

ENGROSSED HOUSE
BILL NO. 1415

By: Hutchison of the House
and
Shurden of the Senate

An Act relating to wildlife; amending 29 O.S. 1991, Section 4-202, which relates to duties of license dealers; changing designation; authorizing dealers to issue licenses by telephone or facsimile; establishing criteria for issuing licenses by telephone or facsimile; deleting certain duties; adding certain duties; authorizing Department to conduct certain audits; modifying penalty for violation of dealers' duties; providing an effective date; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 29 O.S. 1991, Section 4-202, is amended to read as follows:

Section 4-202. A. Pursuant to their appointment according to Section 3-202 of this Code, authorized ~~agents~~ dealers may issue regular and special hunting, fishing and combination hunting/fishing licenses.

B. Such authorized ~~agents~~ dealers, in addition to other provisions of this Code and rules ~~and regulations~~ of the Commission, shall also have the duty to:

1. Issue no license without receiving the applicable license fee;

~~2. Issue no receipt in lieu of a license~~ Upon authorization by the Director, issue hunting and fishing licenses or authorizations by telephone or by transmission of a facsimile. All licenses issued by telephone or facsimile must be in the possession of the individual while hunting or fishing. All monies collected by the dealer for licenses issued by telephone or facsimile shall be remitted to the Oklahoma Department of Wildlife Conservation in accordance with the rules established by the Department.

Individuals receiving licenses issued pursuant to this paragraph shall not be required to sign an application prior to issuance of the license but shall sign the application upon receipt. Upon request, an applicant for a fishing or hunting license shall receive an authorization number as assigned by the Department through the dealer. The authorization number may be used in lieu of the actual license only by the applicant. The penalty for hunting or fishing with an invalid authorization number or a number issued to another individual shall be a fine of not less than twice the amount of the fee of the required license or One Hundred Dollars (\$100.00), whichever amount is the greatest, and not more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail of not less than ten (10) days nor more than one (1) year, or by both a fine and imprisonment;

3. Make no false statements regarding issuance data or any other license data;

~~4. Make available all license books or stubs for inspection of any officer enforcing wildlife conservation laws;~~

~~5.~~ Issue no license to a party not lawfully entitled thereto;

~~6.~~ 5. Sign, time and date all licenses issued by them;

~~7.~~ 6. Administer the oath required by law before the issuance of any license they are authorized to issue;

~~8.~~ 7. Charge no more than that license price required by statute or by Commission resolution, provided each license dealer specifically authorized to issue licenses by telephone or facsimile may collect a fee set by rules established by the Department for the shipping and handling of the license in addition to the license fee;

8. Not exchange licenses with other dealers since numbers are preassigned and cannot be transferred;

9. Be responsible for all license forms and waterfowl stamps issued to the dealer; and

10. Make timely deposits of money owed to the Department in accordance with the rules established by the Department. Failure to make timely deposits shall result in the assessment of late payment penalties as set forth in subsection C of Section 4-201 of this title.

C. The Department, upon reasonable notice, may audit dealers at any time during the fiscal year in accordance with the license dealer manual issued by the Department.

D. Agents Dealers convicted of violating the provisions of this Code shall be punished by a fine not less than ~~Twenty-five Dollars (\$25.00)~~ One Hundred Dollars (\$100.00) nor more than ~~One Hundred Dollars (\$100.00)~~ Five Hundred Dollars (\$500.00), or by imprisonment in the county jail not less than ten (10) days nor more than thirty (30) days, or by both such fine and imprisonment; ~~such agents.~~ Convicted dealers shall, furthermore, be relieved of any and all authority as ~~agents~~ dealers.

SECTION 2. This act shall become effective July 1, 1995.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 15th day of March, 1995.

Speaker of the House of
Representatives

Passed the Senate the ____ day of _____, 1995.

President of the Senate