

TITLE 19 NATURAL RESOURCES AND WILDLIFE
CHAPTER 30 WILDLIFE ADMINISTRATION
PART 13 ARTIFICIAL LIGHT PERMIT SYSTEM

19.30.13.1 ISSUING AGENCY: New Mexico Department of Game and Fish.
[19.30.13.1 NMAC - N, 11/30/07]

19.30.13.2 SCOPE: Issue permit for the use of artificial light as provided in 17-2-31.D NMSA 1978.
[19.30.13.2 NMAC - N, 11/30/07; A, 1/31/13]

19.30.13.3 STATUTORY AUTHORITY: Sections 17-1-14 and 17-1-26 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.
[19.30.13.3 NMAC - N, 11/30/07]

19.30.13.4 DURATION: Permanent.
[19.30.13.4 NMAC - N, 11/30/07]

19.30.13.5 EFFECTIVE DATE: November 30, 2007, unless a later date is cited at the end of a section.
[19.30.13.5 NMAC - N, 11/30/07]

19.30.13.6 OBJECTIVE: To permit, authorize and regulate any person requesting a permit for or using artificial light within New Mexico as exempted by 17-2-31.D NMSA 1978.
[19.30.13.6 NMAC - N, 11/30/07; A, 1/31/13]

19.30.13.7 DEFINITIONS:

A. "History of violation" means any one court conviction or multiple convictions totaling up to 20 administrative points against a person violating any federal or state hunting law or regulation during the three-year period immediately preceding the application for permitting, provided that the violation committed, if committed in New Mexico, would equal or exceed revocation requirements as found in 19.31.2 NMAC. It shall also include any conviction for any felony, no matter when the felony was committed. It shall include any convictions as an accessory for the described crimes.

B. "Director" shall mean the director of the department of game and fish.

C. "Division" shall mean the New Mexico department of game and fish, law enforcement division.

D. "Landowner" shall be a person who owns or controls private land in New Mexico.

E. "Permit" shall mean an official document issued by the department for purposes exempted by 17-2-31.D NMSA 1978.

F. "Department authorization" shall mean approval by the department of game and fish to use artificial light while hunting or taking a protected species as specified in this rule.
[19.30.13.7 NMAC - N, 11/30/07; A, 1/31/13]

19.30.13.8 PERMIT PROCEDURES AND REQUIREMENTS:

A. Application form and permit: Permits to use artificial light as defined in Section 17-2-31 NMSA 1978 and Title 19 Chapter 30 Part 13, shall be made only on forms provided by the department as prescribed and approved by the director.

B. Application deadlines: All applications must be received at least 5 working days before the requested period. All materials will be forwarded to the division for further background checking and processing.

C. Signature: Applications shall be signed by the applicant.

D. Provide verifiable written permission from a landowner(s).

E. Permit fee:

(1) All permit fees shall be submitted with the application.

(2) All permit fees are non refundable.

(3) Each permit fee shall be \$15.00.

F. Applicant must be at least 21 years of age.

G. Applicant cannot have a history of violation of any related federal or state game and fish laws or regulations and applicant must give appropriate proof that no conviction exists.

H. A permit shall only be valid for the specified dates and area(s) listed on the permit and only valid on the private land with accompanying written permission. When participating in exemption activities, the permittee must possess a valid permit and valid written, landowner permission and produce both when requested by a conservation officer.

I. A permit shall be valid for maximum of 14 consecutive days. Permits may be extended only once and extensions are limited to 30 days. Extensions must be based on emergency or exigent circumstances and must be approved by the director.

J. A person may hold more than 1 permit provided that all of the application and permitting process is followed and approved.

[19.30.13.8 NMAC - N, 11/30/07; A, 1/31/13]

19.30.13.9 PROHIBITIONS:

A. It is unlawful to cast the ray of any artificial light in any location or area other than the area(s) specified on the permit.

B. It is unlawful for any person to attempt to take, pursue, or take protected game (17-2-3 NMSA 1978) with the use of artificial light.

[19.30.13.9 NMAC - N, 11/30/07]

19.30.13.10 PERMIT CANCELLATION: If a landowner officially withdraws their permission in writing to the division for their property, the permit will be cancelled and the division shall contact the permittee informing them of the withdrawn permission by the landowner and cancellation of the permit.

[19.30.13.10 NMAC - N, 11/30/07]

19.30.13.11 DEPARTMENT AUTHORIZATION - RACCOON HUNTING: A validly licensed furbearer hunter is authorized by the department to hunt for and take raccoons by use of artificial light while hunting at night with a rim-fire rifle or handgun no greater in size than a .22 caliber, shotgun, bow or crossbow during open season. The artificial light used for raccoon hunting must be a headlamp or hand held flashlight. It is unlawful for any artificial light to be cast from a vehicle while raccoon hunting.

[19.30.13.10 NMAC - N, 1/31/13]

HISTORY OF 19.30.13 NMAC: [RESERVED]