

§ 14.92

§ 14.92 Exceptions to license requirement.

(a) *Certain wildlife.* Any person may engage in business as an importer or exporter of the following wildlife without procuring an import/export license:

(1) Shellfish and fishery products that do not require a permit under part 17 or 23 of this subchapter B and that are imported or exported for purposes of human or animal consumption;

(2) Shellfish and fishery products that do not require a permit under part 17 or 23 of this subchapter B and that are taken in waters under the jurisdiction of the United States or on the high seas for recreational purposes;

(3) Fox, nutria, rabbit, mink, chinchilla, marten, fisher, muskrat, and karakul and their products if the animals have been bred and born in captivity;

(4) Live farm-raised fish and farm-raised eggs of species not requiring a permit under part 17 or 23 of this subchapter B that are being exported;

(5) Live aquatic invertebrates of the Class Pelecypoda (commonly known as oysters, clams, mussels, and scallops) and the eggs, larvae, or juvenile forms thereof exported for purposes of propagation or research related to propagation; and

(6) Pearls imported or exported for commercial purposes.

(b) *Certain persons.* The following persons may engage in business as importers or exporters of wildlife without procuring an import/export license: *Provided,* That such persons keep such records as will fully and correctly disclose each importation or exportation of wildlife made by them and the subsequent disposition made by them with respect to the wildlife, and that subject to applicable limitations of law, duly authorized Service officers at all reasonable times shall, upon notice, be afforded access to such persons' places of business, an opportunity to examine their inventory of imported wildlife and the records required above, and an opportunity to copy such records:

(1) Common carriers when engaged as transporters and not as importers or exporters of record;

(2) Custom house brokers when engaged as agents and not as importers or exporters of record;

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(3) Public museums, or other public, scientific or educational institutions, importing or exporting wildlife for research or educational purposes and not for resale;

(4) Federal, State, or municipal agencies; and

(5) Circuses importing or exporting wildlife for exhibition purposes only and not for purchase, sale, barter, or transfer of such wildlife.

[45 FR 56673, Aug. 25, 1980, as amended at 45 FR 86497, Dec. 31, 1980; 50 FR 52890, Dec. 26, 1985; 61 FR 31871, June 21, 1996]

§ 14.93 License application procedure, conditions, and duration.

(a) *General.* The Director may, upon receipt of an application submitted in accordance with the provisions of this section and §§ 13.11 and 13.12 of this subchapter, issue a license authorizing the applicant to engage in business as an importer or exporter of wildlife.

(b) *Application procedure.* Applications for import/export licenses must be submitted to the appropriate Special Agent in Charge (see § 10.22 of this subchapter). Each application must contain the general information and certification required by § 13.12(a) of this subchapter, plus the following additional information:

(1) A brief description of the nature of the applicant's business as it relates to the importation or exportation of wildlife, e.g., "live animal dealer," "fur broker," "taxidermist," "retail department store," and "pet shop;"

(2) If the application is in the name of a business, a statement disclosing the names and addresses of all partners and principal officers;

(3) A statement of where books or records concerning wildlife imports or exports will be kept;

(4) A statement of where inventories of wildlife will be stored; and

(5) Name, address, and telephone number of the officer, manager, or other person authorized to make records or wildlife inventories available for examination by Service officials.

(c) *Additional license conditions.* In addition to the general conditions set forth in part 13 of this subchapter B, import/export licenses are subject to the following special conditions:

(1) The licensee shall, from the effective date of the license, keep such records as will fully and correctly disclose each importation or exportation of wildlife made by the licensee and the subsequent disposition made by the licensee with respect to such wildlife. The records must include a general description of the form of the wildlife, such as "live," "raw hides," or "fur garments;" the quantity of wildlife, in numbers, weight, or other appropriate measure; the common and scientific names; the country or place of origin of the wildlife, if known; the date and place of import or export; the date of the subsequent disposition of the wildlife; the manner of disposition, whether by sale, barter, consignment, loan, delivery, destruction, or other means; and the name and address of the person who received the wildlife pursuant to such disposition, if applicable;

(2) Licensees shall include and retain in their records copies of all permits required by the laws and regulations of the United States and any country of export or origin;

(3) Licensees shall maintain such books and records for a period of five years;

(4) Subject to applicable limitations of law, licensees must provide duly authorized Service officers at all reasonable times, upon notice, access to the licensee's places of business and give an opportunity to examine the licensee's inventory of imported wildlife and the records required to be kept under paragraph (c)(1) of this section, and give an opportunity to copy such records;

(5) Licensees must, upon written request by the Director, submit within 30 days of such request a report containing the information required to be maintained by paragraph (c)(1) of this section.

(6) An import/export license is only permission to engage in business as an importer or exporter of wildlife. Such a license is in addition to, and does not supersede, any other requirement established by law for the importation or exportation of wildlife.

(7) Licensees agree to pay, as a condition of the license, reasonable user fees for inspections of commercial wildlife

shipments imported or exported under the authorization of the license.

(d) *Duration of license.* Any license issued under this section expires on the date designated on the face of the license. In no case will the license be valid for more than 1 year from the date of issuance.

(e) *Issuance, denial, suspension, revocation, or renewal of license.* Payment of all license and inspection fees shall be a condition of the license. It shall be grounds for suspension or revocation of any license, or for denial or renewal of a license, or of grant of a new import/export license to any person named as the holder, or a principal officer or agent of a holder, of a previous license issued pursuant to this subpart, that any license fees or any fees owing for inspections of wildlife shipments remain unpaid at the time of application for renewal or of new application. Additional provisions governing the issuance, denial, suspension, revocation, and renewal of an import/export license are found in part 13 of this subchapter B.

[45 FR 56673, Aug. 25, 1980, as amended at 50 FR 52890, Dec. 26, 1985; 61 FR 31871, June 21, 1996]

§ 14.94 What fees apply to me?

(a) *License and inspection fees.* We will impose a yearly fee for a license pursuant to § 14.93. In addition, you must pay an inspection fee for each wildlife shipment imported into or exported from the United States at a designated port. If you import into or export from the United States wildlife shipments meeting the criteria outlined in paragraph (e) of this section, you are exempt from the designated port inspection fee, or nondesignated port administrative fee and hourly minimums, whichever apply. However, you must pay applicable overtime fees and permit fees.

(b) *Designated port overtime fees.* The Service may charge importers or exporters of wildlife, regardless of being licensed as a commercial importer or exporter, a fee for overtime for inspections that begin before normal working hours, that extend beyond normal working hours, or are on a holiday, Saturday, or Sunday if the importer/exporter requested that the inspection be performed outside normal work