

**Title 5. Fish and Game.**

**Part 4. Department Programs.**

**Chapter 93. Department Programs.**

Chapter 93 is amended by adding a new article to read:

**Article 5. Fish and Game Licensing and License Vendors.**

**Section**

- 510. Qualifications for resident license; proof of residency
- 520. Qualifications for reduced-fee resident hunting, trapping, and sport fishing license; proof of qualifications
- 530. Refund of license fees
- 540. Duplicate license
- 550. Qualifications for and appointment of license vendor
- 555. Duties of license vendor
- 560. Fees, retainage, and compensation for issuance of licenses
- 565. Employees of license vendor

570. Suspension, revocation, and expiration of license vendor appointment

595. Definitions

**5 AAC 93.510. Qualifications for resident license; proof of residency.** (a) A resident license may be issued only to a person who meets the residency requirements of AS 16.05.415 and 16.05.940.

(b) An applicant for a resident license has the burden of proving that the applicant is entitled to the resident license. By signing the license, the applicant attests, under penalty of unsworn falsification and the penalties provided in AS 16.05.430 or 16.05.665, that the applicant meets the residency requirements specified in (a) of this section.

(c) The department or license vendor may accept as adequate proof of an applicant's residency the applicant's Alaska driver's license, voter registration card, school records, proof of home ownership or rental receipts, tax records, employment records, or court or other governmental agency records showing to the satisfaction of the department or license vendor that the applicant meets the residency requirements in AS 16.05.415 and 16.05.940. (Eff. \_\_\_\_/\_\_\_\_/2012, Register \_\_\_\_\_)

**Authority:** AS 16.05.020 AS 16.05.330 AS 16.05.415  
AS 16.05.050 AS 16.05.360 AS 16.05.450

**5 AAC 93.520. Qualifications for reduced-fee resident hunting, trapping, and sport fishing license; proof of qualifications.** (a) The fee for a resident hunting, trapping, and sport fishing license may be reduced as authorized by AS 16.05.340(a)(6)(A) for a person who meets the residency requirements of AS 16.05.415 and 16.05.940 and 5 AAC 93.510 and the indigence assistance or low income requirements of AS 16.05.340(a)(6)(A).

(b) An applicant for a reduced-fee resident hunting, trapping, and sport fishing license has the burden of proving that the applicant is entitled to the license. By signing the license, the applicant attest, under penalty of unsworn falsification and the penalties provided in AS 16.05.430, that the applicant meets the qualifications specified in (a) of this section.

(c) Upon request of the department or a peace officer, a person who applies for or obtains a reduced-fee resident hunting, trapping, or sport fishing license under AS 16.05.340(a)(6)(A) and this section must provide proof of eligibility to the department or peace officer no later than 14 days after the request is made. (Eff. \_\_\_\_/\_\_\_\_/2012, Register \_\_\_\_)

**Authority:** AS 16.05.020 AS 16.05.330 AS 16.05.360  
AS 16.05.050 AS 16.05.340 AS 16.05.450

**5 AAC 93.530. Refund of license fees.** (a) A person who wishes to obtain a refund of a license fee must apply by submitting a written request directly to the department, including the person's original license and supporting documentation that shows the person meets the requirements in (b) of this section.

(b) A refund of a license fee will be granted by the department under this section only if the licensee or the licensee's representative demonstrates to the satisfaction of the department that the licensee was unable to make any use of the license as a result of

(1) the death or serious disabling illness or injury of the licensee that occurred after the licensee's purchase of the license and before the opening of any season for which the license may have been used; in the case of a serious disabling illness or injury, the illness or injury must have lasted until all seasons for which the license may be used are closed;

(2) the permanent cancellation of the opening of all seasons to which the license applied, rendering the license unusable at any time during the year for which it was issued; or

(3) a catastrophic event that the department determines justifies a refund of the license fee, including a localized volcano eruption or a terror alert that prohibits the licensee's air travel to this state.

(c) A refund will not be made under this section to a licensee who is

(1) unsuccessful in the licensee's efforts to take fish or game or obtain employment as a crewmember;

(2) unable to conduct the licensed activity due to scheduling difficulties, transportation problems, misconduct of a guide, or other circumstances that prevents the licensee from undertaking the activity the licensee had planned, but which do not prevent the licensee from undertaking licensed activities at either an earlier or later time. (Eff. \_\_\_\_/\_\_\_\_/2012, Register \_\_\_\_\_)

**Authority:** AS 16.05.020 AS 16.05.360 AS 16.05.450

AS 16.05.050

**5 AAC 93.540. Duplicate license.** (a) A licensee who has lost or destroyed the licensee's license may apply to the department or any license vendor for a duplicate license under this section.

(b) An applicant for a duplicate license must submit an application on a form prescribed by the department for that purpose, along with the applicable duplicate license fee established in AS 16.05.340 or 5 AAC 39.110(g). By signing the form, the applicant attests, under penalty of unsworn falsification and the penalties provided in AS 16.05.430 or 16.05.665, that the information provided is correct and the applicant meets the requirements for a duplicate license.

(c) A person who makes a false statement as to a material fact on an application for a duplicate license under section is subject to the penalties provided in AS 16.05.430 or 16.05.665. (Eff. \_\_\_\_/\_\_\_\_/2012, Register \_\_\_\_\_)

**Authority:** AS 16.05.020 AS 16.05.340 AS 16.05.450

AS 16.05.050 AS 16.05.360

**5 AAC 93.550. Qualifications for and appointment of license vendor.** (a) A natural person who is at least 18 years of age and who has not been convicted of a felony within the five

years preceding the date of appointment qualifies for appointment as a license vendor. A business entity with a current business license in this state issued under AS 08 and 12 AAC 12 qualifies for appointment as a license vendor.

(b) An applicant for an appointment as a license vendor shall apply to the commissioner by submitting an application form prescribed and provided by the department. The application form must be completed and signed by the applicant. If the applicant is a business entity, the application form must be signed by an authorized representative of the applicant and must designate an authorized representative of the applicant at each of the locations that licenses will be issued who will

(1) serve as the department's primary contact for that location on matters relating to licensing; and

(2) remit payments and provide reports as required by the department, including certifying compliance with the applicant's duties and obligations as a license vendor at that location.

(c) An appointment as a license vendor is solely at the discretion of the commissioner. The commissioner may deny an appointment of a license vendor applicant based on a finding that a particular area or locale is adequately served by existing license vendors and that appointment of an additional license vendor would not benefit the public, a finding that the applicant failed at any time in the preceding three years to perform duties of a license vendor under 5 AAC 93.555 or under the terms of an appointment contract, or a finding for any other reason that the commissioner determines warrants denial of an appointment. If the commissioner

denies an applicant appointment under this subsection, the commissioner will advise the applicant in writing of the decision and the reasons for the denial. If the denial is based on a finding that the area or locale is adequately served by existing license vendors, the written decision will include a list of the name and address of each license vendor in the area or locale of the applicant.

(d) An appointment is not effective until the commissioner notifies the applicant that the application has been accepted and the applicant has signed and returned to the commissioner a license vendor contract on a form provided by the department that includes

- (1) the term of the appointment, not to exceed a calendar year;
- (2) the class or classes of licenses that the license vendor is authorized to issue;
- (3) an acknowledgement by the license vendor applicant that the commissioner may audit, examine, and collect the books and license inventory of the license vendor;
- (4) the duties of the license vendor to remit the amounts due to the commissioner and account for all money collected, which unless otherwise specified in the contract must be remitted and accounted for no later than 15 days after the end of each calendar month;
- (5) other reporting and accounting obligations of the license vendor;
- (6) the duties of the license vendor regarding care and custody of licenses and related materials provided by the department, which include the duty not to change or deface any licenses and related material; and

(7) any other requirements the commissioner determines are appropriate.

(e) Each year, the applicant must reapply and sign a new license vendor contract or a renewal of the contract on a form provided by the department for that calendar year.

(f) A person may be appointed to serve as license vendor for a temporary period, not to exceed 45 days, by verbal notice, confirmed by the commissioner in writing, if the commissioner finds the appointment is necessary because of the death, incapacity, or resignation of a license vendor serving an area or locale, or the absence of a license vendor for an area or locale. (Eff. \_\_\_\_/\_\_\_\_/2012, Register \_\_\_\_\_)

**Authority:** AS 16.05.020 AS 16.05.360 AS 16.05.460  
AS 16.05.050 AS 16.05.380

**5 AAC 93.555. Duties of license vendor.** (a) A license vendor shall

(1) carefully and properly handle, and account to the commissioner for, all licenses and licensing materials provided to the vendor by the department and all money received by the vendor for licenses; and

(2) fully comply with the terms and conditions of the contract between the commissioner and the license vendor.

(b) Except as otherwise provided in this section, the commissioner will provide a blanket bond in a form and containing terms established by the commissioner for each license vendor in



an amount of not less than \$5,000. An applicant as a license vendor must complete all forms necessary to obtain coverage under the bond. If, based on the past or expected performance of a license vendor, the commissioner determines that the amount of money for licenses that the license vendor will handle during the term of the license vendor's appointment is more than four times the amount of the bond coverage under this subsection, and that the interests of the state are not otherwise adequately protected, the commissioner may require the applicant to post a bond in an amount established by the commissioner.

(c) The commissioner may require that the license vendor establish a bank account to which the license vendor must deposit all fees collected for licenses. If a license vendor is required to establish a bank account under this section, the license vendor shall add the commissioner as an authorized signature on the account and must provide the commissioner with all information necessary to access that account. The commissioner may instead require that the license vendor deposit fees collected directly to an account established by the commissioner for that purpose. Requirements established under this subsection will be stated in the contract or in an amended contract between the commissioner and the license vendor.

(d) A license vendor may not issue or assist in the issuance of a license to an individual that the vendor believes or has reason to believe has attempted to take or has taken fish or game for which the license was not acquired by the individual before the hunting or fishing activity.

(Eff. \_\_\_\_/\_\_\_\_/2012, Register \_\_\_\_\_)

**Authority:** AS 16.05.020 AS 16.05.360 AS 16.05.460  
AS 16.05.050 AS 16.05.380

**5 AAC 93.560. Fees, retainage, and compensation for issuance of licenses. (a)**

Except as provided in AS 16.05.470 for licensing of commercial fishing crewmembers and vessels, a license vendor who is not a state employee is entitled to compensation as provided in AS 16.05.390.

(b) Calculation of the compensation due a license vendor under AS 16.05.390 will be based on reports and proceeds received by the commissioner by the end of each calendar quarter. Compensation for licenses sold in one quarter and reported the following quarter must be included in the calculation for the current quarter. If a license vendor reports sales of licenses in one calendar year on the next calendar year report, and the vendor's total sales for the previous year were less than 50 licenses, the difference between 50 and the number of licenses actually sold will be deducted from the year reported and added to the previous year's sales to ensure that the license vendor is not paid twice for these sales.

(c) If the commissioner determines that the license vendor has submitted less than the full amount due, the commissioner, before making payment of the compensation authorized by AS 16.05.390(a)(2) and this section, will deduct from the compensation the difference between the amount due and the amount submitted to the commissioner. The commissioner will inform the license vendor, in writing of all deductions.

(d) The commissioner will pay the license vendor within the time specified in AS 16.05.390(c). The commissioner may assess a penalty against a vendor under AS 16.05.390(g) who does not timely transmit proceeds to the commissioner.

(e) The commissioner may choose not to renew a contract or enter into a new contract with a license vendor if the retainage by and compensation paid to the license vendor in the preceding year exceed the amount remitted to the commissioner for licenses sold by the license vendor. (Eff. \_\_\_\_/\_\_\_\_/2012, Register \_\_\_\_\_)

**Authority:** AS 16.05.020 AS 16.05.380 AS 16.05.460  
AS 16.05.050 AS 16.05.390

**5 AAC 93.565. Employees of license vendor.** (a) An employee of a license vendor may issue licenses under the authority of the license vendor if the license vendor complies with the requirements of (b) of this section. An employee who is authorized to issue licenses under this section has all the duties, obligations, and authority of a license vendor, except as limited by (c) of this section or as limited by the employer. An employee who issues a license shall sign and include the employer's license vendor license number on each license issued by the employee.

(b) The license vendor assumes responsibility for all the license vendor's employees who issue licenses. Any failure or default by an employee, including failure to account for all money and all licensing forms, is a failure or default by the license vendor, and the commissioner may take action against the employee, the license vendor, or both.

(c) The license vendor is responsible for the submission of all reports and the accounting of all money collected by the employee. The payment and compensation authorized by

AS 16.05.390(a) will be paid to the license vendor. The employee will have no right or interest in any retainage or compensation under AS 16.05.390. Upon the termination of the employee's employment, or at the request of the license vendor, the employee's licensing authority immediately terminates and the employee shall immediately provide the employer with all money, licenses, and other licensing materials received by or in the possession of the employee. (Eff. \_\_\_\_/\_\_\_\_/2012, Register \_\_\_\_\_)

**Authority:** AS 16.05.020 AS 16.05.380 AS 16.05.460

AS 16.05.050

**5 AAC 93.570. Suspension, revocation, and expiration of license vendor**

**appointment.** (a) If a license vendor fails to perform duties and obligations under this chapter or under the license vendor's contract with the commissioner, the commissioner may give the vendor notice of the vendor's noncompliance and a demand for compliance. If the commissioner determines that the failure is reckless or willful, the commissioner may give notice of immediate suspension or revocation of the contract and the appointment. If the license vendor fails to remedy the noncompliance within the time frame specified in a notice and demand for compliance, the commissioner may revoke the vendor's contract and appointment. The commissioner may take any other action necessary to protect the state's interests and remedy noncompliance, including commencement of suit.

(b) The commissioner may suspend or revoke a license vendor appointment for any of the grounds listed in (a) of this section, including the following circumstances:

(1) notice of bond cancellation is received by the department;

(2) a discrepancy exists between the license vendor's records or returns required to be filed with the commissioner and the department's audit or examination of the license vendor's books and inventory;

(3) the license vendor fails to collect fees or fails to pay to the department money due to the commissioner;

(4) a renewal application is not timely filed;

(5) the license vendor fails to meet any of the conditions specified in the contract or required by AS 16.05, 5 AAC 93.510 - 5 AAC 93.540;

(6) the license vendor knowingly or willfully issues, or causes to be issued, a license to an individual who has attempted to take or has taken fish or game for which the license was not acquired by the individual before the hunting or fishing activity.

(c) If a license vendor appointment is revoked under this section, the license vendor may not apply for a new appointment for three years after the date of revocation. The date of suspension or revocation is the date specified in the notice of suspension or revocation.

(d) If the commissioner revokes a license vendor's authorization to issue licenses, or if the authorization expires at the end of a calendar year and the commissioner does not renew the contract or enter into a new contract with the license vendor, the license vendor shall

(1) remit to the commissioner all money collected, except the amounts to which the license vendor is entitled to under 5 AAC 93.560;

(2) return all licenses and license materials to the department; and

(3) provide the commissioner with all required reports by the 15th day of the month following the month in which the license vendor appointment expires or revocation takes effect. (Eff. \_\_\_\_/\_\_\_\_/2012, Register \_\_\_\_\_)

**Authority:** AS 16.05.020 AS 16.05.340 AS 16.05.390  
AS 16.05.050 AS 16.05.380 AS 16.05.460

**5 AAC 93.595. Definitions.** Unless the context indicates otherwise, in 5 AAC 93.510 – 5 AAC 93.595

(1) "account for all money" means to deliver to the commissioner

(A) fees collected and money due the commissioner on account of, or by virtue of, the sale, issuance, or loss of licenses by a license vendor or employee of a license vendor that is accounted for when the money is received by the commissioner and, if money is transmitted by check, when bank clearance of the check occurs; and

(B) required reports showing the disposition of money received by the license vendor for issuance of licenses;

(2) "area or locale" means a geographical region of any size that the commissioner determines constitutes a single region where persons within that region or adjacent regions could reasonably be expected to purchase licenses from license vendors within that region;

(3) "business entity" means a corporation, partnership, or sole proprietorship, store or other single location from which a business is conducted;

(4) "commissioner" means the commissioner of fish and game;

(5) "contract" means the agreement between the commissioner and a license vendor that sets out the duties and obligations of a license vendor and authorizes the license vendor to issue licenses;

(6) "department" means the Department of Fish and Game;

(7) "employee" means a person who is employed by a license vendor;

(8) "issue" includes

(A) taking of applications for licenses;

(B) issuing licenses; and

(C) collecting fees for licenses;

(9) "license"

(A) includes a license, permit, or tag, and each class or type of license, that the department issues under AS 16.05.330, 16.05.340, 16.05.450(a), 16.05.480(a), and this chapter;

(B) does not include

(i) complimentary licenses distributed by the governor under AS 16.05.335;

(ii) free licenses for disabled veterans and active members of the Alaska National Guard and military reserves issued under AS 16.05.341; and

(iii) identification cards for persons exempt from license requirements under AS 16.05;

(10) "licensee" means a person who purchases one or more licenses;

(11) "license vendor" means a natural person or business entity that has been appointed by the commissioner and has entered into a contract with the commissioner to take applications and payments for and to issue one or more classes of fish and game licenses;

(12) "resident" has the meaning given in AS 16.05.940. (Eff. \_\_\_\_/\_\_\_\_/2012, Register \_\_\_\_\_)

**Authority:** AS 16.05.020 AS 16.05.360 AS 16.05.450  
AS 16.05.050 AS 16.05.380 AS 16.05.460



Register \_\_\_\_\_, \_\_\_\_\_ 2012 FISH AND GAME

AS 16.05.330

AS 16.05.390

AS 16.05.940