§ 11-0713. Procedure in issuing licenses.

1. a. All licenses, bowhunting privileges, muzzle-loading privileges, tags, permits, registrations, and permit applications authorized by this title or section 13-0355 of this chapter, and any additional privileges authorized by the department shall be issued by:

(1) clerks of a county, town or city, except a city having a population of one million or more, although such clerks may request authorization from the department to cease issuing such licenses or registrations,

(2) clerks of a village having more than one thousand inhabitants according to the last preceding federal census, or of a village in a county of less than five hundred thousand inhabitants, adjoining a city of over one million inhabitants, both according to such census, although such clerks may request authorization from the department to cease issuing such licenses or registrations, and

(3) license issuing officers as may be appointed by the commissioner. Applicants for designation as license issuing officers shall be over the age of eighteen years and shall meet such other requirements of eligibility, including posting bond, as the department may by regulation specify. Such issuing officers shall be entitled to receive and keep the same fees for issuing licenses and stamps that are specified in section 11-0715 of this title for issuing clerks, and shall file reports and remit license fees to the appropriate regional environmental conservation officer or the department as required by regulation.

b. Special antlerless deer licenses shall be issued by the department as provided in subdivision 6 of section 11-0903 of this article.

c. One-day fishing licenses may be issued by any person who has never been convicted of or pleaded guilty to a misdemeanor under this chapter within the past three years, and has not been convicted of a crime under any other law. Such licenses shall be issued to any such person following payment of the applicable license fee for each license. One-day fishing licenses may be sold by the initial purchaser for no more than the applicable license fee, plus one dollar for the person selling such license. In the case of misuse or fraud in handling the

fishing licenses, the department shall have the authority to revoke the privilege to buy and sell the licenses.

2. The issuing officer shall not issue a hunting license or bowhunting privilege or muzzle-loading privilege to a person between the ages of twelve and sixteen years unless, at the time of issuance, the applicant is accompanied by his or her parent or legal guardian who shall consent to the issuance of the license and shall so signify by signing his or her name in ink across the face of it. At no time shall such licenses be issued by mail to persons between the ages of twelve and sixteen years.

3. a. Subject to the provisions of paragraph b of this subdivision, the issuing officer shall not issue a license, privilege, tag, permit, or permit application which authorizes the holder to hunt wildlife, to any person unless the applicant presents:

(1) a license which authorizes the holder to hunt wildlife issued to him previously; or

(2) an affidavit from a license issuing officer stating that applicant previously has been issued a license which authorizes the holder to hunt wildlife; or

(3) a certificate of qualification in responsible hunting, responsible bowhunting and responsible trapping practices, including safety, ethics and landowner-hunter relations, issued or honored by the department, pursuant to this subdivision.

b. (1) The issuing officer shall not issue a bow hunting privilege to any person unless the applicant presents a hunting license issued to that person for the corresponding license year and a New York state license which authorizes the holder to exercise the privilege of hunting with a longbow issued in 1980 or later, an affidavit as provided in subparagraph 2 of paragraph a of this subdivision or a certificate of qualification in responsible bowhunting practices issued or honored by the department.

(2) The issuing officer shall not issue a trapping license to any person unless the applicant presents a trapping license issued to him or her previously, an affidavit as provided in subparagraph 2 of paragraph a of this subdivision or a certificate of qualification in responsible

trapping practices.

(3) The issuing officer shall not issue a muzzle-loading privilege to any person unless the applicant presents a hunting license issued to that person for the corresponding license year and such person is at least fourteen years old.

c. Certifications of qualification in responsible hunting, responsible bowhunting and responsible trapping practices may be made by duly qualified and designated persons, whose fitness to give instructions in said practices has been determined by an agent of the department. The department may designate any person it deems qualified to act as its agent in the giving of instruction and the making of certification. No charge shall be made for any certificate or instruction given to a person to qualify him or her to obtain a license or privilege other than for certain instruction and materials accredited by the department to provide preparation for final instruction and testing by agents of the department or for replacement education certificates for a commission of one dollar to the issuing agent. The department shall make available to the public courses without charge which do not require additional preparation at the expense of students, and may also offer optional courses which require preparatory instruction which may be at the expense of the student. The department may make rules and regulations which in its opinion effectuate better the purpose of this subdivision.

4. a. A person who has lost or accidentally destroyed a license or privilege authorizing the holder to hunt, fish, or trap may apply to the officer who issued it for a certificate in lieu thereof. Such officer shall issue a certificate stating the name and address of the applicant, the type of license issued and the fee, if any, paid for it. Applications and certificates furnished by the department shall be used for this purpose.

b. A person who has lost or accidentally destroyed a tag issued with such a license or privilege may apply to any license issuing officer for a duplicate and the department shall issue a duplicate tag when satisfied that the application is made in good faith.

c. A person who has lost or accidentally destroyed a deer management permit may apply to any license issuing officer for a duplicate. Such officer shall issue a duplicate tag when satisfied that the application is made in good faith. The officer shall also issue a certificate stating the name and address of the applicant, the identifying number of the tag that is being issued and the fee, if any, paid for it. Applications and tags furnished by the department shall be used for this purpose.

5. The commissioner shall establish a toll-free telephone number or a dedicated number for use to purchase sporting licenses by credit card purchasers. Notwithstanding any inconsistent provision of this chapter, the commissioner may authorize the sale of licenses via the internet, telephone or mail and establish procedures therefor, and may, through bulk sales or otherwise, furnish licenses for retail sale to outdoor and recreational outlets and not-for-profit organizations, and the department may sell licenses at department facilities. Except as provided in subdivision 1 of this section, a license sold at retail shall not be sold for a price which exceeds the fee for such license established in the fish and wildlife law.

6. The department shall require training in the safe use of hunting with a crossbow and safe hunting practices in the basic hunter education course required for all new hunters. All persons who have completed hunter education and who have not certified their completion of a safety course which includes crossbow hunting training prior to April first, two thousand fourteen shall complete an online or other training program approved by the department prior to using a crossbow to hunt.

7. The commissioner shall ensure that space is provided on any form for application or renewal of a license issued pursuant to this title so that the applicant shall register or decline registration in the donate life registry for organ, eye and tissue donations pursuant to section forty-three hundred ten of the public health law and that the following is stated on the form in clear and conspicuous type:

"You must fill out the following section: Would you like to be added to the Donate Life Registry? Check box for 'yes' or 'skip this

question'."

The commissioner of health shall not maintain records of any person who checks "skip this question". Except where the application is made in person or electronically, failure to check a box shall not impair the validity of an application, and failure to check "yes" or checking "skip this question" shall not be construed to imply a wish not to donate. In the case of an applicant under eighteen years of age, checking "yes" shall not constitute consent to make an anatomical gift or registration in the donate life registry, except as otherwise provided pursuant to the provisions of paragraph (b) of subdivision one of section forty-three hundred one of the public health law. Where an applicant has previously consented to make an anatomical gift or registered in the donate life registry, checking "skip this question" or failing to check a box shall not impair that consent or registration.