

VIRGINIA ACTS OF ASSEMBLY -- 2017 SESSION

CHAPTER 339

An Act to amend and reenact § 28.2-241 of the Code of Virginia, relating to Marine Resources Commission; registration as commercial fisherman.

[H 1572]

Approved March 13, 2017

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B. [Repealed.]

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. *The Commission shall grant a preference, on a one-in, one-out basis, for an exemption from the two-year waiting period for an immediate family member or documented employee of a commercial fisherman who is retiring from the commercial fishery.*

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. The Commission shall provide, by regulation, for exemptions from the definition of "commercial fisherman" those persons who independently sell, trade, or barter minnows and who are not part of, hired by, or engaged in a continuing business enterprise as may be defined by the Commission. Such regulation may include, but is not limited to, limits on the quantity of minnows that may be sold, traded, or bartered by a person that may be exempted from the definition of commercial fisherman.

E. The cost of registration as a commercial fisherman shall be \$150 annually, due no later than the effective date of registration; however, the cost of registration for a person ~~seventy~~ 70 years of age or older shall be ~~seventy-five dollars~~ \$75. 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. The Commission may subsequently revise the cost of licenses in this section pursuant to § 28.2-201.

F. Registrations of commercial fishermen shall not be transferable.

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

I. 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.