

**As Introduced**

**127th General Assembly  
Regular Session  
2007-2008**

**S. B. No. 77**

**Senator Grendell**

**Cosponsors: Senators Spada, Mumper**

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**A B I L L**

To amend sections 1533.341, 1533.35, 1533.36, 1  
1533.42, 1533.62, 1533.63, 1533.631, and 1533.64 2  
and to enact sections 1533.343 and 1533.641 of the 3  
Revised Code to increase the license fees for 4  
commercial fishing, to revise the penalties for 5  
violations of certain commercial fishing statutes, 6  
and to make other changes to the law governing 7  
commercial fishing. 8

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 1533.341, 1533.35, 1533.36, 1533.42, 9  
1533.62, 1533.63, 1533.631, and 1533.64 be amended and sections 10  
1533.343 and 1533.641 of the Revised Code be enacted to read as 11  
follows: 12

**Sec. 1533.341.** The chief of the division of wildlife with the 13  
approval of the wildlife council, in managing the Lake Erie 14  
fishery resources, may utilize and establish by division rule a 15  
quota management system that shall consist of determining on a 16  
scientific basis by species and number or pounds the maximum 17  
allowable annual taking of those fishery resources or part thereof 18  
in order to prevent over exploitation of any species and assure 19

the conservation and wise use of all species, and the 20  
determination on an equitable basis of the distribution of that 21  
maximum allowable annual taking between and within sport and 22  
commercial interests. 23

The chief and the council, in determining and establishing 24  
the apportionment of the maximum allowable annual taking of a 25  
species between the sport and commercial interests, shall be 26  
guided by the proportional sport and commercial taking of the 27  
species during the immediately preceding five years ~~and~~ or other 28  
pertinent scientific, economic, and social data. 29

The chief and the council, in determining the distribution of 30  
the apportionment within the commercial industry, also shall 31  
consider the proportional commercial taking of the species within 32  
the commercial industry during the immediately preceding five 33  
years ~~and~~ or other pertinent scientific, economic, and social 34  
data. 35

No person shall fail to comply with any quota set pursuant to 36  
this section, other provisions of this section, or division rule 37  
adopted pursuant thereto. 38

~~In addition to other penalties provided in the Revised Code,~~ 39  
~~the license of any person who is convicted of two violations of~~ 40  
~~this section that occurred within a twelve month period is~~ 41  
~~suspended upon the second such conviction by operation of law for~~ 42  
~~a period of sixty fishing season days immediately following that~~ 43  
~~conviction.~~ 44

~~In addition to other penalties provided in the Revised Code,~~ 45  
~~the license of any person who is convicted of three or more~~ 46  
~~violations of this section that occurred within a twelve month~~ 47  
~~period is suspended upon the third or subsequent such conviction~~ 48  
~~by operation of law for a period of eighteen fishing season months~~ 49  
~~immediately following that conviction.~~ 50

During any period of suspension, no person shall use or 51  
engage in fishing with commercial gear owned, used, or controlled 52  
at the time of conviction by the licensee whose license has been 53  
suspended. 54

Any person whose license has been suspended or revoked by 55  
operation of law pursuant to any provision of this chapter or 56  
Chapter 1531. of the Revised Code is not eligible to apply for or 57  
receive a new license during the period of the suspension or 58  
revocation. 59

Sec. 1533.343. On and after March 1, 2008, no commercial 60  
fishing licensee shall use or engage in fishing with commercial 61  
gear unless the licensee uses vessel and catch monitoring devices 62  
in accordance with requirements and procedures established by the 63  
chief of the division of wildlife. The chief shall establish 64  
requirements and procedures concerning vessel and catch monitoring 65  
devices by division rule. A licensee shall pay the costs of 66  
purchasing, installing, and maintaining the devices. 67

**Sec. 1533.35.** (A) Commercial fishing devices shall be 68  
annually licensed as follows: 69

(1) Trap and fyke nets, for the first twenty nets or any 70  
portion thereof, ~~eight~~ twenty-four hundred dollars; and for each 71  
additional group of ten such nets or any portion thereof, ~~four~~ 72  
twelve hundred dollars; 73

(2) For each seine of one hundred fifty rods or less in 74  
length other than an inland fishing district seine, ~~four~~ twelve 75  
hundred dollars; 76

(3) For each seine over one hundred fifty rods in length 77  
other than an inland fishing district seine, ~~six~~ eighteen hundred 78  
dollars; 79

(4) For each inland fishing district seine, ~~one~~ three hundred 80

dollars;	81
(5) For each carp apron, <del>one</del> <u>three</u> hundred dollars;	82
(6) For one trotline with seventy hooks or less attached thereto, <del>twenty</del> <u>sixty</u> dollars;	83 84
(7) For each trotline, or trotlines, with a total of more than seventy hooks attached thereto, <del>one</del> <u>three</u> hundred dollars;	85 86
(8) For each dip net, <del>one</del> <u>three</u> hundred dollars.	87
The license fee for other commercial fishing gear not mentioned in this section, as approved by the chief of the division of wildlife, shall be set by the chief with approval of the wildlife council.	88 89 90 91
Commercial fishing gear owned or used by a nonresident may be licensed in this state only if a reciprocal agreement is in effect as provided for in section 1533.352 of the Revised Code.	92 93 94
All commercial license fees shall be paid upon application or shall be paid one-fourth upon application with the balance due and owing within ninety days of the date of application, except that those license fees of one hundred dollars or less shall be paid in full at the time of application.	95 96 97 98 99
(B) Royalty fees are hereby established on the following species of fish when taken commercially: catfish, white bass, and yellow perch.	100 101 102
The amount of the royalty fees shall be as follows: on the species taken for which an allowable catch or quota has been established by division rule, five cents per pound. On the species taken for which an allowable catch or quota has not been established by division rule, two cents per pound.	103 104 105 106 107
All royalty fees established or provided for in this section shall be paid by the license holder to the division. No person may be issued a commercial fishing license until all royalty fees due	108 109 110

from that person for the preceding fishing season have been paid 111  
in full. The chief may request the attorney general to recover any 112  
royalty fee or amount thereof that is not paid by the opening date 113  
of the next fishing season, and the attorney general shall 114  
commence appropriate legal proceedings to recover the unpaid fee 115  
or amount. 116

All commercial fishing license moneys and all other fees 117  
collected from commercial fishers shall be deposited in the state 118  
treasury in accordance with section 1533.33 of the Revised Code. 119

No person shall fail to comply with any provision of this 120  
section or a division rule adopted pursuant to it. 121

~~In addition to other penalties provided in the Revised Code,~~ 122  
~~the license of any person who is convicted of one or more~~ 123  
~~violations of this section shall be suspended upon the conviction~~ 124  
~~by operation of law for a period of eighteen fishing season months~~ 125  
~~immediately following the conviction.~~ 126

~~During any period of suspension, no person shall use or~~ 127  
~~engage in fishing with commercial gear owned, used, or controlled~~ 128  
~~at the time of conviction by the licensee whose license has been~~ 129  
~~suspended.~~ 130

**Sec. 1533.36.** ~~(A)~~ No fishing license issued pursuant to 131  
section 1533.32 or 1533.35 of the Revised Code is transferable, 132  
and no ~~fisherman~~ fisher shall carry a license that was issued in 133  
the name of another person or that does not contain the signature 134  
of the agent issuing it. 135

~~(B) Notwithstanding any other provision in the Revised Code~~ 136  
~~and except as otherwise provided by division rule, a licensee~~ 137  
~~holding a commercial fishing license issued pursuant to section~~ 138  
~~1533.35 of the Revised Code may transfer that license to a person~~ 139  
~~holding a license issued under that section or to a person meeting~~ 140

~~the qualifications set forth in section 1533.342 of the Revised Code. Such a transfer is subject to all of the following conditions:~~

~~(1) The transferred license is limited to the type of commercial fishing gear for which the original license was issued;~~

~~(2) The transfer does not affect any other commercial fishing license privilege possessed by the transferor, and the transferor, as permitted by law, may continue to renew and use any license not transferred;~~

~~(3) Application for the transfer may be made at any time and shall be made simultaneously by the transferor and transferee on forms provided by the division of wildlife;~~

~~(4) When a commercial fishing license is transferred during the open commercial fishing season, the transferee may be issued a license only upon receipt by the division of payment in an amount equal to the annual fees set forth in section 1533.35 of the Revised Code for the type of commercial fishing gear to be transferred plus any unpaid fees that have not been paid by the transferor at the time of transfer. The division shall not refund fees previously paid by a transferor.~~

~~(5) A commercial fishing license shall be transferred only upon payment to the division of the royalty fees imposed by section 1533.35 of the Revised Code that have accrued to the date of transfer. Royalty fees that accrue with regard to the license on or after the date of transfer are solely the responsibility of the transferee.~~

~~(6) A commercial fishing license may be transferred at any time, but it shall not be transferred if the license is suspended at the time transfer is sought, or if the licensee has been charged with a violation that could result in license suspension;~~

~~(7) After determining that the transfer of a commercial~~

~~fishing license is proper, the chief of the division of wildlife 172  
shall effect the transfer by revocation of the license of the 173  
transferor and simultaneous issuance of the appropriate license to 174  
the transferee. 175~~

**Sec. 1533.42.** Except as otherwise provided by division rule, 176  
every licensee taking fish with commercial fishing gear, except a 177  
trotline of seventy hooks or less, in any of the waters mentioned 178  
in Chapter 1531. and this chapter of the Revised Code or division 179  
rule, shall keep accurate reports for each day's catch upon forms 180  
provided, and in the manner prescribed, by the chief of the 181  
division of wildlife. 182

Every commercial fishing licensee shall keep an accurate 183  
record of each day's catch as prescribed upon a monthly report 184  
form. The report shall include at least the number of pounds of 185  
each kind of fish taken, the locality fished, the kind and amount 186  
of fishing gear lifted, the number of fishing nights, the number 187  
of lifts, and any other data the biologists employed by the 188  
division require in following the trend of the fisheries. The 189  
licensee shall report each month, under oath when requested to do 190  
so, those data to the chief. 191

The daily catch data shall be recorded accurately on the 192  
respective date upon a report form approved by the chief no later 193  
than twelve noon on the day following the day in which the fish 194  
were taken. The monthly report and any other report required 195  
pursuant to this section shall be submitted to the division no 196  
later than the fifteenth day of the month following the end of the 197  
calendar month in which the fish were taken. 198

No person shall fail to comply with any report procedure 199  
provided for in this section, other provisions of this section, or 200  
division rule adopted pursuant thereto. 201

~~In addition to other penalties provided in the Revised Code, 202~~

~~the license of any person who is convicted of two violations of  
this section that occurred within a twelve month period is  
suspended upon the second such conviction by operation of law for  
a period of sixty fishing season days immediately following that  
conviction.~~

~~In addition to other penalties provided in the Revised Code,  
the license of any person who is convicted of three or more  
violations of this section that occurred within a twelve month  
period is suspended upon the third or subsequent such conviction  
by operation of law for a period of eighteen fishing season months  
immediately following that conviction.~~

~~During any period of suspension, no person shall use or  
engage in fishing with commercial gear owned, used, or controlled  
at the time of conviction by the licensee whose license has been  
suspended.~~

**Sec. 1533.62.** The dimensions and specifications for seines  
provided in this section shall apply except as otherwise provided  
by division rule.

Carp, buffalo fish, mullett, suckers, sheepshead, goldfish,  
bowfin, and gizzard shad may be taken with a seine only in the  
bays, marshes, estuaries, or inlets bordering upon, flowing into,  
or in any manner connected with Lake Erie, except in any of these  
waters that are in the Lake Erie fishing district where they may  
be taken with other nets as provided in this chapter and Chapter  
1531. of the Revised Code. The meshes of one-third of each wing of  
such a seine, next to the brails, shall measure not less than five  
inches stretched mesh, and the meshes of the next one-third of  
each wing shall measure not less than four and one-half inches  
stretched mesh. The balance of the seine shall measure not less  
than four inches stretched mesh. All measurements shall be made on  
the bar as provided in section 1533.52 of the Revised Code. Such



fish may be taken only with the seine prescribed in this section 234  
in the Ottawa river, no farther up than the Ann Arbor bridge; in 235  
the Maumee river, no farther up than the Toledo Cherry street 236  
bridge; in the Portage river and in Portage bay, no farther up 237  
than one-half mile west of the junction of the Portage and Little 238  
Portage rivers; in the Sandusky river, no farther up than an 239  
imaginary line running from the west point of Squaw island 240  
straight across Sandusky river to Teal Pond Point, thence straight 241  
south to the mainland; in Mud creek and in Mud creek bay, no 242  
farther up than an imaginary line running straight across Mud 243  
creek at a right angle with the course of the stream one-half mile 244  
west of the Mud Creek bridge on Port Clinton road; and in the 245  
Lacarbe creek, Little Portage river, Tousaint river, Turtle creek, 246  
Crane Creek, and Ward's canal, no farther up than the water level 247  
of Lake Erie extends in these streams. No person shall set and 248  
leave stationary a seine, net, or other device that will tend to 249  
interfere with the free movement of fish into or out of the mouth 250  
of any stream flowing into or in any manner connected with Lake 251  
Erie, wherein fishing with nets is permitted by law, or up or down 252  
any section of such streams. In the Lake Erie fishing district, a 253  
smaller mesh may be used in the bag of a seine, but such a small 254  
mesh bag shall not exceed three hundred fifty feet in length, of 255  
which two hundred feet shall be made of twine with meshes not less 256  
than three inches stretched mesh, fishing measure, measured on the 257  
bar as provided in section 1533.52 of the Revised Code. 258

No seine shall be used in fishing or had in possession in 259  
this state of a greater length than three hundred rods. 260

This section does not permit the use of any net in any stream 261  
flowing into Lake Erie east of the mouth of Sandusky bay, except a 262  
minnow net as provided in section 1533.57 of the Revised Code. 263

No person shall draw, set, place, locate, or maintain any net 264  
or seine except a minnow net in that portion of Sandusky bay or 265

Lake Erie lying within the area starting at the northeast end of 266  
the Cedar Point jetty, thence on a line drawn straight from the 267  
northeast end of Cedar Point jetty to Shafer's dock on Marblehead, 268  
thence to the western extremity of Johnson's island, thence to the 269  
loading dock of the Baltimore and Ohio Railroad, and back to the 270  
point of origin. 271

No person shall draw, set, place, locate, or maintain any net 272  
except a minnow net in that portion of Sandusky bay lying between 273  
Cedar Point and the mainland and east of an imaginary line running 274  
straight across Sandusky bay from the extreme west point of Cedar 275  
Point to the Baltimore and Ohio elevator dock. 276

No person shall fail to comply with any provisions of this 277  
section or division rule adopted pursuant thereto. 278

~~In addition to other penalties provided in the Revised Code 279  
the license of any person who is convicted of two violations of 280  
this section that occurred within a twelve month period is 281  
suspended upon the second such conviction by operation of law for 282  
a period of five fishing days immediately following that 283  
conviction. 284~~

~~In addition to other penalties provided in the Revised Code 285  
the license of any person who is convicted of three or more 286  
violations of this section that occurred within a twelve month 287  
period is suspended upon the third or subsequent such conviction 288  
by operation of law for a period of twenty fishing season days 289  
immediately following that conviction. 290~~

~~During any period of suspension, no person shall use or 291  
engage in fishing with commercial gear owned, used, or controlled 292  
at the time of conviction by the licensee whose license has been 293  
suspended. 294~~

**Sec. 1533.63.** Except as otherwise provided by division rule, 295

no person shall take, catch, buy, sell, transport, or possess a 296  
whitefish less than seventeen inches in length, a sturgeon less 297  
than forty-eight inches in length, a catfish less than fourteen 298  
and one-half inches in length, a yellow perch less than eight and 299  
one-half inches in length, a yellow perch fillet or part fillet of 300  
not less than five and five-eighths inches in length, a headless 301  
yellow perch less than six and seven-eighths inches in length, a 302  
white bass or white bass hybrid less than eleven inches in length, 303  
a headless white bass or white bass hybrid less than eight and 304  
three-fourths inches in length, a white bass or white bass hybrid 305  
fillet or part thereof less than six and one-half inches in 306  
length, a bullhead less than nine inches in length, a cisco less 307  
than eleven inches in length, a buffalo fish less than fifteen 308  
inches in length, a sucker less than ten inches in length, or a 309  
coho less than twenty-five inches in round length or twenty-one 310  
and one-half inches when headless. All such fish caught or taken 311  
of a weight or length less than that prescribed in this section or 312  
as may be provided by the chief of the division of wildlife 313  
immediately shall be released with as little injury as possible 314  
while the net, seine, trotline, dip net, or other fishing device 315  
is being lifted, pulled, or hauled. 316

No person shall release such undersized fish or species 317  
protected by this chapter and Chapter 1531. of the Revised Code or 318  
division rule into a privately owned pond, lake, live car, or 319  
other enclosure. No person shall bring ashore, or possess aboard a 320  
boat used in commercial fishing when going to or returning from 321  
nets or other fishing devices, a fish with its head or tail 322  
removed or in such condition that its length, weight, or species 323  
cannot be determined. 324

This section does not prohibit the catching, taking, or 325  
possession of such undersized fish when caught or taken with hook 326  
and line, other than a commercially licensed trotline, but when 327

such fish are so taken, they cannot be bought or sold. 328

No licensed commercial fishers, or person required to have a 329  
commercial fishing license under section 1533.34 of the Revised 330  
Code, shall take walleye, sauger, whitefish, mooneye, cisco, 331  
burbot, sturgeon, and blue pike; brook, brown, rainbow, and lake 332  
trout; coho, chinook, and kokanne salmon; or other species 333  
protected by this chapter and Chapter 1531. of the Revised Code or 334  
division rule, from Lake Erie or its tributaries or possess such 335  
fish aboard a boat used in commercial fishing when going to or 336  
returning from nets or other fishing devices. All such fish caught 337  
or taken from a commercial fishing device immediately shall be 338  
released with as little injury as possible while the fishing 339  
device is being lifted, pulled, or hauled. 340

No person shall take, buy, sell, barter, give away, deliver, 341  
ship, transport, or possess any package, container, or quantity 342  
with more than ten per cent by weight of undersized fish or any 343  
other species either round or filleted mentioned in this section 344  
or division rule. The entire quantity of fish containing more than 345  
ten per cent by weight of undersized fish shall be confiscated 346  
along with its containers. No person shall buy, sell, offer for 347  
sale, transport, give away, barter, or possess a fish caught or 348  
taken out of season or in any manner prohibited or a fish caught 349  
or taken unlawfully from waters in or outside the state. All fish 350  
brought into the state from another state or country shall be 351  
subject to the laws of this state. 352

All fish taken or caught from Ohio waters shall be brought 353  
into an Ohio port for inspection. No person shall ship, carry, 354  
transport, or cause to be transported any fish taken or caught 355  
from Ohio waters directly to a point outside the state. 356

Walleye or sauger originating from outside of this state may 357  
be possessed for sale, bought, or sold subject to division rule. 358

No person shall trade, buy, sell, possess, or transport for sale walleye or sauger taken from waters in this state. 359  
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Each person who holds a permit under section 1533.301 or 1533.631 of the Revised Code shall keep accurate written records in the English language of all sales and purchases of freshwater fish. The records shall include the name and address of the buyer and seller, the name of fish, the amount of fish in pounds, and the date of sale or purchase. Records for trout, bullhead, herring, whitefish, sauger, walleye, yellow perch, white bass, sturgeon, and channel catfish shall be kept on forms provided by the chief. In lieu of keeping the written records concerning sales of freshwater fish as required under this section, a permit holder, upon applying to and receiving the approval of the chief, may keep the sales information required under this section on normal business records, including, but not limited to, receipts and invoices. All records shall be maintained for at least one year and shall be open to inspection to all division of wildlife officers at all reasonable hours. A buyer who purchases fish for the buyer's own consumption shall not be required to keep records, and persons selling fish for personal consumption shall not be required to record the names and addresses of persons purchasing the fish. 361  
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No person shall fail to comply with any provision of this section or division rule adopted pursuant thereto. 381  
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~~In addition to other penalties provided in the Revised Code, the license of any person who is convicted of two violations of this section, other than those relating to ten per cent by weight of undersized fish, that occurred within a twelve month period, is suspended upon the second such conviction by operation of law for a period of sixty fishing season days immediately following that conviction.~~ 383  
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~~In addition to other penalties provided in the Revised Code,~~ 390

~~the license of any person who is convicted of three or more 391  
violations of this section, other than those relating to ten per 392  
cent by weight of undersized fish, that occurred within a 393  
twelve month period is suspended upon the third or subsequent such 394  
conviction by operation of law for a period of eighteen fishing 395  
season months immediately following that conviction. 396~~

~~In addition to other penalties provided in the Revised Code, 397  
the license or permit of any person who is convicted of two 398  
violations of this section relating to walleye or sauger is 399  
suspended upon the second such conviction by operation of law for 400  
a period of twenty days immediately following that conviction. 401~~

~~In addition to other penalties provided in the Revised Code, 402  
the license or permit of any person who is convicted of three 403  
violations of this section relating to walleye or sauger is 404  
suspended upon the third such conviction by operation of law for a 405  
period of sixty days immediately following that conviction. 406~~

~~In addition to other penalties provided in the Revised Code, 407  
any person who is convicted of four violations of this section 408  
relating to walleye or sauger imported from without the state that 409  
occurred within a period of thirty six months is prohibited upon 410  
the fourth such conviction by operation of law from transporting, 411  
buying, selling, or dealing in walleye and sauger for a period of 412  
sixty months immediately following that conviction. 413~~

~~In addition to other penalties provided in the Revised Code, 414  
the license or permit of any person who is convicted of four 415  
violations of this section relating to walleye or sauger, other 416  
than walleye or sauger imported from without the state, is revoked 417  
upon the fourth such conviction by operation of law, and the 418  
person is permanently barred from obtaining another license or 419  
permit of the type revoked. 420~~

~~In addition to other penalties provided in the Revised Code, 421~~

~~the license of any person who is convicted of three or more 422  
violations of this section relating to ten per cent by weight of 423  
undersized fish that occurred within a twelve month period is 424  
suspended upon the third or subsequent such conviction by 425  
operation of law for a period of twenty fishing season days 426  
immediately following that conviction. 427~~

~~During any period of suspension or revocation, no person 428  
shall use or engage in fishing with commercial gear owned, used, 429  
or controlled at the time of conviction by the licensee whose 430  
license or permit has been suspended or revoked. 431~~

As used in this section, "sale of fish" includes, but is not 432  
limited to, fish sold in the round or part thereof and fish sold 433  
as part of a meal or service, but does not include canned fish. 434

~~For purposes of determining any license or permit suspension 435  
or revocation required by this section, multiple convictions 436  
resulting from violations of this section that occurred at the 437  
same time, on the same day, and at the same location, are deemed 438  
to be a single conviction of one violation. 439~~

**Sec. 1533.631.** Any person may apply for a permit to handle 440  
commercial fish, or other fish that may be bought or sold under 441  
the Revised Code or division rule, at wholesale. The chief of the 442  
division of wildlife shall issue an annual permit granting the 443  
applicant the privilege to handle such fish at wholesale at one or 444  
more designated premises upon filing of an application on a form 445  
prescribed by the chief and payment of a fee of sixty-five 446  
dollars. No person or a person's agent shall handle at wholesale 447  
any fresh water fish or part thereof unless a permit has been 448  
issued for the calendar year in which the fish is handled at 449  
wholesale for the premises at which the fish is handled. 450

A fish is handled at wholesale for purposes of this section 451  
when it is on a premises within the state and is being held, 452

stored, handled, or processed for the purpose of sale to a person 453  
who ordinarily resells the fish. 454

The permit required by this section shall be issued subject 455  
to the right of entry and inspection of the designated premises of 456  
the permittee by any law enforcement officer authorized by section 457  
1531.13 of the Revised Code to enforce the laws and rules of the 458  
division of wildlife. Such an officer may enter and inspect the 459  
designated premises and any box, package, or receptacle, and the 460  
contents thereof, for the purpose of determining whether any 461  
provision of this chapter or Chapter 1531. of the Revised Code or 462  
division rule is being violated. 463

No person holding a permit under this section shall remove a 464  
label required by section 1533.301 of the Revised Code unless the 465  
box, package, or receptacle bearing the label has been opened or 466  
unless the label is replaced with another label that meets the 467  
requirements of that section. 468

No person shall fail to comply with any provision of this 469  
section or division rule adopted pursuant to it. 470

~~In addition to other penalties provided in the Revised Code,~~ 471  
~~the permit of any person who is convicted of two violations of~~ 472  
~~this section that occurred within a twelve month period is~~ 473  
~~suspended upon the second such conviction by operation of law for~~ 474  
~~a period of five fishing season days immediately following that~~ 475  
~~conviction.~~ 476

~~In addition to other penalties provided in the Revised Code,~~ 477  
~~the permit of any person who is convicted of three or more~~ 478  
~~violations of this section that occurred within a twelve month~~ 479  
~~period is suspended upon the third or subsequent such conviction~~ 480  
~~by operation of law for a period of twenty fishing season days~~ 481  
~~immediately following that conviction.~~ 482

~~During any period of suspension, no person shall use or~~ 483



~~engage in handling commercial fish at wholesale with equipment or 484  
facilities owned, used, or controlled at the time of conviction by 485  
the permittee whose permit has been suspended. 486~~

**Sec. 1533.64.** Fish lawfully confined in a net, or by a device 487  
authorized by law, are the property of the owner or person 488  
operating the net or other device, and no person other than the 489  
owner or person in control of the net or other device shall take 490  
or catch from it or possess a fish that is or has been so 491  
confined. Each fish taken from and each fish had in possession 492  
that was taken from any net or other device legally operated in 493  
any of the waters of this state by any person other than the owner 494  
or ~~his~~ the owner's agent operating the net or other device 495  
constitutes a separate offense. 496

No person shall fail to comply with this section or a 497  
division rule adopted pursuant thereto. 498

~~In addition to other penalties provided in the Revised Code, 499  
the license of any person who is convicted of two violations of 500  
this section that occurred within a twelve month period is 501  
suspended upon the second such conviction by operation of law for 502  
a period of sixty fishing season days immediately following that 503  
conviction. 504~~

~~In addition to other penalties provided in the Revised Code, 505  
the license of any person who is convicted of three or more 506  
violations of this section that occurred within a twelve month 507  
period is suspended upon the third or subsequent such conviction 508  
by operation of law for a period of eighteen fishing season months 509  
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~~During any period of suspension, no person shall use or 511  
engage in fishing with commercial gear owned, used, or controlled 512  
at the time of conviction by the licensee whose license has been 513  
suspended. 514~~

Sec. 1533.641. (A) If a person is convicted of a felony 515  
related to commercial fishing activities for a violation of state 516  
or federal law, all commercial fishing licenses issued under 517  
section 1533.35 of the Revised Code and all permits to handle 518  
commercial fish or other fish at wholesale issued under section 519  
1533.631 of the Revised Code to that person are revoked by 520  
operation of law. That person shall not be issued any new 521  
commercial fishing licenses or permits to handle commercial fish 522  
or other fish at wholesale. 523

(B)(1) If a commercial fishing licensee, such a licensee's 524  
authorized representative, a person that has been issued a permit 525  
under section 1533.631 of the Revised Code to handle commercial 526  
fish or other fish at wholesale, or such a permittee's authorized 527  
representative violates section 1533.341, 1533.343, 1533.41, 528  
1533.42, 1533.62, 1533.63, 1533.631, or 1533.64 of the Revised 529  
Code or any division rule pertaining to those sections, the 530  
licensee's license or the permittee's permit, as applicable, shall 531  
be suspended for a period of thirty fishing season days. 532

(2) If a violator commits a second violation within ten years 533  
after committing the first violation, the applicable licensee's 534  
license or permittee's permit shall be suspended for a period of 535  
sixty fishing season days. 536

(3) If a violator commits a third violation within ten years 537  
after committing the first violation, the applicable licensee's 538  
license or permittee's permit shall be revoked. 539

(C) During any period of suspension of a license or permit 540  
under this section, no person shall use or engage in fishing with 541  
commercial gear, or in handling commercial fish or other fish at 542  
wholesale with equipment, owned, used, or controlled at the time 543  
of conviction by the licensee or the licensee's authorized 544  
representative or by the permittee or the permittee's authorized 545

representative, as applicable. 546

(D) A person whose license has been suspended or revoked by 547  
operation of law pursuant to any provision of this chapter or 548  
Chapter 1531. of the Revised Code is not eligible to apply for or 549  
receive a new license during the period of the suspension or 550  
revocation. 551

(E) For purposes of determining a license or permit 552  
suspension or revocation for a violation of section 1533.63 of the 553  
Revised Code, multiple convictions resulting from violations of 554  
that section that occurred at the same time, on the same day, and 555  
at the same location are deemed to be a single conviction of one 556  
violation. 557

**Section 2.** That existing sections 1533.341, 1533.35, 1533.36, 558  
1533.42, 1533.62, 1533.63, 1533.631, and 1533.64 of the Revised 559  
Code are hereby repealed. 560