

Chapter NR 8

LICENSE AND PERMIT PROCEDURES

Subchapter I — Standards and Procedures for the Statewide Automated System

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Note: Chapter NR 8 as it existed on December 31, 1998 was repealed and a new chapter NR 8 was created effective January 1, 1999. Corrections made under s. 13.93 (2m) (b) 7., Stats., Register, November, 1998, No. 515.

Subchapter I — Standards and Procedures for the Statewide Automated System**NR 8.01 Definitions.** In this chapter:

(1) “Authenticated,” for purposes of s. NR 8.045, means properly linked to a customer’s statewide automated system account, as verified using department of transportation records.

(3) “County clerk” means a county clerk as defined in s. 59.20, Stats., who has accepted an appointment as an agent of the department pursuant to s. 29.024 (6) (a) 2., Stats., to issue approvals.

(3m) “Digital file,” for purposes of s. NR 8.045, means a portable document format (PDF) file or Hyper Text Markup Language (HTML) file.

(4) “License agent” means a person who is not an employee of the department but who is appointed pursuant to s. 29.024 (6), Stats., to issue approvals.

History: Cr. Register, November, 1998, No. 515, eff. 1–1–99; am. (1), Register, December, 1999, No. 528, eff. 1–1–00; CR 08–021: am. (title) and (1) Register November 2008 No. 635, eff. 12–1–08; CR 17–061: r. and recr. (1), r. (2), cr. (3m), r. (5), (6) Register February 2018 No. 746, eff. 3–1–18.

NR 8.02 Authorization to issue approvals. All license agents shall issue all department approvals or federal approvals designated by the department to be issued through the statewide automated system, except for approvals designated by the department to be issued only by the department or by specified license agents.

History: Cr. Register, November, 1998, No. 515, eff. 1–1–99; cr. (1m), Register, December, 1999, No. 528, eff. 1–1–00; correction in (1) made under s. 13.93 (2m) (b) 7., Stats., Register, December, 1999, No. 528; CR 01–038: am. (2) (a) (intro.), cr. (2) (a) 6, to 8., and r. (2) (b) and (4), Register November 2001 No. 551, eff. 12–1–01; CR 08–021: am. Register November 2008 No. 635, eff. 12–1–08; CR 17–061: am. Register February 2018 No. 746, eff. 3–1–18.

NR 8.03 License agent application; eligibility; and contract. (1) APPLICATION FORMS. (a) Any person or county clerk wishing to become a license agent shall submit a written application to the department on forms provided by the department. The department shall review the application and determine whether the applicant shall be appointed as a license agent.

Note: License agent application forms are available from the Department of Natural Resources Bureau of Customer Service and Licensing, 101 South Webster, P.O. Box 7924, Madison, Wisconsin 53707.

(b) Applications to become a license agent shall be accepted at any time during the year.

(2) ELIGIBILITY CRITERIA. (a) Pursuant to s. 29.024 (6), Stats., all county clerks are eligible to become license agents.

(c) All license agent applicants not included in par. (a) shall be considered for approval by the department. Factors which may be considered for approval of an application include:

1. Need for a license vendor in the area.

2. Convenience of location of the establishment.
3. Potential sales volume.
4. Amount and timing of hours open for business.
5. Stability of the business and personal and financial standing of the applicant.
6. Availability of point of sale equipment.

(d) License agent applications that are denied shall be retained for a period of 2 years and reconsidered if another license agent is needed in that area. Applications shall also be reconsidered at the request of the applicant after a 6–month waiting period.

(3) CONTRACT AGREEMENTS. (a) All license agent applicants are required to sign a written contract with the department in order to become a license agent. The contract shall include but is not limited to accountability, record keeping, and payment methods.

(c) The department may rescind the license agent status of any license agent who fails to comply with all provisions of the contract.

History: Cr. Register, November, 1998, No. 515, eff. 1–1–99; CR 08–021: cr. (2) (c) 6. Register November 2008 No. 635, eff. 12–1–08; CR 17–061: r. (2) (b), am. (2) (c) (intro.), r. (3) (b) Register February 2018 No. 746, eff. 3–1–18.

NR 8.04 Forms of approvals. (1) APPLICATION AND APPROVAL REQUIREMENTS. (a) An applicant shall provide appropriate identification and update all personal information as indicated by the department’s license issuance manual when applying for an approval. In addition, an applicant shall sign the purchase receipt attesting to his or her residency and that his or her privileges for all approvals issued have not been suspended or revoked.

Note: The department’s license issuance manual is available from the Department of Natural Resources’ Bureau of Customer Service and Licensing, 101 South Webster, P.O. Box 7924, Madison, Wisconsin 53707.

(b) An applicant shall sign the issued approval, if required by the department on the approval form, before exercising any privileges authorized by the approval.

(c) Pursuant to s. 29.024 (5), Stats., the license agent is not required to sign the approval.

(2) STAMPS AND THEIR FACSIMILES. (a) Privileges conferred by the purchase of a waterfowl stamp under s. 29.191 (1), Stats., turkey stamp under s. 29.164, Stats., pheasant stamp under s. 29.191 (2), Stats., trout stamp under s. 29.2285 (1), Stats., or salmon stamp under s. 29.2285 (2), Stats., shall be in the form of a written authorization imprinted on the issued approval.

(b) Persons purchasing privileges conferred under par. (a) may obtain a stamp at no additional charge from the department by doing one of the following:

1. Presenting the approval in person at a department office where counter services are provided or at a designated county clerk’s office.

2. Submitting a request to the department through the mail, electronically or by phone.

History: Cr. Register, November, 1998, No. 515, eff. 1–1–99; correction in (1) (d) made under s. 13.93 (2m) (b) 7., Stats., Register, December, 1999, No. 528; correc-

tions in (2) (a) made under s. 13.92 (4) (b) 7., Stats., Register March 2008 No. 627; CR 08–021: am. (1) Register November 2008 No. 635, eff. 12–1–08; CR 10–051: am. (2) (b) 1., r. and recr. (2) (b) 2. Register December 2010 No. 660, eff. 1–1–11; CR 17–061: am. (1) (a), (b) Register February 2018 No. 746, eff. 3–1–18.

NR 8.045 Forms of proof; reprints. (1) Pursuant to s. 23.47 (1), Stats., this subsection establishes that only the following, issued or authenticated through the statewide automated system, may be used in lieu of the original approval document to provide proof of authorization to engage in the activities in pars. (a) to (d):

(a) For any of the following: hunting licenses, hunting stamps, goose permits, wild turkey harvest authorizations, deer carcass tags, and trapping licenses, authorized under subch. III of ch. 29, Stats., as published on January 5, 2017, except licenses and stamps authorized by s. 29.2297, Stats.; fishing licenses and fishing stamps, authorized under subch. III of ch. 29, Stats., as published on January 5, 2017, only while fishing on inland waters that are not boundary waters; disabled trolling, hunting and fishing permits issued under s. 29.193, Stats.; guide licenses authorized under s. 29.512, Stats.; certificates of accomplishment authorized under ss. 29.591, 29.595, and 29.597, Stats.; and wild rice harvest licenses authorized under s. 29.607 (3):

1. A reprint, as designated under sub. (3), of the original approval document issued by the department or agent appointed under s. 29.024 (6) (a), Stats.

2. A conservation card issued under s. 23.47 (2), Stats.

3. An authenticated, current, non–expired Wisconsin operator’s license issued by the department of transportation, of the type required under s. 343.18 (1), Stats.

4. A discernible and easily viewable image produced by a digital file issued by the department, displayed on any electronic device, including a cellular telephone, in a manner that permits a law enforcement officer to complete a meaningful inspection of such image for purposes of establishing compliance with s. 29.024 (1), Stats.

(b) For fishing licenses and fishing stamps, authorized under subch. III of ch. 29, Stats., as published on January 5, 2017, while fishing on the waters that are boundary waters or while fishing on the waters that are outlying waters, a reprint, as designated under sub. (3), of the original approval document issued by the department or agent appointed under s. 29.024 (6) (a), Stats.

(c) For any of the following: safety certificates required under ss. 23.33 (5) (b), 23.335 (13), 30.678, and 350.05, Stats.; a temporary trail use receipt authorized under s. 23.33 (2j), 23.335 (6) or 350.12 (3j), Stats., and a temporary operating receipt authorized under ss. 23.33 (2) (ig) 1. b., 23.335 (4) (c) 4., 30.52 (1m) (ag) 1. a., and 350.12 (3h) (ag) 1. b., Stats.; and wild ginseng licenses authorized under s. 29.611, Stats.:

1. A reprint, as designated under sub. (3), of the original approval document issued by the department or agent appointed under s. 29.024 (6) (a), Stats.

2. A discernible and easily viewable image produced by a digital file issued by the department, displayed on any electronic device, including a cellular telephone, in a manner that permits a law enforcement officer to complete a meaningful inspection of such image for purposes of establishing compliance with the requirement to exhibit proof of the certificate.

(d) For an approval issued as a unique carcass tag for bear, goose, grouse, or sturgeon that has not been validated or used to harvest an animal, a reprint, as designated under sub. (3), of the original approval document issued by the department or agent appointed under s. 29.024 (6) (a), Stats.

Note: Once an individual has harvested a bear, goose, grouse, or sturgeon under the authority of a unique carcass tag, the tag is no longer eligible to be reprinted.

(2) For any approval not specifically enumerated in sub. (1), no alternative forms of proof are permitted.

(3) Pursuant to s. 23.47 (3), Stats., for a license, stamp, certificate, or tag for which a reprint is authorized as proof of authoriza-

tion under sub. (1), an approval holder may cause their original approval document to be reprinted by doing any of the following:

(a) Utilizing a digital file issued by the department to produce a high–quality printed hard–copy that facilitates meaningful inspection by a law enforcement officer.

(b) Requesting the department to produce a printed hard–copy at a service center.

(c) Requesting an agent appointed under ss. 29.024 (6) (a) 2. or 3., Stats., to produce a printed hard–copy, if the approval is of the type the agent is authorized to issue.

(4) Any tag that is identified by a unique number is a unique carcass tag that remains as a singular harvest approval regardless of the number of reprints generated. Every reprint that bears an identical unique number collectively represent one authorization to harvest an animal; once an animal has been harvested under the authority of the harvest approval, all of the reprints are considered filled and the tag is no longer valid.

History: CR 17–061: cr. Register February 2018 No. 746, eff. 3–1–18; correction in (1) (intro.), (a) (intro.), (c) (intro.) made under s. 35.17, Stats., Register February 2018 No. 746, eff. 3–1–18.

NR 8.06 Purchasing a ch. 29, Stats., approval for another person. (1) Except as prohibited in sub. (2), an individual may purchase an approval for another if the purchaser submits an application form completed and signed by the applicant except that:

(a) A parent or guardian of a child under the age of 18 may purchase an approval on behalf of a child under 18 years of age. A parent or guardian shall sign a purchase receipt under s. NR 8.04 (1) (a) on behalf of the child before the parent or guardian receives the approval.

(b) Stamp approvals may be purchased for another person if a customer identification number is provided.

(2) An individual may not purchase an approval for another person when there is a limited quantity of approvals available, except a parent or guardian may purchase an approval for their child under the age of 18.

(3) A person purchasing an approval for another person as provided in this section may purchase the approval from any license agent.

History: Cr. Register, November, 1998, No. 515, eff. 1–1–99; CR 01–038: am. (1), Register November 2001 No. 551, eff. 12–1–01; CR 08–021: am. Register November 2008 No. 635, eff. 12–1–08.

NR 8.07 Variances. The department may approve a variance from nonstatutory requirements of this chapter upon request when the department determines that the variance is essential to accomplish the objectives of the statewide automated system and where special circumstances make the variances in the best interest of the program. Before granting a variance, the department shall take into account factors such as good cause and circumstances beyond the control of the requester.

History: Cr. Register, November, 1998, No. 515, eff. 1–1–99; CR 17–061: am. Register February 2018 No. 746, eff. 3–1–18

Subchapter II — Procedures for Revocation of Hunting, Fishing and Trapping Approvals

NR 8.50 Purpose. This subchapter is adopted to establish consistent standards for implementing the provisions of the wild-life violator compact under s. 29.03, Stats., and the revocation requirements of s. 29.972, Stats. The intent is to ensure all violator’s whose hunting, fishing or trapping privileges and approvals have been revoked by a court or the department as the result of a violation or for failure to appear or pay a fine or forfeiture in this or another participating state are notified of the violator’s revocation status and of the violator’s appeal rights.

History: CR 07–056: cr. Register March 2008 No. 627, eff. 4–1–08.

NR 8.51 Definitions. For the purpose of this subchapter:

(1) “Clerk” means the clerk of the circuit court with jurisdiction over a wildlife–related violation.

(2) “Citation” has the meaning given in s. 29.03 (2) (a), Stats., and includes summons and complaints issued by a district attorney for a wildlife–related violation.

(3) “Convicted” or “conviction” has the meaning given in s. 29.03 (2) (d), Stats.

(4) “Department” means the department of natural resources.

(5) “Last known address” means the address provided by the violator to the officer issuing the citation or a more current address if provided by the violator.

(6) “Mail” means to send a letter by first class mail to the person’s last known address.

(7) “Notice of compliance” means documentation issued by the clerk or a participating state that a violator has resolved a citation, summons or complaint subject to this subchapter.

(8) “Notice of noncompliance” means documentation issued by the clerk or a participating state that a violator has not resolved a citation, summons or complaint subject to this subchapter.

(9) “Notice of revocation by the department” means confirmation that a violator has failed to resolve a citation, summons or complaint and that such inaction will result in the revocation of that person’s hunting, fishing and trapping licenses, privileges and approvals.

(10) “Notice of revocation by the court” means confirmation that a person’s hunting, fishing or trapping privileges or approvals have been suspended or revoked by the court as provided or required under s. 29.971, Stats., or in lieu of an order of imprisonment under s. 23.795 (1) (a), Stats., for a violation of ch. 29, Stats., for which the person failed to comply with or take action to resolve the citation, summons or complaint through an appearance in court or through the payment of all required forfeitures, fines, costs, and surcharges.

(11) “Participating state” has the meaning given in s. 29.03 (2) (j), Stats.

(12) “Privileges” means ability to hunt, fish or trap wild animals in this state, or purchase, obtain, or apply for any approval or preference points related to hunting, fishing or trapping of wild animals.

(13) “Resolved” means to come into compliance with all required actions related to a citation, summons or complaint through the payment of all applicable forfeitures, fines, costs, and surcharges imposed by the court for a wildlife–related violation.

(14) “Revocation” or “revoked” means suspension as defined under s. 29.03 (2) (m), Stats.

(15) “Violator” has the meaning given in s. 29.03 (2) (o), Stats.

(16) “Wildlife–related violation” has the meaning given in s. 29.03 (2) (s), Stats., and includes any violation of ch. 29, Stats., or chs. NR 10 to 28, or a similar violation committed in a participating state, except that violations involving a captive wild animal subject to regulation under ch. 169, Stats., may not be considered a wildlife–related violation for the purposes of this subchapter.

History: CR 07–056; cr. Register March 2008 No. 627, eff. 4–1–08.

NR 8.52 Revocations for failure to pay or appear in court. (1) VIOLATIONS OCCURRING IN WISCONSIN. (a) *Clerk of court.* 1. After a violator does any of the following regarding a wildlife–related violation, the clerk shall provide a notice of noncompliance to the department’s wildlife violator compact administrator:

a. Fails to respond to a summons under s. 23.66 (3) or 23.67 (4), Stats., or a warrant or summons under s. 968.04, Stats.

b. Fails to appear on the court date set under s. 23.72 or 23.75, Stats., unless the person makes a deposit under s. 23.66, Stats., or makes a deposit and stipulation under s. 23.67, Stats.

c. Fails to appear before the court and is subject to a bench warrant under s. 968.09, Stats.

Note: Clerks need only provide the department with one notice of noncompliance when a person fails to respond or appear as described in subd. 1. If the court enters a default judgment against a violator and provides the violator with an additional period of time to pay, the clerk may wait to see if the violator fails to make the required deposit by the new deadline established by the court under s. 23.75 (3) (a) 2. Stats., before providing the department with a notice of noncompliance under subd. 2.

Note: Notices may be mailed to the: Department of Natural Resources, Wildlife Violator Compact Administrator, P.O. Box 7921, Madison, WI 53707–7921, or by FAX at (608) 264–6130. An e–mail address for the Compact Administrator may be obtained by calling the department’s call center at 1–888–936–7463.

2. A notice of noncompliance provided under subd. 1. shall include at least the following information:

a. The violator’s full name, date of birth if known and last known address.

b. Case number, statute, or administrative rule number violated, description of violation, date of violation and county of violation.

c. Name, address and telephone number of the court.

d. Disposition by the court, including conviction date, any penalty imposed and any hunting, trapping or fishing privilege or approval revocations ordered by the court.

3. After a violator has resolved any citation, summons, or complaint which is subject to this section, the clerk shall provide a notice of compliance to the department’s wildlife violator compact administrator. The notice shall include the following:

a. The violator’s full name, date of birth, if known, and last known address.

b. Case number, statute, or administrative rule number violated, description of violation, date of violation and county of violation.

c. Name, address and telephone number of the court.

d. Disposition by the court, including conviction date and penalty imposed, if applicable, and any court ordered revocation of the violator’s hunting, fishing or trapping licenses, privileges and approvals under s. 29.971, Stats., not related to the violator’s failure to pay or appear in court.

e. The date on which any hunting, fishing or trapping privilege and approval revocation was ordered by the court under s. 29.971, Stats., will end.

Note: Notifications may be mailed to the: Department of Natural Resources, Wildlife Violator Compact Administrator, P.O. Box 7921, Madison, WI 53707–7921, or by FAX at (608) 264–6130. An e–mail address for the Compact Administrator may be obtained by calling the department’s call center at 1–888–936–7463.

(b) *Wildlife violator compact administrator.* The department’s wildlife violator compact administrator or designee shall keep a record of all notices received from the clerk under par. (a) and s. NR 8.53 (1), and shall do all of the following after receiving a notice of noncompliance from a clerk under par. (a) 1.:

1. Mail a notice of revocation by the department to the violator. The notice shall include all the following information:

a. The violator’s full name, date of birth, if known, and last known address.

b. Case number, statute, or administrative rule number violated, description of violation, date of violation and county of violation.

c. Name, address and telephone number of the court.

d. Disposition by the court, including conviction date, any penalty imposed by the court.

e. That the revocation for failure to resolve the citation, summons or complaint shall take effect 21 days after issuance of the notice of revocation by the department, unless an earlier date has been specified by the court as authorized under s. 23.795 (2) or 29.971, Stats. The date on which the revocation takes effect shall be provided in the notice of revocation.

Note: Section 23.795 (2), Stats., states that in lieu of an order of imprisonment under s. 23.795 (1) (a), Stats., for a violation of ch. 29, Stats., the court may revoke or suspend any privilege or approval granted under ch. 29, Stats., as provided in s. 29.971 (12), Stats.

f. That the revocations shall remain in effect until the department's wildlife violator compact administrator receives a notice of compliance from the clerk of the court with jurisdiction.

g. Of the conditions provided under s. 29.972 (1) (a) to (c), Stats., under which the violator may request a hearing to appeal the revocation and the procedures for doing so.

2. Update the department's statewide automated system with a violator's revocation status, including the starting date and the ending date when known.

3. Notify all other participating states of the hunting, fishing and trapping revocation status of a violator for any wildlife-related violations.

Note: Pursuant to s. 29.972 (1), Stats., the opportunity for an administrative appeal to the department is limited to the issue of whether the violator did any of the following:

(a) Failed to respond to a summons under s. 23.66 (3) or 23.67 (4), Stats., or a warrant or summons under s. 968.04, Stats., or

(b) Failed to appear on the court date set under s. 23.72 or 23.75, Stats., unless the person makes a deposit under s. 23.66, Stats., or makes a deposit and stipulation under s. 23.67, Stats., or

(c) Failed to appear before the court and is subject to a bench warrant under s. 968.09, Stats.

Note: Revocations of ch. 29, Stats., privileges or approvals for violations that are not wildlife-related violations and revocations imposed under s. 29.024 (2g) (d) or (2r) (d), 938.17 (2) (d) 1., 938.34 (8) or (8d) (d) and 938.343 (2) or (6), Stats., or for a violation of s. 167.31 (3m) (a), Stats., are not subject to the provisions of the wildlife violator's compact under s. 29.03, Stats.

Note: Section 29.972 (2) (a), Stats., does not require the administrative revocation by the department if the court has already revoked any or all of the person's hunting, fishing, or trapping approvals under s. 23.79 (4) or 23.795 (2), Stats.

(c) *Alternative revocation by the department.* Notwithstanding the procedures established in par. (a), the department may revoke all hunting, fishing and trapping privileges and approvals of a violator pursuant to s. 29.972, Stats., when the department determines that the procedures of par. (a) are applicable, but have not been complied with. If the department revokes the violator's hunting, fishing and trapping privileges and approvals under this paragraph, the department's wildlife violator compact administrator or designee shall do all of the following:

1. Send a notice of revocation by the department to the violator containing the information required under par. (b).

2. Update the department's statewide automated system with a violator's revocation status, including the starting date and the ending date when known.

3. Provide updated information to all other participating states of the hunting, fishing and trapping revocation status of the violator.

Note: Section 29.972 (2) (a), Stats., does not require the administrative revocation by the department if the court has already revoked any or all of the person's hunting, fishing, or trapping approvals under s. 23.79 (4) or 23.795 (2), Stats.

Note: A clerk of court and the department shall consider a revocation under s. 29.972(2), Stats., to be resolved when the violator complies with the order of the court, the judgment is satisfied, or the court orders the revocation of the person's ch. 29, Stats., privileges or approvals under the authority of s. 29.971, Stats., or in lieu of an order of imprisonment under s. 23.795 (1) (a), Stats.

(d) *Wildlife violator compact administrator acknowledgement of compliance.* When a violator has resolved the matter subject to par. (a) or (c) with the court and the department has received a notice of compliance from the clerk, the department's wildlife violator compact administrator or designee shall do all of the following:

1. Mail the violator an acknowledgement of receipt of the notice of compliance. The acknowledgement shall include:

a. The violator's full name, date of birth, if known, and last known address.

b. Case number, statute, or administrative rule number violated, description of violation, date of violation and county of violation.

d. Disposition by the court, including conviction date, any penalty imposed by the court, including any additional court ordered revocation still in effect and the term of any court ordered revocation, if known.

e. The date on which the violator's hunting, fishing and trapping privileges and approvals are to be reinstated by the department, or the ending date of any court ordered revocation, whichever is later.

2. Update the department's statewide automated system with any change in the violator's hunting, fishing and trapping revocation status.

3. Provide updated information to all other participating states of the change in hunting, fishing and trapping revocation status of the violator as appropriate.

Note: A clerk of court and the department shall consider a revocation under s. 29.972 (2), Stats., to be resolved when the violator complies with the order of the court, the judgment is satisfied, or the court orders the revocation of the person's ch. 29, Stats., privileges or approvals under the authority of s. 29.971, Stats., or in lieu of an order of imprisonment under s. 23.795 (1) (a), Stats.

(e) *Appeals and request for a hearing.* 1. The opportunity for an administrative appeal of a revocation by the department pursuant to s. 29.972, Stats., shall be limited to the issues specified in s. 29.972 (1) (a) to (c), Stats.

2. If the revocation is upheld, the violator must then proceed to resolve the court case with the revocation remaining in effect.

3. If the revocation is overturned for any reason, the matter is terminated and the revocation order vacated.

Note: The question of guilt or innocence regarding the original charge or good cause for failing to resolve the matter will not be a subject of hearings held under the provisions of this section. Appeals shall be subject to the procedures under s. 227.42, Stats., which shall be limited to the issues specified in s. 29.972 (1) (a) to (c), Stats.

Note: Pursuant to s. 29.972 (1) (a) to (c), Stats., the opportunity for an administrative appeal to the department are limited to the issue of whether the violator:

(a) Failed to respond to a summons under s. 23.66 (3) or 23.67 (4), Stats., or a warrant or summons under s. 968.04, Stats., or

(b) Failed to appear on the court date set under s. 23.72 or 23.75, Stats., unless the person makes a deposit under s. 23.66, Stats., or makes a deposit and stipulation under s. 23.67, Stats., or

(c) Failed to appear before the court and is subject to a bench warrant under s. 968.09, Stats.

(f) *Exemption.* This subsection does not apply to a violator who prior to April 1, 2008 failed to do any of the following in response to a wildlife-related violation that occurred in this state:

1. Failed to respond to a summons under s. 23.66 (3) or 23.67 (4), Stats., or a warrant or summons under s. 968.04, Stats., or

2. Failed to appear on the court date set under s. 23.72 or 23.75, Stats., or makes a deposit and stipulation under s. 23.67, Stats., or

3. Failed to appear before the court and is subject to a bench warrant under s. 968.09, Stats.

(2) VIOLATIONS OCCURRING IN A PARTICIPATING STATE. (a) *Receipt of notification.* When the department receives a notice from a participating state that a Wisconsin resident has been charged with a wildlife-related violation in the participating state and has failed to respond to the citation, summons or complaint, or failed to appear before the court with jurisdiction, or failed to pay the fine or forfeiture imposed for the violation, the wildlife violator compact administrator or designee shall do all of the following:

1. Mail the violator a notice of revocation by the department which informs the violator of the department's receipt of a notice of noncompliance from the participating state and of the requirements of the wildlife violator compact pursuant to s. 29.03, Stats. The notice of revocation shall include the following information:

a. The violator's full name, date of birth, if known, and last known address.

b. Description and date of the violation, including citation or case number.

c. Action of the court.

d. Procedures to be followed to resolve the matter with the court.

e. Name, address and telephone number of the court with jurisdiction in the participating state.

f. Revocation requirement of s. 29.03, Stats., of all hunting, fishing and trapping licenses, privileges and approvals if the matter is not resolved.

g. The effective date of the revocation, which shall be 21 days after issuance of the notice.

h. That revocation will not occur if the department receives a notice of compliance before the revocation effective date.

i. That once a revocation has become effective, the revocation may only be lifted upon the department's receipt of a written notice of the compliance from the participating state in which the violation occurred.

(b) *Administrative revocation by the department.* When a violator fails to resolve the matter within 21 days of the date the notice of revocation by the department was issued, the department shall revoke all the violator's hunting, fishing and trapping privileges and approvals and the department's wildlife violator compact administrator or designee shall do all of the following:

1. Forward a copy of the notice of revocation by the department to the participating state.

2. Enter the person's identifying information and beginning date of the revocation of all the violator's hunting, fishing and trapping privileges and approvals into the department's Automated License Issuance System.

(c) *Appeals and request for a hearing.* 1. The opportunity for an administrative appeal to the department shall be subject to the procedures under s. 227.42, Stats., and shall be limited to whether or not the violator did any of the following:

a. Failed to respond to a warrant or summons, or
b. Failed to appear on their court date, or
c. Failed to make a deposit or a deposit and stipulation, or
d. Failed to appear before the court and is subject to a bench warrant.

2. If the revocation is upheld, the violator must then proceed to resolve the court case with the revocation remaining in effect.

3. If the revocation is overturned for any reason, the matter is terminated and the revocation order vacated. In such cases the issuing state will be informed of the reason for denial.

Note: The question of guilt or innocence regarding the original charge or good cause for failing to resolve the matter will not be a subject of hearings held under the provisions of this section.

(3) **TERM OF REVOCATIONS.** (a) A revocation imposed under sub. (1) (b) or (c), pursuant to s. 29.972 (1), Stats., for a wildlife-related violation shall remain in effect until the department receives a notice of compliance from the clerk.

Note: Section 29.972 (1), Stats., includes those situations where the violator does any of the following:

(a) Fails to respond to a summons under s. 23.66 (3) or 23.67 (4), Stats., or a warrant or summons under s. 968.04, Stats.

(b) Fails to appear on the court date set under s. 23.72 or 23.75, Stats., unless the person makes a deposit under s. 23.66, Stats., or makes a deposit and stipulation under s. 23.67, Stats.

(c) Fails to appear before the court and is subject to a bench warrant under s. 968.09, Stats.

(b) A revocation imposed under sub. (2), pursuant to s. 29.03, Stats., for a wildlife-related violation in a participating state, shall remain in effect until the department receives a notice of compliance issued by the participating state.

(4) **REINSTATEMENT OF PRIVILEGES AND APPROVALS.** Privileges or approvals revoked pursuant to this subchapter may be reinstated by the department upon the receipt of a notice of compliance from the clerk of court or from the participating state with jurisdiction.

History: CR 07-056: cr. Register March 2008 No. 627, eff. 4-1-08; corrections in (1) (a) 3. e. and (b) 1. e. made under s. 13.92 (4) (b) 1. and 7., Stats., Register March 2008 No. 627; CR 10-051: r. (1) (d) 1. c. Register December 2010 No. 660, eff. 1-1-11; CR 17-061:am. (1) (b) 2., (c) 2., (d) 2. Register February 2018 No. 746, eff. 3-1-18.

NR 8.53 Court ordered revocations. (1) **NOTIFICATION.** (a) When the court revokes any of a person's ch. 29, Stats., privileges or approvals pursuant to the penalty provisions allowed

or required under s. 29.971, Stats., for a violation of s. 167.31 (3m) (a), Stats., or for failure to pay a forfeiture as authorized under ss. 938.34 (8) and (8d) (d) and 938.343 (2) and (6), Stats., the clerk shall do all of the following:

1. Send a notice of revocation by the court to the department's wildlife violator compact administrator. The notice shall include at least the following information:

a. The violator's full name, date of birth, if known, and last known address.

b. Case number, statute, or administrative rule number violated description of violation, date of violation and county of violation.

c. The date on which any court ordered revocation of the violator's hunting, fishing or trapping privileges and approvals ends.

2. Notify the department's wildlife violator compact administrator if there is a change in the status of the revocation before the period of revocation expires.

Note: Revocations of ch. 29, Stats., privileges or approvals for violations of state laws not wildlife-related violations, and revocations imposed under ss. 29.024 (2g) (d) or (2r) (d), 938.17 (2) (d) 1., 938.34 (8) or (8d) (d) and 938.343 (2) or (6), Stats., or for a violation of s. 167.31 (3m) (a), Stats., are not subject to the provisions of the wildlife violator's compact under s. 29.03, Stats.

Note: Notices may be mailed to the: Department of Natural Resources, Wildlife Violator Compact Administrator, P.O. Box 7921, Madison, WI 53707-7921, or by FAX at (608) 264-6130. An e-mail address for the Compact Administrator may be obtained by calling the department's call center at 1-888-936-7463.

(2) **TERM OF REVOCATION.** Under this section, the term of the revocation is the period specified by the court or required under s. 29.971, Stats., starting on the date of conviction.

History: CR 07-056: cr. Register March 2008 No. 627, eff. 4-1-08.

NR 8.54 Revocations imposed in a participating state.

(1) **RECEIPT OF NOTIFICATION.** (a) When the department receives written or electronic notice from a participating state that the participating state has suspended or revoked a violator's hunting, fishing or trapping privileges or approvals in the participating state, the department shall revoke the violator's hunting, fishing or trapping privileges and approvals in this state and the department's wildlife violator compact administrator or designee shall do all of the following:

1. Maintain a record of the notification.

2. Enter the violator's identifying information and revocation status into the department's statewide automated system if not already entered into the system.

3. If the violator is a Wisconsin resident, mail a notice to inform the violator which ch. 29, Stats., privileges and approvals have been revoked in this state as a result of the violator's revocation in the participating state.

(b) In addition to the requirements under par. (a), the department, through the statewide automated system, shall deny applications for any hunting, fishing and trapping privileges, approvals and preference points subject to the revocation for the term of the revocation.

(c) Written or electronic notice received under this section from a participating state may not be recognized by the department unless the notice includes all of the following:

1. Violator's full name and date of birth.

2. Violator's last known address.

3. Violation description along with statute or administrative rule number violated.

4. Date, county and state of violation.

5. Penalty imposed by the court, including the type and term of the revocation.

6. Required court appearance date.

(2) **TERM OF REVOCATION.** A revocation in this state based upon a notice received from a participating state in accordance with s. 29.03, Stats., shall remain in effect until the term of the revocation expires or until the department receives written or elec-

tronic notification from the participating state that the revocation has been terminated, which ever comes first.

History: CR 07-056: cr. Register March 2008 No. 627, eff. 4-1-08; CR 10-051: am. (1) (a) 3, Register December 2010 No. 660, eff. 1-1-11; CR 17-061: am. (1) (a) 2., (b) Register February 2018 No. 746, eff. 3-1-18.

NR 8.55 Wildlife violator compact notice to violators. When a person violates a wildlife-related law and is issued a citation pursuant to s. 23.53, Stats., or is served a complaint and summons pursuant s. 23.55, Stats., the issuing officer or the district attorney issuing the complaint and summons shall provide the violator with a written notice that informs the violator that Wisconsin is a member of the wildlife violator compact and what the ramifications will be if the violator's hunting, fishing or trapping privileges or approvals are revoked in this state, or if the violator fails to appear in court, pay the required penalty or otherwise fails to resolve the citation, summons or complaint.

History: CR 07-056: cr. Register March 2008 No. 627, eff. 4-1-08.

NR 8.56 Retroactivity. Revocations of hunting, trapping or fishing privileges or approvals and convictions for wildlife-related violations occurring in this state prior to April 1, 2008 or the

date the state becomes a participant of the wildlife violator compact pursuant to s. 29.03 (8) (c), Stats., which ever is later, shall not be subject to the provisions of this subchapter or the wildlife violator compact.

Note: Section 29.03 (8) (c), Stats., states the effective date of entry into the compact shall be specified by the applying state but shall not be less than 60 days after notice has been given by one of the following:

1. The chairperson of the board of the compact administrators;
2. The secretary of the board to each participating state that the resolution from the applying state has been received.

History: CR 07-056: cr. Register March 2008 No. 627, eff. 4-1-08.

NR 8.57 Denial of applications for approvals and preference points. The department shall deny all applications for hunting, fishing and trapping approvals and preference points received from a violator whose hunting, fishing and trapping privileges or approvals have been revoked and are subject to this subsection until the department's wildlife violator compact administrator has been notified in writing by the clerk or the participating state that the matter leading to the revocation has been resolved, or until the date specified by the court.

History: CR 07-056: cr. Register March 2008 No. 627, eff. 4-1-08.