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IDAPA 26
TITLE 01
CHAPTER 03

IDAPA 26 – DEPARTMENT OF PARKS AND RECREATION

26.01.03 – RULES GOVERNING RECREATIONAL REGISTRATION PROGRAM 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, Sections 67-7101 through 67-7133, Idaho Code, and Idaho Safe Boating Act, Section 67-7001 et seq., Idaho Code. (4-11-15)

001. TITLE AND SCOPE.

01. Title. The title of this chapter are cited in full as Idaho Department of Parks and Recreation Rules, IDAPA 26.01.03, “Rules Governing Recreational Registration Program Vendors.” (4-11-15)

02. Scope. These rules are intended to set forth the procedures for vendors to apply to sell Recreational Registration Program products including, but not limited to, certificates of number, permits, user certificates, and stickers 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. (4-11-15)

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of these rules. (4-11-15)

003. (RESERVED)

004. INCORPORATION BY REFERENCE.

No documents have been incorporated by reference into these rules. (4-11-15)

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

01. Office Hours. Central office hours are 8 a.m. to 5 p.m., Mountain Time, Monday through Friday, except holidays designated by the state of Idaho. (4-11-15)

02. Mailing Address. The mailing address for the central office is Idaho Department of Parks and Recreation, PO Box 83720, Boise, ID 83720-0065. (4-11-15)

03. Street Address. The Central office of the Idaho Department of Parks and Recreation is located at 5657 Warm Springs Ave., Boise, ID 83716-8700. (4-11-15)

006. PUBLIC RECORDS ACT COMPLIANCE.

Any records associated with these rules are subject to the provisions of the Idaho Public Records Act, Title 74, Chapter 1, Idaho Code. (4-11-15)

007. -- 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. (7-1-93)

- 03. Memorandum of Agreement.** A contract between the Department and the Vendor. (7-1-93)
- 04. Products.** Recreational Registration Program products include, but not be limited to, certificates of number, permits, user certificates, and stickers. (4-11-15)
- 05. Recreational Registration Program.** A unit within Idaho Department of Parks and Recreation responsible for the administration and oversight of the vendor program, the sale of program products, and the management and distribution of the resulting funds. (4-11-15)
- 06. Vendor.** Any business authorized to sell products. (4-11-15)
- 07. Vendor Policy Manual.** A policy manual setting forth guidelines for selling products. (4-11-15)
- 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 products. 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. (4-11-15)
- 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 products. (4-11-15)
- 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 convenient to the intended customers. (4-11-15)
- 04. Service.** Every effort will be made by the applicant to provide satisfactory service to both the Department and its customers in properly collecting fees, safeguarding supplies and reporting in a timely, accurate manner. (4-11-15)
- 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 may not discriminate against any Department customers on the basis of race, religion, or nationality or gender. (4-11-15)

151. -- 199. (RESERVED)

200. NOTIFICATIONS AND TIME LIMITS.

01. Action on Application. The Department must 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 constitutes receipt of the documents. This decision for approval or denial is 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 products for up to one (1) year for: (4-11-15)

a. Failure to file a sales report on or before the date required by law, even if there were no products sold. (4-11-15)

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

c. Failure to issue products in accordance with the provisions of Idaho Code, the Vendor Memorandum of Agreement and procedures, policies and instructions of the Department. (4-11-15)

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 sales, for a one (1) year period. (4-11-15)

e. Refusal to remit fees collected or return voided or unused product. (4-11-15)

f. Use of unacceptable or unbusiness-like conduct toward a Department customer. (4-11-15)

251. -- 299. (RESERVED)

300. VENDOR FEES.

In order to establish consistency in vendor 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. (4-11-15)

301. -- 349. (RESERVED)

350. DEPARTMENT RESERVES EXCLUSIVE RIGHT TO RENEW CERTIFICATES OF NUMBER BY MAIL.

The Department reserves the exclusive right to mail out requests for renewal on all certificates of number which it is authorized to administer. This does not preclude vendors from making arrangements with Department customers who may be physically removed from their place of residence at a time when numbering becomes necessary. To perform such numbering as a service to that patron, vendor should follow the procedures as outlined in the Vendor Policy Manual. (4-11-15)

351. -- 399. (RESERVED)

400. VENDORS TO OBTAIN EVIDENCE OF OWNERSHIP PRIOR TO ISSUING CERTIFICATES OF NUMBER.

Vendors must take reasonable care that adequate evidence of ownership is presented prior to numbering. Prior certificate of number is sufficient evidence. (4-11-15)

401. -- 999. (RESERVED)

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