

FINAL REGULATIONS - CHAPTER W-15 - DIVISION AGENTS

ARTICLE IV - DIVISION AGENT OPERATION AND PERFORMANCE STANDARDS

#1504 - Agent Operation and Performance Standards

- A. Division agents are required to meet the following standards at all times:
1. Maintain the required surety bond level.
 2. Display and distribute all public information, such as brochures and placards, as provided by the Division.
 3. Maintain a file of receipts, affidavits, or any other document required in the agent agreement.
 4. Keep all paper stock, POS terminals, and any other Division product equipment in a safe place and in good condition at the location of record, as specified in the agent agreement.
 5. Obtain insurance adequate to cover replacement of any POS terminals or other Division product-related equipment leased from the system agent.
 6. Sell all Division products and collect all donations specified in the agent agreement, and only at the location of record.
 7. Sell Division products only at face value, and only to those who are eligible to purchase them, in compliance with all applicable statutes and regulations.
 8. Establish an agent bank account with ACH capability which is electronically accessible to the Division.
 9. Deposit the state share of all Division product revenues in the agent bank account in the total amount due, in accordance with the schedule in the agent agreement.
 10. Immediately report the theft or loss of any accountable inventory.
 11. Attend any training required by the Division concerning applicable statutes and regulations and performance of agent duties, at the location specified by the Division.
 12. Comply with all statutory and regulatory requirements, all provisions of the agent agreement, and all directives of the Division, including, but not limited to, those provided via direct correspondence or in the Division Agent Manual.
 13. Provide reasonable access to any Division officer or other peace officer upon request during normal business hours for the purpose of inspection of equipment, materials, records, or other applicable license agent documents or information.
 14. Read and comply by any correspondence sent to the agent by the Division, including, but not limited to: electronic bulletins; ~~monthly~~ agent bulletins; special communications by mail, email, or through the system; and non-compliance letters.
 15. Train all staff in the issuing of Division products as well as applicable policies and procedures prior to their use of the system.

ARTICLE VI - AGENT COMMISSION RATES

#1510 - Agent Commission Rates

See also §33-4-101 C.R.S. relative to Division agents and §33-4-102(1.6)(b) C.R.S. for price indexing information for nonresident big game licenses.

A. Commission Rates for Retail Agents:

1. Division agents shall be paid a 4.75% commission for each license sold electronically, except for those licenses with commissions as shown below in Table A.4.
2. Division agents shall be paid a 5% commission for each pass sold electronically.
3. Division agents who sell registrations shall be paid a flat rate of \$1.00 per registration issued.
4. Other Commission Rates:

Table A.4: Division Product Type	2022 2024 Commission	% of license price in 20222024	2023 Commission	% of license price in 2023
Second Rod Stamp	\$ 0.64 73	6.7%	\$0.69	6.7%
Resident Fishing - 1 day	\$ 0.85 98	6.7%	\$0.92	6.7%
Nonresident Fishing – 1 day	\$ 1.06 1.22	6.7%	\$1.16	6.7%
Fishing - 5 day	\$ 2.13 2.44	6.7%	\$2.31	6.7%
Resident Small Game - 1 day	\$ 0.85 98	6.7%	\$0.92	6.7%
Nonresident Small Game – 1 day	\$ 1.06 1.22	6.7%	\$1.16	6.7%
Nonresident Deer	\$ 15.07 17.27	3.6%	\$16.36	3.6%
Nonresident Pronghorn	\$ 15.07 17.27	3.6%	\$16.36	3.6%
Nonresident Bear	\$ 3.67 9.00	3.6%	\$3.98	3.6%
Nonresident Mountain Lion	\$ 12.83 18.00	3.6%	\$13.93	3.6%
Nonresident Antlerless Elk	\$ 18.88 28.86	3.6%	\$27.33	3.6%
Nonresident Either-sex Elk	\$ 25.17 28.86	3.6%	\$27.33	3.6%
Nonresident Antlered Elk	\$ 25.17 28.86	3.6%	\$27.33	3.6%
Nonresident Rocky Mtn Bighorn Sheep	\$ 84.29 96.63	3.6%	\$91.52	3.6%
Nonresident Desert Bighorn Sheep	\$ 84.29 96.63	3.6%	\$91.52	3.6%
Nonresident Goat	\$ 84.29 96.63	3.6%	\$91.52	3.6%
Nonresident Moose	\$ 84.29 96.63	3.6%	\$91.52	3.6%

All ~~2022-2023~~ licenses sold through March ~~2023-2024~~ shall be sold at the ~~2022-2023~~ license fee and commission rates.

B. Commission Rates for the System Agent: The system agent shall be paid the commissions shown in the Table B.1 below for each license sold through the system:

1. Commission pricing for any CPW Commissionable Product sold through IPAWS

Table B.1: Commission Rates	IPAWS Products
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a. Contractor Commission Fee percent commission rate to cover AWO System operation and maintenance cost for those products less than \$100 and not listed below in c.	3.7%
b. Contractor Commission Fee flat fee commission rate to cover AWO System operation and maintenance cost for those products \$100 or greater and not listed below in c.	\$4.25
c.1. All Wildlife Applications, regardless of Product Cost.	\$4.25
c.2. Parks variable cost products, regardless of actual Product Cost.	3.7%
Breakout Costs	
Contractor credit card fee	2.2%
Contractor fulfillment fee	\$1.45

AS APPROVED 11/16/2023
Basis and Purpose
Chapter W-15 - Division Agents

Basis and Purpose Statement:

Cleanup of the agent operation and performance standards

This cleanup removes the word monthly from the agent bulletins requirement. With this change, regulations will realign with current operating procedures, which no longer require monthly agent bulletins.

Updating retail agent commission rates according to inflationary increase in license prices

Previously adopted regulations set the retail agent commission at 4.75% of the license fee, except for those commissions that are fixed, as described below. Statutorily, the Commission may set these rates wherever feasible. Historically, the year-to-year Consumer Price Index (CPI) change has been used as a guideline for setting these rates. However, in 2019 CPW proposed fixed commission rates for different types of licenses (6.7% for fishing/small game, and 3.6% for nonresident big game). The fixed rates approved in 2019 yield the following retail agent commissions for the 2024 license year:

Division Product Type	2023 Actual Price	2023 Commission	2024 Proposed Price	2024 Proposed Commission
Second Rod Stamp	\$ 10.35	\$ 0.69	\$ 10.93	\$ 0.73
Resident Fishing - 1 day	\$ 13.80	\$ 0.92	\$ 14.58	\$ 0.98
Nonresident Fishing - 1 day	\$ 17.26	\$ 1.16	\$ 18.22	\$ 1.22
Fishing - 5 day	\$ 34.51	\$ 2.31	\$ 36.44	\$ 2.44
Resident Small Game - 1 day	\$ 13.80	\$ 0.92	\$ 14.58	\$ 0.98
Nonresident Small Game - 1 day	\$ 17.26	\$ 1.16	\$ 18.22	\$ 1.22
Nonresident Deer	\$ 454.39	\$ 16.36	\$ 479.77	\$ 17.27
Nonresident Pronghorn	\$ 454.39	\$ 16.36	\$ 479.77	\$ 17.27
Nonresident Bear	\$ 110.59	\$ 3.98	\$ 250.00	\$ 9.00
Nonresident Mountain Lion	\$ 387.08	\$ 13.93	\$ 500.00	\$ 18.00
Nonresident Antlerless Elk	\$ 759.24	\$ 27.33	\$ 801.64	\$ 28.86
Nonresident Either-sex Elk	\$ 759.24	\$ 27.33	\$ 801.64	\$ 28.86
Nonresident Antlered Elk	\$ 759.24	\$ 27.33	\$ 801.64	\$ 28.86
Nonresident Rocky Mtn Bighorn Sheep	\$ 2,542.29	\$ 91.52	\$ 2,684.29	\$ 96.63
Nonresident Desert Bighorn Sheep	\$ 2,542.29	\$ 91.52	\$ 2,684.29	\$ 96.63
Nonresident Goat	\$ 2,542.29	\$ 91.52	\$ 2,684.29	\$ 96.63
Nonresident Moose	\$ 2,542.29	\$ 91.52	\$ 2,684.29	\$ 96.63

The statements of basis and purpose for these regulations can be obtained from the Colorado Division of Parks and Wildlife, Office of the Regulations Manager by emailing dnr_cpw_planning@state.co.us or by visiting the Division of Parks and Wildlife headquarters at 6060 Broadway, Denver, CO, 80216.

The primary statutory authority for these regulations can be found in § 24-4-103, C.R.S., and the state Wildlife Act, §§ 33-1-101 to 33-6-209, C.R.S., specifically including, but not limited to: §§ 33-1-106, C.R.S.

EFFECTIVE DATE - THESE REGULATIONS SHALL BECOME EFFECTIVE JANUARY 1, 2024, AND

SHALL REMAIN IN FULL FORCE AND EFFECT UNTIL REPEALED, AMENDED, OR SUPERSEDED.

**APPROVED AND ADOPTED BY THE PARKS AND WILDLIFE COMMISSION OF THE STATE OF
COLORADO ON THIS 16TH DAY OF NOVEMBER 2023.**

**APPROVED:
Dallas May
Chair**

**ATTEST:
Karen Bailey
Secretary**

Phil Weiser
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Tracking Number: **2023-00667**

**OPINION OF THE ATTORNEY GENERAL RENDERED IN
CONNECTION WITH THE RULES ADOPTED BY THE
Colorado Parks and Wildlife (406 Series, Wildlife)
ON 11/16/2023**

**2 CCR 406-15
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The above-referenced rules were submitted to this office on 11/17/2023 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

November 28, 2023 09:53:04 MST

Philip J. Weiser
Attorney General
by Kurtis Morrison
Deputy Attorney General