp	Share with wildlife	\$10.00

Duplicate license		\$6.00
Landowner authorization certificate		\$9.00
Migratory bird permit	Harvest information program (HIP)	\$0.00
Big game depredation damage stamp	NM resident	\$3.00
	Non-resident	\$10.00
Public land user stamp	Habitat stamp	\$5.00
Bait dealers		\$21.00
Commercial fishing		\$25.00
Importation fish	Annual application processing fee	\$25.00
	Additional stocking and shipment fee	\$6.00
Retention		\$1.25
Transportation		\$0.00
Triploid grass carp		\$25.00
Airborne hunting		\$10.00
Class A lake aquaculture/recirculating water system	Up to 75 fish or 750 gallons	\$20.00
	76 to 150 fish or 751 to 1500 gallons	\$40.00
	Over 150 fish or over 1500 gallons	\$100.00
Call pen		\$15.00
Class A lake		\$101.00
Class A lake	Additional lake	\$26.00
Class A park		\$501.00
Commercial collecting	Reptiles and amphibians	\$50.00
Educational use of wildlife	Application, renewal or amendment	\$15.00
Falconry	Application or renewal for 3 years	\$25.00
Field trial/importation		\$15.00
Game bird propagation		\$10.00
Protected mammal		\$10.00
Scientific use of wildlife	Application	\$15.00
	Renewal or amendment	\$15.00
Shooting preserve		\$200.00
Zoo	No fee	\$0.00
Importation non-domesticated animals per calendar year (1/1 to 12/31) except protected ungulates, game birds, fish or other	Class 1 importation of 1 to 5 animals	\$25.00
	Class 2 importation of 6 to 99 animals	\$75.00
	Class 3 importation of greater than 100 animals	\$300.00

Importation other	One time import (i.e., temporary importation, exhibition, game birds, restoration/recovery, etc.)	\$20.00
Importation protected ungulate	Initial application/source & up to 2 animals (valid 6 months)	\$500.00
	For additional animals, not to exceed 30 ungulates from the same source property/owner (if no acquisitions to source herd during 6 month period of validity)	\$50.00 per animal
	For greater than 30 ungulates from the same source property/owner (if no acquisitions to source herd during 6 months period of validity).	\$5.00 per animal

[19.30.9.9 NMAC - Rp, 19.30.9.9 NMAC, 4/1/2020]

HISTORY OF 19.30.9 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center and Archives:

Regulation No. 693, Establishing Certain Licenses, Permits, Certificates, And Fees, 4-20-92.

Regulation No. 702, Establishing Certain Licenses, Permits, Certificates, And Fees, 4-23-93.

Order No. 4-92, Amendment No. 1 To Regulation No. 693, Establishing Certain Licenses, Permits, Certificates, And Fees, 6-9-92.

Regulation No. 691, Establishing Financial Liability For Unaccounted For Licenses, 10-3-91.

History of Repealed Material:

19.30.9 NMAC, Game and Fish Licenses/Permits , filed September 29, 2015, is hereby repealed and replaced by 19.30.9 NMAC, Game and Fish Licenses/Permits, effective 4/1/2020.