

1 ENGROSSED HOUSE  
2 BILL NO. 2641

By: Wallace of the House

and

Fields of the Senate

3  
4  
5  
6 An Act relating to game and fish; amending 29 O.S.  
7 2011, Section 4-203, which relates to license  
8 dealers; authorizing the Director of the Department  
9 of Wildlife Conservation to allow license dealers to  
10 sell licenses and permits; listing duties of licensed  
11 dealers; deleting obsolete language; making a dealer  
12 subject to criminal and civil proceeding for failure  
13 to remit license fees and penalty; requiring the  
14 Department of Wildlife Conservation to give certain  
15 written notice, a hearing and issue an order; making  
16 the order final and binding; providing for  
17 enforcement of the order; establishing penalty for  
18 failure to return or pay licenses; precluding certain  
19 penalties upon payment of the license fees and  
20 penalty; authorizing the Office of the Attorney  
21 General to assist in the collection of the debt and  
22 penalties; authorizing the Department to audit  
23 dealers upon reasonable notice; and providing penalty  
24 for certain violations.

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. The Director of the Department of Wildlife  
Conservation or a designee of the Director may authorize persons as  
license dealers who may sell state-issued hunting and fishing

1 licenses and special permits to the public in accordance with rules  
2 promulgated by the Department.

3 B. In addition to any other provisions of this title, the rules  
4 of the Commission or Department or any provisions set forth in any  
5 license dealer agreement with the Department, authorized license  
6 dealers shall have the duty to:

7 1. Receive the applicable fee for any license or permit prior  
8 to selling or distributing the license or permit;

9 2. Remit all license and permit fees received by the license  
10 dealer and return all voided licenses or permits to the Department  
11 within the time period specified by the Department;

12 3. Not make false statements regarding the license or permit  
13 applicant information, license issuance data or any other license  
14 data;

15 4. Not issue a license to any person not lawfully entitled to  
16 the license;

17 5. Charge the applicant no more than the price of the license  
18 or permit as required by statute, rule or by Commission resolution;

19 6. Not exchange license system access information with any  
20 person other than the Department since credentials cannot be  
21 transferred;

22 7. Be responsible to the Department for payment of all licenses  
23 or permits sold or voided by the license dealer; and

24

1       8. Make timely deposits of money owed to the Department in  
2 accordance with the provisions of the license dealer agreement made  
3 with the Department and rules established by the Department.  
4 Failure to make timely payments and deposits to the Department shall  
5 result in the assessment of late payment penalties equal to twice  
6 the value of any license or permit sold or voided by the license  
7 dealer and not paid for and remitted to the Department.

8       C. Every dealer appointed to issue licenses as provided for in  
9 ~~Section 3-202 of Title 29 of the Oklahoma Statutes~~ this title shall  
10 be required to issue every license by means of an electronic point  
11 of sale system ~~beginning no later than January 1, 2013.~~

12       ~~B. By January 1, 2013, the~~ D. The Wildlife Conservation  
13 Commission shall promulgate rules establishing:

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

20       E. 1. Failure of a dealer to remit all license fees, any  
21 penalty or both the fees and penalty shall subject the dealer to  
22 administrative and civil proceedings pursuant to this subsection.

23       2. Upon failure of a dealer to remit the license fees and  
24 penalty as required, the Department shall give written notice to the

1 alleged violator specifying the cause of the complaint. The notice  
2 shall state the amount of the license fees owed and any penalty  
3 assessed by the Department. The notice shall require immediate  
4 payment of the debt and penalties or require that the alleged  
5 violator appear before the Department at a time and place specified  
6 in the notice and answer the charges. The notice shall additionally  
7 inform the alleged violator that failure to either pay the debt and  
8 penalty as required or to appear at the hearing shall subject the  
9 alleged violator to an administrative order which shall be entered  
10 on the judgment docket of the district court in a county in which  
11 the alleged violator has property and shall be enforced in the same  
12 manner as an order of the district court for collection action. The  
13 notice shall be served upon the alleged violator in the same manner  
14 prescribed for service of summons in a civil action. The Department  
15 shall afford the alleged violator an opportunity for a fair hearing  
16 within fifteen (15) days of receipt of notice as provided for in  
17 this paragraph in accordance with the provisions of the  
18 Administrative Procedures Act and rules of the Department. On the  
19 basis of evidence produced at the hearing or if the alleged violator  
20 fails to appear at the hearing as required, the Department shall  
21 make findings of fact and conclusions of law and enter an order  
22 thereon. The order of the Department shall become final and binding  
23 on all parties unless appealed to the Oklahoma County District Court  
24 pursuant to procedures provided for in the Administrative Procedures

1 Act. If an appeal is not made, the order may be entered on the  
2 judgment docket of the district court in a county in which the  
3 debtor has property and thereafter enforced in the same manner as an  
4 order of the district court for collection actions.

5 3. Any dealer who fails to return or pay for licenses shall be  
6 guilty of a misdemeanor and shall, upon conviction, be fined not  
7 less than Fifty Dollars (\$50.00) nor more than Five Thousand Dollars  
8 (\$5,000.00).

9 4. Payment, in full, of the license fees and penalty, pursuant  
10 to the provisions of this subsection, shall be full and complete  
11 satisfaction of the violation for which the administrative order was  
12 issued and shall preclude any other administrative, civil or  
13 criminal penalty for the same violation.

14 F. The Office of the Attorney General, at the request of the  
15 Director, may assist the Department in the assessment and collection  
16 of the debt and penalties pursuant to the provisions of this  
17 section.

18 G. Upon reasonable notice, the Department may audit dealers at  
19 any time during the fiscal year in accordance with rules promulgated  
20 by the Commission.

21 H. Any dealer violating the provisions of this section or any  
22 rules promulgated by the Commission or Department pursuant to this  
23 section, upon conviction, shall be punished by a fine of not less  
24 than One Hundred Dollars (\$100.00) nor more than Five Hundred

1 Dollars (\$500.00). Dealers convicted of violating the provisions of  
2 this section shall be relieved of any and all authority as dealers.

3 Passed the House of Representatives the 9th day of March, 2016.

4

5

\_\_\_\_\_  
Presiding Officer of the House  
of Representatives

6

7

Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2016.

8

9

10

\_\_\_\_\_  
Presiding Officer of the Senate

11

12

13

14

15

16

17

18

19

20

21

22

23

24