

LD5505252

HOUSE BILL NO. 905

Offered January 25, 1994

A *BILL to amend and reenact § 28.2-241 of the Code of Virginia, relating to the registration of commercial fishermen.*

Patron—Grayson

Referred to Committee on Chesapeake and Its Tributaries

Be it enacted by the General Assembly of Virginia:**1. That § 28.2-241 of the Code of Virginia is amended and reenacted as follows:**

§ 28.2-241. Registration of commercial fishermen required; exemption; penalty.

A. On and after January 1, 1993, holders of gear licenses, except those issued pursuant to § 28.2-402, issued January 1, 1992, through December 31, 1992, shall register as commercial fishermen as provided for in regulation.

B. Fishermen who do not hold gear licenses issued between January 1, 1992, and December 31, 1992, shall apply to the Commission for registration as commercial fishermen on or before December 31, 1992, as provided in regulation.

C. On and after January 1, 1993, fishermen not registered as commercial fishermen but who desire to sell their catch shall apply to the Commission for registration as commercial fishermen. The effective date of status as a commercial fisherman shall be two years from the date the application is approved by the Commission. A person whose registration as a commercial fisherman is not effective shall not sell, trade or barter his catch or give his catch to another in order that it may be sold, traded or bartered.

D. For purposes of this section and §§ 28.2-242, 28.2-243 and 28.2-244, "commercial fisherman" means any person who fishes in tidal waters using any gear and who sells, trades or barter his catch or gives his catch to another in order that it may be sold, traded or bartered.

E. The cost of registration as a commercial fisherman shall be \$150 annually, due no later than the effective date of registration. All fees collected from the registration of commercial fishermen shall be deposited in the state treasury and credited to the Marine Fishing Improvement Fund as established in § 28.2-208.

F. *A registered commercial fisherman may purchase one additional registration license, in his own name, for use by an authorized agent in the operation of a second fishing vessel. The second fishing vessel and the gear used on the fishing vessel shall be owned by, and licensed to, the registered commercial fisherman. The registered commercial fisherman, in whose name both licenses are issued, shall be responsible for reporting harvests made under both licenses, in the manner prescribed by regulation.*

If a nonresident is designated as the authorized agent, he shall pay the fee for a nonresident harvester's license.

F-G. Registrations of commercial fishermen shall not be transferable.

G-H. Whenever a court finds that a defendant has violated any of the provisions of this section, the court shall assess a civil penalty of \$500. All civil penalties assessed pursuant to this section shall be paid into the Marine Fishing Improvement Fund as established in § 28.2-208.

H-I. Only commercial fishermen with valid registrations may purchase licenses pursuant to §§ 28.2-301, 28.2-501 and 28.2-702.

I-J. **Persons who have obtained a recreational gear license pursuant to § 28.2-226.1 or § 28.2-302.1 are exempt from the provisions of this section.**

2. That the provisions of this act shall become effective on January 1, 1995.

INTRODUCED

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