

**As Introduced**

**132nd General Assembly  
Regular Session  
2017-2018**

**H. B. No. 356**

**Representative Young**

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**A BILL**

To amend sections 1531.13, 1533.342, and 1533.343 1  
and to enact section 1533.344 of the Revised 2  
Code to amend the laws concerning commercial 3  
netting in Lake Erie. 4

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

**Section 1.** That sections 1531.13, 1533.342, and 1533.343 5  
be amended and section 1533.344 of the Revised Code be enacted 6  
to read as follows: 7

**Sec. 1531.13.** (A) The law enforcement officers of the 8  
division of wildlife shall be known as "wildlife officers." The 9  
chief of the division of wildlife, wildlife officers, and such 10  
other employees of the division as the chief of the division of 11  
wildlife designates, and other officers who are given like 12  
authority, shall enforce all laws pertaining to the taking, 13  
possession, protection, preservation, management, and 14  
propagation of wild animals and all division rules. They shall 15  
enforce all laws against hunting without permission of the owner 16  
or authorized agent of the land on which the hunting is done. 17  
They may arrest on view and without issuance of a warrant. They 18  
may inspect any container or package at any time except when 19

within a building and the owner or person in charge of the 20  
building objects. The inspection shall be only for bag limits of 21  
wild animals taken in open season or for wild animals taken 22  
during the closed season, or for any kind or species of those 23  
wild animals. 24

(B) The chief may visit all parts of the state and direct 25  
and assist wildlife officers and other employees in the 26  
discharge of their duties. The owners or tenants of private 27  
lands or waters are not liable to wildlife officers for injuries 28  
suffered while carrying out their duties while on the lands or 29  
waters of the owners or tenants unless the injuries are caused 30  
by the willful or wanton misconduct of the owners or tenants. 31  
Any regularly employed salaried wildlife officer may enter any 32  
private lands or waters if the wildlife officer has good cause 33  
to believe and does believe that a law is being violated. 34

(C) A wildlife officer, sheriff, deputy sheriff, 35  
constable, or officer having a similar authority may search any 36  
place which the officer has good reason to believe contains a 37  
wild animal or any part of a wild animal taken or had in 38  
possession contrary to law or division rule, or a boat, gun, 39  
net, seine, trap, ferret, or device used in the violation, and 40  
seize any the officer finds so taken or possessed. If the owner 41  
or person in charge of the place to be searched refuses to 42  
permit the search, upon filing an affidavit in accordance with 43  
law with a court having jurisdiction of the offense and upon 44  
receiving a search warrant issued, the officer forcibly may 45  
search the place described, and if in the search the officer 46  
finds any wild animal or part of a wild animal, or any boat, 47  
gun, net, seine, trap, ferret, or device in the possession of 48  
the owner or person in charge, contrary to this chapter or 49  
Chapter 1533. of the Revised Code or division rule, the officer 50

shall seize it and arrest the person in whose custody or 51  
possession it was found. The wild animal or parts of a wild 52  
animal or boat, gun, net, seine, trap, ferret, or device so 53  
found shall escheat to the state. 54

(D) Each wildlife officer shall post a bond in a sum not 55  
less than one thousand dollars executed by a surety company 56  
authorized to transact business in this state for the faithful 57  
performance of the duties of the wildlife officer's office. 58

(E) The chief and wildlife officers have the authority 59  
specified under section 2935.03 of the Revised Code for peace 60  
officers of the department of natural resources for the purpose 61  
of enforcing the criminal laws of the state on any property 62  
owned, controlled, maintained, or administered by the department 63  
of natural resources and may enforce sections 2923.12, 2923.15, 64  
and 2923.16 of the Revised Code throughout the state and may 65  
arrest without warrant any person who, in the presence of the 66  
chief or any wildlife officer, is engaged in the violation of 67  
any of those laws. 68

(F) A wildlife officer may render assistance to a state or 69  
local law enforcement officer at the request of that officer or 70  
may render assistance to a state or local law enforcement 71  
officer in the event of an emergency. Wildlife officers serving 72  
outside the division of wildlife under this section shall be 73  
considered as performing services within their regular 74  
employment for the purposes of compensation, pension or 75  
indemnity fund rights, workers' compensation, and other rights 76  
or benefits to which they may be entitled as incidents of their 77  
regular employment. 78

(G) Wildlife officers serving outside the division of 79  
wildlife under this section retain personal immunity from civil 80

liability as specified in section 9.86 of the Revised Code and 81  
shall not be considered an employee of a political subdivision 82  
for purposes of Chapter 2744. of the Revised Code. A political 83  
subdivision that uses wildlife officers under this section is 84  
not subject to civil liability under Chapter 2744. of the 85  
Revised Code as the result of any action or omission of any 86  
wildlife officer acting under this section. 87

(H) The chief shall ensure that, with regard to the Lake 88  
county region of the state and the Sandusky region of the state, 89  
two wildlife officers responsible for enforcing laws on the 90  
waters of the state are employed in each region. In addition, 91  
each region shall have one boat for use in enforcing such laws 92  
on the waters of the state. 93

**Sec. 1533.342.** (A) The chief of the division of wildlife, 94  
with the approval of the wildlife council, may limit the type 95  
and number of commercial fishing licenses to be issued for 96  
fishing in the Lake Erie fishing district and other water 97  
wherein nets are licensed by law, except that such limitations 98  
shall not prohibit any person who was issued an Ohio commercial 99  
fishing license in the prior fishing season from being issued, 100  
upon satisfaction of the qualifications established in division 101  
(C) of this section and proper application, a license of the 102  
same type for the current fishing season unless the issuance of 103  
such a license is prohibited by this chapter or Chapter 1531. of 104  
the Revised Code or division rule. 105

In limiting the number and type of licenses, the chief and 106  
the council shall give consideration to the number and type of 107  
licenses needed to harvest the fish determined to be 108  
harvestable; the capacity of the boats and characteristics of 109  
the equipment owned or used by the applicant; and any other 110

facts or data relating to the protection, preservation, 111  
management, and utilization of fish species in a biologically 112  
sound manner. 113

(B) The chief, in prescribing forms for license 114  
applications, may require the applicant to list information 115  
relating to the kind and condition of boats and fishing 116  
equipment proposed to be used by the applicant, port or ports of 117  
entry, years of commercial fishing experience, quantity and 118  
kinds of fish taken during the previous five years, conviction 119  
records relating to Chapter 1531. and this chapter of the 120  
Revised Code and division rules, and any other facts the chief 121  
determines necessary to assist the chief in determining whether 122  
or not the applicant may engage in commercial fishing in 123  
accordance with those chapters and division rules. All questions 124  
shall be answered fully and completely by the applicant. The 125  
application shall be sworn to and signed by the applicant before 126  
a person authorized to administer oaths. 127

(C) Any person, prior to making application for an Ohio 128  
commercial fishing license, first shall satisfy the following 129  
qualifications to the satisfaction of the chief: over eighteen 130  
years of age; no prior conviction of or plea of guilty on or 131  
~~after the effective date of this amendment~~ October 10, 2007, to 132  
a felony concerning commercial fishing activities for a 133  
violation of state or federal law; ninety days Ohio residency 134  
immediately preceding application; two years commercial fishing 135  
gear experience or holder of an Ohio commercial license of 136  
another gear; and posting of a one thousand dollar performance 137  
bond or cash deposit in a like amount. In the event the person 138  
does not meet these pre-application qualifications or does meet 139  
those qualifications, but a license is not granted, the bond or 140  
cash deposit immediately shall be returned by the division. In 141

the event the person is granted a license, the bond or cash 142  
deposit shall be held by the division during the term of the 143  
license. 144

(D) In determining the terms and conditions of any 145  
commercial fishing license, the chief, with the approval of the 146  
wildlife council, may do both of the following: 147

(1) Fix by species, the weight, number, or size of fish to 148  
be taken; 149

(2) Specify the home port and up to two alternate ports at 150  
which the licensee shall land the licensee's catch, as listed on 151  
the licensee's application. 152

(E) Any wildlife officer, or other division employee 153  
designated by the chief to inspect commercial fishing 154  
operations, may enter upon any property used, owned, or leased 155  
by the holder of a commercial fishing license and may inspect 156  
any boat, net, seine, or other equipment used in commercial 157  
fishing; any building or premises used to hold, store, repair, 158  
or build commercial fishing gear or equipment; and any building 159  
or premises used in boxing, storing, or processing fish. No 160  
person shall assault, threaten, abuse, or interfere with any 161  
wildlife officer or designated inspector when carrying out an 162  
inspection under authority of this section, nor shall any person 163  
prohibit such an inspection. 164

(F) No person shall fail to comply with this section or a 165  
division rule adopted pursuant thereto. 166

(G) No person having been issued a commercial fishing 167  
license shall fail to comply with all terms, specifications, and 168  
conditions set forth in the license. 169

(H) (1) In addition to other penalties provided in the 170

Revised Code, the license of any person who is convicted of 171  
assaulting, threatening, abusing, or interfering with any person 172  
inspecting by authority of this section is suspended upon such 173  
conviction by operation of law for a period of eighteen fishing 174  
season months immediately following that conviction. 175

(2) In addition to other penalties provided in the Revised 176  
Code, the license of any person who is convicted of two 177  
violations of provisions of this section relating to inspection 178  
or terms and conditions of any commercial fishing license that 179  
occurred within a twelve-month period is suspended upon the 180  
second such conviction by operation of law for a period of sixty 181  
fishing season days immediately following that conviction. 182

(3) In addition to other penalties provided in the Revised 183  
Code, the license of any person who is convicted of three or 184  
more violations of provisions of this section relating to 185  
inspection or terms and conditions of any commercial fishing 186  
licenses that occurred within a twelve-month period is suspended 187  
upon the third or subsequent such conviction by operation of law 188  
for a period of eighteen fishing season months immediately 189  
following that conviction. 190

(I) During any period of suspension, no person shall use 191  
or engage in fishing with commercial gear owned, used, or 192  
controlled at the time of conviction by the licensee whose 193  
license has been suspended. 194

(J) A person that holds a commercial fishing license shall 195  
not transfer any portion of pounds of yellow perch allocated for 196  
the license via a quota to any other licensee or among any other 197  
commercial fishing licenses held by the person. 198

**Sec. 1533.343.** (A) On and after March 1, 2008, no 199

commercial fishing licensee shall use or engage in fishing with 200  
commercial gear unless the licensee uses vessel and catch 201  
monitoring devices in accordance with requirements and 202  
procedures established by the chief of the division of wildlife. 203  
The chief shall establish requirements and procedures concerning 204  
vessel and catch monitoring devices by division rule. A licensee 205  
shall pay the costs of purchasing, installing, and maintaining 206  
the devices. 207

(B) The chief shall make available to the public on the 208  
department of natural resource's web site information gathered 209  
from a vessel monitoring system and electronic catch reporting 210  
system that a licensed commercial fyke net or trap net fisher is 211  
required to maintain and report. The chief shall make the 212  
information available as soon as the chief receives such 213  
information. 214

Sec. 1533.344. (A) From the first day of June to the 215  
fifteenth day of October of each year, no person shall set, use, 216  
or maintain a net or trotline within four nautical miles of the 217  
stipulated reference points at each of the following Ohio lake 218  
Erie harbors: 219

Vermilion - the thirty-foot-high flashing white light at 220  
six-second intervals at longitude 82° 21' 50.1" and latitude 41° 221  
25' 45.1"; 222

Lorain - the sixty-foot-high flashing white light at five- 223  
second intervals at longitude 82° 11' 43.29" and latitude 41° 224  
28' 51.62"; 225

Cleveland - the sixty-three-foot-high west pierhead light 226  
with alternating white and red continuous lights at ten-second 227  
intervals at longitude 81° 43' 04.35" and latitude 41° 30' 228



32.21" and the fifty-nine-foot-high east entrance light with 229  
isophase or equal interval red light with six-second phase at 230  
longitude 81° 39' 05.06" and latitude 41° 32' 34.98"; 231

Ashtabula - the forty-six-foot-high west pierhead light 232  
with a fixed red light at longitude 80° 47' 42.12" and latitude 233  
41° 55' 11.68"; 234

Conneaut - the eighty-foot-high west pier light with 235  
alternating white and red continuous light at ten-second 236  
intervals at longitude 80° 33' 27.29" and latitude 41° 58' 237  
48.07". 238

(B) From the first day of June to the fifteenth day of 239  
October of each year, no person shall set, use, or maintain a 240  
net or trotline within eight nautical miles of the fifty-six- 241  
foot-high west breakwater light with isophase or equal interval 242  
red light with six-second phase at longitude 81° 16' 54.46" and 243  
latitude 41° 46' 03.03" at Fairport harbor. 244

**Section 2.** That existing sections 1531.13, 1533.342, and 245  
1533.343 of the Revised Code are hereby repealed. 246