

115-17-14. Commercial mussel dealer permit; permit application and requirements, authority, reports, general provisions, and permit revocation. (a) Each person desiring to purchase or import wild mussels for resale, for export from the state, or for any other commercial use shall make application to the secretary for a commercial mussel dealer permit.

(b) Applications shall be submitted on forms provided by the department, and each applicant shall provide the following information:

- (1) The name of the applicant;
- (2) the address and telephone number of the applicant;
- (3) the business locations and the phone numbers of the applicant;
- (4) the location for mussel storage and processing; and
- (5) other information as required by the secretary.

(c) Any commercial mussel dealer may buy, sell, or trade in those species listed in K.A.R. 115-17-7. A commercial mussel dealer shall not buy, sell, or trade any mussel species for use as fish bait.

(d) Each commercial mussel dealer shall purchase mussels only from sources authorized pursuant to K.A.R. 115-17-6, from a commercial mussel dealer authorized pursuant to this regulation, or from a person authorized by another state to sell mussels.

(e) A commercial mussel dealer shall sell mussels only to the following:

- (1) A commercial mussel dealer authorized pursuant to this regulation; or
- (2) a person legally authorized by another state to purchase mussels.

(f) When a commercial mussel dealer ships, exports, or otherwise sells mussels commercially, the dealer shall provide a bill of lading with each sale. The bill of lading shall be written on a form provided by the department and shall include the following information:

- (1) The name, address and telephone number of the commercial mussel dealer;
- (2) the dealer permit number and expiration date;
- (3) the shipping date;
- (4) the name of the recipient;
- (5) the address and telephone number of the recipient; and
- (6) the total weight of each species on shipment.

(g) Each permittee shall maintain a commercial mussel dealer record book and shall submit a quarterly report to the department. The record book and quarterly report shall be maintained and submitted on forms provided by the department and shall be subject to inspection upon demand by any conservation officer. The report shall be submitted not later than 15 days following the end of the quarter for which the report is prepared. A permit shall not be renewed until all reports have been received by the department.

(h) The record book and report shall include the following information:

- (1) The name of the permittee;
- (2) the address and telephone number of the permittee;
- (3) the permit number of the permittee;
- (4) the total shell weight of each mussel species purchased or imported, including the following information:

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(A) A separate entry for each purchase or importation, stating the total shell weight of each mussel species purchased;

(B) the date of each purchase or importation;

(C) the name of the state where harvested; and

(D) the name, address, and permit number of each person from whom mussels were purchased or imported;

- (5) a copy of each bill of lading accompanying each sale and shipment; and
- (6) other information as required by the secretary.

(i) In addition to other penalties prescribed by law, a commercial mussel dealer permit may be revoked or denied issuance by the secretary if any of these conditions is met:

- (1) The application is incomplete or contains false information.
- (2) The permittee fails to meet reporting requirements or violates permit conditions.

(3) The permittee violates any provision of law, rule, or regulation related to the commercial use of mussels.

(j) Each commercial mussel dealer permit shall expire on December 31 of the year for which the permit was issued.

(k) Any commercial mussel dealer may possess and sell legally acquired mussels no more than 30 days after the expiration date of the permit. (Authorized by K.S.A. 32-807 and K.S.A. 32-941; implementing K.S.A. 32-941 and K.S.A. 32-1002; effective June 8, 1992; amended Nov. 30, 1998; amended Nov. 22, 2002.)