



Notice of Intent to Adopt Rules

A copy of the proposed rules may be obtained at <http://rules.wyo.gov>

Revised May 2018

1. General Information

a. Agency/Board Name*		
b. Agency/Board Address	c. City	d. Zip Code
e. Name of Agency Liaison		f. Agency Liaison Telephone Number
g. Agency Liaison Email Address		
h. Date of Public Notice		i. Comment Period End Date
j. Public Comment URL or Email Address:		
k. Program		

* By checking this box, the agency is indicating it is exempt from certain sections of the Administrative Procedure Act including public comment period requirements. Please contact the agency for details regarding these rules.

2. Legislative Enactment

For purposes of this Section 2, "new" only applies to regular rules promulgated in response to a Wyoming legislative enactment not previously addressed in whole or in part by prior rulemaking and does not include rules adopted in response to a federal mandate.

a. Are these rules new as per the above description and the definition of "new" in Chapter 1 of the Rules on Rules?

No. Yes. Please provide the Chapter Numbers and Years Enacted
(eg: 2015 Session Laws Chapter 154):

3. Rule Type and Information

a. Provide the Chapter Number, Title, and Proposed Action for Each Chapter.
Please use the Additional Rule Information form for more than 10 chapters, and attach it to this certification.

Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed

4. Public Comments and Hearing Information

a. A public hearing on the proposed rules has been scheduled. No. Yes. Please complete the boxes below.

Date:	Time:	City:	Location:
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b. What is the manner in which interested persons may present their views on the rulemaking action?

By submitting written comments to the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: _____

A public hearing will be held if requested by 25 persons, a government subdivision, or by an association having not less than 25 members. Requests for a public hearing may be submitted:

To the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: _____

c. Any person may urge the Agency not to adopt the rules and request the Agency to state its reasons for overruling the consideration urged against adoption. Requests for an agency response must be made prior to, or within thirty (30) days after adoption, of the rule, addressed to the Agency and Agency Liaison listed in Section 1 above.

5. Federal Law Requirements

a. These rules are created/amended/revoked to comply with federal law or regulatory requirements. No. Yes. Please complete the boxes below.

Applicable Federal Law or Regulation Citation:
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Indicate one (1):

The proposed rules meet, but do not exceed, minimum federal requirements.

The proposed rules exceed minimum federal requirements.

Any person wishing to object to the accuracy of any information provided by the Agency under this item should submit their objections prior to final adoption to:

To the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: _____

6. State Statutory Requirements

a. Indicate one (1):

The proposed rule change *MEETS* minimum substantive statutory requirements.

The proposed rule change *EXCEEDS* minimum substantive statutory requirements. Please attach a statement explaining the reason that the rules exceed the requirements.

b. Indicate one (1):

The Agency has complied with the requirements of W.S. 9-5-304. A copy of the assessment used to evaluate the proposed rules may be obtained:

By contacting the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: _____

Not Applicable.

7. Additional APA Provisions

a. Complete all that apply in regards to uniform rules:

These rules are not impacted by the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j).

The following chapters do not differ from the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j):

_____ (Provide chapter numbers)

These chapters differ from the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j) (see Statement of Principal Reasons).

_____ (Provide chapter numbers)

b. Checklist

The Statement of Principal Reasons is attached to this Notice and, in compliance with *Tri-State Generation and Transmission Association, Inc. v. Environmental Quality Council*, 590 P.2d 1324 (Wyo. 1979), includes a brief statement of the substance or terms of the rule and the basis and purpose of the rule.

If applicable: In consultation with the Attorney General's Office, the Agency's Attorney General representative concurs that strike and underscore is not required as the proposed amendments are pervasive (Chapter 3, *Types of Rules Filings*, Section 1, Proposed Rules, of the Rules on Rules).

8. Authorization

a. I certify that the foregoing information is correct.

<i>Printed Name of Authorized Individual</i>	
<i>Title of Authorized Individual</i>	
<i>Date of Authorization</i>	

STATEMENT OF REASONS

WYOMING GAME AND FISH COMMISSION

CHAPTER 31

REGULATION GOVERNING AUTHORIZED LICENSE SELLING AGENTS

W.S. §23-1-302 directs and empowers the Commission to make regulations for the sale and record of licenses, stamps and tags, including sale by electronic licensing, and to distribute licenses, stamps, tags and electronic equipment and software programs associated with electronic licensing. The Commission is also empowered to establish an electronic licensing system and prescribe the manner of payment for any electronic payment accepted by the Department and to promulgate all other necessary rules and regulations to effectuate electronic licensing.

Section 2, Purpose of Regulation. Language has been modified so as not to duplicate statutory language.

Several Sections have been moved and re-numbered within this regulation to aid in the flow of information. When an entire section has been moved within this regulation, the previous section number is indicated in strike-through.

New Section 4, Appointment of License Selling Agents. New language has been included which indicates, “Except as otherwise provided, all newly appointed license selling agents shall use the Electronic Licensing Service system to conduct license sales”. Language has also been modified to further clarify all the steps required for a license selling agent to be considered appointed.

New Section 7, Renewal of License Selling Agency. Clarification has been provided for the renewal of an existing license selling agency.

New Section 9, Change in Agent of Record for Business Entity. Minor edits have been incorporated for clarity.

New Section 12, License Agent Bonding, Initial License Inventory and ELS Equipment Distribution and Training. Subsection (c) has been moved from the Liability Section to clarify the annual bond fee shall only be used for the recovery of outstanding balances on closed accounts that have been determined to be uncollectable by the Department’s Attorney General Representative.

New Section 15, Oath of Office. Edits have been made for clarity but do not change the original intent of this section.

New Section 16, License Inventory. Clarification is provided regarding a license agent's responsibility for the cash value of all offline license inventory and stamp book inventory not returned to the License Section by January 31 of the following year in which the inventory was valid.

New Section 18, Void Licenses, Permits, Tags or Stamps. Minor edits have been provided for clarity of this section.

New Section 20, Monthly License Reports. Clarification is being provided for filing of monthly license reports and notification of late reporting procedures.

New Section 24, Proceedings for Cancellation. Reference to administrative suspension in this section has been deleted. Administrative suspension of license selling agents is addressed in new Section 22.

Minor grammatical and formatting edits have been incorporated into this regulation which does not change the intent of this regulation.

CHAPTER 31

REGULATION GOVERNING AUTHORIZED LICENSE SELLING AGENTS

Section 1. Authority. This regulation is promulgated by authority of Wyoming Statutes § 1-1-115, § 11-6-305, § 23-1-302, § 23-1-701, § 23-2-101 and § 23-2-201.

Section 2. Purpose of Regulation.

(a) It is the purpose of this regulation to carry out the provisions of W. S. § 23-1-302 and § 23-1-701 by providing policies, procedures and processes to appoint and administer license selling agents that enhance the Department's ability to serve the license buying public.

(b) In the appointment of these license selling agents, the Commission gives preference to sporting goods and equipment vendors because they foster the purpose and mission of the Commission.

Section 3. Definitions. For the purpose of this regulation, definitions shall be as set forth in Title 23 Wyoming Statutes, Commission regulations and the Commission also adopts the following definitions:

(a) "Agent of Record" means the designated individual person that shall be legally accountable for all aspects of proper transacting of specified Commission business within the respective business entity. If the designated individual is not a legal representative of the business entity, an Agent of Record Authorization form shall be required to designate that individual as the Agent of Record.

(b) "Business Entity" means sole proprietor, corporation, partnership, limited liability company or any combination thereof.

(c) "License Selling Agent" means the business entity at the physical location and the agent of record authorized by the Commission to act as its agent for purposes of selling and accounting for specified hunting, fishing and trapping licenses, permits, tags or stamps through the Electronic License Service (ELS).

(d) "License Selling Sub-agent" means an individual in the employ of, or responsible to, the agent of record and authorized by the Commission to sell specified hunting, fishing and trapping licenses, permits, tags or stamps. License selling sub-agents shall be accountable to the agent of record for all aspects of proper transaction of specified Commission business.

(e) "Non-Sporting Goods and Equipment Vendor" means a business entity that does not demonstrate a bona fide and good faith commitment to providing the community a retail outlet for hunting, fishing, trapping and camping equipment, excluding foodstuffs and motorized vehicles.

(f) “Offline License” means a manually issued license which is only issued when the ELS system is not available for license issuance.

(g) “Out-of-State License Selling Agent” means the business entity located in a state contiguous with Wyoming and the agent of record authorized by the Commission to act as its agent for purposes of selling and accounting for specified hunting, fishing and trapping licenses, permits, tags or stamps through the ELS.

(h) “Out-of-State Vendor” means a business entity located outside the boundaries of the State of Wyoming that demonstrates a bona fide and good faith commitment to providing the community an outlet for Wyoming nonresident hunting, fishing and trapping licenses.

(i) “Sporting Goods and Equipment Vendor” means a business entity whose primary function is retail sales of sporting goods and based on visual observation and judgment of the inspecting Senior Game Warden, more than fifty percent (50%) of the physical inventory displayed is comprised of hunting, fishing, trapping and camping equipment.

(j) “Remote Location” means the physical location of a business entity which is at least fifteen (15) miles from an existing Commission license selling agent.

Section 4. Appointment of License Selling Agents.

(a) Any Department personnel required to administer oaths and sell licenses shall be so authorized by the Fiscal Division Chief.

(b) Business entities shall be evaluated and classified through an application process as either a sporting goods and equipment vendor, a non-sporting goods and equipment vendor or an out-of-state vendor based on the definitions provided in this regulation.

(c) Applications for license selling agents shall be submitted on forms supplied by the License Section.

(d) Applications from sporting goods and equipment vendors shall be accepted throughout the year and shall be given preference in appointment in accordance with Wyoming Statute.

(e) Upon submission of an application from either a non-sporting goods and equipment vendor or an out-of-state vendor applicant, the Senior Game Warden shall determine a need for an additional license selling agent within their district. If a need is determined and approved by the Fiscal Division Chief, applications may be accepted through solicitation by public notice in statewide or local news media.

(f) Untimely applications for advertised vacancies shall not be accepted by the Department unless authorized by the Fiscal Division Chief.

(g) A license selling agent shall be appointed based upon the facts contained in the original application and Senior Game Warden evaluation.

(h) Except as otherwise provided, all newly appointed license selling agents shall use the ELS system to conduct license sales.

(i) A license selling agent shall be considered appointed upon completion of the following:

(i) Application approval by the Commission;

(ii) The new license selling agent traveling to the Department Headquarters in Cheyenne or another Department facility as designated by the License Manager, at the license selling agent expense, within ninety (90) days of written notification of approval by the Commission to attend a License Selling Agency Orientation and Training Seminar;

(iii) New license selling agent payment of the annual bonding fee as prescribed by W.S. § 23-1-701 within ninety (90) days of notification of approval by the Commission;

(iv) New license selling agent receipt of their initial offline license book and stamp allocation within ninety (90) days of notification of approval by the Commission;

(v) Agent of Record shall agree to be an ELS license selling agent;

(vi) If applicable, Agent of Record Authorization is submitted to the License Section; and,

(vii) The new license selling agent signing a Lease Agreement for the issuance of ELS equipment within ninety (90) days of notification of approval by the Commission.

Section 5. Criteria for Appointment of In-State License Selling Agents.

(a) All applications for sporting goods and equipment vendors approved by the Department shall be presented to the Commission for review.

(b) Appointment of sporting goods and equipment vendors as license selling agents shall be based upon their qualification as a sporting goods and equipment vendor.

(i) Agents shall be considered for appointment only if they are existing business entities.

(ii) Agents shall have a valid sales tax license for the respective business entity.

(c) Appointment of non-sporting goods and equipment vendors as license selling agents shall be based upon the following criteria:

- (i) Applicants shall be considered for appointment based on the physical location in relation to existing license selling agents;
- (ii) Applicants shall be considered for appointment based on the public service provided taking into consideration the optimum period of hours, days and months of operation;
- (iii) Applicants shall be considered for appointment only if they are existing business entities;
- (iv) Agents shall have a valid sales tax license for the respective business entity; and,
- (v) Agents shall be considered for appointment based on the Senior Game Warden evaluation.

Section 6. Criteria for Appointment of Out-of-State License Selling Agents.

- (a) The Senior Game Warden, through the Regional Wildlife Supervisor, shall notify the Department's License Manager of the possible need to establish an out-of-state license selling agent.
- (b) The request shall be reviewed for approval by the Fiscal Division Chief. If approved, applications may be accepted through solicitation by public notice in statewide or locals news media.
- (c) Applicants for out-of-state license selling agents shall complete the proper application form. Consideration for approval of the agent shall generally, but not necessarily, be limited to criteria set forth in this regulation.
- (d) Out-of-state license selling agents shall be authorized to sell the specific license types as designated by the Fiscal Division Chief.

Section 7. Renewal of License Selling Agency.

- (a) Except as provided in subsection (f) of this section, to be considered for license selling agency renewal all license selling agents shall use the ELS system.
- (b) Renewal of an existing license selling agency may not be approved if there are changes to any of the information provided on the license selling agent's original application approved by the Commission; or if,
 - (i) Appointed Agent of Record has not maintained physical control of the offline license inventory or stamp inventory.
 - (ii) Appointed Agent of Record has not maintained physical control of funds collected.

(iii) Appointed Agent of Record has not maintained physical control of ELS equipment issued.

(c) Agents shall pay their annual non-refundable bond fee of fifty dollars (\$50) before December 1 preceding the year for which the bond shall be in effect to renew their license selling agency.

(d) Failure to pay the annual fifty dollar (\$50) bond before December 1 of each year shall be cause for automatic and immediate cancellation. Exceptions shall only be granted by the Fiscal Division Chief.

(e) Agents that have been cancelled for failure to pay their annual bond fee by December 1 shall be required to reapply to the Commission as a new license selling agent as outlined in this regulation.

(f) In exceptional circumstances, applicants for license selling agents may be exempted from using the ELS system. Exceptional circumstances shall be determined by the Commission on a case-by case basis in response to a written application for exemption, and may include lack of any high speed Internet service at the business location, or other circumstances that necessitate authorizing a license selling agent to issue non-carcass coupon license products without the use of the ELS computer equipment. Exempted license selling agents shall file a manual monthly license sales report form in lieu of an ELS system generated invoice, and follow all other provisions outlined in this regulation.

(i) All license selling agents exempted from using the ELS system shall annually certify, prior to August 1, that there has not been any change to the circumstance(s) previously approved by the Commission for the exemption. If the circumstances for the exemption are no longer valid, the Commission shall review the exemption for continuation or cancellation.

Section 8. Transfer of Physical Location of License Selling Agents.

A Commission license selling agent may be transferred to another physical location of the same business entity only upon approval of the Fiscal Division Chief and the District Commissioner. Recommendations by the Senior Game Warden, Regional Wildlife Supervisor and the License Manager shall be considered by the Fiscal Division Chief and the District Commissioner in determining whether or not to approve a transfer of physical location. A sporting goods and equipment vendor license selling agent is exempt from this provision.

Section 9. Change in Agent of Record for Business Entity.

(a) The business entity shall submit a properly completed Agent of Record Authorization completed on their letterhead to change the Agent of Record.

(b) A newly designated Agent of Record shall also submit a properly completed Oath of Office form as the Agent of Record to the License Section.

(c) As indicated on the Agent of Record Authorization, the newly designated Agent of Record shall agree to accept all financial liability for the business entity and accept responsibility for all actions of the sub-agents for all matters relating to license sales.

(d) If the designation of a new individual to act as the Agent of Record does not change the organizational structure of the business entity that was approved by the Commission, then the License Section shall accept the Agent of Record Authorization and change the Agent of Record for the business entity.

Section 10. Transfer License Selling Agent as a Result of a Change in the Business Entity.

(a) If the change in license selling agent results in a change in the business entity, then:

(i) A new owner of a currently established Commission license selling agent shall immediately apply to the Commission to be considered for appointment as a license selling agent as outlined in this regulation.

(ii) Subject to application and appointment as a license selling agent, the new owner may apply to the License Section for a temporary license selling agent authorization which shall allow the continuance of the existing license selling agent. Upon approval of the Senior Game Warden, Regional Wildlife Supervisor and the District Commissioner, the License Section shall issue a temporary license selling agent authorization to the new owner. Failure to apply for appointment as a license selling agent or apply for a temporary license selling agent authorization may result in delay of issuance.

(iii) A temporary license selling agent authorization shall remain in effect for one hundred twenty (120) days. The authorization may be extended an additional one hundred twenty (120) days by the District Commissioner.

(iv) In order to receive the temporary license selling agent authorization, the new owner shall assume all liability for the Agent of Record from whom the business was purchased. If the new owner does not agree to assume the liability of the previous Agent of Record, the existing license selling agency shall be immediately canceled.

(v) Until a temporary license selling agent is authorized in which the new owner assumes liability, the existing Agent of Record shall remain liable.

(vi) The business entity shall be required to be an ELS agent.

(vii) The Agent of Record shall be required to attend training as outlined in this regulation.

(viii) The Agent of Record shall be required to sign a Lease Agreement (if applicable) for the ELS equipment issued.

Section 11. Issuance of Electronic License Service (ELS) equipment.

- (a) The Agent of Record shall be required to sign a Lease Agreement (if applicable) to be issued ELS equipment.
- (b) The Agent of Record shall be required to sign a new Lease Agreement for any equipment that is replaced by the Department from the original issuance.
- (c) Upon Transfer of Ownership of a business entity, a new Lease Agreement (if applicable) shall be executed.

Section 12. License Agent Bonding, Initial License Inventory and ELS Equipment Distribution and Training.

(a) Within thirty (30) days of appointment, all new agents of record or their designees shall be notified of a scheduled date on which they shall be required to travel to the Department Headquarters in Cheyenne, or another Department facility as designated by the License Manager, at the license selling agent's expense in order to:

- (i) Pay the annual bonding fee as prescribed by W.S. § 23-1-701;
- (ii) Attend a License Selling Agency Orientation and Training Seminar;
- (iii) Receive the initial offline license book and stamp allocation;
- (iv) Receive their ELS equipment (if applicable);
- (v) Sign the lease agreement for issuance of ELS equipment; and,
- (vi) Sign the agent of record authorization.

(b) At any time, an agent of record shall be required to travel at the license selling agent's expense to Headquarters or another Department facility, as designated by the License Manager, to attend remedial training at the direction of the License Manager.

(c) The annual bond fee as prescribed by W.S. § 23-1-701 shall only be used for the recovery of outstanding account balances on closed accounts that have been determined to be uncollectible by the Department's Attorney General Representative.

Section 13. Liability.

(a) After a license selling agent has received shipment or signed for licenses, permits, tags or stamps on a license inventory charge document, the risk of loss for licenses, permits, tags or stamps or license fees lost, stolen or destroyed shall pass to the license selling agent. The license selling agent shall be liable to the Commission for the cash value of any licenses, permits, tags or stamps that are lost, stolen or destroyed, with the exception of loss due to fire or flood as

evidenced by supporting documentation. All licenses, permits, tags or stamps shall remain the property of the Commission until sold or issued.

(i) The license selling agent shall be liable to the Commission for lost, stolen or destroyed offline licenses calculated as the cash value of a nonresident daily fishing license for each offline license missing.

(b) The license selling agent shall be responsible for training and for actions of any of their license selling sub-agents authorized to sell hunting, fishing and trapping licenses, permits, tags or stamps.

(c) The license selling agent shall be liable for the replacement value of any and all equipment issued to them by the Department for automated license sales as agreed to within the Lease Agreement executed upon receipt of said equipment.

Section 14. Examination of Agents Records.

(a) All Commission license selling agents shall be subject to a financial audit of any and all records and documents relating to license, permit, tag or stamp sales. These financial audits may be conducted, during normal business hours, without prior notification by a Department representative authorized by the Fiscal Division Chief. Any financial audit of records shall also extend to records, documents and other writings in possession or custody of accountants or other agents or representatives.

(b) All Commission license selling agent records and documents relating to license, permit, tag or stamp sales shall be subject to review for law enforcement purposes by Department law enforcement personnel during normal business hours.

Section 15. Oath of Office.

(a) Approved agents of record and their designated license selling sub-agents shall complete, sign and return the appropriate Oath of Office form(s) to the License Section. The approved license selling agent shall complete the Oath of Office form at the License Selling Agency Orientation and Training Seminar. Authorized license selling sub-agents shall properly complete and mail the Oath of Office form to the License Section prior to issuing any licenses, permits, tags or stamps.

(i) The completion of an Oath of Office form for the Agent of Record shall be witnessed by a Notary Public, Clerk of Court or Department personnel authorized by the Fiscal Division Chief to administer oaths and issue licenses. Any of the preceding witnesses, or the Agent of Record, shall witness the Oath of Office for a license selling sub-agent.

(ii) An original Oath of Office form shall be submitted to the License Section within thirty (30) days of being executed.

(A) A license selling sub-agent's ELS login shall be set to inactive if

the Oath of Office form is not received within thirty (30) days of the login being created. Once the Oath of Office form is received by the License Section, the login shall be set to active.

(iii) The Agent of Record shall notify the License Section of any license selling sub-agents that are no longer authorized to sell licenses for the business entity within thirty (30) days of this action.

(b) Persons who have not been approved by the Commission as prescribed in established procedure shall be prohibited from selling licenses, permits, tags or stamps.

(c) Persons shall be at least eighteen (18) years of age to be an agent of record or license selling sub-agent.

(d) To administer a residency oath for the issuing of resident licenses, permits, tags or stamps, an agent of record or license selling sub-agent shall reside in the State of Wyoming where the licenses, permits, tags or stamps are issued.

(e) During all business hours, the agent of record or license selling sub-agent shall be available to sell licenses, permits, tags or stamps.

(f) An individual authorized to administer oaths and witness signatures on licenses shall not be authorized to sell a license to them self.

Section 16. License Inventory.

(a) The Agent of Record, or a license selling sub-agent of the business entity, shall be required to verify all offline license books or stamp books received from the Department. Such verification shall be completed on a License Inventory Charge Document furnished by the Department.

(b) The Agent of Record, or a license selling sub-agent of the business entity, shall sign the inventory charge slip upon verification of shipment. The inventory charge slip shall be returned to the Department within ten (10) days from receipt.

(c) The license selling agent shall be held financially responsible for the cash value of all offline license inventory and stamp book inventory that is not returned to the License Section by January 31 of the following year in which the inventory was valid.

Section 17. Issuance of Licenses, Permits, Tags or Stamps.

(a) License selling agents and license selling sub-agents shall ensure that all required information is documented on the offline licenses that are manually issued when the ELS is not available for license issuance. These license documents shall include all elements of a completed application.

(b) The resident licensee shall be present at the license selling agent location to purchase a license. The parent or legal guardian, in lieu of a resident youth applicant, may be present at the license selling agent location to purchase a license for the resident youth applicant.

(c) Resident licenses shall be signed at the time of purchase by the individual whose name appears on the license and in the presence of the license selling agent or license selling sub-agent. If a youth license is being purchased by the parent or legal guardian of the youth applicant, then the signature of the parent or legal guardian shall be signed at the time of purchase in the presence of the license selling agent or license selling sub-agent.

(d) The license selling agent or license selling sub-agent shall witness the resident signature, or parent or legal guardian signature for a youth applicant, on the license document prior to applying their signature on the license document.

(e) All resident licenses and permits shall contain the resident applicant's original signature and when applicable, the parent or legal guardian's signature in accordance with Wyoming statute and Commission regulation, prior to exercising the privileges of the license, permit, tag or stamp.

(f) Any person may purchase a license permit, tag or stamp for a nonresident; however, nonresident licenses, permits, tags and stamps shall contain the nonresident's signature prior to exercising the privileges of the license, permit, tag or stamp.

(g) For the purpose of conveying hunting, fishing, and trapping privileges in the State, only official Commission licenses, permits, tags and stamps shall be sold.

(h) Under no circumstances shall a license selling agent or license selling sub-agent alter the printed document of any license, permit, tag or stamp except as otherwise authorized in writing by the License Manager. This includes adding anything other than information required by the license document. Any altered license, permit, tag or stamp shall be void.

(i) The license issue date shall not be predated or postdated. All hunting, fishing and trapping licenses, permits, tags or stamps shall be valid only during the calendar year printed on the respective document, unless the license provides for a specific period of validity.

(j) Unsold offline licenses, stamps or ELS equipment shall not be removed from the license selling agent's authorized physical location without written authority of the Senior Game Warden, Regional Wildlife Supervisor or the License Manager.

(k) Except as otherwise prohibited by regulation or from direction of the License Manager, all license selling agents shall immediately upon receipt make available for sale, during their stated business hours, all license inventory, whether electronic or manually issued, to the public.

(l) License selling agents shall not charge fees other than established fees by Wyoming Statute or Commission regulation for any service related to license, permit, tag or stamp sales including but not limited to, fees associated with the acceptance of credit cards.

(m) Under no circumstances shall the pink copy of a stamp or offline license document be removed from the book. Removal of the pink copy shall result in an automatic charge to the license selling agent as described in this regulation.

(n) License selling agents or license selling sub-agents are required to complete license documents. License applicants are not allowed to complete their own license documents.

Section 18. Void Licenses, Permits, Tags or Stamps.

(a) Licenses, permits, tags or stamps shall be voided in accordance with established Department procedure.

(b) Once removed from the business entity, offline licenses, permits, tags or stamps shall be voided only under the written authority from the License Manager, Regional Wildlife Supervisor or the Fiscal Division Chief.

(c) The voided license, permit, tag or stamp shall be evidenced by the signature and date on the completed void certificate attached to the original document submitted for void credit approval.

(d) Voiding stamps and offline license documents.

(i) The procedure for voiding any stamp or offline license document shall include, but not be limited to:

(A) The word "VOID" shall be written or stamped across the face of a stamp or offline license document;

(B) A void certificate form shall be properly completed to include the agent account number, offline license document number being voided, void date, reason for the void and signature of the license selling agent, license selling sub-agent or Department employee voiding the document; and,

(C) The original stamp or offline license document shall be submitted to the License Section within sixty (60) days of the original issuance to be considered for void credit approval.

(e) Voiding ELS license documents.

(i) The procedure for voiding any ELS license, permit, tag or stamp shall include, but not be limited to:

(A) The license transaction shall be changed from “active” status to “pending void” status in the ELS system upon completion of the sales transaction. The license selling agent has until midnight the day the license was issued to verify that all voids during a business day are properly recorded in the ELS system.

(B) The word “VOID” shall be written or stamped across each license panel section or “VOID” shall be written or stamped on the first panel section and a line is drawn through the face of all other panel sections of the document.

(C) The void transaction receipt, printed from the ELS system, shall be attached to the license documents being submitted for void credit approval.

(D) The ELS void certificate form shall be properly completed to include the agent account number, sportsperson information, license type being voided, license number being voided and explanation of the reason the license is being submitted for void credit approval; and,

(E) All original license panel sections shall be submitted to the License Section within sixty (60) days of original issuance to be considered for void credit approval.

Section 19. Duplicate License Issuance.

(a) Duplicate license issuance.

(i) A “Duplicate License” shall be required for the replacement of lost or destroyed big or trophy game, wild turkey or wild bison licenses which are valid and have not expired.

(ii) For licenses issued through the ELS system, the duplicate license affidavit form has been incorporated within the duplicate license document and shall be signed by the license applicant and license selling agent issuing the duplicate license. This affidavit panel section of the duplicate license document shall remain intact with all other printed panel sections of the duplicate license form.

(iii) Any manually issued stamp which is valid and has not expired shall be replaced by purchasing another stamp as authorized by Commission regulation.

Section 20. Monthly License Reports.

(a) Every license selling agent shall file a monthly license sales report for the preceding month and remit all monies, less commission, collected during the previous month on or before the 10th of the month immediately succeeding the license sale month, not just postmarked on or before the 10th of the month. If the 10th of the month occurs on a day when Headquarters has been closed for license sales (weekends, holidays, etc.), the license sales report for the preceding month shall be due on the next business day that Headquarters is open.

(i) Filing a monthly license sales report means the ELS system generated invoice, manual stamp sales report and monies are physically received by the License Section on or before the 10th of the month, not just postmarked on or before the 10th of the month.

(ii) Concerning reports not received on time, the License Manager shall be directed to inactivate the license selling agent account on the ELS system so that no license sales can occur, mitigating risk to the Department.

(b) Monthly license sales report for ELS agents.

(i) Licenses, permits, tags or stamps sold through the ELS system shall be electronically invoiced to the license selling agent.

(ii) All automated licenses, permits, tags or stamp sales sold during the preceding month shall be included in the payment submitted to the Department on or before the 10th of the following month.

(A) License selling agents shall be required to remit a manual sales report for any offline license, permit and stamp sales that occurred during the preceding month. This report shall be remitted along with the monthly ELS system generated invoice. Payment shall include both the ELS system generated sales invoice amount and any manual offline license, permit and stamp sales report amount.

(c) Notification of late reporting.

(i) Letters of delinquency shall be mailed (certified, return receipt) to the applicable license selling agent following the business day that the report was due. Agents are required to respond to the certified notice with the complete past due report including all fees due to the Department within three (3) business days from the receipt of the certified notice. Time lines shall be evidenced by the postmark date on the envelope received from the License Section and the postmark date on the envelope received from the delinquent license selling agent containing the late report and all fees due.

(ii) Letters notifying license selling agents of three (3) occurrences of late reporting in any twelve (12) month period shall be mailed (certified, return receipt) informing the agent that administrative suspension or cancellation proceedings have been initiated. Processes for license agent suspension and cancellation shall be as outlined in this regulation. For cancellation, the license selling agent shall be informed of the requirement to request a hearing before the Commission as outlined in this regulation.

(iii) Any late reporting may serve as cause for commencing administrative suspension or cancellation proceedings.

Section 21. Monetary Remittance Issues

(a) Any person who issues a check to the Department to fulfill the requirements of this regulation, which is not paid because the check has been dishonored by the bank, shall be required to make restitution within thirty (30) calendar days following the date of written demand. The written demand shall be mailed to the drawer of the check by United States Postal Service certificate of mailing at the address shown on the check or the last known address or personally served pursuant to the Wyoming Rules of Civil Procedure. The restitution shall be in the form of a postal money order or a cashier's check in the amount of the check and a collection fee not to exceed thirty dollars (\$30).

(b) If the license selling agent fails to pay the amount of the check and the collection fee within thirty (30) days following the date of written demand, mailed to or served upon them, they shall be assessed three (3) times the amount of the check or one hundred dollars (\$100), whichever is greater, in addition to the collection fee of thirty dollars (\$30) referenced above, and any court costs.

(c) If a license selling agent submits a second dishonored check within a consecutive twelve (12) month period of a previous dishonored check, the license selling agent shall be required to remit all subsequent payments in the form of a postal money order or cashier's check for a period of twelve (12) calendar months. Failure to do so shall be grounds for cancellation.

(d) Account shortages of less than ten dollars (\$10) incurred on an agent's monthly license report may be included with the next monthly license sales reports remittance amount.

(e) Account balance statements, via letter, shall be mailed after the 25th of each month. Payments for account shortages of over ten dollars (\$10) shall be remitted within ten (10) business days.

(i) Any license selling agent having account shortage balances due, that have not been received by the License Section within the ten (10) day period, shall be mailed (certified, return receipt) letters informing them that suspension or cancellation proceedings have been initiated.

(f) Unpaid account shortages may be used as cause for commencing administrative suspension or cancellation proceedings.

Section 22. Administrative Suspension of License Selling Agents.

(a) A license selling agency may be suspended from license sales under the direction of the Director and the District Commissioner for any of the following reasons:

(i) Failure to submit monthly license sales report as required by state statute and Commission regulation.

(ii) Failure to remit payment for license sales as required by state statute and Commission regulation.

(iii) Failure to pay the amount of a dishonored check and the assessed collection fees within thirty (30) days following the date of the receipt of written notification.

(iv) Failure to notify the License Section that a transfer of license selling agent has occurred that has resulted in a change in the business entity in which the current agent of record is no longer in control of the ELS equipment issued or monies collected for license sales.

(b) The License Manager shall be directed to inactivate the license selling agent account on the ELS system so that no license sales can occur during the administrative suspension.

(c) The License Manager shall be directed to retrieve all offline licenses, permits, tags and stamps from the license selling agency so that no manual sales can occur during the administrative suspension.

(d) The license selling agency shall be suspended until the issue is resolved or formal Commission action is taken as a result of a hearing as outlined in this regulation, whichever occurs first.

Section 23. Cancellation of License Selling Agents.

(a) A License Selling Agency may be canceled for, but not limited to, the following reasons:

(i) Noncompliance with Wyoming statutes;

(ii) Noncompliance with Commission Regulations or Policies;

(iii) Failure to follow procedures outlined in written procedures provided by the License Section;

(iv) Submission of late or no monthly license sales report;

(v) Failure to properly report all license sales and remit monies during a reporting period;

(vi) Three (3) occurrences of late reporting by an agent in any twelve (12) month reporting period;

(vii) Failure to respond to certified letters notifying agents of late reporting, dishonored checks or account balances due;

(viii) Failure to remit account underpayments;

- (ix) Issuance of insufficient or no account checks and failure to pay as provided in W.S. § 1-1-115;
- (x) Failure to pay annual bond by December 1 for succeeding year;
- (xi) Failure to disseminate correct information to the hunting/fishing public;
- (xii) Charging fees for any service related to license, permit, tag or stamp sales other than that established by Wyoming Statute;
- (xiii) Failure of license selling agent or sub-agents to properly and legibly fill out completed applications for license issuance as required by Commission regulation;
- (xiv) Failure to allow or permit a financial audit or review by Department law enforcement personnel during normal business hours of any and all records and documents relating to hunting, fishing and trapping licenses, permits, tags or stamp sales or search and rescue or access donations;
- (xv) Illegal issuance of licenses, permits, tags or stamps;
- (xvi) Failure to attend training as requested by the License Manager;
- (xvii) Failure to properly witness residency oaths on resident license issuance;
- (xviii) Failure to properly use Department provided offline license books to issue licenses when the ELS automated system is not accessible;
- (xix) Failure to properly data enter license records into the ELS system that were issued using offline license books. The licenses must be data entered by the next business day in which system access is restored;
- (xx) Failure to review ELS license document with licensee prior to signing license documents;
- (xxi) Failure to verify inventory shipments and sign and return Inventory Charge Documents;
- (xxii) Failure to make all license inventory available for sale to the public during stated business hours, whether electronic or manually issued; or,
- (xxiii) Failure to sign a Lease Agreement (if applicable) and use the ELS system.

Section 24. Proceedings for Cancellation.

- (a) The Fiscal Division Chief, with concurrence of the District Commissioner, shall notify the license selling agent in writing that cancellation procedures have been initiated.

(b) The cancellation proceeding shall be in accordance with Commission Regulation Chapter 27, Rules of Practice Governing Contested Cases before the Wyoming Game and Fish Commission, revised as of January 22, 2014, and which does not include any later amendments or editions of the incorporated matter.

(i) Cancelled license selling agents are entitled to a hearing before the Commission. Request for hearing shall be made in writing to the Fiscal Division Chief within ten (10) business days after receipt by the license selling agent of the notice of cancellation by the Department. Upon the Department's receipt of a request for hearing from a cancelled license selling agent, the cancelled agent shall be notified by the Department to appear before the Commission at the next regularly scheduled Commission meeting.

(ii) License selling agents that fail to request a hearing before the Commission within ten (10) business days after receipt of notice of cancellation shall be immediately canceled.

(iii) Upon cancellation of a license selling agent by the Commission or if the licensing selling agent fails to request a hearing within ten (10) business days, the license selling agent shall be prohibited from reapplying to the Commission for a license selling agent authorization for not less than twelve (12) consecutive months.

WYOMING GAME AND FISH COMMISSION

, President

Dated: March 21, 2019

CHAPTER 31

REGULATION GOVERNING AUTHORIZED LICENSE SELLING AGENTS

Section 1. Authority. This regulation is promulgated by authority of Wyoming Statutes § 1-1-115, § 11-6-305, § 23-1-302, § 23-1-701, § 23-2-101 and § 23-2-201.

Section 2. Purpose of Regulation.

(a) It is the purpose of this regulation to carry out the provisions of W. S. § 23-1-302 and § 23-1-701 by providing policies, procedures and processes to appoint and administer license selling agents ~~throughout the State~~ that enhance the Department's ability to serve the license buying public.

(b) In the appointment of these license selling agents, the Commission gives preference to sporting goods and equipment vendors because they foster the purpose and mission of the Commission, ~~as follows:-~~

~~_____ (i) _____ Serve the same customer;~~

~~_____ (ii) _____ The public generally expects to purchase hunting and fishing licenses at sporting goods and equipment vendors;~~

~~_____ (iii) _____ The ownership, management and employees of sporting goods and equipment vendors are more knowledgeable in the application of hunting and fishing products, services, and related rules and regulations; and,~~

~~_____ (iv) _____ The ownership, management and employees of sporting goods and equipment vendors keep current with hunting and fishing issues through various information resources and networking.~~

Section 3. Definitions. For the purpose of this regulation, definitions shall be as set forth in Title 23 Wyoming Statutes, Commission regulations and the Commission also adopts the following definitions:

(a) "Agent of Record" means the designated individual person that shall be legally accountable for all aspects of proper transacting of specified Commission business within the respective business entity. If the designated individual is not a legal representative of the business entity, an Agent of Record Authorization form shall be required to designate that individual as the Agent of Record.

(b) "Business Entity" means sole proprietor, corporation, partnership, limited liability company or any combination thereof.

(c) “License Selling Agent” means the business entity at the physical location and the agent of record authorized by the Commission to act as its agent for purposes of selling and accounting for specified hunting, fishing and trapping licenses, permits, tags or stamps through the Electronic License Service (ELS).

(d) “License Selling Sub-agent” means an individual in the employ of, or responsible to, the agent of record and authorized by the Commission to sell specified hunting, fishing and trapping licenses, permits, tags or stamps. License selling sub-agents shall be accountable to the agent of record for all aspects of proper transaction of specified Commission business.

(e) “Non-Sporting Goods and Equipment Vendor” means a business entity that does not demonstrate a bona fide and good faith commitment to providing the community a retail outlet for hunting, fishing, trapping and camping equipment, excluding foodstuffs and motorized vehicles.

(f) “Offline License” means a manually issued license which is only issued when the ELS system is not available for license issuance.

(g) “Out-of-State License Selling Agent” means the business entity located in a state contiguous with Wyoming and the agent of record authorized by the Commission to act as its agent for purposes of selling and accounting for specified hunting, fishing and trapping licenses, permits, tags or stamps through the ELS.

(h) “Out-of-State Vendor” means a business entity located outside the boundaries of the State of Wyoming that demonstrates a bona fide and good faith commitment to providing the community an outlet for Wyoming nonresident hunting, fishing and trapping licenses.

(i) “Sporting Goods and Equipment Vendor” means a business entity whose primary function is retail sales of sporting goods and based on visual observation and judgment of the inspecting Senior Game Warden, more than fifty percent (50%) of the physical inventory displayed is comprised of hunting, fishing, trapping and camping equipment.

(j) “Remote Location” means the physical location of a business entity which is at least fifteen (15) miles from an existing Commission license selling agent.

Section 134. Appointment of License Selling Agents.

(a) Any Department personnel required to administer oaths and sell licenses shall be so authorized by the Fiscal Division Chief.

(b) Business entities shall be evaluated and classified through an application process as either a sporting goods and equipment vendor, a non-sporting goods and equipment vendor or an out-of-state vendor based on the definitions provided in this regulation.

(c) Applications for license selling agents shall be submitted on forms supplied by the License Section.

(d) Applications from sporting goods and equipment vendors shall be accepted throughout the year and shall be given preference in appointment in accordance with Wyoming Statute.

(e) Upon submission of an application from either a non-sporting goods and equipment vendor or an out-of-state vendor applicant, the Senior Game Warden shall determine a need for an additional license selling agent within their district. If a need is determined and approved by the Fiscal Division Chief, applications may be accepted through solicitation by public notice in statewide or local news media.

(f) Untimely applications for advertised vacancies shall not be accepted by the Department unless authorized by the Fiscal Division Chief.

(g) A license selling agent shall be appointed based upon the facts contained in the original application and Senior Game Warden evaluation.

(h) Except as otherwise provided, all newly appointed license selling agents shall use the ELS system to conduct license sales.

(hi) A license selling agent shall be considered appointed upon completing completion of the following:

(i) ~~Approval~~Application approval by the Commission;

(ii) ~~Travel to the~~The new license selling agent traveling to the Department Headquarters in Cheyenne or another Department facility as designated by the License Manager, at the license selling agent expense, within ninety (90) days of written notification of approval by the Commission to attend ~~the~~a License Selling Agency Orientation and Training Seminar;

(iii) ~~Payment~~New license selling agent payment of the annual bonding fee as prescribed by W.S. § 23-1-701 within ninety (90) days of notification of approval by the Commission; ~~and,~~

(iv) ~~Receive the~~New license selling agent receipt of their initial offline license book and stamp allocation within ninety (90) days of notification of approval by the Commission.;

(v) Agent of Record ~~must~~shall agree to be an ELS license selling agent.;

(vi) If applicable, Agent of Record Authorization is submitted to the License Section.;

and,

(vii) ~~Signing the~~The new license selling agent signing a Lease Agreement for the issuance of ELS equipment within ninety (90) days of notification of approval by the Commission.

Section 145. Criteria for Appointment of In-State License Selling Agents.

(a) All applications for sporting goods and equipment vendors approved by the Department shall be presented to the Commission for review.

(b) Appointment of sporting goods and equipment vendors as license selling agents shall be based upon their qualification as a sporting goods and equipment vendor.

(i) Agents shall be considered for appointment only if they are existing business entities.

(ii) Agents shall have a valid sales tax license for the respective business entity.

(c) Appointment of non-sporting goods and equipment vendors as license selling agents shall be based upon the following criteria:

(i) Applicants shall be considered for appointment based on the physical location in relation to existing license selling agents;

(ii) Applicants shall be considered for appointment based on the public service provided taking into consideration the optimum period of hours, days and months of operation;

(iii) Applicants shall be considered for appointment only if they are existing business entities;

(iv) Agents shall have a valid sales tax license for the respective business entity; and,

(v) Agents shall be considered for appointment based on the Senior Game Warden evaluation.

Section 156. Criteria for Appointment of Out-of-State License Selling Agents.

(a) The Senior Game Warden, through the Regional Wildlife Supervisor, shall notify the Department's License Manager of the possible need to establish an out-of-state license selling agent.

(b) The request shall be reviewed for approval by the Fiscal Division Chief. If approved, applications may be accepted through solicitation by public notice in statewide or locals news media.

(c) Applicants for out-of-state license selling agents shall complete the proper application form. Consideration for approval of the agent shall generally, but not necessarily, be limited to criteria set forth in ~~Section 13~~ of this regulation.

(d) Out-of-state license selling agents shall be authorized to sell the specific license types as designated by the Fiscal Division Chief.

Section 177. Renewal of License Selling Agency.

(a) Except as provided in subsection (f) of this section, to be considered for license selling agency renewal, ~~or for a new license agent request,~~ all license selling agents shall use the ELS system.

~~(b) If any of the following facts have changed from those listed in the license selling agent's original application approved by the Commission, the renewal of the license selling agent may not be approved:~~

~~_____ (i) Appointed Agent of Record, unless an Agent of Record Authorization form has been properly completed and accepted by the License Section;~~

~~_____ (ii) Business entity upon which the appointment was based;~~

~~_____ (iii) Physical location of the business entity upon which the appointment was based;~~

~~_____ (iv) Hours/days/months of operation;~~

~~_____ (v) Continuance of a valid sales tax license for the respective business entity~~

(b) Renewal of an existing license selling agency may not be approved if there are changes to any of the information provided on the license selling agent's original application approved by the Commission; or if,

~~(vi)~~ Appointed Agent of Record has not maintained physical control of the offline license inventory or stamp inventory.

~~(vii)~~ Appointed Agent of Record has not maintained physical control of funds collected.

~~(viii)~~ Appointed Agent of Record has not maintained physical control of ELS equipment issued.

(c) Agents shall pay their annual non-refundable bond fee of fifty dollars (\$50) before December 1 preceding the year for which the bond shall be in effect to renew their license selling agency.

(d) Failure to pay the annual fifty dollar (\$50) bond before December 1 of each year shall be cause for automatic and immediate cancellation. Exceptions shall only be granted by the Fiscal Division Chief.

(e) Agents that have been cancelled for failure to pay their annual bond fee by December 1 shall be required to reapply to the Commission as a new license selling agent as outlined in this regulation.

(f) In exceptional circumstances, applicants for license selling agents may be exempted from using the ELS system. Exceptional circumstances shall be determined by the Commission on a case-by case basis in response to a written application for exemption, and may include lack of any high speed Internet service at the business location, or other circumstances that necessitate authorizing a license selling agent to issue non-carcass coupon license products without the use of the ELS computer equipment. Exempted license selling agents shall file a manual monthly license sales report form in lieu of an ELS system generated invoice, and follow all other provisions outlined in this regulation.

(i) All license selling agents exempted from using the ELS system shall annually certify, prior to August 1, that there has not been any change to the circumstance(s) previously approved by the Commission for the exemption. If the circumstances for the exemption are no longer valid, the Commission shall review the exemption for continuation or cancellation.

Section 188. Transfer of Physical Location of License Selling Agents.

A Commission license selling agent may be transferred to another physical location of the same business entity only upon approval of the Fiscal Division Chief and the District Commissioner. Recommendations by the Senior Game Warden, Regional Wildlife Supervisor and the License Manager shall be considered by the Fiscal Division Chief and the District Commissioner in determining whether or not to approve a transfer of physical location. A sporting goods and equipment vendor license selling agent is exempt from this provision.

Section 199. Change in Agent of Record for Business Entity.

(a) The business entity shall submit a properly completed Agent of Record Authorization completed on their letterhead to change the Agent of Record.

(b) ~~In addition to the Agent of Record Authorization, the~~ A newly designated Agent of Record ~~must~~shall also submit a properly completed Oath of Office form as the Agent of Record to the License Section.

(c) As indicated on the Agent of Record Authorization, the newly designated Agent of Record shall agree to accept all financial liability for the business entity and accept responsibility for all actions of the sub-agents for all matters relating to license sales.

(d) If the designation of ~~the~~ a new individual to act as the Agent of Record does not change the organizational structure of the business entity that was approved by the Commission, then the License Section shall accept the Agent of Record Authorization and change the Agent of Record for the business entity.

Section 2010. Transfer License Selling Agent as a Result of a Change in the Business Entity.

(a) If the change in license selling agent results in a change in the business entity, then:

(i) A new owner of a currently established Commission license selling agent shall immediately apply to the Commission to be considered for appointment as a license selling agent as outlined in ~~Section 13~~ of this regulation.

(ii) Subject to application and appointment as a license selling agent, the new owner may apply to the License Section for a temporary license selling agent authorization which shall allow the continuance of the existing license selling agent. Upon approval of the Senior Game Warden, Regional Wildlife Supervisor and the District Commissioner, the License Section shall issue a temporary license selling agent authorization to the new owner. Failure to apply for appointment as a license selling agent or apply for a temporary license selling agent authorization may result in delay of issuance.

(iii) A temporary license selling agent authorization shall remain in effect for one hundred twenty (120) days. The authorization may be extended an additional one hundred twenty (120) days by the District Commissioner.

(iv) In order to receive the temporary license selling agent authorization, the new owner shall assume all liability for the Agent of Record from whom the business was purchased. If the new owner does not agree to assume the liability of the previous Agent of Record, the existing license selling agency ~~is~~ shall be immediately canceled.

(v) Until a temporary license selling agent is authorized in which the new owner assumes liability, the existing Agent of Record shall remain liable, ~~as described in Section 13.~~

(vi) The business entity shall be required to be an ELS agent.

(vii) The Agent of Record shall be required to attend training as outlined in this regulation.

(viii) The Agent of Record shall be required to sign a Lease Agreement (if applicable) for the ELS equipment issued.

Section 2411. Issuance of Electronic License Service (ELS) equipment.

(a) The Agent of Record shall be required to sign a Lease Agreement (if applicable) to be issued ELS equipment.

(b) The Agent of Record shall be required to sign a new Lease Agreement for any equipment that is replaced by the Department from the original issuance.

(c) Upon Transfer of Ownership of a business entity, a new Lease Agreement (if applicable) shall be executed.

Section ~~46~~12. License Agent Bonding, Initial License Inventory and ELS Equipment Distribution and Training.

(a) Within thirty (30) days of appointment, all new agents of record or their designees shall be notified of a scheduled date on which they shall be required to travel to the Department Headquarters in Cheyenne, or another Department facility as designated by the License Manager, at the license selling agent's expense in order to:

- (i) ~~pay~~Pay the annual bonding fee as prescribed by W.S. § 23-1-701;
- (ii) ~~attend~~Attend a License Selling Agency Orientation and Training Seminar;
- (iii) ~~receive~~Receive the initial offline license book and stamp allocation;
- (iv) ~~receive~~Receive their ELS equipment (if applicable);
- (v) ~~sign~~Sign the lease agreement for issuance of ELS equipment; and
- (vi) ~~sign~~Sign the agent of record authorization.

(b) At any time, an agent of record shall be required to travel at the license selling agent's expense to Headquarters or another Department facility, as designated by the License Manager, to attend remedial training at the direction of the License Manager.

(c) The annual bond fee as prescribed by W.S. § 23-1-701 shall only be used for the recovery of outstanding account balances on closed accounts that have been determined to be uncollectible by the Department's Attorney General Representative.

Section 413. Liability.

(a) After a license selling agent has received shipment or signed for licenses, permits, tags or stamps on a license inventory charge document, the risk of loss for licenses, permits, tags or stamps or license fees lost, stolen or destroyed shall pass to the license selling agent. The license selling agent shall be liable to the Commission for the cash value of any licenses, permits, tags or stamps that are lost, stolen or destroyed, with the exception of loss due to fire or flood as evidenced by supporting documentation. All licenses, permits, tags or stamps shall remain the property of the Commission until sold or issued.

(i) The license selling agent shall be liable to the Commission for lost, stolen or destroyed offline licenses calculated as the cash value of a nonresident daily fishing license for each offline license missing.

(b) The license selling agent shall be responsible for training and for actions of any of their license selling sub-agents authorized to sell hunting, fishing and trapping licenses, permits, tags or stamps.

(c) The license selling agent shall be liable for the replacement value of any and all equipment issued to them by the Department for automated license sales as agreed to within the Lease Agreement executed upon receipt of said equipment.

~~(d) The annual bond fee as prescribed by W.S. § 23-1-701 shall only be used for the recovery of outstanding account balances on closed accounts that have been determined to be uncollectible by the Department's Attorney General Representative.~~

Section ~~12~~14. Examination of Agents Records.

(a) All Commission license selling agents shall be subject to a financial audit of any and all records and documents relating to license, permit, tag or stamp sales. These financial audits may be conducted, during normal business hours, without prior notification by a Department representative authorized by the Fiscal Division Chief. Any financial audit of records shall also extend to records, documents and other writings in possession or custody of accountants or other agents or representatives.

(b) All Commission license selling agent records and documents relating to license, permit, tag or stamp sales shall be subject to review for law enforcement purposes by Department law enforcement personnel during normal business hours.

Section ~~8~~15. Oath of Office.

(a) Approved agents of record and their designated license selling sub-agents shall complete, sign and return the appropriate Oath of Office ~~form~~form(s) to the License Section. The approved license selling agent shall complete the Oath of Office form at the License Selling Agency Orientation and Training Seminar. Authorized license selling sub-agents shall properly complete, and mail ~~to the License Section,~~ to the License Section prior to issuing any licenses, permits, tags or stamps.

(i) The completion of an Oath of Office form for the Agent of Record shall be witnessed by a Notary Public, Clerk of Court or Department personnel authorized by the Fiscal Division Chief to administer oaths and issue licenses. ~~The completion of an Oath of Office form for a license selling sub-agent shall be witnessed by a Notary Public, Clerk of Court, Agent of Record, or Department personnel authorized by the Fiscal Division Chief to administer oaths and issue licenses.~~ Any of the preceding witnesses, or the Agent of Record, shall witness the Oath of Office for a license selling sub-agent.

(ii) ~~The~~An original Oath of Office form shall be submitted to the License Section within thirty (30) days of being executed.

(A) A license selling sub-agent's ELS login shall be set to inactive if the Oath of Office form is not received within thirty (30) days of the login being created. Once the Oath of Office form is received by the License Section, the login shall be set to active.

(iii) The Agent of Record shall notify the License Section of any license selling sub-agents that are no longer authorized to sell licenses for the business entity within thirty (30) days of this action.

(b) Persons who have not been approved by the Commission as prescribed in established procedure shall be prohibited from selling licenses, permits, tags or stamps.

(c) Persons shall be at least eighteen (18) years of age to be an agent of record or license selling sub-agent.

(d) To administer a residency oath for the issuing of resident licenses, permits, tags or stamps, an agent of record or license selling sub-agent shall reside in the State of Wyoming where the licenses, permits, tags or stamps are issued.

(e) During all business hours, the agent of record or license selling sub-agent shall be available to sell licenses, permits, tags or stamps.

(f) An individual authorized to administer oaths and witness signatures on licenses shall not be authorized to sell a license to them self.

Section 516. License Inventory.

(a) The Agent of Record, or a license selling sub-agent of the business entity, shall be required to verify all offline license books or stamp books received from the Department. Such verification shall be completed on a License Inventory Charge Document furnished by the Department.

(b) The Agent of Record, or a license selling sub-agent of the business entity, shall sign the inventory charge slip upon verification of shipment. The inventory charge slip shall be returned to the Department within ten (10) days from receipt.

(c) The license selling agent shall be held financially responsible for the cash value of all offline license inventory and stamp book inventory that is not returned to the License Section at the end of each calendar year by January 31 of the following year in which the inventory was valid.

~~———— (d) ——— All license inventories from a prior calendar year shall be returned to the License Section by January 31 of the following year in which the inventory was valid.~~

Section 617. Issuance of Licenses, Permits, Tags or Stamps.

(a) License selling agents and license selling sub-agents shall ensure that all required information is documented on the offline licenses that are manually issued when the ELS is not available for license issuance. These license documents shall include all elements of a completed application.

(b) The resident licensee shall be present at the license selling agent location to purchase a license. The parent or legal guardian, in lieu of a resident youth applicant, may be present at the license selling agent location to purchase a license for the resident youth applicant.

(c) Resident licenses shall be signed at the time of purchase by the individual whose name appears on the license and in the presence of the license selling agent or license selling sub-agent. If a youth license is being purchased by the parent or legal guardian of the youth applicant, then the signature of the parent or legal guardian shall be signed at the time of purchase in the presence of the license selling agent or license selling sub-agent.

(d) The license selling agent or license selling sub-agent shall witness the resident signature, or parent or legal guardian signature for a youth applicant, on the license document prior to applying their signature on the license document.

(e) All resident licenses and permits shall contain the resident applicant's original signature and when applicable, the parent or legal guardian's signature in accordance with Wyoming statute and Commission regulation, prior to exercising the privileges of the license, permit, tag or stamp.

(f) Any person may purchase a license permit, tag or stamp for a nonresident; however, nonresident licenses, permits, tags and stamps shall contain the nonresident's signature prior to exercising the privileges of the license, permit, tag or stamp.

(g) For the purpose of conveying hunting, fishing, and trapping privileges in the State, only official Commission licenses, permits, tags and stamps shall be sold.

(h) Under no circumstances shall a license selling agent or license selling sub-agent alter the printed document of any license, permit, tag or stamp except as otherwise authorized in writing by the License Manager. This includes adding anything other than information required by the license document. Any altered license, permit, tag or stamp shall be void.

(i) The license issue date shall not be predated or postdated. All hunting, fishing and trapping licenses, permits, tags or stamps shall be valid only during the calendar year printed on the respective document, unless the license provides for a specific period of validity.

(j) Unsold offline licenses, stamps or ELS equipment shall not be removed from the license selling agent's authorized physical location without written authority of the Senior Game Warden, Regional Wildlife Supervisor or the License Manager.

(k) Except as otherwise prohibited by regulation or from direction of the License Manager, all license selling agents shall immediately upon receipt make available for sale,

during their stated business hours, all license inventory, whether electronic or manually issued, to the public.

(l) License selling agents shall not charge fees other than established fees by Wyoming Statute or Commission regulation for any service related to license, permit, tag or stamp sales including but not limited to, fees associated with the acceptance of credit cards.

(m) Under no circumstances shall the pink copy of a stamp or offline license document be removed from the book. Removal of the pink copy shall result in an automatic charge to the license selling agent as described in ~~Section 4 of~~ this regulation.

(n) License selling agents or license selling sub-agents are required to complete license documents. License applicants are not allowed to complete their own license documents.

Section 718. Void Licenses, Permits, Tags or Stamps.

(a) Licenses, permits, tags or stamps shall be voided in accordance with established Department procedure.

(b) Once removed from the business entity, offline licenses, permits, tags or stamps shall be voided only under the written authority from the License Manager, Regional Wildlife Supervisor or the Fiscal Division Chief.

(c) The voided license, permit, tag or stamp shall be evidenced by the signature and date on the completed void certificate attached to the original document submitted for void credit approval.

(d) Voiding stamps and offline license documents.

(i) The procedure for voiding any stamp or offline license document shall include, but not be limited to:

(A) The word "VOID" shall be written or stamped across the face of a stamp or offline license document;

(B) A void certificate form ~~being~~ shall be properly completed to include the agent account number, offline license document number being voided, void date, reason for the void and signature of the license selling agent, license selling sub-agent or Department employee voiding the document; and,

(C) The original stamp or offline license document ~~being~~ shall be submitted to the License Section within sixty (60) days of the original issuance to be considered for void credit approval.

(e) Voiding ELS license documents.

(i) The procedure for voiding any ELS license, permit, tag or stamp shall include, but not be limited to:

(A) The license transaction shall be changed from “active” status to “pending void” status in the ELS system upon completion of the sales transaction ~~when it has been determined the license was issued in error~~. The license selling agent has until midnight the day the license was issued to verify that all voids during a business day are properly recorded in the ELS system.

(B) The word “VOID” ~~is~~ shall be written or stamped across each license panel section or “VOID” ~~is~~ shall be written or stamped on the first panel section and a line is drawn through the face of all other panel sections of the document.

(C) The void transaction receipt, printed from the ELS system, shall be attached to the license documents being submitted for void credit approval.

(D) The ELS void certificate form shall be properly completed to include the agent account number, sportsperson information, license type being voided, license number being voided and explanation of the reason the license is being submitted for void credit approval; and,

(E) All original license panel sections shall be submitted to the License Section within sixty (60) days of original issuance to be considered for void credit approval.

Section ~~11~~19. Duplicate License Issuance.

(a) Duplicate license issuance.

(i) A “Duplicate License” shall be required for the replacement of lost or destroyed big or trophy game, wild turkey or wild bison licenses which are valid and have not expired.

(ii) For licenses issued through the ELS system, the duplicate license affidavit form has been incorporated within the duplicate license document and shall be signed by the license applicant and license selling agent issuing the duplicate license. This affidavit panel section of the duplicate license document shall remain intact with all other printed panel sections of the duplicate license form.

(iii) Any manually issued stamp which is valid and has not expired shall be replaced by purchasing another stamp as authorized by Commission regulation.

Section ~~9~~20. Monthly License Reports.

(a) Every license selling agent shall file a monthly license sales report for the preceding month and remit all monies, less commission, collected during the previous month on or before the 10th of the month immediately succeeding the license sale month, not just

postmarked on or before the 10th of the month. If the 10th of the month occurs on a day when Headquarters has been closed for license sales (weekends, holidays, etc.), the license sales report for the preceding month shall be due on the next business day that Headquarters is open.

(i) Filing a monthly license sales report means the ELS system generated invoice, manual stamp sales report and monies are physically received by the License Section on or before the 10th of the month, not just postmarked on or before the 10th of the month.

(ii) Concerning reports not received on time, the License Manager shall be directed to inactivate the license selling agent account on the ELS system so that no license sales can occur, mitigating risk to the Department.

(b) Monthly license sales report for ELS agents.

(i) Licenses, permits, tags or stamps sold through the ELS system shall be electronically invoiced to the license selling agent.

(ii) All automated licenses, permits, tags or stamp sales sold during the preceding month shall be included in the payment submitted to the Department on or before the 10th of the following month.

(A) ~~(iii)~~ License selling agents shall be required to remit a manual sales report for any offline license, permit and stamp sales that occurred during the preceding month. This report shall be remitted along with the monthly ELS system generated invoice. Payment shall include both the ELS system generated sales invoice amount and any manual offline license, permit and stamp sales report amount.

(c) Notification of late reporting.

(i) Letters ~~notifying license selling agents of their late reports of delinquency~~ shall be mailed (certified, return receipt) to the applicable license selling agent prior to the end of the late reporting period following the business day that the report was due. Agents are required to respond to the certified notice with the complete past due report including all fees due to the Department within three (3) business days from the receipt of the certified notice. ~~The license agent's response shall be to submit their monthly license sales report and fees, and shall be evidenced by the postmark date on the envelope received from the License Section containing the late report.~~ Time lines shall be evidenced by the postmark date on the envelope received from the License Section and the postmark date on the envelope received from the delinquent license selling agent containing the late report and all fees due.

(ii) Letters notifying license selling agents of three (3) occurrences of late reporting in any twelve (12) month period shall be mailed (certified, return receipt) informing the agent that administrative suspension or cancellation proceedings have been initiated. Processes for license agent suspension and cancellation shall be as outlined in this regulation. ~~The~~For cancellation, the license selling agent shall be informed of the requirement to request a hearing before the Commission as outlined in ~~Section 23~~ of this regulation.

(iii) Any late reporting may be used ~~be used~~ serve as cause for commencing administrative suspension or cancellation proceedings.

Section ~~10~~21. Monetary Remittance Issues

(a) Any person who issues a check to the Department to fulfill the requirements of this regulation, which is not paid because the check has been dishonored by the bank, shall be required to make restitution within thirty (30) calendar days following the date of written demand. The written demand shall be mailed to the drawer of the check by United States Postal Service certificate of mailing at the address shown on the check or the last known address or personally served pursuant to the Wyoming Rules of Civil Procedure. The restitution shall be in the form of a postal money order or a cashier's check in the amount of the check and a collection fee not to exceed thirty dollars (\$30).

(b) If the license selling agent fails to pay the amount of the check and the collection fee within thirty (30) days following the date of written demand, mailed to or served upon them, they shall be assessed three (3) times the amount of the check or one hundred dollars (\$100), whichever is greater, in addition to the collection fee of thirty dollars (\$30) referenced above, and any court costs.

(c) If a license selling agent submits a second dishonored check within a consecutive twelve (12) month period of a previous dishonored check, the license selling agent shall be required to remit all subsequent payments in the form of a postal money order or cashier's check for a period of twelve (12) calendar months. Failure to do so shall be grounds for cancellation.

(d) Account shortages of less than ten dollars (\$10) incurred on an agent's monthly license report may be included with the next monthly license sales reports remittance amount.

(e) ~~Letters notifying agents of their account balances~~ Account balance statements, via letter, shall be mailed after the 25th of each month. Payments for account shortages of over ten dollars (\$10) shall be remitted within ten (10) business days.

(i) Any license selling agent having account shortage balances due, that have not been received by the License Section within the ten (10) day period, shall be mailed (certified, return receipt) letters informing them that suspension or cancellation proceedings have been initiated. ~~The license selling agent shall be informed of the requirements to request a hearing before the Commission as outlined in Section 23 of this regulation.~~

(f) Unpaid account shortages may be used as cause for commencing administrative suspension or cancellation proceedings.

Section ~~21~~22. Administrative Suspension of License Selling Agents.

(a) A license selling agency may be suspended from license sales under the direction of the Director and the District Commissioner ~~pending a request for a hearing before the Commission as outlined in Section 23 of this regulation~~ for any of the following reasons:

(i) Failure to submit monthly license sales report as required by state statute and Commission regulation.

(ii) Failure to remit payment for license sales as required by state statute and Commission regulation.

(iii) Failure to pay the amount of a dishonored check and the assessed collection fees within thirty (30) days following the date of the receipt of written notification.

(iv) Failure to notify the License Section that a transfer of license selling agent has occurred that has resulted in a change in the business entity in which the current agent of record is no longer in control of the ELS equipment issued or monies collected for license sales.

(b) The License Manager shall be directed to inactivate the license selling agent account on the ELS system so that no license sales can occur during the administrative suspension.

(c) The License Manager shall be directed to retrieve all offline licenses, permits, tags and stamps from the license selling agency so that no manual sales can occur during the administrative suspension.

(d) The license selling agency shall be suspended until the issue is resolved or formal Commission action is taken as a result of a hearing as outlined in ~~Section 23~~ of this regulation, whichever ~~action~~ occurs first.

Section ~~2223~~. Cancellation of License Selling Agents.

(a) A License Selling Agency may be canceled for, but not limited to, the following reasons:

(i) Noncompliance with Wyoming statutes;

(ii) Noncompliance with Commission Regulations or Policies;

(iii) Failure to follow procedures outlined in written procedures provided by the License Section;

(iv) Submission of late or no monthly license sales report;

(v) Failure to properly report all license sales and remit monies during a reporting period;

(vi) Three (3) occurrences of late reporting by an agent in any twelve (12) month reporting period;

(vii) Failure to respond to certified letters notifying agents of late reporting, dishonored checks or account balances due;

- (viii) Failure to remit account underpayments;
- (ix) Issuance of insufficient or no account checks and failure to pay as provided in W.S. § 1-1-115;
- (x) Failure to pay annual bond by December 1 for succeeding year;
- (xi) Failure to disseminate correct information to the hunting/fishing public;
- (xii) Charging fees for any service related to license, permit, tag or stamp sales other than that established by Wyoming Statute;
- (xiii) Failure of license selling agent or sub-agents to properly and legibly fill out completed applications for license issuance as required by Commission regulation;
- (xiv) Failure to allow or permit a financial audit or review by Department law enforcement personnel during normal business hours of any and all records and documents relating to hunting, fishing and trapping licenses, permits, tags or stamp sales or search and rescue or access donations;
- (xv) Illegal issuance of licenses, permits, tags or stamps;
- (xvi) Failure to attend training as requested by the License Manager;
- (xvii) Failure to properly witness residency oaths on resident license issuance;
- (xviii) Failure to properly use Department provided offline license books to issue licenses when the ELS automated system is not accessible;
- (xix) Failure to properly data enter license records into the ELS system that were issued using offline license books. The licenses must be data entered by the next business day in which system access is restored;
- (xx) Failure to review ELS license document with licensee prior to signing license documents;
- (xxi) Failure to verify inventory shipments and sign and return Inventory Charge Documents;
- (xxii) Failure to make all license inventory available for sale to the public, during stated business hours, ~~all license inventory~~, whether electronic or manually issued, ~~to the public~~; or,
- (xxiii) Failure to sign a Lease Agreement (if applicable) and use the ELS system.

Section ~~2324~~. Proceedings for ~~Administrative Suspension or Cancellation~~.

(a) The Fiscal Division Chief, with concurrence of the District Commissioner, shall notify the license selling agent in writing that ~~administrative suspension or cancellation~~ procedures have been initiated.

(b) The ~~administrative suspension or cancellation shall be a contested case~~ proceeding shall be in accordance with Commission Regulation Chapter 27, Rules of Practice Governing Contested Cases before the Wyoming Game and Fish Commission, revised as of January 22, 2014, and which does not include any later amendments or editions of the incorporated matter.

(i) ~~Suspended or cancelled~~ Cancelled license selling agents are entitled to a hearing before the Commission. Request for hearing shall be made in writing to the Fiscal Division Chief within ten (10) business days after receipt by the license selling agent of the notice of ~~suspension or~~ cancellation by the Department. Upon the Department's receipt of a request for hearing from a ~~suspended or~~ cancelled license selling agent, the ~~suspended or~~ cancelled agent shall be notified by the Department to appear before the Commission at the next regularly scheduled Commission meeting.

(ii) License selling agents that fail to request a hearing before the Commission within ten (10) business days after receipt of notice of ~~administrative suspension or~~ cancellation shall be immediately canceled.

(iii) Upon cancellation of a license selling agent by the Commission or if the licensing selling agent fails to request a hearing within ten (10) business days, the license selling agent shall be prohibited from reapplying to the Commission for a license selling agent authorization for not less than twelve (12) consecutive months.

WYOMING GAME AND FISH COMMISSION

~~Mark Anselmi~~, President

Dated: ~~March 14, 2018~~ March 21, 2019