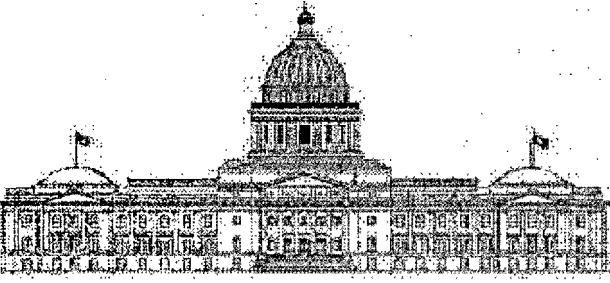


# ARKANSAS REGISTER

## Transmittal Sheet



Charlie Daniels  
Secretary of State  
State Capitol Room 026  
Little Rock, Arkansas 72201-1094  
(501) 682-3527

For Office

Use Only:

Effective Date \_\_\_\_\_ Code Number \_\_\_\_\_

Name of Agency Arkansas Game and Fish Commission

Department Legal Bureau

Contact James F. Goodhart E-mail jfgoodhart@agfc.state.ar.us Phone (501) 223-6327

Statutory Authority for Promulgating Rules Amendment 35

**Rule Title:** New Code 44.07 - Closure of Public Access and/or Zones Due to Emergency Condition.

Intended Effective Date

- ☐ Emergency
- ☒ 10 Days After Filing
- ☐ Other \_\_\_\_\_

Legal Notice Published .....

Final Date for Public Comment .....

Reviewed by Legislative Council .....

Adopted by State Agency .....

Date

05/15/11

06/03/11

06/16/11

☒ Electronic Copy of Rule Provided (per Act 1648 of 2001)

☐ Electronic Copy of Rule to be e-mailed from: \_\_\_\_\_

Contact Person

Email Address

### CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted  
In Compliance with Act 434 of 1967 As Amended.

James F. Goodhart  
Signature

(501) 223-6327

Phone Number

jfgoodhart@agfc.state.ar.us

E-mail Address

General Counsel

Title

6/22/11

Date

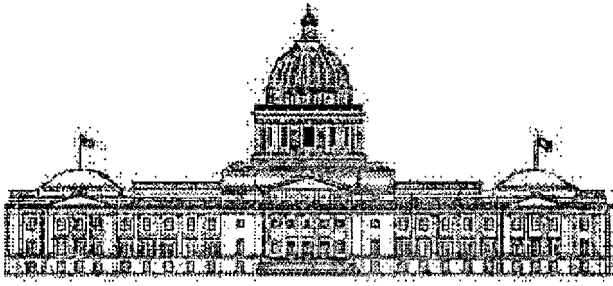
**FILED**

**JUN 23 2011**

**Arkansas  
Secretary of State**

# ARKANSAS REGISTER

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Name of Agency Arkansas Game and Fish Commission

Department Legal Bureau

Contact James F. Goodhart E-mail jfgoodhart@agfc.state.ar.us Phone (501) 223-6327

Statutory Authority for Promulgating Rules Amendment 35

**Rule Title:** Adoption of Code Amendments for Existing Administrative License Suspension Procedures

Intended Effective Date

Date

☐ Emergency

Legal Notice Published ..... 05/15/11

☒ 10 Days After Filing

Final Date for Public Comment ..... 06/03/11

☐ Other \_\_\_\_\_

Reviewed by Legislative Council .....

Adopted by State Agency ..... 06/16/11

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James F. Goodhart

Signature

(501) 223-6327

Phone Number

jfgoodhart@agfc.state.ar.us

E-mail Address

General Counsel

Title

6/22/11

Date

FILED

JUN 23 2011

Arkansas  
Secretary of State

01.00-J  
6-11

## POINT SYSTEM FOR HUNTING AND/OR FISHING VIOLATIONS

Upon the accumulation of 12 points for hunting and/or fishing violations within a three-year period, the individual will be ineligible to apply for any Commission deer, turkey and elk permit hunts for the following three years. The accumulation of 18 points for hunting and/or fishing violations within a three-year period may result in the revocation of all hunting and/or fishing licenses and the rights attached thereto for one year, and the accumulation of 30 points within a five-year period may result in the loss of all licenses and rights for three years. A revocation of hunting and/or fishing licenses and rights occurring for a third time during an individual's lifetime may result in the lifetime revocation of all hunting and/or fishing licenses and rights. Any person who forfeits bond, pleads guilty or nolo contendere, or is found guilty of violating any hunting or fishing regulation shall be assigned points as follows:

<u>CODE NO.</u>	<u>TYPE OF VIOLATION</u>	<u>POINTS</u>
02.13A	Alligator, Deer, Turkey and Bear Tagging Requirements	12
02.13B	Big Game Checking Requirements	12
02.14	Bear Hunting Season	18
02.21	Elk Hunting Season	30
02.23	Alligator Hunting Season	18
03.08	Counterfeiting License	18
03.13	Special Guide License Requirements	18
04.03	Hunting Wild Turkey Over Bait Prohibited	18
09.03	Dogs Prohibited During Deer Season	12
11.04	Hunting or Fishing After Revocation of License Prohibited	30
11.08	Hunting, Fishing, Trapping, Releasing Hunting Dogs or Pursuing Wildlife With Dogs Without Landowner/Lessee Permission Prohibited.	9
11.09	Hunting/Fishing Endangerment Prohibited. Assessment of additional points dependent upon severity of violation. A conviction for violating this regulation may result in the assessment of additional violation points up to and including lifetime revocation of privileges when associated with the following occurrences:	12
	With Property Damage	18
	With Personal Injury	30
	With Human Fatality	Lifetime
16.05	Shooting Bears in Dens Prohibited	18
16.07	Hunting Bear Over Bait	9
17.03	Legal Bull Elk Requirements	18

17.04	Taking of Antlerless Elk Prohibited	18
18.01	Hunting Wildlife in Closed Season	30
18.02	Night Hunting	30
18.03	Selling Wildlife Restrictions **A conviction for violating this regulation May result in the lifetime revocation of all hunting and/or fishing licenses.	**
18.04	Hunting from Road Prohibited	18
18.14	Taking of Alligators Prohibited	18
18.20	Taking of Raptors Prohibited	18
19.12	Endangered Species	30
20.34(B)	Feral Hog Dog Restrictions on WMAs	30
20.34(C)	Releasing Feral Hogs Restrictions on WMAs	30
25.09	Guiding Prohibited on all Commission Owned or Controlled WMAs (Guides)	18
25.09	Guiding Prohibited on all Commission Owned or Controlled WMAs (Guided Hunters)	09
31.07	Sale of Game Fish	18
32.01	Taking Fish with Electrical Devices, Firearms, Explosives, Toxic or Killing Substances	30
36.03	Sale of Bullfrogs	18
38.01	Mussel Shell Taker, Buyer and Seller License and Reporting Requirements	18
39.01	Aquatic Turtle Harvest Permit Requirements	18
39.01(A)	Aquatic Turtle Dealer Permit Requirements	18
39.01 (B)	Aquatic Non-resident Turtle Dealer Permit	18
39.01(C)	Aquatic Turtle Farmer Permit Requirements	18
39.02	Commercial Aquatic Turtle Harvest Restrictions	9
39.04	Aquatic Turtle Tackle Restrictions	9
39.05	Aquatic Turtle Harvest and Dealer Reporting Requirements.	9
39.06	Possession of Sportfish by Aquatic Turtle Harvest Permittees Prohibited	9
39.07(A)	Take or Possession of Alligator Snapping Turtles Prohibited.	18
39.07(B)	Take of Chicken Turtles Prohibited	9
39.08	Importation of Alligator Snapping Turtles and Chicken Turtles Prohibited.	18
39.09	Alligator Snapping Turtle Breeder/Dealer Permit Requirements.	18
41.05 (A)	Resident Roe Taker/Seller Permit Requirements	18
41.05 (B)	Resident Roe Buyer/Exporter and Non-Resident Roe Buyer/Exporter Permit Requirements	18
41.05 (C)	Roe Buyer/Exporter Reporting Requirments	18
41.13	Commercial Fishing by Non- Resident Prohibited	18
41.30	Paddlefish and Sturgeon Possession	

	Restrictions on White River, Arkansas River and Border Waters.	18
41.33	Cutting or Mutilation of Paddlefish and Sturgeon Prohibited	30
41.39	Paddlefish and Sturgeon Harvest Restrictions	18
44.06	Commercial Fishing for Certain Fish Prohibited in Lower Ouachita River	18
*All Others		06

\*Boating regulations are not included in points toward revocation.

The following violations shall result in a double assessment of the respective point value for the violation committed upon final court disposition:

- 1) Any violation of harvest regulations committed by a Guide License holder.
- 2) Any violation of trout harvest regulations in a trout catch and release area.
- 3) Any violation of bass harvest regulations on lakes designated as Trophy Bass Management Areas (Lakes Monticello, Lower White Oak, Columbia, SWEPCO, Pickthorne and Austelle).
- 4) Adults 21 years or older when accompanying youth under 16.

**SUSPENSION, REVOCATION OR DENIAL OF LICENSES, PERMITS, TAGS AND STAMPS.**

The Director of the Arkansas Game and Fish Commission, or his designated representative, is authorized to deny, suspend or revoke the license, permit, tag or stamp of any holder, and to deny the application of any applicant, upon proper notice and hearing in accordance with due process, upon reasonable cause or a showing through the Commission's records or other sufficient evidence that the holder or applicant has met one or more of the following criteria:

- (1) accumulated points for hunting and/or fishing violations in excess of the amounts set forth in Commission Code 01:00-J;
- (2) made a material misrepresentation or practiced fraud or deceit in an attempt to obtain or use a license, permit, tag or stamp;
- (3) permitted a fraudulent or unlawful use of his license, permit, tag or stamp;
- (4) under either federal law or another state's law, has received a lifetime revocation of his or her hunting and/or fishing licenses, or been convicted within the past three years of a hunting and/or fishing violation, which, if the conviction had been pursuant to Arkansas law, would have been grounds for suspension or revocation; or
- (5) Failed to comply with any term of a license, permit, tag or stamp.

Upon suspension or revocation of any license, permit, tag or stamp, or denial of any application, the Director, or his designated representative, shall notify the holder or applicant in writing. Any holder or applicant desiring a hearing shall notify the Commission in writing within twenty (20) days after receipt of the suspension, revocation or denial notice. Upon receipt of the hearing request, the Commission shall appoint a hearing officer and notify the holder or applicant of the date, time and location of the hearing. The Commission shall cause an official record to be made of the proceedings. Hearings shall be conducted in an informal manner and without necessity of adherence to the rules of evidence required in judicial proceedings. Parties shall have the right to be represented by counsel, to submit evidence in open hearing, compel the attendance of witnesses and to cross-examine any witness at the hearing. Irrelevant, immaterial or unduly repetitious evidence shall be excluded by the hearing officer. Notice may be taken of generally recognized technical or scientific facts within the Commission's specialized knowledge, and the Commission's experience, technical competence and specialized knowledge may be utilized in the evaluation of the evidence. Based upon the evidence in the record of the proceedings, the hearing officer shall affirm, rescind, or modify the suspension or revocation of the license, permit, tag or stamp, or the denial of the application. Decisions of the hearing officer shall be final and shall include findings of fact, conclusions of law and the final order. The parties shall be served either personally or by mail with a copy of the final decision. Any aggrieved party may, within thirty days after service of the decision, file a petition for review in the circuit court of Pulaski County or the county in which they reside.

- 11.04** **HUNTING OR FISHING AFTER REVOCATION OF LICENSE**  
05-05/6-11 **PROHIBITED.** It shall be unlawful for any person to take or attempt to take any wildlife, including fish, by any means after suspension of the person's hunting and/or fishing license by any court or the Arkansas Game and Fish Commission or its authorized representative for the period of such suspension.  
**PENALTY:** \$500.00 to \$2,000.00.  
and in addition a jail sentence not to exceed 10 days may be imposed.  
Equipment used in such violations (including but not limited to killing devices and lights) may be confiscated by the court, forfeited to the State, and disposed of according to law.
- 11.05** **REVOCATION OF LICENSES.** Courts of competent jurisdiction  
10-98/6-11 or the Arkansas Game and Fish Commission by its authorized representatives may suspend, revoke or deny a permit, license, tag or stamp for reasonable cause. Any suspension, revocation or denial of permits, licenses, tags, stamps or rights attached thereto by the Commission or its authorized representative shall be conducted in accordance with the provisions in Code Regulation 01.00-K.
- 11.05-A** **REVOCATION OF COMMERCIAL WILDLIFE PERMITS.** It  
04-05/ 6/11 shall be unlawful for any person to take, attempt to take, possess, buy, sell, acquire or dispose, in any manner, wildlife for commercial purposes after the person's commercial wildlife permit has been suspended by any court, the Arkansas Game and Fish Commission, or its authorized representative.  
**PENALTY:** 1<sup>st</sup> Offense - \$1,000.00 - \$5,000.00. In addition, a jail sentence not to exceed ten (10) days may be imposed.  
Subsequent Offenses - \$5,000.00 - \$10,000.00. In addition, a jail sentence not to exceed one (1) year may be imposed.
- 11.06** **ACCESS ON COMMISSION-OWNED WMAs AND WDAs PROHIBITED**  
05-01/04-05/ 6/11 **AFTER REVOCATION OF HUNTING LICENSE.** It shall be unlawful for any person to access or go upon any Commission-owned WMA or WDA after revocation of the person's hunting license by a court of competent jurisdiction or the Arkansas Game and Fish Commission or its authorized representative for the period of such revocation.  
**PENALTY:** \$500.00 to \$2,000.00.
- 11.07** **ACCESS ON COMMISSION-OWNED LAKES PROHIBITED AFTER**  
05-01/04-05/ 6/11 **REVOCATION OF FISHING LICENSE.** It shall be unlawful for any person to access or go upon any Commission-owned lake after revocation of the person's fishing license by a court of competent jurisdiction or the Arkansas Game and Fish Commission or its authorized representative for the period of such revocation.  
**PENALTY:** \$500.00 to \$2,000.00.