

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 1156

Short Title: Saltwater Sports Fishing License.

(Public)

Sponsors: Representative Bowman.

Referred to: Environment.

April 19, 1993

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE A LICENSE FOR RECREATIONAL HOOK-AND-LINE
3 FISHING IN COASTAL FISHING WATERS.

4 The General Assembly of North Carolina enacts:

5 Section 1. Article 14 of Chapter 113 of the General Statutes is amended by
6 adding the following:

7 "**§ 113-168. Sports fishing licenses in coastal fishing waters.**

8 (a) Except as otherwise provided in this Chapter, it is unlawful for any person to
9 take or attempt to take fish by means of hook-and-line in coastal fishing waters without
10 having first procured a current and valid saltwater sports fishing license.

11 (b) Except when indicated otherwise, all saltwater sports fishing licenses are
12 annual licenses. Annual saltwater sports fishing licenses expire on December 31 of
13 each year and are subject to the full license fee regardless of when issued.

14 (c) The saltwater sports fishing licenses issued by the Marine Fisheries
15 Commission are as follows:

16 (1) Resident Saltwater Fishing Licenses valid only for use by individual
17 residents of the State only during the consecutive days or year
18 indicated:

19 a. Three days - \$6.00.

20 b. Two weeks (14 days) - \$10.00.

21 c. Annual - \$15.00.

22 (2) Lifetime Resident Saltwater Fishing License - \$250.00. This license is
23 valid only for use by individual residents of the State.

- 1 (3) Nonresident Saltwater Fishing Licenses valid for use by an individual
2 within the State only during the consecutive days or year indicated.
3 a. Three days - \$15.00.
4 b. Two weeks (14 days) - \$22.00.
5 c. Annual - \$30.00.
6 (4) Lifetime Resident Saltwater Fishing License for the Locally Blind -
7 No Charge. This license is valid only for use by an individual resident
8 of the State who has been certified by the Department of Human
9 Resources as a person whose vision with glasses is insufficient for use
10 in ordinary occupations for which sight is essential. This license is
11 valid for the life of the individual so long as he remains legally blind.
12 (5) Totally Disabled Resident Saltwater Fishing License - \$6.00. This
13 license is valid only for use by an individual resident of the State who
14 is totally disabled (physically incapable of being gainfully employed).
15 This license is valid for the life of the individual so long as he remains
16 totally disabled.
17 (6) Disabled Veteran Resident Saltwater Fishing License - \$6.00. This
18 license is valid only for use by an individual resident of the State who
19 is a fifty percent (50%) or more disabled war veteran as determined by
20 the Department of Veteran Affairs. This license is valid for the life of
21 the individual so long as he remains fifty percent (50%) or more
22 disabled.
23 (7) Age 70 Lifetime Saltwater Fishing License - \$6.00. This license is
24 valid only for use by an individual resident of the State who has
25 attained the age of 70 years. This license is valid for the life of the
26 individual.

27 **"§ 113-169. General provisions respecting saltwater sports**
28 **fishing licenses.**

29 (a) Upon receipt of a proper application together with a fee of two dollars
30 (\$2.00), the Marine Fisheries Commission may issue a new saltwater sports fishing
31 license to replace one that has been lost or destroyed before its expiration. The
32 application must be on a form of the Marine Fisheries Commission setting forth
33 information in sufficient detail to allow ready identification of the lost or destroyed
34 saltwater sports fishing license and ascertainment of the applicant's continued
35 entitlement to it.

36 (b) In implementing the sale and distribution of saltwater sports fishing licenses
37 issued under this Article, the Marine Fisheries Commission may require license
38 applicants to disclose such information as necessary for determining the applicant's
39 eligibility for a particular license. Such information as deemed desirable to assist in
40 enforcement of license requirements may be required to be recorded on the face of any
41 license. Fixing the form of the license may be by reasonable administrative directive,
42 and requirements as to such form need not be embodied in rules of the Marine Fisheries
43 Commission in order to be validly required.

1 (c) Except as otherwise specifically provided by statute or except as the Marine
2 Fisheries Commission may by rule prescribe to the contrary:

3 (1) All saltwater sports fishing licenses under this Article must be kept
4 ready at hand by or about the person of individual licensees while
5 engaged in the regulated operations;

6 (2) All saltwater sports fishing licenses under this Article are
7 nontransferable; and

8 (3) Every individual engaged in operations subject to saltwater sports
9 fishing license requirements must have an individual license issued to
10 him personally bearing his correct name and address.

11 (d) It is unlawful to buy, sell, lend, borrow, or in any other way transfer or
12 receive or attempt any such activities with respect to any nontransferable license for the
13 purpose of circumventing the requirements of this Article.

14 (e) It is unlawful for any individual subject to the fishing license requirements of
15 G.S. 113-168 to take, attempt to take, or possess any fish freshly taken from coastal
16 fishing waters, without having ready at hand for inspection a current and valid saltwater
17 sports fishing license issued to him personally and bearing his correct name and address.
18 It is unlawful for any such individual taking, attempting to take any fish, or possessing
19 any fish freshly taken from coastal fishing waters to refuse to exhibit his license upon
20 the request of an officer authorized to enforce the fishing laws.

21 (f) It is unlawful to fail to comply with any provisions of this Article or of rules
22 and administrative requirements reasonably promulgated under the authority of this
23 Article, including licensing requirements of G.S. 113-169(g).

24 (g) In the best interests of the conservation of marine and estuarine resources, the
25 Marine Fisheries Commission is authorized to require by rule that any fishing gear or
26 equipment, in addition to hook-and-line, used to take or attempt to take fish for sports or
27 recreational purposes or for personal consumption from coastal fishing waters is subject
28 to the fishing license requirements of G.S. 113-168. The Commission may require a
29 separate license be obtained for fishing gear or equipment other than hook-and-line.
30 The fees for such licenses shall not exceed the fees authorized in G.S. 113-168.

31 (h) The net proceeds of all sales of saltwater sports fishing licenses made
32 pursuant to G.S. 113-168 and G.S. 113-169(g) must be devoted to new or expanded
33 marine fisheries programs or projects administered by the Marine Fisheries Commission
34 or the Division of Marine Fisheries which enhance knowledge of and use of marine and
35 estuarine resources by saltwater sports fishing licensees; except that the net proceeds of
36 all sales of lifetime licenses must be deposited in the Marine Fisheries Endowment Fund
37 established pursuant to G.S. 143B-289.8.

38 **§ 113-170. Exemptions and exceptions to saltwater sports fishing license**
39 **requirements.**

40 (a) Any person engaged in duly licensed commercial fishing operations as
41 defined in G.S. 113-152, or the owner of a vessel fishing with hook-and-line from a
42 vessel duly licensed pursuant to G.S. 113-152 is exempt from the fishing license
43 requirements of G.S. 113-168 and G.S. 113-169(g).

1 (b) Individuals under 16 years of age are exempt from the fishing license
2 requirements of G.S. 113-168 and G.S. 113-169(g).

3 (c) A person fishing with hook-and-line using natural bait is exempt from the
4 license requirements of G.S. 113-168 and G.S. 113-169(g). 'Natural bait' is bait which
5 may be beneficially digested by fish."

6 Sec. 2. G.S. 113-151.1 reads as rewritten:

7 **"§ 113-151.1. License agents.**

8 (a) The Secretary shall commission such persons as in his discretion he deems
9 necessary to be license agents for the ~~Department~~; Department for the sale of all licenses
10 authorized by this Article; provided, that at least one such license agent shall be
11 appointed in each county which contains or borders on coastal fishing waters. Such
12 agents together with the Department shall have the authority and duty to sell all licenses
13 provided for by this Article. The Secretary may require license agents to post bonds and
14 enter into contracts for keeping records, making reports concerning licenses and
15 receipts, and be subject to necessary audits and inspections. Upon any violation by a
16 license agent of the requirements of this section or any contract entered into under the
17 terms of this section, the Secretary may initiate proceedings for the forfeiture of the
18 license agent's bond and may summarily suspend, revoke, or refuse to renew a person's
19 commission as a license agent pursuant to G.S. 150B-3, and impound or require the
20 return of all licenses, moneys, record books, reports, license forms and other documents,
21 ledgers, and materials pertinent or apparently pertinent to the license agency. The
22 Secretary shall report evidence or misuse of State property, including license fees, by a
23 license agent to the State Bureau of Investigation as provided by G.S. 114-15.1.

24 (a1) The Secretary may commission additional persons in his discretion to be
25 license agents for the Department to sell saltwater sports fishing licenses, as he deems
26 necessary. Such agents together with the Department shall have the authority and duty
27 to sell licenses authorized by G.S. 113-167 and G.S. 113-168(g), unless otherwise
28 provided by this Article or by administrative directive. To the extent practicable, such
29 agents may be the same as the license agents appointed by the Wildlife Resources
30 Commission.

31 (b) License agents shall be compensated by adding a surcharge of one dollar
32 (\$1.00) to each license sold and retaining the one dollar (\$1.00) surcharge. If more than
33 one license is listed on a consolidated license form, the license agent shall be
34 compensated as if a single license were sold. It is unlawful for a license agent to add
35 more than the surcharge authorized by this section to the fee for each license sold."

36 Sec. 3. G.S. 113-155.1 reads as rewritten:

37 **"§ 113-155.1. Commercial fisherman; identification.**

38 The receipt for purchase of a current and valid commercial fishing license issued by
39 the Marine Fisheries Commission shall serve as proper identification of the licensee as a
40 commercial ~~fisherman~~; fisherman until the license issued by the Commission is delivered
41 to the licensee."

42 Sec. 4. G.S. 113-156(a) reads as rewritten:

43 "(a) Except as otherwise provided in this Article, it is unlawful for any every
44 person who sells not licensed pursuant to this section to sell fish or has to have any

1 connection whatever with fish that results in his enrichment ~~is~~ as a fish dealer, provided
2 that individual employees of fish dealers are not fish dealers merely by virtue of
3 transacting the business of their employers. Notwithstanding the provisions of this
4 section, it is unlawful to sell fish taken under a license issued pursuant to G.S. 113-168
5 or G.S. 113-169(g). Any person who makes a public offer to sell or who peddles fish is
6 a fish dealer."

7 Sec. 5. This act becomes effective July 1, 1993.