AN ACT

To enact R.S. 56:302.9(J), relative to penalties for charter fishing without required credentials; to provide for penalties; to provide for vessel monitoring system requirements; to provide for rules and regulations; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 56:302.9(J) is hereby enacted to read as follows:

§302.9. Charter boat fishing guide license; nonresident fee

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(1) In addition to any other penalty provided for in the Section, any person convicted of a second offense of violating Subsections A or B of this Section, the offender may only operate a vessel that employs a vessel monitoring system for the three years after the date of the conviction. For any person convicted of a third or subsequent offense of violating Subsections A or B of this Section, the offender may only operate a vessel that employs a vessel monitoring system for ten years after the date of the conviction.

(2) Whenever a offender is required to employ a vessel monitoring system, access to the monitoring system shall be granted to the department and the offender shall notify the department on which vessel or vessels the offender will be operating for commercial or recreational use. Any person required to be on board a vessel with an approved vessel monitoring system shall comply with all rules and regulations promulgated by the department or the commission to ensure compliance with vessel monitoring system requirements. The cost of a vessel monitoring system shall be the responsibility of the offender. The department shall approve the vessel monitoring system for use pursuant to this Section.
(3) Any charter guide or individual posing as a charter guide required to operate a vessel with an approved vessel monitoring system who is found operating any vessel that is not equipped with such a system, for commercial or recreational purposes, may have their charter guide license suspended and may be prohibited from obtaining such a license for the remainder of the year in which the person was found not abiding by the vessel monitoring requirement. In addition, the violator shall be sentenced to perform no less that forty hours of community service. If available, the hours shall be served in a litter abatement community service program.

(4) The department shall adopt rules and regulations in accordance with the Administrative Procedure Act to implement the provisions of this Section.