

## Assembly Bill No. 1144

### CHAPTER 279

An act to amend Sections 7150 and 8235 of, to add Section 8032.5 to, and to repeal and add Section 7852.2 of, the Fish and Game Code, relating to fish.

[Approved by Governor October 5, 2007. Filed with  
Secretary of State October 5, 2007.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 1144, Maze. Fishing licenses and permits.

(1) Existing law requires every person over the age of 16 years who takes any fish, reptile, or amphibian for any purpose other than profit to first obtain a license for that purpose and to have that license on his or her person or in his or her immediate possession when engaged in carrying out any activity authorized by the license, as provided. Existing law provides for specified exceptions to the license requirement, including a provision requiring the Department of Fish and Game to issue a reduced fee sport fishing license to specified applicants, including a person receiving aid to the aged under certain existing law.

This bill would delete that aid to the aged reduced-fee license.

(2) Existing law generally prohibits the renewal of commercial fishing licenses or permits after a deadline for a renewal application, but provides a grace period together with a \$50 penalty for renewal applications submitted on or before the last day of the next month immediately following the deadline.

This bill would revise that provision to generally prohibit a commercial fishing license, stamp, permit, or other entitlement for which there is a renewal deadline from being renewed after that deadline. The bill would require the department to assess a late fee for renewal applications received after the deadline, according to a specified schedule, and would prohibit the department from waiving the applicable late fee. The bill would require the department to deny any application for renewal received after March 31 of the permit year following the year in which the applicant last held a valid permit for that fishery. The bill would authorize an applicant who is denied renewal of a late application to submit a written appeal for renewal to the Fish and Game Commission within 60 days of the date of the department's denial. The bill would authorize the commission, upon consideration of the appeal, to grant the renewal, and would require the commission to assess the applicable late fee.

(3) Existing law generally requires any person who engages in any business for profit involving fish to have a commercial fish business license,

and requires specialty licenses for specified classes of fish business. Existing law makes a violation of the provisions of the Fish and Game Code a crime.

This bill would impose additional conditions to be fulfilled with regard to a commercial fish business entitlement, and would provide for suspension or revocation on specified grounds.

Because this bill would impose new requirements on commercial fish business entitlements, a violation of which would be a crime, the bill would impose a state-mandated local program.

(4) Existing law makes it unlawful to take or possess salmon for commercial purposes on a vessel unless the vessel is registered with the department and the owner of the vessel has a valid and properly affixed commercial salmon vessel permit for the use of that vessel. Existing law authorizes the owner of a permitted vessel, or that owner's agent, to apply for renewal of the permit annually on or before March 31. Existing law requires the department, if an owner to whom a permit has been issued, or that owner's agent, applies for renewal of the permit, and the application for the renewal is received in an office of the department, or is postmarked if mailed, after March 31 but on or before April 30, to accept the application and, upon payment of a late fee, to issue the permit for use of the permitted vessel in the subsequent permit year.

This bill would change that renewal deadline to April 30. The bill would require renewal applications to be received or postmarked on or before that date, subject to a prescribed late fee.

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

*The people of the State of California do enact as follows:*

SECTION 1. Section 7150 of the Fish and Game Code is amended to read:

7150. (a) Upon application to the department's headquarters office in Sacramento and payment of a base fee of four dollars (\$4), as adjusted pursuant to Section 713, the following persons, who have not been convicted of any violation of this code, shall be issued a reduced fee sport fishing license that is valid for the calendar year of issue, or, if issued after the beginning of the year, for the remainder thereof and that authorizes the licensee to take any fish, reptile, or amphibians anywhere in this state as otherwise authorized pursuant to this code and regulations adopted pursuant thereto for purposes other than profit:

(1) A disabled veteran having a 50 percent or greater service connected disability upon presentation of proof of an honorable discharge from military service and proof of the disability. Proof of the disability shall be by certification from the United States Veterans Administration or by

presentation of a license issued pursuant to this paragraph in the preceding license year.

(2) A person over 65 years of age who is a resident of this state and whose total monthly income from all sources, including any old age assistance payments, does not exceed the amount in effect on September 1 of each year contained in subdivision (c) of Section 12200 of the Welfare and Institutions Code for single persons or subdivision (d) of Section 12200 of the Welfare and Institutions Code combined income for married persons, as adjusted pursuant to that section. The amount in effect on September 1 of each year shall be the amount used to determine eligibility for a reduced fee license during the following calendar year.

(b) A person applying for a reduced fee sport fishing license shall submit adequate documentation for the department to determine whether the applicant is, in fact, eligible for a reduced fee sport fishing license. The documentation shall be in the form of a letter or other document, as specified by the department, from a public agency, except as provided in paragraph (1) of subdivision (a). The department shall not issue a reduced fee sport fishing license to any person unless it is satisfied that the applicant has provided adequate documentation of eligibility for that license.

(c) The adjustment of the base fee pursuant to Section 713 specified in subdivision (a) shall be applicable to the fishing license years beginning on or after January 1, 1996.

SEC. 2. Section 7852.2 of the Fish and Game Code is repealed.

SEC. 3. Section 7852.2 is added to the Fish and Game Code, to read:

7852.2. Notwithstanding any other provision of law, a commercial fishing license, stamp, permit, or other entitlement for which there is a renewal deadline shall not be renewed after that deadline, except as follows:

(a) In addition to the base fee for the license, stamp, permit, or other entitlement, the department shall assess a late fee for any renewal the application for which is received after the deadline, according to the following schedule:

(1) One to 30 days after the deadline, a fee of one hundred twenty-five dollars (\$125).

(2) Thirty-one to 60 days after the deadline, a fee of two hundred fifty dollars (\$250).

(3) Sixty-one days or more after the deadline, a fee of five hundred dollars (\$500).

(b) The department shall not waive the applicable late fee. The late fees specified in this section are applicable beginning in the 2008 license year, and shall be adjusted annually thereafter pursuant to Section 713.

(c) The department shall deny any application for renewal received after March 31 of the permit year following the year in which the applicant last held a valid permit for that fishery.

(d) An applicant who is denied renewal of a late application may submit a written appeal for renewal to the commission within 60 days of the date of the department's denial. The commission, upon consideration of the

appeal, may grant renewal. If the commission grants renewal, it shall assess the applicable late fee pursuant to subdivision (a).

SEC. 4. Section 8032.5 is added to the Fish and Game Code, to read:

8032.5. Unless otherwise specified, all of the following conditions apply to each commercial fish business license, permit, or other entitlement pursuant to this article:

(a) An application for a commercial fish business license, permit, or other entitlement shall be made on a form containing information as required by the department. The commercial fish business license shall be signed by the holder before use.

(b) Any person who has had a commercial fish business license suspended or revoked shall not engage in that business activity, and shall not receive any other commercial fish business license, permit, or other entitlement that authorizes engaging in that business activity, while the suspension or revocation is in effect.

(c) The commission, after notice and opportunity for hearing, may suspend, revoke, or cancel commercial fish business privileges for a period of time to be determined by the commission for any of the following reasons:

(1) The person was not lawfully entitled to be issued the license, permit, or other entitlement.

(2) Any violation of this code, the regulations adopted pursuant thereto, or the terms of the permit or other entitlement by the licensee, permittee, person holding the entitlement, or his or her agent, servant, employee, or person acting under the licensee's, permittee's, or entitled person's direction or control.

(3) Any violation of any federal law relating to the fishery for which the license, permit, or other entitlement was issued by the licensee, permittee, person holding the entitlement, or his or her agent, servant, employee, or person acting under the licensee's, permittee's, or entitled person's direction or control.

(d) A commercial fish business license, permit, or other entitlement is not transferable unless otherwise expressly specified in this code.

(e) Any person who holds a commercial fish business license, permit, or other entitlement, who moves or acquires a new or additional plant, facility, or other place of business for profit involving fish, shall notify the department of the address within three months of commencing business activities at the address.

(f) Each plant, facility, or other place of business in which an activity occurs that is required to be licensed under this article shall have a copy of each required license on display and available for inspection at any time by the department.

(g) Any person licensed pursuant to this article shall provide the department, at the time of application, with the business name, business address, and business telephone number for all locations doing business under the authority of the person's commercial fish business license, permit, or entitlement.

(h) Any person licensed pursuant to this article who is subject to landing taxes as defined in Section 8041, and who has failed to pay all landing taxes and penalties pursuant to Section 8053, shall not be allowed to renew their commercial fish business license, permit, or entitlement until payment is made in full to the department.

(i) Any person licensed pursuant to this article who is subject to landing taxes as defined in Section 8041, who fails to submit landing receipts pursuant to Section 8046, may be subject to suspension or revocation of their commercial fish business license, permit, or entitlement.

SEC. 5. Section 8235 of the Fish and Game Code is amended to read:

8235. (a) The owner of a permitted vessel, or that owner's agent, may apply for renewal of the permit annually on or before April 30, upon payment of the fees established under subdivision (b), without penalty. Upon receipt of the application and fees, the department shall issue the permit for use of the permitted vessel in the subsequent permit year only to the owner of the permitted vessel.

(b) The department shall fix the annual fee for the renewal of the permit in an amount it determines to be necessary to pay the reasonable costs of implementing and administering this article.

(c) If an owner to whom a permit has been issued, or that owner's agent, applies for renewal of the permit, the application for renewal shall be received or, if mailed, postmarked on or before April 30. An application received or, if mailed, postmarked after April 30 will be assessed a late fee subject to Section 7852.2. The department shall issue the permit for use of the permitted vessel in the subsequent permit year.

(d) The department shall suspend any late fees otherwise due under subdivision (c) and shall issue a permit for use of the permitted vessel in the subsequent permit year if the department is unable to accept applications for renewal of permits by March 1.

(e) Except as provided in subdivision (c), the department shall not renew a permit for which the application for renewal is not received, or, if mailed, is received or postmarked after expiration of the permit.

SEC. 6. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.