

**§ 113-170.3. Record-keeping requirements; mandatory reporting for certain fisheries.**

(a) The Commission may require all licensees under this Article to keep and to exhibit upon the request of an authorized agent of the Department records and accounts as may be necessary to the equitable and efficient administration and enforcement of this Article. In addition, licensees may be required to keep additional information of a statistical nature or relating to location of catch as may be needed to determine conservation policy. Records and accounts required to be kept must be preserved for inspection for not less than three years.

(b) It is unlawful for any licensee to refuse or to neglect without justifiable excuse to keep records and accounts as may be reasonably required. The Department may distribute forms to licensees to aid in securing compliance with its requirements, or it may inform licensees of requirements in other effective ways such as distributing memoranda and sending agents of the Department to consult with licensees who have been remiss. Detailed forms or descriptions of records, accounts, collection and inspection procedures, and the like that reasonably implement the objectives of this Article need not be embodied in rules of the Commission in order to be validly required.

(c) The following records collected and compiled by the Department shall not be considered public records within the meaning of Chapter 132 of the General Statutes, but shall be confidential and shall be used only for the equitable and efficient administration and enforcement of this Article or for determining conservation policy, and shall not be disclosed except when required by the order of a court of competent jurisdiction: all records, accounts, and reports that licensees are required by the Commission to make, keep, and exhibit pursuant to the provisions of this section, and all records, accounts, and memoranda compiled by the Department from records, accounts, and reports of licensees and from investigations and inspections, containing data and information concerning the business and operations of licensees reflecting their assets, liabilities, inventories, revenues, and profits; the number, capacity, capability, and type of fishing vessels owned and operated; the type and quantity of fishing gear used; the catch of fish or other seafood by species in numbers, size, weight, quality, and value; the areas in which fishing was engaged in; the location of catch; the time of fishing, number of hauls, and the disposition of the fish and other seafood. The Department may compile statistical information in any aggregate or summary form that does not directly or indirectly disclose the identity of any licensee who is a source of the information, and any compilation of statistical information by the Department shall be a public record open to inspection and examination by any person, and may be disseminated to the public by the Department.

(d) **(Effective December 1, 2024)** Any person who recreationally harvests a fish listed in this subsection from coastal fishing waters, joint fishing waters, and inland fishing waters adjacent to coastal or joint fishing waters shall report that harvest to the Division of Marine Fisheries within the Department of Environment [Environmental] Quality in a manner consistent with rules adopted by the Marine Fisheries Commission and the Wildlife Resources Commission. The harvest of the following finfish species shall be reported:

- (1) Red Drum.
- (2) Flounder.
- (3) Spotted Seatrout.
- (4) Striped Bass.
- (5) Weakfish.

(e) **(Effective December 1, 2024)** Any person holding a commercial fishing license engaged in a commercial fishing operation who harvests any fish in coastal or joint fishing waters, regardless of sale, shall report that harvest to the Division of Marine Fisheries within the Department of Environmental Quality in a manner consistent with rules adopted by the Marine Fisheries Commission.

(f) **(Effective December 1, 2024 until December 1, 2025)** Violation of subsection (d) or (e) of this section shall only be punishable by a verbal warning.

(f) **(Effective December 1, 2025 until December 1, 2026)** Violation of subsection (d) or (e) of this section shall only be punishable by issuance of a warning ticket pursuant to G.S. 113-140. Notwithstanding G.S. 113-140(c), an inspector or protector may issue additional warning tickets for repeat violations of subsection (d) or (e) of this section.

(f) **(Effective December 1, 2026)** Violation of subsection (d) or (e) of this section shall only be an infraction as provided in G.S. 14-3.1, punishable by a fine of thirty-five dollars (\$35.00). A person responsible for an infraction under this subsection shall not be assessed court costs, but the Fisheries Director of the North Carolina Division of Marine Fisheries is authorized to suspend, revoke, or refuse to issue a commercial or recreational fishing license for any individual guilty of an infraction for violations of subsection (d) or (e) of this section pursuant to G.S. 113-171. The Executive Director of the Wildlife Resources Commission is authorized to revoke or refuse to issue a recreational fishing license issued by the Wildlife Resources Commission for any individual guilty of an infraction for violations of subsection (d) or (e) of this section for two consecutive years or upon failure to pay outstanding infraction fines when required to do so.

(g) The Department of Environmental Quality and the Wildlife Resources Commission shall report on the implementation and response to the fishery reporting requirements imposed by subsection (d) of this section, including potential incentives to encourage reporting, to the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources no later than May 1 of each year. (1997-400, s. 5.1; 2001-213, s. 2; 2023-137, s. 6(a)-(c), (e).)