

**TOURISM, ARTS AND HERITAGE CABINET**  
**Department of Fish and Wildlife Resources**  
**(Amended at ARRS Committee)**

**301 KAR 5:020. License agent requirements and responsibilities.**

RELATES TO: KRS ~~45A.097~~, 150.175, 150.990

STATUTORY AUTHORITY: KRS 150.195

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.195 requires the department to promulgate administrative regulations governing the issuance of licenses and permits. This administrative regulation establishes the requirements for issuing licenses and permits, electronically reporting license and permit sale data and ~~license~~ revenue, and suspending or revoking license agent status.

Section 1. Issuing Licenses and Permits.

(1) A license agent shall issue a license or permit to a person who completes the registration process with the agent and pays the appropriate license or permit fee as established in 301 KAR 3:022 and applicable issuance and operational fee as established in this administrative regulation.

(2) A license agent shall not knowingly enter false information while processing a license, permit, or other transaction.

Section 2. Agent ~~Commission~~ Issuance Fee and Depositing of Funds.

(1) The license agent shall retain as an issuance fee ~~commission~~:

(a) Three (3) percent of the total sale ~~Fifty (50) cents for each Peabody permit issued pursuant to 301 KAR 4:100~~; or ~~and~~

(b) Print or display, on the initial license or permit issued, a coupon or advertisement, pursuant to a department sponsorship as established in KRS 45A.097, in lieu of retaining the applicable issuance fee. ~~Fifty (50) cents each for other transactions.~~

(2) A license agent shall ~~promptly~~ deposit transaction fees, less the issuance fee ~~commissions~~ established in subsection (1) of this section, into the ~~bank~~ account established in 301 KAR 5:010.

(3) *A license agent shall not require or encourage a particular payment method* ~~*License Agents are prohibited from requiring or encouraging particular payment methods*~~. ~~[A license agent may elect to print, on any license or permit issued, a coupon or advertisement, pursuant to a department sponsorship established in KRS 45A.097, in lieu of retaining the applicable commissions established in subsection (1) of this section.]~~

Section 3. Electronic Transfer of Funds to the Department.

(1) The department or its vendor shall provide each license agent with a schedule of dates when electronic fund transfers will be initiated.

(2) On the day of a scheduled electronic fund transfer, a license agent shall have sufficient funds in the account to cover the amount of the transfer.

(3) A license agent shall contact the department or its vendor prior to the day of a scheduled electronic fund transfer if there are any discrepancies or concerns that need to be resolved.

Section 4. Voiding Licenses and Permits.

(1) A license agent may, within four (4) hours of issuing a license or permit, void a license or permit if the purchaser:

~~(a) [The license does not print correctly; or]~~

~~(b) [After the license is printed, the purchaser:]~~

~~(a) [1.]~~ Discovers that the issued license or permit is incorrect;

~~(b) [2.]~~ Will not pay for the license or permit; or

- (c) ~~{3.}~~ Refuses to accept the license or permit.
- (2) An agent shall:
- (a) Ensure that a license or permit established in subsection (1) of this section is voided in the system; and
- (b) Destroy all paper copies of the voided license or permit.
- (3) A license agent shall refund license or permit cost as established in 301 KAR 5:030, Section 3(2)(a).**

#### Section 5. Suspensions and Revocation of Agent Status.

- (1) In addition to any penalties provided by KRS 150.990, and except as established in subsection (2) of this section, the department shall suspend for one (1) to five (5) years a license agent who twice in a twelve (12) month period:
- (a) Causes an electronic fund transfer failure; or
- (b) Violates a provision of:
1. KRS 150.195; or
  2. **A requirement of KAR Title 301 ~~[An administrative regulation adopted pursuant to KRS 150.195].~~**
- (2) The department shall permanently revoke the agent status of a license agent who:
- (a) Commits an offense for which the license agent has been previously suspended;
- (b) Does not deposit the required funds in ~~the~~*his* agent bank account within twenty-four (24) hours of notification by the department of insufficient funds;
- (c) Fails to notify the department prior to closing ~~the~~*his* agent bank account;
- (d) Closes ~~the~~*his* business seasonally without notifying the licensing section supervisor in writing by surface mail, fax, or e-mail and settling ~~the~~*his* account; or
- (e) Knowingly issues a license or permit containing false information.
- (3) Before issuing a final order suspending or revoking the status of an agent, the department shall:
- (a) Notify the agent by registered mail that the agent's status is under review; and
- (b) Afford the agent the opportunity for an informal meeting with the commissioner or ~~the commissioner's~~*his* designee to show cause why ~~the~~*his* agent status should not be suspended or revoked.
- (4) A suspension or revocation shall become effective upon receipt of notification from the department.
- (5) A suspended or revoked agent shall:
- (a) Allow the department access to financial records dealing with license and permit sales; and
- (b) Immediately pay all funds owed to the department.

#### Section 6. Appeal of Suspension or Revocation of Agent Status.

- (1) A license agent who wishes to appeal a suspension or revocation shall request a hearing in writing, postmarked or delivered in person to the department no later than ten (10) days after notification of suspension or revocation.
- (2) Upon receipt of the request for a hearing, the department shall conduct a suspension or revocation hearing pursuant to KRS Chapter 13B and KRS 150.195.
- (3) The hearing officer's findings of fact, conclusions of law, and recommended order shall be considered by the department's commission at the commission meeting immediately following the deadline for the parties' exceptions pursuant to KRS Chapter 13B. **If the suspension or revocation decision is upheld by the commission, the agent may then appeal the decision to the Franklin Circuit Court. An appeal shall be in accordance with KRS Chapter 13B and KRS 150.195.**
- (4) The department's commission shall issue a final order pursuant to KRS Chapter 13B. (22 Ky.R. 1748; Am. 2000; eff. 5-16-1996; 25 Ky.R. 600; 1035; eff. 11-18-1998; 26 Ky.R. 2025; 27 Ky.R. 79; eff. 7-17-2000; 28 Ky.R. 920; eff. 12-19-2001; 29 Ky.R. 521; 929; eff.

10-9-2002; 30 Ky.R. 2345; 31 Ky.R. 33; eff. 7-14-2004; 44 Ky.R. 1394, 1822; eff. 3-9-2018; 49 Ky.R.1662, 2093; eff. 6-8-2023.)

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