



Notice of Intent to Adopt Rules

1. General Information

a. Agency/Board Name <i>See attached list for references</i>		
b. Agency/Board Address	c. Agency/Board City	d. Agency/Board Zip Code
e. Name of Contact Person		f. Contact Telephone Number
g. Contact Email Address		
h. Date of Public Notice:		i. Comment Period Ends:
j. Program(s) <i>See attached list for references</i>		

2. Rule Type and Information

a. Choose all that apply: **New Rules*** **Amended Rules** **Repealed Rules**

** "New" rules means the first set of regular rules to be promulgated by the Agency after the Legislature adopted a new statutory provision or significantly amended an existing statute.*

If "New," provide the Enrolled Act number and year enacted:

b. Provide the Chapter Number, and Short Title of Each Chapter being Created/Amended/Repealed *(if more than 5 chapters are being created/amended/repealed, please use the Additional Rule Information form and attach it to this certification)*

Chapter Number:	Short Title:
Chapter Number:	Short Title:
Chapter Number:	Short Title:
Chapter Number:	Short Title:
Chapter Number:	Short Title:

c. The Statement of Reasons is attached to this certification.

d. N/A In consultation with the Attorney General's Office, the Agency's Attorney General representative concurs that strike and underscore is not required as the proposed amendments are pervasive (Section 5 of the Rules on Rules).

e. A copy of the proposed rules* may be obtained:

By contacting the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: _____

* If Item "d" above is not checked, the proposed rules shall be in strike and underscore format.

3. Public Comments and Hearing Information

a. A public hearing on the proposed rules has been scheduled. Yes No

	If "Yes:"	Date:	Time:	City:	Location:

b. What is the manner in which interested person may present their views on the rulemaking action?

- By submitting written comments to the Agency at the physical and/or email address listed in Section 1 above.
- At the following URL: _____

A public hearing will be held if requested by 25 persons, a government subdivision, or by an association having not less than 25 members.

Requests for a public hearing may be submitted:

- To the Agency at the physical and/or email address listed in Section 1 above.
- At the following URL: _____

c. Any person may urge the Agency not to adopt the rules and request the Agency to state its reasons for overruling the consideration urged against adoption.

Requests for an agency response must be made prior to, or within thirty (30) days, after adoption of the rule, addressed to the Agency and Contact Person listed in Section 1 above.

4. Federal Law Requirements

a. These rules are created/amended/repealed to comply with federal law or regulatory requirements. Yes No

	If "Yes:"	Applicable Federal Law or Regulation Citation:

Indicate one (1):

- The proposed rules meet, but do not exceed, minimum federal requirements.
- The proposed rules exceed minimum federal requirements.

Any person wishing to object to the accuracy of any information provided by the Agency under this item should submit their objections prior to final adoption to:

- To the Agency at the physical and/or email address listed in Section 1 above.
- At the following URL: _____

5. State Statutory Requirements

a. Indicate one (1):

- The proposed rule change *MEETS* minimum substantive statutory requirements.
- The proposed rule change *EXCEEDS* minimum substantive statutory requirements. Please provide a statement explaining the reason the rules exceeds the requirements:

6. Authorization

a. I certify that the foregoing information is correct.

<i>Printed Name of Authorized Individual</i>	
<i>Title of Authorized Individual</i>	
<i>Date of Authorization</i>	

Distribution List:

- Attorney General and LSO: Hard copy of Notice of Intent; Statement of Reasons; Clean copy of the rules; and Strike-through and underline version of rules (if applicable).
- Secretary of State: Electronic version of Notice of Intent sent to rules@state.wy.us

STATEMENT OF REASONS

WYOMING GAME AND FISH COMMISSION

CHAPTER 31

REGULATION GOVERNING AUTHORIZED LICENSE SELLING AGENTS

W.S. §23-1-302 directs and empowers the Commission to make regulations for the sale and record of licenses, stamps and tags, including sale by electronic licensing, and to distribute licenses, stamps, tags and electronic equipment and software programs associated with electronic licensing. The Commission is also empowered to establish an electronic licensing system and prescribe the manner of payment for any electronic payment accepted by the Department and to promulgate all other necessary rules and regulations to effectuate electronic licensing.

In Section 4, definitions for “Book Agent and Electronic License Service (ELS) Agent” have been added. The definitions for “Agent of Record, License Selling Agent, Out of State License Selling Agent and Sporting Goods and Equipment Vendor” have been modified.

In Section 5, language has been added to clarify that the license selling agent is responsible for training and for actions of their sub-agents authorized to sell licenses, permits, tags or stamps. License selling agents shall also be liable for the replacement value of all equipment issued to them by the Department for automated license sales.

Section 6, is a new Section and provides clarification regarding the responsible party for license inventory received by license agents and the cash value of license inventory not returned to License Section by January 31 of the following year in which the inventory was valid.

In Section 7, clarification has been made regarding signatures for resident, resident youth and nonresident licenses; removal of Electronic Licensing Service equipment from a license selling agent’s physical location; fees related to license, permit, tag or stamp sales; and license agents being responsible to complete license form documents.

In Section 8, the process for handling “Void Licenses” has been further described.

In Section 9, the process for handling “Oath of Office” forms has been outlined. An individual authorized to administer oaths and witness signatures on licenses shall not be authorized to sell a license to them self.

In Section 10, the process for reporting monthly license sales by book agents and Electronic License Service agents has been broken out and clarified. A process for notification of late reporting by license selling agents has been included.

In Section 11, processes concerning monetary remittance issues, including account shortages, have been addressed and further explained.

In Section 12, the process for handling duplicate license issuance has been further clarified for book agents and ELS agents.

In Section 13, language has been added to address review of all license selling agent records and documents relating to license, permit, tag or stamp sales for law enforcement purposes by Department law enforcement personnel during normal business hours.

In Section 14, language has been modified to clarify the process for appointment of license selling agents.

In Section 15, the criteria for appointment of in-state license selling agents has been modified to include, the agent shall have a valid sales tax license for the respective business entity. For non-sporting goods and equipment vendors, applications for appointment as a license agent shall be based on the physical location in relation to existing license selling agents and Senior Game Warden evaluations.

In Section 16, the criteria for appointment of out-of-state license selling agents have been streamlined to include review and approval by the Chief Fiscal Officer.

In Section 18, language regarding the renewal of a license selling agency has been separated out from Section 14 and placed into Section 18. Additional renewal criteria have also been added to clarify this process.

In Section 20, any change in the agent of record for a business entity has been spelled out for simplification.

In Section 21, edits have been made indicating that a transfer of a license selling agent as a result of a change in the business entity will result in the business entity being required to be an ELS agent. The agent of record may also be required to attend training as outlined in the regulation, and shall be required to sign a lease agreement for the ELS equipment to be used.

Section 22 is a new Section covering administrative suspension of license selling agents. A portion of this language came from previously deleted language in other Sections. An effort has been made to further clarify this process with edited language.

In Section 23, edits have been made to further clarify the reasons that may lead to license selling agent cancellation.

In Section 24, edits have been made to clarify the proceedings for administrative suspension or cancellation of a license selling agency. An edit was also made regarding the revision date to Chapter 27, Rules of Practice Governing Contested Cases before the Wyoming Game and Fish Commission.

Section 25 is a new Section designed to address the issuance of ELS equipment including a required lease agreement for ELS equipment.

Other grammatical and formatting edits have been incorporated to provide additional clarity but do not change the intent of the regulation.

DRAFT 8-17-12.8

WYOMING GAME AND FISH COMMISSION

CHAPTER 31

REGULATION GOVERNING AUTHORIZED LICENSE SELLING AGENTS

Section 1. Authority. This regulation is promulgated by authority of W.S. §1-1-115, §11-6-305, §23-1-302, W.S. §23-1-701, §23-2-101 and §23-2-201.

Section 2. Regulation. The Wyoming Game and Fish Commission hereby adopts the following regulation governing the appointment and operation of license selling agents. The Commission authorizes the Department to develop and maintain policies, processes and procedures necessary to carry out the provisions of this Chapter. This regulation shall remain in effect until modified or rescinded by the Commission.

Section 3. Purpose of Regulation.

(a) It is the purpose of this regulation to carry out the provisions of Wyoming Statutes §23-1-302 and §23-1-701 by providing policies, procedures and processes to appoint **and administer** license selling agents throughout the State that enhance the Department's ability to serve the license buying public.

(b) In the appointment of these license selling agents, the Commission gives preference to sporting goods and equipment vendors because they foster the purpose and mission of the Game and Fish Commission as follows:

(i) Serve the same customer;

(ii) The public generally expects to purchase hunting and fishing licenses at sporting goods and equipment vendors;

(iii) The ownership, management and employees of sporting goods and equipment vendors are more knowledgeable in the application of hunting and fishing products, services, and related rules and regulations; and,

(iv) The ownership, management and employees of sporting goods and equipment vendors keep current with hunting and fishing issues through various information resources and networking.

Section 4. Definitions. For the purpose of this regulation, definitions shall be as set forth in Title 23 Wyoming Statutes, and the Commission also adopts the following definitions:

(a) "Agent of Record" means the designated individual person that shall be legally accountable for all aspects of proper transacting of specified Wyoming Game and Fish Commission business within the respective business entity. **If the designated individual is not a legal representative of the business entity, an Agent of Record Authorization form shall be required to designate that individual as the Agent of Record.**

(b) "Book Agent" means an agent not using the Electronic License Service (ELS) automated system to issue licenses.

~~(b)~~ "Business Entity" means sole proprietor, corporation, partnership, limited liability company or any combination thereof.

(d) "Electronic License Service (ELS) Agent" means an agent using the Electronic License Service (ELS) system to issue licenses.

(~~ee~~) "License Selling Agent" means the ~~agent~~**business entity** of record or the business entity at the physical location authorized by the Commission to act as its agent for purposes of selling and accounting for specified hunting, fishing and trapping licenses, permits, tags or stamps.

(~~ef~~) "License Selling Sub-agent" means an individual in the employ of, or responsible to, the agent of record and authorized by the Commission to sell specified hunting, fishing and trapping licenses, permits, tags or stamps. License selling sub-agents shall be accountable to the agent of record for all aspects of proper transaction of specified Wyoming Game and Fish Commission business.

(~~eg~~) "Non-sporting goods and equipment vendor" means a business entity that does not demonstrate a bona fide and good faith commitment to providing the community a retail outlet for hunting, fishing, trapping and camping equipment, excluding foodstuffs and motorized vehicles.

(~~eh~~) "Out-of-State license selling agent" means the ~~agent~~**business entity** of record or the business entity located in a state contiguous with Wyoming authorized by the Commission to act as its agent for purposes of selling and accounting for specified hunting, fishing and trapping licenses, permits, tags or stamps.

(~~ei~~) "Out-of-State vendor" means a business entity located outside the boundaries of the State of Wyoming that demonstrates a bona fide and good faith commitment to providing the community an outlet for nonresident Wyoming licenses.

(~~ej~~) "Sporting goods and equipment vendor" means a business entity whose primary function is retail sales of sporting goods and based on visual observation and judgment of the inspecting ~~Senior Game W~~**Senior Game W**warden, more than **fifty percent** (50%) of the physical inventory displayed is comprised of hunting, fishing and outdoor camping supplies and equipment.

(~~ek~~) "Remote location" means the physical location of a business entity which is at least fifteen (15) miles from an existing Wyoming Game and Fish Commission license selling agent.

Section 5. Liability.

(a) After a license selling agent has received ~~shipment or~~**signed** for licenses, permits, tags or stamps on a license inventory charge document, the risk of loss for licenses, permits, tags or stamps or license fees lost, stolen or destroyed shall pass to the license selling agent. The license selling agent shall be liable to the Wyoming Game and Fish Commission for the cash value of any licenses, permits, tags or stamps that are lost, stolen or destroyed. All licenses, permits, tags or stamps shall remain the property of the Wyoming Game and Fish Commission until sold or issued. The license selling agent shall be responsible for actions of any of the license selling agent's sub-agents authorized to sell hunting, fishing and trapping licenses, permits, tags or stamps.

(b) The license selling agent shall be responsible for training and for actions of any of the license selling agent's sub-agents authorized to sell hunting, fishing and trapping licenses, permits, tags or stamps.

(c) The license selling agent shall be liable for the replacement value of any and all equipment issued to them by the Department for automated license sales as agreed to within the Lease Agreement executed upon receipt of said equipment.

(~~b~~)(~~d~~) The annual bond fee as prescribed by W.S. §23-1-701 shall only be used for the recovery of outstanding account balances on closed accounts that have been determined to be uncollectible by the Department's Attorney General Representative.

Section 6. License Inventory.

(a) The Agent of Record, or an employee of the business entity, shall be required to verify all license books, permit books, tags or stamp books received from the Department. Such verification shall be completed on a License Inventory Charge Document furnished by the Department.

(b) The Agent of Record, or an employee of the business entity, shall sign the inventory charge slip upon verification of shipment. The inventory charge slip shall be returned to the Department within ten (10) days from receipt.

(c) The license selling agent shall be held financially responsible for the cash value of all license inventory that is not returned to the License Section at year end for the financial audit.

(d) All license inventories from a prior calendar year shall be returned to the License Section by January 31 of the following year in which the inventory was valid.

Section 67. Issuance of Licenses, Permits, Tags or Stamps.

(a) License selling agents and sub-agents shall ensure that all required information is ~~completed~~**captured** on the ~~license document.~~**completed application as required by Commission regulation.**

(b) The resident licensee shall be present at the license selling agent location to purchase a license. The parent or legal guardian, in lieu of a resident youth applicant, may be present at the license selling agent location to purchase a license for the resident youth applicant.

~~(bc)~~ Resident licenses shall be signed at the time of purchase by the individual whose name appears on the license and in the presence of the license selling agent or sub-agent. ~~Prior to the issuance of a trophy game license or a youth big game license to a person under the age of fourteen (14), both the licensee and either a parent or legal guardian shall sign the license. The license selling agent or sub-agent shall witness the resident signature on the license document prior to applying their signature on the license document.~~**If a youth license is being purchased by the parent or legal guardian of the youth applicant, then the signature of the parent or legal guardian shall be signed at the time of purchase in the presence of the license selling agent or sub-agent.**

(d) The license selling agent or sub-agent shall witness the resident signature, or parent or legal guardian signature for a youth applicant, on the license document prior to applying their signature on the license document.

(e) All resident licenses and permits shall contain the resident applicant's original signature and when applicable, the parent or legal guardian's signature in accordance with Wyoming statute, prior to exercising the privileges of the license, permit, tag or stamp.

(f) Any person may purchase a license for a nonresident; however, the nonresident licenses and permits shall contain the nonresident's signature prior to exercising the privileges of the license, permit, tag or stamp.

(g) When a resident applicant is not present, excluding a resident youth applicant, a resident license, permit, tag or stamp shall only be issued upon presentation of a Wyoming Game and Fish Department authorized application form bearing required signatures at Headquarters or any Department Regional Office.

~~(e) A resident applicant, resident youth applicant and parent or legal guardian, if required, shall be present at Headquarters, any Department Regional Office or license selling agent to receive a resident license, permit, tag or stamp through the Internet point of sale system and signed in the presence of a license selling agent. When a resident applicant is not present, a resident license, permit, tag or stamp shall only be issued upon presentation of a Wyoming Game and Fish Department authorized application form bearing required signatures at Headquarters or any Department Regional Office.~~

~~(eh)~~ For the purpose of conveying hunting, fishing, and trapping privileges in the State, only official Wyoming Game and Fish Commission license forms shall be sold.

(~~ej~~) Under no circumstances shall a license selling agent or sub-agent alter the printed document of any license, permit, tag or stamp except as otherwise authorized in writing by the Department's License Manager. This includes adding anything other than information required by the license document. Any altered license, permit, tag or stamp shall be void.

(~~fi~~) The license issue date shall not be predated or postdated. All hunting and fishing licenses, permits, tags or stamps shall be valid only during the calendar year printed on the respective document, unless the license provides for a specific period of validity.

(~~gk~~) Unsold licenses, permits, tags, ~~or~~ stamps or Electronic License Service (ELS) equipment shall not be removed from the license selling agent's authorized physical location without written authority of the ~~District~~Senior Game Warden, Regional Wildlife Supervisor or the Department's License Manager.

(~~hl~~) Except as otherwise prohibited by regulation or from direction of the License Manager, all license selling agents shall immediately upon receipt make available for sale, during their stated business hours, all license inventory, whether electronic or hand issued, to the public.

(~~im~~) License selling agents shall not charge fees other than established fees by Wyoming Statute or Commission regulation for any service related to license, permit, tag or stamp sales including but not limited to, fees associated with the acceptance of credit cards.

(~~jn~~) Under no circumstances shall the pink copy of a license, permit or stamp be removed from the license book. Removal of the pink copy shall result in an automatic charge to the license selling agent for the full license fee.

(~~ko~~) Wildlife Damage Management Stamp. The Department shall sell the Wildlife Damage Management Stamp at the price annually established by the Animal Damage Management Board through Headquarters, Regional Offices, and designated Department personnel and at designated license selling agents throughout the State.

(p) Book agents are required to complete license form documents prior to the license applicant signing the license. License applicants are not allowed to complete their own license forms.

Section 78. Void Licenses, Permits, Tags or Stamps.

(a) Licenses, permits, tags or stamps shall be voided in accordance with established Department procedure. ~~The procedure for voiding any license, permit, tag or stamp shall include, but not be limited to: the word "VOID" written or stamped across the face of the document, the document number, the license number issued in lieu of the voided license (if applicable), void date, reason for the void and signature of the license selling agent, sub agent or Department employee voiding the document.~~

(b) Once removed from the business entity, licenses, permits, tags or stamps shall be voided only under the written authority from the ~~District Game Warden~~License Manager, Regional Wildlife Supervisor, or the Department's License Manager Chief Fiscal Officer.

~~_____~~ (c) The voided license, permit, tag or stamp shall be evidenced by the signature and date on the completed void certificate attached to the original document submitted for void credit approval.

~~_____~~ (d) Voiding book license documents.

~~_____~~ (i) The procedure for voiding any book license, permit, tag or stamp shall include, but not be limited to:

~~_____~~ (A) The word "VOID" written or stamped across the face of the document;

(B) A void certificate form being properly completed to include the agent account number, document number being voided, the license number issued in lieu of the voided license (if applicable), void date, reason for the void and signature of the license selling agent, sub-agent or Department employee voiding the document; and,

(C) The original book license, permit, tag or stamp being submitted to the License Section within sixty (60) days of the original issuance to be considered for void credit approval.

(e) Voiding ELS license documents.

(i) The procedure for voiding any ELS license, permit, tag or stamp shall include, but not be limited to:

(A) The license transaction must be changed from “active” status to “pending void” status in the ELS system upon completion of the sales transaction when it has been determined the license was issued in error. The license selling agent has until midnight the day the license was issued to verify that all voids during a business day are properly recorded in the ELS system.

(B) The word “VOID” is written or stamped across each license panel section or “VOID” is written or stamped on the first panel section and a line is drawn through the face of all other panel sections of the document.

(C) The void transaction receipt printed from the ELS system shall be attached to the license documents being submitted for void credit review.

(D) The iPOS void certificate form shall be properly completed to include the agent account number, sportsperson information, license type being voided, license number being voided and explanation of the reason license is being submitted for void credit approval; and,

(E) All original license panel sections must be submitted to the License Section within sixty (60) days of original issuance to be considered for void credit approval.

Section -89. Oath of Office.

(a) Approved agents of record and their designated sub-agents shall complete, sign and return the appropriate Oath of Office form to the Department’s License Section. The approved license selling agent shall complete the Oath of Office form at the License Selling Agency Orientation and Training Seminar. Authorized sub-agents shall properly complete and mail to the License Section the Oath of Office form prior to issuing any licenses, permits, tags or stamps.

(i) The completion of an Oath of Office form for the Agent of Record shall be witnessed by a Notary Public, Clerk of Court, or Department personnel authorized by the Chief Fiscal Officer to administer oaths and issue licenses. The completion of an Oath of Office form for a license selling sub-agent shall be witnessed by a Notary Public, Clerk of Court, Agent of Record, or Department personnel authorized by the Chief Fiscal Officer to administer oaths and issue licenses.

(ii) The original Oath of Office form shall be submitted to the License Section within ten (10) days of being executed.

(iii) The Agent of Record shall notify the License Section of any sub-agents that are no longer authorized to sell licenses for the business entity within ten (10) days of this action.

(b) Persons who have not been approved by the Commission as prescribed in established procedure shall be prohibited from selling licenses, permits, tags or stamps.

(c) Persons shall be at least eighteen (18) years of age to be an authorized agent of record or sub-agent.

(d) To administer a residency oath for the issuing of resident licenses, permits, tags or stamps, an agent of record or sub-agent shall reside in the State of Wyoming where the licenses, permits, tags or stamps are issued.

(e) During all business hours, the agent of record or sub-agent shall be available to sell licenses, permits, tags or stamps.

(f) An individual authorized to administer oaths and witness signatures on licenses shall not be authorized to sell a license to them self.

~~Section 9. License Inventory Charge Document.~~

~~(a) The designated agent of record shall be required to verify all license books, permit books, tags or stamp books received from the Department. Such verification shall be completed on a License Inventory Charge Document furnished by the Department. This document shall be signed by the person verifying the information and returned to the Department within ten (10) days from receipt.~~

Section 10. Monthly License Reports.

~~(a) Monthly License Reports shall be prepared in duplicate on forms provided by the Department. The original copy (white copy) with all funds collected, less commissions, shall be remitted to the Department. The license selling agent shall retain the duplicate copy. All license funds collected including search and rescue donations and access donations shall be reported and submitted on the monthly license sales report.~~

~~(i)(a) Every license selling agent shall file a monthly license sales report for the preceding month and remit all moneys, less commission, collected during the previous month on or before the 10th of the month. Filing a report means the report and moneys are physically received by the Department's License Section on or before the 10th of the month, not postmarked on or before the 10th of the month.~~

(b) Monthly license sales reports for book agents.

(i) Filing a report means the monthly license sales report form and moneys are physically received by the Department's License Section on or before the 10th of the month, not postmarked on or before the 10th of the month.

(ii) All license funds collected, including search and rescue donations and access donations, shall be reported and funds remitted on the monthly license sales report.

(iii) Monthly license reports shall be prepared in duplicate on forms provided by the Department. The original copy (white copy) with all funds collected, less commissions, shall be remitted to the Department. The license selling agent shall retain with duplicate copy.

(iv) If no licenses, permits, tags or stamps are sold during the month, the license selling agent shall submit a report indicating no sales.

(c) Monthly license sales report for ELS agents.

(i) Filing a report means the ELS system generated invoice and moneys are physically received by the Department's License Section on or before the 10th of the month, not postmarked on or before the 10th of the month.

(ii) Licenses, permits, tags or stamps sold through the ~~Internet point of sale~~ ELS system shall be electronically invoiced to the license selling agent and not reported on monthly license sales report forms.

(iii) All automated licenses, permits, tags or stamp sales sold during the preceding month shall be included in the payment submitted to the Department on or before the 10th of the following month.

(d) Notification of late reporting.

(i) Letters notifying license selling agents of their late reports shall be mailed (certified, return receipt) prior to the end of the late reporting period. Agents are required to respond to the certified notice within three (3) business days from the receipt of the certified notice. The license agent's response shall be to submit their monthly license sales report and fees, and shall be evidenced by the postmark date on the envelope received from the License Section containing the late report.

(ii) Letters notifying license selling agents of three (3) occurrences of late reporting in any twelve (12) month period shall be mailed (certified, return receipt) informing the agent that administrative suspension or cancellation proceedings have been commenced. The agent shall be informed of the requirement to request a hearing before the Wyoming Game and Fish Commission as outlined in Section 24 of this regulation.

(iii) Any late reporting may be used as cause for commencing administrative suspension or cancellation proceedings.

~~(iii) All hand issued book sales and all automated licenses, permits, tags or stamp sales sold during the preceding month shall be included in the payment submitted to the Department on or before the 10th of the following month.~~

Section 11. Monetary Remittance Issues

~~(iv)~~(a) Any person who issues a check to the Wyoming Game and Fish Department to fulfill the requirements of this ~~section~~regulation, which is not paid because the check has been dishonored by the bank, shall be required to make restitution within thirty (30) calendar days following date of written demand. The written demand shall be mailed to the drawer of the check by United States postal service certificate of mailing at the address shown on the check or the last known address or personally served pursuant to the Wyoming Rules of Civil Procedure. The restitution shall be in the form of a postal money order or a cashier's check in the amount of the check and a collection fee not to exceed thirty dollars (\$30).

~~(v)~~(b) If the license selling agent fails to pay the amount of the check and the collection fee within thirty (30) days following the date of written demand, mailed to or served upon them, they shall be assessed an additional amount equal to two (2) times the amount of the check or one hundred dollars (\$100), whichever is greater, in addition to the collection fee of thirty dollars (\$30) referenced above, and any court costs.

~~(vi)~~(c) If a license selling agent submits a second dishonored check within a consecutive twelve (12) month period of a previous dishonored check, the license selling agent shall be required to remit all subsequent payments in the form of a postal money order or cashier's check for a period of twelve (12) calendar months. Failure to do so shall be grounds for cancellation.

(d) Account shortages of less than ten dollars (\$10) incurred on an agent's monthly license report may be included with the next monthly license sales reports remittance amount.

(e) Letters notifying agents of their account balances shall be mailed after the 25th of each month. Payments for account shortages of over ten dollars (\$10) shall be remitted within ten (10) business days.

(f) Any license selling agents having account shortage balances due, that have not been received by the License Section within the ten (10) day period, shall be mailed (certified, return receipt) letters. Agents are required to respond to the letter within three (3) business days from the receipt of said letter. The license agent's response shall include their account shortage payment and shall be evidenced by the postmark date on the response envelope received from the License Section containing said payment.

(g) Unpaid account shortages may be used as cause for commencing administrative suspension or cancellation proceedings.

_____ (b) Each appointed license selling agent shall be assigned an account number by the Department. This number shall be used on all transactions concerning the license selling agent.

_____ (c) If no licenses, permits, tags or stamps are sold during the month, the license selling agent shall submit a report indicating no sales.

Section 412. Duplicate License Issuance.

(a) A "Duplicate License" shall be required for the replacement of lost or destroyed big or trophy game and wild turkey licenses which are valid and have not expired. Any other lost or destroyed hunting, fishing or trapping license which are valid and have not expired shall be replaced by either purchasing another license or a "Duplicate License". **Duplicate license issuance for book agents.**

(i) If a "Duplicate License" is issued, a duplicate license affidavit form shall be properly completed by the licensee and by the agent of record or sub-agent verifying that the original issuance of the license occurred at their business entity as required by Commission regulation. The license selling agent or sub-agent issuing the duplicate license shall affix the properly completed duplicate license affidavit to the permanent pink copy of the duplicate license that was issued.

(ii) Any lost or destroyed big game, trophy game, wild turkey or wild bison hunting license which is valid and has not expired shall be replaced by purchasing a "Duplicate License" as authorized by Commission regulation.

(iii) Any lost or destroyed game bird or small game hunting license, fishing license or trapping license which is valid and has not expired shall be replaced by either purchasing another license or issuing a "Duplicate License" as authorized by Commission regulation.

(iv) Any lost or destroyed permit, tag or stamp which is valid and has not expired shall be replaced by purchasing another permit, tag or stamp as authorized by Commission regulation.

(b) Duplicate license issuance for ELS agents.

(i) A "Duplicate License" shall be required for the replacement of lost or destroyed big or trophy game, wild turkey or wild bison licenses which are valid and have not expired.

(ii) For licenses issued through the ELS system, the duplicate license affidavit form has been incorporated within the duplicate license document and shall be signed by the license applicant and license selling agent issuing the duplicate license. This affidavit panel section of the duplicate license document shall remain intact with all other printed panel sections of the duplicate license form.

_____ (b) A duplicate license affidavit shall be properly completed by the licensee and by the agent of record or sub-agent verifying that the original issuance of the license occurred at their business entity.

_____ (c) The license selling agent or sub-agent issuing the duplicate license shall affix the properly completed duplicate license affidavit to the permanent pink copy of the duplicate license that was issued.

_____ (d) For duplicate licenses issued through the Internet point of sale system, the duplicate license affidavit shall be submitted to the Department with the monthly license sales report.

Section 4213. Examination of Agents Records.

(a) All Wyoming Game and Fish Commission license selling agents shall be subject to **a financial** audit of any and all records and documents relating to licenses, permits, tags or stamp sales. These **financial** audits may be conducted, during normal business hours, without prior notification by a Department representative authorized by the Chief Fiscal Officer. Any **financial** audit of records shall also extend to records, documents and other writings in possession or custody of accountants or other agents or representatives.

(b) All Wyoming Game and Fish Commission license selling agent records and documents relating to licenses, permits, tags or stamp sales shall be subject to review for law enforcement purposes by Department law enforcement personnel during normal business hours.

Section ~~13~~14. Appointment of License Selling Agents.

(a) Any Department personnel required to administer oaths and sell licenses shall be so authorized by the Chief Fiscal Officer.

(b) Business entities shall be evaluated and classified through an application process as either a sporting goods and equipment vendor, a non-sporting goods and equipment vendor or an out-of-state vendor based on the definitions provided in ~~Section 4~~ of this regulation.

(c) Applications for license selling agents shall be submitted on forms supplied by the License Section.

(d) Applications from sporting goods and equipment vendors as defined in Section 4 of this regulation shall be accepted throughout the year and shall be given preference in appointment in accordance with Wyoming Statute.

(e) **Upon submission of an application from either a non-sporting goods and equipment vendor or an out-of-state vendor applicant, If a District the Senior Game Warden shall determines a need for an additional license selling agent within his/her district. If a need is determined and approved by the Chief Fiscal Officer,** applications shall be accepted through solicitation by public notice in statewide or local news media.

(f) Untimely applications for advertised vacancies shall not be accepted by the Department **unless authorized by the Chief Fiscal Officer.**

(g) A license selling agent shall be appointed based upon the facts contained in the original application **and Senior Game Warden evaluation.**

~~_____ (i) Continued appointment of license selling agents shall be based upon whether the facts contained in the original application continue to be in effect.~~

~~_____ (ii) If any facts contained in the original application change, the license selling agent's authority to sell licenses, permits, tags or stamps shall be subject to revocation by the Wyoming Game and Fish Commission.~~

~~_____ (h) If any of the following facts have changed from those listed in the license selling agent's original application, the renewal of the license selling agent may not be approved:~~

~~_____ (i) Appointed agent of record;~~

~~_____ (ii) Business entity upon which the appointment was based;~~

~~_____ (iii) Physical location of the business entity upon which the appointment was based;~~

~~_____ (iv) Hours/days/months of operation;~~

~~_____ (v) Continuance of a valid sales tax license for the respective business entity;~~

~~(vi) Appointed agent of record has maintained physical control of the license, permit, tag and stamp inventory;~~

~~_____ (vii) Appointed agent of record has maintained physical control of funds collected.~~

~~(h)~~ **(h)** A license selling agent shall be considered appointed upon completing the following:

(i) Approval by the Commission;

(ii) Travel to the Wyoming Game and Fish Department Headquarters in Cheyenne or another Department facility as designated by the Department's License Manager, at the license selling agent expense, within ninety (90) days of written notification of approval by the Commission to attend the License Selling Agency Orientation and Training Seminar;

(iii) Payment of the annual bonding fee as prescribed by W.S. §23-1-701 within ninety (90) days of notification of approval by the Commission; and,

(iv) Receive the initial license allocation within ninety (90) days of notification of approval by the Commission.

~~_____ **(v) Agent of Record must agree to be an ELS license selling agent.**~~

~~_____ **(vi) If applicable, Agent of Record Authorization is submitted to the License Section.**~~

~~_____ **(vii) Signing the Lease Agreement for the issuance of ELS equipment within ninety (90) days of notification of approval by the Commission.**~~

Section 4415. Criteria for Appointment of In-State License Selling Agents.

(a) All applications for sporting goods and equipment vendors approved by the Department shall be presented to the Commission for review.

(b) Appointment of sporting goods and equipment vendors as license selling agents shall be based upon their qualification of a sporting goods and equipment vendor as defined in Section 4.

(i) Agents shall be considered for appointment only if they are existing business entities.

~~_____ **(ii) Agents shall have a valid sales tax license for the respective business entity.**~~

(c) Appointment of non-sporting goods and equipment vendors as license selling agents shall be based upon the following criteria:

~~_____ **(i) Applicants shall be considered for appointment on the physical location in relation to existing license selling agents;**~~

~~_____ (i) Applicants shall be considered for appointment on the basis of their proximity to existing license selling agents and physical location in relation to existing license selling agents;~~

(ii) Applicants shall be considered for appointment based on the public service provided taking into consideration the optimum period of hours, days and months of operation; ~~and,~~

(iii) Applicants shall be considered for appointment only if they are existing business entities.

~~_____ **(iv) Agents shall have a valid sales tax license for the respective business entity; and,**~~

(v) Agents shall be considered for appointment based on the Senior Game Warden evaluation.

Section 1516. Criteria for Appointment of Out-of-State License Selling Agents.

(a) The ~~District~~**Senior** Game Warden, through the Regional Wildlife Supervisor, shall notify the Department's License Manager of the possible need to establish an out-of-state license selling agent.

(b) The requested shall be reviewed for approval by the Chief Fiscal Officer. If approved, applications may be accepted through solicitation by public notice in statewide or locals news media.

~~(b)(c)~~ Applicants for out-of-state license selling agents shall complete the proper application form. Consideration for approval of the agent shall generally, but not necessarily, be limited to criteria set forth in Section 14 of this regulation.

~~(c)(d)~~ Out-of-state license selling agents ~~may only~~**shall** be authorized to sell the **specific** licenses listed in this subsection: license types as designated by the Chief Fiscal Officer.

- ~~(i) Nonresident fishing;~~
- ~~(ii) Nonresident game bird/small game;~~
- ~~(iii) Conservation stamps;~~
- ~~(iv) Reciprocity stamps;~~
- ~~(v) Nonresident archery;~~
- ~~(vi) Nonresident black bear; and,~~
- ~~(vii) Nonresident mountain lion.~~

Section 1617. License Agent Bonding, Initial License Inventory and ELS Equipment Distribution and Training.

(a) Within thirty (30) days of appointment, all new agents of record or their designees shall be notified of a scheduled date in which they shall be required to travel to the Wyoming Game and Fish Department Headquarters in Cheyenne, or another Department facility as designated by the Department's License Manager, at the license selling agent's expense in order to: pay the annual bonding fee as prescribed by W.S. §23-1-701; attend a License Selling Agency Orientation and Training Seminar; ~~and~~; receive the initial license allocation **and receive their ELS equipment**.

(b) At any time, an agent of record shall be required to travel at the license selling agent's expense to Headquarters or another Department facility, as designated by the License Manager, to attend remedial training at the direction of the License Manager.

Section 18. Renewal of License Selling Agency.

(a) If any of the following facts have changed from those listed in the license selling agent's original application approved by the Commission, the renewal of the license selling agent may not be approved:

(i) Appointed Agent of Record, unless an Agent of Record Authorization form has been properly completed and accepted by the License Section;

(ii) Business entity upon which the appointment was based;

(iii) Physical location of the business entity upon which the appointment was based;

(iv) Hours/days/months of operation;

(v) Continuance of a valid sales tax license for the respective business entity

(vi) Appointed Agent of Record has not maintained physical control of the license, permit, tag and stamp inventory.

(vii) Appointed Agent of Record has not maintained physical control of funds collected.

(viii) Appointed Agent of Record has not maintained physical control of ELS equipment issued.

(b) Agents shall pay their annual non-refundable bond fee of fifty dollars (\$50) before December 1 preceding the year for which the bond shall be in effect to renew their license selling agency.

(c) Failure to pay the annual fifty (\$50) dollar bond before December 1 of each year shall be cause for automatic and immediate cancellation. Exceptions shall only be granted by the Chief Fiscal Officer.

(d) Agents that have been cancelled for failure to pay their annual bond fee by December 1 shall be required to reapply to the Commission as a new license selling agent as outlined in this regulation.

Section 1719. Transfer of Physical Location of License Selling Agents.

~~(a)~~—A Wyoming Game and Fish Commission license selling agent may be transferred to another physical location of the same business entity only upon approval of the Chief Fiscal Officer and the District Wyoming Game and Fish Commissioner. Recommendations by the ~~District~~**Senior** Game Warden, Regional Wildlife Supervisor and the Department's License Manager shall be considered by the Chief Fiscal Officer and the District Game and Fish Commissioner in determining whether or not to approve a transfer of physical location. A sporting goods and equipment vendor license selling agent is exempt from this provision.

Section 20. Change in Agent of Record for Business Entity.

(a) The business entity must submit a properly completed Agent of Record Authorization form completed on their letterhead to change the Agent of Record.

(b) In addition to the Agent of Record Authorization form, the newly designated Agent of Record must also submit a properly completed Oath of Office form as the Agent of Record to the License Section.

(c) As indicated on the Agent of Record Authorization form, the newly designated Agent of Record shall agree to accept all financial liability for the business entity and accept responsibility for all actions of the sub-agents for all matters relating to license sales.

(d) If the designation of the individual to act as the Agent of Record does not change the organizational structure of the business entity that was approved by the Commission, then the License Section shall accept the Agent of Record Authorization form and change the Agent of Record for the business entity.

Section 1821. Transfer of ~~License Selling Agent of Record~~ as a Result of a Change in the Business Entity.

~~(a) If the change in agent of record does not change the organizational structure of the business entity, the new agent of record shall submit a properly completed Oath of Office form to the Department's License Section.~~

~~(b)~~**(a)** If the change in ~~agent of record~~**license selling agent** results in a change in the Business Entity, then:

(i) A new owner of a currently established Wyoming Game and Fish Commission license selling agent shall immediately apply to the Commission to be considered for appointment as a license selling agent pursuant to Section ~~13~~**14** of this regulation.

(ii) Subject to application and appointment as a license selling agent, the new owner may apply to the Department's License Section for a temporary license selling agent authorization which shall allow the continuance of the existing license selling agent. Upon approval of the ~~Department~~**Senior Game Warden, Regional Wildlife Supervisor** and the District Commissioner, the License Section shall issue a temporary license selling agent authorization to the new owner. Failure to apply for appointment as a license selling agent or apply for a temporary license selling agent authorization may result in delay of issuance.

(iii) A temporary license selling agent authorization shall remain in effect for one hundred twenty (120) days. The authorization may be extended an additional one hundred twenty (120) days by the District Commissioner.

(iv) In order to receive the temporary license selling agent authorization, the new owner shall assume all liability for the Agent of Record from whom the business was purchased. If the new owner does not agree to assume the liability of the previous Agent of Record, the existing license selling agency is immediately canceled.

(v) Until a temporary license selling agent is authorized in which the new owner assumes liability, the existing Agent of Record shall remain liable as described in Section 5.

(vi) The business entity shall be required to be an Electronic License Service (ELS) agent.

(vii) The Agent of Record may be required to attend training as outlined in this regulation.

(viii) The Agent of Record shall be required to sign a Lease Agreement for the Electronic License Service (ELS) equipment issued.

Section 22. Administrative Suspension of License Selling Agents.

(a) A license selling agency may be suspended from license sales under the direction of the Wyoming Game and Fish Director and the Wyoming Game and Fish District Commissioner pending a hearing before the Wyoming Game and Fish Commission for any of the following reasons:

(i) Failure to submit monthly license sales report as required by state statute.

(ii) Failure to remit payment for license sales as required by state statute.

(iii) Failure to pay the amount of a dishonored check and the assessed collection fees within thirty (30) days following the date of the receipt of written notification.

(b) The License Manager shall be directed to inactivate the license selling agent account on the ELS system so that no license sales can occur during the administrative suspension.

(c) The License Manager shall be directed to retrieve all licenses, permits, tags and stamps from the license selling agency so that no manual license sales can occur during the administrative suspension.

(d) The license selling agency shall be suspended until the issue is resolved or formal Commission action is taken, whichever action occurs first.

Section 1923. Cancellation of License Selling Agents.

(a) A License Selling Agency may be canceled for, pursuant to procedures described in “Cancellation Procedures, License Selling Agencies” approved December 4, 1995, by the Wyoming Game and Fish Commission (a copy of “Cancellation Procedures, License Selling Agencies” can be obtained from the License Section, Wyoming Game and Fish Department, 5400 Bishop Blvd., Cheyenne, Wyoming 82006) for noncompliance with W.S. §23-1-701 or Commission Regulations including but not limited to, **the following reasons:**

(i) Noncompliance with Wyoming statutes;

(ii) Noncompliance with Wyoming Game and Fish Commission Regulations or Policies;

(iii) Failure to follow procedures outlined in written procedures provided by the License Section;

~~(i)~~**(iv)** Submission of late or no monthly license sales report;

~~(ii)~~**(v)** Failure to properly report all license sales and remit monies during a reporting period;

~~(iii)~~**(vi)** Three (3) occurrences of late reporting by an agent in any twelve (12) month reporting period;

(vii) Failure to respond to certified letters notifying agents of late reporting, dishonored checks, or account balances due;

~~(iv)~~**(viii)** Failure to remit account underpayments;

~~(v)~~**(ix)** Issuance of insufficient or no account checks and failure to pay as provided in W.S. §1-1-115;

~~(vi)~~**(x)** Failure to pay annual bond by December 1 for succeeding year;

~~(vii)~~**(xi)** Failure to disseminate correct information to the hunting/fishing public;

~~(viii)~~**(xii)** Charging fees for any service related to license, permit, tag or stamp sales other than that established by Wyoming Statute;

~~(ix)~~**(xiii)** Failure **of license selling agent or sub-agents** to properly and legibly complete the license form **fill out completed applications for license issuance as required by Commission regulation;**

~~(x)~~**(xiv)** Selling licenses over quota;

~~(xi)~~**(xv)** Failure to allow or permit **an financial audit or law enforcement review** of any and all records and documents relating to hunting, fishing and trapping licenses, permits, tags or stamp sales or search and rescue or access donations;

~~(xii)~~**(xvi)** Illegal issuance of licenses, permits, tags or stamps; ~~or;~~

~~(xiii)~~**(xvii)** Failure to attend training as requested by the Department’s License Manager;

~~(xiv)~~**(xviii)** Failure to properly witness residency oaths on resident license issuance-;

(xix) Failure to properly use Department provided Offline license books to issue licenses when the ELS automated system is not accessible;

(xx) Failure to properly data enter license records into the ELS system that were issued using Offline license books. The licenses must be data entered by the next business day in which system access is restored;

(xxi) Failure to review ELS license document with licensee prior to signing license documents; or,

(xxii) Failure to verify inventory shipments and sign and return Inventory Charge Documents.

(xxiii) Failure to make available for sale, during stated business hours, all license inventory, whether electronic or hand issued, to the public.

Section 24. Proceedings for Administrative Suspension or Cancellation.

~~(b)~~(a) The Chief Fiscal Officer, with concurrence of the District Commissioner, shall notify the license selling agent in writing that administrative suspension or cancellation procedures have been initiated.

~~(c)~~(b) The administrative suspension or cancellation shall be a contested case proceeding in accordance with Wyoming Game and Fish Commission Regulation Chapter 27, Rules of Practice Governing Contested Cases Before The Wyoming Game And before the Wyoming Game and Fish Commission, revised as of ~~January 19,~~ ~~1982,~~ July 29, 2010, and which does not include any later amendments or editions of the incorporated matter.

(i) Cancelled or suspended license selling agents are entitled to a hearing before the Game and Fish Commission. Request for hearing shall be made in writing to the Chief Fiscal Officer within ten (10) business days after receipt by the license selling agent of the notice of cancellation or suspension by the Department. Upon the Department's receipt of a request for hearing from a cancelled or suspended license selling agent, the cancelled or suspended agent shall be scheduled by the Department to appear before the Commission at the next regularly scheduled Commission meeting.

(ii) Upon cancellation of a license selling agent by the Commission or if the license selling agent fails to request hearing within ten (10) business days, the license selling agent shall be prohibited from reapplying to the Commission for a license selling agent authorization for not less than twelve (12) months.

(iii) License selling agents that fail to request a hearing before the Game and Fish Commission within ten (10) business days after receipt of notice of administrative suspension or cancellation shall be immediately canceled.

Section 25. Issuance of Electronic License Service (ELS) equipment.

(a) The Agent of Record shall be required to sign a Lease Agreement to be issued ELS equipment.

(b) The Agent of Record shall be required to sign a new Lease Agreement for any equipment that is replaced by the Department from the original issuance.

(c) Upon Transfer of Ownership of a business entity, a new Lease Agreement shall be executed.

Section 2026. Violation of Commission Regulations. Failure to abide by the provisions of this regulation shall be punishable as provided by Wyoming statutes for violation of Commission regulations.

Section 2127. Savings Clause. If any provision of this regulation is shall be held to be illegal or unconstitutional, such a ruling shall not affect other provisions of this regulation which can be given effect without the illegal or unconstitutional provision; and, to this end, the provisions of this regulation ~~are~~ shall be severable.

WYOMING GAME AND FISH COMMISSION

By: _____
~~Bill Williams, DVM,~~ **Aaron Clark**, President

Dated: ~~July 20, 2007~~ **November 14, 2012**