AS APPROVED 03/05/2025

FINAL REGULATIONS - CHAPTER W-16 - PARKS AND WILDLIFE PROCEDURAL RULES

ARTICLE VI – Refunds, Reimbursements, and Restoration of Preference Points and Reissues

#1670 – Refunds, and Restoration of Preference Points and Reissues

See also §§ 33-4-102 (6) for statutory provisions related to refunds

A. General Refund Procedures – Except as provided herein, anyone may request and be given a refund for a license no later than fourteen (14) days prior to the opening day of the applicable turkey season for turkey licenses or thirty (30) days prior to the opening day of the season for which the license was issued for all other licenses, minus a $15.00 processing fee. The $15.00 processing fee will not be charged for refunds requested on youth licenses, in the case of Division error, or if any of the following circumstances prevent the license holder from exercising the intended benefits of the license: extreme medical circumstances involving the license holder or a license holder's immediate family member, death of the license holder, death of the license holder's immediate family member, military orders, or jury duty. Requests must have a valid U.S. postmark, or be submitted at a Division office at least fourteen (14) days prior to the opening day of the applicable turkey season or thirty (30) days prior to the opening day of any other season for which the license was issued. Youth are exempt from the (14) days prior requirement for turkey licenses and the (30) days prior requirement for big game licenses and may submit a request up to the day before the start of the season.

1. All refunds shall be requested on a form provided by or in the format requested by the Division.

2. All requests for license refunds must be accompanied by the entire license and carcass tag when applicable.

3. Refunds may be requested by mail or in person at any Division office.

4. Refunds shall only be issued to the person whose credit card was used or name appears on the license.

5. Licenses purchased through non-Division license agents will be refunded at cost less license agent fee.

6. No refunds shall be made in any circumstance where the license holder was hunting in the field during an active season for the license and designated species as specified in Commission rules and regulations.

7. No refunds shall be made on any special licenses listed in 33-4-102(2), C.R.S., or any auction or raffle licenses as provided for in 33-4-116 or 33-4-116.5, C.R.S., or on any exchanged license, or on any license that costs less than $15.00 with the exceptions of resident youth turkey and resident youth big game licenses, or to any person whose license privileges have been suspended by the Commission.

8. When the $15.00 processing fee exceeds the original refund amount, no refund shall be issued and the remainder of the processing fee shall be waived.

9. Until January 1, 2028, All limited licenses returned to the Division for a refund or preference point restoration will be available for reissue after the request has been processed using the

current leftover list and following all other license purchase regulations, except for the following limited licenses:

a. Turkey, deer, elk, pronghorn and bear hunt codes which required five (5) or more resident preference points to draw as determined by the current year's limited license draw;

b. Bighorn sheep, mountain goat, and moose licenses;

c. All public Ranching for Wildlife licenses.

10. Until January 1, 2028, ~~T~~the following limited licenses returned for refund or preference point restoration will be reissued by the Division manually:

a. Turkey, deer, elk, pronghorn and bear hunt codes which required five (5) or more resident preference points to draw as determined by the current year's limited license draw;

b. Bighorn sheep, mountain goat, and moose licenses;

c. All public Ranching for Wildlife licenses.

If the next in line regular draw list applicant accepts one of the aforementioned first choice licenses that has been returned and reissued, all accumulated preference points for that species become void. If a license cannot be manually reissued to one of the first five people on the regular draw list, the license will become available for reissue using the current leftover license list. Public Ranching for Wildlife licenses will not be reissued within fourteen (14) days of the start date for the respective hunt code or be available for sale off the leftover license list.

11. Beginning January 1, 2028, the following processes will be used to reissue limited licenses returned to the Division:

a. All limited licenses surrendered, unpaid for by the payment deadline, or returned to the Division for a refund or preference point restoration after completion of the regular drawing and prior to the secondary drawing application period will be made available for auto reissue. These licenses will be automatically reissued to the applicant next in line to draw the license, by residency, if the applicant has opted-in to accept auto reissued licenses for that hunt code and is eligible to receive the license. Applicants who receive an auto-reissued license will be charged the applicable license fee and, if the license was applied for as a first choice, all accumulated preference points for that species will become void. Applicants who opt-out of the auto-reissue process for that hunt code will be skipped and will not be automatically reissued the license. Licenses that are still remaining after the auto-reissue process is complete will be made available for application in the secondary drawing.

b. All limited licenses surrendered, unpaid for by the payment deadline, or returned to the Division for a refund or preference point restoration after completion of the secondary drawing and prior to the start of leftover sales will be made available for auto-reissue. These licenses will be automatically reissued to the applicant next in line to draw the license, by residency, if the applicant has opted-in to accept auto reissued licenses for that hunt code and is eligible to receive the license. Applicants who receive an auto-reissued license will be charged the applicable license fee, and, if the license was applied

for as a first choice in the regular drawing, all accumulated preference points for that species will become void. Applicants who opt-out of the auto-reissue process for that hunt code will be skipped and will not be automatically reissued the license. Licenses that remain after the auto-reissue process is complete will be made available for purchase through the leftover license list and will not require the use of preference points.

c. All limited licenses surrendered or returned to the Division for a refund or preference point restoration after the start of leftover sales and with a season start date two weeks or more from the date of the return, will be made available for auto-reissue. These licenses will be automatically reissued to the applicant next in line to draw the license, by residency, if the applicant has opted-in to accept auto reissued licenses for that hunt code and is eligible to receive the license. Regular drawing applications will be processed prior to secondary draw applications. Applicants who receive an auto-reissued license will be charged the applicable license fee and, if the license was applied for as a first choice in the regular drawing, all accumulated preference points for that species will become void. Applicants who opt-out of the auto-reissue process for that hunt code will be skipped and will not be automatically reissued the license. Licenses that are still remaining after the auto-reissue process is complete will be made available for purchase through the leftover license list and will not require the use of preference points.

d. All limited licenses surrendered or returned to the Division for a refund or preference point restoration after the start of leftover sales and with a season start date less than two weeks from the date of the return, will not be made available for auto-reissue.

i. For all bighorn sheep, mountain goat, and moose licenses: Licenses will be reissued by the Division manually. If the next in line regular draw list applicant manually accepts one of the aforementioned first choice licenses that has been returned and reissued, all accumulated preference points for that species become void. If a license cannot be manually reissued to one of the first five people on the regular draw list, the license will become available for purchase using the leftover license list. Public Ranching for Wildlife licenses will not be reissued within fourteen (14) days of the start date for the respective hunt code or be available for sale off the leftover license list.

ii. For all deer, elk, pronghorn and bear licenses: Licenses will be available for purchase after the request has been processed using the current leftover license list.

~~11.~~12. Requests for refunds after the opening of the season will be accompanied by a signed affidavit that the license has not been used and circumstances precluded the licensee from being able to use the license. In addition, to be eligible for a refund the failure to apply for a refund less than thirty (30) days prior to the opening day of the season for which the license was issued cannot be due to a lack of diligence on the part of the licensee. The Division's License Administration Manager will render a decision on the refund request on behalf of the Division and the Commission and such decision shall constitute final agency action. Circumstances for which reimbursement will be considered shall be limited to:

a. Extreme medical circumstances involving the license holder or a license holder's immediate family member;

b. Death of the license holder or death of a license holder's immediate family member;

c. Active and reserve members of the United States armed forces whose military orders

overlap with the season dates of the returned license; or

d. Individuals on jury duty whose jury duty service overlaps with the season dates of the returned license.

B. Other Refunds

1. Refunds or antlerless licenses may be issued in any unit approved by the Division for the same species in the same year to hunters who harvest a deer, elk or moose in which Chronic Wasting Disease (CWD) is detected through the Division's CWD monitoring or testing programs. Where there is no open season or insufficient time remains to reasonably exercise the benefits of a license granted in the same year, the Division may issue the licensee an antlerless license for the same species in the following year in the same Game Management Unit where the CWD detected animal was harvested, or if antlerless hunting is not permitted in the applicable GMU, the Division may designate a substitute GMU. If the season closes prior to October 31 in the unit, the license will be valid through October 31. The provisions of this regulation shall apply to any hunter who harvests a moose after January 1, 2006 in which CWD is detected. Licenses issued pursuant to this provision shall not be considered part of the quota otherwise established by the Commission for that GMU.

2. Except for cases of Division error, no refunds shall be issued for any annual license, one-day, or five-day license, mountain lion license or preference point fee.

C. Restoration of Preference Points

1. License preference points used to obtain the license will not be restored except as follows:

   a. No later than fourteen (14) days prior to the opening day of the applicable turkey season for turkey licenses or thirty (30) days prior to the opening day of the season for all other licenses, preference points may be restored to the pre-drawing level in lieu of a refund at the licensee's request.

   b. Less than fourteen (14) days prior to the opening day of the applicable turkey season for turkey licenses or thirty (30) days prior to the opening of the season for all other licenses, the License Administration Manager may restore license preference points to the pre-drawing level and/or issue a monetary refund if any of the following circumstances prevent the license holder from exercising the intended benefits of the license:

      1. Extreme medical circumstances involving the license holder or a license holder's immediate family member;

      2. Death of a license holder's immediate family member;

      3. Active and reserve members of the United States armed forces whose military orders overlap with the season dates of the returned license; or

      4. Individuals on jury duty whose jury duty service overlaps with the season dates of the returned license.

   c. Beginning with the 2025 draw season, when a license is not paid for by the payment deadline, the license privilege will be removed from the customer's account. Any points used to obtain the license will be restored to the pre-draw level.

D. Requests for refunds and/or restoration of license preference points due to extreme medical

circumstances involving the license holder or a license holder's immediate family member, the death of a license holder's immediate family member, military orders that prevents the service member from exercising the intended benefits of the license or jury duty will be accompanied by sufficient evidence demonstrating that the license has not been used and circumstances precluded the licensee from being able to use the license. In addition, sufficient documentation is required to prove extreme medical circumstances, death, military orders or jury duty service.

E. Time Restriction

1. A refund or preference point restoration will be denied when the request is submitted more than thirty (30) days after the opening of the season for which the license was issued. Provided further that all time limits will be extended for active and reserve members of the United States armed forces whose military service requirements precluded their application for a refund or preference point restoration within said periods.

2. When additional documentation is requested and required by the Division to approve a refund and/or restoration of preference points request, the requestor will have thirty (30) days from the mailing date indicated on the notification letter to submit all the required documentation. If required documentation is not submitted prior to the 30-day deadline, the request will be considered closed and denied. No requests from the previous year will be considered after January 31, annually.

F. Director Disaster Relief Authority

1. When, in the determination of the Director, existing Parks and Wildlife regulations will have a significant negative impact following a natural disaster that displaces persons from their homes, or closes areas to public access and results in a time-critical demand for use of park resources or a complete (or near complete) loss of hunting opportunity, the Director is authorized to take emergency administrative actions, including, but not limited to:

    a. Issuance of license fee refunds.

    b. Restoration of preference points.

    c. Exchange of big game hunting licenses for leftover or over-the-counter licenses.

    d. Issue similar guaranteed licenses for another license year.

    e. Suspension of length of stay camping limits on Division-owned or controlled properties.

    f. Imposition of administrative requirements associated with the application for relief granted under this section.

Basis and Purpose:

Draw changes

At the May 2023 Parks and Wildlife Commission Meeting, the Commission directed staff to form a Draw Process Working Group (DWG or group). The purpose of the group was to reduce complexities within Colorado's draw system and address preference point issues, while keeping in mind biological and sociological concerns.

A DWG was formed which consisted of two Commissioners, eight members of the public (residents and nonresidents), and seven members of staff (two non-voting). The DWG held five meetings between October 2023 and May of 2024 to draft recommendations for the agency and Commission to consider. The focus topics included draw methods for the Primary and Secondary draws, preference points, the weighted draw for sheep, goat and moose, and the reissue process. Three Commission workshops also took place between January 2024 and July 2024 on these topics. All recommendations for change were discussed and considered by the Commission in a two-step policy approval process (November 2024 and January 2025). Except where indicated, adopted policies/regulations will not be implemented until the 2028 draws in order to allow time for draw reprogramming. These policies will also be re-examined every ten years, by implementing a Draw Season Structure, similar to the Big Game Season Structure. This cycle will run through the 2032 draws to allow for five years of implementation before the next cycle begins.

Reissues

The group focused on improving the customer and staff experience, ensuring a fair distribution of licenses, and wanting to see as many licenses issued/used as possible. The group unanimously agreed to automate the reissue process and use the same process for any license that is surrendered, not paid for by the payment deadline, or returned. Licenses will automatically be reissued to the applicant next up in line in the draw order (by residency) based on the next up report, and would require the use of preference points for first choice licenses from the primary draw. Automatic reissue will stop two weeks prior to the start of the season listed on that license.

When applying for licenses in the primary draw, customers will have the choice to opt-in/opt-out to being on the automated reissue list. If the customer opts-out, they will be skipped over and not issued the license if it is returned. The customer will also be skipped over if they no longer can legally possess the license. For example, if the customer drew a list A elk license in the secondary draw before the list A elk license they applied for in the primary draw was reissued. If a customer opted-in, but circumstances changed and they no longer want the opportunity to be reissued the license, they can opt-out at any time before being issued the license. When a customer opts-in to the automatic reissue, they agree to be charged for the license when it is put on their account and agree to forfeit all the preference points they hold for that species for first choice licenses from the primary draw. If there is no one to auto-reissue a returned license to (i.e. there are leftovers for that hunt code or no one opted in for reissue of that hunt code), then the returned license will be released for sale using the current reissue/leftover process. Additionally, if a license is returned during the two weeks prior to the start of the season, it will not be auto-reissued, but instead will also be reissued using our current reissue/leftover process. Auto-reissues will also be paused during the secondary draw application period to ensure bag limit rules are enforced. Auto-reissues will not apply to any licenses prior to the 2028 draw.

Fail to pay

The group also discussed the current fail to pay policies because the majority of the group found those existing policies to be too strict. When CPW would reverse any license not paid for by the payment deadline they would not reinstate the customer's preference points used to draw that license. The group agreed that if a customer's payment fails to go through during the primary or secondary draw, and the customer fails to pay for the license before the respective payment deadline, that customer should lose the license, but felt that their points should be restored to the pre-draw level. This allows the license to be quickly reissued to another customer through the auto-reissue process and allows the customer who lost the license, to potentially draw the license again in a future year (without losing all their points). If a license is auto-reissued to a customer and payment fails, the customer would get a 24 hour warning notification to pay the balance before moving to the next customer in line. In summary, the entire auto-reissue process would be handled by the license system with no manual staff time necessary. In addition, with the decision to auto-reissue licenses, the concern with bots (software programs developed to help clients quickly detect and purchase returned/ reissued licenses giving them a purchasing advantage over the average human customer) greatly diminishes. Highly desirable licenses would be issued to the next person in line instead of going to the weekly leftover license release list, thus preventing these licenses from going on sale to the public online where bots could compete.

The statements of basis and purpose for these regulations can be obtained from the Colorado Division of Parks and Wildlife, Office of the Regulations Manager by emailing dnr_cpw_planning@state.co.us or by visiting the Division of Parks and Wildlife headquarters at 6060 Broadway, Denver, CO, 80216.

The primary statutory authority for these regulations can be found in § 24-4-103, C.R.S., and the state Wildlife Act, § 33-1-101 to 33-6-209, C.R.S., specifically including, but not limited to: § 33-6-106, C.R.S.

EFFECTIVE DATE - THESE REGULATIONS SHALL BECOME EFFECTIVE MAY 1, 2025 AND SHALL REMAIN IN FULL FORCE AND EFFECT UNTIL REPEALED, AMENDED OR SUPERSEDED.

APPROVED AND ADOPTED BY THE PARKS AND WILDLIFE COMMISSION OF THE STATE OF COLORADO ON THIS 5TH DAY OF MARCH 2025.

APPROVED:
Dallas May
Chair

ATTEST:
Karen Bailey
Secretary

Phil Weiser
Attorney General

Natalie Hanlon Leh
Chief Deputy Attorney General

Shannon Stevenson
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Tracking Number: **2025-00027**

OPINION OF THE ATTORNEY GENERAL RENDERED IN CONNECTION WITH THE RULES ADOPTED BY THE Colorado Parks and Wildlife (406 Series, Wildlife) ON 03/05/2025

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CHAPTER W-16 - PARKS AND WILDLIFE PROCEDURAL RULES

The above-referenced rules were submitted to this office on 03/07/2025 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

March 25, 2025 08:32:43 MST

Philip J. Weiser
Attorney General
by Russell D. Johnson
Deputy Solicitor General