

Memorandum 2015-30

Fish and Game Law: Fishing

The Commission¹ is presently studying a proposed recodification of the Fish and Game Code.² In a series of previous decisions,³ the Commission has provisionally decided to divide the content of the new proposed Fish and Wildlife Code along these lines:

- Division 1. General Provisions
- Division 2. Administration
- Division 3. Law Enforcement
- Division 4. Inter-Jurisdictional Compacts
- Division 5. Hunting, Trapping, and Fishing Generally
 - Part 1. General Provisions
 - Part 2. Hunting
 - Part 3. Trapping
 - Part 4. Fishing
- Division 6. Types of Animals
 - Part 1. Birds
 - Part 2. Mammals
 - Part 3. Fish
 - Part 4. Reptiles
 - Part 5. Amphibians
- Division 7. Biodiversity
- Division 8. Management of Public Lands and Facilities
- Division 9. Pollution Prevention and Response
- Division 10. Miscellaneous Provisions

1. Any California Law Revision Commission document referred to in this memorandum can be obtained from the Commission. Recent materials can be downloaded from the Commission's website (www.clrc.ca.gov). Other materials can be obtained by contacting the Commission's staff, through the website or otherwise.

The Commission welcomes written comments at any time during its study process. Any comments received will be a part of the public record and may be considered at a public meeting. However, comments that are received less than five business days prior to a Commission meeting may be presented without staff analysis.

2. See Memorandum 2012-41.

3. See Minutes (April 2013), p. 11; Memorandum 2013-51, pp. 7-8, Minutes (Dec. 2013), p. 14; Memorandum 2015- 12, pp. 6-8; Minutes (Apr. 2015), p. 5.

The staff has previously presented the Commission with drafts of Divisions 1 through 4,⁴ Parts 1 through 3 of Division 5,⁵ and Parts 1 and 2 of Division 6.⁶ This memorandum presents the first provisions of what is identified above as Part 4 of Division 5 (“Fishing”), for public review and comment.

Consistent with previous practice in this study, the staff has taken a fairly conservative approach in preparing the attached draft. Much of the language used in the draft is drawn verbatim from existing law. Where minor revisions to a provision have been proposed (typically to conform to standard legislative drafting practices, update cross-references, make nonsubstantive stylistic changes, or correct clear defects), the provision’s corresponding Comment (which will be included in any final recommendation) reports that the proposed provision continues the former provision “without substantive change.”⁷ Courts have generally treated Commission Comments as evidence of legislative intent, with regard to legislation enacted on the Commission’s recommendation.

In some instances, the staff has proposed to significantly restate an existing provision, in order to improve its clarity. In those instances, a “Staff Note” following the restated provision sets out the existing language for comparison. The draft also includes Staff Notes that invite public comment on other questions about the meaning, effect, expression, or organization of the law. Staff Notes are intended to be temporary, and will not be included in any final recommendation.

Consistent with the general practice in this study, the staff is not yet recommending that the draft language be approved for inclusion in a tentative recommendation. Instead, we are presenting it for an initial evaluation by the Commission and as a prompt for public comment. Once the Commission has had a chance to offer any concerns or suggestions about the draft and consider any public comment that we might eventually receive, we will present the language in a more finished form, reflecting any decisions that the Commission has made, for inclusion in a tentative recommendation.

4. See Memoranda 2013-12, 2013-13, 2013-32, 2013-35, 2013-37, 2013-38, 2013-50.

5. See Memoranda 2014-8, 2014-18

6. See Memoranda 2014-38, 2014-48.

7. See Memorandum 2015-12, pp. 10-11; Minutes (Apr. 2015), p. 5.

CONTENT OF DRAFT

The provisions in the attached draft are primarily drawn from Part 2 (commencing with Section 7100) of Division 6 of the Fish and Game Code, and mostly relate to sport fishing.

As indicated, based on the provisional organization outlined above, the provisions in this draft, along with provisions of the existing code relating to commercial fishing, would all appear in proposed Part 4 (“Fishing”) of Division 5 (“Hunting, Trapping, and Fishing Generally”).

However, the staff has encountered difficulty attempting to logically organize the many provisions of the existing code that relate to these two types of fishing, using only the subheadings that the provisional organization would allow. Assuming that “Sport Fishing” and “Commercial Fishing” would represent separate titles in Part 4, the provisional organization would provide only two organizational levels below “Title” to categorize all sport and commercial fishing provisions.

To address this difficulty, and enhance organizational clarity, in this draft the staff has proposed to slightly modify the organizational structure of Division 5, as follows:

- Division 5. Hunting, Trapping, and Fishing Generally
 - Part 1. General Provisions
 - Part 2. Hunting
 - Part 3. Trapping
 - Part 4. Fishing *Generally*
 - Part 5. Sport Fishing*
 - Part 6. Commercial Fishing*

This modification makes available an additional subheading level to organize provisions relating specifically to sport fishing and commercial fishing. Thus, the provisions in this draft are organized as follows:

- Division 5. Hunting, Trapping, and Fishing Generally
 - Part 4. Fishing *Generally*
 - Title 1. Prohibitions
 - Title 2. Bait
 - Title 3. Native American Fishing
 - Part 5. Sport Fishing
 - Title 1. Licensing
 - Chapter 1. General Provisions
 - Chapter 2. Requirements
 - Article 1. General Requirements

- Article 2. Colorado River
- Chapter 3. Exceptions
- Chapter 4. Fees
 - Article 1. Sport Fishing License
 - Article 2. Reduced Fee Licenses
 - Article 3. Free Licenses
 - Article 4. Stamps and Validations
- Chapter 5. Penalties
- Chapter 6. Reciprocal Licensing
- Chapter 7. Issuance
- Title 2. Take Limits
- Title 3. Commerce
- Title 4. Processing and Waste
- Title 5. Administration

The next draft to be presented to the Commission would be proposed Part 6 of Division 5, which would contain the provisions of the existing code that relate to commercial fishing.

Is this modified organization of proposed Division 5 acceptable to the Commission?

NEW DEFINITION

In analyzing existing code provisions relating to sport fishing, the staff concluded that adding a new, generally applicable definition of the term “sport fishing” to the proposed law would increase overall readability, as it would eliminate the need to continually repeat the definitional phrase that presently appears many times among existing sport fishing provisions.

The staff proposes to add this provision to Chapter 2 (“Definitions”) of Division 1 (“General Provisions”) of the proposed law:

§ 483. “Sport fishing”

483. “Sport fishing” means the take of a fish, amphibian, or reptile, for a purpose other than profit.

Comment. Section 483 is new, and added for drafting convenience. It is consistent with former usage. See, e.g., former Fish and Game Code §§ 7145, 7149, 7149.05, 7149.2, 7150, 7151, 7180, 7180.1.

Does the Commission approve the content of this definitional provision?

CONCLUSION

The attached draft represents an initial attempt to consolidate provisions of the existing Fish and Game Code that relate to sport fishing, and to fishing generally. There may be other provisions that should be located with those materials. If the staff discovers any similar provisions as this study proceeds, they can be added to the title presented in this draft.

The staff welcomes public comment on all issues raised in the draft.

In addition, the staff would appreciate comment on whether any of the provisions included in the attached draft present the kinds of problems with consistency, redundancy, or ambiguity as to program authority or funding sources that the Commission has been tasked with addressing.⁸ Because the Commission is new to fish and game law, it is important that subject matter experts assist in identifying such problems as the Commission proceeds through the code.

Respectfully submitted,

Steve Cohen
Staff Counsel

8. See 2012 Cal. Stat. res. ch. 108.

FISH AND WILDLIFE CODE

Staff Note: This is a preliminary staff draft of a proposed reorganization of specified provisions of the former Fish and Game Code.

Statutory cross-references that cannot yet be adjusted (because the referenced provisions have not yet been reorganized) are set out in boldface type, for later attention.

A draft of an official Commission “Comment” follows each proposed section. Such Comments will be included in any final recommendation. They serve to indicate the source of each section and to describe how it compares with prior law. Courts have routinely held that the Commission’s Comments are evidence of legislative intent with regard to any legislation that implements a Commission recommendation. For guidance on the terminology used in Commission Comments, see the Comment following proposed Section 20 (attached to Memorandum 2013-12).

There is a “disposition table” at the end of this document. It summarizes, in tabular form, the disposition of every provision that has been included in this draft. If an existing provision would be repealed as unnecessary, the table indicates that provision as “omitted.”

Some provisions of this draft may be followed by a “Staff Note.” Staff Notes are intended to be temporary and will not be part of the Commission’s final recommendation. They serve to flag issues requiring special attention or treatment.

The Commission welcomes public comment on any issue relating to the content of this draft. The Commission is particularly interested in comments on any of the following matters:

- (1) Responses to any questions posed in “Staff Notes.”
- (2) Any inconsistency, obsolescence, ambiguity, or problems relating to program authority and funding, whether *within* the provisions of this draft or *between* the provisions of this draft and other provisions of law.
- (3) Provisions that should have been included in this draft but were not (or provisions included in this draft that should have been located elsewhere).
- (4) Technical drafting errors.

Comments should be directed to Steve Cohen at scohen@clrc.ca.gov.

TABLE OF CONTENTS

DIVISION 1. GENERAL PROVISIONS	4
CHAPTER 2. DEFINITIONS	4
§ 483. “Sport fishing”	4
DIVISION 5. HUNTING, TRAPPING, AND FISHING GENERALLY	4
PART 4. FISHING GENERALLY	4
TITLE 1. PROHIBITIONS	4
§ 8500. Prohibited take from water used by department	4
§ 8505. Use of fish spear or gaff	5
§ 8510. Possession when size or weight cannot be determined.....	5
§ 8515. Possession when species cannot be determined	5
TITLE 2. BAIT	6
§ 8550. Mollusks, crustaceans, and amphibians as bait.....	6
§ 8555. Use of artificial bait	6
TITLE 3. NATIVE AMERICAN FISHING	6
§ 8600. Yurok Indian tribe	6

PART 5. SPORT FISHING.....7
TITLE 1. LICENSING7
CHAPTER 1. GENERAL PROVISIONS7
 § 8700. Authority to take7
CHAPTER 2. REQUIREMENTS7
Article 1. General Provisions7
 § 8750. Valid license in possession7
 § 8755. Fishing with two rods8
 § 8760. Ocean sport fishing in specified waters9
Article 2. Colorado River9
 § 8800. “Colorado River”9
 § 8805. Fishing on Colorado River.....9
 § 8810. Colorado River shoreline fishing10
 § 8815. Effectiveness of article.....11
CHAPTER 3. EXCEPTIONS11
 § 8850. Persons under the age of 16 years11
 § 8855. Fishing from public pier12
 § 8860. Fishing on private property12
 § 8865. Angling at aquaculture facility13
 § 8870. Free sport fishing days13
 § 8875. Rattlesnakes14
CHAPTER 4. FEES14
Article 1. Sport Fishing License14
 § 8950. Sport fishing license.....14
 § 8955. Lifetime sport fishing license15
Article 2. Reduced Fee Licenses16
 § 9000. Reduced fee license16
Article 3. Free Licenses17
 § 9050. Free license for individuals.....17
 § 9055. Free group sport fishing license for persons with disabilities18
 § 9060. Free group sport fishing license for military personnel with injuries or
 disabilities.....19
 § 9065. Funding for free licenses.....20
Article 4. Stamps and Validations20
 § 9100. Second rod stamp or validation20
 § 9105. Ocean enhancement stamp or validation20
 § 9110. Colorado River stamp or validation21
CHAPTER 5. PENALTIES21
 § 9150. Valid license in possession21
 § 9155. Fishing without required stamp or validation22
 § 9160. Sale of fish or amphibian taken by sport fishing23
CHAPTER 6. RECIPROCAL LICENSING23
 § 9200. Operation of chapter23
 § 9205. Responsibilities of state commissions relating to licenses and special use
 stamps and validations.....24
 § 9210. Terms of special use stamps24
 § 9215. Conditional provisions relating to California licenses and special use stamps
 and validations.....24

CHAPTER 7. ISSUANCE25

 § 9250. Compensation for license agent25

 § 9255. Colorado River special use stamps and validations25

TITLE 2. TAKE LIMITS26

 § 9300. Bag limits26

TITLE 3. COMMERCE26

 § 9350. Unauthorized purchase or sale26

 § 9355. Disposition of fish or amphibians caught on sport fishing vessel26

 § 9360. Fishing from commercial passenger fishing boat27

TITLE 4. PROCESSING AND WASTE27

 § 9400. Canning or smoking27

 § 9405. Fish offal28

 § 9410. Deterioration and waste28

TITLE 5. ADMINISTRATION28

 § 9450. Automatic process to conform sport fishing regulations28

 § 9455. Required information in regulation booklet29

DIVISION 1. GENERAL PROVISIONS

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CHAPTER 2. DEFINITIONS

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2 § 483. “Sport fishing”

3 483. “Sport fishing” means the take of a fish, amphibian, or reptile, for a
4 purpose other than profit.

5 **Comment.** Section 483 is new, and added for drafting convenience. It is consistent with former
6 usage. See, e.g., former Fish and Game Code §§ 7145, 7149, 7149.05, 7149.2, 7150, 7151, 7180,
7 7180.1.

8  **Staff Notes.** (1) The definition of the term “sport fishing” that proposed Section 483 would
9 add states the activity for which existing law generally requires the issuance of a “sport fishing”
10 license.

11 **The staff invites comment on whether the addition of this definition to the proposed law,
12 or the substitution of the defined term in provisions of the proposed law for the activity
13 described in the provision, would be problematic. See, e.g., proposed Sections 8700, 8750,
14 8755, 8760, 8805, 8810, 8855, 8860, 8865, 8870, 8950, 8955, 9055, 9060, 9300, 9355, 9400,
15 9405, 9410, 9450, 9455.**

16 (2) It may appear somewhat counterintuitive that sport fishing would include the take of a
17 reptile. However, as indicated in the Comment to proposed Section 483, that inclusion is clearly
18 consistent with existing law. Moreover, the take of reptiles is so heavily integrated in the sport
19 fishing provisions of the existing code that an attempt to separate and distinguish treatment of
20 reptiles in the proposed law would likely be more problematic. A significant number of
21 provisions would need to be duplicated, and each duplication would increase the risk of
22 fragmenting what may have been intended as a common regulatory scheme.

23 To minimize any confusion, proposed Part 4 of Division 6 of the proposed law (a part that will
24 relate to reptiles), will cross-reference this definition and Part 5 (“Sport Fishing”) of Division 5 of
25 the proposed law.

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26 DIVISION 5. HUNTING, TRAPPING, AND FISHING GENERALLY

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27 PART 4. FISHING GENERALLY

28 TITLE 1. PROHIBITIONS

29 § 8500. Prohibited take from water used by department

30 8500. It is unlawful to take a fish in a pond, reservoir, or other water-retaining
31 structure that belongs to or is controlled by the department and used for
32 propagating, raising, holding, protecting, or conserving fish.

1 **Comment.** Section 8500 continues former Fish and Game Code Section 1124 without
2 substantive change.

3 **§ 8505. Use of fish spear or gaff**

4 8505. (a) It is unlawful for a person to possess a fish spear or gaff within 300
5 feet of a lake or stream in this state, at a time when spearing is prohibited in that
6 lake or stream.

7 (b) This section does not apply to either of the following acts:

8 (1) Possession of a gaff carried as an accessory while angling.

9 (2) Possession of a fish spear or gaff in one's own home.

10 **Comment.** Section 8505 restates former Fish and Game Code Section 5507 without
11 substantive change.

12 **Staff Note.** Proposed Section 8505 is intended to restate existing Fish and Game Code
13 Section 5507 to improve the clarity of that provision, without changing its substantive effect. The
14 existing provision reads as follows:

15 "5507. It is unlawful for any person to possess, except in his home, any fish spear or gaff
16 within 300 feet of any lake or stream in this State, at any time when spearing is prohibited in such
17 lake or stream. This section does not apply to the possession of a gaff carried as an accessory
18 while angling."

19 **The staff invites comment on whether the restatement would cause any substantive**
20 **change in the meaning of the provision.**

21 **§ 8510. Possession when size or weight cannot be determined**

22 8510. (a) It is unlawful to possess on a boat, or to bring ashore, a fish for which
23 a size or weight limit is prescribed, in such a condition that its size or weight
24 cannot be determined.

25 (b) The commission may adopt regulations allowing fish other than whole fish
26 to be brought ashore, which establish sizes or weights for cleaned or otherwise cut
27 fish equivalent to sizes or weights for whole fish.

28 **Comment.** Section 8510 continues former Fish and Game Code Section 5508 without
29 substantive change.

30 **§ 8515. Possession when species cannot be determined**

31 8515. (a) It is unlawful to possess on a boat, or to bring ashore, a fish in such a
32 condition that its species cannot be determined, except as otherwise provided in
33 this code or regulations adopted pursuant to this code.

34 (b) Subject to Section 8510, the commission may adopt regulations allowing fish
35 taken by a person fishing from a vessel licensed pursuant to **Section 7920** to be
36 brought ashore in such a condition that its species cannot be determined.

37 **Comment.** Section 8515 continues former Fish and Game Code Section 5509 without
38 substantive change.

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TITLE 2. BAIT

§ 8550. Mollusks, crustaceans, and amphibians as bait

8550. Mollusks, crustaceans, and amphibians may be used for bait, or may be released in waters from which they were taken.

Comment. Section 8550 continues former Fish and Game Code Section 5505 without substantive change.

§ 8555. Use of artificial bait

8555. A river, stream, lake, or other body of water restricted by the commission to the use of only artificial flies or artificial lures for fishing shall be posted by the department at logical places of entry so as to inform persons fishing in those waters as to the nature of the restrictions.

Comment. Section 8555 continues former Fish and Game Code Section 5516 without substantive change.

TITLE 3. NATIVE AMERICAN FISHING

§ 8600. Yurok Indian tribe

8600. Notwithstanding any other provision of this code, California Indians who are bona fide registered members of the Yurok Indian Tribe may take fish, for subsistence purposes only, from the Klamath River between the mouth of that river and the junction of Tectah Creek with it, exclusive of tributaries, without regard to seasons, under the following conditions:

(a) Upon application, the department shall issue to a Yurok Indian who is listed on the register of the Yurok Tribal Organization furnished to the department a renewable, nontransferable permit to take fish pursuant to this section, for a period of one calendar year. An Indian of the Yurok tribe taking fish in the area described in this section shall have a valid permit issued pursuant to this section on his or her person, and shall display the permit upon the request of any duly authorized officer.

(b) Fish may be taken pursuant to this section only with hand dip nets, and hook and line.

(c) No more than a total of three trout or salmon or combination of those fish, or more than one sturgeon, may be taken by one person pursuant to this section, in any one day. There is no bag limit on any other fish taken pursuant to this section.

(d) No Yurok Indian while fishing pursuant to this section may be accompanied by any person who does not possess a valid permit as prescribed by this section. It is unlawful for a person who does not hold a valid permit as prescribed by this section to accompany a Yurok Indian taking fish pursuant to this section.

(e) The sale of any fish taken pursuant to a permit issued under this section shall constitute cause for permanent revocation of that permit by the commission.

1 **Comment.** Section 8600 continues former Fish and Game Code Section 7155 without
2 substantive change.

3 **Staff Notes.** (1) Existing Section 7155 was added to the Fish and Game Code in 1957, and
4 has not since been amended. In 1975, in *Arnett v. Five Gill Nets*, 48 Cal. App. 3d 454, 121 Cal.
5 Rptr. 906 (1975), a Court of Appeal held that the state has no jurisdiction to regulate fishing
6 pursuant to this section on Indian reservation property described by the section. See also existing
7 Section 12300.

8 **The staff solicits input on whether this provision should be revised or discontinued in**
9 **light of the holding of this appellate opinion.**

10 (2) Existing section 7155(d) prohibits a member of the Yurok Indian tribe taking fish pursuant
11 to a Section 7155 from being accompanied by any person, other than another member of the
12 Yurok Indian tribe who has also obtained a permit to take fish pursuant to the section. The staff is
13 unsure of the legal and policy justification for restricting the licensee’s association with others
14 while fishing.

15 **The staff invites comment on whether this provision should be revised or discontinued.**

16 (3) Existing Section 7155(e) appears to provide for an unintended result when a fish taken
17 pursuant to a Section 7155 permit is thereafter sold *by a person who did not take the fish*. In that
18 scenario, the provision calls for a revocation of the permit of the *seller* of the fish – who may not
19 have a permit – and leaves the permit of the *taker* of the fish unaffected. The staff has proposed
20 that the provision be revised to provide in that scenario for the revocation of the permit of the
21 person taking the fish. See proposed Section 8600(e).

22 **The staff invites comment on whether this proposed revision of Section 7155(e) is**
23 **appropriate.**

24 PART 5. SPORT FISHING

25 TITLE 1. LICENSING

26 CHAPTER 1. GENERAL PROVISIONS

27 **§ 8700. Authority to take**

28 8700. Except as otherwise provided by law, a valid sport fishing license
29 authorizes sport fishing anywhere in this state.

30 **Comment.** Section 8700 combines and continues part of former Fish and Game Code Section
31 7149(a) and part of former Fish and Game Code Section 7149.05(a) without substantive change.

32 See also Section 483 (“sport fishing”).

33 CHAPTER 2. REQUIREMENTS

34 Article 1. General Provisions

35 **§ 8750. Valid license in possession**

36 8750. (a) Except as otherwise provided by law, all persons shall obtain a valid
37 sport fishing license before sport fishing.

38 (b) A person required to obtain a valid sport fishing license shall have that
39 license on his or her person or in his or her immediate possession, or where
40 otherwise specifically required by law or regulation to be kept, when sport fishing.

1 In the case of a person diving from a boat, the license may be kept in the boat, or
2 in the case of a person diving from the shore, the license may be kept within 500
3 yards of the shore.

4 **Comment.** Section 8750 continues former Fish and Game Code Section 7145(a) without
5 substantive change. The referenced exception for persons under the age of 16 years is continued
6 by Section 8850.

7 See also Section 483 (“sport fishing”).

8 **§ 8755. Fishing with two rods**

9 8755. (a) A person sport fishing in inland water with two rods must first obtain a
10 second-rod sport fishing stamp or validation, in addition to a valid California sport
11 fishing license and any other required stamp or validation, and have that second-
12 rod stamp or validation affixed to his or her valid sport fishing license.

13 (b) A person who has a valid second-rod sport fishing stamp or validation
14 affixed to his or her valid sport fishing license may sport fish with two rods in
15 inland waters in any sport fishery in which the regulations of the commission
16 provide for the taking of fish by angling, except in the following circumstances:

17 (1) In waters in which only artificial lures or barbless hooks may be used.

18 (2) When sport fishing with a second-rod sport fishing validation, in the Smith
19 River in Del Norte County.

20 (c) A person may sport fish in ocean waters with two or more rods, without a
21 second-rod sport fishing stamp or validation, as allowed by regulations of the
22 commission.

23 **Comment.** Subdivisions (a) and (b) of Section 8755 combine and continue former Fish and
24 Game Code Sections 7149.4(a) and 7149.45(a) without substantive change.

25 Subdivision (c) is new. It is added to clarify what is implied from the entirety of former Fish
26 and Game Code Sections 7149.4(a) and 7149.45(a), but not expressly stated.

27 See also Section 483 (“sport fishing”).

28 **Staff Notes.** (1) Existing Sections 7149.4(a) and 7149.45(a) relate respectively to a second-
29 rod sport fishing stamp intended to be used in conjunction with a paper license, and a second-rod
30 sport fishing validation intended to be used in conjunction with an electronic license issued
31 pursuant to the Automated License Data System.

32 **The staff invites comment on whether combining those two existing provisions into a**
33 **single proposed Section 8755 would cause any substantive change to the meaning of either**
34 **existing section.**

35 (2) Existing Section 7149.45 appears to provide that a person who possesses a valid second-rod
36 sport fishing *validation* is still not permitted to fish with two rods in the waters of the Smith River
37 in Del Norte County. Existing Section 7149.4, addressing where a person may fish with two rods
38 after obtaining a second-rod sport fishing *stamp*, contains no similar prohibition.

39 **The staff invites comment on whether that discrepancy should be reconciled, and if so, in**
40 **what manner.**

41 (3) The Fish and Game Code does not appear to expressly address whether a second-rod stamp
42 or enhancement is required to fish in ocean waters with multiple rods. However, based on
43 educational material published by the Department of Fish and Wildlife, and inferences drawn
44 from Fish and Game Commission regulations, it is the staff’s understanding that fishing in the
45 ocean with multiple rods is generally permitted without any second-rod stamp or validation,

1 limited only by Fish and Game Commission regulations relating to specified locations, or
2 specified types of fish. See, e.g., 14 CCR § 28.65.

3 **The staff invites comment on whether proposed Section 8755(c), which would codify this**
4 **understanding, is an accurate statement of existing law, and if so, whether it should be**
5 **added to the proposed law.**

6 **§ 8760. Ocean sport fishing in specified waters**

7 8760. (a) In addition to a valid California sport fishing license and any other
8 applicable license stamp or validation issued pursuant to this code, a person sport
9 fishing in ocean waters south of a line extending due west from Point Arguello
10 shall have a valid sport fishing ocean enhancement stamp or validation
11 permanently affixed to his or her fishing license.

12 (b) A person fishing pursuant to a sport fishing license issued pursuant to
13 paragraph (4) or (5) of subdivision (a) of Section 8950 is exempt from the
14 requirement in subdivision (a).

15 **Comment.** Section 8760 combines and continues the first and third sentences of former Fish
16 and Game Code Section 6596(a), and the first and third sentences of former Fish and Game Code
17 Section 6596.1(a), without substantive change.

18 See also Section 483 (“sport fishing”).

19 **☞ Staff Note.** Existing Sections 6596 and 6596.1 relate respectively to the issuance of paper
20 sport fishing ocean enhancement stamps, and electronic sport fishing ocean enhancement
21 validations issued pursuant to the Automated License Data System. Other than that distinction,
22 the two provisions read identically.

23 **The staff invites comment on whether combining parts of those two existing provisions**
24 **into a single proposed Section 8760 would cause any substantive change in the meaning of**
25 **either existing section.**

26 Article 2. Colorado River

27 **§ 8800. “Colorado River”**

28 8800. As used in this article, “Colorado River” refers to the waters of the
29 Colorado River, and adjacent waters other than canals, drains, or ditches used to
30 transport water used for irrigation or domestic purposes.

31 **Comment.** Section 8800 is drawn from former Fish and Game Code Sections 7180(a) and
32 7180.1(a).

33 **§ 8805. Fishing on Colorado River**

34 8805. (a) A person sport fishing from or on a boat or other floating device on the
35 Colorado River shall have in his or her possession a valid sport fishing license
36 issued by either the state of Arizona or the state of California, as well as one of the
37 following stamps or validations, permanently affixed to that license:

38 (1) If the person is in possession of a California sport fishing license, a valid
39 Colorado River special use stamp or validation issued by the state of Arizona.

40 (2) If the person is in possession of a Arizona sport fishing license, a valid
41 Colorado River special use stamp or validation issued by the state of California.

1 (b) A Colorado River special use stamp or validation, when accompanied by the
2 proper license, permits sport fishing in any part of the Colorado River, and permits
3 a person sport fishing to enter the Colorado River from any point.

4 (c) This section shall remain effective so long as so long as Chapter 6
5 (commencing with Section 9200) remains effective pursuant to subdivision (a) of
6 Section 9200.

7 **Comment.** Subdivisions (a) and (b) of Section 8805 combine and continue former Fish and
8 Game Code Section 7180(a), (b), and the first sentence of subdivision (c), and former Fish and
9 Game Code Section 7180.1(a), (b), and the first sentence of subdivision (c), without substantive
10 change.

11 Subdivision (c) continues former Fish and Game Code Section 7180 without substantive
12 change.

13 See also Section 483 (“sport fishing”).

14 **☞ Staff Note.** Existing Sections 7180 and 7180.1 relate to reciprocal arrangements with the
15 state of Arizona involving, respectively, Colorado River special use stamps and special use
16 validations. Other than that latter distinction, the two provisions read the same.

17 **The staff invites comment on whether combining those two existing provisions into a**
18 **single proposed Section 8805 would cause any substantive change in the meaning of either**
19 **existing section.**

20 **§ 8810. Colorado River shoreline fishing**

21 8810. (a) A person sport fishing from the Arizona shore of the Colorado River
22 shall have in his or her possession a valid sport fishing license issued by the state
23 of Arizona. A Colorado River special use stamp or validation is not required under
24 this subdivision, as long as the person sport fishing remains on the shore and does
25 not embark on the water.

26 (b) A person sport fishing from the California shore of the Colorado River shall
27 have in his or her possession either of the following license entitlements:

28 (1) A valid sport fishing license issued by the state of California.

29 (2) A valid sport fishing license issued by the state of Arizona, and a Colorado
30 River special use stamp or validation issued by the state of California.

31 (c) This section shall remain effective so long as the commission finds and
32 determines that under the laws of the State of Arizona substantially similar
33 Arizona licenses are authorized to be issued to licensees of the State of California
34 upon substantially the same terms and conditions as are provided for in this article
35 as to the issuance of California licenses to licensees of the State of Arizona.

36 **Comment.** Subdivisions (a) and (b) of Section 8810 combine and restate former Fish and
37 Game Code Sections 7181 and 7181.1 without substantive change.

38 Subdivision (c) continues former Fish and Game Code Section 7180 without substantive
39 change.

40 See also Section 483 (“sport fishing”).

41 **☞ Staff Note.** Existing Sections 7181 and 7181.1 relate, respectively, to sport fishing from the
42 shores of the Colorado River with a paper California sport fishing license and special use stamp,
43 or with an electronic California sport fishing license and special use validation issued pursuant to
44 the Automated License Data System (ALDS). Other than that distinction, the two provisions read
45 identically:

1 “7181. (a) A person fishing from the shore in the waters of the Colorado River located in
2 Arizona or California shall have in his or her possession a valid sportfishing license issued by the
3 state that has jurisdiction over that shore. That shoreline fishing does not require a Colorado River
4 special use stamp as long as the fisherman remains on the shore and does not embark on the
5 water. Any person, however, having in his or her possession a valid Arizona sportfishing license
6 and a California special use stamp may fish from the shore in the waters of the Colorado River, or
7 adjacent waters, except canals, drains, and ditches used to transport water used for irrigation or
8 domestic purposes, located in California, without a sportfishing license issued by the State of
9 California.

10 (b) This section does not apply to licenses, permits, reservations, tags, or other entitlements
11 issued through the Automated License Data System.

12 7181.1. (a) A person fishing from the shore in the waters of the Colorado River located in
13 Arizona or California shall have in his or her possession a valid sportfishing license issued by the
14 state that has jurisdiction over that shore. That shoreline fishing does not require a Colorado River
15 special use validation as long as the fisherman remains on the shore and does not embark on the
16 water. Any person, however, having in his or her possession a valid Arizona sportfishing license
17 and a California special use validation may fish from the shore in the waters of the Colorado
18 River, or adjacent waters, except canals, drains, and ditches used to transport water used for
19 irrigation or domestic purposes, located in California without a sport fishing license issued by the
20 State of California.

21 (b) This section applies only to licenses, permits, reservations, tags, and other entitlements
22 issued through the Automated License Data System.

23 **The staff invites comment on whether combining and restating these two provisions into a**
24 **single proposed Section 8810 would cause any substantive change in the meaning of either**
25 **existing section.**

26 **§ 8815. Effectiveness of article**

27 8815. This article shall become ineffective if Chapter 6 (commencing with
28 Section 9200) becomes ineffective pursuant to subdivision (a) of Section 9200.

29 **Comment.** Section 8815 continues the effect of former Fish and Game Code Section 7185 as
30 that provision applied to former Fish and Game Code Sections 7180, 7180.1, 7181, and 7181.1.
31 See Section 9200(a).

32 **CHAPTER 3. EXCEPTIONS**

33 **§ 8850. Persons under the age of 16 years**

34 8850. Section 8750 and subdivision (a) of Section 8755 do not apply to persons
35 under the age of 16 years.

36 **Comment.** Section 8850 continues a part of former Fish and Game Code Section 7145(a)
37 without substantive change.

38 **Staff Notes.** (1) It is the staff’s understanding from a review of published Department of
39 Fish and Wildlife material that a person under the age of 16 years is exempted from both the
40 general sport fishing license requirement in existing Section 7145, *and* the second-rod sport
41 fishing stamp or validation requirements in existing Sections 7149.4 and 7149.45.

42 **The staff invites comment on whether proposed Section 8850, exempting persons under**
43 **16 years of age from both the sport fishing licensing requirement in proposed Section 8750**
44 **and the second-rod sport fishing stamp or validation requirement in proposed Section 8755,**
45 **accurately states existing law.**

1 (2) The staff has located no information indicating whether persons under 16 years of age are
2 exempted from the ocean enhancement stamp or validation requirement in existing Sections 6596
3 and 6596.1 (sections that would be continued by proposed Section 8760).

4 **The staff invites comment on whether an exemption from proposed Section 8760 should**
5 **be added to proposed Section 8850.**

6 (3) The staff has located no information indicating whether persons under 16 years of age are
7 exempted from the special requirements for fishing in or on the shore of the Colorado River, as
8 provided by existing Sections 7180, 7180.1, 7181, and 7181.1 (sections that would be continued
9 by proposed Sections 8805 and 8810).

10 **The staff invites comment on whether an exemption from proposed Sections 8805 and**
11 **8810 should be added to proposed Section 8850.**

12 **§ 8855. Fishing from public pier**

13 8855. (a) Section 8750 and subdivision (a) of Section 8755 do not apply to sport
14 fishing by any legal means from a public pier, as defined by commission
15 regulation, in the ocean waters of the state.

16 (b) For purposes of this section, “ocean waters of the state” include, but are not
17 limited to, any of the following:

18 (1) Open waters adjacent to the ocean and any island.

19 (2) Waters of any open or enclosed bay contiguous to the ocean.

20 (3) The San Francisco and San Pablo Bays, including any tidal bay belonging to
21 either of those bays.

22 (4) Any slough or estuary between the Golden Gate Bridge and the Benicia-
23 Martinez Bridge.

24 **Comment.** Section 8855 continues the part of former Fish and Game Code Section 7153(a)
25 applicable to fishing from a public pier, and Section 7153(b), without substantive change.

26 See also Section 483 (“sport fishing”).

27 **☞ Staff Note.** It is the staff’s understanding from a review of published Department of Fish
28 and Wildlife material that persons sport fishing from public piers who are exempted from the
29 general sport fishing license requirement by existing Section 7153 are also exempted from the
30 second-rod sport fishing stamp or validation requirement in existing Sections 7149.4 and
31 7149.45.

32 **The staff invites comment on whether proposed Section 8855, exempting specified**
33 **persons fishing from specified public piers from both the sport fishing licensing**
34 **requirement in proposed Section 8750 and the second-rod sport fishing stamp or validation**
35 **requirement in proposed Section 8755, accurately states existing law.**

36 **§ 8860. Fishing on private property**

37 8860. (a) Section 8750 and subdivision (a) of Section 8755 do not apply to sport
38 fishing by an owner of privately owned real property, or an invitee of an owner
39 who does not provide the owner compensation, from a lake or pond that is wholly
40 enclosed by that owner’s real property, that is located offstream, and that does not
41 at any time derive water from, or supply water to, any permanent or intermittent
42 artificial or natural lake, pond, stream, wash, canal, river, creek, waterway,
43 aqueduct, or similar water conveyance system of the state. Access and control of

1 the real property shall be under the direct authority of the owner, and not of
2 another person or entity.

3 (b) This section does not, and shall not be construed to, authorize the
4 introduction, migration, stocking, or transfer of aquatic species, prohibited species,
5 or any other nonnative or exotic species, into state waters or waterways.

6 (c) This section does not supersede or otherwise affect any provision of law that
7 governs aquaculture, including, but not limited to, the operation of a trout farm, or
8 any activity that is an adjunct to or a feature of, or that is operated in conjunction
9 with, any other enterprise operated for a fee, including, but not limited to, a private
10 park or private recreation area.

11 **Comment.** Section 8860 continues former Fish and Game Code Section 7145(b) without
12 substantive change.

13 See also Section 483 (“sport fishing”).

14 **☞ Staff Note.** It is the staff’s sense, based on the apparent interplay between the second-rod
15 sport fishing stamp or validation requirement and other exemptions from sport fishing license
16 requirements, that persons exempted from the general sport fishing license requirement by
17 existing Section 7145(b) are also exempted from the second-rod sport fishing stamp or validation
18 requirement in existing Sections 7149.4 and 7149.45.

19 **The staff invites comment on whether proposed Section 8860, exempting specified**
20 **persons who take fish on specified private property from both the sport fishing licensing**
21 **requirement in proposed Section 8750 and the second-rod sport fishing stamp or validation**
22 **requirement in proposed Section 8755, accurately states existing law.**

23 **§ 8865. Angling at aquaculture facility**

24 8865. Section 8750 and subdivision (a) of Section 8755 do not apply to sport
25 fishing by angling at an aquaculture facility site that is registered pursuant to
26 Section 235 of Title 14 of the California Code of Regulations.

27 **Comment.** Section 8865 continues the part of former Fish and Game Code Section 7153(a)
28 applicable to angling from an aquaculture facility site without substantive change.

29 See also Section 483 (“sport fishing”).

30 **☞ Staff Note.** It is the staff’s sense, based on the apparent interplay between the second-rod
31 sport fishing stamp or validation requirement and other exemptions from sport fishing license
32 requirements, that persons angling at specified aquaculture facilities who are exempted from the
33 general sport fishing license requirement by existing Section 7153 are also exempted from the
34 second-rod sport fishing stamp or validation requirement in existing Sections 7149.4 and
35 7149.45.

36 **The staff invites comment on whether proposed Section 8865, exempting specified**
37 **persons angling at specified aquaculture facilities from both the sport fishing licensing**
38 **requirement in proposed Section 8750 and the second-rod sport fishing stamp or validation**
39 **requirement in proposed Section 8755, accurately states existing law.**

40 **§ 8870. Free sport fishing days**

41 8870. Notwithstanding Section 8750, the director may designate not more than
42 two days, which may or may not be consecutive, in each year, as free sport fishing
43 days, during which residents and nonresidents may, without a sport fishing license
44 and without the payment of any fee, exercise the privileges of a holder of a sport

1 fishing license, subject to all limitations, restrictions, conditions, laws, rules, and
2 regulations applicable to the holder of a sport fishing license, including but not
3 limited to the provisions of Sections 8755, 8760, 8805, and 8810.

4 **Comment.** Section 8870 continues former Fish and Game Code Section 7149.7 without
5 substantive change.

6 See also Section 483 (“sport fishing”).

7 **Staff Note.** It is the staff’s understanding from a review of educational Department of Fish
8 and Wildlife material that persons sport fishing on free sport fishing days are *not* exempted from
9 the sport fishing ocean enhancement stamp or validation requirement in existing Section 6596
10 and 6596.1, the second-rod sport fishing stamp or validation requirement in existing Sections
11 7149.4 and 7149.45, or the special requirements for fishing in or on the shore of the Colorado
12 River, as provided by existing Sections 7180, 7180.1, 7181, and 7181.1. To provide clarity on
13 this issue, proposed Section 8870 expressly states the continued applicability of those
14 requirements.

15 However, it remains unclear how a person sport fishing without a sport fishing license on a free
16 sport fishing day would be able to comply with any of these stamp and validation requirements,
17 given that the stamps and enhancements are required to be permanently affixed to a sport fishing
18 license. See, e.g., existing Sections 6596(a), 6596.1(a), 7149.4(a), 7149.45(a), 7180(b), and
19 7180.1(b). It may be that “free fishing day” privileges do not include permission to engage in
20 certain types of sport fishing (i.e., with two rods in inland waters, or in specified parts of the
21 ocean or on the Colorado River) that require special stamps or enhancements.

22 **The staff invites comment on whether the staff’s understanding of the application of**
23 **existing Section 7149.7 is correct, and if so, how that interpretation is intended to be**
24 **reconciled with the requirement that the identified stamps and enhancements be**
25 **permanently affixed to a sport fishing license.**

26 **§ 8875. Rattlesnakes**

27 8875. Section 8750 does not apply to the take of a rattlesnake (genus *Crotalus* or
28 *Sistrurus*) by a resident.

29 **Comment.** Section 8875 continues former Fish and Game Code Section 7149.3 without
30 substantive change.

31 CHAPTER 4. FEES

32 Article 1. Sport Fishing License

33 **§ 8950. Sport fishing license**

34 8950. (a) The fee for a sport fishing license is as follows:

35 (1) For a resident, for a calendar year, or, if issued after the beginning of that
36 year, for the remainder of that year, a base fee of thirty-one dollars and twenty-five
37 cents (\$31.25).

38 (2) For a nonresident, for a calendar year, or, if issued after the beginning of that
39 year, for the remainder of that year, a base fee of eighty-four dollars (\$84).

40 (3) For a nonresident, for 10 consecutive days beginning on the date specified on
41 the license, the fee set forth in paragraph (1).

1 (4) For a resident or nonresident, for two consecutive designated calendar days,
2 one-half of the fee set forth in paragraph (1). Notwithstanding **Sections 1053 and**
3 **1053.1**, more than one two-day license issued for different two-day periods may
4 be issued to or possessed by a person at one time.

5 (5) For a resident or nonresident, for one designated day, a base fee of ten
6 dollars (\$10).

7 (b) The base fees specified in this section are applicable commencing January 1,
8 2004, and shall be adjusted annually thereafter pursuant to **Section 713**.

9 (c) The commission shall adjust the amount of the fees specified in subdivision
10 (b), as necessary, to fully recover, but not exceed, all reasonable administrative
11 and implementation costs of the department and the commission relating to those
12 licenses.

13 **Comment.** Subdivision (a) of Section 8950 combines and continues former Fish and Game
14 Code Sections 7149(a) and 7149.05(a) without substantive change.

15 Subdivision (b) combines and continues former Fish and Game Code Sections 7149(d) and
16 7149.05(d) without substantive change.

17 Subdivision (c) combines and continues former Fish and Game Code Sections 7149(e) and
18 7149.05(e) without substantive change.

19 **Staff Notes.** (1) Existing Sections 7149 and 7149.05 respectively provide for the issuance
20 of paper sport fishing licenses, and electronic licenses issued pursuant to the Automated License
21 Data System. The two sections otherwise appear to contain the same substantive provisions, with
22 minor technical differences (some of which might be inadvertent drafting errors).

23 **The staff invites comment on whether combining the two existing sections as proposed**
24 **Section 8950 would cause any substantive change in the meaning of either existing section.**

25 (2) Existing Sections 7149(a)(4) and 7149.05(a)(4) both provide that a person who obtains a
26 two-day license pursuant to either Section 7149(a)(4) or 7149.05(a)(4) is exempted from a
27 provision in existing Section 1053 that generally limits all persons obtaining Fish and Game Code
28 licenses from obtaining “more than one license, permit, reservation, or other entitlement of the
29 same class ... for the same license year.” See existing Section 1053(a).

30 However, although existing Section 7149.05(a)(4) provides authority for a *two*-day license, its
31 second sentence grants an exemption from the limitation in Section 1053 for a “single day
32 license,” suggesting at least the possibility that the Legislature intended all sport fishing licenses
33 for a brief and specific number of days to be exempted from the limitation in Section 1053.

34 **The staff invites comment on whether this exemption from the limitation in Section 1053**
35 **was intended to, or should be applied to, either the single-day sport fishing license available**
36 **under existing Section 7149(a)(5) or 7149.05(a)(5), or the ten-day license available under**
37 **Sections 7149(a)(3) or 7149.05(a)(3).**

38 **§ 8955. Lifetime sport fishing license**

39 8955. (a) In addition to **Sections 714** and 8950, the department shall issue a
40 lifetime sport fishing license pursuant to this section.

41 (b) A lifetime sport fishing license authorizes sport fishing anywhere in this state
42 in accordance with the law for the life of the person to whom issued, unless
43 revoked for a violation of this code or regulations adopted pursuant to this code. A
44 lifetime sport fishing license is not transferable.

45 (c) A lifetime sport fishing license does not include any special tags, stamps, or
46 fees, and may be issued only to a resident.

- 1 (d) The fee for a lifetime sport fishing license is as follows:
2 (1) For a person 62 years of age or over, a base fee of three hundred sixty-five
3 dollars (\$365).
4 (2) For a person 40 years of age or over and less than 62 years of age, a base fee
5 of five hundred forty dollars (\$540).
6 (3) For a person 10 years of age or over and less than 40 years of age, a base fee
7 of six hundred dollars (\$600).
8 (4) For a person less than 10 years of age, a base fee of three hundred sixty-five
9 dollars (\$365).
10 (e) Upon payment of a base fee of two hundred forty-five dollars (\$245), a
11 person holding a lifetime sport fishing license or a lifetime sport fishing and
12 hunting license shall be entitled annually to the privileges afforded to a person
13 holding a second-rod stamp or validation issued pursuant to Section 8755, a sport
14 fishing ocean enhancement stamp or validation issued pursuant to paragraph (1) of
15 subdivision (a) of Section 8760, one steelhead trout report restoration card issued
16 pursuant to **Section 7380**, and one salmon punchcard issued pursuant to
17 regulations adopted by the commission. Lifetime privileges issued pursuant to this
18 subdivision are not transferable.
19 (f) The base fees specified in this section are applicable commencing January 1,
20 2004, and shall be adjusted annually thereafter pursuant to **Section 713**.
21 (g) Nothing in this section requires a person less than 16 years of age to obtain a
22 license to engage in sport fishing.
23 (h) Nothing in this section exempts a license applicant from meeting other
24 qualifications or requirements otherwise established by law for the privilege of
25 sport fishing.
26 **Comment.** Section 8955 continues former Fish and Game Code Section 7149.2 without
27 substantive change.
28 See also Section 483 (“sport fishing”).

29 **Staff Note.** The reference in existing Section 7149.2(e) to a Bay-Delta sport fishing
30 enhancement stamp or validation issued pursuant to existing Section 7360 or 7360.1 is not
31 continued in proposed Section 8955, based on the repeal of Sections 7360 and 7360.1. See 2003
32 Cal. Stat. ch. 796, 2009 Cal. Stat. ch. 381.

33 Article 2. Reduced Fee Licenses

34 § 9000. Reduced fee license

35 9000. (a) Upon application to the department’s headquarters office in
36 Sacramento, the following persons shall be issued a reduced fee sport fishing
37 license:

38 (1) A disabled veteran having a 50 percent or greater service-connected
39 disability, upon presentation of proof of an honorable discharge from military
40 service and proof of the disability. Proof of the disability shall be by certification

1 from the United States Veterans Administration or by presentation of a license
2 issued pursuant to this paragraph in the preceding license year.

3 (2) A member of the military who is a “recovering service member” pursuant to
4 Section 1602(7) of the federal National Defense Authorization Act for Fiscal Year
5 2008 (Public Law 110-181). Proof of eligibility for a reduced fee sport fishing
6 license pursuant to this paragraph shall be by submission of a letter, online or in
7 hardcopy, to the department from that person’s commanding officer or from a
8 military medical doctor, stating that the person is a recovering service member.

9 (3) A resident over 65 years of age whose total monthly income from all
10 sources, including any old age assistance payments, does not exceed the amount in
11 effect on September 1 of each year contained in subdivision (c) of Section 12200
12 of the Welfare and Institutions Code, for single persons, or subdivision (d) of
13 Section 12200 of the Welfare and Institutions Code combined income for married
14 persons, as adjusted pursuant to that section. The amount in effect on September 1
15 of each year shall be the amount used to determine eligibility for a reduced fee
16 license during the following calendar year. Proof of eligibility for a reduced fee
17 sport fishing license pursuant to this paragraph shall be by a letter or other
18 document, as specified by the department, from a public agency.

19 (b) A person who has been convicted of any violation of this code is ineligible
20 for a license pursuant to this section.

21 (c) A person applying for a reduced fee sport fishing license shall submit
22 adequate documentation for the department to determine whether the applicant is
23 eligible for a reduced fee sport fishing license. The department shall not issue a
24 reduced fee sport fishing license to any person unless the department is satisfied
25 that the applicant has provided adequate documentation of eligibility for that
26 license.

27 (d) The fee for a license issued pursuant to this section shall be a base fee of
28 four dollars (\$4) applicable commencing January 1, 1996, and annually adjusted
29 thereafter pursuant to **Section 713**.

30 (e) A license issued pursuant to this section is valid for a calendar year, or if
31 issued after the beginning of that year, for the remainder of that year.

32 **Comment.** Section 9000 continues former Fish and Game Code Section 7150 without
33 substantive change.

34 **Article 3. Free Licenses**

35 **§ 9050. Free license for individuals**

36 9050. (a) Upon application to the department, the following persons shall be
37 issued a sport fishing license, free of any charge or fee:

38 (1) A blind person, upon presentation of proof of blindness. For purposes of this
39 paragraph, “blind person” means a person who in each eye has central visual
40 acuity of 20/200 or less with the aid of the best possible correcting lens, or central
41 visual acuity better than 20/200 if the widest diameter of the remaining visual field

1 is no greater than 20 degrees. Proof of blindness shall be by certification from a
2 qualified licensed optometrist or ophthalmologist, or by presentation of a license
3 issued pursuant to this paragraph in a previous license year.

4 (2) A person with a developmental disability, upon presentation of certification
5 of that disability from a qualified licensed physician, or from the director of a state
6 regional center for the developmentally disabled.

7 (3) A resident who is permanently unable to move from place to place without
8 the aid of a wheelchair, walker, forearm crutches, or a comparable mobility-related
9 device. Proof of the disability shall be by certification from a licensed physician or
10 surgeon, or by presentation of a license issued pursuant to this paragraph in a
11 license year after 1996.

12 (4) A resident Native American who, in the discretion of the department, is
13 financially unable to pay the fee required for the license.

14 (b) A person who has been convicted of any violation of this code is ineligible
15 for a license pursuant to this section.

16 (c) Sport fishing licenses issued pursuant to paragraphs (1), (2), and (3) of
17 subdivision (a) are valid for five calendar years, or if issued after the beginning of
18 the first year, for the remainder of the five calendar years.

19 (d) Sport fishing licenses issued pursuant to paragraph (4) of subdivision (a) are
20 valid for a calendar year or, if issued after the beginning of that year, for the
21 remainder of that year.

22 **Comment.** Section 9050 continues former Fish and Game Code Section 7151(a)-(c) without
23 substantive change.

24 **§ 9055. Free group sport fishing license for persons with disabilities**

25 9055. (a) Upon application to the department, the department may issue a group
26 sport fishing license, free of any charge or fee, to a group of persons with mental
27 or physical disabilities who are under the care of any of the following entities:

28 (1) A certified federal, state, county, city, or private licensed care center that is a
29 community care facility as defined in subdivision (a) of Section 1502 of the Health
30 and Safety Code.

31 (2) An organization exempt from taxation under Section 501(c)(3) of the federal
32 Internal Revenue Code.

33 (3) A school or school district.

34 (b) The organization listed in subdivision (a) shall provide evidence that it is a
35 legitimate private licensed care center, tax-exempt organization, school, or school
36 district.

37 (c) The license shall be issued to the person in charge of the group and shall be
38 in that person's possession when the group is fishing.

39 (d) The license shall identify the location and the date or dates for which fishing
40 is authorized, and the maximum number of people that may be included in the
41 group that will be fishing. The license holder shall notify the local department

1 office before sport fishing and indicate where, when, and how long the group will
2 be sport fishing.

3 (e) Employees of the entity listed in subdivision (a) are exempt from Section
4 8750 while assisting the group that that is sport fishing pursuant to the license.

5 **Comment.** Section 9055 restates former Fish and Game Code Section 7151(d) without
6 substantive change.

7 See also Section 483 (“sport fishing”).

8 **☞ Staff Note.** Proposed Section 9055 is intended to restate existing Section 7151(d) to
9 improve the clarity of that provision, without changing its substantive effect. The existing
10 provision reads as follows:

11 “7151.

12 (d) Upon application to the department, the department may issue, free of any charge or fee, a
13 sport fishing license to groups of mentally or physically handicapped persons under the care of a
14 certified federal, state, county, city, or private licensed care center that is a community care
15 facility as defined in subdivision (a) of Section 1502 of the Health and Safety Code, to
16 organizations exempt from taxation under Section 501(c)(3) of the federal Internal Revenue
17 Code, or to schools or school districts. Any organization that applies for a group fishing license
18 shall provide evidence that it is a legitimate private licensed care center, tax-exempt organization,
19 school, or school district. The license shall be issued to the person in charge of the group and
20 shall be in his or her possession when the group is fishing. Employees of private licensed care
21 centers, tax-exempt organizations, schools, or school districts are exempt from Section 7145 only
22 while assisting physically or mentally disabled persons fishing under the authority of a valid
23 license issued pursuant to this section. The license shall include the location where the activity
24 will take place, the date or dates of the activity, and the maximum number of people in the group.
25 The licenseholder shall notify the local department office before fishing and indicate where,
26 when, and how long the group will fish.”

27 **The staff invites comment on whether the proposed restatement would cause any**
28 **substantive change in the meaning of existing Section 7151(d).**

29 **§ 9060. Free group sport fishing license for military personnel with injuries or disabilities**

30 9060. (a) Upon application to the department, the department may issue, free of
31 any charge or fee, a group sport fishing license to a nonprofit organization for day-
32 fishing trips that provide recreational rehabilitation therapy for active duty
33 members of the United States military who are currently receiving inpatient care in
34 a military or Veterans Administration hospital and veterans with service-
35 connected disabilities. To be eligible, the nonprofit organization shall be registered
36 to do business in this state, or exempt from taxation under Section 501(c) of the
37 federal Internal Revenue Code.

38 (b) The license shall be valid for the calendar year of issue or, if issued after the
39 beginning of that year, for the remainder of that year.

40 (c) The license shall be issued to the person in charge of the group, and shall be
41 in that person’s possession when the group is fishing.

42 (d) The organization shall notify the local department office before sport fishing,
43 and indicate where, when, and for how long the group will be sport fishing.

44 **Comment.** Section 9060 continues former Fish and Game Code Section 7151(e) without
45 substantive change.

46 See also Section 483 (“sport fishing”).

1 **☞ Staff Note.** The staff is unsure why this provision refers to “day-fishing trips.” That
2 language sounds like a limitation. Is it intended as one? **The staff invites input on this point.**

3 **§ 9065. Funding for free licenses**

4 9065. (a) On January 15 of each year, the department shall determine the
5 number of free sport fishing licenses in effect during the preceding year.

6 (b) There shall be appropriated from the General Fund a sum equal to two
7 dollars (\$2) per free sport fishing license issued pursuant to Sections 9050 or 9055
8 during the preceding license year. That sum may be appropriated annually in the
9 Budget Act for transfer to the Fish and Game Preservation Fund, and appropriated
10 in the Budget Act from the Fish and Game Preservation Fund to the department,
11 for the purposes of this part.

12 **Comment.** Section 9065 continues former Fish and Game Code Section 7151(f)-(g) without
13 substantive change.

14 **Article 4. Stamps and Validations**

15 **§ 9100. Second rod stamp or validation**

16 9100. The fee for a second-rod sport fishing stamp or validation issued pursuant
17 to Section 8755 is a base fee of seven dollars and fifty cents (\$7.50), applicable
18 commencing January 1, 1995, and annually adjusted thereafter pursuant to **Section**
19 **713.**

20 **Comment.** Section 9100 combines and continues former Fish and Game Code Sections
21 7149.4(b) and 7149.45(b) without substantive change.

22 **☞ Staff Note.** Existing Sections 7149.4(b) and 7149.45(b) relate respectively to the fee for
23 issuance of a paper second-rod sport fishing stamp, and an electronic second-rod sport fishing
24 validation issued pursuant to the Automated License Data System.

25 **The staff invites comment on whether combining those two existing provisions into a**
26 **single proposed Section 9100 would cause any substantive change to the meaning of either**
27 **existing section.**

28 **§ 9105. Ocean enhancement stamp or validation**

29 9105. (a) The fee for a sport fishing ocean enhancement stamp or validation
30 issued pursuant to Section 8760 is a base fee of three dollars and fifty cents
31 (\$3.50), applicable commencing January 1, 2004, and annually adjusted thereafter
32 pursuant to **Section 713.**

33 (b) The commission shall adjust the amount of the fees specified in subdivision
34 (a), as necessary, to fully recover, but not exceed, all reasonable administrative
35 and implementation costs of the department and the commission relating to those
36 licenses.

37 **Comment.** Subdivision (a) of Section 9105 combines and continues the second sentences of
38 former Fish and Game Code Sections 6596(a) and 6596.1(a), and former Fish and Game Code
39 Sections 6596(f) and 6596.1(f), without substantive change.

40 Subdivision (b) combines and continues former Fish and Game Code Sections 6596(g) and
41 6596.1(g) without substantive change.

1 **☞ Staff Note.** Existing Sections 6596 and 6596.1 relate respectively to the fee for issuance of
2 a paper sport fishing ocean enhancement stamp, and an electronic sport fishing ocean
3 enhancement validation issued pursuant to the Automated License Data System.

4 **The staff invites comment on whether combining those two existing provisions into a**
5 **single proposed Section 9105 would cause any substantive change to the meaning of either**
6 **existing section.**

7 **§ 9110. Colorado River stamp or validation**

8 9110. The fee for a Colorado River special use stamp or validation issued
9 pursuant to Section 8805 or 8810 is three dollars (\$3).

10 **Comment.** Section 9110 combines and continues the second sentence of former Fish and
11 Game Code Section 7180(c) and the second sentence of former Fish and Game Code Section
12 7180.1(c) without substantive change.

13 **☞ Staff Notes.** (1) Existing Sections 7180 and 7180.1 relate respectively to the issuance of a
14 paper Colorado River special use stamp, and an electronic Colorado River special use validation
15 issued pursuant to the Automated License Data System.

16 **The staff invites comment on whether combining those two existing provisions into a**
17 **single proposed Section 9110 would cause any substantive change to the meaning of either**
18 **existing section.**

19 (2) Unlike many other license fee provisions in the existing Fish and Game Code, the fee
20 provisions in existing Sections 7180 and 7180.1 do not provide for annual adjustment pursuant to
21 existing Section 713. **Should this adjustment be provided for in proposed Section 9110?**

22 CHAPTER 5. PENALTIES

23 **§ 9150. Valid license in possession**

24 9150. (a) Notwithstanding any other provision of law, a violation of Section
25 8750 or a regulation requiring a license to be displayed is an infraction, punishable
26 by a fine of not less than one hundred dollars (\$100) nor more than one thousand
27 dollars (\$1,000), for a first offense. If a person is convicted of a violation of
28 Section 8750 or a regulation requiring a license to be displayed within five years
29 of a separate offense resulting in a conviction of a violation of Section 8750 or a
30 regulation requiring a license to be displayed, that person shall be punished by a
31 fine of not less than two hundred fifty dollars (\$250) nor more than one thousand
32 dollars (\$1,000).

33 (b) If a person is convicted of a violation of Section 8750 or a regulation
34 requiring a license to be displayed and produces in court a sport fishing license
35 issued pursuant to Section 8750 that was valid at the time of the violation, and if
36 the sport fishing was otherwise lawful, the court may reduce the fine imposed for
37 the violation to twenty-five dollars (\$25).

38 (c) If a person is charged with a violation of Section 8750 or a regulation
39 requiring a license to be displayed and produces in court a lifetime sport fishing
40 license or sport fishing and hunting license issued in his or her name that was valid
41 at the time of the violation, and if the sport fishing was otherwise lawful, the court
42 may dismiss the charge.

1 (d) A person shall not be charged or convicted for both a violation of Section
2 8750 and a regulation requiring a license to be displayed for the same act.

3 **Comment.** Section 9150 continues former Fish and Game Code Section 12002.2 without
4 substantive change.

5 See also Section 483 (“sport fishing”).

6 **☞ Staff Note.** Existing Section 12002.2(c) (which would be continued by proposed Section
7 9150(d)) permits dismissal of a charged violation of existing Section 7145 (requiring possession
8 of sport fishing license), if the person charged appears in court and produces a valid lifetime
9 license issued in his or her name. Proposed Section 9150 would make clear that the lifetime
10 license must have been valid at the time of the violation.

11 **The staff invites comment on whether this revision is problematic.**

12 **§ 9155. Fishing without required stamp or validation**

13 9155. (a) Notwithstanding any other provision of law, a violation of Section
14 8755, 8760, or 8805 is an infraction, punishable by a fine of not less than fifty
15 dollars (\$50), nor more than two hundred fifty dollars (\$250), for a first offense.

16 (b) If a person is convicted of a violation of Section 8755, 8760, or 8805 within
17 five years of a separate offense resulting in a conviction of a violation of Section
18 8755, 8760, or 8805, that person shall be punished by a fine of not less than one
19 hundred dollars (\$100), nor more than five hundred dollars (\$500).

20 (c) If a person is convicted of a violation of Section 8755, 8760, or 8805 and
21 produces in court the required stamp or validation that was valid at the time of the
22 violation, and if the sport fishing was otherwise lawful, the court may reduce the
23 fine imposed for the violation to twenty-five dollars (\$25).

24 **Comment.** Section 9155 continues former Fish and Game Code Section 12002.2.1 without
25 substantive change. References to Bay Delta sport fishing enhancement stamps or validations,
26 and provisions requiring those stamps or validations, are discontinued as obsolete.

27 See also Section 483 (“sport fishing”).

28 **☞ Staff Notes.** (1) Existing Section 12000(b)(2) provides that a person who violates existing
29 Section 6596(a) (fishing without a required ocean enhancement stamp, continued by proposed
30 Section 8760), “is guilty of an infraction punishable by a fine of not less than one hundred dollars
31 (\$100) and not to exceed one thousand dollars (\$1,000), or of a misdemeanor.”

32 However, existing Section 12002.2.1(a)(1) (which would be continued in part by proposed
33 Section 9155 above), which was added to the Fish and Game Code after Section 12000(b)(2) (see
34 2007 Cal. Stat. ch. 285), provides that, “Notwithstanding any other provision of law,” a violation
35 of Section 6596(a) is punishable as provided above, in proposed Section 9155.

36 The two provisions specifying penalties for a violation of Section 6596(a) are not readily
37 reconcilable, as (1) Section 12000(b)(2) provides authority to charge a violation of Section
38 6596(a) as a misdemeanor, whereas Section 12002.2.1 expressly provides that at least a first
39 violation of Section 6596(a) is an infraction, and (2) the minimum and maximum permissible
40 fines stated in the two penalty provisions are different.

41 Because the first words of Section 12002.2.1(a) are “Notwithstanding any other provision of
42 law,” and because Section 12002.2.1 is the later enacted of the two conflicting penalty provisions,
43 the staff reads the enactment of Section 12002.2.1(a) as indicating legislative intent to declare a
44 new penalty scheme for violations of Section 6596(a), and surmises that the failure to delete
45 Section 12000(b)(2) was inadvertent. As a result, it is the staff’s intention not to continue existing
46 Section 12000(b)(2) in the proposed law.

1 **The staff invites comment on whether existing Section 12000(b)(2) should be preserved in**
2 **the proposed law, and if so, how that continued provision should be reconciled with the**
3 **continuation of Section 12002.2.1(a).**

4 (2) Existing Section 12002.2.1 contains an ambiguity with regard to whether the violations for
5 which it provides a penalty are intended to be infractions in *all* cases, or only if the violation is a
6 “first offense.” Subdivision (a) of the section makes clear that a first violation of any of the listed
7 provisions is an infraction. However, subdivision (b), which specifies a different punishment for
8 repeat violations, is silent as to whether a repeat offense is also an infraction. And, existing
9 Section 12000(a) provides that “Except as expressly provided otherwise in this code, any
10 violation of this code ... is a misdemeanor.

11 **The staff invites comment on whether, under existing law, a repeat violation of any of the**
12 **provisions listed in existing Section 12002.2.1(a) is potentially punishable as a misdemeanor,**
13 **or only as an infraction.**

14 **§ 9160. Sale of fish or amphibian taken by sport fishing**

15 9160. (a) Notwithstanding any other provision of law, a violation of Section
16 9350 or 9355 by a person required to be licensed pursuant to Section 8850 is
17 punishable by a fine of not less than two thousand dollars (\$2,000) or more than
18 seven thousand five hundred dollars (\$7,500), except as provided in subdivision
19 (b) or in **subdivision (b) of Section 12002.3.**

20 (b) A violation of Section 9350 or 9355 by a person who for a commercial
21 purpose knowingly purchases or receives a fish or amphibian taken by a person
22 required to be licensed pursuant to Section 8850 is punishable by a fine of not less
23 than seven thousand five hundred dollars (\$7,500) or more than fifteen thousand
24 dollars (\$15,000).

25 **Comment.** Section 9160 continues former Fish and Game Code Section 12002.3(a) and (c)
26 without substantive change.

27  **Staff Note.** Proposed Section 9160 would make the punishment prescribed by existing
28 Section 12002.3(a) and (c) for a violation of existing Section 7121 expressly applicable to the
29 sale, purchase, or possession of an amphibian, as well as fish, consistent with the prohibition in
30 Section 7121.

31 **The staff invites comment on whether this revision of the existing section is problematic.**

32 **CHAPTER 6. RECIPROCAL LICENSING**

33 **§ 9200. Operation of chapter**

34 9200. (a) This chapter shall remain effective so long as the commission finds
35 and determines that under the laws of the State of Arizona, substantially similar
36 Arizona licenses are authorized to be issued to licensees of this state, upon
37 substantially the same terms and conditions as are provided for in this chapter,
38 relating to the issuance of California licenses to licensees of the State of Arizona.

39 (b) If Arizona issues a resident sport fishing license for a term less than one year
40 for the purpose of changing to a calendar year license from a fiscal year license,
41 that license shall be deemed to be a license upon substantially the same terms and
42 conditions as are provided for the issuance of California licenses to licensees of
43 the State of Arizona, for the purposes of subdivision (a).

1 **Comment.** Subdivision (a) of Section 9200 continues former Fish and Game Code Section
2 7185 without substantive change.

3 Subdivision (b) continues former Fish and Game Code Sections 7186(b) and 7186.1(b) without
4 substantive change.

5 **§ 9205. Responsibilities of state commissions relating to licenses and special use stamps and**
6 **validations**

7 9205. (a) The Arizona Game and Fish Commission shall handle California sport
8 fishing licenses, and California special use stamps and validations, and issue them
9 through Arizona license dealers. Prior to August 31 of each year, that commission
10 shall make an audit report and send a remittance for those sales to the department.

11 (b) The department shall handle Arizona special use stamps and validations, and
12 issue them through California license dealers. Prior to August 31 of each year, the
13 department shall make an audit report and send a remittance for those sales to the
14 Arizona Game and Fish Commission.

15 **Comment.** Section 9205 combines and continues former Fish and Game Code Sections 7183
16 and 7183.1 without substantive change.

17 **☞ Staff Note.** Existing Sections 7183 and 7183.1 relate to reciprocal arrangements with the
18 state of Arizona to handle sport fishing licenses, and respectively, special use stamps and special
19 use validations. Other than that latter distinction, the two provisions read identically.

20 **The staff invites comment on whether combining those two existing provisions into a**
21 **single proposed Section 9105 would cause any substantive change in the meaning of either**
22 **existing section.**

23 **§ 9210. Terms of special use stamps**

24 9210. (a) An Arizona special use stamp or validation is valid from January 1 to
25 December 31, inclusive, of each year, to coincide with the period for which a
26 California sport fishing license is issued.

27 (b) A California special use stamp or validation is valid for one year, to coincide
28 with the period for which an Arizona fishing license is issued.

29 **Comment.** Section 9210 combines and continues former Fish and Game Code Sections 7184
30 and 7184.1 without substantive change.

31 **☞ Staff Note.** Existing Sections 7184 and 7184.1 relate to reciprocal arrangements with the
32 state of Arizona to handle respectively, special use stamps and special use validations. Other than
33 that latter distinction, the two provisions read identically.

34 **The staff invites comment on whether combining those two existing provisions into a**
35 **single proposed Section 9210 would cause any substantive change in the meaning of either**
36 **existing section.**

37 **§ 9215. Conditional provisions relating to California licenses and special use stamps and**
38 **validations**

39 9215. When the director determines from the Secretary of State that copies of
40 the law of the State of Arizona have been received by the Secretary of State that
41 provides for an Arizona resident sport fishing license valid for a period of less than
42 one year, a California special use stamp or validation valid for the same period as

1 the Arizona resident sport fishing license may be issued for a fee of one dollar
2 (\$1).

3 **Comment.** Section 9215 combines and continues former Fish and Game Code Sections
4 7186(a) and 7186.1(a) without substantive change.

5 **☞ Staff Note.** Existing Sections 7186(a) and 7186.1(a) relate to reciprocal arrangements with
6 the state of Arizona that relate to, respectively, California special use stamps and special use
7 validations. Other than that latter distinction, the two provisions read identically.

8 **The staff invites comment on whether combining those two existing provisions into a**
9 **single proposed Section 9215 would cause any substantive change in the meaning of either**
10 **existing section.**

11 CHAPTER 7. ISSUANCE

12 § 9250. Compensation for license agent

13 9250. California sport fishing license stamps and validations shall be issued by
14 authorized license agents in the same manner as sport fishing licenses, and no
15 compensation shall be paid to the authorized license agent for issuing a stamp or
16 validation, except as provided in **Section 1055 or 1055.1.**

17 **Comment.** Section 9250 combines and continues former Fish and Game Code Sections
18 7149(b) and 7149.05(b) without substantive change.

19 **☞ Staff Note.** Existing Sections 7149(b) and 7149.05(b) relate respectively to the issuance of
20 paper sport fishing license stamps, and electronic sport fishing validations issued pursuant to the
21 Automated License Data System. Other than that distinction, the two provisions read identically.

22 **The staff invites comment on whether combining those two existing provisions into a**
23 **single proposed Section 9250 would cause any substantive change in the meaning of either**
24 **existing section.**

25 § 9255. Colorado River special use stamps and validations

26 9255. (a) Arizona Colorado River special use stamps and validations shall be
27 issued by California authorized license agents under the supervision of the
28 department in the same manner as sport fishing licenses are issued, and California
29 sport fishing licenses and California Colorado River special use stamps and
30 validations shall be issued by Arizona license dealers under the supervision of the
31 Arizona Game and Fish Commission.

32 (b) This section shall remain effective so long as the commission finds and
33 determines that under the laws of the State of Arizona, substantially similar
34 Arizona licenses are authorized to be issued to licensees of this state, upon
35 substantially the same terms and conditions as are provided for in this chapter,
36 relating to the issuance of California licenses to licensees of the State of Arizona.

37 **Comment.** Subdivision (a) of Section 9255 combines and continues former Fish and Game
38 Code Sections 7182 and 7182.1 without substantive change.

39 Subdivision (b) continues the effect of former Fish and Game Code Section 7185 as that
40 provision applied to former Fish and Game Code Sections 7182 and 7182.1. See Section 9200(a).

1 **☞ Staff Note.** Existing Sections 7182 and 7182.1 relate to reciprocal arrangements with the
2 state of Arizona to handle, respectively, special use stamps and special use validations. Other than
3 that latter distinction, the two provisions read identically.

4 **The staff invites comment on whether combining those two existing provisions into a**
5 **single proposed Section 9255 would cause any substantive change in the meaning of either**
6 **existing section.**

7 TITLE 2. TAKE LIMITS

8 § 9300. Bag limits

9 9300. It is unlawful for a person to possess more than one daily bag limit of any
10 fish, amphibian, or reptile taken by sport fishing, unless authorized by regulations
11 adopted by the commission.

12 **Comment.** Section 9300 continues former Fish and Game Code Section 7120 without
13 substantive change, except to add references to amphibians and reptiles.

14 See also Section 483 (“sport fishing”).

15 **☞ Staff Notes.** (1) By its terms, existing Section 7120 only applies to fish taken pursuant to a
16 sport fishing license. Read literally, that makes the bag limit inapplicable to fish taken by persons
17 who are not required to hold a license and to those who illegally take fish without a license. It
18 seems unlikely that the provision was intended to include such exemptions. Proposed Section
19 9300 would remove them.

20 **The staff invites comment on whether this revision of existing Section 7120 would change**
21 **the intended substantive meaning of the provision.**

22 (2) Proposed Section 9300 would revise existing Section 7120 make the provision expressly
23 applicable to amphibians and reptiles.

24 **The staff invites comment on the appropriateness of this revision.**

25 TITLE 3. COMMERCE

26 § 9350. Unauthorized purchase or sale

27 9350. Except as otherwise provided by this code or by regulation, it is unlawful
28 to buy or sell a fish or amphibian that was taken in, brought into, or brought ashore
29 from, any waters of this state.

30 **Comment.** Section 9350 continues the first paragraph of former Fish and Game Code Section
31 7121 without substantive change.

32 **☞ Staff Note.** The staff invites comment on whether existing Section 7121 should be revised
33 to apply to reptiles.

34 § 9355. Disposition of fish or amphibians caught on sport fishing vessel

35 9355. (a) In any place of business where fish are bought, sold, or processed, it is
36 unlawful to buy, sell, or possess a fish or amphibian that was taken by sport
37 fishing on a boat, barge, or vessel.

38 (b) Subdivision (a) does not apply to possession for the purposes of canning or
39 smoking pursuant to regulations adopted by the commission.

1 **Comment.** Section 9355 restates the second paragraph of former Fish and Game Code Section
2 7121 without substantive change.

3 See also Section 483 (“sport fishing”).

4 **Staff Note.** Proposed Section 9355 is intended to restate the second paragraph of existing
5 Fish and Game Code Section 7121 to improve the clarity of that provision, without changing its
6 substantive effect. The existing provision reads as follows:

7 “7121.

8 It is unlawful to buy, sell, or possess in any place of business where fish are bought, sold, or
9 processed, any fish or amphibia taken on any boat, barge, or vessel which carries sport fishermen,
10 except those fish may be possessed in such a place only for the purposes of canning or smoking
11 under regulations adopted by the commission.”

12 **The staff invites comment on whether the restatement would cause any substantive**
13 **change in the meaning of the provision.**

14 **§ 9360. Fishing from commercial passenger fishing boat**

15 9360. The owner or operator of a boat or vessel licensed pursuant to **Section**
16 **7920** shall not permit any person to fish from that boat or vessel unless that person
17 has, in his or her possession, any required California sport fishing license, stamp,
18 report card, or validation.

19 **Comment.** Section 9360 restates former Fish and Game Code Section 7147 without
20 substantive change.

21 **Staff Note.** By its terms, existing Section 7147 would seem to impose a license
22 requirement on all persons fishing from a boat or vessel, even persons who are otherwise exempt
23 from licensing requirements (e.g., a child under the age of 16). The staff spoke informally with
24 Department staff, who confirmed that existing Section 7147 is not understood to apply to those
25 who are exempt from licensing requirements. Section 9360 would codify that understanding.

26 **The staff invites comment on whether proposed Section 9360 accurately states existing**
27 **law.**

28 **TITLE 4. PROCESSING AND WASTE**

29 **§ 9400. Canning or smoking**

30 9400. (a) Subject to Section 9300, fish taken by lawful sport fishing may be
31 canned or smoked by a fish cannery or processor.

32 (b) Any cannery or packing plant in which fish taken by lawful sport fishing are
33 canned shall emboss or imprint on the top of each can the words “not to be sold”
34 in letters of such size as to be clearly legible, and the embossment or imprint shall
35 remain affixed to the can.

36 (c) Any cannery or packing plant in which fish taken by lawful sport fishing are
37 smoked shall permanently imprint on each package the words “not to be sold” in
38 letters of such size as to be clearly legible, and the imprint shall remain visible on
39 the package.

40 (d) Fish that are canned or smoked under this section shall not be sold,
41 purchased, or offered for sale.

1 **Comment.** Section 9400 continues former Fish and Game Code Section 7230 without
2 substantive change.

3 See also Section 483 (“sport fishing”).

4 **☞ Staff Note.** Proposed Section 9400 would revise existing Section 7230 to allow a fish
5 cannery or processor to can or smoke fish taken by lawful sport fishing, rather than pursuant to a
6 sport fishing license. The revision would clarify that the provision is applicable to fish lawfully
7 taken by persons who are not required to obtain a sport fishing license (e.g., persons under 16).

8 **The staff invites comment on the appropriateness of this revision.**

9 **§ 9405. Fish offal**

10 9405. (a) Notwithstanding **Section 7121**, offal from a fish taken by lawful sport
11 fishing that is delivered to a fish canner or fish processor may be processed, used,
12 or sold by that fish canner or fish processor.

13 (b) Nothing in this section authorizes the sale or purchase of a fish.

14 **Comment.** Section 9405 continues former Fish and Game Code Section 7232 without
15 substantive change. A reference to a “portion” of a fish is deleted as superfluous. See Section 85
16 (reference to animal generally includes part of animal).

17 See also Section 483 (“sport fishing”).

18 **☞ Staff Note.** Proposed Section 9305 would revise existing Section 7232 to allow a fish
19 cannery or processor to accept offal from fish taken by lawful sport fishing, rather than pursuant
20 to a sport fishing license. The revision would clarify that the provision is applicable to offal from
21 fish lawfully taken by persons who are not required to obtain a sport fishing license (e.g., persons
22 under 16).

23 **The staff invites comment on the appropriateness of this revision.**

24 **§ 9410. Deterioration and waste**

25 9410. The commission may adopt regulations to prevent deterioration and waste
26 of fish taken by sport fishing, and to regulate the disposal of the offal of that fish.

27 **Comment.** Section 9410 continues former Fish and Game Code Section 5510 without
28 substantive change.

29 See also Section 483 (“sport fishing”).

30 **TITLE 5. ADMINISTRATION**

31 **§ 9450. Automatic process to conform sport fishing regulations**

32 9450. (a) The commission may establish by regulation an automatic process to
33 conform its sport fishing regulations to federal regulations.

34 (b) The department shall provide public notice of any conforming action
35 implemented pursuant to this section.

36 **Comment.** Section 9450 continues former Section 205.1 without change.

37 See also Section 483 (“sport fishing”).

38 **☞ Staff Note.** In Memorandum 2013-58, the staff had recommended continuing Section
39 205.1 in Chapter 2 of Part 1 of Division 2 of the proposed Fish and Wildlife Code. The staff now
40 believes that the provision is better located in this Division. This placement is consistent with the
41 tentative recommendation of the Commission on *Fish and Game Law: Technical Revisions and*
42 *Minor Substantive Improvements (Part 2)*.

1 **§ 9455. Required information in regulation booklet**

2 9455. (a) The department shall identify property it owns or manages that
3 includes areas for sport fishing accessible to persons with disabilities.

4 (b) Commencing with the booklet of sport fishing regulations published by the
5 commission in 1986, the availability of sport fishing areas, identified by the
6 department as accessible to persons with disabilities under subdivision (a), shall be
7 noted in the booklet of regulations, together with telephone numbers and
8 instructions for obtaining a list of those areas from regional department offices.

9 (c) Commencing with the booklet of sport fishing regulations published in 1987,
10 the booklet shall also contain any human health advisories relating to fish that are
11 formally issued by the State Department of Health Services, or summaries of those
12 human health advisories. The summaries shall be prepared in consultation with the
13 State Department of Health Services.

14 **Comment.** Subdivisions (a) and (b) of Section 9455 continue former Section 217.5 without
15 substantive change.

16 Subdivision (c) continues former Section 217.6 without substantive change.

17 See also Section 483 (“sport fishing”).

18 ☞ **Staff Note.** In Memorandum 2013-13, the staff had recommended continuing Section
19 217.6 in Chapter 2 of Part 1 of Division 2 of the proposed Fish and Wildlife Code. The staff now
20 believes that the provision is better located in this Division. This placement is consistent with the
21 tentative recommendation of the Commission on *Fish and Game Law: Technical Revisions and*
22 *Minor Substantive Improvements (Part 2)*.

DISPOSITION OF FORMER LAW

The table below shows the relationship between each provision of the existing Fish and Game Code and the corresponding provision of the proposed law (if any).

Existing Provision	Proposed Provision(s)	Existing Provision	Proposed Provision(s)
205.1	9450	7149.45(a)	8755 (a), (b)
217.5	9455(a), (b)	7149.45(b)	9100
217.6	9455(c)	7149.45(c)	not cont'd
1124	8500	7149.7	8870
5505	8550	7150	9000
5507	8505	7151(a)-(c)	9050
5508	8510	7151(d)	9055
5509	8515	7151(e)	9060
5510	9410	7151((f)-(g)	9065
5516	8555	7153(a)	8855, 8865
6596(a) (1st and 3rd sent.)	8760	7153(b)	8855
6596(a) (2nd sent.)	9105	7155	8600
6596(e)	not cont'd	7180(a), (b), (c) (1st sent.)	8800,
6596(f)	9105		8805(a)-(b), 8815
6596(g)	9105	7180(c) (2nd sent.)	9110
6596.1(a) (1st and 3rd sent.)	8760	7180(d)	not cont'd
6596.1(a) (2nd sent.)	9105	7180.1(a), (b), (c) (1st sent.)	8800,
6596.1(e)	not cont'd		8805(a)-(b), 8815
6596.1(f)	9105	7180.1(c) (2nd sent.)	9110
6596.1(g)	9105	7180.1(d)	not cont'd
7120	9300	7181	8810(a)-(b), 8815
7121 (1st para.)	9350	7181.1	8810(a)-(b), 8815
7121 (2nd para.)	9355	7182	9255(a)
7145(a)	8750, 8850	7182.1	9255(a)
7145(b)	8860	7183	9205
7147	9360	7183.1	9205
7149(a)	8700, 8950(a)	7184	9210
7149(b)	9250	7184.1	9210
7149(c)	not cont'd	7185	8815, 9200(a), 9255(b)
7149(d)	8950(b)	7186(a)	9215
7149(e)	8950(c)	7186(b)	9200(b)
7149.05(a)	8700, 8950(a)	7186(c)	not cont'd
7149.05(b)	9250	7186.1(a)	9215
7149.05(c)	not cont'd	7186.1(b)	9200(b)
7149.05(d)	8950(b)	7186.1(c)	not cont'd
7149.05(e)	8950(c)	7230	9400
7149.2	8955	7232	9405
7149.3	8875	12002.2	9150
7149.4(a)	8755(a), (b)	12002.2.1	9155
7149.4(b)	9100	12002.3(a)	9160(a)
7149.4(c)	not cont'd	12002.3(c)	9160(b)