

§ 75A-5.2. (Effective until July 1, 2023) Vessel agents.

(a) In order to facilitate the convenience of the public, the efficiency of administration, the need to keep statistics and records affecting the conservation of wildlife resources, boating, water safety, and other matters within the jurisdiction of the Commission, and to facilitate vessel transactions, the Commission may conduct vessel transactions through any of the following:

- (1) Vessel agents.
- (2) The Commission's headquarters.
- (3) Employees of the Commission.
- (4) Two or more of those sources simultaneously.

(b) When there are substantial reasons for differing treatment, the Commission may conduct vessel transactions by one method in one locality and by another method in another locality.

(c) As compensation for services rendered to the Commission and to the general public, vessel agents shall receive the surcharge listed below. The surcharge shall be added to the fee for each certificate issued:

- (1) Renewal of certificate of number – \$3.00.
- (2) Transfer of ownership and certificate of number – \$5.00.
- (3) Issuance of new certificate of number – \$5.00.
- (4) Issuance of duplicate certificate of number – \$3.00.
- (5) Issuance or transfer of certificate of title – \$5.00.

(d) When certificates of number are to be issued by vessel agents as provided by subsection (a) of this section, the Commission may adopt rules to provide for any of the following:

- (1) Qualifications of the vessel agents.
- (2) Duties of the vessel agents.
- (3) Methods and procedures to ensure accountability and security for proceeds and unissued certificates of number.
- (4) Types and amounts of evidence that a vessel agent must submit to relieve the agent of responsibility for losses due to occurrences beyond the control of the agent.
- (5) Any other reasonable requirement or condition that the Commission deems necessary to expedite and control the issuance of certificates of number by vessel agents.

(e) The Commission may adopt rules to authorize the Director to take any of the following actions related to vessel agents:

- (1) Select and appoint vessel agents in the areas most convenient to the boating public.
- (2) Limit the number of vessel agents in any one area if necessary for efficiency of operation.
- (3) Require prompt and accurate reporting and remittance of public funds or documents by vessel agents.
- (4) Conduct periodic and special audits of accounts.
- (5) Suspend or terminate the authorization of any vessel agent found to be noncompliant with rules adopted by the Commission or when State funds or property are reasonably believed to be in jeopardy.
- (6) Require the immediate surrender of all equipment, forms, supplies, records, and State funds and property issued by or belonging to the Commission, in the event of the termination of a license agent.

(f) The Commission is exempt from the contested case provisions of Chapter 150B of the General Statutes with respect to determinations of whether to authorize or terminate the authority of a person to conduct vessel transactions as a vessel agent of the Commission.

(g) If any check or bank account draft of any vessel agent for the issuance of certificates of number shall be returned by the banking facility upon which the same is drawn for lack of funds, the vessel agent shall be liable to the Commission for a penalty of five percent (5%) of the amount of the check or bank account draft, but in no event shall the penalty be less than five dollars (\$5.00) or more than two hundred dollars (\$200.00). Vessel agents shall be assessed a penalty of twenty-five percent (25%) of their issuing fee on all remittances to the Commission after the fifteenth day of the month immediately following the month of sale.

(h) It is a Class 1 misdemeanor for a vessel agent to do any of the following:

- (1) Withhold or misappropriate funds generated from vessel transactions.
- (2) Falsify records of vessel transactions.
- (3) Willfully and knowingly assist or allow a person to obtain a certificate of number or certificate of title for which the person is ineligible.
- (4) Willfully issue a backdated certificate of number or certificate of title.
- (5) Willfully include false information or omit material information on vessel transaction forms and records regarding either:
 - a. A person's entitlement to a particular certificate of number or certificate of title.
 - b. The applicability or term of a particular certificate of number.
- (6) Charge or accept any fee, remuneration, or other item of value that exceeds the fee amounts provided by statute.
- (7) Charge or accept any additional fee, remuneration, or other item of value in association with any activity set out in subdivisions (1) through (5) of this subsection. (2006-185, s. 1; 2013-283, s. 17.)

§ 75A-5.2. (Effective July 1, 2023) Vessel agents.

(a) In order to facilitate the convenience of the public, the efficiency of administration, the need to keep statistics and records affecting the conservation of wildlife resources, boating, water safety, and other matters within the jurisdiction of the Commission, and to facilitate vessel transactions, the Commission may conduct vessel transactions through any of the following:

- (1) Vessel agents.
- (1a) A contracted licensing system vendor.
- (2) The Commission's headquarters.
- (3) Employees of the Commission.
- (4) Two or more of those sources simultaneously.

(b) When there are substantial reasons for differing treatment, the Commission may conduct vessel transactions by one method in one locality and by another method in another locality.

(c) Vessel agents shall receive the surcharges listed below for vessel transactions made through the agent, and the Commission shall receive the surcharges below for all other vessel transactions. The surcharge shall be added to the fee for each certificate purchased:

- (1) Renewal of certificate of number – \$3.00.
- (2) Transfer of ownership and certificate of number – \$5.00.
- (3) Issuance of new certificate of number – \$5.00.
- (4) Issuance of duplicate certificate of number – \$3.00.
- (5) Issuance or transfer of certificate of title – \$5.00.

(c1) In addition to surcharges charged by a vessel agent or the Commission, a contracted licensing system vendor may charge the following transaction fees:

- (1) Up to three dollars (\$3.00) per transaction for purchases made online or by other electronic means.
 - (2) Up to one dollar (\$1.00) per transaction for purchases made through a vessel agent or through the Commission.
 - (3) Up to five dollars (\$5.00) per transaction for purchases made through the contracted licensing system vendor call center.
- (d) When certificates of number are to be issued by vessel agents as provided by subsection (a) of this section, the Commission may adopt rules to provide for any of the following:
- (1) Qualifications of the vessel agents.
 - (2) Duties of the vessel agents.
 - (3) Methods and procedures to ensure accountability and security for proceeds and unissued certificates of number.
 - (4) Types and amounts of evidence that a vessel agent must submit to relieve the agent of responsibility for losses due to occurrences beyond the control of the agent.
 - (5) Any other reasonable requirement or condition that the Commission deems necessary to expedite and control the issuance of certificates of number by vessel agents.
- (e) The Commission may adopt rules to authorize the Director to take any of the following actions related to vessel agents:
- (1) Select and appoint vessel agents in the areas most convenient to the boating public.
 - (2) Limit the number of vessel agents in any one area if necessary for efficiency of operation.
 - (3) Require prompt and accurate reporting and remittance of public funds or documents by vessel agents.
 - (4) Conduct periodic and special audits of accounts.
 - (5) Suspend or terminate the authorization of any vessel agent found to be noncompliant with rules adopted by the Commission or when State funds or property are reasonably believed to be in jeopardy.
 - (6) Require the immediate surrender of all equipment, forms, supplies, records, and State funds and property issued by or belonging to the Commission, in the event of the termination of a license agent.
- (f) The Commission is exempt from the contested case provisions of Chapter 150B of the General Statutes with respect to determinations of whether to authorize or terminate the authority of a person to conduct vessel transactions as a vessel agent of the Commission.
- (g) If any check or bank account draft of any vessel agent for the issuance of certificates of number is returned by the banking facility upon which the same is drawn for lack of funds, the vessel agent is liable to the Commission or contracted licensing system vendor for a penalty of five percent (5%) of the amount of the check or bank account draft, but in no event shall the penalty be less than five dollars (\$5.00) or more than two hundred dollars (\$200.00). Vessel agents shall be assessed a penalty of twenty-five percent (25%) of their issuing fee on all remittances to the Commission or to a contracted licensing system vendor after the fifteenth day of the month immediately following the month of sale.
- (h) It is a Class 1 misdemeanor for a vessel agent to do any of the following:
- (1) Withhold or misappropriate funds generated from vessel transactions.
 - (2) Falsify records of vessel transactions.
 - (3) Willfully and knowingly assist or allow a person to obtain a certificate of number or certificate of title for which the person is ineligible.

- (4) Willfully issue a backdated certificate of number or certificate of title.
- (5) Willfully include false information or omit material information on vessel transaction forms and records regarding either:
 - a. A person's entitlement to a particular certificate of number or certificate of title.
 - b. The applicability or term of a particular certificate of number.
- (6) Charge or accept any fee, remuneration, or other item of value that exceeds the fee amounts provided by statute.
- (7) Charge or accept any additional fee, remuneration, or other item of value in association with any activity set out in subdivisions (1) through (5) of this subsection. (2006-185, s. 1; 2013-283, s. 17; 2022-74, s. 15.3(b).)