

HOUSE BILL 1042

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11r2211
CF SB 420

By: **Delegates Beitzel and McDonough**

Introduced and read first time: February 11, 2011

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Hunting and Recreational Fishing Licenses – Issuance by Agent – Service**
3 **Charge**

4 FOR the purpose of authorizing an agent who issues angler's licenses, Chesapeake
5 Bay and coastal sport fishing licenses, or hunting licenses to add a certain
6 service charge for each license issued by the agent through a credit card
7 transaction; and generally relating to the issuance of hunting and recreational
8 fishing licenses.

9 BY repealing and reenacting, without amendments,
10 Article – Natural Resources
11 Section 4–604(g) and 4–745(b)(1) and (3)
12 Annotated Code of Maryland
13 (2005 Replacement Volume and 2010 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Natural Resources
16 Section 4–611 and 4–745(b)(2)
17 Annotated Code of Maryland
18 (2005 Replacement Volume and 2010 Supplement)

19 BY repealing and reenacting, without amendments,
20 Article – Natural Resources
21 Section 10–301(h)
22 Annotated Code of Maryland
23 (2007 Replacement Volume and 2010 Supplement)

24 BY repealing and reenacting, with amendments,
25 Article – Natural Resources
26 Section 10–302
27 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2007 Replacement Volume and 2010 Supplement)

2 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
3 MARYLAND, That the Laws of Maryland read as follows:

4 **Article – Natural Resources**

5 4–604.

6 (g) A person designated to sell an angler's license shall issue the license and
7 collect the fee prescribed in subsection (f) of this section. The Department shall furnish
8 the licenses to the designated persons. An angler's license shall bear the Secretary's
9 facsimile signature and the countersignature of the issuing person. The person who
10 issues the license shall enter the name and address of the licensee. The collected
11 money shall be transmitted to the Department as prescribed by the Department. As
12 compensation, the agent shall retain \$1 for each license issued.

13 4–611.

14 (a) Any person engaged in a retail business who desires to sell angler's
15 licenses as an agent under the Department's control and supervision shall apply to the
16 Department on forms prepared and prescribed by the Department. The Department
17 may furnish angler's licenses on consignment to any agent who provides a bond or
18 other security deemed sufficient and adequate by the Department to insure payment
19 for the licenses.

20 (b) The agent shall fill out every license and duplicate stub in a legible and
21 proper manner and submit any necessary report of sales together with the duplicate
22 stubs after the first day of each month as long as he sells these licenses in accordance
23 with § 4–604 of this subtitle. The report and stubs shall reach the Department by the
24 seventh day of each succeeding month. The Department shall reimburse any agent
25 who does not dispose of every angler's license purchased from the Department and
26 who presents the unused licenses intact in their original books to the Department for a
27 refund before March 31 of each year, for the amount of licenses returned and after
28 they are checked and found correct. Every angler's license not returned by March 31
29 shall be deemed sold and is not reimbursable, unless accompanied by a notarized
30 statement stating why the license is returned late. The Department, after review, may
31 reimburse the agent. **AN AGENT MAY ADD A SERVICE CHARGE NOT EXCEEDING \$5**
32 **FOR EACH ANGLER'S LICENSE ISSUED BY THE AGENT THROUGH A CREDIT CARD**
33 **TRANSACTION.**

34 (c) An agent may not make any false statement concerning any date of
35 issuance or other license data. Every license book or stub shall be available for any law
36 enforcement officer to inspect at any time during the regular business day. An agent
37 may not issue any license without receiving the license fees required by law. A receipt
38 may not be issued in lieu of an angler's license.

1 (d) In addition to any other penalty provided for in this title, any agent
2 convicted of violating the provisions of this section shall have his angler's
3 license-issuing privilege rescinded.

4 4-745.

5 (b) (1) The Department may designate a person engaged in a commercial
6 enterprise to sell the Chesapeake Bay and coastal sport fishing license or issue a
7 registration under subsection (d) of this section as an agent under the Department's
8 control and supervision.

9 (2) (i) 1. As compensation, the agent shall retain \$1 for each
10 license issued.

11 **2. AN AGENT MAY ADD A SERVICE CHARGE NOT**
12 **EXCEEDING \$5 FOR EACH CHESAPEAKE BAY AND COASTAL SPORT FISHING**
13 **LICENSE ISSUED BY THE AGENT THROUGH A CREDIT CARD TRANSACTION.**

14 (ii) There is no agent compensation for each registration issued.

15 (3) The Chesapeake Bay and coastal sport fishing license shall be
16 furnished to an agent upon satisfactory payment or upon consignment and only if the
17 Department is given adequate security to insure ultimate payment by an agent to the
18 Department for the licenses.

19 10-301.

20 (h) The person designated to sell the hunting licenses and individual hunting
21 stamps shall issue the hunting licenses and individual hunting stamps and collect the
22 fee prescribed in subsection (g) of this section. A hunting license may not be issued to
23 any person under the age of 16 years without the written consent of the person's
24 parent or guardian. The Department shall furnish the hunting licenses and individual
25 hunting stamps to the designated person. The issuing person shall countersign the
26 license, and retain the duplicate copy of the license. The duplicate copies and money
27 collected every month shall be mailed to the Department on the first day of the
28 succeeding month each year. The designated person who sells and issues the hunting
29 licenses and individual hunting stamps shall retain as compensation 75 cents for each
30 resident senior hunting license and individual hunting stamp sold and issued and
31 shall retain as compensation \$1.50 for each resident junior, nonresident junior,
32 resident regular, nonresident regular, and nonresident 3-day hunting license sold and
33 issued.

34 10-302.

35 (a) Any person engaged in a retail business who desires to sell the resident
36 hunting license, either nonresident hunting license or individual hunting stamps as an
37 agent under the Department's control and supervision shall apply to the Department

1 on forms prepared and prescribed by the Department. The Department may furnish
2 resident and nonresident hunting licenses of any type and individual hunting stamps
3 on consignment to any agent who provides a bond or other security deemed sufficient
4 and adequate by the Department to insure payment for the resident and nonresident
5 hunting licenses of any type and individual hunting stamps.

6 (b) (1) The agent shall fill out every license and duplicate license in a
7 legible and proper manner.

8 (2) The agent shall submit any necessary report of sale together with
9 the duplicate license after the first day of each month as long as the agent sells these
10 licenses in accordance with § 10-301 of this subtitle. The report and duplicate licenses
11 shall reach the Department by the seventh day of each succeeding month.

12 (3) The Department shall reimburse any agent not operating on
13 consignment the sum paid for unissued resident and nonresident hunting licenses of
14 any type and individual hunting stamps provided they are returned intact, and still
15 attached in the issuing books by June 30 of each year, and have been checked and
16 found to be correct by the Department. Every hunting license and individual hunting
17 stamp not returned by June 30 shall be deemed sold and not reimbursable unless
18 accompanied by a statement under oath stating why the hunting license or individual
19 hunting stamp is returned late. The Department, after review, may reimburse the
20 agent.

21 (4) **AN AGENT MAY ADD A SERVICE CHARGE NOT EXCEEDING \$5**
22 **FOR EACH HUNTING LICENSE ISSUED BY THE AGENT THROUGH A CREDIT CARD**
23 **TRANSACTION.**

24 (c) A designated person may not make any false statement concerning any
25 date of issuance or other resident or nonresident hunting license of any type or
26 individual hunting stamp data. Every hunting license book, duplicate individual
27 hunting license, or individual hunting stamp shall be available for any law
28 enforcement officer to inspect at any time during the regular business day. An agent
29 may not issue any hunting license or individual hunting stamp without receiving the
30 fees required by law. A receipt may not be issued in lieu of a hunting license or
31 individual hunting stamp.

32 (d) In addition to any other penalty provided for by the provisions of this
33 title, any agent convicted of violating the provisions of this section shall have the
34 agent's hunting license and individual hunting stamp issuing privilege rescinded.

35 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
36 June 1, 2011.