

### 12.3.402 LICENSE REFUNDS

(1) No refund will be issued for any hunting, fishing, or trapping license sold by the department except as provided in (1)(a) through (e) of this rule. The department will review all applicable information in evaluating requests:

(a) a surviving heir may receive a refund if the license holder dies and has not used the license. A license holder may receive a 90% refund if an immediate family member dies and the license holder has not used the license. A request for such refund must be accompanied by appropriate supporting documentation which includes, at a minimum, a copy of the death certificate of the license holder or immediate family member. For a hunting license, the request must be postmarked by the end of that calendar year;

(b) license holders may receive a 90% refund in the event that a medical emergency prevents the license holder from using the license. A request for a medical emergency refund must be accompanied by appropriate supporting documentation which includes, at a minimum, a statement signed by a licensed physician. The physician must describe the nature of the medical emergency and state why it precludes using the license. For a hunting license, the request must be postmarked by the end of the calendar year;

(c) a resident who has purchased a conservation, bear, deer, elk, bird, or fishing license may request a refund by returning the license to the Helena or regional office at the time of application for a combination license. A resident who purchases a two-day fishing license may request a refund by returning the license to the Helena or regional office at the time of application for a season fishing license. A nonresident who has purchased a conservation, season bird, season fishing or deer license may request a refund by returning the license to the Helena office at the time of application for a nonresident big game combination license. A nonresident who has purchased a conservation, season bird or season fishing license may request a refund by returning the license to the Helena office at the time of application for a nonresident deer or elk only combination license;

(d) if an applicant is issued an incorrect license (e.g., a sportsman over 62 years old is issued a regular conservation license and elk license for full price instead of the half price elk license) through the fault of the department or a license agent, the license fees will be refunded;

(e) except for refunds under (1)(a), (b), and (c), nonresident combination license holders may receive a license refund according to the following schedule, provided the nonresident certifies that the license was not used:

(i) 80% refund if postmarked on or before August 1 of the license year;

(ii) 50% refund if postmarked after August 1 of the license year, but on or before the general big game hunting season with the following exceptions:

(A) if the license holder is outfitter sponsored and lack of success in drawing a permit eliminates opportunity to use the license, the amount retained by the agency will be \$100, provided that the request is postmarked on, or prior to, October 1;

(B) if the license holder is landowner sponsored and lack of success in drawing a permit eliminates opportunity to use the license, the amount retained by the agency will be \$50, provided the request is postmarked on, or prior to, October 1;

(iii) no refund will be issued after the opening of the general big game hunting season;

(f) for the purpose of considering refunds, any license ordered by mail shall be considered sold when the department receives a valid application;

(g) the director, or his designee, may authorize exceptions to the refund policy

due to extenuating circumstances including but not limited to the following:

- (i) declaration of war or police action;
- (ii) catastrophic or major natural disaster or man-made event that necessitates the assistance from state or federal emergency management agency.

History: [87-1-301](#), MCA; [IMP](#), [87-1-301](#), MCA; [NEW](#), 1991 MAR p. 815, Eff. 5/31/91; [AMD](#), 1993 MAR p. 1330, Eff. 5/14/93; [AMD](#), 1996 MAR p. 768, Eff. 3/22/96; [AMD](#), 1999 MAR p. 413, Eff. 3/12/99; [AMD](#), 2002 MAR p. 1072, Eff. 4/12/02.