COMMITTEE AMENDMENT

HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2641 Of the printed Bill

Page _____ Section _____ Lines _____ Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Kevin Wallace

Adopted: _____

_____
Reading Clerk

STATE OF OKLAHOMA

2nd Session of the 55th Legislature (2016)

PROPOSED COMMITTEE
SUBSTITUTE
FOR
HOUSE BILL NO. 2641 By: Wallace

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to game and fish; amending 29 O.S. 2011, Section 4-203, which relates to license dealers; authorizing the Director of the Department of Wildlife Conservation to allow license dealers to sell licenses and permits; listing duties of licensed dealers; deleting obsolete language; making a dealer subject to criminal and civil proceeding for failure to remit license fees and penalty; requiring the Department of Wildlife Conservation to give certain written notice, a hearing and issue an order; making the order final and binding; providing for enforcement of the order; establishing penalty for failure to return or pay licenses; precluding certain penalties upon payment of the license fees and penalty; authorizing the Office of the Attorney General to assist in the collection of the debt and penalties; authorizing the Department to audit dealers upon reasonable notice; providing penalty for certain violations; and declaring an emergency.

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

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

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

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

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

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

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

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

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

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

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

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

1. The duties of a dealer;

2. Procedures for issuing licenses and remitting license fees;

3. A collection fee to be retained by the dealer;

4. Reporting requirements;

5. Penalties for any violation of the rules; and

6. Any other rule deemed necessary by the Commission.

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

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

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

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

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

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

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

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

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

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

SECTION 2. 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.

55-2-8936 KB 2/15/16