

NOTE: Language to be added is underlined and bolded; language to be deleted is bracketed and bolded.

§51.32. Resident and nonresident licenses.

(a) * * *

(1) Other positive means of identification for establishing bona fide residence in this Commonwealth include proof of payment of Pennsylvania personal income tax as a resident of Pennsylvania; proof of payment of earned income, Personal Income Tax or per capita taxes showing residence in a Pennsylvania municipality; **current Pennsylvania firearms permit; Pennsylvania voter registration card;** resident hunting license; **[and] Pennsylvania nondriver identification card or a signed affidavit of Pennsylvania residency on the form prescribed by the Commission.**

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§51.36. Lost license certificates.

(a) An issuing agent shall replace a lost license regardless of where the licensee purchased the original license.

(b) If a licensee seeks to purchase a replacement license at the agency where he bought the original license, the licensee shall present the original license number and complete the form provided by the Commission relating to the lost license certificate. If the original license number is not known, the form shall be notarized.

(c) If a licensee seeks to purchase a replacement license at an agency other than the agency where he bought the original license, the licensee shall complete the form provided by the Commission relating to the lost license certificate and have it notarized.

(d) The issuing agent shall write the word “DUPLICATE” and the original number, if known, across the face of the replacement license certificate.

(e) The issuing agent shall attach to the monthly report the form relating to the lost license certificate, any voided license certificate and the original and duplicate of the license certificate. The issuing agent shall record the certificate number in the body of the report.

(f) If the original license was sold through the Pennsylvania Automated Licensing Service (PALS) and the licensee seeks to purchase a replacement license, the licensee shall present the original license number or licensee’s PALS customer identification number to the issuing agent, and the issuing agent shall issue a replacement license, including associated permits, through the PALS.

§51.37. Application and prerequisites for becoming an issuing agent for the Pennsylvania Automated Licensing Service.

(a) A person, sole proprietorship, partnership or corporation may apply to become an issuing agent of the Commission for the purpose of selling fishing licenses and permits through the Pennsylvania Automated Licensing Service (PALS). An applicant seeking to become an issuing agent shall complete and submit to the Commission an application on the form prescribed by the Commission and shall pay a one-time, nonrefundable fee of \$150. Applications shall be accompanied by a bond in favor of the Commission, or other security in a form satisfactory to the Commission, in a minimum amount specified by the Executive Director or designee. A person, sole proprietorship, partnership or corporation that is an agent of the Commission for the sale of paper licenses may sell licenses through PALS without making a new application under this subsection.

(b) An entity accepted by the Commission to act as an issuing agent shall perform in the following manner and meet the following prerequisites:

(1) An issuing agent, including county treasurers, may not appoint subagents to issue fishing licenses or permits.

(2) Issuing agents shall enter into a Fishing License Issuing Agent Agreement with the Commission that covers the issuance of fishing licenses and permits and the electronic transfer of funds through the PALS.

(3) Issuing agents shall maintain a bond in favor of the Commission, or other security in a form satisfactory to the Commission, in a minimum amount specified by the Commission for each location where licenses and permits are issued.

(4) Issuing agents shall maintain an account in a federally insured financial institution organized under the authority of the Commonwealth of Pennsylvania or the United States. This bank account shall be able to accept electronic funds transfers. Issuing agents shall provide the Commission with account information upon the request of the Commission.

§ 51.38. Operation of the issuing agent for the Pennsylvania Automated Licensing Service.

(a) Sale of licenses.

(1) Issuing agents shall collect all required customer information at the time of purchase and shall ensure that the fishing license is accurate, correct and fully completed. The applicant shall verify the information provided to the issuing agent and entered into the PALS is accurate and correct and shall sign his or her own name or place his or her mark in the place indicated on the face of the license certificate.

(2) Issuing agents shall verify the eligibility of the applicant for the class of license indicated on the license in accordance with § 51.32 (relating to resident and nonresident licenses).

(3) Issuing agents shall transfer the information provided by the applicant to the PALS and ensure that the PALS is otherwise operational and prints the license certificate legibly.

(4) Issuing agents shall provide a *Summary of Fishing Regulations and Laws* with each license issued. Issuing agents also shall provide a copy of the summary book to any holder of a Senior Resident Lifetime Fishing License who requests one. Issuing agents are encouraged to provide a copy of the summary book, if adequate numbers are available, to other individuals who request one.

(5) Issuing agents shall make available licenses and permits for sale to the public in strict accordance with all policies, instructions, rules and regulations of the Commission.

(6) Issuing agents and their employees shall not provide false or misleading information on a license. The date reported on a license sold shall be the date of the actual sale.

(7) Issuing agents shall keep all customer information confidential and not use, release or permit the use of this information for any purpose not specifically authorized by the Commission or applicable law.

(8) Issuing agents shall return all original voided licenses to the Commission within 15 days of their issuance. Issuing agents shall pay the license fees for voided licenses that are not returned to the Commission within 15 days of issuance.

(9) Issuing agents shall return any and all documents designated by the Commission within the time frame specified by the Commission.

(10) Issuing agents shall maintain, as instructed by the Commission, displays, notices or other informational materials relating to licenses and permits provided by the Commission, distribute to customers and fishing guides other compliance or educational materials provided by the Commission and promote and market new products or privileges as required by the Commission.

(11) Issuing agents shall sell licenses and permits only at the business location specified in their application or approved by the Commission and at a place on the premises accessible to the public.

(12) Issuing agents shall not offer or provide licenses or permits free of charge or for any fee not authorized by section 2715 of the code (relating to license, permit and issuing agent fees).

(13) Issuing agents shall redeem a license or permit gift voucher regardless of where the gift voucher was purchased.

(b) *PALS equipment.*

(1) Issuing agents shall ensure proper use of the PALS equipment and follow the PALS operating manual and all subsequent amendments and revisions thereto.

(2) An issuing agent may not borrow, lend or otherwise transfer PALS equipment or supplies to another agent without the prior written consent of the Commission.

(3) Issuing agents shall safeguard PALS equipment and supplies from unauthorized, wasteful, inappropriate or fraudulent use. Issuing agents shall place the equipment and supplies in a secure location. Issuing agents shall use license paper stock only for purposes of printing licenses, permits, reports and receipts. Issuing agents shall promptly notify the Commission or its designee of equipment malfunction. PALS equipment and supplies are not transferable to other locations without the prior written consent of the Commission. Issuing agents shall return the defective equipment immediately to the repair center identified by the Commission.

(4) Issuing agents shall notify the Commission by telephone within 48 hours and submit a written report within 10 days after any fire, theft or natural disaster affecting PALS equipment and supplies or records.

(5) Issuing agents shall be responsible for the PALS equipment and all supplies relating to the issuance of licenses and permits, except for events beyond their control, and they shall assume financial responsibility for any damage to the PALS equipment resulting from negligence, malicious activity, abandonment, failure to return upon request of the Commission or improper electrical service to the equipment.

(6) Issuing agents shall carry appropriate insurance covering PALS equipment and supplies in an amount determined by the Commission. Issuing agents shall provide proof of insurance coverage upon the request of the Commission.

(c) Access and auditing.

(1) Issuing agents, their employees and subcontractors shall allow the Commission or other authorized representatives access to periodically inspect, review or audit PALS associated records, reports, canceled checks and similar material pertaining to PALS. Issuing agents shall maintain these records for a period of five years.

(2) Issuing agents shall allow the Commission access to all materials and equipment related to the PALS operations. Issuing agents shall allow access to the Commission to make inspections during reasonable business hours, with or without notice to the issuing agent, to determine whether the issuing agent is in compliance with this section.

(d) Financial provisions.

(1) Issuing agents shall deposit all money received from the sale of licenses and permits in a designated bank account less the amount retained as an issuing agent fee pursuant to section 2715 of the code.

(2) Issuing agents shall have sufficient funds available in the designated bank account at the time of the electronic funds transfers. Upon notification of insufficient funds for payment to the Commission, the Commission may immediately and without notice suspend an issuing agent's authority to issue licenses and permits, may assess an administrative fee in accordance with section 502 of the code (relating to collection fee for uncollectible checks) and may require the issuing agent to increase the amount of the bond or other security or to provide adequate bank account overdraft protection.

(3) Issuing agents shall provide written notification on the form prescribed by the Commission at least 15 days prior to changing banks, account numbers, ownership status, business status or other information used by the Commission or its designee for the purpose of collecting monies owed by the issuing agent.

(e) Suspension or recall of agency.

(1) The Commission may suspend the issuing agency of any agent that no longer meets the Commission's criteria for acceptance for participation in PALS until such time as the agent becomes compliant.

(2) The Commission may recall the issuing agency of any agent that violates the requirements of this section.