CHAPTER 30-03-01.1
BAIT VENDORS

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30-03-01.1-01. License required to be displayed.

All licenses must be publicly displayed on the business premises. Business names must be displayed on both sides of any vehicle used to transport live bait. Any bait vendor who violates this section is guilty of a noncriminal offense and shall pay a one hundred dollar fee.

History: Effective April 1, 2008; amended effective April 1, 2009; October 1, 2010.
General Authority: NDCC 20.1-06-14
Law Implemented: NDCC 20.1-06-14

30-03-01.1-02. Bait definitions.

Refer to the current fishing proclamation for legal live aquatic bait definitions.

History: Effective April 1, 2008; amended effective October 1, 2010; January 1, 2018, April 1, 2024.
General Authority: NDCC 20.1-06-14
Law Implemented: NDCC 20.1-06-14

30-03-01.1-03. Legal live aquatic bait species permitted.

A licensee may possess only legal live aquatic bait. Other species caught while seining or trapping must be returned to the water immediately.

History: Effective April 1, 2008; amended effective October 1, 2010; January 1, 2018.
General Authority: NDCC 20.1-06-14
Law Implemented: NDCC 20.1-06-14

30-03-01.1-04. License limitations.

Retail or wholesale bait vendor licenses are issued for a calendar year to one person only. An individual may be issued only one wholesale license per calendar year. The holder of a retail bait vendor license may sell legal live aquatic bait at retail only, at one specified selling location per license. A wholesale bait vendor may only sell legal live aquatic bait to licensed bait vendors or for permitted private fish pond stocking. A person licensed as a wholesaler in any state may not act as an assistant under a North Dakota wholesaler license. Any bait vendor who violates this section is guilty of a noncriminal offense and shall pay a two hundred fifty dollar fee. Violations of state or federal game or

fish laws may result in license denial, suspension, or revocation. An individual who has been convicted of a state or federal criminal game or fish violation in the last three years or whose license to hunt or fish is under suspension or revocation may not receive a wholesale bait vendor license. As used in this rule, "conviction" means a finding of guilt, a guilty plea, a plea of no contest, a plea of no lo contendere, a judgment of conviction even though the court suspended execution of a sentence in accordance with subsection 3 of North Dakota Century Code section 12.1-32-02, or a deferred imposition of sentence in accordance with subsection 4 of North Dakota Century Code section 12.1-32-02 or an equivalent statute. The term does not include a finding of guilt which is reversed on appeal.

History: Effective April 1, 2008; amended effective April 1, 2009; October 1, 2010; January 1, 2014; January 1, 2018; October 1, 2020; April 1, 2023.
General Authority: NDCC 20.1-06-14
Law Implemented: NDCC 20.1-06-14

30-03-01.1-05. Assistants covered by license.

A licensed wholesale bait vendor may employ the assistance of up to six other persons to capture or sell and transport legal live aquatic bait in the manner approved by the director. Assistants can only be listed on one valid licensed wholesale bait vendor application per calendar year. It is the licensee's responsibility to ensure all assistants possess a copy of the license. All assistants must have a copy of the license, paper or electronic form, in their possession. The licensee is responsible for the actions of employees, including all agents or assistants acting under the licensee's license. An individual who has been convicted of a state or federal criminal game or fish violation in the last three years or whose license to hunt or fish is under suspension or revocation may not act as an assistant. Anyone who violates this section is guilty of a noncriminal offense and shall pay a one hundred dollar fee.

History: Effective April 1, 2008; amended effective October 1, 2010; January 1, 2018; October 1, 2020; April 1, 2023.
General Authority: NDCC 20.1-06-14
Law Implemented: NDCC 20.1-06-14

30-03-01.1-06. Quantity requiring license.

A retail or wholesale license is required for the possession of more than the limits described in the current fishing proclamation of legal live aquatic bait.

History: Effective April 1, 2008; amended effective October 1, 2010; January 1, 2018.
General Authority: NDCC 20.1-06-14
Law Implemented: NDCC 20.1-06-14

30-03-01.1-07. Equipment for holding and transport.

Persons commercializing in or transporting legal live aquatic bait shall use equipment capable of maintaining such live bait in a healthy and lively condition at all times, except for rainbow smelt which must be killed immediately after capture. Each species of legal live aquatic bait must be kept separate from other species of legal live aquatic bait in holding and transport equipment. The premises and equipment of all persons commercializing in legal live aquatic bait shall be open to the inspection of the director or any of the director's duly appointed agents at any time. Equipment used for transporting legal live aquatic bait into or within the state must be free of aquatic nuisance species. Water used to transport legal live aquatic bait into the state must be from a potable or ground water (well) source and shall not contain any aquatic vegetation. Retail bait vendors must keep all aquatic vegetation and aquatic nuisance species out of bait tanks at their point of sale. Any bait vendor who violates this section is guilty of a noncriminal offense and shall pay a two hundred dollar fee.

History: Effective April 1, 2008; amended effective October 1, 2010; January 1, 2014; January 1, 2018.
General Authority: NDCC 20.1-06-14, 20.1-17-01

Law Implemented: NDCC 20.1-06-14, 20.1-17-01, 20.1-17-06

30-03-01.1-08. Interstate transport.

Only the following legal live aquatic bait may be imported into the state and only with a permit issued by the director and in the manner approved by the director: white suckers, creek chubs, and leeches. It is illegal to import all other live aquatic bait. It is illegal to export live aquatic bait out of the state except with a permit issued by the director and only in the manner approved by the director. It is illegal to transport live aquatic bait through the state except with a permit issued by the director and only in the manner approved by the director. Permit applications must be received by the director a minimum of forty-eight hours prior to any planned import or export of legal live aquatic bait.

History: Effective April 1, 2008; amended effective October 1, 2010; January 1, 2014; January 1, 2018; April 1, 2023.
General Authority: NDCC 20.1-02-05(22), 20.1-06-01, 20.1-06-14
Law Implemented: NDCC 20.1-02-05(22), 20.1-06-01, 20.1-06-14

30-03-01.1-09. Transportation of bait with aquatic vegetation within the state.

Repealed effective October 1, 2010.

30-03-01.1-10. Transportation of bait in water within the state.

It is illegal to transport aquatic bait in water within the state except with an appropriate license or permit issued by the director and only in the manner approved by the director. Any bait vendor who violates this section is guilty of a noncriminal offense and shall pay a two hundred dollar fee.

History: Effective April 1, 2008; amended effective October 1, 2010; January 1, 2018.
General Authority: NDCC 20.1-17-01
Law Implemented: NDCC 20.1-17-01, 20.1-17-06

30-03-01.1-11. Stocking.

Stocking of any live fish, live fish eggs, live amphibians, or other live aquatic organism into any waters of the state shall be illegal except with the appropriate license or permit issued by the director.

History: Effective April 1, 2008; amended effective October 1, 2010.
General Authority: NDCC 20.1-02-05(22), 20.1-06-01, 20.1-06-14
Law Implemented: NDCC 20.1-02-05(22), 20.1-06-01, 20.1-06-14

30-03-01.1-12. Equipment for taking legal live aquatic bait.

A person possessing only a retail license may take legal live aquatic bait with a seine not exceeding twenty-five feet [7.62 meters] in length and six feet [1.83 meters] in depth. Mesh size may not exceed one-half inch [12.7 millimeters] square measure.

A licensed retailer may use traps not larger than thirty inches [76.2 centimeters] in length and twelve inches [30.48 centimeters] in diameter. Mesh size of traps may not exceed one-half inch [12.7 millimeters] square measure and the throat opening of traps may not exceed three inches [7.62 centimeters] in diameter or width. The owner's name, city, and telephone number or the customer equipment registration number issued by the department must be attached to the fish trap.

A person possessing the appropriate wholesale license may take legal live aquatic bait with a seine not exceeding two hundred fifty feet [76.2 meters] in length and fourteen feet [4.27 meters] in depth. Mesh size may not exceed one-half inch [12.7 millimeters] square measure. A tag issued by the department must be affixed to each seine used by the licensee.

A licensed wholesaler may use traps not larger than seven feet [2.13 meters] in any dimension. Mesh size may not exceed one-half inch [12.7 millimeters] square measure and the throat opening of traps may not exceed three inches [7.62 centimeters] in diameter or width. A valid tag issued by the department must be attached to the top of each trap. Only one current valid tag may be attached to the trap.

Hand-held dip nets are legal equipment for retail and wholesale bait vendors. There are no size restrictions for dip nets.

Any bait vendor who violates this section is guilty of a noncriminal offense and shall pay a two hundred dollar fee.

History: Effective April 1, 2008; amended effective October 1, 2010; January 1, 2014; January 1, 2018; April 1, 2024.
General Authority: NDCC 20.1-06-14
Law Implemented: NDCC 20.1-06-04

30-03-01.1-13. Prohibited waters for taking legal live aquatic bait.

Licensees shall not be permitted to take legal live aquatic bait from the following:

1. Waters managed as recreational fisheries (except the Missouri River system where rainbow smelt may be taken) without a permit issued and, in the manner, approved by the director;

2. Waters designated by the department as infested with prohibited or regulated aquatic nuisance species (except the Missouri River system where rainbow smelt may be taken);

3. The United States fish and wildlife service's wildlife development areas, waterfowl production areas, or refuges;

4. The department's wildlife management areas (except the Missouri River system where rainbow smelt may be taken); or

5. Any waters that have been licensed as a private fish hatchery in the past three years.

Any bait vendor who violates this section is guilty of a noncriminal offense and shall pay a two hundred fifty dollar fee.

History: Effective April 1, 2008; amended effective October 1, 2010; January 1, 2014; January 1, 2018; April 1, 2023.
General Authority: NDCC 20.1-06-14, 20.1-17-01
Law Implemented: NDCC 20.1-06-04, 20.1-17-01, 20.1-17-06

30-03-01.1-14. Wholesale bait pond.

The term "wholesale bait pond" means any pond used to take legal live aquatic bait for wholesale. A legal description, to the quarter section, of each wholesale bait pond must be listed on the wholesaler's pond application form and all ponds must be approved by the director prior to trapping. The maximum number of approved legal descriptions for ponds from which a wholesale bait vendor may trap annually is fifty. Any bait vendor who violates this section is guilty of a noncriminal offense and shall pay a two hundred fifty dollar fee.

History: Effective April 1, 2008; amended effective April 1, 2009; October 1, 2010; January 1, 2018; October 1, 2020.
General Authority: NDCC 20.1-06-14
Law Implemented: NDCC 20.1-06-14

30-03-01.1-15. Inspections and records.

Equipment used to capture, transport, or hold, and shipments of, legal live aquatic bait are subject to inspections by duly appointed agents of the director.

For all retail vendors, each licensee shall keep current receipts of purchase at the retail licensee's point of sale for the calendar year in which they are licensed. Purchase receipts must be open to inspection by the department.

For all wholesale vendors, each licensee trapping, seining, or purchasing legal live aquatic bait for sale must accurately complete forms furnished by the department. Each wholesale licensee shall keep current, within a month, records at the wholesaler licensee's permanent business address. Records must be open to inspection by the department. A copy of these records for the calendar year shall be submitted to the director no later than ninety days following expiration of the license. A new wholesale bait vendor license may not be issued until records are submitted to the department.

Any bait vendor who violates this section is guilty of a noncriminal offense and shall pay a two hundred dollar fee.

History: Effective April 1, 2008; amended effective October 1, 2010; January 1, 2014; January 1, 2018; April 1, 2023.
General Authority: NDCC 20.1-06-14
Law Implemented: NDCC 20.1-06-14

30-03-01.1-16. Violations and penalties.

Violation of any rule not designated as having a noncriminal penalty is considered a criminal violation as established in the appropriate chapter of North Dakota Century Code title 20.1.

History: Effective April 1, 2008; amended effective October 1, 2010; January 1, 2018.
General Authority: NDCC 20.1-02-05(22)
Law Implemented: NDCC 20.1-02-05(22)