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HOUSE BILL NO. 1838

Offered January 14, 1999

A *BILL to amend and reenact § 28.2-232 of the Code of Virginia, relating to the revocation of commercial fishing licenses, registrations, or permits; penalties.*

Patron—Bloxom

Referred to Committee on Chesapeake and Its Tributaries

Be it enacted by the General Assembly of Virginia:**1. That § 28.2-232 of the Code of Virginia is amended and reenacted as follows:**

§ 28.2-232. Revocation of licenses, registrations, or permits.

A. The Commission may revoke and prohibit the issuance, reissuance, or renewal of any licenses, registrations, or permits if, after a hearing held after ten days' notice to the applicant or licensee, registrant, or permittee, it finds that the person has violated any provision of this subtitle. Any person whose license, registration, or permit issued by the Commission which has been revoked shall not (i) engage in any type of commercial "fishing" as defined in § 28.2-100 or (ii) serve as a mate or assistant to a person registered as a commercial fisherman under § 28.2-241, during the period of revocation.

The duration of the revocation and prohibition shall be fixed by the Commission up to a maximum of two years, taking into account (i) evidence of repeated or habitual disregard for conservation, health and safety laws and regulations; (ii) abusive conduct and behavior toward officers; and (iii) the severity of any damage that has occurred, or might have occurred, to the natural resources, the public health, or the seafood industry.

An appeal from the Commission's decision may be taken to the courts as provided in Article 3 (§ 28.2-216 et seq.) of this chapter.

B. Any person who engages in the commercial fishing activities which are prohibited during the revocation period under subsection A of this section is guilty of a Class 3 misdemeanor. A second or subsequent violation of this section within twelve months of a prior violation shall be a Class 1 misdemeanor.

INTRODUCED

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