"PERTAINING TO IDENTIFICATION OF CRAB POTS, PEELER POTS AND FISH POTS"

CHAPTER 4 VAC 20-140-10 ET. SEQ.

PREAMBLE

This chapter establishes requirements to maintain identification numbers and letters on crab pots, peeler pots and fish pots and specifies the gear-specific location, for the identification.

This chapter is promulgated pursuant to authority contained in §§28.2-201 and 28.2-712 of the Code of Virginia. This chapter amends and re-adopts, as amended, previous Chapter 4VAC20-140-10 Et Seq., which was adopted on May 27, 2008 and was effective on March 17, 2009. The effective date of this chapter is October 1, 2011.

4 VAC 20-140-10. PURPOSE.

The purpose of this chapter is to describe the lawful methods an individual shall use to identify his licensed crab pots, peeler pots or fish pots.

4 VAC 20-140-20. IDENTIFICATION OF FISH POTS.

Any person owning or using a fish pot, for which a license is prescribed by law, shall display and maintain his current identification number, assigned by the Marine Resources Commission, on each floating buoy or stake attached to each such fish pot, in a legible and visible manner.

4 VAC 20-140-25. IDENTIFICATION OF CRAB POTS AND PEELER POTS.

A. Any person placing, setting, or fishing crab pots in Virginia waters, for which a commercial license is prescribed by law, shall display his Marine Resources Commission identification number, preceded by the letter "C," on each floating buoy or stake attached to each such crab pot, in a legible and visible manner.

B. Any person placing, setting, or fishing peeler pots in Virginia waters, for which a commercial license is prescribed by law, shall display his Marine Resources Commission identification number, preceded by the letter "P," on each floating buoy or stake attached to each such peeler pot, in a legible and visible manner.

C. Except as provided in subsection D of this section, it shall be unlawful for any person to_place numbers or letters on any crab pot or peeler pot buoy or stake that is in addition to the identification requirement described in subsection A or B of this section.

D. Any person who is legally licensed to crab pot or peeler pot in North Carolina or Maryland waters may also display identification required by those jurisdictions on the buoys or stakes attached to

those crab pots or peeler pots while that person is placing, setting or fishing those crab pots or peeler pots in Virginia waters.

E. Any identification shall be legally assigned or registered to that person, as described in subsection D of this section.

4 VAC 20-140-30. PENALTY.

As set forth in § 28.2-903 of the Code of Virginia, any person violating any provision of this chapter shall be guilty of a Class 3 misdemeanor, and a second or subsequent violation of any provision of this chapter committed by the same person within 12 months of a prior violation is a Class 1 misdemeanor.

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This is to certify that the foregoing is a true and accurate copy of the chapter passed by the Marine Resources Commission, pursuant to authority vested in the Commission by § 28.2-201 of the Code of Virginia, duly advertised according to statute, and recorded in the Marine Resources Commission's minute book, at meeting held in Newport News, Virginia, on September 27, 2011.

COMMONWEALTH OF VIRGINIA
MARINE RESOURCES COMMISSION

BY: Jack W Travelstead
for **Steven G. Bowman**
Commissioner

Subscribed and sworn to before me this 28th day of September, 2011.

JANE E. WARREN
NOTARY PUBLIC
Commonwealth of Virginia
Reg. #7191792
My Commission Expires 3-31-12

Jane E Warren
Notary Public