

R12-4-409. General Provisions and Penalties for Special Licenses

A. Special licenses are listed as follows:

1. Aquatic wildlife stocking permit, prescribed by R12-4-410;
2. Game bird field training permit, prescribed by R12-4-416;
3. Game bird field trial license, prescribed by R12-4-415;
4. Game bird hobby license, prescribed by R12-4-419;
5. Game bird shooting preserve license, prescribed by R12-4-414;
6. Live bait dealer's license, prescribed by R12-4-411;
7. Private game farm license, prescribed by R12-4-413;
8. Scientific collecting permit, prescribed by R12-4-418;
9. Sport falconry license, prescribed by R12-4-422;
10. White amur stocking and holding license, prescribed by R12-4-424;
11. Wildlife holding license, prescribed by R12-4-417;
12. Wildlife rehabilitation license, prescribed by R12-4-423;
13. Wildlife service license, prescribed by R12-4-421; and
14. Zoo license, prescribed by R12-4-420.

B. An applicant for any special license listed in subsection (A) shall submit an application to the Department for that license according to the Section that prescribes requirements for that special license. Applications for special licenses are available at any Department office. The Department shall either grant or deny a special license within the overall time-frame prescribed for that special license under R12-4-106, and in a manner consistent with A.R.S. Title 41, Section 6, Article 7.1. By signing the application, the applicant attests that they are authorized or have permission to conduct special license activities at any locations specified in the application.

C. In addition to any criteria prescribed by a special license's governing Section, the Department shall deny a special license to an applicant if:

1. The applicant's live wildlife privileges are revoked or suspended in this state, any other state, or by the United States;
2. The applicant has been convicted of illegally holding or possessing live wildlife within three years of applying for a special license;
3. The applicant knowingly provides false information on an application; or
4. The applicant submits an incomplete application.

D. If an individual obtains a special license despite meeting any criteria for denial, the license shall be void and of no effect from the date of issuance. If an applicant is denied a special license listed in subsection (A), the Department shall provide a written notice to the applicant that states the reason for denial with references to the statutes or rules on which the denial is based. The applicant may appeal the denial to the Commission as prescribed in A.R.S. Title 41, Chapter 6, Article 10.

E. Special license holders are not exempt from any municipal, county, state or federal statutes, rules, or ordinances. A special license does not authorize an individual to engage in any activity using wildlife if the wildlife is protected by federal regulation. A special license holder may only engage in authorized activities using federally-protected wildlife if the license holder possesses a valid license, permit, or other form of documentation issued by the United States that authorizes the license holder to use that wildlife in a manner consistent with the special license.

F. The Department has the authority to place additional stipulations on a special license at the time of application or renewal if necessary to conserve wildlife populations, prevent introduction and proliferation of wildlife diseases, prevent wildlife from escaping, or for public health or safety.

G. A special license holder shall keep live wildlife in a facility according to the captivity standards prescribed by R12-4-428, or if applicable, as otherwise required by the Section that prescribes captivity requirements under the special license. The Department may authorize one of its employees to make a reasonable inspection of a facility to ensure that it complies with all requirements prescribed by this Article. The Department shall ensure that an inspection does not inadvertently transmit disease among facilities.

H. A special license holder shall keep records according to the Section that prescribes requirements for the special license. The license holder shall make the records available for inspection to any authorized Department employee upon reasonable request.

I. If a disease or other emergency condition exists that poses an immediate threat to the public or the welfare of wildlife, including wildlife held under a special license, as determined by a person with relevant expertise, the Department shall immediately order a cessation of operation under the special license and, if necessary, order humane disposition or quarantine of any contaminated or threatened wildlife. The license holder shall perform disease testing, submit biological samples to the Department or its designee, quarantine the wildlife, or destroy the wildlife as directed by the Department. The license holder shall ensure that any disease giving rise to an emergency condition under this subsection is diagnosed by an individual or individuals professionally certified to make the diagnosis. Once operation has ceased and an emergency no longer exists, subsection (J) applies.

J. If a condition exists, including disease or any violation of this Article, that poses a threat to the welfare of wildlife, including the wildlife held, or the public, but the threat does not constitute an emergency, the Department shall provide the license holder a written notice of the condition, by certified mail or personal service, specifying a

reasonable time for the license holder to cure the noticed condition. Failure of the license holder to cure the noticed condition within the time specified by the Department is a violation under subsection (K). If a licensee receives three notices under this subsection for the same condition within a two-year period, the Department shall treat the third notice as a failure to cure.

- K. The Department has the authority to do any or all of the following as it deems necessary: file criminal charges; suspend a special license; seize, or seize in place any wildlife held under a special license, and unless the license holder appeals the conviction, humanely dispose of the wildlife, if a special license holder:
1. Violates any provision of this Section;
 2. Violates any provision of the special license that the individual possesses, including any stipulations applied by the Department;
 3. Violates A.R.S. § 13-2908, relating to criminal nuisance;
 4. Violates A.R.S. § 13-2910, relating to cruelty to animals;
 5. Is convicted of any other criminal offense involving cruelty to animals;
 6. Refuses to allow reasonable inspection of facilities, wildlife, or required records; or
 7. Fails to keep records or submit reports if required by this Section or the Section that governs any special license, listed in subsection (A), that the individual possesses.
- L. An individual may appeal to the Commission any Department action listed in subsection (K), except filing of criminal charges, as prescribed by A.R.S. Title 41, Chapter 6, Article 10.
- M. All special licenses listed in subsection (A) expire on December 31 for the year issued unless otherwise specified in the governing Section. If the special license holder does not submit an application to the Department for a new license by the date that the license expires, any live wildlife possessed under the license is considered unlawfully possessed, and the Department has the authority to seize it. If the special license holder submits an application for a new license on or before the date that the license expires, the license holder's current license remains valid until the Department grants or denies the new special license. If the Department denies the new license, and the license holder appeals the denial to the Commission as prescribed by subsection (D), the license holder may continue to hold the wildlife until the date that the Commission makes its final decision on the denial.
- N. If the special license holder chooses to renew the license, the license holder shall submit an application for a new license as required by the governing Section.
- O. If required by the governing Section, a special license holder shall submit an annual report to the Department before January 31 of each year on activities performed under the license for the previous calendar year. If the license holder is acting as a representative of an institution, organization, or agency for the purposes of the special license, the annual report is due within 30 days after the license holder's termination of affiliation with that entity. The special license holder shall submit the following information and any additional information required by the governing Section.
1. The license holder's name, address, telephone number, and special license number;
 2. The number and species of all restricted live wildlife obtained and the date when it was obtained;
 3. The source of all restricted live wildlife obtained and the date when it was obtained;
 4. The number of offspring propagated by all restricted live wildlife; and
 5. If applicable, the number, species, and date of disposition and manner of disposition of all wildlife, including the names and addresses of individuals to whom the wildlife was sold, bartered, or given, if authorized.

Historical Note

Adopted effective April 28, 1989 (Supp. 89-2). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Amended by final rulemaking at 7 A.A.R. 2732, effective July 1, 2001 (Supp. 01-2). Amended by final rulemaking at 9 A.A.R. 3186, effective August 30, 2003 (Supp. 03-3). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1).