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HOUSE BILL NO. 978

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Agriculture, Conservation and Natural Resources
on February 25, 2002)

(Patron Prior to Substitute—Delegate Pollard)

A BILL to amend and reenact § 28.2-302.8 of the Code of Virginia, relating to Class II fishing guide licenses.

Be it enacted by the General Assembly of Virginia:

1. That § 28.2-302.8 of the Code of Virginia is amended and reenacted as follows:

§ 28.2-302.8. Headboat or charterboat; rental boats.

A. The Commission may establish the sale of a fishing guide license *and Class II guide license*. If established, such fishing guide license *or Class II guide license* shall be required for each charterboat and headboat captain.

1. *A guide license may be purchased by a charterboat or headboat captain.*

2. *Class II guide licenses may be purchased and used for the following circumstances only:*

a. *Charterboat or headboat owners with more than one boat may purchase a single Class II guide license to cover up to five additional boats, as long as each boat is registered on the license and appropriate fees paid;*

b. *The boat owner is not a U.S. Coast Guard-licensed captain, but hires a U.S. Coast Guard-licensed captain to operate the boat for recreational fishing charters; or*

c. *More than one U.S. Coast Guard-licensed captain owns the boat operated for recreational fishing charters.*

3. *The holder of any guide licenses used for recreational fishing is responsible for any violations of this chapter committed by the captain while operating the boat as a charter boat for the purpose of recreational fishing.*

4. *The Commission is responsible for setting the fees for the guide license, including the fees for additional boats being registered under one Class II guide license.*

B. *The number of fishing guide and Class II guide licenses shall be limited to a total of 500. The initial allotment of licenses to be issued shall include all charterboat licenses purchased on or before May 1, 2002, plus an additional ten percent of that amount. An additional number of licenses, up to ten percent of the total number of licenses issued the previous year, may be sold each subsequent year, up to a maximum of 500.*

~~The Commission may limit the sale of such licenses when deemed necessary by the Commission for effective fisheries management.~~

C. 1. *The application for either the fishing guide or the Class II guide license shall include a copy of the applicant's current U.S. Coast Guard license permitting him to carry passengers for hire. The fee for the license shall not exceed \$100. The Commission may reduce the fee charged for the saltwater recreational fishing license under subsection B by an amount equal to the fee for the fishing guide or Class II guide license.*

2. *New applicants for either the fishing guide or the Class II guide license shall complete an apprenticeship program under a captain holding a current Virginia guide license pursuant to regulations to be established by the Commission.*

B D. *The owner of a headboat or charterboat annually shall purchase a recreational fishing license which covers his customers and the captain and mate of the vessel to meet the requirements set forth in § 28.2-302.1. The annual cost of the license shall be \$150 for uninspected vessels licensed by the United States Coast Guard to carry six fishing passengers or fewer and, for boats United States Coast Guard certified to carry a number of fishing passengers greater than six, \$150 plus \$4 four dollars for each passenger over six for which the boat is designed.*

E. *The owner of a boat rental service shall purchase a recreational fishing license which covers his customers to meet the requirements set forth in § 28.2-302.1. The annual cost of the license shall be \$7.50 per boat with a maximum fee of \$500, whichever is less.*

D F. *Charterboat and headboat operators shall report such data as are deemed necessary by the Commission for the effective fisheries management as a condition of issuance of the license.*

G. *Transfer of guide licenses shall be regulated by the Commission.*

E H. *All funds collected pursuant to this section shall be paid into the state treasury to the credit of the Virginia Saltwater Recreational Fishing Development Fund, as established by § 28.2-302.3.*

2. That the provisions of this act shall not become effective unless reenacted by the 2003 Session of the General Assembly.