

REQUEST FOR TECHNICAL CHANGE

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10F .0102

**DEADLINE FOR RECEIPT: Thursday, October 11, 2018**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

*Line 12 – delete “, but not limited to,”*

*Lines 25-26 – replace “ownership and shall include” with “ownership, including”*

*Page 2, line 6 – add “the” after “number of”*

*Page 2, line 12 – add “the” before “vessel”*

*Page 2, line 24 – correctly format the added semicolon*

*Page 3, line 8 – replace “sail/inboard” with “sail with inboard”*

*Page 3, line 9 – replace “sail/outboard” with “sail with outboard”*

*Page 3, line 27 – replace “document(s)” with documents”*

*Page 4, line 24 – replace “is” with “shall be”*

*Page 4, line 29 – replace “(use).” with “use.”” The period should be inside the quotation mark.*

*Page 4, line 31 – add a comma before “if applicable”*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Thursday, September 27, 2018

1 15A NCAC 10F .0102 is adopted with changes as published in 32:23 NCR 2538 as follows:

2  
3 **15A NCAC 10F .0102 APPLICATION FOR CERTIFICATE OF VESSEL NUMBER**

4 (a) Definitions. The definitions in G.S. 75A-2 shall apply throughout this Subchapter and to all forms prescribed  
5 pursuant to this Subchapter. As used in this Subchapter, the following definitions shall also apply:

6 (1) “Boating Accident” means a collision, accident, casualty, or occurrence involving a vessel or its  
7 equipment and resulting in:

8 (A) damage by or to the vessel, its equipment, or other property;

9 (B) injury or loss of life to any person; or

10 (C) the disappearance of any person from a vessel under circumstances that indicate the possibility  
11 of death or injury.

12 A “boating accident” includes, but is not limited to, capsizing, collision, foundering, flooding, fire,  
13 explosion, and the disappearance of a vessel other than by theft.

14 (2) “Certificate of Title” means a document that serves as evidence of ownership of a vessel.

15 (3) “Dealer” means a person, firm, or corporation engaged in the business of offering vessels for sale at  
16 retail or wholesale from an established location.

17 (4) “Government Agency Vessel” means a vessel owned and operated by the United States or a federal  
18 agency, a state, or a subdivision of a state.

19 (5) “Livery Vessel” means a vessel that is rented or leased by the owners to an individual for a defined  
20 period of time.

21 (6) “Manufacturer” means a person, firm, or corporation engaged in the business of manufacturing vessels  
22 either upon prior commission or for the purpose of sale after manufacture.

23 (7) “Nonprofit Rescue Squad Vessel” means a vessel owned and operated by a nonprofit rescue squad  
24 exclusively for rescue purposes, including rescue training.

25 (8) “Proof of Ownership Document” means a document that provides evidence of ownership and shall  
26 include a Certificate of Number or a Certificate of Title issued by the Commission or any similar  
27 document issued by another state or country, an affidavit, a bill of sale, a manufacturer’s statement of  
28 origin, or any other document that establishes ownership.

29 (9) “Vessel Agent” means an individual or business authorized by the Commission to conduct vessel  
30 transactions.

31 ~~(a)~~ (b) General. The certificate of numbering and certificate of titling requirements of G.S. 75A-4, 75A-7, 75A-34,  
32 and 75A-35 shall apply to all vessels operated on the public waters of North Carolina, including livery vessels,  
33 commercial fishing vessels, and commercial passenger vessels. Vessels operated pursuant to a dealer’s or  
34 manufacturer’s certificate of number for demonstration or testing purposes, government agency vessels, and non-  
35 profit rescue squad vessels shall not be subject to the titling requirements of G.S. 75A-34 and G.S. 75A-35 but shall  
36 remain subject to the certificate of numbering requirements of G.S. 75A-4 and G.S. 75A-7. Every owner applying for  
37 a certificate of number ~~or and~~ certificate of title of a vessel, if applicable, ~~required to be numbered~~, pursuant to G.S.

1 ~~75A 4 and 75A 7 or required to be titled pursuant to G.S. 75A 34 and 75A 35 shall apply to the North Carolina~~  
2 ~~Wildlife Resources Commission or to one of its Wildlife Service Agents- vessel agents~~ using an application ~~provided~~  
3 ~~by the Wildlife Resources available on the Commission website at www.ncwildlife.org. The application shall contain~~  
4 ~~the following information:~~ The application shall include the following information:

- 5 (1) the name of owner(s); the owners;
- 6 (2) the address, telephone number, date of birth, and North Carolina driver license number of  
7 owner(s);owners;
- 8 (3) ~~present the current~~ or previous certificate of number number, if applicable; (if any);
- 9 (4) ~~desired the desired~~ period of certificate of number (one or three years); number, either one or three  
10 years;
- 11 (5) ~~primary the primary use of vessel (pleasure, livery, demonstration, commercial passenger,~~  
12 ~~commercial fishing, other commercial, other); vessel:~~
  - 13 (A) pleasure;
  - 14 (B) livery;
  - 15 (C) demonstration;
  - 16 (D) commercial fishing;
  - 17 (E) commercial passenger;
  - 18 (F) other commercial; or
  - 19 (G) other;
- 20 (6) ~~model of vessel (if known); the model of the vessel, if known;~~
- 21 (7) ~~manufacturer (if known); the manufacturer, if known;~~
- 22 (8) the year of manufacture or model year (if known); year, if known;
- 23 (9) the manufacturer's hull identification number (if any); number, if any;
- 24 (10) ~~overall the~~ length of the vessel in feet and inches;
- 25 (11) ~~the type of vessel (open, cabin, houseboat, personal watercraft, pontoon, other); vessel:~~
  - 26 (A) open;
  - 27 (B) cabin;
  - 28 (C) houseboat;
  - 29 (D) personal watercraft;
  - 30 (E) pontoon; or
  - 31 (F) other;
- 32 (12) ~~hull material (wood, metal, fiberglass, inflatable, plastic, other); the hull material:~~
  - 33 (A) wood;
  - 34 (B) metal;
  - 35 (C) fiberglass;
  - 36 (D) plastic;
  - 37 (E) inflatable; or

- 1 (F) other;  
 2 (13) ~~type of propulsion (inboard; outboard; inboard-outdrive; jet drive; sail; auxiliary sail/inboard;~~  
 3 ~~auxiliary sail/outboard, other);~~ the type of propulsion:  
 4 (A) inboard;  
 5 (B) outboard;  
 6 (C) inboard outdrive;  
 7 (D) sail;  
 8 (E) auxiliary sail/inboard;  
 9 (F) auxiliary sail/outboard; or  
 10 (G) jet Drive;  
 11 (14) ~~type of fuel (gasoline, diesel, electric, other);~~ the type of fuel:  
 12 (A) gasoline;  
 13 (B) diesel;  
 14 (C) electric; or  
 15 (D) other;  
 16 (15) a proof of ownership document;  
 17 (16) ~~the signature of the owner(s);~~ owners;  
 18 (17) ~~the make of motor (if if over 25 horsepower);~~ horsepower, including serial number, number and  
 19 purchase price of motor;  
 20 (18) the lien holder name, address, and telephone number;  
 21 (19) the effective lien date;  
 22 (20) the county where vessel is taxed; and  
 23 (21) ~~status proof of United States Coast Guard documentation.~~ documentation, if applicable.

24  
 25 ~~(b)~~ (c) Application for certificate of number and certificate of title. The ~~owner(s)~~ owners shall complete and submit  
 26 an application for a certificate of number, ~~along with the proof of ownership document and proof of ownership~~  
 27 document(s), and applicable fees to the Wildlife Resources Commission or one of its authorized vessel agents for  
 28 processing within 15 days of the date of sale. A new certificate of number shall be issued for new or ~~never before~~  
 29 never-before registered vessels. For a period of 60 days following the date of sale, the new ~~owner~~ owners may use a  
 30 copy of the proof of ownership ~~document, provided it contains the date of sale,~~ document as a temporary certificate  
 31 of number pending receipt of the original certificate, certificate, provided it contains the date of sale. ~~If the vessel is~~  
 32 14 feet or longer or is a personal watercraft, then a Certificate of Title for Vessel shall be issued, including recordation  
 33 of any liens listed on the application. If required, a certificate of title shall be issued and all reported liens shall be  
 34 recorded.

35 ~~(e)~~ (d) Livery Vessel Owners. A "livery vessel" is one that is rented or leased to an individual for a specific time  
 36 period by the owners(s). The certificate of numbering and certificate of titling requirements of G.S. 75A-4, 75A-7,  
 37 75A-34, and 75A-35 apply to livery vessels. Upon receipt of a completed ~~application,~~ application and a copy of the

1 lease or rental agreement form and fee, the ~~Wildlife Resources~~ Commission shall issue to the applicant a certificate  
 2 of number and, if ~~applicable according to the standards in Paragraph (b) of this Rule,~~ applicable, a certificate of title.  
 3 ~~(d) (c) Dealers and Manufacturers of Vessels. A "manufacturer" as the term is used in this Rule is defined as a person,~~  
 4 ~~firm, or corporation engaged in the business of manufacturing vessels either upon prior commission or for the purpose~~  
 5 ~~of selling them after manufacture. A "dealer" as the term is used in this Rule is defined as a person, firm, or corporation~~  
 6 ~~engaged in the business of offering vessels for sale at retail or wholesale from an established location(s). The~~  
 7 ~~certificate of numbering requirements of G.S. 75A 4 and 75A 7 apply to vessels belonging to dealers and~~  
 8 ~~manufacturers. Upon receipt of a completed application and fee, the Wildlife Resources Commission shall issue to~~  
 9 the applicant a certificate of number that may be used in connection with the operation of any vessel in the possession  
 10 of the dealer or manufacturer when the vessel is being demonstrated. Dealer and manufacturer ~~certificate of numbers~~  
 11 certificates of number shall not be transferred. A new certificate of number shall be issued upon sale or transfer.  
 12 Demonstration vessels shall not be titled so long as the vessel is owned by the dealer or manufacturer. Vessels owned  
 13 or possessed by dealers or manufacturers for personal use or for any use other than for demonstration and testing  
 14 purposes shall be individually registered in the name of the dealer or manufacturer in accordance with ~~Paragraph (a)~~  
 15 the certificate of number requirements of Paragraph (b) of this Rule. Additional ~~dealer's~~ dealer or ~~manufacturer's~~  
 16 manufacturer certificates of number may be obtained by making application in the same manner as prescribed for the  
 17 initial certificate with payment of ~~an additional~~ a fee for each additional certificate. Dealers and manufacturers may  
 18 register individual vessels in accordance with Rule .0104(a) of this Section.

19 ~~(e) (f) Government Agency and Nonprofit Rescue Squad Vessels. The certificate of numbering requirements of G.S.~~  
 20 ~~75A 4 and 75A 7 apply to vessels belonging to state or local government agencies. Upon receipt of a completed~~  
 21 ~~application and proof of ownership documents from a state or local government agency,~~ government agency or non-  
 22 profit rescue squad, the ~~Wildlife Resources~~ Commission shall issue to the applicant a permanent certificate of number.  
 23 There ~~is~~ shall be no fee for a permanent ~~state or local government agency or non-profit rescue squad~~ certificate of  
 24 number and the certificate is valid until the vessel is transferred to another government agency, an individual, a  
 25 business, or a dealer. Government agency and nonprofit rescue squad registered vessels shall not be titled.

26 ~~(f) (g) Commercial Fishing Vessel. The certificate of numbering and certificate of titling requirements of G.S. 75A-~~  
 27 ~~4, 75A 7, 75A 34, and 75A 35 apply to commercial fishing vessels. The standard application for a certificate of~~  
 28 number shall be used for commercial fishing vessels with the term "commercial fishing" marked in the section  
 29 designated for ~~"primary use."~~ "primary use". Upon receipt of a completed application, proof of ownership document,  
 30 and fee, ~~as provided for in G.S. 75A 3 and 75A 5,~~ the ~~Wildlife Resources~~ Commission shall issue to the applicant a  
 31 certificate of number and, if ~~applicable according to the standards in Paragraph (b) of this Rule,~~ and if applicable, a  
 32 certificate of title.

33 ~~(g) (h) Commercial Passenger Vessel. The certificate of numbering requirements of G.S. 75A 4, 75A 7, 75A 34, and~~  
 34 ~~75A 35 apply to commercial passenger vessels. Upon receipt of a completed application, proof of ownership~~  
 35 document, and fee, the ~~Wildlife Resources~~ Commission shall issue to the applicant a certificate of number and, if  
 36 ~~applicable according to the standards in Paragraph (b) of this Rule,~~ and, if applicable, a certificate of title.

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*History Note: Authority G.S. 75A-3; 75A-5; 75A-7; 75A-19; 75A-34; 75A-35; 33 C.F.R. 174.17;*  
*Eff. February 1, 1976;*  
*Amended Eff. August 31, 1980;*  
*Legislative Objection Lodged Eff. December 16, 1980;*  
*Amended Eff. July 1, 1988 at ARRC request to cure referenced Legislative Objection;*  
*Amended Eff. August 1, 2014; May 1, 2007; July 1, 1998; April 1, 1997; November 1, 1993; August*  
*1, 1988; July 1, 1988.*  
*Readopted Eff. October 1, 2018.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10F .0103

**DEADLINE FOR RECEIPT: Thursday, October 11, 2018**

**PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

*Line 17 – add a comma after “fees”*

*Lines 17-18 – move “within 15 days of the date of sale” to immediately before “to the Commission” and after the added comma after “fees”*

*Page 2, line 3 – do not capitalize “bill”*

*Page 2, line 10 – replace “submit the” with “submit an”*

*Page 2, line 12 – add a comma after “fees”*

*Page 2, lines 12-13 – move “within 15 days of the date of sale” to immediately before “to the Commission” and after the added comma after “fees”*

*Page 2, line 36 – add a comma after “judgment”*

*Page 3, lines 5-6 – move “within 15 days of the date of sale” to immediately before “to the Commission” and after “fees,”*

*Page 3, line 33 – replace “submit the” with “submit an”*

*Page 3, line 35 – add a comma after “fees”*

*Page 3, lines 35-36 – move “within 15 days of the date of sale” to immediately before “to the Commission” and after the added comma after “fees”*

*Page 3, line 35 – delete “Wildlife Resources”*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel

Date submitted to agency: Thursday, September 27, 2018

1 15A NCAC 10F .0103 is amended as published in 32:23 NCR 2540 as follows:

2  
3 **15A NCAC 10F .0103 TRANSFER OF OWNERSHIP**

4 (a) Transfer of previously registered and titled vessels.

5 (1) Transfer of previously registered and titled vessels from one individual ~~owner(s)~~ owners to another.

6 (A) When the ownership of a titled vessel is transferred, the ~~owner(s)~~ owners listed on the face  
7 of the ~~Certificate of Title for Vessel~~ certificate of title shall complete the Assignment of  
8 Title section on the reverse side of the ~~Certificate of Title~~ certificate of title and surrender  
9 the title to the new ~~owner(s)~~ owners. All outstanding liens shall be satisfied before the  
10 ~~Certificate of Title title is surrendered to the new owners(s)~~ surrendered. If the ownership  
11 of a titled vessel is transferred by court order, will, settlement agreement, separation  
12 agreement, ~~judgment or judgment~~, or other document and the original title is not available,  
13 the previous ~~owner(s)~~ owners or estate representative shall provide the new ~~owner(s)~~  
14 owners with documents establishing ownership.

15 (B) The new ~~owner(s)~~ owners shall submit an application for a certificate of number and  
16 certificate of title, along with the properly assigned ~~Certificate of Title~~ certificate of title  
17 and applicable fees to the ~~Wildlife Resources~~ Commission or one of its ~~authorized vessel~~  
18 agents for processing within 15 days of the date of sale. The new ~~owner(s)~~ owners shall  
19 indicate on the application whether or not any liens exist on the vessel. If applicable, a  
20 new ~~Certificate of Title for Vessel~~ certificate of title shall be issued, ~~including recordation~~  
21 ~~of any new liens listed on the application~~ issued and all reported liens shall be recorded.  
22 The original certificate of number shall be retained when a ~~vessel~~, vessel that was  
23 previously registered in North ~~Carolina~~, Carolina is transferred to a new owner. A new  
24 certificate of number shall be issued to ~~vessels previously registered in another state or to~~  
25 ~~vessels never before registered~~ a vessel that was previously registered in another state or  
26 never before registered.

27 (C) For 60 days following the transfer of ownership of a previously titled vessel, the new owner  
28 may use a copy of the properly assigned ~~Certificate of Title~~ certificate of title as a  
29 temporary certificate of number pending receipt of his or her own certificate provided the  
30 certificate is validated in accordance with Part (b)(1)(A) of this Rule.

31 (2) Transfer of previously registered and titled vessels through a dealer.

32 (A) When the ownership of a titled vessel is transferred to a dealer, the ~~owner(s)~~ owners listed  
33 on the face of the ~~Certificate of Title for Vessel~~ certificate of title shall complete the  
34 Assignment of Title section on the reverse side of the ~~Certificate of Title~~ certificate of title  
35 and surrender the title to the dealer. All outstanding liens shall be satisfied before the  
36 certificate of title is surrendered to the dealer.

1 (B) When the vessel is subsequently sold, the dealer shall, on the day of the sale, provide the  
 2 new ~~owner(s)-owners~~ the original ~~Certificate of Title~~ certificate of title completed by the  
 3 previous ~~owner(s)-owners~~ and a Dealer ~~dealer~~ Bill of sale. The ~~Dealer's Bill of Sale~~ shall  
 4 ~~include the dealer's name, the name of the new owner(s), the date of sale, certificate of~~  
 5 ~~number, manufacturer's hull identification number, model, year, and length of the vessel.~~  
 6 dealer bill of sale shall include the dealer's name; the name of the new owners; the date of  
 7 sale; the certificate of number; the manufacturer's hull identification number; and the  
 8 model, year, and length of the vessel. The ~~Dealer's Bill of Sale~~ dealer bill of sale shall be  
 9 signed by both the dealer and the new ~~owner(s)-owners~~.

10 (C) The new ~~owner(s)-owners~~ shall complete and submit the ~~standard~~ application for a  
 11 certificate of number and ~~Certificate of Title~~, certificate of title, along with the properly  
 12 assigned certificate of title, Dealer Bill of Sale, and applicable fees to the ~~Wildlife~~  
 13 ~~Resources~~ Commission or one of its ~~authorized~~ vessel agents for processing within 15 days  
 14 of the date of sale. If applicable, a new ~~Certificate of Title for Vessel~~ certificate of title  
 15 ~~shall be issued, including recordation of any new liens listed on the application. issued and~~  
 16 ~~all reported liens shall be recorded.~~ The original certificate of number shall be retained  
 17 when a ~~vessel,~~ vessel that was previously registered in North ~~Carolina,~~ Carolina is  
 18 transferred to a new ~~owner(s)-owners~~. A new certificate of number shall be issued to  
 19 ~~vessels previously registered in another state or vessels never before registered. a vessel~~  
 20 ~~that was previously registered in another state or never before registered.~~

21 (D) For a period of 60 days following the transfer of ownership of a previously registered  
 22 vessel, the new owner may use a copy of the ~~Dealer's Bill of Sale~~ dealer bill of sale as a  
 23 temporary certificate of number pending receipt of his or her own certificate provided the  
 24 certificate is validated in accordance with Part (b)(1)(A) of this Rule.

25 (b) Transfer of previously registered, non-titled vessels.

26 (1) Transfer of a previously registered, non-titled vessel from one individual owner to another.

27 (A) If the ownership of a previously registered vessel is ~~transferred,~~ transferred by sale or gift,  
 28 the previous ~~owner(s)-owners~~ shall complete a notarized bill of sale. The bill of sale shall  
 29 be given to the new ~~owner~~ owners and shall include ~~the previous owner's name, the new~~  
 30 ~~owner's name, the date of sale or gift, certificate of number, manufacturer's hull~~  
 31 ~~identification number, model, year, and length of the vessel. the previous owners' names;~~  
 32 the new owners' names; the date of sale or gift; the certificate of number; the  
 33 manufacturer's hull identification number; and the model, year, and length of the vessel.  
 34 The previous owner's signature shall be notarized. If the ownership of a previously  
 35 registered vessel is transferred by a court order, will, settlement agreement, separation  
 36 agreement, judgment or other document, the previous ~~owner(s)-owners~~ or representative

- 1 of the estate shall provide the new ~~owner(s)~~ owners with documents establishing  
 2 ownership.
- 3 (B) The new owner shall complete and submit an application for a certificate of number and  
 4 ~~Certificate of Title, certificate of title,~~ along with the proof of ownership document and  
 5 applicable fees, to the ~~Wildlife Resources~~ Commission or one of its authorized vessel  
 6 agents for processing within 15 days of the date of sale or gift. If applicable, a new  
 7 ~~Certificate of Title for Vessel certificate of title shall be issued, including recordation of~~  
 8 ~~any new liens listed on the application. be issued and all reported liens shall be recorded.~~  
 9 The original certificate of number shall be retained when a vessel previously registered in  
 10 North Carolina is transferred to a new owner. A new certificate of number shall be issued  
 11 to vessels previously registered in another State or ~~to vessels~~ never before registered.
- 12 (C) For 60 days following the transfer of ownership of a previously registered vessel, the new  
 13 owner may use a copy of the proof of ownership ~~document, provided it contains the date~~  
 14 ~~of sale, document~~ as a temporary certificate of number pending receipt of his or her own  
 15 certificate provided the certificate is validated in accordance with Part (b)(1)(A) of this  
 16 Rule.
- 17 (2) Transfer of a previously registered, non-titled vessel through a dealer.
- 18 (A) The ~~owner(s)~~ owners selling or transferring a previously registered vessel to a dealer shall  
 19 complete a notarized bill of sale naming the dealer as the new owner. The bill of sale shall  
 20 be given to the dealer and shall include the previous ~~owner's name, date of sale, certificate~~  
 21 ~~of number, manufacturer's hull identification number, model, year, and length of the vessel.~~  
 22 owners' names; the dealers name; the date of sale; the certificate of number; the  
 23 manufacturer's hull identification number; and the model, year, and length of the vessel.  
 24 The signature of the previous ~~owner(s)~~ owners shall be notarized.
- 25 (B) When the vessel is ~~subsequently sold, the dealer shall, on the day of the sale, provide the~~  
 26 ~~new owner(s) a dealer bill of sale. sold, the dealer shall provide the new owners a dealer~~  
 27 bill of sale on the day of the sale. The ~~dealer's~~ dealer bill of sale shall include the dealer's  
 28 ~~name, the new owner(s) name, the date of sale, certificate of number, manufacturer's hull~~  
 29 ~~identification number, model year, and length of the vessel~~ name; the new owners' names;  
 30 the date of sale; the certificate of number; the manufacturer's hull identification number;  
 31 and the model, year, and length of the vessel. The ~~dealer's~~ dealer bill of sale shall be signed  
 32 by both the dealer and the new ~~owner(s)~~ owners.
- 33 (C) The new ~~owner(s)~~ owners shall complete and submit the ~~standard~~ application for a  
 34 certificate of number and Certificate of Title, along with the proof of ownership document  
 35 and applicable fees to the Wildlife Resources Commission or one of its authorized vessel  
 36 agents for processing within 15 days of the date of sale. If applicable, a new ~~Certificate of~~  
 37 ~~Title for Vessel certificate of title shall be issued, including recordation of any new liens~~

1                   ~~listed on the application.~~ issued and all reported liens shall be recorded. The original  
2 certificate of number shall be retained when a vessel, previously registered in North  
3 Carolina, is transferred to a new ~~owner(s).~~ owners. A new certificate of number shall be  
4 issued to vessels previously registered in another state or vessels never before registered.

5           (D)     For a period of 60 days following the transfer of ownership of a previously registered  
6 vessel, the new owner may use a copy of the ~~dealer's~~ dealer bill of sale as a temporary  
7 certificate of number pending receipt of his or her own certificate provided the certificate  
8 is validated in accordance with Part (b)(1)(A) of this Rule.

9           (3)     Transfer of a vessel individually-registered to a dealer or manufacturer. Vessels that have been  
10 individually numbered by dealers or manufacturers shall upon transfer of ownership be governed  
11 by the provisions of Subparagraph (b)(1) of this Rule.

12  
13 *History Note:*     *Authority G.S. 75A-3; 75A-5; 75A-19; 75A-37; 33 C.F.R. 174.21;*  
14                   *Eff. February 1, 1976;*  
15                   *Amended Eff. August 1, 2014; May 1, 2007; July 1, 1998; April 1, 1997; February 1, 1995;*  
16                   *November 1, 1993; July 1, 1988; April 19, 1981;*  
17                   *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*  
18                   *6, 2016.*  
19                   *Amended Eff. October 1, 2018.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10F .0104

**DEADLINE FOR RECEIPT: Thursday, October 11, 2018**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

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In reviewing this Rule, the staff recommends that the following technical changes be made:

*Line 10 add commas after "address" and "dealer"*

*Page 2, line 11 – replace "sail/inboard" with "sail with inboard"*

*Page 2, line 12 – replace "sail/outboard" with "sail with outboard"*

*Page 2, line 30 – replace "Any" with "A"*

*Page 2, line 32 – replace "any" with "a"*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Thursday, September 27, 2018

1 15A NCAC 10F .0104 is amended as published in 32:23 NCR 2542 as follows:

2

3 **15A NCAC 10F .0104 CERTIFICATE OF NUMBER**

4 (a) General. Upon receipt of a completed application, a proof of ownership document, and ~~applicable fee(s), the~~  
 5 ~~applicable fees as provided in G.S. 75A-5(a1) and G.S. 75A-5.2(c), the Wildlife Resources~~ Commission shall issue to  
 6 the applicant a certificate of number ~~which shall authorize~~ authorizing the operation of the vessel. The certificate of  
 7 number shall be carried while operating the vessel and shall be presented for inspection to any law enforcement officer  
 8 upon request. The certificate of number shall include the following information:

- 9 (1) ~~the name of the owner(s), owners, dealer dealer,~~ the name of the owner(s), owners, dealer or manufacturer;  
 10 (2) ~~address, the address~~ including zip code, of the primary owner(s), owners, dealer or manufacturers;  
 11 (3) ~~the~~ title indicator;  
 12 (4) ~~the~~ certificate of number awarded to vessel;  
 13 (5) ~~the~~ expiration date of the certificate of number;  
 14 (6) ~~use of vessel (pleasure, livery, demonstration, commercial passenger, commercial fishing, other~~  
 15 ~~commercial; other); vessel use type:~~  
 16 (A) pleasure;  
 17 (B) livery;  
 18 (C) demonstration;  
 19 (D) commercial fishing;  
 20 (E) commercial passenger;  
 21 (F) other commercial; or  
 22 (G) other;  
 23 (7) ~~the model of vessel (if known); vessel, if known;~~  
 24 (8) ~~manufacturer (if known); the manufacturer, if known;~~  
 25 (9) ~~the year of manufacture or model year (if known); year, if known;~~  
 26 (10) ~~the manufacturer's hull identification number (if any); number, if any;~~  
 27 (11) ~~the~~ overall length of vessel;  
 28 (12) ~~the type of vessel :(open, cabin, houseboat, personal watercraft, pontoon, other); vessel:~~  
 29 (A) open;  
 30 (B) cabin;  
 31 (C) houseboat;  
 32 (D) personal watercraft;  
 33 (E) pontoon; or  
 34 (F) other;  
 35 (13) ~~hull material (wood, metal, fiberglass, plastic, inflatable, other); the hull material:~~  
 36 (A) wood;  
 37 (B) metal;

- 1 (C) fiberglass;  
 2 (D) plastic;  
 3 (E) inflatable; or  
 4 (F) other;
- 5 (14) ~~type of propulsion (inboard, outboard, inboard outdrive, sail, auxiliary sail/inboard, auxiliary~~  
 6 ~~sail/outboard, jet drive);~~ the type of Propulsion:  
 7 (A) inboard;  
 8 (B) outboard;  
 9 (C) inboard outdrive;  
 10 (D) sail;  
 11 (E) auxiliary sail/inboard;  
 12 (F) auxiliary sail/outboard;  
 13 (G) jet drive;
- 14 (15) ~~type of fuel (gasoline, diesel, electric, other);~~ the type of fuel:  
 15 (A) gasoline;  
 16 (B) diesel;  
 17 (C) electric;  
 18 (D) other;
- 19 (16) a notice to owner that he shall report within 30 days changes of address or ownership, and  
 20 destruction or abandonment of vessel;
- 21 (17) the signature of the ~~owner;~~owners; and
- 22 (18) a notice to the owner that the operator shall:  
 23 (A) always carry this certificate on vessel when in use;  
 24 (B) report any accident involving injury or death to ~~persons,~~ persons or property damage ~~more~~  
 25 ~~than~~ in excess of two thousand dollars (\$2,000.00); and  
 26 (C) stop and render assistance if involved in boating accident.
- 27 (b) ~~Livery Vessel Owners. The certificate of number awarded to a livery vessel shall be marked "livery vessel" and~~  
 28 ~~shall include the same information in Paragraph (a) of this Rule.~~
- 29 (e) (b) ~~Dealers and Manufacturers. The certificate of number awarded to dealers and manufacturers shall be marked~~  
 30 ~~"dealer" or "manufacturer" in lieu of the description of the vessel, motor and type of fuel. Any dealer or manufacturer~~  
 31 ~~demonstrating or testing a vessel may utilize use a set of dealer's dealer numbers and the corresponding dealer's dealer~~  
 32 ~~certificate of number to operate any vessel held for sale, but only for demonstration or testing purposes. Vessels~~  
 33 ~~owned or possessed by dealers or manufacturers for personal use or for any use whatsoever other than for~~  
 34 ~~demonstration and testing purposes must shall be individually registered in the name of the dealer in accordance with~~  
 35 ~~Paragraph (a) of this Rule.~~

1 ~~(d)~~ (c) Government agency. The certificate of number awarded to State or local government agencies shall be marked  
 2 "permanent" and shall include the same information in Paragraph (a) of this Rule; however, there will There shall be  
 3 no title indicator or expiration date listed for permanent certificate of numbers.

4 ~~(e)~~ Commercial Fishing. The certificate of number awarded to a commercial fishing vessel shall be marked  
 5 "commercial fishing" and shall include the same information in Paragraph (a) of this Rule.

6 ~~(f)~~ Commercial Passenger. The certificate of number awarded to a commercial passenger vessel shall be marked  
 7 "commercial passenger" and shall include the same information in Paragraph (a) of this Rule.

8 ~~(g)~~ ~~(d)~~ Vessel Registration Agents. In order to make certificates of number readily available throughout the State,  
 9 ~~vessel dealers, manufacturers, and other related~~ Vessel dealers, manufacturers, and other businesses ~~which that~~ operate  
 10 from locations within North Carolina may be appointed as ~~wildlife service vessel~~ agents of the ~~Wildlife Resources~~  
 11 Commission and be authorized to issue temporary certificates of number for new registrations, transfers of ownership,  
 12 ~~renewal~~ renewals, and duplicate transactions. All official certificates of ~~numbers~~ number shall be processed and  
 13 mailed from the ~~Wildlife Resources~~ Commission headquarters. Rules governing the appointment and operations of  
 14 ~~wildlife service vessel~~ agents are contained in 15A NCAC 10G .0400 ~~Wildlife Service Agents~~, WILDLIFE SERVICE  
 15 AGENTS.

16  
 17 *History Note: Legislative Objection Lodged Eff. December 16, 1980;*  
 18 *Authority G.S. 75A-3; 75A-5; 75A-5.2; 75A-7; 75A-19; 33 C.F.R. 174.19;*  
 19 *Eff. February 1, 1976;*  
 20 *Amended Eff. May 1, 2007; July 1, 1998; April 1, 1997; July 1, 1988; August 31, 1980; January 1,*  
 21 *1980;*  
 22 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*  
 23 *6, 2016.*  
 24 *Amended Eff. October 1, 2018.*  
 25  
 26

REQUEST FOR TECHNICAL CHANGE

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10F .0105

**DEADLINE FOR RECEIPT: Thursday, October 11, 2018**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

*To whom does this Rule apply? Does the State issue the certificate of number and assign the number (it appears so based upon the language of the CFR, the statutes, this Rule and Rule .0104)? If so, this Rule appears to be unnecessary and looks like guidance that the State will follow internally to issue the number. The Rule does not appear impose any duty on your regulated public.*

*Why are (a) and (b) necessary? They seem to be reciting 33 CFR 174.23.*

*Lines 4-6 consider revising Paragraph (a) as follows:*

- (a) General. The certificate of number shall consist of:
  - (1) the abbreviation "NC" followed by a space or hyphen; and
  - (2) a number consisting of not more than four Arabic numerals followed by a space or hyphen; and
  - (3) one or two capital letters.

*Line 6 – what does “in accordance with serials, numerically and alphabetically” mean?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Thursday, September 27, 2018

1 15A NCAC 10F .0105 is amended as published in 32:23 NCR 2543 as follows:

2

3 **15A NCAC 10F .0105 NUMBERING PATTERN**

4 (a) General. The certificate of number ~~assigned~~ shall consist of the ~~symbol~~ abbreviation "NC" identifying the state,  
5 followed by not more than four Arabic numerals and two capital letters, in sequence, separated by a hyphen or  
6 equivalent space, in accordance with the serials, numerically and alphabetically. ~~As examples: NC 1 A or~~  
7 ~~NC 1234 AA.~~

8 (b) ~~Individual. Prohibited Letters. Since the letters "I," "O," and "Q" may be mistaken for Arabic numerals, they shall~~  
9 ~~not be used in the letter sequences. The Letters "I", "O", and "Q" shall not be used in any certificate of number letter~~  
10 ~~sequence. Letters, Letters or letters and numbers forming words or combinations shall not be used.~~

11 (c) Government Agency. The single letter "P" shall be ~~reserved for use~~ used following the numerals of vessels  
12 ~~numbered-owned~~ by governmental entities.

13 (d) ~~Dealer/Manufacturer. Dealers and Manufacturers.~~ The single letter "X" shall be ~~reserved for use~~ used following  
14 the numerals of vessels numbered for demonstration purposes by dealers and manufacturers.

15

16 *History Note: Authority G.S. 75A-3; 75A-5; 75A-7; 75A-19; 33 C.F.R. 174.23;*

17 *Eff. February 1, 1976;*

18 *Amended Eff. May 1, 2007; July 1, 1998; April 1, 1997; September 1, 1996; August 31, 1980;*

19 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*  
20 *6, 2016.*

21 *Amended Eff. October 1, 2018.*

22

23

REQUEST FOR TECHNICAL CHANGE

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10F .0106

**DEADLINE FOR RECEIPT: Thursday, October 11, 2018**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

*Line 5 – delete “for identification”*

*Line 13 – replace “Where” with “If”*

*Line 21 – replace “IN accordance with federal law, a” with “A”*

*Line 22 – add “be required to” after “shall not” if that is what is meant. If the intend is to forbid a Coast Guard vessel from displaying State vessel numbers, do not make this change.*

*Line 22 – capitalize “State” if North Carolina is meant.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Thursday, September 27, 2018

1 15A NCAC 10F .0106 is amended as published in 32:23 NCR 2544 as follows:

2

3 **15A NCAC 10F .0106 DISPLAY OF VESSEL NUMBERS**

4 (a) The vessel numbers shall be painted on or attached to each side of the forward half of the vessel for which the  
5 number was issued in a position that is visible and legible for identification. The numbers shall read from left to right  
6 and shall be in block characters not less than three inches in height. The numbers shall be of a solid color that contrasts  
7 with the color of the background and maintained to be visible and ~~legible; i.e., dark numbers on a light background,~~  
8 ~~or light numbers on a dark background.~~ legible.

9 (b) No other number, except the year date of the validation decal described in Rule .0107 of this Section, shall be  
10 carried on the bow of ~~such a numbered~~ vessel.

11 (c) Manufacturers or dealers may have the vessel number ~~awarded to them~~ printed upon or attached to a removable  
12 sign or signs to be temporarily ~~but firmly mounted upon~~ or attached to ~~the~~ a vessel being demonstrated, so long as the  
13 display meets the requirements ~~of Paragraph (a) of the Rules in this Section.~~ this Rule. Where a currently or previously-  
14 numbered vessel is being demonstrated with ~~a set of dealer's~~ dealer numbers, ~~the~~ all permanent numbers painted on  
15 or attached to the bow shall be covered.

16 (d) A vessel registered to a governmental entity and bearing the letter "P" shall continue to display the assigned  
17 numbers for so long as the vessel belongs to a governmental entity. Upon transfer of ownership ~~of a vessel registered~~  
18 ~~to a government entity~~ to a private ~~individual(s)~~ individual or business, the new owner shall apply to the ~~Wildlife~~  
19 ~~Resources~~ Commission for a new certificate of number ~~and shall be assigned a new certificate of number.~~ as provided  
20 in 15A NCAC 10F .0104.

21 (e) In accordance with federal law, ~~a~~ United States Coast Guard documented vessel registered in North Carolina  
22 shall not display the state vessel numbers.

23

24 *History Note: Authority G.S. 75A-3; 75A-5; 75A-19;*

25 *Eff. February 1, 1976;*

26 *Amended Eff. August 1, 2014; May 1, 2007; April 1, 1997;*

27 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*  
28 *6, 2016.*

29 *Amended Eff. October 1, 2018.*

30

31

1 15A NCAC 10F .0107 is amended as published in 32:23 NCR 2544 as follows:

2

3 **15A NCAC 10F .0107 VALIDATION DECAL**

4 ~~(a)~~ In addition to the certificate of number, the ~~Wildlife Resources~~ Commission shall supply to the owner of ~~each~~  
5 ~~vessel that is numbered, a numbered vessel~~ two validation decals indicating the certificate's year of expiration. The  
6 owner shall affix one validation decal in a position that is visible and legible on ~~the starboard~~ each side of the bow and  
7 ~~one validation decal on the port side bow of the vessel~~ following and within six inches of the vessel number. ~~The~~  
8 ~~owner of a~~

9 ~~(b)~~ A United States Coast Guard documented vessel shall affix one validation decal in a position that is visible and  
10 legible on the forward half of the starboard bow and one validation decal on the forward half of the port side bow.

11 ~~(c)~~ Any ~~A~~ validation ~~decals~~ decal issued for a numbered vessel ~~numbered on application~~ owned by a governmental  
12 entity shall contain no expiration date, ~~but~~ shall bear the letter "P" "P", and shall not be subject to renewal so long as  
13 the vessel remains the property of a governmental entity. When ~~any such a~~ vessel is transferred to private ownership,  
14 the decals shall be removed or ~~obliterated~~ destroyed by the transferring agency.

15

16 *History Note: Authority G.S. 75A-3; 75A-5; 75A-7; 33 C.F.R. 174.15;*

17 *Eff. February 1, 1976;*

18 *Amended Eff. January 1, 2015; May 1, 2007; April 1, 1997; August 31, 1980; January 1, 1980;*

19 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*  
20 *6, 2016.*

21 *Amended Eff. October 1, 2018.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10F .0109

**DEADLINE FOR RECEIPT: Thursday, October 11, 2018**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

*Line 10 – add “the” before “owners”*

*Line 10 – add a comma after “dealer”*

*Page 2, line 9 – do not capitalize “outdrive”*

*Page 2, line 11 – replace “sail/inboard” with “sail with inboard”*

*Page 2, line 12 – replace “sail/outboard” with “sail with outboard”*

*Page 2, line 21 – what does “transaction status” mean?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Thursday, September 27, 2018

1 15A NCAC 10F .0109 is amended as published in 32:23 NCR 2544 as follows:

2

3 **15A NCAC 10F .0109 TEMPORARY CERTIFICATE OF NUMBER**

4 (a) ~~Whenever~~ When a ~~wildlife service vessel~~ agent processes the final transaction to issue, renew, or transfer a  
5 certificate of number or to issue a duplicate certificate of ~~number-number~~, the new owner shall be issued a temporary  
6 certificate of number. For a period not exceeding 60 days following the date of the transaction, the vessel may be  
7 operated ~~on~~ with the temporary certificate of ~~number pending receipt of the regular certificate, number~~.

8 (b) ~~In order to be valid, the~~ The temporary certificate of number shall contain the following:

9 (1) the name of issuing wildlife service agent;

10 (2) the name and address of ~~owner(s), owners,~~ dealer or manufacturer;

11 (3) the title indicator;

12 (4) the certificate of number;

13 (5) ~~use of vessel (pleasure, livery, demonstration, commercial passenger, commercial fishing, other~~  
14 ~~commercial, other; vessel; the vessel use type:~~

15 (A) pleasure;

16 (B) livery;

17 (C) dealer or manufacturer;

18 (D) permanent;

19 (E) commercial fishing;

20 (F) commercial passenger;

21 (G) other commercial; or

22 (F) other;

23 (6) the model of vessel;

24 (7) the manufacturer;

25 (8) the year of manufacture or model year;

26 (9) the manufacturer's hull identification number;

27 (10) the length of vessel;

28 (11) the type of vessel (~~open, cabin, houseboat, personal watercraft, pontoon, other); vessel:~~

29 (A) open;

30 (B) cabin;

31 (C) houseboat;

32 (D) personal watercraft;

33 (E) pontoon; or

34 (F) other;

35 (12) the hull material (~~wood, metal, fiberglass, plastic, inflatable, other); material:~~

36 (A) wood;

37 (B) metal;

- 1                   (C) fiberglass;  
2                   (D) plastic;  
3                   (E) inflatable; or  
4                   (F) other;  
5           (13) the type of propulsion; (~~inboard, outboard, inboard outdrive; sail, auxiliary sail/inboard, auxiliary~~  
6                   sail/outboard, jet drive); propulsion:  
7                   (A) inboard;  
8                   (B) outboard;  
9                   (C) inboard Outdrive;  
10                  (D) sail;  
11                  (E) auxiliary sail/inboard;  
12                  (F) auxiliary sail/outboard; or  
13                  (G) jet drive;  
14           (14) the type of fuel (~~gasoline, diesel, electric, other~~); fuel:  
15                   (A) gasoline;  
16                   (B) diesel;  
17                   (C) electric; or  
18                   (D) other;  
19           (15) the date the temporary certificate of number is issued;  
20           (16) the date the temporary certificate of number expires;  
21           (17) the transaction status; and  
22           (18) the signature of ~~owner(s)~~ the owners.

23  
24 *History Note:* *Authority G.S. 75A-3; 75A-5; 33 C.F.R. 174.21;*  
25 *Eff. April 1, 1997;*  
26 *Amended Eff. May 1, 2007; July 1, 1998;*  
27 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*  
28 *6, 2016.*  
29 *Amended Eff. October 1, 2018.*

1 15A NCAC 10F .0110 is amended as published in 32:23 NCR 2545 as follows:

2  
3 **15A NCAC 10F .0110 ABANDONED VESSELS**

4 ~~(a) General. An abandoned vessel is defined as a vessel that has been relinquished, left or given up by the lawful~~  
5 ~~owner(s) without the intention to later resume any right or interest in such vessel. It does not include any vessel left~~  
6 ~~by an owner(s) or agent of the owner(s) with any person or business for the purpose of storage, maintenance or repair~~  
7 ~~which is not subsequently claimed.~~

8 ~~(b) Abandonment: (a) Any person finding an abandoned vessel can~~ may apply to the Commission to become the  
9 registered and titled owner of an abandoned vessel, the vessel, provided the previous owner(s) cannot be located and  
10 that the vessel missing or stolen. ~~The applicant shall: shall comply with the following procedures to seek ownership~~  
11 ~~of such vessel:~~

- 12 (1) ~~The Finder shall send a Certified Letter, certified letter with return receipt requested, requested to~~  
13 ~~the last registered owner(s); owners. The Finder applicant shall demonstrate provide proof to the~~  
14 ~~Wildlife Resources Commission that this letter was not deliverable or that the last registered~~  
15 ~~owner(s) owners failed to acknowledge or respond, respond;~~
- 16 (2) ~~The Finder shall provide to the Wildlife Resources Commission a written police report to the~~  
17 ~~Commission stating that the abandoned vessel has not been reported missing or stolen in the area~~  
18 ~~where it is listed as being moored, moored; and~~
- 19 (3) ~~The Finder shall complete and submit to the Commission an application for a certificate of number~~  
20 ~~and certificate of title, title and shall submit:~~
  - 21 ~~(A) along with a notarized statement summarizing when and where the vessel was found, found;~~
  - 22 ~~(B) the evidenced documentation of all attempts to locate the owner(s), owners;~~
  - 23 ~~(C) any all available evidence that the vessel is abandoned, abandoned;~~
  - 24 ~~(D) statements from any other persons knowledgeable about the history of the vessel vessel; and~~
  - 25 ~~(E) all applicable fees to the Wildlife Resources Commission, fees.~~

26 ~~(c) (b) The Wildlife Resources Commission shall consider the evidence and documentation presented, presented when~~  
27 ~~determining if a vessel has been abandoned. If Wildlife Resources the Commission determines that the vessel has~~  
28 ~~been abandoned, it the Commission shall issue a certificate of number and certificate of title to the applicant.~~

29  
30 *History Note: Authority G.S. 113-134; 75A-5(i2);*  
31 *Eff. May 1, 2007;*  
32 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*  
33 *6, 2016.*  
34 *Amended Eff. October 1, 2018.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10F .0201

**DEADLINE FOR RECEIPT: Thursday, October 11, 2018**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

*Line 11 – replace “by” with “in”*

*Line 11 – add “shall” before “apply”*

*Line 13 – spell “regulations” correctly*

*Line 19 – replace “unless” with “unless, for each person on the vessel,”*

*Lines 19-20 – define “readily accessible”*

*Line 20 – delete “for each person”*

*Line 22 – define “immediately available”*

*Line 26 – define “appropriate”*

*Line 37 – define “serviceable condition”*

*Page 2, line 1 – define “appropriate”*

*Page 2, line 3 – define or delete “legibly” unless it is defined in the referenced regulations*

*Page 2, line 10 – define “routinely used”*

*Line 18 – replace “are” with “shall be”*

*Lines 19-28 – consider revising as follows:*

- (1) All motorboats shall carry at least the minimum number of USCG-approved hand portable fire extinguishers specified in this Rule if:
  - (A) the motorboat has closed compartments under thwarts and seats in which portable fuel tanks may be stored;

Jason Thomas  
Commission Counsel

Date submitted to agency: Thursday, September 27, 2018

- (B) the motorboat has double bottoms that are not sealed to the hull or that are not completely filled with flotation material;
- (C) the motorboat has closed living spaces;
- (D) the motorboat has closed stowage compartments in which combustible or flammable materials are stowed;
- (E) the motorboat has permanently installed fuel tanks; or
- (F) the motorboat is Class 2 or longer.

*Page 3, line 6 – define or delete “acceptable”*

*Page 3, line 8 – delete the comma after “vessels”*

*Page 3, line 10 – define or delete “proper and efficient” unless it is defined in the referenced regulations*

*Page 3, line 14 – add “shall be required as follows:” after “devices” and do not capitalize “devices”*

*Page 3, line 16 – define “efficient sound system”*

*Page 3, lines 19-23 – move these lines to after Subparagraph (7) and replace them with “Lights shall be required as follows:”*

*Page 3, line 20 – define “heavy rainstorms”*

*Page 3, line 20 – define “restricted visibility”*

*Page 3, line 22 – clarify “cannot be mistaken for the lights required by these Rules”*

*Page 3, lines 25 and 30 – are these “Vessels” the same as the vessels described in Subparagraphs (g)(3)-(7)? If not, add “other than those vessels described in Subparagraphs (g)(3)-(7) of this Rule” after “Vessels” if this preserves the meaning of this Paragraph.*

*Page 4, lines 7, 12, and 17 – define “sufficient time”*

*Page 4, line 9 – replace “Paragraph” with “Subparagraph”*

*Page 4, line 16 – define “good working condition”*

*Page 4, line 17 – define “temporarily”*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Thursday, September 27, 2018

1 15A NCAC 10F .0201 is amended as published in 32:23 NCR 2545 as follows:

2  
3 **15A NCAC 10F .0201 SAFETY EQUIPMENT**

4 ~~(a) Federal Regulations Adopted. As its regulations governing required equipment of vessels as defined in G.S. 75A-~~  
5 ~~2(5), pursuant to G.S. 75A-6, the Wildlife Resources Commission incorporates by reference, including subsequent~~  
6 ~~amendments and editions, the following federal regulations, to be applicable to vessels operated on all waters of this~~  
7 ~~state as defined by G.S. 75A-2(6): Code of Federal Regulations, Title 46, Part 25, and Title 33, Part 175, as~~  
8 ~~supplemented by the Federal Register. All vessels subject to the Rules of this Section shall meet the vessel equipment~~  
9 ~~requirements set forth in G.S. 75A-6(n), 46 CFR 25, and 33 CFR 175. 46 CFR 25 and 33 CFR 175 are incorporated~~  
10 ~~by reference, including subsequent amendments and editions, and can be found free of charge online at [www.ecfr.gov](http://www.ecfr.gov).~~  
11 ~~Notwithstanding the federal regulations incorporated by this Paragraph, Paragraphs (b) through (g) apply to vessels~~  
12 ~~operating in State waters. To the extent that the these vessel equipment requirements of G.S. 75A-6 conflict with these~~  
13 ~~the incorporated federal regulations, federal regulations shall supersede any and all State laws or regulations. they are~~  
14 ~~hereby modified to conform to the federal regulations as authorized by G.S. 75A-6(m) and 113-307. Without limitation~~  
15 ~~to the adoption of the Federal regulations named herein, Paragraphs (b) through (g) apply to vessels operating in State~~  
16 ~~waters.~~

17 (b) Personal flotation devices (hereinafter referred to as PFDs) ~~are shall be~~ required as follows ~~except~~  
18 ~~as provided in Subparagraph (6) of this Paragraph:~~ follows:

- 19 (1) No person may operate a vessel unless at least one Type I, ~~II~~ II, or III PFD is on board and readily  
20 accessible for each person.
- 21 (2) No person shall operate a vessel 16 feet or more in length unless one type IV PFD is on board and  
22 immediately available for use, in addition to the total number of PFDs required in Subparagraph (1)  
23 of this Paragraph.
- 24 (3) No person shall operate a vessel while ~~such~~ the vessel is underway with any child under 13 years  
25 old aboard unless each ~~such~~ child is:
- 26 (A) wearing an appropriate PFD approved by the Coast Guard; ~~or~~  
27 (B) below decks; or  
28 (C) in an enclosed cabin.

29 This Subparagraph ~~does~~ shall not apply to a vessel that is registered as a commercial vessel.

- 30 (4) A Type V PFD may be carried *in lieu* of any PFD required under Subparagraph (1) of this Paragraph  
31 provided:
- 32 (A) the approval label for the Type V PFD indicates that the device is approved for the activity  
33 for which the vessel is ~~used;~~ being used; or  
34 (B) the Type V PFD is used in accordance with the requirements on the approval label and  
35 with the requirements in its owner's manual.
- 36 (5) No person shall operate a vessel unless each required PFD is:
- 37 (A) in serviceable condition;

- 1 (B) of appropriate size and fit for the intended wearer;
- 2 (C) ~~USCG-United States Coast Guard~~ approved; and
- 3 (D) legibly marked with its approval number, as specified in ~~CFR Title 46 Part 25 and CFR~~
- 4 ~~Title 33 Part 175~~ 46 CFR 25 Uninspected Vessels, Requirements and 33 CFR 175 Personal
- 5 Flotation Devices.

6 (6) ~~Exemptions:~~ Exemptions shall apply as follows:

- 7 (A) Canoes and kayaks 16 feet in length and over ~~are~~ shall be exempted from the requirements
- 8 for carriage of the additional Type IV PFD as specified in Subparagraph (b)(2) of this Rule.
- 9 (B) Sailboards, surfboards, tubes, swimming rafts, inflatable ~~toys-toys,~~ and similar devices
- 10 routinely used as water toys or swimming aids ~~are~~ shall be exempted from the requirements
- 11 for carriage of any ~~type~~ PFD required under this Paragraph.
- 12 (C) Manually propelled vessels such as racing shells, rowing sculls, racing ~~canoes-canoes,~~ and
- 13 racing kayaks that are recognized by national and international racing associations for use
- 14 in competitive racing, that are not designed to carry any equipment not solely for
- 15 competitive racing, and in which all occupants with the with exception of a coxswain, if
- 16 one is ~~provided,~~ present, row, scull, or paddle, ~~are~~ shall be exempted from the requirements
- 17 for carriage of any type PFD required under this Paragraph.

18 (c) Fire Extinguishers are required as follows:

- 19 (1) All motorboats shall carry at least the minimum number of ~~USCG-approved~~ USCG-approved hand
- 20 portable fire extinguishers specified in this Rule if the motorboat has any of the following: if any
- 21 one of the following conditions exist:
- 22 (A) closed compartments under thwarts and seats wherein portable fuel tanks may be stored;
- 23 (B) double bottoms not sealed to the hull or which are not completely filled with flotation
- 24 material;
- 25 (C) closed living spaces;
- 26 (D) closed stowage compartments in which combustible or flammable materials are stowed;
- 27 (E) permanently installed fuel tanks; or
- 28 (F) motorboats of Class 2 or longer.
- 29 (2) ~~Motorboats of Class A and 1 (less than 26 feet):~~ Class A and Class 1 Motorboats less than 26 feet
- 30 in length shall carry ~~One~~ one Type B-I extinguisher.
- 31 (3) ~~Motorboats of Class 2~~ Class 2 Motorboats shall carry ~~Two~~ two Type B-I extinguishers.
- 32 (4) ~~Motorboats of Class 3~~ Class 3 Motorboats shall carry ~~Three~~ three Type B-I extinguishers
- 33 extinguishers.
- 34 (5) One Type B-II hand held fire extinguisher may be substituted for two B-I hand portable fire
- 35 extinguishers. A fixed fire extinguishing system installed in the engine compartment ~~is~~ shall be
- 36 deemed equal to one Type B-I hand portable fire extinguisher.

1 ~~Exemption to fire extinguisher requirements:~~ Open Vessels. Vessels less than 26 feet in length, propelled by outboard  
 2 motors and not carrying passengers for hire, ~~need not~~ shall not be required to carry such portable fire extinguishers if  
 3 the construction of ~~such motorboats~~ the vessels will not permit the entrapment of explosive or flammable gases or  
 4 vapors.

5 (d) Every engine, except outboard motors, using gasoline as fuel and installed in a vessel ~~must~~ shall be equipped  
 6 with an acceptable means of ~~backfire flame control~~. ~~An acceptable means of backfire flame control must meet that~~  
 7 meets the requirements of CFR Title 46 Part 25 and CFR Title 33 Part 175, 46 CFR 25 and 33 CFR 175.

8 (e) Every vessel, except ~~those open vessels~~ vessels, defined in Paragraph (c) of this Rule, using ~~as fuel~~ liquid of a  
 9 volatile nature as fuel, ~~shall be provided with such means of properly and efficiently ventilating the bilges of the~~  
 10 ~~engine and fuel tank compartments so as to~~ be equipped with proper and efficient ventilation, as required by 46 CFR  
 11 25.40-1, to remove any explosive or flammable gases. gases from the bilges of the engine and fuel tank compartments  
 12 that Proper and efficient ventilation meets the requirements of CFR Title 46 Part 25 and CFR Title 33 Part 175. 46  
 13 CFR 25 and 33 CFR 175.

14 (f) Sound Devices

15 (1) Vessels ~~of less than 12 meters (39.4 feet)~~ less than 12 meters or 39.4 feet in length shall be equipped  
 16 with some means of making an efficient sound signal; and

17 (2) Vessels equal to or greater than ~~12 meters (39.4 feet)~~ 12 meters or 39.4 feet in length shall be  
 18 ~~provided~~ equipped with a whistle and a bell ~~which that~~ complies comply with 33 USC § 2033.

19 (g) Lights. The lights prescribed by this Paragraph shall be exhibited from sunset to sunrise and in fog, mist, falling  
 20 snow, heavy rainstorms, sandstorms, or any other similar circumstances of restricted visibility. They may be exhibited  
 21 in all other circumstances when deemed necessary. During such times no other lights shall be exhibited, except ~~such~~  
 22 ~~lights as those that~~ cannot be mistaken for the lights specified in these Rules or Rules, do not impair their visibility or  
 23 distinctive character, or do not interfere with keeping a proper lookout. ~~They may be exhibited in all other~~  
 24 ~~circumstances when deemed necessary:~~

25 (1) Vessels equal to or greater than ~~12 meters (39.4 feet)~~ 12 meters or 39.4 feet but less than ~~20 meters~~  
 26 ~~(65.6 feet)~~ 20 meters or 65.6 feet in length shall exhibit:

27 (A) A masthead light forward visible for three miles;

28 (B) Sidelights, green to starboard and red to ~~port~~ port, visible for two miles; and

29 (C) A stern light visible for two ~~miles;~~ miles.

30 (2) Vessels less than ~~12 meters (39.4 feet)~~ 12 meters or 39.4 feet in length shall exhibit:

31 (A) An all-round white light visible for two miles; and

32 (B) Sidelights, green to starboard and red to ~~port~~ port, visible for 1 ~~mile;~~ mile.

33 (3) Sailing vessels underway that are ~~seven meters (23 feet)~~ seven meters or 23 feet in length or greater  
 34 shall exhibit:

35 (A) A stern light visible for two miles; and

36 (B) Sidelights, green to starboard and red to ~~port~~ port, visible for two ~~miles;~~ miles.

- 1 (4) In a sailing vessel less than ~~20 meters~~ 20 meters or 65.6 feet in length ~~length~~, the lights prescribed  
2 in Subparagraph (3) of this Paragraph may be combined in one lantern carried at or near the top of  
3 the mast where it can be best ~~seen~~; seen.
- 4 (5) A sailing vessel of less than ~~seven meters (23 feet)~~ seven meters or 23 feet in length shall, if  
5 practicable, exhibit the lights prescribed in Subparagraph (3) or (4) of this Paragraph; if not  
6 practicable the vessel shall have ready at hand an electric torch or lighted lantern showing a white  
7 light ~~which that~~ shall be exhibited in sufficient time to prevent a ~~collision~~; collision.
- 8 (6) A vessel under oars ~~may~~ shall ~~either~~ either:  
9 (A) exhibit the lights prescribed in Paragraph (5) of this Rule for sailing vessels; ~~but if not, it~~  
10 or  
11 (B) shall have ready at hand an electric torch or lighted lantern showing a white light ~~which~~  
12 that shall be exhibited in sufficient time to prevent a ~~collision~~; collision.
- 13 (7) ~~Vessels of 10 Horsepower or Less.~~ On public waters of this State not subject to the jurisdiction of  
14 the United States, vessels propelled by machinery of 10 horsepower or less, *in lieu* of the foregoing  
15 requirements, may carry from one-half hour after sunset to one-half hour before sunrise a white light  
16 in the stern or have on board a hand flashlight in good working condition which shall be ready at  
17 hand and shall be temporarily displayed in sufficient time to prevent collision. ~~On waters of this~~  
18 ~~State that are subject to the jurisdiction of the United States, this exception, though permissible~~  
19 ~~under state law, is not sanctioned by any federal law or regulation. The Subparagraph shall not apply~~  
20 to vessels in waters of this State that are subject to the jurisdiction of the United States.

21  
22 *History Note:* Authority G.S. 75A-3; 75A-6; 113-307;  
23 Eff. February 1, 1976;  
24 Amended Eff. November 1, 2013; April 1, 2009; March 1, 2008; April 1, 1999; August 1, 1988; May  
25 1, 1976;  
26 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December  
27 6, 2016.  
28 Amended Eff. October 1, 2018.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10F .0202

**DEADLINE FOR RECEIPT: Thursday, October 11, 2018**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

*Line 9 – replace “Adopted.” with “Incorporated.”*

*Line 15 – “accident reports” are subject to Paragraph (b) but a “notification of death or disappearance” is not. Is that what you intend?*

*Line 15 – replace “under” with “by”*

*Line 17 – delete the entire sentence that begins “Pursuant to...”*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Thursday, September 27, 2018

1 15A NCAC 10F .0202 is amended as published in 32:23 NCR 2547 as follows:

2  
3 **15A NCAC 10F .0202 ACCIDENT REPORTS**

4 ~~(a) "Boating Accident" Defined. For the purpose of this Regulation a "boating accident" means a collision, accident,~~  
5 ~~casualty or occurrence involving a vessel or its equipment and resulting in damage by or to the vessel, its equipment,~~  
6 ~~or other property; in injury or loss of life to any person; or in the disappearance of any person from a vessel under~~  
7 ~~circumstances which indicate the possibility of death or injury. A "boating accident" includes, but is not limited to,~~  
8 ~~capsizing, collision, foundering, flooding, fire, explosion and the disappearance of a vessel other than by theft.~~

9 ~~(b)(a) Federal Regulations Adopted. As its regulations governing the reporting of Reporting boating accidents and~~  
10 ~~notification of death or disappearance of persons from vessels operating on the waters of this State, the Wildlife~~  
11 ~~Resources Commission incorporates by reference Subpart C of Part 173 of Title 33 of the Code of Federal Regulations,~~  
12 ~~and includes subsequent amendments which will be published in the Federal Register. State shall be governed by~~  
13 33 CFR 173 Subpart C, which is incorporated by reference including subsequent amendments and editions. These  
14 federal regulations can be found free of charge online at [www.ecfr.gov](http://www.ecfr.gov).

15 ~~(e)(b) Use of Report. The accident reports required under Paragraph (b) (a) of this Rule shall be used in developing~~  
16 ~~statistical data as to the causes and frequency of boating accidents, accidents and in transmittal of information as~~  
17 ~~required by G.S. 75A-12. Pursuant to G.S. 75A-11, No no such report shall be admissible as evidence.~~

18  
19 *History Note: Authority G.S. 75A-3; 75A-11; 113-307; 33 C.F.R. 174.101 et seq.;*

20 *Eff. February 1, 1976;*

21 *Amended Eff. November 1, 1999; August 1, 1988; May 1, 1976;*

22 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*  
23 *6, 2016.*

24 *Amended Eff. October 1, 2018.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10F .0301

**DEADLINE FOR RECEIPT: Thursday, October 11, 2018**

**PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

*Line 10 – add “the” before “Executive”*

*Line 13 – what does “appreciable” mean?*

*Line 17 – where may UASTONS be obtained, and at what cost?*

*Line 20 – replace “a marker” with “markers”*

*Lines 23 and 25 – delete the comma*

*Line 26 – delete “fixed”*

*Page 2, line 5 – delete the comma*

*Page 2, line 9 – add “the” before “contact”*

*Page 2, line 18 – delete both commas*

*Page 2, line 24 – on what basis will the Director approve additional markers and floats? Is there a rule that could be cited here?*

*Page 2, line 26 – replace “is” with “shall be”*

*Page 2, line 28 – delete “the perimeter of” - perimeters are not measured in square feet.*

*Page 2, line 29 – replace “which” with “that”*

*Page 3, line 2 – delete “at points”*

*Page 3, line 4 – delete “to prevent them from shifting position”*

*Page 3, line 33 – replace “When” with “if”*

Jason Thomas  
Commission Counsel

Date submitted to agency: Thursday, September 27, 2018

*Page 3, line 35 – replace “individual(s)” with “individuals”*

*Page 3, line 35 – replace “improper placement of markers” with “the markers or navigational aids” if that is what is meant.*

*Page 3, line 36 – add a comma after “notice” or delete the coma after “days”*

*Page 4, line 5 – replace “and” with “or”*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Thursday, September 27, 2018

1 15A NCAC 10F .0301 is adopted with changes as published in 32:23 NCR 2547 as follows:

2  
3 **15A NCAC 10F .0301 GENERAL PROVISIONS**

4 ~~(a) Applicability. Except as limited by the subject matter, all of the provisions of this Rule apply to all public waters~~  
5 ~~located within the territorial limits of the counties and municipalities in which special regulations are set forth for~~  
6 ~~specific waters or regulated areas by the succeeding rules.~~

7 ~~(b) (a) Definitions. Unless the context requires otherwise, the~~ The definitions used in G.S.75A shall apply within  
8 ~~these regulations. in this Subchapter. In addition, the following definitions shall apply in these regulations: apply:~~

- 9 (1) ~~Commission.~~ “Commission” means the North Carolina Wildlife Resources Commission;  
10 (2) ~~Executive Director. Executive Director of the Commission;~~ “Executive Director” means Executive  
11 Director of the Commission;  
12 (3) ~~No Wake Speed. Idle speed or a slow speed creating no appreciable wake;~~ “No wake speed” means  
13 idle speed or slow speed creating no appreciable wake;  
14 (4) ~~Uniform System. Uniform Waterway Marking the supplementary standards for such system~~  
15 ~~promulgated by the Commission.~~ “USATONS” means the U. S. Aids to Navigation System, which  
16 prescribes regulatory markers and aids to navigation that mark navigable waters of the United States,  
17 and is hereby incorporated by reference including all subsequent amendments and editions;  
18 (5) “Designated agency” means a subdivision of the State that the Commission designates for placement  
19 of markers that conform to USATONS standards;  
20 (6) “Regulatory Marker” and “Information Marker” means a marker with an orange geometric shape  
21 against a white background, used to alert a mariner to warnings or regulatory matters, as defined in  
22 33 CFR 62.33;  
23 (7) “Swimming area” means an enclosed area on the water for swimming, that is marked against entry  
24 by vessels;  
25 (8) “Mooring area” means an area on the water delineated by speed zone markers, where vessels may  
26 be tied to fixed objects anchored on the seabed;  
27 (9) “Restricted area” means an area on the water that is marked to limit recreational activity and vessel  
28 speed; and  
29 (10) “Safety Zone” means a water area or shore area where, for safety or environmental purposes, access  
30 is limited to authorized persons and vessels, as defined in 33 CFR 165.20.

31 ~~(c) Marking of Regulated Areas. The Executive Director may designate agencies for placement and maintenance of~~  
32 ~~markers for regulated areas established by rules promulgated pursuant to this Section. The agency designated by the~~  
33 ~~Executive Director may delegate the actual placement and maintenance of such markers to some other agency,~~  
34 ~~corporation, group or individual, so long as the designating agency exercises supervisory authority over such agency,~~  
35 ~~corporation, group or individual. Prior to marking a restricted zone established pursuant to G.S. 75A-15, the~~  
36 ~~designated agency for placement and maintenance of the markers must obtain written approval from the Executive~~  
37 ~~Director by making a written request for permission to mark the area specifically described therein.~~

1 (b) Formal application for water safety rulemaking. Any subdivision of the State may, after public notice, apply to  
2 the Commission for rules on waters within the subdivision's territorial limits on an application provided by the  
3 Commission at [www.ncwildlife.org](http://www.ncwildlife.org). The completed application and supporting documents shall be mailed to the No  
4 Wake Zone Coordinator at North Carolina Wildlife Resources Commission, 1701 Mail Service Center, Raleigh, North  
5 Carolina 27699-1701, or submitted via email to [nowakezonecoordinator@ncwildlife.org](mailto:nowakezonecoordinator@ncwildlife.org). The application shall  
6 contain the following information:

- 7 (1) the name of the subdivision of the State applying for water safety rulemaking;
- 8 (2) the date of the application;
- 9 (3) contact person's name, telephone number, and mailing address;
- 10 (4) descriptive information for the body of water;
- 11 (5) location of the proposed no wake zone, marked swimming area, or other regulated area;
- 12 (6) a statement that the subdivision of the State has given public notice of its intention to apply for  
13 rulemaking on waters within its territorial limits;
- 14 (7) a resolution from the subdivision of the State requesting water safety rulemaking; and
- 15 (8) an affirmation that the subdivision of the State or its designee will bear the cost for purchase and  
16 placement of markers that conform to USATONS standards.

17 (c) Marking Regulated Areas. The Commission may designate agencies for the placement of markers in areas  
18 established by rules in this Section. The designated agency, or its designee, shall be responsible for the purchase and  
19 placement of markers conforming to USATONS required to implement a water safety rule.

20 (d) Placement of Markers. Except where done by supervening federal authority, it shall be unlawful for anyone to  
21 place or maintain regulatory markers or navigational aids without authorization from the Commission; or to place  
22 information markers without permission from the Executive Director or his or her designee.

23 (e) Mooring Areas. The boundaries of mooring areas shall be defined by the placement of speed zone markers. Upon  
24 the approval of the Executive Director or his designee, additional boundary floats or informational markers may be  
25 placed.

26 (f) Swimming Areas. No vessel entry is permitted in the waters of marked swimming areas. Marked swimming areas  
27 shall meet the following requirements:

- 28 (1) the perimeter of the enclosed swimming area in the water shall not exceed 5,000 square feet;
- 29 (2) the enclosed area shall be marked with float lines which, in conjunction with the shoreline, form an  
30 enclosed area;
- 31 (3) the swimming area shall not extend into a navigational channel or interfere with navigation of  
32 vessels;
- 33 (2) float lines shall have white, international orange, or alternating white and international orange floats  
34 along their length at intervals of not less than one every 10 feet;
- 35 (3) floats shall be buoyant enough to float at the surface of the water while attached to the float line,  
36 and no float shall exceed a size of 18 inches in length or diameter;

1           (4) buoys or floating signs bearing the USATONS “boat exclusion area” symbol shall be attached to  
2           float lines at points to give warning to vessels approaching the swimming area from all directions;  
3           and

4           (5) float lines and warning markers shall be anchored to prevent them from shifting position.

5 (g) Safety Zones. Markers prohibiting entry or use by vessels and swimmers in waters surrounding impoundment  
6 structures and powerhouses associated with hydroelectric generating facilities shall be buoys or floating signs placed  
7 in the water no greater than 50 yards from the protected facility. Markers shall be sufficient in number and size to give  
8 warning of the restriction to vessels approaching from all directions.

9 ~~Enforcement of the restrictions set forth in Rule .0302 et seq. of this Section is dependent upon placement and~~  
10 ~~maintenance of adequate marking of the regulated areas by suitable agencies, as designated in those rules, in~~  
11 ~~accordance with the requirements of the Uniform Waterway Marking System, which are hereby incorporated by~~  
12 ~~reference, and automatically include any later amendments of the incorporated matter as authorized by G.S. 150B-21.6~~  
13 ~~and the supplementary standards for such system promulgated by the Commission in Paragraph (g) of this Rule.~~  
14 ~~Unless a specific variance is granted, placement and maintenance of the markers must be and remain in accordance~~  
15 ~~with the uniform system. The Executive Director or his representative is instructed to supervise and approve~~  
16 ~~placement and maintenance of individual markers to insure full implementation of the objectives of the uniform~~  
17 ~~system.~~

18 ~~(d) Implementation of Uniform Waterway Marking System. Except where done by virtue of the supervening federal~~  
19 ~~authority, it is unlawful for anyone to place, maintain, or to allow to remain in place, any regulatory markers or~~  
20 ~~navigational aids of the sort included in the uniform system in any waters without authorization of the Commission.~~  
21 ~~The Executive Director is authorized to approve placement of the navigational aids, informational markers, and~~  
22 ~~regulatory markers warning of dangers and not requiring enforcement sanctions, in accordance with both public~~  
23 ~~interest in recreational use and water safety and in accordance with the policies embodied in the uniform system.~~

24 ~~(e) Removal of Unauthorized Markers. Markers or navigational aids which do not conform to the specifications of~~  
25 ~~the uniform system or which are placed without lawful authority or permission where the person responsible for the~~  
26 ~~actual placement cannot be feasibly determined, may be removed. Nonconforming markers as to which the person~~  
27 ~~responsible for placement and maintenance is known, may nevertheless be removed by agents of the Commission if~~  
28 ~~such markers are likely to mislead the public or cause a dangerous situation. Where agents of the Commission discover~~  
29 ~~authorized markers which have been improperly placed or are defective through lack of maintenance, such agents may~~  
30 ~~serve written notice upon the person responsible for such improper placement or for the maintenance of the marker~~  
31 ~~concerned. If, within 10 days no action has been taken in accordance with the notice given, such default constitutes a~~  
32 ~~violation of these regulations.~~

33 (h) Enforcement. When an agent of the Commission discovers markers and navigational aids that do not conform to  
34 USATONS standards, that are placed without lawful authority or permission, or that fail to mark the defined regulated  
35 area, written notice shall be served upon the individual(s) responsible for improper placement of markers. Failure to  
36 take action to correct the deficiency within 10 days, in accordance with the written notice shall be a violation of this  
37 Rule.

1 (i) Miscellaneous Restrictions. Except for mooring buoys or markers ~~as to which it is that are~~ specifically permitted  
 2 ~~by State or federal law, it is shall be~~ unlawful to tie a vessel to any waterway ~~marker- marker,~~ as specified in 33 CFR  
 3 70.05. It ~~is shall be~~ unlawful for any unauthorized person to move, remove, damage, ~~obstruct, block,~~ paint over, or ~~in~~  
 4 ~~any way~~ tamper with any marker lawfully placed in the waters of North Carolina in conformity with these ~~regulations~~  
 5 ~~rules or the uniform system generally, and USATONS standards.~~

6 ~~(g) Supplementary Standards. The standards listed in this Paragraph are supplementary to the Uniform Waterway~~  
 7 ~~Marking System and shall be applicable in the succeeding rules of this Section to the areas of water thereby regulated:~~

8 (1) ~~— The perimeter of swimming areas in the water must be marked with float lines which, in conjunction~~  
 9 ~~with the shoreline, form a completely enclosed area. The total enclosed area may not exceed 5,000~~  
 10 ~~square feet. Such area may not extend out into the water sufficiently as to restrict travel unduly on~~  
 11 ~~any regular navigational channel or otherwise to obstruct passage of vessels in reasonably using the~~  
 12 ~~waters.~~

13 (2) ~~— Float lines must have attached floats along their length at intervals of not less than one every 10~~  
 14 ~~feet.~~

15 (3) ~~— Floats must be buoyant enough to float at the surface of the water while attached to the float line,~~  
 16 ~~but no float may exceed a size of 18 inches as measured across its largest dimension.~~

17 (4) ~~— Floats may be solid or hollow and preferably should be of plastic or other light and resilient material~~  
 18 ~~not likely to cause injury should one strike a swimmer in the water.~~

19 (5) ~~— Floats must be either solid white or solid international orange in color. Float lines may consist of~~  
 20 ~~all white floats or of alternating white and orange floats.~~

21 (6) ~~— Buoys or floating signs indicating the "boats keep out" symbol of the uniform system and in~~  
 22 ~~conformity with its standards must be attached to the float lines at such points as necessary to give~~  
 23 ~~warning to the vessels approaching the swimming area from various directions.~~

24 (7) ~~— Float lines and warning markers must be anchored securely to prevent them from shifting position~~  
 25 ~~to any appreciable extent under normal conditions.~~

26 (8) ~~— All markers warning of a no wake speed zone around certain facilities must be buoys or floating~~  
 27 ~~signs placed in the water at a distance of not greater than 50 yards from the protected facility. The~~  
 28 ~~markers must be sufficient in number and size as to give adequate warning of the restriction to the~~  
 29 ~~vessels approaching from various directions.~~

30 (9) ~~— The boundaries of mooring areas may be defined by the placement of the speed zone warning~~  
 31 ~~markers themselves or by such warning markers plus additional boundary floats or markers that may~~  
 32 ~~be approved by the Executive Director or his representative.~~

33  
 34 *History Note: Authority G.S. 75A-3; 75A-15;*  
 35 *Eff. February 1, 1976;*  
 36 *Amended Eff. November 1, 1993; March 25, 1978;*  
 37 *Temporary Amendment Eff. July 1, 1998;*

1                    *Amended Eff. April 1, 1999;*  
2                    *Readopted October 1, 2018.*  
3

REQUEST FOR TECHNICAL CHANGE

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10F .0325

**DEADLINE FOR RECEIPT: Thursday, October 11, 2018**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

*Line 17 – add a comma after “surfboard”*

*Line 19 – replace “is” with “shall be” if that is consistent with other similar rules.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Thursday, September 27, 2018

1 15A NCAC 10F .0325 is amended with changes as published in 32:23 NCR 2550 as follows:

2  
3 **15A NCAC 10F .0325 CHOWAN COUNTY**

4 (a) Regulated Areas. This Rule ~~applies shall apply~~ to the following waters in Chowan County:

- 5 (1) the waters contained within the entrance canals and docking areas of Edenton Marina and Pembroke  
6 Marina;
- 7 (2) ~~the waters [of] Pembroke Creek in Edenton, within~~ from a line 50 yards north of the W. Queen Street  
8 bridge on SR 1204 shore to shore, from a point on the east shore at 36.05861 N, 76.62584 W, to a  
9 point on the west shore at 36.051813 N, 76.62735 W, to a line 200 yards southeast of the bridge,  
10 shore to shore from a point on the east shore at 36.05739 N, 76.62382 W to a point on the west shore  
11 at 36.05626 N, 76.62569 W; crossing Pembroke Creek in Edenton;
- 12 (3) the boat basin and all canals ~~located~~ within Cape Colony Subdivision in Edenton; and
- 13 (4) the swimming area located in Albemarle Sound adjacent to the Cape Colony Subdivision Recreation  
14 Area.

15 (b) Speed Limit. No person shall operate any ~~motorboat or~~ vessel at greater than no-wake speed within the regulated  
16 areas described in Subparagraphs ~~(1), (2) and (3) of Paragraph (a)~~ (a)(1), (2), and (3) of this Rule.

17 (c) Swimming Area. No person operating or responsible for the operation of any vessel, surfboard or water skis shall  
18 permit ~~the same~~ it to enter the swimming area described in Subparagraph ~~(4) of Paragraph (a)~~ (a)(4) of this Rule.

19 (d) Placement ~~and Maintenance~~ of Markers. The Board of Commissioners of Chowan County is the designated a  
20 ~~suitable~~ agency for placement ~~and maintenance~~ of the markers implementing this Rule, subject to the approval of the  
21 United States Coast Guard and the United States Army Corps of Engineers. ~~With regard to marking the regulated~~  
22 ~~areas described in Paragraph (a) of this Rule, the supplementary standards listed in Subparagraphs (1) through (8) of~~  
23 ~~Rule .0301 (g) of this Section shall apply.~~

24  
25  
26 *History Note: Authority G.S. 75A-3; 75A-15;*

27 *Eff. May 1, 1977;*

28 *Amended Eff. May 1, 2013; June 1, 1983;*

29 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*  
30 *6, 2016.*

31 *Amended Eff. November 1, 2018.*