

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 HOUSE BILL 2641

By: Wallace

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6 AS INTRODUCED

7 An Act relating to game and fish; amending 29 O.S.  
8 2011, Section 4-203, which relates to license  
9 dealers; making a dealer subject to criminal and  
10 civil proceeding for failure to remit license fees  
11 and penalty; requiring the Department of Wildlife  
12 Conservation to give certain written notice, a  
13 hearing and issue an order; making the order final  
14 and binding; providing for enforcement of the order;  
15 establishing penalty for failure to return or pay  
16 licenses; precluding certain penalties upon payment  
17 of the license fees and penalty; authorizing the  
18 Office of the Attorney General to assist in the  
19 collection of the debt and penalties; authorizing the  
20 Department to audit dealers upon reasonable notice;  
21 providing penalty for certain violations; and  
22 declaring an emergency.  
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BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 29 O.S. 2011, Section 4-203, is  
amended to read as follows:

Section 4-203. A. Every dealer appointed to issue licenses as  
provided for in Section 3-202 of Title 29 of the Oklahoma Statutes  
shall be required to issue every license by means of an electronic  
point of sale system beginning no later than January 1, 2013.

1 B. By January 1, 2013, the Wildlife Conservation Commission  
2 shall promulgate rules establishing:

- 3 1. The duties of a dealer;
- 4 2. Procedures for issuing licenses and remitting license fees;
- 5 3. A collection fee to be retained by the dealer;
- 6 4. Reporting requirements;
- 7 5. Penalties for any violation of the rules; and
- 8 6. Any other rule deemed necessary by the Commission.

9 C. 1. Failure of a dealer to remit all license fees, any  
10 penalty or both the fees and penalty shall subject the dealer to  
11 criminal and civil proceedings pursuant to this subsection.

12 2. Upon failure of a dealer to remit the license fees and  
13 penalty as required, the Department of Wildlife Conservation shall  
14 give written notice to the alleged violator specifying the cause of  
15 the complaint. The notice shall state the amount of the license  
16 fees owed and any penalty assessed by the Department. The notice  
17 shall require immediate payment of the debt and penalties or require  
18 that the alleged violator appear before the Department at a time and  
19 place specified in the notice and answer the charges. The notice  
20 shall additionally inform the alleged violator that failure to  
21 either pay the debt and penalty as required or to appear at the  
22 hearing shall subject the alleged violator to an administrative  
23 order which shall be entered on the judgment docket of the district  
24 court in a county in which the alleged violator has property and

1 shall be enforced in the same manner as an order of the district  
2 court for collection action. The notice shall be served upon the  
3 alleged violator in the same manner prescribed for service of  
4 summons in a civil action. The Department shall afford the alleged  
5 violator an opportunity for a fair hearing within fifteen (15) days  
6 of receipt of notice as provided for in this paragraph in accordance  
7 with the provisions of the Administrative Procedures Act. On the  
8 basis of evidence produced at the hearing or if the alleged violator  
9 fails to appear at the hearing as required, the Department shall  
10 make findings of fact and conclusions of law and enter an order  
11 thereon. The order of the Department shall become final and binding  
12 on all parties unless appealed to the district court as provided for  
13 in the Administrative Procedures Act. If an appeal is not made, the  
14 order may be entered on the judgment docket of the district court in  
15 a county in which the debtor has property and thereafter enforced in  
16 the same manner as an order of the district court for collection  
17 actions.

18 3. Any dealer who fails to return or pay for licenses shall be  
19 guilty of a misdemeanor and shall, upon conviction, be fined not  
20 less than Fifty Dollars (\$50.00) nor more than Five Thousand Dollars  
21 (\$5,000.00).

22 4. Payment, in full, of the license fees and penalty, pursuant  
23 to the provisions of this subsection, shall be full and complete  
24 satisfaction of the violation for which the administrative order was

1 issued and shall preclude any other civil or criminal penalty for  
2 the same violation.

3 D. The Office of the Attorney General, at the request of the  
4 Director, may assist the Department in the assessment and collection  
5 of the debt and penalties pursuant to the provisions of this  
6 section.

7 E. Upon reasonable notice, the Department may audit dealers at  
8 any time during the fiscal year in accordance with rules promulgated  
9 by the Commission.

10 F. Any dealer violating the provisions of this section or any  
11 rules promulgated by the Commission pursuant to this section, upon  
12 conviction, shall be punished by a fine of not less than One Hundred  
13 Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) or by  
14 imprisonment in the county jail for a period of not less than ten  
15 (10) days nor more than thirty (30) days, or by both the fine and  
16 imprisonment. Dealers convicted of violating the provisions of this  
17 section shall be relieved of any and all authority as dealers.

18 SECTION 2. It being immediately necessary for the preservation  
19 of the public peace, health and safety, an emergency is hereby  
20 declared to exist, by reason whereof this act shall take effect and  
21 be in full force from and after its passage and approval.

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23 55-2-8096 KB 01/04/16  
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