

CHAPTER 134

LICENSES AND FEES REGULATED BY DEPARTMENT OF NATURAL RESOURCES

S.F. 407

AN ACT relating to the regulatory authority and procedures of the department of natural resources by providing for the issuance of limited quota licenses and the issuance of licenses and permits by electronic means.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 481A.38, subsection 2, Code 2001, is amended to read as follows:

2. If the commission finds that the number of hunters licensed or the type of license issued to take deer or wild turkey should be limited or further regulated, the commission shall ~~conduct a drawing to determine which applicants shall receive a license and the type of license~~ adopt procedures, by rule, for issuing the licenses. ~~Applications for licenses shall be received during a period established by the commission. At the end of the period a drawing shall be conducted. The commission may establish rules to issue licenses after the established application period. If an applicant receives a deer license which is more restrictive than licenses issued to others for the same period and place, the applicant shall receive a certificate with the license entitling the applicant to priority in the drawing for the less restrictive deer licenses the following year. The certificate must accompany that person's application the following year, or the applicant will not receive this priority. Persons purchasing a deer license for the gun season under this section and under section 483A.1 are not eligible for a gun deer hunting license under section 483A.24, except as authorized by rules of the department. This subsection does not apply to the hunting of wild turkey on a hunting preserve licensed under chapter 484B.~~

Sec. 2. Section 481A.38, subsection 3, Code 2001, is amended by striking the subsection.

Sec. 3. Section 483A.1A, Code 2001, is amended by adding the following new subsections:

NEW SUBSECTION. 3A. "License" means a privilege granted by the commission to fish, hunt, fur harvest, pursue, catch, kill, take in any manner, use, have possession of, sell, or transport all or part of a wild animal, bird, game, or fish, including any privilege related to a license granted by issuance of a stamp or a payment of a fee.

NEW SUBSECTION. 3B. "License agent" means an individual, business, or governmental agency authorized to sell a license.

NEW SUBSECTION. 3C. "License document" means an authorization, certificate, or permit issued by the department or a license agent that lists and confers one or more license privileges.

Sec. 4. Section 483A.7, subsection 2, Code 2001, is amended to read as follows:

2. The wild turkey hunting license shall be accompanied by a tag designed to be used only once ~~and separable into two parts.~~ If a wild turkey is taken, the wild turkey shall be tagged ~~with one part of the tag and both parts of the tag should~~ shall be dated.

Sec. 5. Section 483A.8, subsection 2, Code 2001, is amended to read as follows:

2. The deer hunting license shall be accompanied by a tag designed to be used only once ~~and separable into two parts.~~ When a deer is taken, the deer shall be tagged ~~with one part of the tag and both parts of the tag~~ shall be dated.

Sec. 6. Section 483A.10, Code 2001, is amended to read as follows:

483A.10 ISSUANCE OF LICENSES.

The licenses issued pursuant to this chapter shall be issued by the department or the license ~~depositories~~ agents as specified by rules of the commission. A county recorder may

issue licenses subject to the rules of the ~~department~~ commission. The rules shall include the application procedures as necessary. The licenses shall show the total cost of the license ~~and the including a writing fee to be retained by the license agent and any administrative fees to be forwarded to the department, if applicable.~~ A person authorized to issue a license or collect a fee pursuant to this chapter or chapter 484A shall charge the fee specified in this chapter or chapter 484A only plus a writing fee and administrative fee, if applicable.

Sec. 7. Section 483A.11, Code 2001, is amended to read as follows:

483A.11 ~~DEPOSITARIES~~ LICENSE AGENTS.

The director may designate ~~depositories~~ license agents for the sale of licenses but in so doing the interest of the state shall be fully protected.

Sec. 8. Section 483A.12, Code 2001, is amended to read as follows:

483A.12 FEES.

The ~~county recorder~~ license agent shall be responsible for all fees for the issuance of hunting, fishing, and fur harvester licenses sold ~~through the recorder's office by the license agent.~~ All unused license blanks shall be surrendered to the ~~county recorder~~ department upon the ~~recorder's~~ department's demand.

~~The county recorder shall retain a writing fee of fifty cents from the sale of each license sold by the county recorder's office. The writing fees retained by the county recorder shall be deposited in the general fund of the county. A license depository designated by the director shall retain a writing fee of fifty cents from the sale of each license sold by the depository except that the writing fee for a free deer or wild turkey license as authorized under section 483A.24, subsection 2, shall be one dollar. A license depository may charge and retain a writing fee of one dollar for the issuance of a free deer hunting license or a free wild turkey hunting license as authorized under section 483A.24, subsection 2. If a county recorder is a license agent, the writing fees retained by the county recorder shall be deposited in the general fund of the county.~~

Sec. 9. Section 483A.13, Code 2001, is amended to read as follows:

483A.13 LOST OR DESTROYED BLANKS.

When license blanks in the possession of ~~the county recorder or depositories~~ a license agent are accidentally destroyed, the holder of ~~such the~~ blanks shall only be relieved from accountability upon the presentation of satisfactory explanation and the filing of a bond to the director that ~~such the~~ blanks have actually been so destroyed. The commission may determine by rule what shall constitute a satisfactory explanation of ~~such the~~ occurrence.

Sec. 10. Section 483A.14, Code 2001, is amended to read as follows:

483A.14 DUPLICATE LICENSES AND PERMITS.

When any license, ~~certificate, or permit~~, for which a fee has been set, has been lost, destroyed, or stolen, the director, ~~the county recorder~~, or ~~the a~~ license depository, agent may issue a replacement license, if evidence is available to demonstrate issuance of the original license and a fee of two dollars is paid, to be placed in the fish and game protection fund. If, on examination of the evidence, the director, ~~the recorder~~, or the license depository agent, as the case may be, is satisfied that the license has been lost, destroyed, or stolen, the director, ~~the recorder~~, or the license depository agent shall issue a duplicate license which shall be plainly marked "duplicate" and the duplicate shall serve in lieu of the original license and it shall contain the same information and signature as the original. The license depository agent shall charge ~~and retain~~ a writing fee of one dollar and the departmental administrative fee for each duplicate license issued pursuant to this section. The license agent shall retain the writing fee.

Sec. 11. Section 483A.17, Code 2001, is amended to read as follows:

483A.17 TENURE OF LICENSE.

Every license, except ~~lifetime hunting and fishing licenses, scientific collecting licenses,~~

~~and falconry licenses, are as otherwise provided in this chapter, is~~ valid from the date issued to January 10 of the succeeding calendar year for which it is issued. A license shall not be issued prior to December 15 for the subsequent calendar year.

Sec. 12. Section 483A.19, Code 2001, is amended to read as follows:

483A.19 SHOWING LICENSE TO OFFICER.

Every person shall, while fishing, hunting, or fur harvesting, show the person's license, ~~certificate, or permit,~~ document to any peace officer or the owner or person in lawful control of the land or water upon which licensee may be hunting, fishing, or fur harvesting when requested by the persons to do so. Any failure to so carry or refusal to show or so exhibit the person's license, ~~certificate, or permit~~ document shall be a violation of this chapter. However, except for possession and exhibition of deer licenses and tags or wild turkey licenses and tags, a person charged with violating this section shall not be convicted if the person produces in court, within a reasonable time, a license, ~~certificate, or permit~~ document for hunting, fishing, or fur harvesting issued to that person and valid when the person was charged with a violation of this section.

Sec. 13. Section 483A.21, unnumbered paragraphs 1 and 2, Code 2001, are amended to read as follows:

Upon the conviction of a licensee of any violation of chapter 481A, or of this chapter, or of any administrative order adopted and published by the commission, the magistrate may, as a part of the judgment, revoke ~~the one or more license~~ privileges of the licensee, or suspend ~~it the privileges~~ for any definite period.

The magistrate shall revoke the hunting license or suspend the privilege of procuring a hunting license for a period of one year of any person who has been convicted twice within a year of trespassing while hunting. If any of the hunting license privileges of a hunting and fishing combined licensee who purchased more than one license are ~~privilege is~~ revoked, the fishing remaining license ~~privileges of the licensee~~ privilege is shall still be valid and the magistrate shall enter on the license ~~that document the hunting privileges are~~ privilege that is revoked. A person shall not purchase a license for a privilege that was revoked or suspended during the period of revocation or suspension.

Sec. 14. Section 483A.22, Code 2001, is amended to read as follows:

483A.22 RECORD OF REVOCATION.

~~Whenever~~ When a license is revoked the date, ~~and cause, and tenure~~ of such revocation shall be noted ~~on the stub retained by the county recorder and upon the duplicate on file in the office of the commission kept on file with the license records of the commission.~~ on the stub retained by the county recorder and upon the duplicate on file in the office of the commission kept on file with the license records of the commission. The commission may refuse the issuance of a new license to any person whose license has ~~theretofore~~ been revoked.

Sec. 15. Section 483A.24, subsection 5, Code 2001, is amended to read as follows:

5. A resident ~~or nonresident~~ of the state under sixteen years of age ~~or a nonresident of the state under fourteen years of age~~ is not required to have a license to fish in the waters of the state. However, residents ~~and nonresidents~~ under sixteen years of age ~~and nonresidents under fourteen years of age~~ must pay the trout fishing fee to possess trout or they must fish for trout with a licensed adult who has paid the trout fishing fee and limit their combined catch to the daily limit established by the commission.

Approved May 16, 2001