

RULE

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

Physically Challenged—Hunter Permit
(LAC 76:XIX.105)

The Wildlife and Fisheries Commission does hereby promulgate rules governing the issuance and methods by which disabled hunters permits will be issued.

Title 76

WILDLIFE AND FISHERIES

Part XIX. Hunting

Chapter 1. Resident Game Hunting Seasons

§105. Physically Challenged Hunter Permit

A. Definitions

ATV—a small motorized vehicle designed for off road use, weighing less than 600 pounds, designed for no more than two passengers, with a maximum of six wheels, and tires with a manufacturers recommended air pressure of less than 10 pounds per square inch.

Amputee of the Upper Extremity—an individual suffering the loss of at least one arm, hand, or five fingers from one hand.

Commission—the Louisiana Wildlife and Fisheries Commission.

Commission-Approved Physician—any physician licensed to practice medicine by the Louisiana State Board of Medical Examiners who evaluates permit applicants to determine the disabled hunter rule classification of permanent disability.

Department—the Louisiana Department of Wildlife and Fisheries.

Disabled Hunter Oversight Committee—a committee of five individuals which collectively have final authority to approve or deny, by majority vote, rejected applications for disabled hunter permits. The five members of the committee shall be appointed by the commission from the Louisiana Outdoorsmen With Disabilities Inc., Louisiana Handicapped Sportsmen, Inc., the Wildlife Division, the Enforcement Division, and the commission.

Disabled Hunter Permit—a permit issued by the Department of Wildlife and Fisheries to qualified disabled individuals.

Disabled Hunter Review Board—a board of five individuals which collectively review and approve or reject, by majority vote, applications for disabled hunter permits. The board shall be selected by the commission with recommendations from: the Louisiana Outdoorsmen with Disabilities Inc. (two recommendations), Louisiana Handicapped Sportsmen, Inc. (two recommendations), and the Louisiana Department of Health and Hospitals (one recommendation).

Enforcement Division—the Enforcement Division of the Louisiana Department of Wildlife and Fisheries.

Handicap ATV Permit—a permit issued by the Wildlife Division to certain disabled hunters to allow access to the specially designated handicapped ATV trails on Wildlife Management Areas.

Helper—an individual who accompanies a permitted disabled hunter to assist the disabled hunter in accessing a hunting area, carrying hunting gear, and retrieving harvested game.

Mobility Impaired—a permanent disability caused by injury, illness, or birth defect that prevents an individual from walking farther than very short distances (less than 150 yards) even with the help of mechanical aids.

Permanent Disability—a qualifying disability that a commission approved physician, the Disabled Hunter Review Board, and the Wildlife Division or the Disabled Hunter Oversight Committee have determined will not improve over time or with medical treatment.

Special Deer Season—a special deer season only for individuals with valid disabled hunter permits established by the Louisiana Wildlife and Fisheries Commission.

Special Handicapped Hunt—special hunt or hunts on certain W.M.A.s only for individuals with valid disabled hunter permits.

W.M.A.—a tract of land managed by the Louisiana Department of Wildlife and Fisheries and proclaimed as a Wildlife Management Area by the governor of Louisiana.

Wheelchair Bound—a permanent disability that prohibits mobility by any means other than a wheelchair.

Wildlife Division—the Wildlife Division of the Louisiana Department of Wildlife and Fisheries.

B. Wheelchair Bound

1. Qualifications

a. Permanent Disability. The disability must permanently confine the applicant to the use of a wheelchair. If the applicant may eventually recover enough to not require the use of a wheelchair, he or she does not qualify for this class permit. If the future prognosis is uncertain, the applicant does not qualify at this time.

b. Certification by Commission Approved Physician

i. Applicants must be certified permanently disabled and confined to a wheelchair by:

- (a). a commission approved physician;
- (b). the Disabled Hunter Review Board; and
- (c). the Wildlife Division.

ii. Should the commission approved physician determine the applicant is not permanently confined to a wheelchair for medical reasons, the application is rejected and no permit shall be issued. If approved by the physician, the application must then be approved by the Wildlife Division and the Disabled Hunter Review Board. Should either reject the application, it shall be forwarded to the Disabled Hunter Oversight Committee which shall make the final determination to approve or reject the application.

c. Disqualification

i. Applicants not disabled sufficiently to meet the confined to a wheelchair criterion shall not qualify for this class permit.

ii. Applicants with felony convictions or Class II or above wildlife convictions, as determined by the Enforcement Division, shall not be issued permits.

2. Approved Applicants Receive the Following Considerations

a. Special Handicapped Hunts. May participate in special W.M.A. hunts.

b. Special Deer Seasons

i. May participate in special statewide handicapped hunts.

ii. May take either-sex deer on private lands statewide during the entire gun deer season and during the muzzle loader season. This provision does not include W.M.A.'s, National Wildlife Refuges, Kisatchie National Forest, or other federal properties.

c. Crossbow. May use a crossbow to archery hunt during the statewide archery season.

d. Access To Wildlife Management Areas. Upon request, permittees of this class shall receive a handicap ATV permit/sticker for access to specially designated ATV trails on W.M.A.s.

e. Hunting from Vehicles. May hunt resident game from a stationary vehicle or stationary boat statewide, provided that this activity does not violate state or parish laws.

f. Helpers. Permittee may be accompanied by helpers as necessary to get to and from a hunting area or stand and to assist in retrieving harvested game. Helpers may not use or possess firearms/bows/crossbows when acting as a helper unless the weapon is legal for the game hunted and the season is open to all licensed hunters in the area the helper is hunting.

3. Conditions of Approval

a. Nontransferable. The disabled hunter permit is nontransferable and is valid for named permittee only.

b. Permit in Possession

i. The permit must be carried by named permittee at all times while hunting in the field or transporting game harvested under the permit.

ii. Permittee must, in addition to the permit, carry one other form of picture identification while hunting or transporting harvested game.

c. Helpers. Helpers accompanying handicapped hunters are not permitted to carry firearms/bows/crossbows except as provided for by statewide or W.M.A. regulations. (See B.2.f.)

d. All Terrain Vehicles

- i. ATVs may be used only on regular public ATV trails and handicapped ATV trails as specifically designated on W.M.A. maps.
- ii. Approved individuals (permittees and helpers) may drive the ATV to a stand within 100 yards of an ATV trail. The ATV may also be used to retrieve the permittees harvested deer. Travel on an ATV beyond 100 yards of the designated trail, except to retrieve a deer, is prohibited.
- iii. Permittee may not transport other nondisabled hunters or their harvested game, firearms/bows/crossbows or other equipment while on or within 100 yards of handicapped ATV trails.

e. Other Licenses Required. The issuance of a disabled hunter permit does not exempt the permittee from other license requirements. All applicable licenses required to hunt a particular species of game must be purchased and in the permittees possession while hunting.

f. Revocation

- i. Any violation of the permit conditions by the permittee and/or helper of wildlife laws and/or regulations may result in cancellation of this permit.
- ii. Should there be a change in the permittee's condition, the permittee must notify the Wildlife Division. If said change is sufficient to make the permanent use of a wheelchair unnecessary, the permit shall be revoked.

g. Duration

- i. This permit is valid for the lifetime of named permittee or until revoked by the department.
- ii. The department shall retain the right to change the duration and/or conditions of the disabled hunter permits to comply with future commission or legislative actions.

h. Cost: none.

C. Mobility Impaired

1. Qualifications

a. Permanent Disability

i. The disability must be permanent and impair the applicant sufficiently to preclude walking farther than very short distances (less than 150 yards) even with mechanical aids. If the applicant may eventually recover, he or she does not qualify. If the future prognosis is uncertain, the applicant does not qualify at this time.

ii. Qualifying disabilities under this class may include, but are not limited to:

- (a). permanent and continual use of artificial limbs, crutches, leg braces, or canes due to injury, disease, or birth defect;
- (b). defects of circulatory system, respiratory system, skeletal structure, or neurological disorders caused by disease, injury, or birth defect.

iii. Nonqualifying disabilities may include, but are not limited to:

- (a). vision impairment;
- (b). arm, hand, shoulder, or other impairments that do not effect walking;
- (c). any impairment considered to be a part of or resulting from the normal aging process;
- (d). any impairment resulting from or due to a lack of physical conditioning.

b. Certification by Commission Approved Physician

i. Applicants must be certified permanently disabled and mobility impaired by:

- (a). a commission approved physician;
- (b). the Disabled Hunter Review Board; and
- (c). the Wildlife Division.

ii. Should the commission approved physician determine the applicant is not permanently mobility impaired, the application is rejected and no permit shall be issued. If approved by the physician, the application must then be approved by the Disabled Hunter Review Board and the

Wildlife Division. Should either reject the application, it shall be forwarded to the Disabled Hunter Oversight Committee which shall make the final determination to approve or reject the application.

c. Disqualification

i. Applicants not disabled sufficiently to meet the mobility impaired criterion shall not qualify for the class permit.

ii. Applicants with felony convictions or Class II or above wildlife convictions, as determined by the Enforcement Division, shall not be issued permits.

2. Approved Applicants Receive the Following Considerations

a. Special Handicapped Hunts. May participate in special W.M.A. hunts.

b. Special Deer Seasons. May participate in special statewide handicapped hunts.

c. Access To Wildlife Management Areas. Upon request, permittees of this class shall receive a handicap ATV permit/sticker for access to specially designated ATV trails on W.M.A.s.

d. Helpers. Permittee may be accompanied by helpers as necessary to get to and from the hunting area or stand and to assist in retrieving harvested game. Helpers may not use or possess firearms/bows/crossbows when acting as a helper unless the weapon is legal for the game hunted and the season is open to all licensed hunters in the area the helper is hunting.

3. Conditions of Approval

a. Nontransferable. The disabled hunter permit is nontransferable and is valid for named permittee only.

b. Permit in Possession

i. The permit must be carried by named permittee at all times while hunting in the field or transporting game harvested under the permit.

ii. Permittee must, in addition to the permit, carry one other form of picture identification while hunting or transporting harvested game.

c. Helpers. Helpers accompanying handicapped hunters are not permitted to carry firearms/bows/crossbows except as provided for by statewide or W.M.A. regulations. (See C.2.d.)

d. All Terrain Vehicles

i. ATVs may be used only on regular public ATV trails and handicapped ATV trails as specially designated on W.M.A. maps.

ii. Permittee may not transport other nondisabled hunters or their harvested game, firearms/bows/crossbows or other equipment while on handicapped ATV trails.

e. Other Licenses Required. The issuance of a disabled hunter permit does not exempt the permittee from other license requirements. All applicable licenses required to hunt a particular species of game must be purchased and in the permittees possession while hunting.

f. Revocation

i. Any violation of the permit conditions by the permittee and/or helper of wildlife laws and/or regulations may result in cancellation of the permit.

ii. Should there be a change in the permittee's condition, the permittee must notify the Wildlife Division. If said change is sufficient to enable the permittee to walk more than 150 yards, the permit shall be revoked.

g. Duration

i. This permit is valid for the lifetime of named permittee or until revoked by the department.

ii. The department shall retain the right to change the duration and/or conditions of the disabled hunter permits to comply with future commission or legislative action.

h. Cost: none.

D. Amputee of the Upper Extremity

1. Qualifications

a. Permanent Disability. The applicant must have an amputation of at least one arm, hand, or all five fingers of one hand to qualify for a permit of this class.

b. Certification by Commission Approved Physician

i. Applicants must be certified permanently disabled as an amputee of the upper extremity by a commission-approved physician.

ii. Should the commission approved physician determine the

applicant is not an amputee of the upper extremity, the application shall be rejected. If approved by the physician, the application must then be approved by the Disabled Hunter Review Board and the Wildlife Division. Should either reject the application, it shall be forwarded to the Disabled Hunter Oversight Committee which shall make the final determination to approve or reject the application.

c. Disqualification

i. Applicants not disabled sufficiently to meet the amputee of the upper extremity criterion shall not qualify for this class permit.

ii. Applicants with felony convictions or Class II or above wildlife convictions, as determined by the Enforcement Division, shall not qualify for this permit.

2. Approved Applicants Receive the Following Considerations

a. Special Handicapped Hunts. May participate in special W.M.A. hunts.

b. Special Deer Seasons. May participate in special statewide handicapped hunts.

c. Access to Wildlife Management Areas. Upon request, permittees of this class shall receive a handicap ATV permit/sticker for access to specially designated ATV trails of W.M.A.s.

d. Crossbow. May use a crossbow to archery hunt during the statewide archery season.

e. Helpers. Permittee may be accompanied by helpers as necessary to get to and from the hunting area or stand and to assist in retrieving harvested game. Helpers may not use or possess firearms/bows/crossbows when acting as a helper unless the weapon is legal for the game hunted and the season is open to all licensed hunters in the area the helper is hunting.

3. Conditions of Approval

a. Nontransferable. The disabled hunter permit is nontransferable and is valid for named permittee only.

b. Permit in Possession

i. The permit must be carried by named permittee at all times while hunting in the field or transporting game harvested under the permit.

ii. Permittee must, in addition to the permit, carry one other form of picture identification while hunting or transporting harvested game.

c. Helpers. Helpers accompanying handicapped hunters are not permitted to carry firearms/bows/crossbows except as provided for by statewide or W.M.A. regulations. (See D.2.d.)

d. All Terrain Vehicles

i. ATVs may be used only on regular public ATV trails and handicapped ATV trails as specially designated on W.M.A. maps.

ii. Permittee may not transport other nondisabled hunters or their harvested game, firearms/bows/crossbows or other equipment while on handicapped ATV trails.

e. Other Licenses Required. The issuance of a disabled hunter permit does not exempt the permittee from other license requirements. All applicable licenses required to hunt a particular species of game must be purchased and in the permittees possession while hunting.

f. Revocation. Any violation of the permit conditions by the permittee and/or helper of wildlife laws and/or regulations may result in cancellation of this permit.

g. Duration

i. This permit is valid for the lifetime of named permittee or until revoked by the department.

ii. The department shall retain the right to change the duration and/or conditions of the disabled hunter permits to comply with future commission or legislative action.

h. Cost: none.

AUTHORITY NOTE: Promulgated in accordance with Act 1226 of the 1995 Louisiana Legislative Session.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 22:856 (September 1996).

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