

2024 Regular Session

HOUSE BILL NO. 661

BY REPRESENTATIVE BRYANT

FISHING/COMMERCIAL: Provides relative to charter boat fishing guide licensing

1 AN ACT

2 To amend and reenact R.S. 56:302.9(A)(1) and (2) and (J)(1), relative to charter boat fishing
3 guides; to require commercial marine insurance for charter boat fishing guides; to
4 provide for penalties; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 56:302.9(A)(1) and (2) and (J)(1) are hereby amended and reenacted
7 to read as follows:

8 §302.9. Charter boat fishing guide license; nonresident fee

9 A.(1)(a) No person shall act as nor represent himself to be a saltwater charter
10 boat fishing guide unless that person possesses a valid state charter boat fishing
11 guide license, a valid captain's license issued by the United States Coast Guard, proof
12 of ~~liability~~ commercial marine insurance, and a valid state recreational fishing
13 license that grants fishing privileges appropriate for his charter activity. In addition,
14 any person acting as a saltwater charter boat fishing guide who is in charge of the
15 operation of a vessel shall have his required licenses and proof of ~~liability~~
16 commercial marine insurance on his person while on the water. It shall not be a
17 violation of this Section for a person to represent himself as a charter boat fishing
18 guide if that person held a valid license during the previous thirty days but has not
19 renewed the license.

1 (b) No person shall act as or represent himself to be a freshwater charter boat
 2 fishing guide unless that person possesses a valid state charter boat fishing guide
 3 license, proof of ~~liability~~ commercial marine insurance, and a valid state recreational
 4 fishing license that grants fishing privileges appropriate for his charter activity. In
 5 addition, any person acting as a freshwater charter boat fishing guide who is in
 6 charge of the operation of a vessel shall have his required licenses and proof of
 7 ~~liability~~ commercial marine insurance on his person while on the water. It shall not
 8 be a violation of this Section for a person to represent himself as a charter boat
 9 fishing guide if that person held a valid license during the previous thirty days but
 10 has not renewed the license. The department shall provide written notification to the
 11 holder of a license issued pursuant to this Subparagraph that the holder may be
 12 subject to other requirements of law, including holding a valid captain's license
 13 issued by the United States Coast Guard.

14 (2) The ~~liability~~ commercial marine insurance required by this Subsection
 15 shall be written by an insurance company with at least an A- rating in the latest
 16 printing of the A.M. Best's Key Rating Guide and in a sufficient amount to protect
 17 the public as determined by the commission.

18 * * *

19 J.(1) In addition to any other penalty provided for in ~~the~~ this Section, for any
 20 person convicted of a first offense of violating Subsection A or B of this Section, the
 21 offender shall pay a fine of no less than one thousand dollars to the Department of
 22 Wildlife and Fisheries. For ~~for~~ any person convicted of a second offense of violating
 23 Subsection A or B of this Section, the offender may only operate a vessel that
 24 employs a vessel monitoring system for the three years after the date of the
 25 conviction. For any person convicted of a third or subsequent offense of violating
 26 Subsection A or B of this Section, the offender may only operate a vessel that
 27 employs a vessel monitoring system for ten years after the date of the conviction.

28 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 661 Engrossed

2024 Regular Session

Bryant

Abstract: Requires charter boat fishing guides to carry commercial marine insurance and establishes a fine for a first offense violation of charter fishing licensing requirements.

Present law requires that charter boat fishing guides possess and keep on his person while on the water proof of liability insurance.

Proposed law requires that charter boat fishing guides possess and keep on his person while on the water proof of commercial marine insurance.

Present law provides that a person violating the license requirements for charter fishing for a second time will only be allowed to operate a vessel with a monitoring system for three years, and for a third time will only be allowed to operate a vessel with a monitoring system for 10 years.

Proposed law adds a penalty for a first offense violation of the charter fishing licensing requirements of up to \$1000.

(Amends R.S. 56:302.9(A)(1) and (2) and (J)(1))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Natural Resources and Environment to the original bill:

1. Make technical changes.
2. Remove requirement for freshwater charter fishing guides to obtain a U.S. Coast Guard captain's license.
3. Reinstate language in current law requiring the Dept. of Wildlife and Fisheries to provide written notification to freshwater charter fishing guides that they may be subject to additional legal requirements, including the requirement to obtain a U.S. Coast Guard captain's license.
4. Change the insurance requirement for charter fishing guides from liability insurance to commercial marine insurance.