

HOUSE BILL 510

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M2

1998 Regular Session
8lr6090

By: **Chairman, Environmental Matters Committee (Departmental - Natural Resources)**

Introduced and read first time: February 5, 1998

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources - Sport Fishing and Hunting Licenses - Sales Agents**

3 FOR the purpose of authorizing the Department of Natural Resources to collect a
4 certain fee from hunting and sport fishing agents for a certain purpose;
5 requiring that the revenue derived from the fees be deposited into a certain
6 special account; and generally relating to the hunting and sport fishing license
7 sales programs.

8 BY repealing and reenacting, with amendments,
9 Article - Natural Resources
10 Section 4-611
11 Annotated Code of Maryland
12 (1997 Replacement Volume and 1997 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article - Natural Resources
15 Section 10-302
16 Annotated Code of Maryland
17 (1990 Replacement Volume and 1997 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article - Natural Resources**

21 4-611.

22 (a) (1) Any person engaged in a retail business who desires to sell angler's
23 licenses as an agent under the Department's control and supervision shall apply to
24 the Department on forms prepared and prescribed by the Department. The
25 Department may furnish angler's licenses on consignment to any agent who:

26 (I) [provides] PROVIDES a bond or other security deemed
27 sufficient and adequate by the Department to insure payment for the licenses; OR

1 (II) PAYS AN ANNUAL FEE NOT TO EXCEED \$100 FOR THE
2 REPLACEMENT, MAINTENANCE, REPAIR, AND ENHANCEMENT OF THE COMPUTER
3 HARDWARE AND SOFTWARE PROVIDED TO THE AGENT FOR UTILIZATION IN THE
4 ANGLER'S LICENSE SALES PROGRAM.

5 (2) THE DEPARTMENT MAY DESIGNATE WHETHER AN AGENT SHALL
6 PROVIDE A FORM OF SECURITY OR PAY THE ANNUAL FEE.

7 (b) The agent shall fill out every license and duplicate stub in a legible and
8 proper manner and submit any necessary report of sales together with the duplicate
9 stubs after the first day of each month as long as he sells these licenses in accordance
10 with § 4-604 of this subtitle. The report and stubs shall reach the Department by the
11 seventh day of each succeeding month. The Department shall reimburse any agent
12 who does not dispose of every angler's license purchased from the Department and
13 who presents the unused licenses intact in their original books to the Department for
14 a refund before March 31 of each year, for the amount of licenses returned and after
15 they are checked and found correct. Every angler's license not returned by March 31
16 shall be deemed sold and is not reimbursable, unless accompanied by a notarized
17 statement stating why the license is returned late. The Department, after review,
18 may reimburse the agent.

19 (c) An agent may not make any false statement concerning any date of
20 issuance or other license data. Every license book or stub shall be available for any
21 law enforcement officer to inspect at any time during the regular business day. An
22 agent may not issue any license without receiving the license fees required by law. A
23 receipt may not be issued in lieu of an angler's license.

24 (d) In addition to any other penalty provided for in this title, any agent
25 convicted of violating the provisions of this section shall have his angler's
26 license-issuing privilege rescinded.

27 (E) THE REVENUE DERIVED FROM THE ANNUAL FEE SHALL BE DEPOSITED
28 INTO A SPECIAL ACCOUNT FOR THE REPLACEMENT, MAINTENANCE, REPAIR, AND
29 ENHANCEMENT OF THE COMPUTER HARDWARE AND SOFTWARE UTILIZED IN THE
30 ANGLER'S LICENSE SALES PROGRAM.

31 10-302.

32 (a) (1) Any person engaged in a retail business who desires to sell resident
33 or nonresident basic hunting licenses, consolidated hunting licenses, nonresident
34 3-day hunting licenses, or individual hunting stamps as an agent under the
35 Department's control and supervision shall apply to the Department on forms
36 prepared and prescribed by the Department. The Department may furnish resident
37 and nonresident basic hunting licenses, consolidated hunting licenses, nonresident
38 3-day hunting licenses, and individual hunting stamps on consignment to any agent
39 who:

40 (I) [provides] PROVIDES a bond or other security deemed
41 sufficient and adequate by the Department to insure payment for the resident and

1 nonresident basic hunting licenses, consolidated hunting licenses, nonresident 3-day
2 hunting licenses, and individual hunting stamps; OR

3 (II) PAYS AN ANNUAL FEE NOT TO EXCEED \$100 FOR THE
4 REPLACEMENT, MAINTENANCE, REPAIR, AND ENHANCEMENT OF THE COMPUTER
5 HARDWARE AND SOFTWARE PROVIDED TO THE AGENT FOR UTILIZATION IN THE
6 HUNTING LICENSE SALES PROGRAM.

7 (2) THE DEPARTMENT MAY DESIGNATE WHETHER AN AGENCY SHALL
8 PROVIDE A FORM OF SECURITY OR PAY THE ANNUAL FEE.

9 (b) (1) The agent shall fill out every license and duplicate license in a legible
10 and proper manner.

11 (2) The agent shall date and affix any deer, bow and arrow, or black
12 powder stamp purchased on a basic hunting license in accordance with § 10-308 of
13 this subtitle.

14 (3) The agent shall submit any necessary report of sale together with the
15 duplicate license after the first day of each month as long as the agent sells these
16 licenses in accordance with § 10-301 of this subtitle. The report and duplicate licenses
17 shall reach the Department by the seventh day of each succeeding month.

18 (4) The Department shall reimburse any agent not operating on
19 consignment the sum paid for unissued resident and nonresident basic hunting
20 licenses, consolidated hunting licenses, nonresident 3-day hunting licenses, and
21 individual hunting stamps provided they are returned intact, and still attached in the
22 issuing books by June 30 of each year, and have been checked and found to be correct
23 by the Department. Every hunting license and individual hunting stamp not returned
24 by June 30 shall be deemed sold and not reimbursable unless accompanied by a
25 statement under oath stating why the hunting license or individual hunting stamp is
26 returned late. The Department, after review, may reimburse the agent.

27 (c) A designated person may not make any false statement concerning any
28 date of issuance or other resident or nonresident basic hunting license, consolidated
29 hunting license, nonresident 3-day hunting license, or individual hunting stamp
30 data. Every hunting license book, duplicate individual hunting license, or individual
31 hunting stamp shall be available for any law enforcement officer to inspect at any
32 time during the regular business day. An agent may not issue any hunting license or
33 individual hunting stamp without receiving the fees required by law. A receipt may
34 not be issued in lieu of a hunting license or individual hunting stamp.

35 (d) In addition to any other penalty provided for by the provisions of this title,
36 any agent convicted of violating the provisions of this section shall have the agent's
37 hunting license and individual hunting stamp issuing privilege rescinded.

38 (E) THE REVENUE DERIVED FROM THE ANNUAL FEE SHALL BE DEPOSITED
39 INTO A SPECIAL ACCOUNT FOR THE REPLACEMENT, MAINTENANCE, REPAIR, AND
40 ENHANCEMENT OF THE COMPUTER HARDWARE AND SOFTWARE UTILIZED IN THE
41 HUNTING LICENSE SALES PROGRAM.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
2 effect October 1, 1998.