

HOUSE BILL NO. 1573

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on/for _____)

on _____)

(Patron Prior to Substitute--Delegate Helsel)

A BILL to amend and reenact § 28.2-232 of the Code of Virginia, relating to Marine Resources Commission; licenses; revocation.

Be it enacted by the General Assembly of Virginia:

1. That § 28.2-232 of the Code of Virginia is amended and reenacted as follows:

§ 28.2-232. Revocation of licenses.

A. The Commission may revoke the fishing privileges within the Commonwealth's tidal waters and revoke, or prohibit the issuance, reissuance, or renewal of any licenses if, after a hearing held after 10 days' notice to the applicant or licensee, it finds that the person has violated any provision of this subtitle.

B. The duration of the license revocation and prohibition shall be fixed by the Commission up to a maximum of five years ~~with the withdrawal of all fishing privileges conferred by this title during that period~~, taking into account (i) evidence of repeated ~~or habitual disregard for~~ violations of the conservation, health ~~and, or~~ safety laws and regulations; (ii) abusive conduct and behavior toward officers; and (iii) the ~~severity of any~~ damage that has occurred, or might have occurred, to the natural resources, the public health, or the seafood industry.

In determining whether to revoke a person's tidal fishing privileges for up to a maximum of five years, the Commission shall take into account (i) evidence of habitual disregard for the conservation, health, or safety laws and regulations; (ii) whether the violation of this subtitle was committed while the person's licenses or privileges were revoked or while the person was under a Commission-ordered probation period; and (iii) evidence that significant harm occurred, or might have occurred, to the natural resources, the public health, or the seafood industry.

27 C. The Commission may assess a civil penalty of up to \$10,000 against a person if it finds, after
28 a hearing held after 10 days' notice, that the person has engaged in fishing, other than for recreational
29 purposes as defined in § 28.2-226.1, while the person's applicable licenses ~~and or~~ fishing privileges have
30 been revoked pursuant to this section or § 28.2-528. In setting the amount of the civil penalty, the
31 Commission shall consider the person's history of violating the conservation, health, and safety laws and
32 regulations of the Commonwealth. The Commission shall accept payment of the civil penalty by credit
33 card.

34 D. If the person fails to pay the civil penalty within 180 days of the assessment of the civil
35 penalty by the Commission, the Commissioner may transmit a true copy of the order assessing such civil
36 penalty to the clerk of the court of any county or city wherein it is ascertained that the person owing the
37 penalty has any estate, and the clerk to whom such copy is so sent shall record it, as a judgment is
38 required by law to be recorded, and shall index the same as well in the name of the Commonwealth as of
39 the person owing the penalty, and thereupon there shall be a lien in favor of the Commonwealth on the
40 property of the person within such county or city in the amount of the civil penalty.

41 E. Civil penalties collected pursuant to this section shall be deposited into the Virginia Marine
42 Products Fund established in § 3.2-2705.

43 An appeal from the Commission's decision may be taken to the courts as provided in Article 3 (§
44 28.2-216 et seq.) ~~of this chapter.~~

45 #