S T A T E O F N E W Y O R K

8116

I N S E N A T E

June 9, 2010

Introduced by Sen. AUBERTINE -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to the transfer of a lifetime license for hunting, fishing and trapping

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

Section 1. Subdivision 2 of section 11-0703 of the environmental conservation law, as amended by chapter 344 of the laws of 2008, is amended to read as follows:

2. [No] EXCEPT AS PROVIDED IN SECTION 11-0704 OF THIS TITLE, NO license, permit, tag or stamp is transferable. No person shall alter, change, lend to another or attempt to transfer to another any license or any button, permit, tag or stamp issued therewith. No person, while hunting, shall possess a license, button, permit, tag or stamp which was issued to another person unless actually accompanied by the person to whom such license, button, permit, tag or stamp was issued. No person shall purchase, possess or use more than one junior archery, junior hunting, small and big game, big game, bowhunting, muzzle-loading, sportsman, or resident super-sportsman license or stamp, non-resident bowhunting or muzzle-loading license, non-resident super-sportsman license, non-resident bear tag or special permit for the current license year, except as permitted by regulation of the department. Notwithstanding the prohibitions contained in this subdivision, the department may authorize by rule or regulation the transfer of deer management permits, issued pursuant to section 11-0913 of this article, to any person licensed to hunt deer pursuant to this title.

S 2. The environmental conservation law is amended by adding a new section 11-0704 to read as follows:

S 11-0704. TRANSFER OF A LIFETIME LICENSE.

A LIFETIME LICENSE, AS PROVIDED IN SECTION 11-0702 OF THIS TITLE, IS NOT TRANSFERABLE TO ANY PERSON UNLESS:

1. THE PERSON TO WHOM SUCH LICENSE AND PERMIT WAS ISSUED DIES WITHIN ONE YEAR OF THE ISSUANCE DATE OF SUCH LICENSE AND PERMIT; AND

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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2. THE PERSON TO WHOM SUCH LICENSE AND PERMIT IS TO BE TRANSFERRED IS A LEGAL RESIDENT OF THIS STATE PURSUANT TO THIS TITLE; AND

3. THE PERSON TO WHOM SUCH LICENSE AND PERMIT IS TO BE TRANSFERRED WOULD OTHERWISE BE ELIGIBLE TO PURCHASE SUCH LICENSE AND PERMIT; AND

4. THE PERSON TO WHOM SUCH LICENSE IS TO BE TRANSFERRED IS RELATED TO THE PERSON TO WHOM SUCH LICENSE WAS ISSUED BY THE FIRST DEGREE OF CONSANGUINITY, OR LEGAL MARRIAGE TO SUCH PERSON, OR IS THE ADOPTED CHILD OR STEP CHILD OR STEP SIBLING OF SUCH PERSON; AND

5. DESIGNATION IS MADE BY THE PERSONAL REPRESENTATIVE OF THE DECEDENT'S ESTATE; AND

6. THE APPLICATION FOR TRANSFER IS MADE WITHIN THREE YEARS OF THE ISSUANCE OF THE LICENSE; AND

7. THE PERSON TO WHOM SUCH LICENSE AND PERMIT IS TRANSFERRED PAYS THE FEE AS SET FORTH IN SECTION 11-0702 OF THIS TITLE; AND

8. SUCH LICENSE AND PERMIT HAS NOT BEEN PREVIOUSLY TRANSFERRED.

PROVIDED, HOWEVER, THAT SUBDIVISIONS ONE AND SIX OF THIS SECTION SHALL NOT APPLY WHEN THE PERSON TO WHOM SUCH LICENSE WAS ISSUED DIED WHILE SERVING IN THE ACTIVE UNITED STATES MILITARY, NAVAL, OR AIR SERVICES DURING A PERIOD OF WAR.

S 3. Subdivision 1 of section 11-0702 of the environmental conservation law, as separately amended by section 2 of parts KK and LL of chapter 59 of the laws of 2009, is amended to read as follows:

1. There are hereby created the following lifetime hunting, fishing, trapping, archery and muzzle-loading licenses and fees therefor subject to the same privileges and obligations of a comparable short term license:

Licenses	Fees
a. Lifetime sportsman license and turkey permit. If purchased, for a child four years of age or younger	$380.00
for a child age five through eleven years of age	$535.00
for a person age twelve through sixty-nine years of age	$765.00
for a person age seventy and over.	$65.00
b. Lifetime small and big game license.	$535.00
c. Lifetime fishing license for a person age sixty-nine or younger.	$460.00
d. Lifetime fishing license for a person age seventy and over.	$ 65.00
e. Lifetime trapping license.	$395.00

f. Lifetime archery stamp.	$235.00
g. Lifetime muzzle-loading stamp.	$235.00
[g.] H. Lifetime recreational marine fishing license.	$150.00
[h.] I. Lifetime combination fishing and recreational marine fishing license.	$450.00
J. FOR TRANSFER TO A PERSON PURSUANT TO SECTION 11-0704 OF THIS TITLE	$50.00

The holder of a lifetime small and big game license or fishing license may, at any time, convert such license to a lifetime sportsman license and turkey permit for an additional fee equal to the existing differential.

S 4. This act shall take effect on the one hundred twentieth day after it shall have become a law; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.