

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

Form #3

Do Not Mark In This Box

FILED
Jul 20 11 32 AM '99

OFFICE OF THE SECRETARY OF STATE

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE
AND
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

AGENCY: Bureau of Commerce, Division of Natural Resources **TITLE NUMBER:** 58

CITE AUTHORITY: 20-1-7(30)

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 68

TITLE OF RULE BEING AMENDED: Issuance of Hunting, Trapping and
Fishing Licenses By Telephone and
Other Electronic Methods

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE FOR THEIR REVIEW.



JOHN B. RADER, DIRECTOR

\$2.60

**TITLE 58
LEGISLATIVE RULE
DIVISION OF NATURAL RESOURCES**

**SERIES 68
ISSUANCE OF HUNTING, TRAPPING AND FISHING LICENSES
BY TELEPHONE AND OTHER ELECTRONIC METHODS**

SUMMARY

Series 68 establishes methods and issuing fees for selling hunting, trapping and fishing licenses electronically by telephone and on the Internet.

**TITLE 58
LEGISLATIVE RULE
DIVISION OF NATURAL RESOURCES**

**SERIES 68
ISSUANCE OF HUNTING, TRAPPING AND FISHING LICENSES
BY TELEPHONE AND OTHER ELECTRONIC METHODS**

CIRCUMSTANCE

The Division of Natural Resources seeks to make the purchase of hunting, trapping and fishing licenses more convenient for residents and nonresidents by making it possible to purchase, at the buyers option, licenses over the telephone and the Internet. This rule establishes those methods and the fees for electronic issuance.

FISCAL NOTE FOR PROPOSED RULE

Rule Title: Series 68, Issuance of Hunting, Trapping and Fishing Licenses by Telephone and Other Electronic Methods

Type of Rule X **Legislative** **Interpretive** **Procedural**

Agency Division of Natural Resources, Wildlife Resources Section

Address Capitol Complex

Building 3, Room 842

Charleston, WV 25305

1. Effect of Proposed Rule

	ANNUAL			FISCAL YEAR	
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
ESTIMATED TOTAL COST	0	0	0	0	0
PERSONAL SERVICES	0	0	0	0	0
CURRENT EXPENSE	0	0	0	0	0
REPAIRS & ALTERATIONS	0	0	0	0	0
EQUIPMENT	0	0	0	0	0
OTHER	0	0	0	0	0

2. Explanation of above estimates: Cost of selling licenses electronically will be born by the selected license agent and will result in no additional cost to the division.

3. Objectives of these rules: To establish fees and methods for selling hunting, trapping and fishing licenses by telephone and on the Internet.

4. Explanation of overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government: None.

Rule Title: Series 68, Issuance of Hunting, Trapping and Fishing Licenses by Telephone and other Electronic Methods

B. Economic Impact on Political Subdivisions; Specific Industries; Specific Groups of Citizens: None.

C. Economic Impact on Citizens/Public at Large: None.

Date: _____

**Signature of Agency or
Authorized Representative:**



JOHN B. RADER, DIRECTOR

DATE: 7/16/99

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: BOC, DNR - WILDLIFE RESOURCES SECTION

LEGISLATIVE RULE TITLE: 68, Issuance of Hunting, Trapping and Fishing Licenses By Telephone and Other Electronic Methods

1. Authorizing statute(s) citation 20-1-7(30)

2. a. Date filed in State Register with Notice of Hearing N/A

b. What other notice, including advertising, did you give of the hearing

No public hearing was held but there was a 30-day comment period which was advertised in the State Register.

c. Date of Hearing(s) N/A

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.

Attached _____ No comments received None

e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing: (be exact)

N/A

f. Name and phone number(s) of agency persons(s) to contact for additional information:

Gordon Robertson - 304-558-2771

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

N/A

b. Date of hearing: N/A

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

N/A

d. Attach findings and determinations and reasons:

Attached N/A

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**TITLE 58
LEGISLATIVE RULE
DIVISION OF NATURAL RESOURCES**

**SERIES 68
ISSUANCE OF HUNTING, TRAPPING AND FISHING LICENSES BY TELEPHONE
AND OTHER ELECTRONIC METHODS**

§58-68-1. General.

1.1. Scope and Purpose. -- This legislative rule establishes issuing fees and the method for selling West Virginia hunting, trapping and fishing licenses by telephone and by other electronic methods.

1.2. Authority. -- West Virginia Code §20-2-33

1.3. Filing Date. --

1.4. Effective Date. --

§58-68-2. Definitions.

2.1. "Electronic license" - means a hunting, trapping and fishing license facsimile prescribed in form, size and content by the director.

2.2. "Issuing fee" - means the fee paid to the license agent by the license purchaser at the time a transaction is effected. This fee remains with the license agent and is not remitted to the Division of Natural Resources. One issuing fee is charged per transaction.

2.3. "Transaction"- means one electronic purchase of any number of licenses for one license holder at one time. The purchase of a duplicate license qualifies as a transaction.

§58-68-3. Licenses sold by telephone transaction.

3.1. Except as otherwise provided by law, purchasers of a license issued by telephone transaction shall carry the license as described in §20-2-36. In cases where the license must be used before it is received in the mail by the purchaser, and until the license has been received, the purchaser must carry the valid confirmation number produced by the license issuing system and a valid driver's license or picture identification card issued by the state of residence as a substitute for the license.

3.2. Purchasers of hunting, trapping and fishing licenses issued by telephone shall pay a five dollar (\$5.00) license issuing fee per transaction in addition to the cost of the license(s) purchased.

§58-68-4. Licenses sold by Internet transaction.

4.1. Except as otherwise provided by law, any purchaser of a license issued by Internet transaction shall carry the license as described in §20-2-36. In cases where the license must be used before it is received in the mail by the purchaser, and until the license has been received, the purchaser must carry the valid confirmation number produced by the license issuing system and a valid driver's license or picture identification card issued by the state of residence as a substitute for the license.

4.2. Purchasers of hunting, trapping and fishing licenses issued by Internet transaction shall pay a five dollar (\$5.00) license issuing fee per transaction in addition to the cost of the license(s) purchased.