

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 237

Short Title: Boat Agent Fees/AB.

(Public)

Sponsors: Representative Gulley.

Referred to: Wildlife Resources, if favorable, Finance.

March 4, 1999

A BILL TO BE ENTITLED

1 AN ACT TO INCREASE THE FEE PAID TO AGENTS OF THE WILDLIFE
2 RESOURCES COMMISSION TO AWARD CERTIFICATES OF BOAT NUMBER
3 OR OTHER VESSEL TRANSACTION AND TO AMEND THE DUTIES OF THE
4 WILDLIFE RESOURCES COMMISSION WITH REGARD TO THE
5 APPOINTMENT OF AGENTS FOR THE ISSUANCE OF BOAT NUMBERS, TO
6 RAISE THE REPORTING REQUIREMENT FOR BOATING ACCIDENTS TO
7 DAMAGES IN EXCESS OF FIVE HUNDRED DOLLARS, AND TO REPEAL
8 THE LAW REQUIRING PERMITS FROM THE WILDLIFE RESOURCES
9 COMMISSION TO HOLD REGATTAS AND OTHER EVENTS.
10

11 The General Assembly of North Carolina enacts:

12 Section 1. G.S. 75A-5(e) reads as rewritten:

13 "(e) The Wildlife Resources Commission may ~~award-issue~~ any ~~certificate of number~~
14 ~~vessel transaction pursuant to the provisions of Article 1 or 4 of this Chapter~~ directly or
15 may authorize any person qualified as prescribed in subsection (l) of this section to act as
16 agent for the ~~awarding thereof.~~ issuance of vessel transactions subject to the requirements
17 set forth in this Chapter. ~~In the event that a person accepts such authorization, he may be~~
18 ~~assigned a block of numbers and certificates therefor which upon award,~~ Upon acceptance of
19 this authorization, an agent's actions in issuing any vessel transaction pursuant to this
20 Chapter in conformity with this Chapter and with any rules and regulations of the Commission,

1 shall be valid as if ~~awarded~~ issued directly by the Commission. As compensation for his
2 services ~~any such agent shall be allowed to retain for his own use fifty cents (50¢).~~ ~~services~~
3 rendered to the Commission and to the general public, the agent shall receive the
4 following specified commission from the statutory fee for each listed transaction:

- 5 (1) Renewal of vessel registration - \$1.25.
- 6 (2) Transfer of ownership and registration of a vessel - \$3.00.
- 7 (3) Issuance of new certificate of vessel number and registration - \$3.00.
- 8 (4) Issuance of duplicate vessel registration - \$0.50.
- 9 (5) Issuance, transfer, duplication, or lien recordation of vessel title - \$3.00.

10 It is a Class 1 misdemeanor for any such agent to charge or accept any additional fee,
11 remuneration, or other thing of value for such services."

12 Section 2. G.S. 75A-5(l) reads as rewritten:

13 "(l) When certificates of number are to be issued by agents as provided by subsection
14 (e) of this section, the Wildlife Resources Commission ~~is authorized by regulation to~~
15 ~~establish the qualifications of such agents, including, but not limited to, their financial~~
16 ~~responsibility, the locations and types of business operated by them and their facilities for~~
17 ~~safekeeping of unused certificates of number, validation decals, and the monetary proceeds of~~
18 ~~certificates which have been issued; to prescribe the duties of such agents, including, but not~~
19 ~~limited to, the methods of issuing certificates of number and validation decals, the evidence of~~
20 ~~ownership of vessels to be numbered by applicants for number, the times and methods of making~~
21 ~~periodic and final reports of certificates and decals issued and remaining unissued and~~
22 ~~remittances of public moneys and unissued certificates and decals; to establish methods and~~
23 ~~procedures of ensuring accountability of such agents for the proceeds of certificates and decals~~
24 ~~issued and for certificates and decals remaining unissued; to require individual or blanket bonds~~
25 ~~of such agents in amounts sufficient to protect the State against loss of public moneys and~~
26 ~~unissued certificates and decals, the premiums for such bonds to be paid by the agents; to permit~~
27 ~~such agents to issue both original certificates of number and validation decals and renewals~~
28 ~~thereof or to limit such agents, or any of them, to the issuance of the originals only; to authorize~~
29 ~~some or all of such agents to issue temporary certificates of number for use during a limited time~~
30 ~~pending delivery of regular certificates of number and validation decals; to establish methods~~
31 ~~and procedures, including submission of the amounts and kinds of evidence which the~~
32 ~~Commission may deem sufficient, whereby any such agent may be relieved of accountability for~~
33 ~~the value of unissued certificates and validation decals, or of the monetary proceeds of those~~
34 ~~which have been issued, which have been lost or destroyed as the result of any occurrence which~~
35 ~~is beyond the control of such agent; and to prescribe such other reasonable requirements and~~
36 ~~conditions as the Commission may, in its discretion, deem necessary or desirable to expedite and~~
37 ~~control the issuance of certificates of number by such agents.~~ may establish administrative
38 guidelines that prescribe:

- 39 (1) The qualifications of agents;
- 40 (2) The duties of agents;
- 41 (3) Methods and procedures to ensure accountability and security for
42 proceeds and unissued certificates of number;
- 43 (4) Requirements for security bonds in amounts sufficient to protect the
44 State against loss of public funds or documents;

- 1 (5) Methods and procedures, including submission of the kinds and
2 amounts of evidence deemed sufficient to relieve an agent of
3 responsibility for losses due to occurrences beyond the agent's control;
4 and
5 (6) Any other reasonable requirement or condition deemed necessary and
6 desirable to expedite and control the issuance of certificates of boat
7 number by agents.

8 In accordance with ~~such regulations,~~ administrative guidelines developed pursuant to
9 ~~this section,~~ the executive director is ~~authorized to prepare and distribute all forms~~
10 ~~necessary or convenient for application for and the appointment and bonding of such~~
11 ~~agents and for receipts, reports and remittances by such agents; to select and appoint such~~
12 ~~agents in areas most convenient to the boating public and to limit the number of such~~
13 ~~agents in any locality; to require prompt and accurate reporting and remission of public~~
14 ~~moneys and unissued certificates and decals by such agents, and to require periodic or~~
15 ~~special audits of their accounts; to revoke or terminate any such agency for failure to~~
16 ~~make timely reports and remittances or to comply with any administrative directive or~~
17 ~~regulation of the Commission, or when he has reason to believe that State money or~~
18 ~~property is in jeopardy; and to require immediate surrender of all agency accounts, forms,~~
19 ~~certificates, decals and State moneys in the event of such revocation or termination of any~~
20 ~~such agency.~~ may:

- 21 (1) Select and appoint agents in the areas most convenient to the boating
22 public and limit the number of agents in any one area if necessary for
23 efficiency of operation;
24 (2) Require prompt and accurate reporting and remittance of public funds or
25 documents by agents;
26 (3) Conduct periodic and special audits of accounts;
27 (4) Terminate the authorization of any agent found to be in noncompliance
28 with administrative guidelines or directives of the Commission or when
29 State funds or property are reasonably believed to be in jeopardy; and
30 (5) Demand the immediate surrender of all accounts, forms, certificates,
31 decals, records, and State funds and property in the event of the
32 termination of an agency.

33 A person who is denied the authority to act as an agent for the issuance of certificates
34 of number and validation decals or whose authority to do so is revoked may not
35 commence a contested case under G.S. 150B-23. ~~Any violation of the regulations authorized~~
36 ~~by this subsection shall be a Class 1 misdemeanor.~~ If any check or draft of any agent for the
37 issuance of certificates of boat number shall be returned by the banking facility upon
38 which the same is drawn for lack of funds, such agent shall be liable to the Wildlife
39 Resources Commission for a penalty of five percent (5%) of the amount of such check or
40 draft, but in no event shall such penalty be less than five dollars (\$5.00) or more than two
41 hundred dollars (\$200.00). Agents shall be assessed a penalty of twenty-five percent
42 (25%) of their issuing fee on all remittances to the Commission after the fifteenth day of
43 the month immediately following the month of sale."

1 Section 3. G.S. 75A-11(b) reads as rewritten:

2 "(b) In the case of collision, accident, or other casualty involving a vessel, the
3 operator thereof, if the collision, accident, or other casualty results in death or injury to a
4 person or damage to property in excess of ~~one~~five hundred dollars ~~(\$100.00), (\$500.00),~~
5 shall, within 10 days, file with the Wildlife Resources Commission a full description of
6 the collision, accident, or other casualty, including such information as said agency may,
7 by regulation, require. Such report shall not be admissible as evidence."

8 Section 4. G.S. 75A-14 is repealed.

9 Section 5. This act becomes effective July 1, 1999.