§ 13-0334. Marine and coastal district food fish and crustacea dealers and shippers license.

1. No person shall purchase marine food fish or crustacea, whether to be used as food or bait, directly from the person taking such marine food fish or crustacea for the purpose of resale trade or barter without a valid food fish and crustacea dealers and shippers license. No person shall operate a facility for packing, holding or storing such marine food fish or crustacea prior to consignment, transport or sale without a valid food fish and crustacea dealers and shippers license.

2. No person shall ship, transport or traffic in marine food fish or crustacea for resale, trade or barter to persons other than the final consumer within the state or export food fish or crustacea landed in New York to outside the state without a valid food fish and crustacea dealers and shippers license. No such license shall be required of common carriers who transport marine food fish or crustacea. Such common carrier must carry and have ready for inspection any bill of consignment, bill of lading or other documentation showing thereon the name and address of the consignee, name and address of the shipper, the date of the shipment and the quantity of each species shipped. For purposes of this section, "common carrier" shall mean persons engaged solely in the transport of food fish or crustaceans which have been consigned or sold by a licensed harvester or by a licensed dealer and shipper to a licensed dealer and shipper within the state or to another party outside the state. A common carrier shall hold no title, ownership or financial interest in the food fish or crustacean being transported. No such license shall be required of a person who is the holder of a food fish license, a lobster license or a blue-claw crab license issued pursuant to section 13-0335, 13-0329 or 13-0331, respectively, while transporting the species which he or she has lawfully and personally taken. For purposes of this section, "landed" means the bringing to any shore food fish or crustacea taken by a holder of a license issued pursuant to this article or the transfer of the catch taken pursuant to this article from a vessel to any other vessel or to the land or to any pier, wharf, dock or other similar structure.

3. No person who is the holder of a commercial food fish license or a commercial lobster license or a commercial crab license shall sell, trade or barter marine food fish or crustacea in New York state except to the holder of a marine and coastal district food fish and crustacea dealers and shippers license. Provided, however, that persons who possess commercial food fish, lobster, or crab licenses may sell the marine food fish or crustacea they are authorized to take for commercial purposes directly to the consumer of such marine food fish or crustacea and that such licensed harvesters shall report to the department such direct sales to consumers pursuant to paragraph a of subdivision one of section 13-0342.

4. The fee for a food fish and crustacea dealers and shippers license shall be two hundred fifty dollars and shall cover all persons employed by the licensee. Licenses issued pursuant to this section shall be valid for a single business address, shall be nontransferable and shall expire on the thirty-first day of December of each year.

5. No person licensed as a dealer or shipper shall purchase or ship marine food fish or crustacea directly from the taker of marine food fish or crustacea unless the taker presents the appropriate valid license to the person making the purchase. No person who operates a facility for the packing, holding or storing of marine food fish or crustacea prior to consignment, transport or sale shall accept such product without requiring the taker to provide his or her name, address and appropriate valid license number, the date, and quantities of product in the transaction.

6. A licensed dealer or shipper may only import, export, possess, or offer for sale, barter, or trade, lobsters greater in length than provided by subdivision 5 of section 13-0329 of this title if:

a. The licensed dealer or shipper has notified the department in writing prior to taking such action on a form prescribed by the department; and

b. The lobsters are in a secured container in accordance with

paragraph a of subdivision 18 of section 13-0329 of this title or tagged in accordance with paragraph b of subdivision 18 of section 13-0329 of this title.

7. No person licensed as a dealer or shipper may import, export, possess, or offer for sale, barter, trade, lobsters, or parts thereof, not in the shell, detached lobster tails or claws, or any other part of a lobster that has been separated from the lobster except as authorized by subdivision 19 of section 13-0329 of this title.