

Use only for **FINAL** and **EMERGENCY RULES**



Revised 7/2015 to reflect new legislation passed in the 2015 Regular Session (Act 1258). This act changed the effective date from 30 days to 10 days after filing the rule.

01.00-C DEFINITION OF TERMS

AGFC LICENSE SYSTEM – the point-of-sale system that the Commission uses to sell and dispense Commission-issued licenses, permits, stamps, tags, and any other privileges to the public.

CHAPTER 03.00 – LICENSE REGULATIONS

- 03.01 License and Permit Requirements**
- 03.02 Fishing License Requirements**
- 03.03 Resident Hunting License Requirements**
- 03.04 Non-Resident Hunting License Requirements**
- 03.05 State Migratory Waterfowl Hunting Stamp Requirements**
- 03.06 Non-Resident Illegally Possessing Resident License**
- 03.07 Possession of License of Another**
- 03.08 Lending License Prohibited**
- 03.09 Counterfeiting, Backdating, or Altering License Prohibited**
- 03.10 Electronic Proof of License, Permit, Stamp, Education Certificate Allowed**
- 03.11 Falsifying Information Prohibited**
- 03.12 License Dealer Permit Required to Sell AGFC Licenses**
- 03.13 Charging in Excess of Authorized License Fees Prohibited**
- 03.14 Resident Guide License Requirements**
- 03.15 Non-Resident Guide License Requirements**
- 03.16 Hunter Education Certificate Requirements**
- 03.17 Boater Education Certificate Requirements**

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03.09 COUNTERFEITING, BACKDATING, OR ALTERING LICENSE PROHIBITED

- 06-15, 01-17 (A) It is unlawful for any person to counterfeit, backdate, or alter any license, permit, tag, stamp, or hunter education or boater education certificate issued by the Commission.
- (B) It is unlawful for any person knowingly to possess, sell, or offer for sale any counterfeited, backdated, or altered license, permit, tag, or stamp issued or purportedly issued by the Commission.

PENALTY: Class 3

03.10 ELECTRONIC PROOF OF LICENSE, PERMIT, STAMP, EDUCATION CERTIFICATE ALLOWED

- 02-85, 01-17 (A) When any Commission regulation requires a person to carry a Commission-issued license, permit, stamp, or hunter education or boater education certificate “on the person,” an electronic copy of said license, permit, stamp or hunter education or boater education certificate issued by the Commission in an acceptable electronic format shall be sufficient to establish compliance.
- (B) For purposes of this regulation, “acceptable electronic format” shall mean an electronic image produced on a person's own cellular phone or other type of portable electronic device that displays all of the information found on a Commission-issued license, permit, stamp, or hunter education or boater education certificate as clearly as the paper Commission-issued license, permit, stamp, or hunter education or boater education certificate.
- (C) For a state migratory waterfowl hunting stamp, an electronic copy of a person's hunting license issued by the Commission coded DSR or DSN will be sufficient

- to establish compliance with Code 03.05.
- (D) For a Federal Migratory Bird Hunting E-Stamp, an electronic copy of a person's hunting license issued by the Commission coded FDE will be sufficient to establish compliance with Code 03.10 for up to 45 days from the date of purchase of the Federal Migratory Bird Hunting E-Stamp.
 - (E) For a Snow, Blue, or Ross's Goose Registration Permit, either an electronic copy of a person's hunting license issued by the Commission coded with the Snow, Blue, or Ross's Goose Registration Permit number or separate electronic copies of both a person's hunting license issued by the Commission and a person's Snow, Blue, or Ross's Goose Registration Permit issued by the Commission will be sufficient to establish compliance with Code 04.04.
 - (F) The presentment of proof of a Commission-issued license, permit, stamp, or hunter education or boater education certificate in an acceptable electronic format does not:
 - (1) Authorize a search of any other content of an electronic device without a search warrant or probable cause; or
 - (2) Expand or restrict the authority of a wildlife law enforcement officer to conduct a search or investigation.

EXCEPTIONS:

- (1) Electronic proof of tags shall not be sufficient to establish compliance with any Commission regulation requiring a person to carry a Commission-issued tag "on the person."
- (2) Electronic proof of a Federal Migratory Bird Hunting Stamp coded DFS shall not be sufficient to establish compliance with Code 10.03. A Federal Migratory Bird Hunting Stamp coded DFS must be possessed on the person in its original form and signed before harvesting waterfowl. See Code 10.03.
- (3) Electronic proof of a Federal Migratory Bird Hunting E-Stamp coded FDE shall not be sufficient to establish compliance with Code 10.03 beyond 45 days from the date of purchase. After 45 days from the date of purchase, the Federal Migratory Bird Hunting Stamp must be possessed on the person in its original form and signed to continue harvesting waterfowl. See Code 10.03.
- (4) Electronic proof shall not be sufficient to establish compliance with Chapter 9 or Code 10.02.

03.11 FALSIFYING INFORMATION PROHIBITED

- 03-07, 01-17
- (A) It is unlawful to furnish, record, or provide any false information on any form, license, stamp, permit, tag, affidavit or application, electronic or otherwise, furnished to or used by the Commission.
 - (B) It is unlawful to obtain by false application any license, permit, tag, stamp, or hunter or boater education certificate issued by the Commission.
 - (C) It is unlawful for an AGFC License Dealer knowingly to accept or input into the AGFC License System any false information.

PENALTY: Class 3

03.12 LICENSE DEALER PERMIT REQUIRED TO SELL AGFC LICENSES

- 05-91, 01-17
- (A) It is unlawful to sell or offer for sale any license, permit, tag, or stamp issued by the Commission without first obtaining a valid AGFC License Dealer Permit from the Chief Fiscal Officer of the Commission (Addendum D1.02). Permits shall be non-transferable and may be issued only to natural persons or business entities licensed to do business in the state(s) and locality(ies) where the license dealer

- will sell licenses, permits, tags, or stamps issued by the Commission.
- (B) In addition to complying with Commission regulations, license dealers shall comply with the terms and conditions of the AGFC License Dealer Application, the AGFC License Dealer Agreement, and the AGFC License Dealer Permit.

EXCEPTION:

An AGFC License Dealer Permit shall not be required in order for the Commission to sell or offer for sale licenses, permits, tags, or stamps issued by the Commission.

PENALTY: Class 3

03.13

CHARGING UNAUTHORIZED LICENSE FEES PROHIBITED

02-85, 01-17

- (A) It is unlawful for a license dealer to directly or indirectly charge, collect, or receive for any Commission-issued license, permit, tag, stamp, or other privilege an amount less than or in excess of the price established by the Commission for such Commission-issued license, permit, tag, stamp, or privilege.
- (B) For purposes of this code section, an excess cost, price, or charge includes, but is not limited to, a cash fee, convenience fee, credit card usage fee, service charge, surcharge, sales tax, or the requirement to rent or purchase goods or services as a condition of purchasing a Commission-issued license, permit, tag, stamp, or other privilege. For purposes of this code section, a deficient cost, price, or charge includes, but is not limited to, a discount on face value, a rebate, or a discount for goods or services offered by the license dealer in exchange for the purchase of a Commission-issued license, permit, tag, stamp, or other privilege.
- (C) License dealers who violate this Code 03.13 shall have their permits suspended as set forth in Addendum D1.03.

PENALTY: Class 3

CHAPTER D1.00 - LICENSE

D1.01

Licenses, Permits, Stamps, Tags, Costs, and Expiration Dates

D1.02

Application Requirements for AGFC License Dealer Permits

D1.03

AGFC License Dealer Permit Transfer, Renewal, Suspension and Revocation

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D1.02

APPLICATION REQUIREMENTS FOR AGFC LICENSE DEALER PERMITS

01-17

- (A) Qualifications. An applicant requesting an AGFC License Dealer Permit under Code 03.12 must meet the following minimum qualifications in addition to the qualifications listed in Code 03.12.
- (1) If the applicant is a natural person, the applicant shall be at least 18 years old. If the applicant is a business entity, the business entity shall be licensed to do business in the state(s) and locality(ies) where the applicant will sell Commission-issued licenses, permits, tags, stamps, or other privileges and the individual signing on behalf of the business entity must be at least 18 years old.
- (2) The applicant or the individual signing on behalf of the applicant (if the applicant is a business entity) shall not have been convicted of, or entered a plea of guilty or *nolo contendere* for, violating any federal, state or municipal law governing wildlife within five years of application

date.

- (3) The applicant or the individual signing on behalf of the applicant (if the applicant is a business entity) shall not have been convicted of, or entered a plea of guilty or *nolo contendere* for, committing any crime or violation involving theft, fraud, computer crime or cybercrime.
 - (4) If the applicant sells any goods or services at the location where Commission-issued licenses, permits, tags, stamps, or other privileges will be sold that require license(s) or permit(s) issued by a governmental entity, the applicant shall provide to the Commission a copy of the valid license(s) and permit(s) required for operation of the applicant's business or other written proof stating that the applicant's facility is in compliance with all Federal, state, and local laws, ordinances, and regulations.
 - (5) The applicant shall submit to the Commission a certificate of insurance coverage(s) as requested or required by the Commission.
 - (6) The applicant shall have a physical place of business outside of the applicant's residence.
 - (7) The location(s) at which the applicant intends to sell Commission-issued licenses, permits, tags, stamps, or other privileges shall be open and available to the public at all times during the applicant's normal business hours for the purpose of selling Commission licenses, permits, tags, stamps, and other privileges to the general public.
 - (8) The applicant shall own and maintain in good standing a transaction, checking, or demand deposit account with a state or nationally chartered financial institution insured by the Federal Deposit Insurance Corporation into which collected licenses fees can be deposited and from which collected license fees can be transferred to the Commission on a periodic basis.
 - (9) The applicant shall submit to the Commission a complete written application (available from the Commission) listing each location at which Commission-issued licenses, permits, tags, stamps, or other privileges will be sold.
 - (10) The applicant shall submit to the Commission a signed AGFC License Dealer Agreement along with all other required documentation, including a signed IRS Form W-9, ACH Agreement, Contract and Grant Disclosure and Certification form, proof of insurance, and any other requested documentation.
- (B) Application Denial. The AGFC License Dealer Permit requested under Code 03.12 shall be denied if:
- (1) The applicant fails to meet any of the issuance criteria set forth in Code 03.12 or this addendum chapter;
 - (2) The applicant fails to disclose material information to the Commission, makes false statements as to any material fact in connection with the application, or supplies false information or makes a false statement on the application;
 - (3) The Commission finds, through further inquiry or investigation, the issuance of the permit may be contrary to the Commission's interests in encouraging compliance with its regulations or other laws and regulations, retaining adequate control over license fees, providing and maintaining a secure license system, and preserving the trust of the public in the AGFC License System;
 - (4) The applicant's AGFC License Dealer Permit is currently suspended or

- revoked; or
- (5) The applicant's AGFC License Dealer Permit has been suspended by the Commission three (3) times in the seven (7) years preceding the most recent application.

D1.03 AGFC LICENSE DEALER PERMIT TRANSFER, RENEWAL, SUSPENSION AND REVOCATION

- 01-17 (A) Permit Transfer and Renewal.
- (1) AGFC License Dealer Permits are not transferrable.
 - (2) AGFC License Dealer Permits shall expire on June 30 each year. AGFC License Dealer Permits may be renewed on an annual basis, provided the license dealer is in good standing with the Commission and continues to retain the qualifications to be an authorized license dealer.
- (B) Permit Suspension and Revocation.
- (1) The Chief Fiscal Officer of the Commission shall suspend for a period of one (1) calendar year the permit of any license dealer for any of the following reasons:
 - (a) Failure to comply with the rules, regulations, policies and procedures that govern the sale of Commission-issued licenses, permits, tags, stamps, and other privileges, specifically including violating AGFC Codes 03.09-13;
 - (b) Failure to maintain sufficient funds on deposit with the license dealer's bank for the number and type of Commission-issued licenses, permits, tags, stamps, and other items sold or to properly handle or remit AGFC license fees as required by the AGFC License Dealer Agreement;
 - (c) Failure to maintain current contact and banking information with the Commission;
 - (d) Failure to cooperate with Commission personnel in the performance of their duties;
 - (2) The Chief Fiscal Officer of the Commission shall suspend for a period of five (5) calendar years the permit of any license dealer who is convicted of violating any federal, state, or municipal law or regulation governing wildlife.
 - (3) The Chief Fiscal Officer of the Commission shall revoke permanently the permit of any license dealer for any of the following reasons:
 - (a) Failure to maintain the confidentiality of confidential data, including Social Security numbers, dates of birth, and driver's license numbers, contained in the AGFC License System or provided for the purpose of purchasing a Commission-issued license, permit, tag, stamp, or other item offered for sale through the AGFC License System;
 - (b) Failure to safeguard the license dealer's login(s) and password(s) for accessing the AGFC License System;
 - (c) Causing harm to the AGFC License System;
 - (d) Selling or attempting to sell Commission-issued licenses, permits, tags, or stamps during a period of suspension;
 - (e) Committing any crime or violation involving theft, fraud, computer crime, or cybercrime.
 - (4) The procedure for suspending or revoking an AGFC License Dealer Permit shall be as set forth in Codes 01.00-L and -P.

- (5) Permit suspension, revocation, or refusal shall be in addition to any criminal charges that may be filed.

ARKANSAS GAME AND FISH COMMISSION
Little Rock, Arkansas

MINUTE ORDER NO: 17-004 SUBJECT: 2017 License Regulations
DATE PASSED: January 19, 2017
PAGE 1 of 1 PAGES LOCATION: Statewide

WHEREAS, the Arkansas Game and Fish Commission and its staff have proposed the attached 2017 license regulations that are needed to facilitate implementation of the new AGFC License System expected to begin on April 1, 2017; **and**

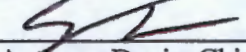
WHEREAS, the attached regulations have been communicated through a variety of media avenues to sportsmen and the general public throughout the state for review and comment for at least the past 30 days; **and**

WHEREAS, after carefully considering the recommendations of the Commission Director and staff and the Regulations Committee, as well as comments received from the public, the Commission has determined that the attached regulations promote sound wildlife conservation and management and are consistent with Amendment 35 of the Arkansas Constitution and that these regulations should now be approved for application statewide.

NOW, THEREFORE, BE IT ORDERED this 19th day of January 2017, that the Arkansas Game and Fish Commission hereby approves and adopts the attached regulations, which shall become effective on April 1, 2017.

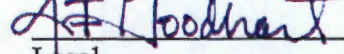
BE IT FURTHER ORDERED that the Commission authorizes to proceed with legally certifying and filing the attached regulations with the Secretary of State, State Library, and Bureau of Legislative Research and incorporating them into the Commission Code Book and Addendum.

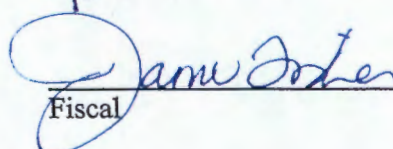
STAFF APPROVAL

Submitted by: 
Anthony Davis, Chief

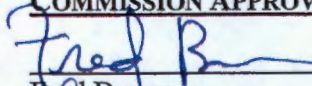
Division: Information Technology

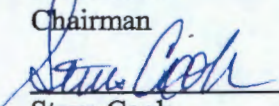
Approved: 
Director

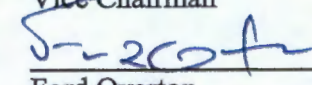
Approved: 
Legal

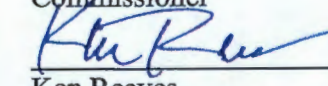
Approved: 
Fiscal

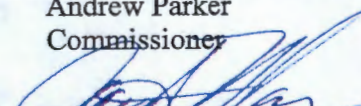
COMMISSION APPROVAL


Fred Brown
Chairman

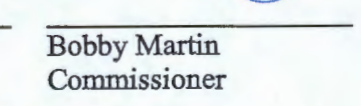

Steve Cook
Vice Chairman


Ford Overton
Commissioner


Ken Reeves
Commissioner


Andrew Parker
Commissioner


Joe Morgan
Commissioner


Bobby Martin
Commissioner

FINANCIAL / ECONOMIC IMPACT STATEMENT
PLEASE ANSWER ALL QUESTIONS COMPLETELY
(Attach additional pages if needed)

DEPARTMENT: Arkansas Game & Fish Commission

BUREAU: Fiscal

PERSON COMPLETING THIS STATEMENT: Jami Fisher

TELEPHONE #: (501) 223-6309

FAX #: 0

EMAIL: Jami.Fisher@agfc.ar.gov

SHORT TITLE OF THIS RULE: 2017 License Regulations Proposals

1. Does this proposed, amended, or repealed rule or regulation have a financial impact?
Yes: No: **X**
2. Do you believe that the development of a financial impact statement is so speculative as to be cost prohibitive? Yes: No: **X** If "Yes", please explain:
3. If the purpose of this rule is to implement a **federal** rule or regulation, please give the incremental cost for implementing the regulation. Please indicate if the cost provided is the cost of the program.

Current Fiscal Year

General Revenue	\$	
Federal Funds	\$	
Cash Funds	\$	N/A
Special Revenue	\$	
Other (Identify)	\$	
Total	\$	

Next Fiscal Year

General Revenue	\$	
Federal Funds	\$	
Cash Funds	\$	N/A
Special Revenue	\$	
Other (Identify)	\$	
Total	\$	

4. What is the total estimated cost by fiscal year to any **party** subject to the proposed, amended, or repealed rule? (Estimated cost includes fees, administrative penalties, reporting, record keeping, equipment, construction, labor, professional services, revenue loss, or other costs associated with compliance.) Identify the **party** subject to the proposed rule, and explain how they are impacted.

Current Fiscal Year: \$ N/A

Next Fiscal Year: \$ N/A

Party Subject to Rule: Arkansas Hunters, Anglers and License Dealers

Effect on Party Subject to Rule: Positive

5. What is the total estimated cost by fiscal year to the **agency** to implement this rule? Explain the financial benefit to the agency from implementing this rule.

Current Fiscal Year: \$ N/A

Next Fiscal Year: \$ N/A

Financial Benefit to Agency: Regulations are setup to make it easier for hunters and anglers to carry licenses and deal with license dealer requirements at no direct financial benefit to the agency.

6. Do alternative means exist for accomplishing the objectives of the rules that might be less burdensome to small business? Yes: No: **X**

Why were such alternatives not proposed:

7. Compare this rule with federal and state counterparts: Other states have regulations that allow for digital licenses and establish common dealer requirements.