

1 15A NCAC 03O .0108 is readopted with changes as published in 34:07 NCR 549-551 as follows:

2
3 **15A NCAC 03O .0108 LICENSE AND COMMERCIAL FISHING VESSEL REGISTRATION**
4 **TRANSFERS**

5 (a) To transfer a license or Commercial Fishing Vessel Registration, the license or registration ~~cannot~~ shall not be
6 expired prior to transfer.

7 (b) Upon transfer of a license or Commercial Fishing Vessel Registration, the transferee becomes the licensee and
8 assumes the privileges of holding the license or Commercial Fishing Vessel Registration.

9 (c) A transfer application including a certification statement form shall be provided by the Division of Marine
10 Fisheries. A transfer application shall be completed for each transfer including, but not limited to:

11 (1) the information required as set forth in Rule .0101(a) of this Section;

12 (2) a ~~certified~~notarized statement from the transferee listing any violations involving marine ~~and~~ or
13 estuarine resources in the State of North Carolina during the previous three years; and

14 (3) a ~~certified~~notarized statement from the transferee that the information and supporting
15 documentation submitted with the transfer application is true and correct, and that the transferee
16 acknowledges that it is unlawful for a person to accept transfer of a license for which they are
17 ineligible.

18 (d) A ~~properly~~completed transfer application shall be returned to an office of the Division by mail or in person,
19 except as set forth in Paragraph (e) of this Rule.

20 (e) A transfer application submitted to the Division without complete and required information shall be deemed
21 incomplete and shall not be considered further until resubmitted with all required information. Incomplete applications
22 shall be returned to the applicant with deficiency in the application so noted.

23 ~~(a)(f) Licenses~~ A License to Land Flounder from the Atlantic Ocean may shall only be transferred:

24 (1) with the transfer of the ownership of a vessel that the licensee owns that individually met the
25 eligibility requirements of 15A NCAC 3O .0101 (b) (1) (A) and (b) (1) (B) Rule .0101 (b)(1)(A)
26 and (b)(1)(B) of this Section to the new owner of that vessel. ~~Transfer of the License to Land~~
27 Flounder from the Atlantic Ocean transfers all flounder landings from the Atlantic Ocean associated
28 with that vessel; or

29 (2) by the owner of a vessel to another vessel under the same ownership.

30 Transfer of a License to Land Flounder from the Atlantic Ocean transfers with it all flounder landings from
31 the Atlantic Ocean associated with that vessel. Any transfer of license under this Paragraph may shall only
32 be processed through the Division of Marine Fisheries Morehead City Headquarters Office and no transfer
33 is effective until approved and processed by the Division.

34 ~~(b)(g) Transfer of a Commercial Fishing Vessel Registration~~ Transfer. Registration: ~~When~~ ~~if~~ ~~If~~ transferring
35 ownership of a vessel bearing a current ~~commercial fishing vessel registration~~, Commercial Fishing Vessel
36 Registration, the new ~~owner~~owner;

1 (1) shall follow the requirements in ~~15A NCAC 03O .0101~~Rule .0101 of this Section and pay a
2 replacement fee of ~~ten dollars (\$10.00)~~ as set forth in Rule .0107 of this Section for a replacement
3 ~~commercial fishing vessel registration.~~ Commercial Fishing Vessel Registration; and

4 (2) ~~The new owner must~~ shall submit a ~~transfer form application provided by the Division~~ with the
5 signatures of the former ~~licensee owner~~ and ~~the signature of the new licensee owner~~ notarized.

6 ~~(e)~~(h) ~~Transfer of a Standard or Retired Standard Commercial Fishing License transfers:~~License:

7 (1) It is unlawful for a person to accept transfer of a Standard or Retired Standard Commercial Fishing
8 License for which they are ineligible. **Grandparents, grandchildren, and legal guardians of an**
9 **individual are eligible to transfer a license and receive a transferred license.**

10 ~~(1)~~(2) A Standard or Retired Standard Commercial Fishing License ~~may~~ shall only be transferred if both
11 the transferor and the transferee have no current suspensions or revocations of any Marine Fisheries
12 license privileges. In the event of the death of the transferor, this requirement shall only apply to the
13 transferee.

14 (3) For purposes of effecting transfers under this Paragraph:

15 ~~[(A)]~~ **in addition to those family members defined in G.S. 113-168(3a), "immediate family" shall**
16 **mean grandparents, grandchildren, and legal guardians of an individual;**

17 ~~[(B)]~~(A) "business" shall mean corporations and limited liability companies that have been
18 registered with the Secretary of State; and

19 ~~[(C)]~~(B) "owner" shall mean owner, shareholder, or manager of a business.

20 ~~(2)~~(4) At the time of the transfer of a Standard or Retired Standard Commercial Fishing License, the
21 transferor ~~must~~ shall indicate the retainment or transfer of the landings history associated with that
22 Standard or Retired Standard Commercial Fishing License. The transferor may retain a landings
23 history only if the transferor holds an additional Standard or Retired Standard Commercial Fishing
24 License. Transfer of a landings history is all or none.

25 ~~(3)~~(5) To transfer a Standard or Retired Standard Commercial Fishing License, **in addition to the**
26 **requirements in Paragraph (c) of this Rule,** the following information is required:

27 (A) information on the transferee as set ~~out~~ forth in ~~15A NCAC 03O .0101~~Rule .0101 of this
28 Section;

29 (B) notarization of the ~~current license holder's~~ transferor's and the transferee's signatures on a
30 the transfer form provided by the Division; application; and

31 ~~(C)~~ ~~when the transferee is a non resident, a written certified statement from the applicant~~
32 ~~listing any violations involving marine and estuarine resources during the previous three~~
33 ~~years;~~

34 ~~(D)~~(C) ~~when if the transferor is retiring from commercial fishing, the transferor must submit~~
35 evidence showing that such retirement has in fact occurred, ~~for example, which may~~
36 include, but is not limited to, evidence of the transfer of all licensee's the transferor's

Standard Commercial Fishing Licenses, sale of all the ~~licensee's-transferor's~~ registered vessels, or discontinuation of any active involvement in commercial fishing.

Properly completed transfer forms must be returned to Division Offices by mail or in person.

(4)(6) The Standard or Retired Standard Commercial Fishing License ~~which-that~~ is being transferred ~~must~~ shall be surrendered to the Division at the time of the transfer application.

(5)(7) Fees:

(A) ~~Transferee-The transferee must-shall~~ pay a replacement fee ~~of ten dollars (\$10.00)-as set forth in Rule .0107 of this Section.~~

(B) ~~Transferee-The transferee must-shall~~ pay the differences in fees as specified in G.S. 443-168.2 (e)-113-168.2(e) or G.S. 443-168.3 (b)-113-168.3(b) ~~when-if~~ the transferee ~~who~~ is a non resident is being transferred a resident Standard or Retired Standard Commercial Fishing License ~~non-resident.~~

(C) ~~Transferee-The transferee must-shall~~ pay the differences in fees as specified in G.S. 443-168.2 (e)-113-168.2(e) ~~when-if~~ the license to be transferred is a Retired Standard Commercial Fishing License and the transferee is less than 65 years old.

(8) Transfer of Standard or Retired Standard Commercial Fishing License for a Business:

(A) An individual holding a Standard or Retired Standard Commercial Fishing License may transfer their license to a business in which the license holder is also an owner of the business in accordance with application requirements as set forth in Rule .0101(a) of this Section.

(B) If a business is dissolved, the business may transfer the license or licenses of the business to an individual owner of the dissolved business. A dissolved business holding multiple licenses may transfer one license or multiple licenses to one owner or multiple owners or any combination thereof. A notarized statement showing agreement for the transfer of all owners of the business is required to complete this transaction.

(C) If a business is sold, the business may transfer the license or licenses of the business to the successor business at the time of sale.

(D) If an owner leaves the business, any license ~~originally~~ owned by that owner may be transferred back to themselves as an individual at the time the owner leaves the ~~corporation-~~business, provided the owner was the last individual to own the license before the business owned the license. A notarized statement showing agreement for the transfer of all owners of the business is required to complete this transaction.

(6)(9) Transfer of Standard or Retired Standard Commercial Fishing License for a Deceased Licensee's License:

(A) When the deceased licensee's If an immediate surviving family member(s) member of the deceased licensee is eligible to hold the ~~deceased-s-deceased~~ licensee's Standard Commercial Fishing Licenses-License or Retired Standard Commercial Fishing License,

1 the ~~Administrator/Executor must~~ Administrator or Executor shall give written notification
2 within six months after the ~~Administrator/Executor~~ Administrator or Executor qualifies
3 under G. S.G.S. 28A to the ~~Morehead City Office of the Division of Marine Fisheries of~~
4 the request to transfer the ~~deceased-s~~ deceased's license to the estate
5 ~~Administrator/Executor.~~ Administrator or Executor.

6 (B) A transfer to the ~~Administrator/Executor~~ Administrator or Executor shall be made
7 according to the provisions of Subparagraphs ~~(e) (2) — (e) (4) (2)~~ through (4) of this
8 ~~Rule Paragraph.~~ The ~~Administrator/Executor must~~ Administrator or Executor shall provide
9 a copy of the deceased licensee's death certificate, a copy of the certificate of ~~administration~~
10 administration, and a list of eligible immediate family members to the ~~Morehead City~~
11 ~~Office of the Division of Marine Fisheries.~~ Division.

12 (C) The ~~Administrator/Executor~~ Administrator or Executor ~~may~~ shall only transfer a license in
13 the ~~Administrator/Executor~~ Administrator or Executor name on behalf of the estate to ~~a~~ an
14 eligible surviving family member. The surviving family member transferee ~~may~~ shall only
15 transfer the license to a third party purchaser of the deceased licensee's fishing vessel.
16 Transfers shall be made according to the provisions of Subparagraphs ~~(e) 2 — (e) (4) (2)~~
17 through (4) of this ~~Rule Paragraph.~~

18 ~~(d) Transfer forms submitted without complete and required information shall be deemed incomplete and will not be~~
19 ~~considered further until resubmitted with all required information.~~

20 ~~(e) It is unlawful for a person to accept transfer of a Standard or Retired Standard Commercial Fishing License for~~
21 ~~which they are ineligible.~~

22
23 *History Note: Authority G.S. 113-134; 113-168.1; 113-168.2; 113-168.3; 113-168.6; 113-182; 143B-289.52;*
24 *Eff. January 1, 1991;*
25 *Amended Eff. March 1, 1994;*
26 *Temporary Amendment Eff. August 1, 1999; July 1, 1999;*
27 *Amended Eff. August 1, 2000;*
28 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*