

STAFF SUMMARY FOR DECEMBER 14-15, 2022

20. ELECTRONIC DISPLAY OF LICENSES VIA MOBILE APPLICATION**Today's Item****Information** ☒**Action** ☐

Discuss proposed amendments to regulations to implement Assembly Bill 817 (Chapter 607, Statutes of 2021) to enable DFW to accept electronic display of licenses on a DFW mobile application.

Summary of Previous/Future Actions

- | | |
|-------------------------------------|-----------------------------------|
| • Notice hearing | Oct 12-13, 2022; Kings Beach |
| • Today's discussion hearing | Dec 14-15, 2022; San Diego |
| • Adoption hearing | Feb 8-9, 2023; Sacramento |

Background

Section 1050 of the California Fish and Game Code authorizes FGC to determine the form of all licenses, permits, tags, reservations, and other entitlements and the method of carrying and displaying all licenses. Section 1050.4 of the Fish and Game Code, created by AB 817, authorizes DFW to provide an option to display a sport fishing license, validation, report card, or other sport fishing entitlement electronically on a mobile device.

Fish and Game Code Section 1054.2 and existing regulation (Section 700) state that every person, while engaged in taking any fish, amphibian, reptile, bird, or mammal shall have on their person or immediate possession a valid sport fishing or hunting license. Currently, the DFW Automated License Data System (ALDS) allows license items to be printed instantly using point-of-sale terminals at DFW license agents and DFW license sales offices. ALDS also allows applicants to apply for licensing online, print out a temporary license, and receive a permanent license via mail; these existing options will remain available if the proposed regulations are adopted.

The proposed regulations would amend Section 700.4 to include electronic display as a valid form of presenting a sport fishing license. Specifically, the proposed changes include: (1) adding language to allow DFW to accept electronic display of licenses on an official DFW application, and (2) non-substantive changes to language and punctuation (see exhibits 2 and 3 for detail and additional rationale).

Today's meeting is an opportunity for public discussion about the proposed regulation changes.

Significant Public Comments

A hunting and conservation organization commends the proposed regulations as greatly beneficial to hunters and anglers (Exhibit 5).

Recommendation (N/A)**Exhibits**

1. [DFW memo, received Sep 9, 2022](#)

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2. [Initial statement of reasons](#)
3. [Noticed regulatory text](#)
4. [Email from Sven Lindquist, President, Safari Club International, received Nov 9, 2022](#)

Motion (N/A)

Memorandum

Date: September 8, 2022

To: Melissa Miller-Henson
Executive Director
Fish and Game Commission

From: Charlton H. Bonham
Director

Subject: **Submission of Initial Statement of Reasons to Amend Title 14, California Code of Regulations (CCR), Section 700.4, Automated License Data System**

The Department of Fish and Wildlife (Department) requests that the Fish and Game Commission (Commission) authorize publishing notice of its intent to amend Section 700.4, Title 14, CCR. Based on the regulatory directive of Assembly Bill 817, the Department is proposing to amend Section 700.4 to include electronic display as part of the Automated License Data System (ALDS).

If you have any questions regarding these items, please contact Jay Rowan, Fisheries Branch Chief, at (916) 212-3164. The public notices for these rulemakings should identify Senior Environmental Scientist, Karen Mitchell, as the Department's point of contact. She can be reached at (916) 205-0520.

ec: Chad Dibble, Deputy Director
Wildlife and Fisheries Division

Jay Rowan, Branch Chief
Fisheries Branch
Wildlife and Fisheries Division

Craig Shuman, Regional Manager
Marine Region (Region 7)

Chris Stoots, Assistant Chief
Law Enforcement Division

Brian Owens, Acting Manager
Regulations Unit
Wildlife and Fisheries Division

Chelle Temple-King, Senior Regulatory Analyst
Regulations Unit
Wildlife and Fisheries Division
Tony Straw, Info Tech Sup II OOC

Melissa Miller-Henson, Executive Director
Fish and Game Commission
September 8, 2022
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License and Revenue Branch

Damian Sivak, ALDS Systems Specialist
License and Revenue Branch

Ari Cornman, Wildlife Advisor
Fish and Game Commission

David Haug, Analyst
Fish and Game Commission

David Thesell, Manager
FGC Regulations Unit

State of California
Fish and Game Commission
Initial Statement of Reasons for Regulatory Action

Amend Section 700.4
Title 14, California Code of Regulations
Re: Electronic License Display

I. Date of Initial Statement of Reasons: October 12-13, 2022

II. Dates and Locations of Scheduled Hearings

(a) Notice Hearing

Date: October 12-13, 2022 Location: Kings Beach

(b) Discussion Hearing

Date: December 14-15, 2022 Location: San Diego

(c) Adoption Hearing

Date: February 2023 Location: Sacramento

III. Description of Regulatory Action

(a) Statement of Specific Purpose of Regulatory Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary

Unless otherwise specified, all section references in this document are to Title 14 of the California Code of Regulations.

BACKGROUND

Section 1050 of the Fish and Game Code authorizes the California Fish and Game Commission (Commission) to determine the form of all licenses, permits, tags, reservations, and other entitlements and the method of carrying and displaying all licenses. The regulations are in sections 700 and 700.4.

Section 1050.4 of the Fish and Game Code authorizes the Department of Fish and Wildlife (Department) to provide an option to display a sport fishing license, validation, report card, or other sport fishing entitlement electronically on a mobile device.

Based on Section 1050 of the Fish and Game Code and the regulatory directive of AB 817, which creates Section 1050.4 of the Fish and Game Code, the Commission is proposing to amend Section 700.4 to include electronic display as part of the Automated License Data System (ALDS).

CURRENT REGULATIONS

The current regulations (existing Section 700) state every person, while engaged in taking any fish, amphibian, reptile, bird, or mammal shall have on their person or immediate possession a valid sport fishing or hunting license. ALDS allows license items to be printed instantly using

point of sale terminals at Department license agents and Department license sales offices (existing Section 700.4). ALDS also allows applicants to apply for licensing via the Internet, print out a temporary license, and receive a permanent license via mail. These options will remain available.

The proposed changes to Section 700.4 include the following: 1) adding language to allow the Department to accept electronic display of licenses on an official Department application; and 2) non-substantive changes to language and punctuation.

PROPOSED REGULATIONS

The regulatory changes the Commission is proposing are described below by subsection.

Subsection (f) Electronic License Display. Adds subsection (f) to allow the Department to accept electronic display of licenses on an official Department application.

Several non-substantive changes are proposed to provide consistency among Title 14 sections.

(b) Goals and Benefits of the Regulation

These regulations will allow the Department to accept proof of valid licenses using a mobile application as an alternative to carrying a paper license.

Technology has changed significantly and there has been an increased demand for electronic license display. Licensees may forget a paper copy of a license but are likely to have a mobile device. The regulatory action proposed herein will provide flexibility in the method licensees may use to verify license validity.

(c) Authority and Reference Sections from Fish and Game Code for Regulation

Authority: Section(s) 1050, 1050.4, Fish and Game Code

Reference: Section(s) 713, 1050, 1050.4, Fish and Game Code

(d) Specific Technology or Equipment Required by Regulatory Change

None.

(e) Identification of Reports or Documents Supporting Regulation Change

None.

(f) Public Discussions of Proposed Regulations Prior to Notice Publication

Wildlife Resources Committee: May 19, 2022

Marine Resources Committee: July 14, 2022

IV. Description of Reasonable Alternatives to Regulatory Action

(a) Alternatives to Regulation Change

No alternatives were identified by or brought to the attention of Commission staff that would have the same desired regulatory effect.

(b) No Change Alternative

If the proposed amendments are not adopted, the Department will continue to allow only paper copies for proof of valid licenses. This may result in licensees without proof of a valid license in their possession, as well as frustration that the Department has not modernized its practices.

(c) Description of Reasonable Alternatives that Would Lessen Adverse Impact on Small Business

None identified.

V. Mitigation Measures Required by Regulatory Action

The proposed regulatory action will have no significant adverse effect on the environment, and therefore, no mitigation measures are needed.

VI. Impact of Regulatory Action

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

(a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States

The proposed regulation will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. This regulatory action will not impose cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed regulation.

(b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment.

The Commission does not anticipate impacts on the creation or elimination of jobs within the state, the creation of new business, the elimination of existing businesses, or the expansion of businesses in California because the proposed regulations are unlikely to change the demand for goods or services related to sport fishing. The Commission does not anticipate direct benefits to the general health and welfare of California residents, the environment, or to worker safety, however, as stated above, the proposal would benefit California residents generally by expanding the options for proof of licensure to include electronic display.

(c) Cost Impacts on a Representative Private Person or Business

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State

The Department ALDS estimates a one-time implementation cost of \$448,975 to contract with

Aspira for the development of the electronic license display application that is fundamental to the proposed regulation. These costs are within existing budgets and resources.

No impact to federal funding to the state should occur. No nondiscretionary costs, or savings are anticipated for State agencies other than the Department due to this regulation change.

(e) Nondiscretionary Costs/Savings to Local Agencies

None.

(f) Programs Mandated on Local Agencies or School Districts

None.

(g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code

None.

(h) Effect on Housing Costs

None.

VII. Economic Impact Assessment

(a) Effects of the Regulation on the Creation or Elimination of Jobs Within the State

The Commission does not anticipate impacts on the creation or elimination of jobs within the state because the proposed regulations are unlikely to change the demand for goods or services related to sport fishing.

(b) Effects of the Regulation on the Creation of New Businesses or the Elimination of Existing Businesses Within the State

The Commission does not anticipate impacts on the creation of new business, the elimination of existing businesses within the state because the proposed regulations are unlikely to change the demand for goods or services related to sport fishing.

(c) Effects of the Regulation on the Expansion of Businesses Currently Doing Business Within the State

The Commission does not anticipate impacts on the expansion of businesses currently doing business within the state because the proposed regulations are unlikely to change the demand for goods or services related to sport fishing.

(d) Benefits of the Regulation to the Health and Welfare of California Residents

The Commission does not anticipate impacts on the health and welfare of California residents.

(e) Benefits of the Regulation to Worker Safety

The Commission does not anticipate impacts on to worker safety.

(f) Benefits of the Regulation to the State's Environment

The Commission does not anticipate impacts to the state's environment.

Informative Digest/Policy Statement Overview

Unless otherwise specified, all section references in this document are to Title 14 of the California Code of Regulations.

Section 1050 of the Fish and Game Code authorizes the California Fish and Game Commission (Commission) to determine the form of all licenses, permits, tags, reservations, and other entitlements and the method of carrying and displaying all licenses. The regulations are in Section 700 and 700.4.

Section 1050.4 of the Fish and Game Code authorizes the Department of Fish and Wildlife (Department) to provide an option to display a sport fishing license, validation, report card, or other sport fishing entitlement electronically on a mobile device.

Based on the regulatory directive of AB 817, which creates Section 1050.4 of the Fish and Game Code, the Commission is proposing to amend Section 700.4 to include electronic license display as part of the Automated License Data System (ALDS).

The proposed changes to Section 700.4 include the following:

Adds a new subsection to allow the Department to accept electronic display of licenses on an official Department application.

Makes non-substantive changes to language and punctuation.

BENEFIT OF THE REGULATIONS

These regulations will allow the Department to accept proof of valid licenses using a mobile application as an alternative to carrying a paper license.

Technology has changed significantly and there has been an increased demand for electronic license display. Licensees may forget a paper copy of a license but are likely to have a mobile device. The regulatory action proposed herein will provide flexibility in the method licensees may use to verify license validity.

CONSISTENCY AND COMPATIBILITY WITH EXISTING REGULATIONS

The Commission has reviewed its own regulations and finds that the proposed regulatory action is neither inconsistent nor incompatible with existing state regulations. The Commission has searched the California Code of Regulations and finds no other state agency regulations pertaining to the acceptable physical presentations of sport fishing and hunting licenses.

Proposed Regulatory Language

Section 700.4, Title 14 CCR, is amended to read:

§700.4. Automated Licenses Data System

...[No changes to subsections (a) through (e)]

(a) Defined: For the purposes of this Division the “Automated License Data System” or “ALDS” is an automated system that replaced the Department’s paper license inventory system. ALDS allows license items to be printed instantly using point of sale terminals and is available at Department license agents and Department license sales offices located throughout the state. ALDS also allows applicants to apply for licensing via the Internet.

(b) Get Outdoors Identification ~~Number Number~~. The first time any applicant applies for any license, tag, permit, reservation or other entitlement via ALDS, the applicant shall receive a unique Get Outdoors Identification number (GO ID), or “GO ID.” The GO ID shall not be transferable to any other person.

(c) Identification Required; ~~Acceptable forms of~~. Any applicant applying for any license, tag, permit, reservation or other entitlement issued via ALDS shall provide valid identification. Acceptable forms of identification include:

(1) Any license document or GO ID number previously issued via ~~ALDS~~ ALDS;

(2) A valid driver’s license or identification card issued to him or her by the Department of Motor Vehicles or by the entity issuing driver’s licenses from the licensee’s state of ~~domicile~~ domicile;

(3) US Birth ~~Certificate~~ Certificate;

(4) US Certificate or Report of Birth ~~Abroad~~ Abroad;

(5) Tribal Identification Card, as defined by each sovereign tribal ~~nation~~ nation;

(6) Birth Certificate or passport issued from a US ~~Territory~~ Territory;

(7) US ~~Passport~~ Passport;

(8) US Military Identification Cards (Active or reserve duty, dependent, retired member, discharged from service, medical/religious ~~personnel~~) personnel);

(9) Certificate of Naturalization or ~~Citizenship~~. Citizenship;

(10) A foreign ~~government-issued~~ government-issued photo ~~identification~~ identification;

(d) Any applicant less than 18 years of age applying for any license, tag, permit, reservation or other entitlement issued via the ALDS shall provide valid identification. Acceptable forms of identification include:

(1) Any form of identification described ~~above~~ above;

(2) A parent or legal guardian’s identification as described ~~above~~. above;

(e) Nonrefundable Application Fee

All licenses, tags, permits, reservations or other entitlements purchased via ALDS shall be subject to a three percent nonrefundable application fee, not to exceed seven dollars and fifty cents (\$7.50) per item, to pay the Department's costs for issuing ~~that~~ the license, tag, permit, reservation or other entitlement.

(f) Electronic License Display.

For any type of license, permit, reservation, registration, or other entitlement issued by the department where the license must be in the customer's immediate possession while engaging in the licensed activity, the department may accept licenses, permits, reservations, registrations, or other entitlements displayed through the official California Department of Fish and Wildlife mobile license application, if mobile display is available for the license type through the mobile license application.

NOTE: Authority cited: Sections 713, 1050 and 1054, Fish and Game Code. Reference: Sections 713, 1050 and 1054, Fish and Game Code.

Proposed Regulatory Language

Section 700.4, Title 14 CCR, is amended to read:

§700.4. Automated Licenses Data System

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(3) US Birth ~~Certificate~~ Certificate;

(4) US Certificate or Report of Birth ~~Abroad~~ Abroad;

(5) Tribal Identification Card, as defined by each sovereign tribal ~~nation~~ nation;

(6) Birth Certificate or passport issued from a US ~~Territory~~ Territory;

(7) US ~~Passport~~ Passport;

(8) US Military Identification Cards (Active or reserve duty, dependent, retired member, discharged from service, medical/religious ~~personnel~~) personnel);

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NOTE: Authority cited: Sections 713, 1050 and 1054, Fish and Game Code. Reference: Sections 713, 1050 and 1054, Fish and Game Code.

Section 700.4 of Title 14, California Code of Regulations related to the display of licenses

Tymeson, Chris [REDACTED]

Wed 11/09/2022 01:58 PM

To: FGC <FGC@fgc.ca.gov>

📎 1 attachments (204 KB)

CA Mobile Licenses.pdf;

Please find attached comments from SCI President Sven Lindquist on the proposed amendments to Section 700.4 of Title 14 regarding the display of licenses.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Chris Tymeson



Christopher J. Tymeson, J.D.
State and Local Liaison

safariclub.org | safariclubfoundation.org



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8 November 2022

California Fish and Game Commission
Samantha Murray, President
C/O FGC@fgc.ca.gov
715 P Street, 16th Floor
Sacramento, CA 95814

Re: Section 700.4 of Title 14, California Code of Regulations

Dear Commissioners and Executive Director Miller-Henson:

On behalf of Safari Club International, I would like to thank you for the opportunity to comment on the Department's proposed change to Section 700.4 of Title 14, California Code of Regulations.

The current version of the regulations requires every person engaged in taking fish, amphibians, reptiles, birds or mammals to have on their person or in their immediate possession a valid sport fishing or hunting license. Those licenses are available at point-of-sale locations or online, further requiring a printed temporary permit followed by a permanent license via regular mail. Many other states have moved toward electronic licenses available through mobile devices and SCI commends the Department on their proposed change that will greatly benefit hunters and anglers. In addition, there could be some long-term cost savings by reducing mailing costs, money that could otherwise go to furthering conservation or to offset the initial cost of implementation.

SCI believes that sound science-based conservation involving hunting as the primary management tool, while maximizing opportunities for all huntable species is necessary to the long-term health of wildlife. Hunters have long paid the way for conservation, both game and non-game wildlife, and maximizing opportunity for hunting is also key to long-term funding for all conservation. In short, hunting benefits wildlife conservation. In California, the latest numbers show that the state's hunters spent \$1.36 billion on hunting related purchases, support over 16,100 jobs, contribute \$1.2 billion to the state's GDP, and provide \$140 million in state and local taxes.

Thank you again for the opportunity to comment on the proposed changes to Section 700.4 of Title 14, of the California Code of Regulations. SCI is dedicated to protecting the freedom to hunt and we appreciate the continued partnership with the CDFW and the Commission.



Sincerely,

Sven Lindquist
President
Safari Club International