

15A NCAC 030 .0109 ASSIGNMENT OF STANDARD COMMERCIAL FISHING LICENSE

(a) For the purpose of this Rule, "licensee" shall mean the person issued a Standard Commercial Fishing License and "assignee" shall mean the individual to whom the licensee assigns a Standard Commercial Fishing License in accordance with the requirements of this Rule.

(b) If requested by the Division of Marine Fisheries, it shall be unlawful for a licensee or assignee to fail to participate in and provide accurate information for data collection in accordance with 15A NCAC 03I .0113 and for survey programs administered by the Division.

(c) The Division shall provide assignment forms to the licensee upon request.

(d) The assignment form shall include the following information for the licensee:

- (1) participant identification number;
- (2) first, middle, and last name;
- (3) business name, if applicable;
- (4) Standard Commercial Fishing License number assigned;
- (5) assignment start date;
- (6) assignment termination date;
- (7) signature;
- (8) date licensee signed the form; and
- (9) notarization of licensee's signature.

(e) The assignment form shall include the following information for the assignee:

- (1) participant identification number;
- (2) first, middle, and last name, and suffix, if applicable;
- (3) one of the following:
 - (A) driver's license number and expiration date;
 - (B) state identification number and expiration date;
 - (C) military identification number and expiration date;
 - (D) resident alien identification number and expiration date; or
 - (E) passport number and expiration date;
- (4) date of birth;
- (5) physical address of primary residence;
- (6) physical address of secondary residence, if applicable;
- (7) mailing address;
- (8) e-mail address, if applicable;
- (9) race;
- (10) gender;
- (11) height and weight;
- (12) eye color and hair color;
- (13) at least one of the following:
 - (A) home phone number;
 - (B) business phone number; or
 - (C) cellular phone number;
- (14) fax number, if applicable;
- (15) signature;
- (16) date assignee signed the form; and
- (17) notarization of assignee's signature.

(f) Only Division assignment forms shall be used to obtain an assignment. On the assignment form, the licensee shall designate what, if any, endorsements are included in the assignment. Endorsements shall not be assigned independent of the Standard Commercial Fishing License. It shall be unlawful for the licensee or the assignee to fail to submit within five days the completed assignment form to any office of the Division in person or by mail to the Morehead City Office. The Morehead City Office is located at 3441 Arendell Street, Morehead City, North Carolina, 28557. If the completed assignment form is not received by the Division within five days from the date it was signed, the assignment shall be null and void. Incomplete forms shall be returned to the licensee with deficiency in the form so noted. An assignment is in effect from the date specified on the assignment form and when:

- (1) the assignment form is complete with all required information;
- (2) signatures of the current license holder and the assignee are notarized; and

- (3) the assignee has in the assignee's possession the current licensee's original actual Standard Commercial Fishing License, including applicable endorsements in accordance with G.S. 113-169.2.
- (g) For an extension of time for assignments, a new assignment form shall be completed in accordance with Subparagraphs (f)(1) through (f)(3) of this Rule.
- (h) Assignments shall terminate:
- (1) when the date specified on the assignment form is reached;
 - (2) if the licensee or assignee are determined ineligible for a license or assignment;
 - (3) if the Division receives a notarized statement from the current license holder stating a revised date for an earlier assignment termination;
 - (4) upon the licensee or assignee's death; or
 - (5) when the Standard Commercial Fishing License expires.
- (i) It shall be unlawful for an individual assigned a Standard Commercial Fishing License when involved in a commercial fishing operation to fail to have the original actual Standard Commercial Fishing License, any assigned endorsements, and a copy of the assignment form in the individual's possession ready at hand for inspection in accordance with G.S. 113-168.1.
- (j) All landings occurring during the time of the assignment shall be credited to the licensee, not the assignee.
- (k) It shall be unlawful to be assigned more than a single Standard Commercial Fishing License at any one time. It shall be unlawful to assign a Standard Commercial Fishing License to more than one individual at any one time. Assignments shall only be made by the licensee and shall not be further assigned by assignees. Masters identified on the Standard Commercial Fishing Licenses of corporations consisting of an individual fishing vessel shall not assign such licenses.
- (l) It shall be unlawful for a person to accept assignment of a Standard Commercial Fishing License for which they are ineligible.
- (m) It shall be unlawful for any assignee of a Standard Commercial Fishing License not to return the assignment and the Standard Commercial Fishing License with any assigned endorsements to the licensee within five days of notice that the assignment has been terminated or a demand by the licensee to return the license.

*History Note: Authority G.S. 113-134; 113-135; 113-168.1; 113-168.2; 113-168.5; 113-169.2; 113-182; 113-187; 143B-289.52;
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