IDAPA 13 – IDAHO DEPARTMENT OF FISH AND GAME

Administration Bureau

13.01.19 – Rules for Selecting, Operating, Discontinuing, and Suspending Vendors

Who does these rules apply to?
These rules apply to Department staff responsible for license vendor administration and to entities who current or potential Fish and Game license vendors.

What is the purpose of these rules?
These rules establish criteria regarding license vendor administration. These rules define vendor classification, the vendor application process, vendor selection, contract agreements and violations, terminations or suspensions and the issuance of licenses and tags. The purpose of these rules is to support statewide availability of license services while ensuring fiscal accountability and vendor performance.

What is the legal authority for the agency to promulgate this rule?
This rule implements the following statutes passed by the Idaho Legislature:

Fish and Game -
Issuance and Sale of Licenses:

- Section 36-301, Idaho Code – Forms and Licenses –Printing – Chargeable to Director
- Section 36-307, Idaho Code – Reports of Sales

Who do I contact for more information on this rule?

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000. LEGAL AUTHORITY.
Sections 36-301 and 36-307, Idaho Code authorize the Commission to adopt rules governing issuance and sale of licenses and authorization and accountability of license vendors. (3-20-20)

001. TITLE AND SCOPE.
The title of this chapter for citation is IDAPA 13.01.19, "Rules for Selecting, Operating, Discontinuing, and Suspending Vendors." These rules establish standards for license vendors and related administration. (3-20-20)

002. -- 099. (RESERVED)

100. VENDOR CLASSIFICATION.
The Department classifies vendor applications into the following designations for record keeping, approval, and statistical purposes. (3-20-20)

01. Class One. A sporting goods store carrying a complete line of hunting and fishing supplies and other sporting equipment, and open at least five (5) days a week year-round except for major holidays. (3-20-20)

02. Class Two. A store with a section carrying a complete line of hunting and fishing supplies and other sporting equipment, and open at least five (5) days a week year-round except for major holidays. (3-20-20)

03. Class Three. A store that specializes in a single aspect of hunting or fishing such as gun, archery or fly fishing shops. (3-20-20)

04. Class Four. (3-20-20)

a. Strategic. A business or government agency located in an area where the Department has determined there is a need for the public to have licenses available. This may be in areas where there is no or very limited license availability within a twenty-five (25) mile radius from established license vendors. (3-20-20)

b. Exceptional Service. A business that can provide exceptional license availability in comparison to existing license vendors in the vicinity, such as a business open twenty-four (24) hours a day, seven (7) days a week that would not be classified as a class one, two, or three vendor. (3-20-20)

05. Class Five. A business not open on a twelve (12) month basis such as a summer fishing resort that would otherwise qualify for any class one through four, which may include an outfitter or guide business with a permanent business location open to the public. (3-20-20)

06. Class Six. All other businesses that provide no special or exceptional service to the Department or public. (3-20-20)

101. APPLICATION.

01. Form. Applications will be on a form prescribed by the Department. (3-20-20)

02. Department Review. (3-20-20)

a. Application Review. The Department will evaluate and determine approval or denial of vendor applications quarterly, on or before March 1, June 1, September 1, and December 1. The Department will have thirty (30) calendar days after receipt of all necessary forms to review and investigate the application. The date received plus thirty (30) days will determine into which quarterly evaluation each vendor application will be considered. Applications from the same area will be compared to determine which will best meet vendorship needs in that area. Exceptions may be made by the Department when there are overriding needs for an immediate replacement of a license vendor in an area. This will primarily occur where there would be no vendor services available to the public within a twenty-five (25) mile radius. (3-20-20)

b. Field Review. After the License Section has received the application form and all other required information from an applicant, they will contact the Regional Conservation Officer for a recommendation on the application. The Regional Conservation Officer will have ten (10) days to provide the License Section with a recommendation on the application. (3-20-20)

03. Applicant. (3-20-20)

a. Application. The Department will only consider license vendorship applications completed in their entirety and accompanied by an original copy of a current credit rating from a recognized credit bureau. The Department will only consider completed applications received by the License section no later than sixty (60) days after the date of the application transmittal letter. The Department may grant an applicant's request to extend this period for up to thirty (30) additional days. Any false or misleading response will void the application. (3-20-20)

b. Approved Application. If the Department approves an application, the applicant will have sixty (60) days from the date of the applicant's approval letter to provide the Department with a signed vendorship contract, and any bond, deposit, or documentation the Department may require. Failure to meet this deadline will void the approval except for extenuating circumstances approved by the Department. (3-20-20)

102. SELECTION.
The following factors will be considered for selecting an applicant to become a license vendor: (3-20-20)T

01. Low Numbered Vendors. Applicants classified in lower-numbered vendor classifications will be given priority over applicants in higher-numbered classifications from the same general location. (3-20-20)T

02. Class Six Applicants. Class six (6) applicants will be approved only when they demonstrate a significant public benefit to have a license vendorship at their location. (3-20-20)T

03. Unsettled Debts. Applicants who have unsettled debts listed with a credit bureau will not be approved. Unsettled debts that are in dispute will not be considered against the applicant. (3-20-20)T

04. Surety Bond. The Department may require an applicant to provide 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 issued by the vendor if it appears from the application or other information that an undue risk might otherwise be placed upon the Department in the absence of such bonding. Applicants who otherwise qualify for a vendorship and have been in business less than three (3) years will be required to furnish the Department a ten thousand dollar ($10,000) surety bond in the form and length as determined by the Director. Upon request, at the completion of two (2) years of service, the Department may release the vendor from the bonding requirement based on a review of financial risk. (3-20-20)T

05. Permanence and Accessibility. Applicants who do not have a permanent place of business open and accessible to all segments of the public will not be approved. (3-20-20)T

06. Number of Existing Vendors in Area. The three (3) closest existing vendors, their hours and days of operation, classification, accessibility to the public, and other pertinent information, including their distance to the applicant, will be compared to the applicant. (3-20-20)T

07. Minimum Sales Volume. If the applicant is seeking to replace an existing vendor at the prior vendor's location, the prior vendor's sales volume will be used to estimate the applicant's sales volume. (3-20-20)T

08. Performance Record. An applicant who was a license vendor or the manager for a vendor within the past five (5) years will not be approved unless the applicant's performance record was satisfactory. (3-20-20)T

09. Fish and Game Violations. No owner or store manager (if the applicant is a corporation) may have had a fish and game violation other than an infraction within the past five (5) years. (3-20-20)T

103. ACTIVE VENDOR CEILING.
The number of active vendors, including approved vendor applicants, is limited to four hundred seventy-five (475). (3-20-20)

104. LICENSING SYSTEM.

01. License Issuance. A vendorship must issue licenses according to statutes, administrative rules, the vendorship contract, the License Vendor Manual, and Department instructions. (3-20-20)

02. Deposit Schedule. Amounts collected from the sale and issuance of licenses, along with the Department's share of the license issuance fee for each license will be deposited not less frequently than once every seven (7) calendar days in a bank account prescribed by the License Vendor. (3-20-20)

03. Reporting Time Period. The accounting and reporting time period is a calendar week (Sunday through Saturday). (3-20-20)

105. -- 109. (RESERVED)

110. OUT-OF-STATE VENDORS.
In general, an out-of-state location will not be approved to sell licenses unless it is located in close proximity (within fifty (50) miles) to the Idaho border or deemed to have a compelling benefit for the Department. (3-20-20)

111. VENDOR LOCATION NOT MOVABLE.
No vendorship may be relocated to another area (address) without advanced written consent from the Department. (3-20-20)

112. TYPES OF LICENSES SOLD BY VENDOR.
The Department will determine what licenses each vendor may issue. (3-20-20)

113. -- 119. (RESERVED)

120. CONTRACT AGREEMENT VIOLATIONS.

01. Notices of Contract Violations. The Department will issue notices of contract violations whenever a vendor fails to make deposits, submit reports, or send in voided or canceled licenses on time, or issue licenses as instructed. (3-20-20)

02. Intent to Suspend. Prior to suspending a vendor, a written notice of intent to suspend will be sent to the vendor, 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 cases the Department may terminate the vendor's agreement immediately. The vendor will have fifteen (15) days in which to submit a written dispute to the Department. (3-20-20)

121. TERMINATION OR SUSPENSION OF VENDOR.

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

a. Failure to have sufficient funds for the electronic funds transfer (EFT) to the Department more than once during any twelve (12) month period. (3-20-20)

b. Failure to make good any fund deficiency to the Department within three (3) days of notification. (3-20-20)

c. Failure to follow any procedures specified by the Department for selling or reporting sales. (3-20-20)

d. Failure to comply with any terms of the contract agreement or failure to maintain the original criteria used in determining vendor eligibility. (3-20-20)

e. Fraud or deception in the vendor application. (3-20-20)

f. Negligence in obtaining proof of residence or completion of the application portion of the license could constitute grounds for suspension of a vendorship. (3-20-20)

02. Immediate Termination/Suspension. (3-20-20)

a. A vendorship will be terminated immediately upon the following grounds: (3-20-20)

i. Notice from the bonding company that the vendor's bond has been canceled. (3-20-20)

ii. Inactivity for a year. (3-20-20)

iii. Receipt of two (2) suspensions in any three (3) year period. (3-20-20)

iv. Sale of the business that is the vendorship. (3-20-20)

b. A vendorship will be suspended immediately and may be terminated immediately upon the following grounds: (3-20-20)

i. Violation of Fish and Game laws or rules. (3-20-20)

ii. Violation in the issuance of a license or in performance as a vendor. (3-20-20)

iii. Alteration of any license. (3-20-20)

iv. Three contract violations within any twelve- (12) month period. The vendorship will be suspended for up to one (1) year following such a third violation. (3-20-20)

03. Terminations – Minimum Sales. (3-20-20)

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. (3-20-20)

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. (3-20-20)

c. A vendorship not selling the minimum number of licenses will not be terminated if the Department determines the service is necessary. (3-20-20)

04. Application After Termination. An application after termination for reason of inactivity, sale of the business, or nonpayment of license fees will be processed as a new application. The Department will not consider an application for a vendorship terminated for nonpayment of license fees until the applicant makes payment in full of all outstanding fees, including interest charged at the legal rate for judgments. (3-20-20)

122. -- 129. (RESERVED)

130. ISSUING LICENSES AND TAGS.

01. Identification. A vendor will confirm proper identification and proof of residence as defined in IDAPA 13.01.04, "Rules Governing Licensing," for every individual before issuing a resident license. Nonresident licenses and daily fishing licenses do not require identification. (3-20-20)

02. Social Security Numbers. A vendor will enter into the licensing system the final four digits of social security number for any person who purchases a license, for compliance with Section 73-122, Idaho Code, while protecting that number as confidential information and preventing its use for other purposes or release to any third party. (3-20-20)

131. -- 149. (RESERVED)

150. PUBLIC MONIES.
All monies collected by a vendor are public monies of the state of Idaho and the state has a prior claim upon these monies over all creditors, assignees, or other claimants. (3-20-20)

151. VOIDED AND CANCELLED LICENSES.
No correction, alteration, or erasure may be made to an issued license. In case of error to an issued license, the vendor will cancel the license via the license terminal through the cancel function and return the original voided license and cancellation receipt to the Department at the week's end, to be postmarked on or before the following Wednesday. If the original license is not received when due, the vendor may be charged for the value of the license. (3-20-20)

152. LOSS OF DOCUMENTS AND FEES.
A vendor is responsible for all lost documents and blank license stock, regardless of the reason for loss, and will keep all documents and blank license stock in a safe and secure place, preferably in a fireproof box or vault. The vendor will immediately notify the Department of any loss and submit a detailed report of the loss. (3-20-20)

153. INSPECTION AND AUDIT.
License records are subject to inspection and audit at all times by an authorized employee or agent of the Department or the State Controller's Office. (3-20-20)

154. TRANSFER AND SALE OF DOCUMENTS ISSUED TO VENDORS.
A vendor may only transfer blank license stock to a location not listed on the original application or to another license vendor with advance written permission from the Department. (3-20-20)

155. RETURN OF EQUIPMENT, LICENSE STOCK, FORMS, AND SUPPLIES.
A vendor will return any equipment and unused blank license stock, forms, and supplies to the Department immediately upon termination or request by the Department. (3-20-20)

156. INTERNET SERVICE PROVIDER (ISP).
Each License Vendor will provide their own Internet Service Provider (ISP), at Vendor's cost, for the computerized license system. The ISP can be dial-up or any type of high-speed. (3-20-20)

157. -- 199. (RESERVED)

200. CONTRACT TO TAKE LICENSE APPLICATIONS BY TELEPHONE OR OTHER ELECTRONIC METHODS.
The Department may contract with one (1) or more suppliers to take applications for licenses by telephone or other electronic methods, provided license issuance complies with this chapter and any contract provisions. Any such contract will provide for the deposit of any license fees collected by the supplier to be deposited with the State Treasurer within twenty-four (24) hours of effective receipt of the monies. The supplier may collect a fee in addition to the license fee, which may be retained by the supplier. This contract between the Department and supplier will establish the fee. (3-20-20)

201. – 999. (RESERVED)

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