

# PENNSYLVANIA GAME COMMISSION

## Game and Wildlife Code

### Subchapter B. AGENTS

#### **Sec. 2721. License issuance supervision.**

The issuance of all hunting and furtaking licenses and other essential related functions shall be under the direct supervision of the commission and made upon forms provided for that purpose and in accordance with the regulations of the commission.

#### **Sec. 2722. Authorized license-issuing agents.**

(a) County treasurer and commission employees.--Each county treasurer, or, in home rule or optional plan counties, the person whose duties encompass those of a county treasurer, whose agency has not been recalled under this title, shall accept applications and issue licenses in accordance with this title. The director may also designate commission employees at commission facilities to issue licenses.

(b) Agents for issuing antlerless deer licenses.--Antlerless deer licenses shall be issued by the county treasurer, or, in home rule or optional plan counties, the person whose duties encompass those of a county treasurer, within the county in which the licenses are valid.

(c) Agent for issuing bear and nonresident furtaker licenses.--Bear and nonresident furtaker licenses shall be issued only by the commission or by authorized license-issuing agents designated by the director.

(d) Appointment of additional agents.--The commission may appoint such number of qualified persons, with similar authority, as it deems necessary for the efficient distribution of licenses required by this title.

(e) Agent responsible for employees.--The authorized agent shall be solely responsible for each person acting under his direction.

(f) Recall of appointment or authority.--The director may recall the appointment or authority of any county treasurer or other agent at any time.

(g) Regulations.--The commission shall adopt regulations for:

(1) The appointment of hunting or furtaker license-issuing agents and shall establish the appropriate administrative fee for creating and maintaining these issuing agents. County treasurers shall be exempt from the payment of any administrative fee established by the commission.

(2) The administration, control and performance of activities conducted pursuant to the provisions of this chapter.

#### **Sec. 2723. Agent bonding requirements.**

Except for agents already under bond to receive and disburse public funds, every other agent shall furnish security in a form satisfactory to the commission and in an amount approved by the commission.

#### **Sec. 2724. Record of license sales.**

(a) Daily record.--Each place where licenses are sold shall maintain a complete daily record of all license and voucher transactions, including applications received, in the manner and form prescribed by the director. The applications, licenses and records shall be made available, during normal business hours, for immediate inspection to any officer charged with the enforcement of this title or any representative of the Office of the Auditor General or Attorney General.

(b) Monthly report.--Within five days following the first day of each month, each issuing agent shall forward to the director, on forms supplied by the commission, a complete report of licenses and vouchers issued, in correct numerical sequence, together with all moneys collected from the sale of licenses and any other information required by the director.

**Sec. 2725. Remitting funds to commission.**

(a) Deposit of funds.--All funds derived from this source shall be deposited in the Game Fund.

(b) Failure to comply.--Any issuing agent who fails to comply with any of the provisions of this title or regulations adopted thereunder relating to the issuance, recording of data or remitting costs for licenses issued shall not be entitled to retain the sum fixed for his services. These sums shall be paid to the commission and, if not paid, may be recovered by the commission, by suit. Delinquent agents are subject to a penalty of 10% payable to the commission on any outstanding balance of license money due the commission, which penalty shall be compounded on a monthly basis. Delinquent agents shall be recalled after a delinquency period of 30 days.

**Sec. 2726. Unlawful acts concerning agents.**

(a) General rule.--It is unlawful for an agent or his representative to knowingly:

(1) Issue any license:

(i) To any person not fully qualified for or entitled to the license.

(ii) To one whose privilege to hunt or take game or wildlife has been denied by the commission or by a magisterial district judge or court.

(iii) Without first securing the fees, affidavits, applications or other documents required by this title.

(iv) Without first securing satisfactory identification.

(v) At a fee greater than the fee prescribed in this title or by the commission.

(2) Violate any of the other provisions of this subchapter.

(b) Penalty.--A violation of this subchapter or regulations promulgated thereunder is a summary offense of the fifth degree. Each license, stamp or permit involved in a violation constitutes a separate offense.

## TITLE 58

### Subchapter B. APPOINTMENT OF AGENTS

#### Sec.

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#### **§143.21. Appointment of agents.**

A person desiring appointment as an agent shall apply to the Commission on the form provided. An application fee of \$500 is required for each location, in the form of a negotiable check or money order payable to "Pennsylvania Game Commission." The completed application, along with the application fee, shall be forwarded to: Pennsylvania Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

#### **§143.22. Rebate for first year agents.**

(a) An agent shall be entitled to a rebate based upon his first license year only sales as follows:

- (1) Rebate \$100 if 250 licenses are sold.
- (2) Rebate \$200 if 500 licenses are sold.
- (3) Rebate \$300 if 750 licenses are sold.
- (4) Rebate \$400 if 1,000 licenses are sold.

(b) A rebate will not be given after the first license year of sales.

#### **§143.23. Minimum sales requirement.**

To continue as an agent, a minimum of 50 hunting licenses shall be sold each license year. Qualifying licenses, for the purpose of calculating 50 hunting licenses, will be the regular resident, nonresident hunting and furtakers licenses. Archery, muzzleloader, bear, special wild turkey, migratory game bird and replacement licenses are not included as qualifying licenses. In addition, an agent shall continue to meet the requirements in §143.27 (relating to conditions for appointment).

#### **§143.24. Fee for reapplication.**

If an agent sells less than the required 50 qualifying licenses in a given license year, and is removed by the Commission, or if an agent voluntarily withdraws, a subsequent reapplication requires payment of the application fee.

**§143.25. Rebate restrictions.**

A rebate will not be granted if the agent is delinquent in remitting monies as required.

**§143.26. Time for rebate.**

Rebate to the agent will be credited to his account at the beginning of the license year following his first year as an agent.

**§143.27. Conditions for appointment.**

A person desiring consideration for appointment as an agent shall meet the following conditions:

(1) Be a resident of this Commonwealth or an entity registered to do business in this Commonwealth.

(2) Operate a bona fide sporting goods sales outlet where the public expects to find this service.

(3) Be open to the public during reasonable daylight and evening hours.

(4) Not operate on a seasonal or part-time basis.

(5) Agree to and demonstrate ability to provide full license service and cooperation to the public throughout the entire license sales period, and keep records required by the Commission and by statute.

(6) Provide security to the Commission in an amount of at least \$18,000.

**§143.28. Application period.**

(a) A person requesting appointment as an agent shall submit the appropriate completed application form to the Commission in Harrisburg during the period November 1 through March 31 of the following year in order to be eligible for appointment as an issuing agent for the license year beginning the following July 1.

(b) An application received outside of the application period is not guaranteed to be processed by the Commission before the start of the license year beginning July 1.

**§143.29. (Reserved).**

**§143.30. Return of disapproved applications.**

Disapproved applicants will be notified in a timely manner, and the entire \$500 application fee will be returned.

**§143.31. Agencies at separate locations.**

An agent desiring to operate an agency at additional locations shall meet the requirements in this subchapter.