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**IDAPA 13
TITLE 01
CHAPTER 19**

13.01.19 - RULES FOR OPERATING, DISCONTINUING, AND SUSPENDING VENDORS

000. LEGAL AUTHORITY.

Under Idaho Code Section 36-301, the Idaho Fish and Game Commission is authorized to adopt rules establishing a computerized licensing system and authorizing vendors. (3-20-97)

001. TITLE AND SCOPE.

The title of this chapter is "Rules for Operating, Discontinuing, and Suspending Vendors". These rules set forth the Commission's and department's policies and procedures regarding vendorship administration. (3-20-97)

002. WRITTEN INTERPRETATION.

Written interpretation of these rules and documentation of compliance are available at the Department of Fish and Game's headquarters office. (3-20-97)

003. ADMINISTRATIVE APPEALS.

Administrative appeals are governed under IDAPA 13.01.01, "Rules of Practice and Procedure of the Idaho Fish and Game Commission". (3-20-97)

004. INCORPORATION BY REFERENCE.

There are no documents that have been incorporated by reference into this rule. (3-30-01)

005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS.

The principal place of business of the Department of Fish and Game is in Boise, Idaho. The office is located at 600 South Walnut, Boise, Idaho and is open from 8 a.m. to 5 p.m., except Saturday, Sunday and legal holidays. The mailing address is: P.O. Box 25, Boise, Idaho 83707. (3-30-01)

006. -- 009. (RESERVED).

010. DEFINITIONS.

01. Commission. The Idaho Fish and Game Commission. (3-20-97)

02. Department. The Idaho Department of Fish and Game. (3-20-97)

03. Document. Any license, tag, stamp, permit, or form issued by the Idaho Department of Fish and Game. (3-20-97)

04. Vendor. Any individual, partnership, or corporation approved by the department for the sale of its documents. (3-20-97)

05. License(s). Means any license, tag, permit, stamp, or application issued by the department. (3-20-97)

06. Person. As defined in Section 36-202(f), Idaho Code, as "an individual, partnership, corporation, company, or any other type of association, and any agent or officer or any partnership, corporation, company, or any other type of association". (3-20-97)

011. -- 099. (RESERVED).

100. COMPUTERIZED LICENSING SYSTEM.

01. Licensing System Requirements. All businesses who issue department documents shall be required to issue documents using the department's computerized licensing system beginning with the 1996 calendar

year licenses. (3-20-97)

02. License Vendor Manual. Businesses shall issue documents according to the "License Vendor Manual" provided by the department. (3-20-97)

03. Deposit Schedule. Amounts collected from the sale and issuance of the department documents, along with the department's share of the license issuance fee for each document and the vendor's share of the weekly telecommunication charges, shall be deposited not less frequently than once every seven (7) calendar days in a bank account prescribed by the department. (3-20-97)

04. Reporting Time Period. The accounting and reporting time period is a calendar week (Sunday through Saturday). All monies due for the week is to be deposited in the prescribed bank by the following Wednesday. All reports for a week are to be sent to the department's license section on or before the following Wednesday. (3-20-97)

101. -- 110. (RESERVED).

111. OUT-OF-STATE VENDORS.

In general, an out-of-state location will not be approved to sell nonresident licenses unless it is located in close proximity (within fifty (50) miles) to the Idaho border. The application must also meet the rules for approving new vendors and have a compelling benefit in order to be approved. (3-20-97)

112. BOND.

01. Surety Bond. The department may require an applicant to provide at a minimum for each location, a ten thousand dollar (\$10,000) surety bond from a corporate surety authorized to do business in the state of Idaho, which guarantees the payment of all state funds collected as a result of licenses and tags issued by the license vendor if it appears from the application or information otherwise obtained by the department that an undue risk might otherwise be placed upon the Department in the absence of such bonding. (3-20-97)

02. Surety Bond Review. Upon request, at the completion of two (2) years of service, the department may review the requirement and may release the vendor from the bonding requirement. (3-20-97)

113. AGREEMENT.

Each vendor shall enter into a written agreement with the department which shall set forth the terms and conditions under which the vendor shall serve as a license vendor. (3-20-97)

114. VENDOR LOCATION NOT MOVEABLE.

Each vendorship is approved for the specific location indicated on the vendorship application form. As movement of a vendorship from one area to another may not be in the interest of the department or public, no vendorship may be relocated to another area (address) without written consent from the Chief, Bureau of Administration. (3-20-97)

115. TYPES OF DOCUMENTS SOLD BY VENDOR.

The department shall determine what documents each vendor shall be allowed to issue on the department's behalf. (3-20-97)

116. VENDOR ADMINISTRATION.

01. Conflict of Interest. No official or employee of the department who is authorized in his official capacity to take part in decisions regarding a vendorship shall have any financial or other personal interest in any such vendorship. (3-20-97)

02. Vendor Manual. A vendor's manual shall be sent to each new vendor, and will be available to all vendors upon request. The department will periodically update the manual. The manual is to be upgraded by the vendor as the updates are received. (3-20-97)

117. -- 119. (RESERVED).

120. CONTRACT AGREEMENT VIOLATIONS.

01. Notices of Contract Violations. Notices of contract violations will be issued by the Chief, Bureau of Administration, whenever a vendor shall fail to either make a license report or send in voided or canceled licenses on time or issue licenses as instructed. (3-20-97)

02. Vendorship Performance Report. Prior to issuing a third contract violation, a vendorship performance report (BA-119) will be sent to the appropriate conservation officer. The conservation officer should discuss the problem with the vendor and recommend whether or not a third violation should be issued. The form should be submitted to the License Section through the conservation officer's supervisors for their comments. (3-20-97)

03. Intent to Suspend. Prior to suspending a vendor upon a third contract violation, a written notice of intent to suspend shall be sent to the vendor. The vendor shall have fifteen (15) days in which to contact the director. (3-20-97)

121. VENDOR RESPONSIBILITIES.

01. Assistance. Should a vendor have any questions or problems, the local conservation officer should be contacted. The License Section is also available to assist the vendor. (3-20-97)

02. Issuing Licenses. Each vendor is responsible to issue all licenses in the proper manner, and under the instructions set forth by statutes, Fish and Game rules, the contract agreement, the vendor manual, and the conservation officer. (3-20-97)

03. Obeying Laws. Each vendor is responsible to obey all Fish and Game laws and rules. Failure to obey Fish and Game laws may be grounds for termination of vendorship. (3-20-97)

04. Contract Agreement. Each vendor is responsible to fulfill the requirements of the Vendorship Contract Agreement. (3-20-97)

122. TERMINATION OR SUSPENSION OF VENDOR.

01. Suspension Grounds. The Department may terminate or suspend a license vendor on the following grounds: (3-20-97)

a. The vendor fails to submit any canceled or voided licenses weekly. (3-20-97)

b. The vendor submits canceled or voided licenses late three (3) times during any twelve (12) month period. (3-20-97)

c. The vendor fails to have sufficient funds for the electronic funds transfer (EFT) to the department more than once during any twelve (12) month period. (3-20-97)

d. The vendor fails to make good any funds deficiency to the department within three (3) days of notification. (3-20-97)

e. The vendor fails to follow any procedures specified by the department for selling or reporting sales. (3-20-97)

f. A vendor will be suspended for up to twelve (12) months following a third contract agreement violation within any twelve (12) month period. (3-20-97)

g. The vendor fails to comply with any other terms of the agreement or fails to maintain the original criteria used in determining eligibility to become a vendor. (7-1-98)

- h.** The department discovers any fraud or deception in the application of the license vendor. (3-20-97)
- i.** A vendorship will be suspended immediately and may be terminated upon discovering that any license was altered by that vendorship. (3-20-97)
- j.** A vendorship will be immediately suspended and may be terminated upon failure to comply with the provisions of the contract agreement. (3-20-97)
- k.** A vendorship will be terminated immediately upon conviction of any of the following: (3-20-97)

 - i.** Violation of Fish and Game laws and/or rules. (3-20-97)
 - ii.** Violation in the issuance of a license or in performance as a vendor. (3-20-97)
- l.** A vendorship will be terminated immediately upon notice from the bonding company that the vendor's bond has been canceled. (3-20-97)
- m.** Vendorships that have been inactive for a year will be terminated. Inactive vendors who have been terminated may reapply to become vendors, and the vendorship application will be processed in the regular manner. The application must meet all requirements for approval. (3-20-97)
- n.** A vendor will be terminated immediately upon receiving two (2) suspensions in any three (3) year period. (3-20-97)

02. Notice. If the department determines that any of the grounds listed above for termination exist and decides termination or suspension is necessary, the department shall provide a fifteen (15) day written notice to the vendor of its intention to terminate or suspend the agreement, except where the department determines that an emergency or a risk to the public is created by the vendor's conduct or where the vendor has failed to pay for any fund deficiency within the prescribed time, in which case the department may terminate the vendor's agreement immediately. (3-20-97)

03. Reapplication. A person whose vendorship is terminated for nonpayment of license fees may not reapply to become a license vendor until all outstanding fees, including interest charged at the legal rate for judgments, has been paid in full. (7-1-98)

04. Terminations-Minimum Sales. (3-20-97)

a. Incorporated City. When a vendor located within an incorporated city fails to sell at least three hundred (300) licenses during the first year of operation, or sell at least six hundred twenty-five (625) licenses during the second and subsequent years, termination will be at the end of the calendar year. A vendorship not selling the minimum number of licenses will not be terminated if the Chief, Bureau of Administration determines the service is necessary for the function of the department. (3-20-97)

b. All Other Areas. All other vendors who fail to sell at least one hundred twenty-five (125) licenses during the first year of operation, or at least two hundred twenty-five (225) licenses during the second and subsequent year, will be terminated at the end of the calendar year. A vendorship not selling the minimum number of licenses will not be terminated if the Chief, Bureau of Administration determines the service necessary for the function of the department. (3-20-97)

123. VENDORS FAILING TO REMIT MONIES OR ACCOUNT FOR LICENSE STOCK-CRIMINAL VIOLATION.

The department shall make reasonable efforts to work with a vendor to obtain payment. If the vendor fails nonetheless to make payment, the department shall actively pursue prosecution under applicable state laws. (7-1-98)

124. SALE OF A BUSINESS.

The sale of a business voids the vendorship agreement. All licenses, unused license stock, void or canceled documents, supplies, and equipment must be returned to the department as soon as possible. If applicable, the

department will return the vendor's five hundred dollar (\$500) deposit when all items are received in good condition. The new owner must apply for a new vendorship. Vendorships cannot be transferred. (3-20-97)

125. -- 129. (RESERVED).

130. ISSUING LICENSES AND TAGS.

01. Identification Required. A vendor shall receive proper identification as defined in Subsection 130.03 of this rule from each individual before issuing an Idaho resident license or tag. Nonresident licenses, and daily fishing licenses do not require identification. (4-6-05)

02. Ordering by Mail. Licenses and tags also may be obtained by mail by forwarding to the Idaho Department of Fish and Game, License Section, PO Box 25, Boise, ID 83707, a legible copy of proper identification as described in Subsection 130.03 of this rule: (3-20-97)

a. Applications for mail-ordered licenses and tags shall be made on department forms obtainable from department offices and shall be postmarked on or before any deadlines that may have been established for issuance of such license or tag. (3-20-97)

b. The department may require additional information to assist with the completion of mail-ordered transactions. (3-20-97)

c. Licenses or tags shall not be issued until the required fee has been received by the department in the form of personal check or money order. (3-20-97)

03. Proof of Residence. The vendor shall confirm proof of residence before issuing a resident license. In cases where the vendor cannot obtain suitable proof of residence, the vendor should NOT issue the license and refer the applicant to the local conservation officer or department office so that residency can be verified by the department. If a person drives and is applying for an Idaho resident Fish and Game license, they must provide a valid Idaho driver's license. A previous year's fish and game license is not acceptable proof of residency. Acceptable proof of residency is: (4-6-05)

a. A valid Idaho driver's license for all persons who drive. (4-6-05)

b. Persons who have not been issued a driver's license, who do not drive and who are eighteen (18) years of age or older are required to prove residency by providing two (2) pieces of identification bearing the name and address of the applicant, but not issued by himself, acceptable documents are: (4-6-05)

i. Idaho identification card. (4-6-05)

ii. In the case of a minor child (under eighteen (18)) identification from a parent. (3-20-97)

iii. Home electricity, gas, cable or phone utility bills dated at least six (6) months prior. (4-6-05)

iv. Notarized statement from an employer on business letterhead. (3-20-97)

v. Proof of voter registration dated six (6) months prior. (3-20-97)

vi. A residency affidavit signed by the license purchaser. (4-6-05)

04. Completion of Form. Vendor shall fill in all the information requested on the document, including the full name, complete address, gender, date of birth, and mark the box for the type of document for which applicant is applying. (3-20-97)

05. Social Security Numbers. Vendor shall require disclosure of social security numbers for any person who purchases a license. The social security number shall be used only as a unique number to assist the department with matching licenses and tags sold to an individual. Disclosure of social security numbers to the

department is required by Section 73-122, Idaho Code, and the department shall not use such numbers for any purpose other than that expressed herein. A person's social security number is considered confidential and will not be released to any person by the department. (4-6-05)

06. Vendor Employees. Any employee of the vendor may issue documents, provided that the employee is instructed as to all applicable statutes and regulations. Vendor is responsible for employee training and for any violation of applicable statutes and regulations committed by employees. (3-20-97)

07. Resident Privileges. No one can claim Idaho resident privileges while claiming resident privileges in another state (except military personnel). (3-20-97)

08. Negligence. The issuing vendor must be sure that the license information is complete and is recorded before the license sale is final. Negligence in obtaining proof of residence or completion of the application portion of the license could constitute grounds for suspension of a vendorship. (3-20-97)

131. LICENSING PROVISIONS APPLICABLE TO JOB CORPS STUDENTS.

Under Section 36-202(r-4), Idaho Code, any person who is enrolled as a corpsman at a Job Corps Conservation Center in Idaho, upon payment of the proper fee to any license vendor, shall be entitled to purchase resident fishing license irrespective of his length of residency. Before a vendor may issue a fishing license, a certified Form 79 signed by the Job Corps Center director shall be presented to the vendor by the applicant. (3-20-97)

132. MILITARY PERSONNEL - U.S. AND FOREIGN.

01. Nonresident. (3-20-97)

a. Active. Servicemen who are not residents of the state; and (3-20-97)

i. Whose permanent duty station is not Idaho; or (3-20-97)

ii. Are on temporary duty assignment (TDY) to Idaho are not entitled to resident Fish and Game licenses or a military permit. They must purchase nonresident licenses and tags to hunt and fish within the state. (3-20-97)

b. Discharged. Discharged servicemen who were not residents of the state of Idaho at the time of their induction or enlistment, or who have not been stationed within the state of Idaho for a period of at least six (6) months prior to their discharge are not entitled to resident Fish and Game licenses until they have domiciled in this state for a period of six (6) months. The discharge paper Form DD214 will indicate the home of record. (3-20-97)

c. Civilian employees of the military are NOT eligible for resident licenses until they meet the regular requirements for residency. (3-20-97)

02. Resident. A nonresident member of the Armed Forces of the United States, in order to purchase resident licenses and tags shall present to the vendor a copy of Form 899 "Request and Authorization for Permanent Change of Station-Military". The only date the vendor is to use from a copy of the orders is the "Report No Later Than" date. Spouses and dependent children are considered residents for licensing purposes provided that each dependent shall have a certified Form 28 in their own name. Dependent children are defined as being under eighteen (18) years of age. Idaho residents who are in the military service of the United States and maintain Idaho as their official home of residence shall be eligible to purchase a resident license or obtain a furlough permit. The spouse and children under the age of eighteen (18), living in the household, may purchase resident hunting and/or fishing licenses. (3-30-01)

133. STUDENT.

01. Requirements. Section 36-202(1), Idaho Code, provides that a bona fide resident of the state of Idaho who is a full-time student of an out-of-state institution of learning paying nonresident tuition is entitled to receive a resident Fish and Game license even though he is not physically present in this state continuously for a period of six (6) months preceding his application for such license. Educational leave may not exceed five years.

Students who have been domiciled within Idaho for six (6) months with a bona fide intent to remain may be eligible to purchase Idaho resident licenses if they are paying resident tuition. (3-20-97)

02. Temporary Residence. Students who reside temporarily within our state and have not become residents of Idaho are not entitled to purchase resident Fish and Game licenses. (3-20-97)

134. FOREIGN EXCHANGE HIGH SCHOOL STUDENTS.

Idaho Code Section 36-202(r-5) provides that any foreign exchange student enrolled in an Idaho high school may obtain a resident fishing license. A foreign exchange student (defined as persons classified "J-1" by the U.S. Immigrations Service) attending a school in Idaho shall be considered a resident for the purpose of purchasing a fishing license if a copy of the U.S. Immigration document or other government document showing "J-1" classification is provided to the vendor. All other foreign students are nonresidents. (3-20-97)

135. RESIDENTS ON LEAVE FROM THE STATE.

01. Types of Leave. Section 36-202(r-1), Idaho Code, provides that residents can be on leave from the state for: (3-20-97)

a. Religious leave - not to exceed two (2) years. (3-20-97)

b. Educational leave for full-time students - not to exceed five (5) years. (3-20-97)

c. Military personnel - Idaho residents in the military who maintain Idaho as their official home of record. (3-20-97)

02. Resident Privileges. Persons on religious or educational leave may not claim residency or use resident privileges in any other state or country for any purpose. (3-20-97)

136. FOREIGNERS/ALIENS IN IDAHO.

Foreigners residing in the state on a temporary visa are not eligible for a resident license. Persons residing in the state on a permanent visa or applying for U.S. citizenship are eligible for a resident license if they have met the six (6) months residency requirement. (3-20-97)

137. CHILDREN IN FOSTER HOMES.

Children under the age of eighteen (18) who are residents of a licensed foster home, a foster group home, or a child welfare institution may fish during the open season without a license provided they are accompanied and supervised by the director, officer, or other employee of the facility where the child resides. Each facility must be licensed by the Department of Health and Welfare, and a copy of that license must be carried by the representative of the foster home facility. (3-20-97)

138. LICENSES PURCHASED AS GIFTS.

01. Resident Licenses. A resident may purchase gift licenses for his or her spouse and children under the age of eighteen (18) living in the household. The purchaser must provide the proper residency identification for obtaining a resident license. (3-20-97)

02. Nonresident Licenses. Nonresident licenses may be purchased by someone other than the applicant because residency certification is not required. (3-20-97)

139. -- 149. (RESERVED).

150. VENDOR ACCOUNT NUMBER.

The vendor's account number shall be included in all correspondence and requests for supplies. (3-20-97)

151. CHANGE IN OWNERSHIP OF VENDORSHIP -- NON-TRANSFERABILITY OF VENDORSHIP.

A vendor shall notify the department in writing prior to any change in ownership, use of assumed business name, dissolution of partnership or corporation as shown on the application approved by the department. A license

vendorship is not transferable and may not be used as a condition of sale. (3-20-97)

152. PUBLIC MONIES.

All monies collected by a vendor shall be deemed to be public monies of the state of Idaho and the state shall have a prior claim upon these monies over all creditors, assignees, or other claimants. (3-20-97)

153. VOIDED AND CANCELLED DOCUMENTS.

When an error is made in issuing a document, no correction, alteration, or erasure shall be made to the document. To void a document write "Void" on the document. Do not destroy any voided or canceled licenses. The original voided document and cancellation receipt shall be submitted to the department at the week's end and is to be postmarked on or before the following Wednesday. If the original document is not received when due, the vendor may be charged for the value of the document. (3-20-97)

154. LOSS OF DOCUMENTS AND FEES.

A vendor is responsible for all lost documents and blank license stock, regardless of the reason for loss. The department shall be notified immediately of any loss, and the vendor shall submit a detailed report of the loss. All documents and blank license stock should be kept in a safe and secure place, preferably in a fireproof box or vault. (3-20-97)

155. INSPECTION AND AUDIT.

License records shall be available for inspection and audit at all times by an authorized employee or agent of the department or the State Controller's Office. (3-20-97)

156. SUPPLIES.

A vendor shall anticipate requirements for supplies of blank license stock, supplies, and other forms and order by mail or phone. It is the responsibility of the vendor to place orders early enough for the department to process the request and ship the order by the most cost-effective means. (3-20-97)

157. TRANSFER AND SALE OF DOCUMENTS ISSUED TO VENDORS.

Blank license stock is issued to a vendor for sale at the place of business listed in his original application. A vendor shall not transfer blank license stock to another location nor to another license vendor without advance written permission from the department. (3-20-97)

158. UNUSED BLANK LICENSE STOCK, FORMS, AND SUPPLIES ON HAND.

Any unused blank license stock, forms, and supplies shall be returned to the department immediately upon request by the department. (3-20-97)

159. TELECOMMUNICATION REIMBURSEMENTS TO VENDORS.

Each vendor must have a phone line available for the computerized license system. The department shall prescribe the type of phone line service that is required by each vendor. If a data quality phone line is required for the computerized license system, vendors will reimburse the department for one-half (1/2), of phone line installation costs, not to exceed two hundred dollars (\$200). The director is authorized to waive any or all of a vendor's phone line reimbursement if the director finds that a waiver is necessary to provide the public reasonable opportunity to obtain licenses within a twenty-five (25) mile radius of the proposed vendor location. (7-1-98)

160. TELECOMMUNICATION USAGE COST SHARING WITH VENDORS.

01. Vendors Which Issue or Are Expected to Issue Seven Hundred Eighty Licenses or More Per Year. The department will add to the weekly amount due from these vendors seven dollars and fifty cents (\$7.50) as their share of the weekly phone line charge. (3-20-97)

02. Vendors That Issue or Are Expected to Issue Less Than Seven Hundred Eighty Licenses Per Year. The department will add to the weekly amount due from these vendors fifty cents (\$0.50) for each license issued in the prior seven (7) calendar days as their share of the weekly phone line charge. (3-20-97)

03. Vendors That Also Have an On-Line Lottery Terminal. Vendors that also have on-line lottery terminal will not be required to pay an amount as their share of the weekly telecommunication that is larger than what

would be separately charged by the department or lottery, whichever would be the greater. (3-20-97)

161. ELECTRIC POWER REQUIREMENTS.

Vendors must have a "clean" power line available for the computerized license system. The power line cannot have any other electrical equipment running off the line other than an on-line lottery terminal. (3-20-97)

162. -- 999. (RESERVED).

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