

PROPOSED RULEMAKING

GAME COMMISSION

[58 PA. CODE CH. 143]

Hunting and Furtaker Licenses; Appointment of Agents

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its July 8, 2023, meeting to amend §§ 143.21, 143.23, 143.24, 143.27 and 143.30 and delete §§ 143.22, 143.25, 143.26 and 143.28 to reduce issuing agent application fees, minimum annual sales quotas and annual bonding rates.

This proposed rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for this proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

This proposed rulemaking was made public at the July 8, 2023, meeting of the Commission. Comments can be sent until September 13, 2023, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. Purpose and Authority

The Commission recently conducted an evaluation of its issuing agent program looking for ways to decrease costs and requirements applied to this group. This effort is, in part, related to the Commission's recognition of the significant impact that changes to its license sales process have had on issuing agents in the form of reduced license sales opportunities and increased business costs. For these reasons, the Commission is proposing to amend §§ 143.21, 143.23, 143.24, 143.27 and 143.30 and delete §§ 143.22, 143.25, 143.26 and 143.28 to reduce issuing agent application fees, minimum annual sales quotas and annual bonding rates.

Current regulations set the annual issuing agent application fee at \$500. First-year issuing agents are eligible to apply for application fee rebates of up to \$400 depending on the number of licenses they sell throughout the license year. However, few first-year issuing agents recoup more than \$100 to \$200 in rebates each year. Moreover, the \$500 application fee figure was set at a time that predated the availability of Internet license sales and onsite license printing for in-person sales that are now current standards. Due to the updates and advances in the licensing system process and infrastructure over the past decade, the Commission determined that it can safely lower costs to issuing agents by reducing the annual issuing agent application fee from \$500 to \$200 without creating any unreasonable risk to the Commission. Furthermore, this change mitigates the need for the Commission to maintain the existing rebate program, thus allowing the applicable regulations to be simplified by elimination of regulatory text.

Current regulations require an issuing agent applicant to acquire and maintain an \$18,000 bond. This bonding rate was set at a time when pre-printed paper licenses were sent to issuing agents to cover the Commission's significant investment in the value of the paper license stock, as well as the resulting fees collected by issuing agents. After the Commission's migration to the current

onsite printable licenses, its investment in license paper stock has significantly reduced. Furthermore, the Commission's migration to weekly electronic funds transfers (EFT) has also reduced the Commission's financial risk associated with collection of the revenues generated by license and permit sales. Lastly, of the few instances in the past 2 years where the Commission collected against an agent's bond, the claims fell well below the \$18,000 figure. Due to all the updates and advances in the licensing system process and infrastructure over the past decade, the Commission determined that it can safely lower costs to issuing agents by reducing the annual bonding rate from \$18,000 to \$11,000 without creating any unreasonable risk to the Commission.

As an added measure to reduce requirements on issuing agents, the Commission has determined it appropriate to reduce the annual minimum sales requirement from 50 to 25 license products per year. The changes will also allow mentored hunting permits to be included in an issuing agent's sales figures. Lastly, the Commission determined that it is no longer necessary to maintain the limited November 1 through March 31 application window for issuing agent applications due to the advances in technology and license issuance processes. Allowing applications year-round will give issuing agent applicants greater access without creating any unreasonable burdens on the Commission.

Section 2722(g)(2) of the code (relating to authorized license-issuing agents) provides that the Commission shall adopt regulations for "[t]he administration, control and performance of activities conducted pursuant to the provisions of this chapter." The amendments to §§ 143.21, 143.23, 143.24, 143.27 and 143.30 and deletion of §§ 143.22, 143.25, 143.26 and 143.28 are proposed under this authority.

2. Regulatory Requirements

This proposed rulemaking will amend §§ 143.21, 143.23, 143.24, 143.27 and 143.30 and delete §§ 143.22, 143.25, 143.26 and 143.28 to reduce issuing agent application fees, minimum annual sales quotas and annual bonding rates.

3. Persons Affected

Persons wishing to become an issuing agent within this Commonwealth will be affected by this proposed rulemaking.

4. Cost and Paperwork Requirements

This proposed rulemaking should not result in any additional paperwork for the Commission or its issuing agents. However, this proposed rulemaking will result in significant reductions in costs to the Commission's issuing agents in the form of reduced application fees and bonding rates.

5. Effective Date

This proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

6. Contact Person

For further information regarding this proposed rulemaking, contact Jason L. DeCosky, Director, Bureau of

Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

BRYAN J. BURHANS,
Executive Director

Fiscal Note: 48-500. No fiscal impact; recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

**CHAPTER 143. HUNTING AND FURTKAKER
LICENSES**

Subchapter B. APPOINTMENT OF AGENTS

§ 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] \$200 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] [Reserved].

[(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] 25 license or permit products shall be sold each license year. Qualifying licenses, for the purpose of calculating [50] 25 hunting licenses, will be the regular resident, nonresident hunting and furtakers licenses and mentored hunting permits. 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] 25 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] [Reserved].

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

§ 143.26. [Time for rebate] [Reserved].

[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] \$11,000.

§ 143.28. [Application period] [Reserved].

[(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 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.]

§ 143.30. [Return] Notice of disapproved applications.

[Disapproved applicants will be notified in a timely manner, and the entire \$500 application fee will be returned] The Commission will provide prompt written notice of its disapproval of an application submitted under this subchapter and return the application fee to the applicant.

[Pa.B. Doc. No. 23-1078. Filed for public inspection August 11, 2023, 9:00 a.m.]