

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #5

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FILED
1989 JAN 27 11 10:12
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW**

AGENCY: WV Department of Natural Resources TITLE NUMBER: 47

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

RULE TYPE: PROCEDURAL INTERPRETIVE

EXEMPT LEGISLATIVE RULE
CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

AMENDMENT TO AN EXISTING RULE: YES , NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

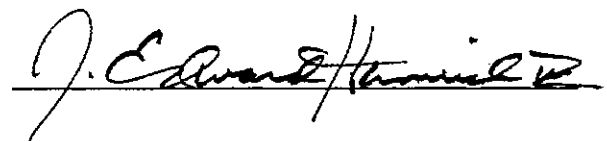
TITLE OF RULE BEING AMENDED: _____

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

TITLE OF RULE BEING ADOPTED: _____

Fur Dealer Tansactions

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS March 1, 1989



PREAMBLE TO AN ADOPTED PROCEDURAL RULE
CONCERNING FUR DEALER TRANSACTIONS

FILED

1989 JAN 27 AM 10:13

STATE AGENCY: West Virginia Department of Natural Resources

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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

AUTHORITY: W. Va. Code §20-1-7(30)

ACTION: Adopted Rule

SUMMARY: The Department is adopting 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.

RESPONSE TO COMMENTS: A public hearing on this proposal was held on January 23, 1989 and written comments were received by the Department until 4:30 p.m. on that day. No interested individual attended the public hearing and no written comments were received concerning the proposal. Therefore, the Department is adopting this rule as it was proposed on December 16, 1988.

TITLE 47
PROCEDURAL RULES
DEPARTMENT OF NATURAL RESOURCES

SERIES 16A
FUR DEALER TRANSACTIONS

FILED
1989 JAN 27 AM 10:13
OFFICE OF LEGAL COUNSEL
SECRETARY OF STATE

§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. -- January 27, 1989.

1.4. Effective Date. -- March 1, 1989.

§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

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

FUR DEALER TRANSACTION SHEET -- PURCHASES

Please Read Carefully

Instructions for Completing Purchase Transaction Sheets

- ITEM (1) Enter the name and the address of the seller of the pelts. Be sure to include the seller's zip code.
- ITEM (2) Enter the name of the county in which the majority of the pelts in the lot were taken. If not taken in West Virginia, enter the name of the state in which the pelts were taken.
- ITEM (3) If the purchase was made from another fur dealer, enter his license number. If the purchase was made from a trapper, enter his hunting and trapping license number or, if the trapper is exempt from licensing, enter his social security number.
- ITEM (4) Enter the month, day, and year the transaction was made. Each purchase is a separate transaction and must be listed separately on the Transaction Sheet.
- ITEM (5) Enter the number of pelts of each species in the lot. Pelts from animals which you trapped must be entered as a purchase transaction.

General Reporting Information

- (A) Transaction Sheets must be submitted to the Department by April 15 of each year to report sales made from April 1 of the preceding year through March 31. The original copy of all Transaction Sheets must be delivered or mailed to the West Virginia Department of Natural Resources, Division of Law Enforcement, Room 835, 1800 Washington Street, East, Charleston, West Virginia 25305.
- (B) Failure to file Transaction Sheets on time, or refusal to file Transaction Sheets, constitutes cause for revoking your license or denying an application for license renewal.
- (C) Failure to file Transaction Sheets which are accurate, legible, and complete constitutes cause for revoking your license or denying an application for license renewal.
- (D) Your records may be inspected by an authorized representative of the Director of the Department of Natural Resources, during normal business hours, to assure compliance with all requirements mandated by statute or regulation or by the terms and conditions of your license.
- (E) If you have any questions, please contact your local District Game Biologist.

FUR DEALER TRANSACTION SHEET — SALES

Please Read Carefully

Instructions for Completing Sales Transaction Sheets

- ITEM (1) Enter the name and the address of the buyer of the pelts. Be sure to include the buyer's zip code.
- ITEM (2) Check this box if the pelts were held over from the last reporting year. Pelts held over should be listed as a separate transaction.
- ITEM (3) Enter the month, day, and year the transaction was made. Each sale is a separate transaction and must be listed separately on the Transaction Sheet.
- ITEM (4) Enter the number of pelts of each species in the lot.

General Reporting Information

- (A) Transaction Sheets must be submitted to the Department by April 15 of each year to report sales made from April 1 of the preceding year through March 31. The original copy of all Transaction Sheets must be delivered or mailed to the West Virginia Department of Natural Resources, Division of Law Enforcement, Room 835, 1800 Washington Street, East, Charleston, West Virginia 25305.
- (B) Failure to file Transaction Sheets on time, or refusal to file Transaction Sheets, constitutes cause for revoking your license or denying an application for license renewal.
- (C) Failure to file Transaction Sheets which are accurate, legible, and complete constitutes cause for revoking your license or denying an application for license renewal.
- (D) Your records may be inspected by an authorized representative of the Director of the Department of Natural Resources, during normal business hours, to assure compliance with all requirements mandated by statute or regulation or by the terms and conditions of your license.
- (E) If you have any questions, please contact your local District Game Biologist.

KEN HECHLER
Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

BARBARA STARCHER
Deputy Secretary of State

RICHARD S. STEPHENSON
Deputy Secretary of State

Telephone: (304) 345-4000
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WILLIAM H. HARRINGTON
Chief of Staff

RICH O. HARTMAN
Director, Administrative Law

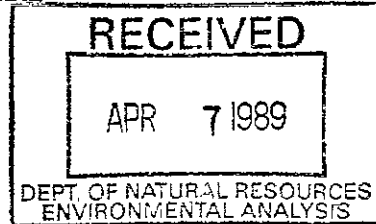
DONALD R. WILKES
Director, Corporations

VIRGINIA SKEEN
Special Assistant

(Plus all the volunteer
help we can get)

STATE OF WEST VIRGINIA
SECRETARY OF STATE

Charleston 25305



TO: Jeff Herrold

FROM: RICH O. HARTMAN, DIR. ADMIN. LAW DIV.

DATE: 4-6-89

THE ATTACHED RULE(S) RECENTLY FILED BY YOUR AGENCY HAVE BEEN ENTERED INTO THE COMPUTER. PLEASE REVIEW AND PROOF AND RETURN WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS PLEASE SIGN THIS MEMO AND RETURN TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF YOUR RULE(S) FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

(see 4.1)

THE ATTACHED RULE(S) HAVE BEEN REVIEWED AND ARE CORRECT.

SIGNED: Jeffrey E. Herrold

TITLE OF PERSON SIGNING: Regulatory Analyst

DATE: April 10, 1989

THE ATTACHED RULE(S) HAVE BEEN REVIEWED AND NEEDS CORRECTED. THESE CORRECTIONS HAVE BEEN MARKED.

SIGNED: _____

TITLE OF PERSON SIGNING: _____

DATE: _____