

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

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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 ~~or obtain by false application~~ any license, permit, tag, stamp, or hunter education or boater education certificate issued by the Commission. ~~It also is unlawful for any unauthorized person to sell any license, permit, tag or stamp.~~
- (A)(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) ~~It is unlawful (including license dealers) to backdate or alter any license, permit, tag or stamp issued by the Commission or to possess any license, permit, tag or stamp issued by the Commission that has been altered.~~ 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.

PENALTY: Class 1

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.
 - (A)(C) It is unlawful for an AGFC License Dealer knowingly to accept or input into the AGFC License System any false information.

PENALTY: Class 1

03.12 LICENSE DEALER PERMIT REQUIREMENT TO SELL AGFC LICENSES

- 05-91, 01-17
- (A) Authorized license dealers of the Commission are required to make available for

~~inspection by an authorized agent of the Commission, a copy or stub (whichever is appropriate) of all licenses, permits or tags issued by dealers as required in compliance with remittance policy. 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.~~

- ~~(A)(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. A license dealership may be canceled by the chief fiscal officer of the Commission for any of the following reasons:~~
- ~~(1) (A) Failure to comply with the above requirement.~~
 - ~~(2) (B) Failure to remit on account according to Commission policy.~~
 - ~~(3) (C) Failure to cooperate with Commission personnel in the performance of their duties.~~
 - ~~(4) (D) Violation of any Commission regulation.~~
 - ~~(5) License dealers canceled for these reasons may be reinstated only by the chief fiscal officer.~~

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 ~~13~~

03.13 CHARGING IN EXCESS OF UNAUTHORIZED LICENSE FEES PROHIBITED

- ~~02-85, 01-17~~ (A) It is unlawful for an authorized license dealer to directly or indirectly sell, charge, collect, or receive for any Commission-issued license, or permit, tag, stamp, or other privilege for an amount less than or in excess of the authorized 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 to purchasing the a Commission-issued license, or 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.
- ~~(A)(C) The License dealers who violate this Code 03.13 shall have their permits suspended be ineligible to apply for reinstatement for six months as set forth in Addendum D1.03 thereafter. Dealers attempting to sell licenses or permits after losing their authority shall have their authority permanently revoked.~~

PENALTY: Class ~~13~~

CHAPTER D1.00 - LICENSE

D1.01 Licenses, Permits, Stamps, Tags, Costs, and Expiration Dates

<u>D1.02</u>	<u>Application Requirements for AGFC License Dealer Permits</u>
<u>D1.03</u>	<u>AGFC License Dealer Permit Transfer, Renewal, Suspension and Revocation</u>

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D1.02 APPLICATION REQUIREMENTS FOR AGFC LICENSE DEALER PERMITS

- (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

- (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.
- ~~(4)~~(5) Permit suspension, revocation, or refusal shall be in addition to any criminal charges that may be filed.