

Request for preliminary adoption of amendments to 312 IAC 9-12 governing the special circumstances hunter safety card for individuals with a disability; Administrative Cause No. 14-141D

This year, the Indiana General Assembly passed a law (IC 14-22-12-1.8) that allows the DNR to issue a “special circumstances hunter safety card” to an individual with a disability, as described in the rule, that attends a hunter education class, but is not able to successfully pass the exam. A special hunter education card could be issued that would allow them to hunt as long as the individual is in close proximity to a licensed hunter that is at least 18 years old.

IC 14-22-12-1.8

Special circumstances hunter; card

Sec. 1.8. (a) As used in this section, "individual with special circumstances" means an individual who:

- (1) has a developmental disability (as defined by IC 12-7-2-61);
- (2) is determined to be a child with a disability (as defined by IC 20-35-1-2); or
- (3) has a permanent disability as determined by rules adopted by the department.

(b) As used in this section, "special circumstances hunter" means an individual with special circumstances who hunts under a special circumstances hunting safety card issued under this section.

(c) As used in this section, "special circumstances hunting safety card" refers to the card issued to a special circumstances hunter.

(d) The department may issue a special circumstances hunting safety card to a resident or nonresident who qualifies under the rules adopted by the department as authorized under this section.

(e) The commission shall establish the criteria for determining qualifications for a special circumstances hunting safety card.

(f) A special circumstances hunter may hunt in Indiana if the special circumstances hunter attends the course of instruction in hunter education offered by the department or the department's agent under IC 14-22-35.

(g) A special circumstances hunter must:

(1) comply with the requirements under this article, including obtaining a valid hunting license issued under IC 14-22-11, and the rules adopted by the department; and

(2) while hunting, be accompanied by an individual who:

(A) is at least eighteen (18) years of age; and

(B) holds a valid hunting license issued under IC 14-22-11.

(h) An individual described in subsection (g)(2) who accompanies a special circumstances hunter:

(1) must be in close enough proximity to monitor the special circumstances hunter's activities and communicate with the special circumstances hunter at all times; and

(2) may not accompany more than two (2) holders of a special circumstances hunting safety card at one (1) time.

(i) The department shall adopt rules under IC 4-22-2 to carry out this section.

As added by P.L.204-2014, SEC.2.

TITLE 312 NATURAL RESOURCES COMMISSION

Proposed Rule
LSA Document #14-

Adds 312 IAC 9-12-2.5 governing special circumstances hunter safety cards. Amends 312 IAC 9-12-3 to allow an individual with a special circumstances hunter safety card to purchase a hunting license. Effective thirty (30) days after filing with the Publisher.

312 IAC 9-12-2.5; 312 IAC 9-12-3

SECTION 1. 312 IAC 9-12.2.5 IS ADDED TO READ AS FOLLOWS:

312 IAC 9-12-2.5 Special Circumstances Hunter Education Certification

Authority: IC 14-10-2-4; IC 14-22-2-6; IC 14-22-12-1.8

Affected: IC 14-22

Sec. 2.5. (a) As used in this section, “individual with special circumstances” means an individual who:

- (1) has a developmental disability as defined by IC 12-7-2-61;**
- (2) is a child with a disability as defined by IC 20-35-1-2;**
- (3) has a developmental disability as defined by IC 12-7-2-61 that manifests itself on or after the individual is twenty-two (22) years of age and is due to injury or disease, but excludes an impairment which is attributable to the normal aging process.**

(b) The department may issue a special circumstances hunting safety card under this section to an individual with special circumstances as described in this section who attends a complete course of instruction in hunter education offered by the department or the department’s agent under IC 14-22-35 but is unable to pass the examination.

(c) An individual with special circumstances must apply for a special circumstances hunting safety card on a completed and signed departmental form that includes a statement of disability completed by a licensed physician or nurse practitioner. If the applicant is under the age of eighteen (18), a parent or legal guardian who is legally responsible for the applicant’s activities must sign the application.

SECTION 2. 312 IAC 9-12-3 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-12-3 Demonstration of compliance with hunter education requirements

Authority: IC 14-10-2-4; IC 14-22-2-6

Affected: IC 4-21.5; IC 14-22-11-3; IC 14-22-12-1.7

Sec. 3. (a) An agent duly appointed by the director under IC 14-22-11-3, or a clerk of a county circuit court, must not issue a hunting license to an individual subject to section 2 of this rule unless the individual:

- (1) demonstrates compliance with section 2 or 2.5 of this rule; or**
- (2) purchases an apprentice hunting license under IC 14-22-12-1.7.**

(b) An individual subject to section 2 **or 2.5** of this rule may demonstrate successful completion of a hunter education program by any one (1) of the following methods:

(1) The presentation of a certificate of completion that indicates a hunter education program offered by the department or the department's agent was successfully completed by the applicant. A certificate of completion shall be completed on a department form.

(2) For an individual less than twelve (12) years of age upon completion of attendance at a hunter education course, the presentation of a certificate of attendance that indicates a hunter education program offered by the department or the department's agent has been monitored by the applicant. A license issued under this subdivision authorizes an applicant to hunt only if the applicant is accompanied by a parent or guardian. A certificate of attendance shall be prepared on a department form.

(3) A statement made under oath or affirmation by the applicant, on a department form, stating the applicant successfully completed a hunter education program approved under section 2 of this rule.

(4) A properly completed hunting license issued previously to the applicant.

(5) A final order from the commission under IC 4-21.5 and 312 IAC 3 stating the applicant is entitled to receive a hunting license.

(6) The presentation of a special circumstances hunter safety card issued by the department.

(Natural Resources Commission; 312 IAC 9-12-3; filed May 27, 1997, 3:50 p.m.: 20 IR 2758; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Nov 3, 2009, 3:34 p.m.: 20091202-IR-312090044FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA)