

**WEST VIRGINIA**  
**SECRETARY OF STATE**  
KEN HECHLER  
**ADMINISTRATIVE LAW DIVISION**

Form #1

Do Not Mark in this Box

FILED  
1988 DEC 16 PM 12:37  
SECRETARY OF STATE

**NOTICE OF PUBLIC HEARING ON A PROPOSED RULE**

AGENCY: WV Department of Natural Resources TITLE NUMBER: 47

RULE TYPE: Procedural; CITE AUTHORITY W. Va. Code §20-1-7(30)

AMENDMENT TO AN EXISTING RULE: YES NO X

IF YES, SERIES NUMBER OF RULE BEING AMENDED: \_\_\_\_\_

TITLE OF RULE BEING AMENDED: \_\_\_\_\_

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: 16A

TITLE OF RULE BEING PROPOSED: \_\_\_\_\_

"Fur Dealer Transactions"

DATE OF PUBLIC HEARING: Monday, January 23, 1989 TIME: 1:00 p.m.

LOCATION OF PUBLIC HEARING: Director's Conference Room 674  
Building 3, State Capitol Complex  
Charleston, West Virginia

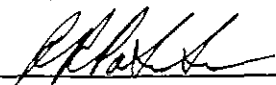
COMMENTS LIMITED TO: ORAL WRITTEN, BOTH X

COMMENTS MAY ALSO BE MAILED TO THE FOLLOWING ADDRESS: WV Dept. of Natural Resources  
Building 3, State Capitol Complex  
Charleston, WV 25305  
Attn: OERA

The Department requests that persons wishing to make comments at the hearing make an effort to submit written comments in order to facilitate the review of these comments.

The issues to be heard shall be limited to the proposed rule.

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL



FISCAL NOTE FOR PROPOSED RULES

Rule Title: Fur Dealer Transactions

Type of Rule: \_\_\_ Legislative \_\_\_ Interpretive X Procedural

Agency: West Virginia Department of Natural Resources

Address: Building 3, State Capitol Complex, Charleston, West Virginia

1. Effect of Proposed Rule (Estimated Total Cost)	ANNUAL		Current \$	FISCAL YEAR	
	Increase \$	Decrease \$		Next \$	Thereafter \$

Personal Services

Current Expense

Repairs and Alterations

NO CHANGE

Equipment

Other

2. Explanation of Above Estimates:

This rule codifies existing fur dealer transaction reporting forms; no new administrative expenditures are anticipated.

3. Objectives of These Rules:

This rule codifies existing procedures for recording and reporting transactions made by dealers licensed by the Department under W. Va. Code §20-2-49.

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government: NO IMPACT

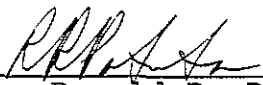
B. Economic Impact on Political Subdivisions: NO IMPACT

Economic Impact on Specific Industries: NO IMPACT

Economic Impact on Specific Groups of Citizens: NO IMPACT

C. Economic Impact on Citizens/Public at Large: NO IMPACT

Date: December 16, 1988



Ronald R. Potesta  
Director

PREAMBLE TO A PROPOSED PROCEDURAL RULE  
CONCERNING FUR DEALER TRANSACTIONS

**STATE AGENCY:** West Virginia Department of Natural Resources

**REGULATIONS:** Title 47, Series 16A, "Fur Dealer Transactions"

**AUTHORITY:** W. Va. Code §20-1-7(30)

**ACTION:** Proposed Rule; Notice of Hearing and Comment Period

**DATES:** A public hearing on this proposal will be held on Monday, January 23, 1989 at 1:00 p.m. in Room 674, Building 3, State Capitol Complex, Charleston; written comments will be received by the Department until 4:30 p.m. on that day.

**CONTACT:** For further information regarding this filing, please contact Mr. Jeffrey E. Herrold, WV Department of Natural Resources, Building 3, State Capitol Complex, Charleston, West Virginia 25305, telephone (304) 348-2761.

**SUMMARY:** The Department is proposing a new procedural rule to govern the application for and renewal of fur dealer licenses and the keeping of records and submission of reports associated with such licenses. This proposal is a companion to the Department's proposed Series 16 legislative rule concerning the shipment and sale of raw furs, pelts, and skins of wildlife.

TITLE 47  
PROCEDURAL RULES  
DEPARTMENT OF NATURAL RESOURCES

SERIES 16A  
FUR DEALER TRANSACTIONS

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§47-16A-1. General.

1.1. Scope and Purpose. -- This rule establishes procedures concerning the application for and renewal of fur dealer's licenses and agent's permits issued by the Department under W. Va. Code §20-2-49 and the keeping of records and submission of reports associated with such licenses and permits.

1.2. Authority. -- W. Va. Code §20-1-7(30).

1.3. Filing Date. --

1.4. Effective Date. --

§47-16A-2. Definitions.

2.1. "Applicant" means a person of at least eighteen (18) years of age who is applying for a fur dealer's license or agent's permit issued by the Department under the provisions of W. Va. Code §20-2-49.

2.1.1. A resident county fur dealer's license will be issued only to persons who have been bona fide residents of this State for a period of at least six (6) months prior to the date of application and of a county in which the privilege is to be exercised. This license applies only to the county for which it is issued and to such adjacent counties as are designated in the license.

2.1.2. A resident statewide fur dealer's license will be issued only to persons who have been bona fide residents of this State for a period of at least six (6) months prior to the date of application. This license applies to all counties in the State.

2.1.3. A nonresident statewide fur dealer's license will be issued only to nonresidents. This license applies to all counties in the State.

2.1.4. An agent's permit will be issued to a person employed by a licensed fur dealer in order that the permittee may act as an agent of the licensed fur dealer at

places other than the dealer's place of business. This permit applies only to those counties of the State designated on the employer's fur dealer's license.

2.2. "Chief" means the chief of the Division of Law Enforcement of the West Virginia Department of Natural Resources.

2.3. "Division" means the Division of Law Enforcement of the West Virginia Department of Natural Resources.

2.4. "Licensee" means a person who has been issued a fur dealer's license or an agent's permit by the Department.

### **§47-16A-3. Application Submission and Review.**

3.1. An applicant for a resident county or resident statewide fur dealer's license must complete and submit the application form found in Appendix A of these regulations to the address provided on that form. Each agent employed by the applicant must complete the appropriate section on the reverse side of the application form in order to obtain an agent's permit.

3.2. An applicant for a nonresident statewide fur dealer's license must complete and submit the application form found in Appendix B of these regulations to the address provided on that form. Each agent employed by the applicant must complete the appropriate section on the reverse side of the application form in order to obtain an agent's permit.

3.3. An application will not be considered to be complete unless the specified licensing fees are attached to the submitted application form.

3.4. Licensing fee payments must be made by personal check or money order payable to the West Virginia Department of Natural Resources.

### **§47-16A-4. Renewal of Issued Licenses and Permits.**

4.1. A license or permit issued under these regulations shall expire on December 31 of the year of issue.

4.2. A licensee may seek to renew an issued license or permit by submitting an updated application to the Division by no later than November 30 of the year of issue.

4.3. Division personnel will review each renewal application and then recommend to the chief that the license or permit renewal sought by the applicant be either granted or denied.

4.3.1. Failure by a licensed fur dealer to file transaction reports on time, or refusal to file such reports, constitutes cause for denying an application for license renewal.

4.3.2. Failure by a licensed fur dealer to file transaction reports which are accurate, legible, and complete constitutes cause for denying an application for license renewal.

4.4. If the chief accepts a recommendation to deny the granting of a license or permit renewal, he will notify the applicant of the denial and the reasons therefor.

**§47-16A-5. Transaction Reporting.**

5.1. Reports detailing the purchases made by a licensee between April 1 of the preceding year and March 31 must be submitted to the chief by not later than April 15 of each year.

5.2. Reports detailing the sales made by a licensee between April 1 of the preceding year and March 31 must be submitted to the chief by not later than April 15 of each year.

5.3. All reports of fur dealer transactions must be submitted to the Division on the forms found in Appendix C of these regulations.

APPENDIX A

RESIDENT COUNTY OR STATEWIDE  
FUR DEALER'S LICENSE APPLICATION FORM

WEST VIRGINIA DEPARTMENT OF NATURAL RESOURCES  
APPLICATION FOR A RESIDENT FUR DEALER'S LICENSE  
(West Virginia Code §20-2-49)

INITIAL APPLICATION (  )      RENEWAL APPLICATION (  )

CHECK ONE:

(  ) Resident County License for the Counties of:

\_\_\_\_\_

(  ) Resident Statewide License

NAME: \_\_\_\_\_

STREET or BOX: \_\_\_\_\_

CITY and COUNTY: \_\_\_\_\_

STATE and ZIP CODE: \_\_\_\_\_

TELEPHONE NUMBER: \_\_\_\_\_

CURRENT LICENSE NUMBER: \_\_\_\_\_

I certify that I have been a domiciled resident of the State of West Virginia for a period of at least six (6) months prior to the date of this application.

I agree to abide by the terms and conditions of my license.

\_\_\_\_\_  
(Signature of Applicant)

\_\_\_\_\_  
(Date)

Annual Fee for Resident County License: \$1.00 per county

Annual Fee for Resident Statewide License: \$10.00

Annual Fee for Agent's Permit: \$2.50 for each agent

RETURN TO: WV Department of Natural Resources  
Division of Law Enforcement  
Room 837, Building 3  
State Capitol Complex  
Charleston, WV 25305

THE FOLLOWING AGENTS ARE EMPLOYED BY THE APPLICANT:

\_\_\_\_\_  
(Name of Agent) (Street or Box)

\_\_\_\_\_  
(City) (County) (State) (Zip Code)

I agree to abide by the terms and conditions of my permit.

\_\_\_\_\_  
(Signature of Agent) (Date)

\_\_\_\_\_  
(Name of Agent) (Street or Box)

\_\_\_\_\_  
(City) (County) (State) (Zip Code)

I agree to abide by the terms and conditions of my permit.

\_\_\_\_\_  
(Signature of Agent) (Date)

\_\_\_\_\_  
(Name of Agent) (Street or Box)

\_\_\_\_\_  
(City) (County) (State) (Zip Code)

I agree to abide by the terms and conditions of my permit.

\_\_\_\_\_  
(Signature of Agent) (Date)

\_\_\_\_\_  
(Name of Agent) (Street or Box)

\_\_\_\_\_  
(City) (County) (State) (Zip Code)

I agree to abide by the terms and conditions of my permit.

\_\_\_\_\_  
(Signature of Agent) (Date)

APPENDIX B

NONRESIDENT STATEWIDE FUR DEALER'S LICENSE APPLICATION FORM

WEST VIRGINIA DEPARTMENT OF NATURAL RESOURCES  
APPLICATION FOR A NONRESIDENT STATEWIDE FUR DEALER'S LICENSE  
(West Virginia Code §20-2-49)

INITIAL APPLICATION (\_\_\_)      RENEWAL APPLICATION (\_\_\_)

NAME: \_\_\_\_\_

STREET or BOX: \_\_\_\_\_

CITY and COUNTY: \_\_\_\_\_

STATE and ZIP CODE: \_\_\_\_\_

TELEPHONE NUMBER: \_\_\_\_\_

CURRENT WEST VIRGINIA DNR  
FUR DEALER'S LICENSE NUMBER: \_\_\_\_\_

I agree to abide by the terms and conditions of my license.

\_\_\_\_\_  
(Signature of Applicant)

\_\_\_\_\_  
(Date)

Annual Fee for Nonresident Statewide License: \$50.00

RETURN TO: WV Department of Natural Resources  
Division of Law Enforcement  
Room 837, Building 3  
State Capitol Complex  
Charleston, WV 25305

THE FOLLOWING AGENTS ARE EMPLOYED BY THE APPLICANT:

\_\_\_\_\_  
(Name of Agent) (Street or Box)

\_\_\_\_\_  
(City) (County) (State) (Zip Code)

I agree to abide by the terms and conditions of my permit.

\_\_\_\_\_  
(Signature of Agent) (Date)

\_\_\_\_\_  
(Name of Agent) (Street or Box)

\_\_\_\_\_  
(City) (County) (State) (Zip Code)

I agree to abide by the terms and conditions of my permit.

\_\_\_\_\_  
(Signature of Agent) (Date)

\_\_\_\_\_  
(Name of Agent) (Street or Box)

\_\_\_\_\_  
(City) (County) (State) (Zip Code)

I agree to abide by the terms and conditions of my permit.

\_\_\_\_\_  
(Signature of Agent) (Date)

\_\_\_\_\_  
(Name of Agent) (Street or Box)

\_\_\_\_\_  
(City) (County) (State) (Zip Code)

I agree to abide by the terms and conditions of my permit.

\_\_\_\_\_  
(Signature of Agent) (Date)

APPENDIX C

FUR DEALER TRANSACTION SHEETS