

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 360

Short Title: Boat Number Fees.

(Public)

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Sponsors: Senators Albertson; Carpenter, Dannelly, Jordan, Kerr, Kincaid, Martin of Pitt, Warren, and Weinstein.

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Referred to: Judiciary.

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March 11, 1997

A BILL TO BE ENTITLED

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

11 The General Assembly of North Carolina enacts:

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

13 "(e) The Wildlife Resources Commission may award any certificate of number  
14 directly or may authorize any person qualified as prescribed in subsection (l) of this  
15 section to act as agent for the awarding thereof purpose of issuance, renewal, and transfer  
16 of permanent and temporary certificates of boat number subject to the requirements set  
17 forth in subsection (a) of this section. In the event that a person accepts such authorization,  
18 he may be assigned a block of numbers and certificates therefor which upon award, Upon  
19 acceptance of this authorization, an agent may be assigned certificates and numbers

1 which, upon issuance in conformity with this Chapter and with any rules and regulations  
2 of the Commission, shall be valid as if awarded-issued directly by the Commission. As  
3 compensation for his services any such agent shall be allowed to retain for his own use fifty  
4 cents (50¢). It is a Class 1 misdemeanor for any such agent to charge or accept any additional  
5 fee, remuneration, or other thing of value for such services.-services rendered to the  
6 Commission, the agent may deduct six percent (6%) of the proceeds from the fee charged  
7 for issuance, renewals, and transfer of certificates of boat number. Nothing in this  
8 subsection precludes an agent from charging the customer a reasonable additional fee to  
9 pay for the cost of processing the application for a certificate of number or for issuance of  
10 a temporary certificate of number, provided that the agent prominently displays notice of  
11 the service fee and informs the customer of the fee prior to processing the application."

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

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

39 (1) The qualifications of agents;

40 (2) The duties of agents;

41 (3) Methods and procedures to ensure accountability and security for  
42 proceeds and unissued certificates of number;

43 (4) Requirements for security bonds in amounts sufficient to protect the  
44 State against loss of public funds or documents;

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

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

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

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

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

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

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

9           Section 5. This act is effective when it becomes law.