

CHAPTER 457

S.B. No. 441

AN ACT

relating to the issuance of tags for certain finfish species and to the purchase of aquatic products; providing penalties.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subchapter A, Chapter 46, Parks and Wildlife Code, is amended by adding Section 46.0045 to read as follows:

Sec. 46.0045. TAG FEES. The commission by rule may establish fees for initial and duplicate tags issued under this subchapter and for issuance or collection fees for license deputies issuing the tags.

SECTION 2. Chapter 46, Parks and Wildlife Code, is amended by amending Sections 46.006 through 46.015 and by adding Section 46.0086 to read as follows:

Sec. 46.006. **DUPLICATE LICENSE OR TAG.** (a) If a license issued under this subchapter is lost or destroyed, a license deputy may issue a duplicate license on application of the license holder and receipt of \$5 or an amount set by the commission, whichever amount is more. *If a tag issued under this subchapter is lost or destroyed, a license deputy may issue a duplicate tag on application of the tag holder and payment of a fee set by the commission under Section 46.0045 of this code.*

(b) The application for a duplicate license *or tag* must be an affidavit containing:

- (1) the facts concerning the loss or destruction of the license *or tag*; and
- (2) the serial number of the lost or destroyed license *or tag*.

(c) The license deputy issuing the license may retain 50 cents as a fee for issuing the duplicate license.

Sec. 46.007. **EXPIRATION OF LICENSES AND TAGS.** (a) A license required or authorized by this subchapter is valid only during the yearly period for which it is issued without regard to the date on which the license is acquired. Each yearly period begins on September 1 of a year and extends through August 31 of the next year.

(b) A duplicate license is valid for the period of validity of the original license only.

(c) A tag or duplicate tag required or authorized by this subchapter is valid for a period as established by the commission.

Sec. 46.008. **LICENSE INFORMATION.** A license issued under this subchapter must contain:

- (1) the year for which the license is issued (printed across the face of the license);
- (2) the name, address, and residence of the licensee;
- (3) an approximate weight, height, age, and color of hair and eyes of the licensee for identification in the field; and
- (4) the statement: "This license does not entitle the holder to fish on the enclosed and posted lands of another without the consent of the owner or his agent."

Sec. 46.0085. **FORM AND ISSUANCE OF LICENSE AND TAGS.** (a) The department shall prescribe the form of and shall issue the licenses *and tags* authorized by this chapter.

(b) A license *and tag* issued under this chapter is not valid until the person to whom it is issued completes all required information on the license.

(c) The department may issue tags for finfish species allowed by law to be taken during each year or season from coastal waters of the state to holders of licenses authorizing the taking of finfish species.

Sec. 46.0086. **FINFISH TAGS: PROHIBITED ACTS.** (a) *No person may purchase or use more finfish tags during a license year than the number and type authorized for the year by the commission, excluding duplicate tags issued under Section 46.006 of this code.*

(b) *A person may not:*

- (1) *use the same finfish tag on more than one finfish;*
- (2) *use a finfish tag issued in the name of another;*
- (3) *use a tag on a finfish for which another tag is specifically required; or*
- (4) *take a finfish required to be tagged and fail to immediately attach a properly executed tag to the finfish in the manner prescribed by the commission.*

Sec. 46.009. **LICENSE DEPUTIES.** Employees of the department, county clerks, and any person designated by the department to issue licenses *and tags* are license deputies and

may issue licenses *and tags* under this subchapter. An employee of the department may not retain a collection or issuance fee.

Sec. 46.010. DUTIES OF LICENSE DEPUTIES. The license deputy shall:

(1) fill out correctly and preserve for the use of the department the stubs attached to the license *or tag*; and

(2) keep a complete and correct record of all licenses *or tags* issued, showing the name and residence of each licensee, the serial number of the license, and the date of issuance of the license *or tag*.

Sec. 46.011. MONTHLY REPORT. (a) After the end of each calendar month, license deputies shall send to the department a report in a form and manner prescribed by the department.

(b) The department shall credit the license deputy with the amount remitted.

Sec. 46.012. LICENSE BOOKS. [(4b)] Unissued licenses *or tags* shall be returned on the request of the department.

Sec. 46.013. ISSUANCE OR ACCEPTANCE OF LICENSE. No person may issue or accept a license *or tag* required by this subchapter except on a form provided by the department.

Sec. 46.014. FISHING UNDER THE LICENSE OF ANOTHER. No person may fish under a license issued to another or allow another person to fish under a license issued to him.

Sec. 46.015. PENALTY. (a) A person who violates a provision of this subchapter or, except as provided by Subsection (b) of this section, who fails or refuses to show an officer his license *or tag* on the request of the officer commits an offense that is a Class C Parks and Wildlife Code misdemeanor.

(b) If on or before the trial of any person charged with the failure or refusal to show an officer a license *or tag* issued under this subchapter, the person produces for the court or the prosecuting attorney the proper fishing license *or tag* issued to the person and valid at the time of the offense, the court having jurisdiction of the suit shall dismiss the charge.

SECTION 3. Section 47.0111, Parks and Wildlife Code, is amended to read as follows:

Sec. 47.0111. PURCHASE OF AQUATIC PRODUCTS BY RETAIL FISH DEALERS. No retail fish dealer may purchase for resale or receive for sale, barter, exchange, or any other commercial purposes any aquatic products from any person or entity in this state unless he purchases the product from the holder of:

(1) a wholesale fish dealer's license;

(2) a general commercial fisherman's license *when the retail fish dealer has given written notification to the executive director of the department or his designee of the dealer's intent to purchase aquatic products from the holder of a general commercial fisherman's license*; or

(3) a fish farmer's license.

SECTION 4. This Act takes effect September 1, 1993.

SECTION 5. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force according to its terms, and it is so enacted.

Passed the Senate on March 22, 1993: Yeas 31, Nays 0; the Senate concurred in House amendments on May 22, 1993: Yeas 30, Nays 0; passed the House, with amendments, on May 19, 1993, by a non-record vote.

Approved June 9, 1993.

Effective Sept. 1, 1993.