

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
REPEALING AND RECREATING AND CREATING RULES

The Wisconsin Natural Resources Board proposes an order to repeal and recreate ch. NR 8 Title, and to create NR 8, subch. I Title and NR 8, subch. II relating to implementation of the wildlife violator compact

LE-07-07

Analysis Prepared by the Department of Natural Resources

1. Statutory Authority and Explanation:

Section 29.03, Stats., provides the department with the authority to enter into a Wildlife Violator Compact with other states. Section 29.972, Stats., provides the department with the authority to promulgate rules establishing the procedures to be followed for sharing of information on wildlife-related arrests and the revocation of hunting, fishing and trapping license privileges between Wisconsin and other states participating as member of the compact.

2. Statutes Interpreted and Explanation:

Section 29.03, Stats, adopts the current provisions of the Wildlife Violator Compact, which outlines the procedures each state must follow when they become a participant in the compact with regards to sharing of arrest records and the revocation of hunting, fishing or trapping licenses. Rules are needed to establish the procedures necessary to implement the compact. Section 29.972, Stats., created under 2005 Wis. Act 282 requires the department to deny an application to issue or renew, or revoke if already issued, all hunting, fishing, or trapping approvals issued to a person under ch. 29, Stats., if the person is charged with a wildlife-related violation in this state and does not take care of the matter by appearing in court or posting the required penalty. This section requires the department to promulgate rules that establish the procedures to be followed for the revocation of hunting, fishing and trapping license privileges and approvals under these circumstances. In addition to establishing procedures for the revocation of license privileges and approvals, the department must establish procedures for:

- exchange of information between the department, the district attorneys, and the clerks of court.
- providing notice to the person who is subject to the revocation and their opportunity for an administrative appeal to the department.

3. Related Statute or Rule: Sections 23.54(3)(k), 23.55(2)(c), 23.63(2), 29.99, 814.76(20), 814.77(16) and 973.05(2m), Stats.

4. Plain Language Rule Analysis:

SECTION 1 repeals the title of Chapter NR 8, Wis. Adm. Code which was "Standards and procedures for the automated license issuance system" and recreates it to read "License and permit procedures".

SECTIONS 2 and 3 create 2 subchapters within ch. NR 8, Wis. Adm. Code. Subchapter I contains the original language and sections found in ch. NR 8, Wis. Adm. Code related to the standards and procedures for the automated license issuance system. Subchapter II contains the new rules establishing procedures for the revocation of hunting, fishing and trapping approvals as required by the Wildlife Violator Compact and s. 29.972, Stats. Subchapter II creates definitions and establishes the procedures to be followed by the clerk of the circuit courts and the Department's Wildlife Violator Compact Administrator when a violator fails to pay or appear in court, and when a persons hunting, fishing or trapping privileges or approvals are revoked. More specifically, these rules establish procedures to be followed by the clerks and the Department's Wildlife Violator Compact Administrator when a person who is charged with a violation of a wildlife-related law in this state or a state that is a member of the Wildlife Violator Compact and fails to pay or appear in court. These rules establish revocation related notification requirements and acknowledgement of compliance notification requirements. This order also establishes the term of a revocation for failure to pay or appear in court and when a person is entitled to the opportunity for an administrative appeal of a revocation made by the department under s. 29.972, Stats.

To comply with the due process requirements of s. 29.03(4)(a), Stats., these rules require that when a person violates a wildlife-related law and is issued a citation pursuant to s. 23.53, Stats., or 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 their hunting, fishing or trapping privileges or approvals are revoked in this state, or if they fail to appear in court, pay the required penalty or otherwise fail to resolve the charges.

Lastly, this order clarifies that any revocations or convictions occurring or imposed in this state prior to the effective date of this rule 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, are not be subject to the these new rules or the provisions of the Wildlife Violator Compact.

5. Summary of and preliminary comparison with existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule.

There are no existing federal regulations that affect the proposed rules.

6. Comparison of similar rules in adjacent states (Minnesota, Iowa, Illinois and Michigan)

All of the adjacent states have joined the Wildlife Violator Compact as a participating state, along with 22 other states to date. The states of Arkansas and Kentucky, like Wisconsin, have also passed authorizing legislation and are working toward joining the compact. Most of the member states have adopted the Wildlife Violator Compact Manual under their state statute as Wisconsin has done. Some states, such as Iowa, have also implemented administrative rules to establish procedures for implementing the provisions of the compact. Twelve other states are in the process of seeking legislation to authorize them to become a member state.

The administrative rules created by the State of Iowa, like this rule order, created definitions, established a 30 day period from time of notification until the revocation would take effect, created a requirement that violator's be advised in writing of revocations and the circumstances which resulted in the revocation, the effective date of the revocation, how to avoid the revocation and what issues are subject to appeal. Iowa's rules also establish reinstatement provisions and uses first class mail sent to the violator's last known address as the method of notification. Iowa's rules also require a notice be sent to the violator, confirming when the matter has been resolved and impose hunting, trapping or fishing privilege revocation in that state when a person is revoked in any other member state, including the requirement that the revocation information be entered into their departments records.

States that are currently members of the Wildlife Violator Compact include: Arizona, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Mexico, New York, North Dakota, Oregon, South Dakota, Tennessee, Utah, Washington, Wyoming

7. Summary of the factual data and analytical methodologies that the agency used in support of the proposed rule and how any related findings support the regulatory approach chosen for the proposed rule: The department has reviewed the laws and rules in place in the surrounding participating states and has contacted the district attorneys and clerks of courts associations.

8. Analysis and supporting documentation that the agency used in support of the agency's determination of the rules effect on small businesses under s. 227.114, stats or that was used when the agency prepared an economic impact report:

This rule does not regulate small business and is not anticipated to have any significant effect on them.

9. Effects on Small Businesses including how rule will be enforced:

This rule is not anticipated to have any significant effect on small businesses.

10. Agency contact person:

Tom Van Haren, 101 S. Webster St., PO BOX 7921, Madison, WI 53707 (608)266-3244,
Thomas.VanHaren@wi.gov

SECTION 1. Chapter NR 8 (title) is repealed and recreated to read:

NR 8 (title) LICENSE AND PERMIT PROCEDURES

SECTION 2. NR 8 subch. I (title) is created to read:

NR 8 (title) SUBCHAPTER I – STANDARDS AND PROCEDURES FOR THE AUTOMATED LICENSE ISSUANCE SYSTEM

[Note to reviser: Place NR 8 Subchapter I (title) before s. NR 8.01]

SECTION 3. NR 8 subch. II is created to read:

NR 8 (title) 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 wildlife 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.

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 in action 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 persons 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.

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.

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, 101 S. Webster St., Madison, WI 53707-7921, or by FAX at (608) 266-3696. An e-mail address for the Compact Administrator may be obtained by calling the department's Bureau of Law Enforcement at (608) 266-2141.

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.
- d. 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, 101 S. Webster St., Madison, WI 53707-7921, or by FAX at (608) 266-3696. An e-mail address for the Compact Administrator may be obtained by calling the department's Bureau of Law Enforcement at (608) 266-2141.

(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 ss. 23.79(5)(2) or 29.971 Stats. The date on which the revocation takes effect shall be provided in the notice of revocation.

Note: 23.79(5)(2), Stats., states that in lieu of an order of imprisonment under s. 23.79(1)(a), Stats., for a violation of ch. 29, the court may revoke or suspend any privilege or approval granted under ch. 29 as provided in s. 29.971 (12).

- 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 Automated License Issuance 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 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: 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 Automated License Issuance 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 persons 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.

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

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 Automated License Issuance 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 persons 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 the effective date of this rule ... [reviser insert date] 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., include 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.

(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.

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 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 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, 101 S. Webster St., Madison, WI 53707-7921. An e-mail address for the compact administrator may be obtained by calling the department's Bureau of Law Enforcement at (608) 266-2141.

(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.

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 Automated License Issuance System if not already entered into the system.
3. Mail a notice to the violator 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 Automated License Issuance 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 effective until the term of the revocation expires or until the department receives written or electronic notification from the participating state that the revocation has been terminated, which ever comes first.

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 fail to appear in court, pay the required penalty or otherwise fails to resolve the citation, summons or complaint.

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 the effective date of this rule ... [reviser insert date] or the date the state becomes a participant of the wildlife violator compact pursuant to s. 29.03(8)(c), Stats., whichever 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.

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.

Section 4. Effective date. This rule shall take effect April 1, 2008 or the date on which the department officially becomes a participating state under s. 29.03(8), Stats., whichever is later, but not before the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats.

Section 5. Board adoption. This rule was approved and adopted by the State of Wisconsin Natural Resources Board on October 24, 2007.

Dated at Madison, Wisconsin _____.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
Matthew J. Frank, Secretary

(SEAL)