

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL 2641

By: Wallace of the House

and

6 Fields of the Senate

7
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9 COMMITTEE SUBSTITUTE

10 An Act relating to game and fish; amending 29 O.S.
11 2011, Section 4-203, which relates to issuance of
12 licenses; allowing the Wildlife Department or
13 Wildlife Conservation to authorize hunting and
14 fishing license dealers; listing duties of licensed
15 dealers; providing for certain prohibitions; deleting
16 obsolete language; subjecting license dealers to
17 administrative and civil proceedings for failure to
18 remit license fees and penalties; requiring
19 Department to give certain written notice; listing
20 certain terms of written notice, a hearing, and
21 issued an administrative order; precluding certain
22 penalties upon payment of license fees and penalties;
23 authorizing the Attorney General to assist the
24 Department in certain debt collection; authorizing
the Department to audit certain dealers; establishing
penalty for failure to pay or return licenses; and
providing an effective date.

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:

1 Section 4-203. A. The Director of the Department of Wildlife
2 Conservation or a designee of the Director may authorize persons as
3 license dealers who may sell state-issued hunting and fishing
4 licenses and special permits to the public in accordance with rules
5 promulgated by the Department.

6 B. In addition to any other provisions of this title, the rules
7 of the Commission or Department or any provisions set forth in any
8 license dealer agreement with the Department, authorized license
9 dealers shall:

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

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

15 3. Be prohibited from making false statements regarding the
16 license or permit applicant information, license issuance data or
17 any other license data;

18 4. Be prohibited from issuing a license to any person not
19 lawfully entitled to the license;

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

22 6. Be prohibited from exchanging license system access
23 information with any person other than the Department since
24 credentials cannot be transferred;

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

3 8. Make timely deposits of money owed to the Department in
4 accordance with the provisions of the license dealer agreement made
5 with the Department and rules established by the Department.

6 Failure to make timely payments and deposits to the Department shall
7 result in the assessment of late payment penalties, pursuant to
8 subsection I of this section.

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

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

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

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

1 required, the Department shall give written notice to the alleged
2 violator specifying the cause of the complaint. The written notice
3 shall:

4 1. State the amount of the license fees owed and any penalty
5 assessed by the Department. The notice shall require immediate
6 payment of the debt and late payment penalties, pursuant to
7 subsection I of this section or require that the alleged violator
8 appear before the Department at a time and place specified in the
9 notice to answer the charges;

10 2. Inform the alleged violator that failure to either pay the
11 debt and late payment penalties as required or failure to appear at
12 the hearing shall subject the alleged violator to an administrative
13 order which shall be entered on the judgment docket of the district
14 court in either Oklahoma County or the county in which the alleged
15 violator is delinquent; and

16 3. Be served upon the alleged violator in the same manner
17 prescribed for service of summons in a civil action.

18 F. The Department shall afford the alleged violator an
19 opportunity for a fair hearing within fifteen (15) days of receipt
20 of notice as provided for in this paragraph in accordance with the
21 provisions of the Administrative Procedures Act and rules of the
22 Department.

23 1. On the basis of evidence produced at the hearing or if the
24 alleged violator fails to appear at the hearing as required, the

1 Department shall make findings of fact and conclusions of law and
2 enter an order thereon.

3 2. The order of the Department shall become final and binding
4 on all parties unless appealed to the Oklahoma County District
5 Court, pursuant to procedures provided for in the Administrative
6 Procedures Act. If an appeal is not made, the order may be entered
7 on the judgment docket of the district court in Oklahoma County or
8 the county in which the alleged violator is delinquent. The order
9 shall thereafter be enforced in the same manner as an order of the
10 district court for collection actions.

11 3. Payment in full of the license fees and the late payment
12 penalties, pursuant to subsection I of this section, shall be full
13 and complete satisfaction of the violation for which the
14 administrative order was issued and shall preclude any other
15 administrative, civil or criminal penalty for the same violation.

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

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

23 I. Any dealer violating any provisions of this section or any
24 rules promulgated by the Commission or Department pursuant to this

1 section, upon conviction, shall be subject to a fine of not less
2 than One Hundred Dollars (\$100.00) nor more than Five Hundred
3 Dollars (\$500.00) and, at the discretion of the Department, may be
4 relieved of any and all authority as dealers.

5 SECTION 2. This act shall become effective November 1, 2016.

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