

GENERAL ASSEMBLY OF NORTH CAROLINA
1987 SESSION

CHAPTER 487
HOUSE BILL 425

AN ACT TO PROVIDE THAT NONRESIDENTS WHO FISH OUTSIDE NORTH CAROLINA WATERS MAY OBTAIN A VESSEL LICENSE DURING ANY MONTH THEREBY ALLOWING THEM TO LAND AND SELL FISH IN NORTH CAROLINA.

The General Assembly of North Carolina enacts:

Section 1. G.S. 113-152(a) reads as rewritten:

"(a) The following vessels are subject to the licensing requirements of this section:

- (1) All vessels engaged in commercial fishing operations in coastal fishing waters ~~and~~;
- (2) All North Carolina vessels engaged in commercial fishing operations without the State which result in landing and selling fish in North Carolina. North Carolina vessels are those which have their primary situs in North Carolina. Motorboats with North Carolina numbers under the provisions of Chapter 75A of the General Statutes are deemed to have their primary situs in North Carolina: documented vessels which list a North Carolina port as home port are deemed to have their primary situs in North Carolina; and
- (3) All nonresident vessels engaged in commercial fishing operations within the State or engaged in commercial fishing operations without the State that result in landing and selling fish in North Carolina.

'Commercial fishing operations' are all operations preparatory to, during, and subsequent to the taking of fish:

- (1) With the use of commercial fishing equipment; or
- (2) By any means, if a primary purpose of the taking is to sell the fish.

Commercial fishing operations also includes taking people fishing for hire.

It is unlawful for the owner of a vessel subject to licensing requirements to permit it to engage in commercial fishing operations without having first procured the appropriate license. It is unlawful for anyone to command such a vessel engaged in commercial fishing operations without complying with the provisions of this section and of regulations made under the authority of this Article. It is unlawful for anyone to command such a vessel engaged in commercial fishing operations that does not meet the license requirements of this Article or of regulations made under the authority of the Article, or without making reasonably certain that all persons on board are in compliance with the provisions of this Article and regulations made under the authority

of this Article. It is unlawful to participate in any commercial fishing operation in connection with which there is a vessel subject to licensing requirements not meeting the licensing requirements under the provisions of this Article or of regulations made under the authority of this Article.

Nothing in this section shall require the licensing of any vessel used solely for oystering, scalloping, or clamming by a person not required to have an oyster, scallop, and clam license under the provisions of G.S. 113-154. Spears or gigs shall not be deemed commercial fishing equipment unless used in an operation the purpose of which is the taking of fish for commercial purposes."

Sec. 2. G.S. 113-152(c) reads as rewritten:

"(c) Licenses are issued annually upon a calendar-year basis for vessels of various lengths (length measured straight through the cabin and along the deck, from end to end, excluding the sheer) and types as follows for the fees indicated:

- (1) Vessels, without motors, regardless of length when used in connection with other licensed vessels, no license required.
- (2) Vessels with or without motors not over 18 feet in length, one dollar (\$1.00) per foot.
- (3) Vessels with or without motors over 18 feet but not over 38 feet in length, one dollar and fifty cents (\$1.50) per foot.
- (4) Vessels with or without motors over 38 feet in length, three dollars (\$3.00) per foot.
- (4a) Vessels owned by persons who are not residents of North Carolina, two hundred dollars (\$200.00) or an amount equal to the nonresident fee charged by the nonresident's state, whichever is greater, in addition to the fee requirement otherwise applicable under this subsection or subsection (d).

~~Licenses for vessels owned by persons who are not residents of North Carolina or by corporations not incorporated under the laws of the State of North Carolina may be sold only during the month of January of each year for that calendar year.~~

- (5) Vessels engaged in menhaden fishing shall be taxed, based on tonnage, as prescribed in subsection (d).

Length is measured from end to end over the deck excluding sheer."

Sec. 3. G.S. 113-152(e) reads as rewritten:

"(e) Unless otherwise indicated, all licenses in this Article expire on December 31 of each year and are subject to the full license fee regardless of when issued. Unless a nonresident vessel is eligible for a land and sell license pursuant to G.S. 113-153, nonresident licenses may not be obtained from license agents and shall be obtained from the Morehead City offices of Marine Fisheries. Applications, including license fees, must be submitted by nonresidents and received by the Division at least 45 days prior to issuance of a license during which period it shall be ascertained whether the applicant would be denied a license under the standards in G.S. 113-166. When a license application is denied for violations of fisheries laws, whether the violations occurred in North Carolina or another jurisdiction, the license fees shall not be refunded and shall be applied to the costs of processing the application."

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 26th day of June, 1987.