

CHAPTER 15  
GENERAL LICENSE REGULATIONS

[Prior to 12/31/86, see Conservation Commission[290] Chs 17, 66, 67, and 75]

**571—15.1(483A) Hunter safety and ethics education program.** This rule clarifies the term hunting license as used in Iowa Code section 483A.27 in relation to the hunter safety and ethics education course requirement, clarifies the need for exhibiting a hunter safety and ethics education course certificate when applying for a deer or wild turkey license, and explains the requirements for individuals who wish to demonstrate their knowledge of hunter safety and ethics to qualify for purchase of an Iowa hunting license.

**15.1(1) Definition.** For the purpose of clarifying the term hunting license as used in Iowa Code section 483A.27, the following definition is used:

Hunting license. A hunting license is defined as the following licenses in Iowa Code section 483A.1.

- a. Hunting licenses—legal residents except as otherwise provided. (Section 483A.1(2)“a”)
- b. Hunting licenses—nonresidents’ hunting license. (Section 483A.1(2)“d”)
- c. Hunting and fishing combined licenses—legal residents except as otherwise provided. (Section 483A.1(3)“a”)
- d. Hunting and fishing combined licenses—lifetime license for residents permanently disabled or 65 years of age or older. (Section 483A.1(3)“b”)
- e. Annual fur, fish and game license for residents. (483A.1, 483A.3, 483A.5)

**15.1(2) General testing procedure.** Upon completion of the required curriculum, each person shall score a minimum of 75 percent on the written or oral test provided by the department and demonstrate safe handling of a firearm. Based on the results of the written or oral test and demonstrated firearm safe handling techniques as prescribed by the department, the volunteer instructor shall determine the persons who shall be issued a certificate of completion.

**15.1(3) Special testing out provisions.** Any person born after January 1, 1967, who does not complete the required ten-hour hunter safety and ethics course (as described in Iowa Code section 483A.27, subsection (1)), must meet the following requirements to be eligible to purchase an Iowa hunting license:

- a. To comply with Iowa Code section 483A.27, subsection (5), an individual must pass a written examination compiled by the department of natural resources under the direct supervision of a state conservation officer or certified hunter safety instructor.
- b. If the applicant does not pass the examination by a score of 95 percent or more, the applicant must then wait seven days to take the examination again.
- c. If the applicant does not pass the second examination with a score of 95 percent or more, the applicant must successfully complete the ten-hour safety and ethics course to obtain a certificate of completion (as described in Iowa Code section 483A.27, subsection (2)).

**15.1(4) Exemptions.** The following groups of individuals do not need hunting licenses and therefore do not need to satisfactorily complete a hunter safety and ethics education course:

- a. *Landowners and tenants.* Owners or tenants of land and their children when hunting on the land which they own or on which they are tenants.
- b. *Residents under 16.* Residents of the state under 16 years of age accompanied by their parent or guardian or in the company of any other competent adult if the adult accompanying said minor possesses a valid hunting license, providing, however, there is one licensed adult accompanying each person under 16 years of age.

**15.1(5) Deer and wild turkey license applications.** Individuals are not required to exhibit a certificate showing satisfactory completion of a hunter safety and ethics education course only when applying for a deer or wild turkey license.

**571—15.2(483A) License depositories.**

**15.2(1) *Depositary designation.*** The director may designate a retail business establishment, an office of a government entity, or a nonprofit corporation as a depositary for the sale of hunting and fishing licenses in accordance with the provisions of this rule.

**15.2(2) *Application.*** Application forms may be secured by a written or verbal request to the Department of Natural Resources, Wallace State Office Building, Des Moines, Iowa 50319; telephone (515)281-8688. Requests for forms may be made through department field staff or field officers. The applicant must provide the following information on the form:

*a.* The name of the retail business establishment, government entity, or nonprofit corporation, and location(s) and telephone numbers.

*b.* A general description of the type of retail business establishment, government entity, or nonprofit corporation.

*c.* The form of ownership if a retail business establishment. If a partnership, the full names and addresses of all partners must be provided. If a corporation, the date and state of incorporation must be provided.

*d.* If a government entity, the name and title of the responsible official.

*e.* If a nonprofit corporation, the date and state of incorporation.

*f.* The hours and days open to the public.

*g.* The office and residence telephone number of the person signing the application.

*h.* The name, address, and telephone number of three credit references, including the bank used by the retail business establishment, government entity, or nonprofit corporation.

The application forms contain a statement to be signed agreeing to the terms and conditions as set forth in this rule. The application must be signed by the owner if a sole proprietorship; by a partner if a partnership; if a corporation, by an authorized corporate official; or by the elected or appointed official administratively in charge of the government entity. The signature must be attested to by a notary public.

**15.2(3) *Security.*** The applicant must provide security, either a surety bond from an association or corporation which does the business of assuring the fidelity of others, and which has the authority by law to do business in this state, a collateral assignment of a certificate of deposit, or a letter of credit.

*a. Condition of security.* A surety bond shall generally provide that the applicant render a true account of, and turn over all moneys, license blanks, and duplicates when requested to do so by the director or an authorized representative, and to comply with all applicable provisions of the application, the Iowa Administrative Code, and the Iowa Code.

*b. Amount of security.* All forms of security shall be in the amount of \$5,000 each, or a larger amount as jointly agreed to by the agency and the depositary.

*c. Term of bond.* The bond shall run continuously from the date the application is approved.

*d. Termination of bond.* The surety or principal may terminate the bond at any time by sending written notice by certified mail, return receipt requested, to the Director, Department of Natural Resources, Wallace State Office Building, Des Moines, Iowa 50319. The termination shall become effective 30 days after the receipt of the notice by the director.

*e. Collateral assignment of a certificate of deposit and letters of credit.* Collateral assignments of certificates of deposit and letters of credit shall be subject to the following terms and conditions:

(1) Certificates of deposit shall be assigned to the department, in writing, and the assignment shall be recorded on the books of the bank issuing the certificate.

(2) Banks issuing these certificates shall waive all rights of setoff or liens which they have or might have against these certificates.

(3) Certificates of deposit shall be automatically renewed unless the director approves release of the funds in writing. Letters of credit shall be without reservation and shall remain in effect continuously, or as otherwise agreed to by the director.

(4) The director will release the certificates of deposit or approve the cancellation of a letter of credit upon termination of a license depositary agreement if all licenses and moneys have been accounted for satisfactorily, or if the depositary provides a satisfactory surety bond in lieu thereof.

**15.2(4) Approval of application and security.** The director will approve the application upon the receipt of a satisfactory bond, a collateral assignment of deposit, or a letter of credit and a determination that the credit references are satisfactory. However, the director reserves the right not to approve any application received from a party whose depositary agreement has previously been terminated by the department for cause. Upon approval by the director, the agency will provide the depositary with license blanks, reporting forms, and instructions.

**15.2(5) Depositary reporting standards.** All depositaries shall comply with the following reporting standards:

*a. Monthly reports.* A full and complete monthly sales report, including duplicate copies of the licenses sold and a check or other monetary instrument in the amount due shall be remitted to the department on a prescheduled due date of the following month. A depositary which does not provide the monthly report to the department within 10 days after the due date shall be considered seriously delinquent. However, if the office or business is operated on a seasonal basis, a monthly report is not required for any month that the office or business is not open to the public.

*b. Annual report.* The annual report for all sales for the calendar year and including the return of all unused license blanks shall be remitted to the department by January 31 of each year. An annual report shall also be submitted at the time a depositary is terminated for any reason during the calendar year. This report must be received within 15 days after the director receives the notice of termination. A depositary will be considered seriously delinquent if the annual report is not received by February 15.

*c. Accountability.* The depositary shall be fully accountable to the state for all proceeds collected from the sale of licenses. This accountability shall not be diminished by reason of bankruptcy, fire loss, theft loss, or other similar reason.

*d. Probation.* A depositary shall be placed on probation by a notice sent by certified mail, return receipt requested, when any of the following circumstances occur:

(1) A depositary is seriously delinquent for the second time during any consecutive six-month period.

(2) A depositary fails to correct a serious delinquency within ten days.

(3) A check is returned by the bank by reason of insufficient funds.

The probation will be automatically canceled after six months of satisfactory performance.

*e. Termination of depositary.* A depositary may terminate the agreement at any time by notifying the director by certified mail, return receipt requested. The termination shall be effective 30 days after the receipt of the notice by the director, and after the depositary has fully accounted for all moneys and unused license blanks. The director may terminate the depositary agreement and require an immediate and full accounting of all moneys and unused license blanks under any of the following circumstances:

(1) The occurrence of a third serious delinquency during any consecutive six-month period.

- (2) Not making an insufficient funds check good within 10 days after proper notice by the director.
- (3) Failure to correct a serious delinquency within 15 calendar days.
- (4) Knowingly placing a date, other than the correct date, on any license.
- (5) Knowingly selling a resident license to a nonresident, or selling a senior citizen or disabled license to a person not qualified for such license.
- (6) Charging more than the statutory writing fee.
- (7) Refusal to sell a license to any individual by reason of race, creed, nationality, or religion.
- (8) Expiration or cancellation of bond, certificate of deposit, or letter of credit.
- (9) A depository fails to make a full and complete monthly sales report and monthly remittance.
- (10) A depository, or employee of a depository, knowingly makes a false entry on any license being sold, or knowingly issues any license to a person to whom issuance of that license is improper.

**15.2(6) *Multiple establishment locations.*** An application and security may be submitted for retail business establishments with multiple locations. For purposes of reporting and for determining the amount of the security, each application will be considered on a case-by-case basis and as mutually agreed upon by the depository and the director.

**15.2(7) *Forms for application, bond, monthly report and collateral as assignment.*** Copies of required forms which shall be used may be obtained by writing the License Bureau, Department of Natural Resources, Wallace State Office Building, Des Moines, Iowa 50319; or by calling (515)281-8688.

### **571—15.3(483A) Lost or destroyed license blanks.**

**15.3(1) *Accountability for license blanks.*** Whenever a depository appointed by the director or a county recorder requests to be relieved from accountability for license blanks that have been lost or destroyed, the depository or recorder shall file a bond for the face value of such lost or destroyed license blanks and provide an explanation to the director.

**15.3(2) *Explanation.*** The depository or recorder must submit a written statement in the form of an affidavit regarding the facts and circumstances surrounding the alleged loss or destruction. Pictures, drawings, or other pertinent information may be attached and referenced in the statement. The loss or destruction must relate to one or a combination of the following reasons:

- a. Loss or destruction by fire.
- b. Loss from theft.
- c. Loss while in transit.
- d. Loss from natural causes, including but not limited to floods, tornadoes, and severe storms.
- e. Loss or accidental destruction in a course of normal business operations or facility maintenance and repair.

The statement must also include a specific description of the precautions and procedures normally utilized by the recorder or depository to prevent or to guard against the loss or destruction described, and a further statement as to why the precautions or procedures failed in this particular instance.

**15.3(3) *Review and determination by director.*** The director shall consider the written explanation as provided. The director shall also consider the past record of the depository or recorder regarding losses and destructions; the past record of the depository or recorder regarding prompt and accurate reporting; and may direct further investigations into the circumstances and facts by department staff.

If the director determines that the depository or recorder exercised reasonable and prudent care, the director shall relieve the depository or recorder of accountability upon the filing of a bond.

If the director determines that there was gross negligence by the depository or recorder and holds the depository or recorder accountable, the depository or recorder may file a request for a contested case proceeding as provided in the Iowa Administrative Code 571—Chapter 7.

**15.3(4) Bond.** The depository or recorder shall provide a bond in the amount of the face value of the lost or destroyed licenses on a bond form provided by the department. The bond will be conditioned to the effect that the depository or recorder agrees to surrender the subject licenses to the department in the event that they are located at any future time; or in the event of proof showing that any or all of the subject licenses have been issued, the depository, recorder, or sureties jointly and severally agree to pay the state the face value of all licenses covered by the bond.

For a face amount of \$500 or less, the personal bond of the depository or recorder is sufficient. One additional personal surety is required for a face amount up to \$1,000; and two personal sureties, in addition to the depository or recorder, are required if the face amount is over \$1,000.

A corporate surety authorized to do business in Iowa may be provided in lieu of the personal sureties required, in addition to the depository or recorder.

The value assigned to a lost or destroyed blank license form shall be \$25. This amount will be paid by the depository to the department, except as relief from such payment is provided according to subrules 15.3(1) to 15.3(3).

#### **571—15.4(483A) Fishing license exemption for patients of substance abuse facilities.**

**15.4(1) Definition.** For the purpose of this rule, the definition of “substance abuse facility” is identical to the definition of “facility” in Iowa Code subsection 125.2(2).

**15.4(2) Procedure.** Each substance abuse facility may apply to the department of natural resources for a permit exempting patients from the fishing license requirement while fishing as a supervised group as follows:

*a.* Application shall be made on a form provided by the department and shall include the name, address and telephone number of the substance abuse facility including the name of the contact person. A general description of the type of services or care offered by the facility must be included as well as the expected number of participants in the fishing program and the water bodies to be fished.

*b.* A permit will be issued to qualifying substance abuse facilities and will be valid for all patients under the care of that facility.

*c.* Patients of the substance abuse facility must be supervised by an employee of the facility while fishing without a license pursuant to this rule. An employee of the substance abuse facility must have the permit in possession while supervising the fishing activity of patients.

*d.* Notwithstanding the provisions of this rule, each employee of the substance abuse facility must possess a valid fishing license while participating in fishing.

This rule is intended to implement Iowa Code section 483A.24.

#### **571—15.5(481A) Authorization to use a crossbow for deer and turkey hunting during the bow season by handicapped individuals.**

**15.5(1) Definitions.** For the purpose of this rule:

“*Bow and arrow*” means a compound, recurve, or longbow.

“*Crossbow*” means a weapon consisting of a bow mounted transversely on a stock or frame and designed to fire a bolt, arrow, or quarrel by the release of the bow string which is controlled by a mechanical or electric trigger and a working safety.

“*Handicapped*” means a person possessing a physical impairment of the upper extremities that makes a person physically incapable of shooting a bow and arrow. This includes difficulty in lifting and reaching with arms as well as difficulty in handling and fingering.

**15.5(2) Application for authorization card.** An individual requesting use of a crossbow for hunting deer or turkey must submit an application for an authorization card on forms provided by the department. The application must include a statement signed by the applicant's physician declaring that the individual is not physically capable of shooting a bow and arrow. A first-time applicant must submit the authorization card application no later than ten days before the last day of the license application period for the season the person intends to hunt.

**15.5(3) Authorization card—issuance and use.** Approved applicants will be issued a card authorizing the individual to hunt deer and turkey with a crossbow. The authorization card must be carried with the license and on the person while hunting deer and turkey and must be exhibited to a conservation officer upon request.

**15.5(4) Validity and forfeiture of authorization card.** A card authorizing the use of a crossbow for hunting deer and turkey will be valid for as long as the person is incapable of shooting a bow and arrow. If a conservation officer has probable cause to believe the person's handicapped status has improved, making it possible for the person to shoot a bow and arrow, the department may, upon the officer's request, require the person to obtain in writing a current physician's statement.

If the person is unable to obtain a current physician's statement confirming that the person is incapable of shooting a bow and arrow, the department may initiate action to revoke the authorization card pursuant to rule 561—7.16(17A,455A).

**15.5(5) Restrictions.** Crossbows equipped with pistol grips and designed to be fired with one hand are illegal for taking or attempting to take deer or turkey. All projectiles used in conjunction with a crossbow for deer hunting must be equipped with a broadhead with at least three blades.

This rule is intended to implement Iowa Code section 481A.38.

#### **571—15.6(481A) Multiple offenders—revocation and suspension of hunting, fishing, and trapping privileges from those persons who are determined to be multiple offenders.**

**15.6(1) Definitions.** For the purpose of this rule:

“*Department*” means the Department of Natural Resources, Wallace State Office Building, Des Moines, Iowa 50319-0034.

“*License*” means any paid or free license, permit, or certificate to hunt, fish, or trap listed in Iowa Code chapters 481A, 481B, 482, 483A, 484A, and 484B, including the authorization to hunt, fish, or trap pursuant to any reciprocity agreements with neighboring states.

“*Licensee*” means the holder of any license.

“*Multiple offender*” means any person who has equaled or exceeded five points for convictions in Iowa Code chapters 481A, 481B, 482, 483A, 484A, and 484B during a consecutive three-year period as provided in 15.6(3).

“*Revocation*” means the taking or cancellation of an existing license.

“*Suspension*” means to bar or exclude one from applying for or acquiring licenses for future seasons.

**15.6(2) Record-keeping procedures.** For the purpose of administering this rule it shall be the responsibility of the clerk of district court for each county to deliver, on a weekly basis, disposition reports of each charge filed under Iowa Code chapters 481A, 481B, 482, 483A, 484A, and 484B to the department. Dispositions and orders of the court of all cases filed on the chapters listed in this subrule shall be sent to the department regardless of the jurisdiction or the department of the initiating officer.

*a. License suspensions.* In the event of a license suspension pursuant to Iowa Code section 481A.133, the clerk of court shall immediately notify the department.

*b. Entering information.* Upon receipt of the information from the clerks of court, the department will, on a weekly basis, enter this information into a computerized system that is directly accessible by the department of public safety communications system for use by the department's license bureau, and all state and local law enforcement officers. Direct access through the department of public safety communications system will be available as soon as practical and is dependent on the development of appropriate computer linkage by the department of public safety.

*c. Disposition report information.* Information from the disposition report that will be entered into a computerized system which includes but may not be limited to the following:

County of violation, name of defendant, address of defendant, social security or driver's license number, date of birth, race, sex, height, weight, date and time of violation, charge and Iowa Code section, officer name/C-number who filed charge, and date of conviction.

**15.6(3) Point values assigned to convictions.** For the purposes of defining a multiple offender the person shall be classified as a multiple offender when the person equals or exceeds a total of five points during a consecutive three-year period using the values attached to the following offenses. Multiple citations and convictions of the same offense will be added as separate convictions:

*a.* Convictions of the following offenses shall have a point value of three attached to them:

- (1) Illegal sale of birds, game, fish, or bait.
- (2) More than the possession or bag limit for any species of game or fish.
- (3) Hunting, trapping, or fishing during the closed season.
- (4) Hunting by artificial light.
- (5) Hunting from aircraft, snowmobiles, all-terrain vehicles or motor vehicle.
- (6) Any violation involving threatened or endangered species.
- (7) Any violations of Iowa Code chapter 482 except sections 482.6 and 482.14.
- (8) Any violation of nonresident license requirements.
- (9) No fur dealer license (resident or nonresident).
- (10) Illegal taking or possession of protected nongame species.
- (11) The taking of any fish, game, or furbearing animal by illegal methods.
- (12) Illegal taking, possession, or transporting of a raptor.
- (13) Hunting, fishing, or trapping while under license suspension or revocation.
- (14) Illegal removal of fish, minnows, frogs, or other aquatic wildlife from a state fish hatchery.
- (15) Any fur dealer violations except failure to submit a timely annual report.
- (16) Any resident or nonresident making false claims to obtain a license.
- (17) Illegal taking or possession of hen pheasant.
- (18) Applying for or acquiring a license while under suspension or revocation.
- (19) For a repeat offense of acquiring a hunting license without hunter safety certification.
- (20) Taking game from the wild—see Iowa Code section 481A.61.
- (21) Violation of Iowa Code section 483A.27(7).

*b.* Convictions of the following offenses shall have a point value of two attached to them:

- (1) Hunting, fishing, or trapping on a refuge.
- (2) Illegal possession of fur, fish, or game.
- (3) Chasing wildlife from or disturbing dens.
- (4) Trapping within 200 yards of an occupied building or private drive.
- (5) Possession of undersized or oversized fish.
- (6) Snagging of game fish.

- (7) Shooting within 200 yards of occupied building or feedlot.
- (8) No valid resident license relating to deer or turkey.
- (9) Illegal importation of fur, fish, or game.
- (10) Failure to exhibit catch to an officer.
- (11) Trapping or poisoning game birds, or poisoning game animals.
- (12) Violations of Iowa Code section 481A.64 pertaining to private fish hatcheries.
- (13) Violations of the fur dealers reporting requirements.
- (14) Violation of Iowa Code section 481A.126 pertaining to taxidermy.
- (15) Loaded gun in a vehicle.
- (16) Attempting to take any fish, game, or furbearing animals by illegal methods.
- (17) Attempting to take game before or after legal shooting hours.
- (18) Wanton waste of fish, game or furbearing animals.
- (19) Illegal discharge of a firearm pursuant to Iowa Code section 481A.54.
- (20) Any violation of Iowa Code section 482.14 pertaining to commercial fishing.
- (21) Failure to tag deer or turkey.
- (22) Applying for or obtaining more than the legal number of licenses allowed for deer or turkey.
- (23) Illegal transportation of game, fish or furbearers.
- (24) Violation of Iowa Code section 483A.27, except subsection (7).

c. All other convictions of provisions in Iowa Code chapters 481A, 481B, 482, 483A, 484A, and 484B shall have a point value of one attached to them.

**15.6(4) *Length of suspension or revocation.***

a. The term of license suspension or revocation shall be determined by the total points accumulated during any consecutive three-year period, according to the following: 5 points through 8 points is one year, 9 points through 12 points is two years, and 13 points or over is three years.

b. Any person convicted of a violation of any provision of Iowa Code chapters 481A, 481B, 482, 483A, 484A, and 484B under the circumstances described in Iowa Code subsection 481A.135(2) shall have an additional suspension of one year. Any person convicted of a violation of any provision of Iowa Code chapters 481A, 481B, 482, 483A, 484A, and 484B under the circumstances described in Iowa Code subsection 481A.135(3) shall have an additional suspension of two years. Any person convicted of a violation of any provision of Iowa Code chapters 481A, 481B, 482, 483A, 484A, and 484B under the circumstances described in Iowa Code subsection 481A.135(4) shall have an additional suspension of three years. The foregoing provisions apply whether or not a person has been found guilty of a simple misdemeanor, serious misdemeanor or aggravated misdemeanor pursuant to Iowa Code subsections 481A.135(2), 481A.135(3) and 481A.135(4). If a magistrate suspends the privilege of a defendant to procure another license and the conviction contributes to the accumulation of a point total that requires the department to initiate a suspension, the term of suspension shall run consecutively up to a maximum of five years. After a five-year suspension, remaining time will be calculated at a concurrent rate.

**15.6(5) *Points applicable toward suspension or revocation.*** If a person pleads guilty or is found guilty of an offense for which points have been established by this rule but is given a suspended sentence or deferred sentence by the court as defined in Iowa Code section 907.1, the assigned points will become part of that person's violation record and apply toward a department suspension or revocation.

**15.6(6) *Notification of intent to suspend or revoke license.*** If a person reaches a total of five or more points, the department shall provide written notice of intent to revoke and suspend hunting, fishing, or trapping licenses as provided in 561—7.16(17A,455A). If the person requests a hearing, it shall be conducted in accordance with 561—Chapter 7.

**15.6(7) *Dates of suspension or revocation.*** The suspension or revocation shall be effective upon failure of the person to request a hearing within 30 days of the notice described in 15.6(6) or upon issuance of an order affirming the department's intent to suspend or revoke the license after the hearing. The person shall immediately surrender all licenses and shall not apply for or obtain new licenses for the full term of the suspension or revocation.

**15.6(8) *Magistrate authority.*** This chapter does not limit the magistrate authority as described in Iowa Code section 483A.21.

**571—15.7(483A) Free hunting and fishing license for low-income persons 65 years of age and older, or low-income persons who are permanently disabled.**

**15.7(1) *Purpose.*** Pursuant to Iowa Code subsection 483A.24(14), the department of natural resources will issue a free annual combination hunting and fishing license to low-income persons who meet the age status or permanently disabled status as defined.

**15.7(2) *Definitions.***

*"Age status"* means a person who has achieved the sixty-fifth birthday.

*"Low-income person"* means a person who is a recipient of a program administered by the state department of human services for persons who meet low-income guidelines.

*"Permanently disabled"* means a person who meets the definition in Iowa Code section 483A.4.

**15.7(3) *Procedure.*** Each person shall apply to the department of natural resources for a license as follows:

*a.* Application shall be made on a form provided by the department and shall include the name, address, height, weight, color of eyes and hair, date of birth, and gender of the applicant. In addition, applicants shall include a copy of an official document such as a birth certificate if claiming age status, or a copy of an award letter from the Social Security Administration or private pension plan if claiming permanent disabled status. The applicant shall indicate on the application which low-income assistance program the applicant is receiving. The application shall include an authorization allowing the department of human services to verify that the applicant is a recipient of the low-income assistance program checked on the application.

*b.* The free annual combination license will be issued by the department upon receipt of a properly completed application. The license will be valid until January 10 of the subsequent year. Proof of eligibility must be submitted each year in order to obtain a free license.

*c.* A person whose income falls below the federal poverty guidelines, but is not a recipient of a state assistance program, may apply for this license by providing the following:

(1) A statement listing income from all sources (i.e., social security, retirement income, wages, dividends and interest, cash gifts, rents and royalties, and other cash income).

(2) A copy of any available document that verifies income (i.e., income tax return, bank statement, social security statement, or other document the applicant considers supportive of income status).

(3) A signed statement by the applicant that the applicant's annual cash income does not exceed the federal poverty limit for the current year.

Federal poverty guidelines are published in February of each year and will be the income standard for applicants from that time until the new limits are available in the subsequent year. The income limit will be shown on the application and will be available upon request from the department.

This rule is intended to implement Iowa Code section 483A.24(17).

**571—15.8(483A) Free lifetime fishing license for persons who have severe physical or mental disabilities.**

**15.8(1) Purpose.** Pursuant to Iowa Code subsection 483A.24(9), the department of natural resources will issue a free lifetime fishing license to Iowa residents 16 or more years of age who have severe mental or physical disabilities who meet the definitions of “Severe mental disability” and “Severe physical disability” in 15.8(2).

**15.8(2) Definitions.** For the purposes of this rule, the following definitions apply:

“*Severe mental disability*” means a person who has severe, chronic conditions in all of the following areas which:

1. Are attributable to a mental impairment or combination of mental and physical impairments;
2. Are likely to continue indefinitely;
3. Result in substantial functional limitations in three or more of the following areas of major life activities: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, or economic self-sufficiency; and
4. Reflect the person’s need for a combination and sequence of services which are of lifelong or an extended duration and are individually planned and coordinated.

“*Severe physical disability*” means a disability that limits or impairs the person’s ability to walk under any of the following circumstances:

1. The person cannot walk 200 feet without stopping to rest.
2. The person cannot walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device.
3. The person is restricted by lung disease to such an extent that the person’s forced expiratory volume for one second, when measured by spirometry, is less than one liter, or the arterial oxygen tension is less than 60 mm/hg on room air at rest.
4. The person must use portable oxygen.
5. The person has a cardiac condition to the extent that the person’s functional limitations are classified in severity as Class 3 or Class 4 according to standards set by the American Heart Association.
  - Class 3—Persons with cardiac disease resulting in marked limitation of physical activity. The person is comfortable at rest, but less than ordinary activity causes fatigue, palpitation, dyspnea, or angina pain.
  - Class 4—Persons with cardiac disease resulting in inability to carry on any physical activity without discomfort. Symptoms of heart failure or the anginal syndrome may be present even at rest. If any physical activity is undertaken, discomfort is increased.
6. The person is severely limited in the person’s ability to walk due to an arthritic, neurological, or orthopedic condition.

**15.8(3) Procedure.** Each person shall apply to the department of natural resources for a license as follows:

- a. Application shall be made on a form provided by the department and shall include the name, address, home telephone number, height, weight, eye and hair color, date of birth, and gender of the applicant.
- b. The application shall be signed and certified by the applicant’s attending physician and, based upon the criteria listed in this rule, declare that the applicant has a severe mental or physical disability.

**571—15.9(483A) Volunteer hunter education instructors.**

**15.9(1) Purpose.** Pursuant to Iowa Code subsection 483A.27(4), the department will certify volunteer instructors to teach the hunter education and ethics course as provided in this chapter.

**15.9(2) Definitions.** For the purposes of this rule:

“*Certified instructor*” means a person who has met all criteria in this rule.

“*Course*” means the department’s hunter education and ethics course.

“*Department*” means the Department of Natural Resources, Wallace State Office Building, Des Moines, Iowa 50319-0034.

“*Instructor applicant*” means a person who has applied to become a certified volunteer hunter education instructor.

**15.9(3) Minimum qualifications.** The following conditions must be satisfied before any person can become a certified instructor. Failure to meet these conditions will result in the denial of the application. The instructor applicant will be notified of the denial by the recreational safety coordinator. An instructor applicant shall:

*a.* Submit an application as provided by the department to the local conservation officer or recreational safety officer.

*b.* Be at least 18 years of age.

*c.* Have experience in handling firearms and bows and arrows.

*d.* Have completed the course as defined in subrule 15.9(2).

*e.* Attend and pass an instructor’s training and certification course administered by the department.

*f.* Submit to a background check. This check will include, but not be limited to, a criminal history check as provided by the department of public safety. A record of a felony conviction will disqualify the applicant.

*g.* Be disqualified, even if involved in an apprenticeship, if that person has accumulated any multiple offender points pursuant to rule 571—15.6(481A).

*h.* Successfully complete the apprenticeship as required in subrule 15.9(4).

**15.9(4) Instructor applicant apprenticeship.** Once an instructor applicant has met all of the criteria, as provided in subrule 15.9(3), the applicant will apprentice with a certified instructor until such time as the instructor applicant can satisfactorily perform all facets required of a certified instructor.

*a.* The minimum amount of time for an instructor applicant to apprentice will be the following:

Participation in three courses and attendance at one local instructor workshop as conducted by the recreational safety officer.

*b.* The recreational safety officer will make the determination as to which certified instructor will be supervising the instructor applicant during the apprenticeship.

*c.* The recreational safety officer will approve an instructor applicant for certification based upon the following:

(1) Successful completion of the minimum course requirements.

(2) Recommendation for certification from the supervising certified instructor.

(3) Lack of just cause objections from the local conservation officer(s), local chief instructor (if applicable), and the recreational safety coordinator.

**15.9(5) Certified hunter education instructor responsibilities.** A certified instructor has the following responsibilities.

*a.* To complete all prerequisites to becoming an instructor as provided in subrules 15.9(3) and 15.9(4).

- b. To follow all policies and procedures as set forth in the current "Instructor Procedures Manual."
- c. To assist in the recruitment and training of additional volunteer instructors.
- d. To recruit and train students in the Iowa hunter education and ethics program.
- e. To actively promote the program in the instructor's county and to arrange for publicity on each new class.
- f. To maintain a file on all students that the instructor teaches.
- g. To accurately fill out all required forms and reports for each class and mail that material to the recreational safety coordinator within 15 days after the completion of the course.
- h. To teach the course as prescribed by the department.
- i. To maintain order and discipline in the classroom, field, and firing line at all times.
- j. To actively participate in one course every two years.
- k. To attend a minimum of one continuing education instructor workshop as provided by the department every three years.

**15.9(6) Inactive instructors.** If a certified instructor fails to comply with paragraphs 571—15.9(5) "j" and 571—15.9(5) "k," the certified instructor will be placed on inactive status.

- a. The inactive instructor will not be allowed to conduct a course and certify students as long as the instructor is on inactive status.
- b. The inactive instructor can be reactivated by attending an instructor certification workshop as provided by the department.
- c. If an instructor remains inactive for a period of two years, that instructor will be required to turn in the instructor card to the department and will no longer be considered a certified hunter education instructor. The inactive instructor will be notified by the department regarding the termination of the instructor's certification.

**15.9(7) Grounds for revocation of instructor certification.** The department may, at any time, seek to revoke the instructor certification of any person who:

- a. Fails to meet the instructor responsibilities as outlined in subrule 15.9(5).
- b. Fails to follow the policies and procedures as set forth in the current "Instructor Procedures Manual."
- c. Falsifies any information as may be required by the department.
- d. Fails, after two notices, to provide the department with the required records of students trained and certificates of competency issued.
- e. Handles any firearm or bow in an unsafe manner, or allows any other student or instructor to handle firearms or archery equipment in a reckless or unsafe manner.
- f. Is convicted of or forfeits bond for any fish and game violation of this state or any other state.
- g. Uses abusive or foul language while conducting a course.
- h. Participates in a course while under the influence of alcohol or any illegal drugs.
- i. Remains on the inactive instructor list for a period of five years or more.
- j. Has substantiated complaints filed against the instructor by the public, department personnel, or other certified instructor(s).
- k. Is convicted of a felony, aggravated or serious misdemeanor as defined in the statutes of this state. This would also include any felonies or comparable misdemeanors of any other state.
- l. Receives compensation directly or indirectly from students for time spent on preparing for or participating in a course.

**15.9(8) Termination of certification.** Any certified instructor has the right, at any time, to voluntarily terminate certification. If an instructor terminates certification, voluntarily, or is terminated by the department, that instructor must return to the department the certification card and any and all materials that were provided.

**15.9(9) Compensation for instructors.** Instructor applicants and certified instructors shall not receive any compensation either directly or indirectly from students for their time while preparing for or participating in a course. However, instructor applicants and certified instructors may require students to pay for actual course-related expenses involving facilities and materials other than those provided by the department.

**15.9(10) Hearing rights.** If the department seeks to revoke an instructor certification pursuant to subrule 15.9(7), the department shall provide written notice of intent to revoke the certification as provided in 561—7.16(17A,455A). If the certified instructor requests a hearing, it shall be conducted in accordance with 561—Chapter 7.

This rule is intended to implement Iowa Code section 483A.27.

**571—15.10(483A,321G,462A) Volunteer bow and fur harvester education instructors, snowmobile and all-terrain vehicle (ATV) safety instructors and boating safety instructors.**

**15.10(1) Purpose.** Pursuant to Iowa Code sections 483A.27(4), 321G.23(2) and 462A.1, the department will certify volunteer instructors to teach the bow, fur harvester, snowmobile, ATV and boating education courses.

**15.10(2) Definitions.** For the purposes of this rule:

“*Certified instructor*” means a person who has met all criteria in this rule.

“*Course*” means the department’s bow, fur harvester, snowmobile, ATV, and boating education courses.

“*Department*” means the Department of Natural Resources, Wallace State Office Building, Des Moines, Iowa 50319-0034.

“*Instructor applicant*” means a person who has applied to become a certified volunteer instructor for one of the above-named courses.

**15.10(3) Minimum qualifications.** The following conditions must be satisfied before any person can become a certified instructor. Failure to meet these conditions will result in the denial of the application. The instructor applicant will be notified of the denial by the recreational safety coordinator. An instructor applicant shall:

- a. Submit an application as provided by the department to the local conservation officer or recreational safety officer.
- b. Be at least 18 years of age.
- c. Have experience in handling equipment that is necessary for the various prescribed courses such as firearms, bows and arrows, furbearer traps, snowmobiles, ATVs, and various navigational vessels.
- d. Have completed the course as defined in subrule 15.10(2).
- e. Attend and pass an instructor’s training and certification course administered by the department.
- f. Submit to a background check. This check will include, but not be limited to, a criminal history check as provided by the department of public safety. A record of a felony conviction will disqualify the applicant.
- g. Be disqualified if the person has accumulated any habitual offender points pursuant to rule 571—15.6 (481A), or other license suspension by the court or department.

**15.10(4) *Certified education instructor responsibilities.*** A certified instructor has the following responsibilities:

- a. To complete all prerequisites to becoming an instructor as provided in subrule 15.10(3).
- b. To follow all policies and procedures as set forth in the current "Instructor Procedures Manual."
- c. To assist in the recruitment and training of additional volunteer instructors.
- d. To recruit and train students in the applied-for prescribed course program.
- e. To actively promote the program in the instructor's county and to arrange for publicity on each new class.
- f. To maintain order and discipline in the classroom and outdoor classroom at all times.
- g. To accurately fill out all required forms and reports for each class and mail that material to the recreational safety coordinator within 15 days after the completion of the course.
- h. To teach the course as prescribed by the department.
- i. To maintain a file on all students that the instructor teaches.
- j. To actively participate in one course every two years. If this requirement is not met, the instructor may be terminated after being notified by the recreational safety coordinator by letter.

**15.10(5) *Grounds for revocation of instructor certification.*** The department may, at any time, seek to revoke the instructor certification of any person who:

- a. Fails to meet the instructor responsibilities as outlined in subrule 15.10(4).
- b. Fails to follow the policies and procedures as set forth in the current "Instructor Procedures Manual."
- c. Falsifies any information as may be required by the department.
- d. Handles any equipment in an unsafe manner, or allows any other student or instructor to handle equipment in a reckless or unsafe manner.
- e. Is convicted of or forfeits bond for any fish and game, snowmobile, ATV or navigation violation of this state or any other state.
- f. Uses abusive or foul language while conducting a course.
- g. Participates in a course while under the influence of alcohol or any illegal drugs.
- h. Has substantiated complaints filed against the instructor by the public, department personnel or other certified instructor(s).
- i. Fails to meet the requirement in 15.10(4) "j."
- j. Is convicted of a felony, aggravated or serious misdemeanor as defined in the statutes of this state. This would also include any felonies or comparable misdemeanors of any other state.
- k. Receives compensation directly or indirectly from students for time spent on preparing for or participating in a course.

**15.10(6) *Termination of certification.*** Any certified instructor has the right, at any time, to voluntarily terminate certification. If an instructor terminates certification voluntarily or is terminated by the department, that instructor must return to the department the certification card and any and all materials that were provided.

**15.10(7) *Compensation for instructors.*** Instructor applicants and certified instructors shall not receive any compensation either directly or indirectly from students for their time while preparing for or participating in a course. However, instructor applicants and certified instructors may require students to pay for actual course-related expenses involving facilities and materials other than those provided by the department.

**15.10(8) *Hearing rights.*** If the department seeks to revoke an instructor certification pursuant to subrule 15.10(5), the department shall provide written notice of intent to revoke the certification as provided in 561—7.16(17A,455A). If the certified instructor requests a hearing, it shall be conducted in accordance with 561—Chapter 7.

This rule is intended to implement Iowa Code sections 483A.27(4) and 321.23(2).

**571—15.11(483A) *Transportation tags for military personnel on leave from active duty.***

**15.11(1) *Military transportation tags for deer and turkey.*** The military transportation tag shall include the following information: name, birth date, current address of military person; species and sex of animal taken; date of kill; and weapon used. Only conservation officers of the department shall be authorized to issue military transportation tags.

**15.11(2) *Annual limit for military transportation tags.*** A person receiving a military transportation tag shall be limited to one military deer tag and one military turkey tag annually.

**15.11(3) *Regulations apply to military personnel.*** With the exception of the license requirement exemption set forth in Iowa Code section 483A.24(6), all hunting and fishing regulations shall apply to active duty military personnel.

This rule is intended to implement Iowa Code section 483A.24(9).

**571—15.12(483A) *Refunds or changes for special deer and turkey permits and general licenses.***

**15.12(1) *Invalid applications.*** Deer and turkey permit applications that are received too late for processing after the closing date for acceptance of applications or applications that are invalid on their face will be returned unopened to the applicant. Permit fees related to applications which are determined to be invalid by a computer analysis or other analysis after the applications have been processed will be refunded to the applicant, less a \$10 invalid application fee to compensate for the additional processing cost related to an invalid application.

**15.12(2) *Death of applicant.*** Deer or turkey permit fees will be refunded to the applicant's estate when the permittee's death predates the season for which the permit was issued and a written request is received from the permittee's spouse, executor or estate administrator within 90 days of the last date for which the permit was issued.

**15.12(3) *National or state emergency.*** Deer or turkey permit fees will be refunded if the permittee is a member of the National Guard or a reserve unit and is activated for a national or state emergency which occurs during the season for which the permit was issued. A written refund request must be received by the DNR within 90 days of the last date of the season for which the permit was issued.

**15.12(4) *Permit changes.*** The agency will attempt to change an applicant's choice of season or type of permit if a written or telephonic request is received by the license bureau in sufficient time, usually 20 days, prior to printing the permit, and if the requested change does not result in disadvantage to another applicant. Telephonic change requests must be verified in writing by the requester before a change request will be honored. The agency's ability to accommodate requests to change season or permit type is dependent on workload and processing considerations. If the agency cannot accommodate a request to change a season or type choice, the permit will be issued as originally requested by the applicant. No refund will be allowed. The agency will not change the name on the permit from that submitted on the application.

**15.12(5) General hunting and fishing licenses duplicate purchase.** Upon a showing of sufficient documentation, usually a photocopy of the licenses, that more than one hunting or fishing license was purchased by or for a single person, the agency will refund the amount related to the duplicate purchase. A written refund request, with supporting documentation, must be received by the license bureau within 90 days of the date on the face of the duplicate licenses.

**15.12(6) Other refund requests.** Except as previously described, the agency will not issue refunds for any licenses, stamps or permits related to fishing and hunting.

This rule is intended to implement Iowa Code section 483A.9.

These rules are intended to implement Iowa Code sections 321.23(2), 481A.38 and 481A.134 and Iowa Code chapter 483A.

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