

HOUSE BILL 3166

By Niceley

AN ACT to amend Tennessee Code Annotated, Section 70-2-101 and Section 70-2-205, relative to commercial fishing.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 70-2-205, is amended by deleting subsection (d) in its entirety and by substituting instead the following language:

(d)

(1) A commercial helper's license may be issued without limit as to numbers to any commercial fisher upon paying for each license the appropriate fee required for a commercial fisher. A "commercial helper" is any person who assists a commercial fisher in handling fishing gear, operation of motors or any other act of assistance to the commercial fisher while in the vessel with the commercial fisher. Each commercial fisher must have in the commercial fisher's personal possession a commercial helper's license for each helper on board the vessel at any time.

(2) Subject to the duties of employers provided in § 50-1-703, a commercial fisher shall have full authority to employ any commercial helper without regard to the commercial helper's residence.

(3) The fee paid for a commercial helper's license shall not exceed the fee paid by the specific commercial fisher.

SECTION 2. Tennessee Code Annotated, Section 70-2-205, is amended by adding the following sentence at the end of subsection (g):

This subsection shall not apply to commercial helpers.

SECTION 3. Tennessee Code Annotated, Section 70-2-101(d)(2), is amended by deleting the word “Any” and by substituting instead the language “Except as provided by subdivision (d)(3), any”.

SECTION 4. Tennessee Code Annotated, Section 70-2-101(d), is amended by adding a new subdivision (3) as follows:

(3) Any person whose commercial fishing license or commercial roe fisher permit has been revoked or whose privileges have been suspended, or both, may not be prohibited from being a commercial fisher or commercial roe fisher for a period beyond one (1) year from the date of the revocation or suspension.

SECTION 5. Tennessee Code Annotated, Section 70-2-205(e)(1), is amended by adding the following language at the end of the first sentence:

If there are multiple offenses, the court shall not impose revocations to be concurrent so that the period of revocation of the license of the commercial fishing license or commercial roe fisher permit would be longer than such six (6) month period.

SECTION 6. Tennessee Code Annotated, Section 70-2-205, is amended by adding a language as a new subsection (h):

(h) If a person has been issued a license pursuant to this section at any time within the past two (2) years, and the person's license or permit application had been timely filed for any renewal within such two-year period, then such person shall be entitled to purchase a license as a commercial fisher or obtain a permit as a commercial roe fisher.

SECTION 7. This act shall take effect upon becoming a law, the public welfare requiring it.