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26.01.03 - RULES GOVERNING RECREATIONAL REGISTRATION VENDORS

000. LEGAL AUTHORITY.

The Parks and Recreation Board, State of Idaho, acting pursuant to the Administrative Procedures Act, Title 67, Chapter 52, Idaho Code, and its powers and responsibilities under the Parks and Recreation Act, Title 67, Chapter 42, Idaho Code, adopted the following rules. These rules are promulgated under the Department's authority to administer the following Acts: Recreational Activities, Idaho Code Sections 67-7101 through 67-7133 and Idaho Safe Boating Act, Idaho Code Section 67-7001 et seq. These rules are intended to set forth the procedures for vendors to apply to sell recreational registrations for the Idaho Department of Parks and Recreation and to set forth procedures necessary to effect consistent, effective and efficient operation and management of the recreational registration program.

(7-1-93)

001. -- 002. (RESERVED).

003. APPEALS.

All decisions of denial are considered final unless appealed pursuant to IDAPA 26.01.01.250, "Rules of Administrative Procedure of the Idaho Park and Recreation Board," within thirty (30) days.

(7-1-93)

004. -- 009. (RESERVED).

010. DEFINITION OF TERMS.

01. Application. A form prescribed and furnished to prospective vendors by the Department. (7-1-93)
02. Department Or Central Office. The Idaho Department of Parks and Recreation. Location: 2177 Warm Springs Avenue, Boise, Idaho; Mailing Address: Statehouse Mail, Boise, Idaho 83720; Phone: 208-334-2154. (7-1-93)
03. Memorandum of Agreement. A contract between the Department and the Vendor. (7-1-93)
04. Recreational Registrations. Registration of various recreational vehicles, which includes, but is not limited to, snowmobiles, boats, off-road motorbikes, and recreational activities such as use of Park 'N' Ski facilities. (7-1-93)
05. Vendor. Any business authorized to sell recreational registration licenses. (7-1-93)
06. Vendor Policy Manual. A policy manual setting forth guidelines for selling recreational registration licenses. (7-1-93)

011. -- 049. (RESERVED).

050. DEPARTMENT RESPONSIBILITIES.

The Department has the responsibility to provide, but is not limited to providing the following: (7-1-93)

01. Reporting Procedures. Effective and efficient reporting procedures. (7-1-93)
02. Training. Training and assistance for vendor problem areas. (7-1-93)
03. Supplies. Maintenance of adequate supplies provided on a timely basis. (7-1-93)
04. Internal Control. Maintenance of adequate internal controls to ensure system integrity. (7-1-93)

051. -- 099. (RESERVED).

100. CRITERIA FOR APPLYING FOR VENDORSHIP.

A prospective vendor may apply to sell one (1) or more types of registrations. A prospective vendor may make a request to the Department at any time by phone, mail, or in person to receive Vendor Application forms and a copy of the applicable vendor Memorandum of Agreement. The application and the signed Memorandum of Agreement must be completed in full and returned to the Department for approval. If approved by the Department, the vendorship will be effective upon issuance of the signed Memorandum of Agreement by the Licensing Section, Department of Parks and Recreation. (7-1-93)

101. -- 149. (RESERVED).

150. MINIMUM QUALIFICATIONS OF VENDORS.

01. Established Business. The prospective vendor's business must be known as an established business in the general area they will serve and they may need to provide additional references to establish, to the department's satisfaction, the likelihood of an ongoing business operation. No vendor will be given an exclusive territory or area in which to sell registrations and licenses. (7-1-93)

02. Taxes and Fees. The applicant must not be delinquent in payment of any taxes or fees to the state of Idaho or any subdivision thereof. (7-1-93)

03. Operating Hours. The location of the business and hours of operation must be such that registration will be available to registrants at a convenient time and place. (7-1-93)

04. Service. Every effort will be made by the applicant to provide satisfactory service to both registrants in issuing registrations and the Department in properly collecting fees, safeguarding supplies and reporting in a timely, accurate manner. (7-1-93)

05. Bonding. When applicable, a vendor must be bondable to the extent that his gross fees collected will exceed one thousand dollars (\$1,000); such bond to be provided by the Department. (7-1-93)

06. Nondiscrimination. Vendors shall not discriminate against any registrant on the basis of race, religion, or nationality or gender. (7-1-93)

151. -- 199. (RESERVED).

200. NOTIFICATIONS AND TIME LIMITS.

01. Action on Application. The Department shall provide written notification within thirty (30) days following receipt of a vendor application and contract as to the approval or denial of same. Delivery at the central office of the Department shall constitute receipt of the documents. This decision for approval or denial shall be based on the rules contained herein and or such other procedures as are considered necessary by the Department. (7-1-93)

02. Notification. If approved, a fully executed copy of the vendor contract will be returned to the vendor. If denied, notification will outline reasons for such denial. (7-1-93)

201. -- 249. (RESERVED).

250. VENDOR SUSPENSION AND TERMINATION.

01. Suspension. A vendor may be suspended from selling registrations for up to one (1) year for: (7-1-93)

a. Failure to file a sales report on or before the date required by law, even if there were no registrations sold. (7-1-93)

b. Filing of inaccurate or incorrect reports. (7-1-93)

c. Failure to issue registrations in accordance with the provisions of Idaho Code, the Vendor Memorandum of Agreement and procedures, policies and instructions of the Department. (7-1-93)

02. Termination. A vendor may be terminated permanently for: (7-1-93)

a. Being suspended twice in any three (3) year period. (7-1-93)

b. Breach of the vendor Contract. (7-1-93)

c. Remitting fees with a nonsufficient funds check which is not due to bank error. (7-1-93)

d. A volume of ten (10) or less registrations, or total lack of sales, for a one (1) year period. (7-1-93)

e. Refusal to remit fees collected or return voided or unused sticker. (7-1-93)

f. Use of unacceptable or unbusiness-like conduct toward a registrant. (7-1-93)

251. -- 299. (RESERVED).

300. VENDOR FEES.

In order to establish consistency in vendor registration fees, vendors are strongly encouraged to charge the maximum allowable vendor fee as established under appropriate statutes as outlined in Section 000 of this chapter, and to notify the Department of vendor's intent to reduce the fee. The fee must remain consistent for a full season or program year, and changes must be approved by the Department in advance. (7-1-93)

301. -- 349. (RESERVED).

350. DEPARTMENT RESERVES EXCLUSIVE RIGHT TO RENEW REGISTRATIONS BY MAIL.

The Department reserves the exclusive right to mail out requests for renewal on all registrations which it is authorized to administer. This does not preclude vendors from making arrangements with registrants who may be physically removed from their place of residence at a time when re-registration becomes necessary. To perform such re-registration as a service to that patron, vendor should follow the procedures as outlined in the Vendor Policy Manual. (7-1-93)

351. -- 399. (RESERVED).

400. VENDORS TO OBTAIN EVIDENCE OF OWNERSHIP PRIOR TO ISSUING REGISTRATIONS.

Vendors must take reasonable care that adequate evidence of ownership is presented prior to registration. Prior registration is sufficient evidence. (7-1-93)

401. -- 999. (RESERVED).