

Regular Session, 2012

SENATE BILL NO. 670

BY SENATOR LAFLEUR

LIABILITY INSURANCE. Requires liability insurance for charter boat fishing guides and charter vessels. (8/1/12)

AN ACT

To amend and reenact R.S. 56:302.9(A) and 302.9.1(A), relative to charter boat and charter boat fishing guides; to provide for licensing requirements; to provide for proof of liability insurance; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 56:302.9(A) and 302.9.1(A) are hereby amended and reenacted to read as follows:

§302.9. Charter boat fishing guide license; nonresident fee

A.(1) No person shall act as nor shall he represent himself to be a saltwater charter boat fishing guide unless that person has in his name a valid state charter boat fishing guide license, a valid captain's license issued by the United States Coast Guard, **proof of liability insurance**, and a valid state recreational fishing license, or in lieu of a state recreational fishing license, the person was born prior to June 1, 1940, or has a valid senior hunting and fishing license issued pursuant to R.S. 56:302.1(G). In addition, any person acting as a saltwater charter boat fishing guide who is in charge of the operation of a vessel shall have his required licenses **and proof of liability insurance** on his person while on the water. It shall not be a

violation of this Section for a person to represent himself as a charter boat fishing guide if that person held a valid license during the previous thirty days but has not renewed the license.

(2) The liability insurance required by this Subsection shall be written by an insurance company with at least an A- rating in the latest printing of the A.M. Best's Key Rating Guide and in a sufficient amount to protect the public as determined by the commission.

~~(2)~~**(3)** The nonresident charter boat fishing guide license shall be available only from the Baton Rouge office of the Department of Wildlife and Fisheries. Such licenses shall be issued on a consignment basis, and no agent fees shall apply. A nonresident charter boat fishing guide license shall ~~only~~ be made available **only** to those persons who possess a valid captain's license issued by the United States Coast Guard.

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§302.9.1. Charter boat license; skiff fee; charter fishing trip license

A. For a charter fishing operation which does not have a charter boat fishing guide present, a charter boat license shall be required. Such license shall be for a charter fishing operation which consists of a large motorized vessel carrying small skiffs attached to it with such skiffs to be used by no more than two people for fishing purposes. The main motorized vessel shall be required to carry a charter boat license; **and proof of liability insurance**, and the captain shall have a valid captain's license issued by the United States Coast Guard with the license on his person. For those vessels which carry up to six skiffs, the license fee shall be one thousand dollars per year. For those vessels which carry more than six skiffs, the license fee shall be two thousand dollars per year. No main motorized vessel licensed under the provisions of this Section shall enter any wildlife management area managed by the Department of Wildlife and Fisheries. **The liability insurance required by this Subsection shall meet the requirement of R.S. 56:302.9(A)(2).**

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Cheryl Horne.

DIGEST

LaFleur (SB 670)

Present law prohibits a person to act as or represent himself to be a saltwater charter boat fishing guide unless that person has, in his name, a valid state charter boat fishing license, a valid captain's license issued by the U.S. Coast Guard, and a valid state recreational fishing license. Further requires any person acting as a saltwater charter boat fishing guide who is in charge of the operation of a vessel to have required licenses on his person while on the water.

Proposed law retains present law and includes the requirement of having proof of liability insurance. Further requires the liability insurance to be written by an insurance company with at least an A- rating in the latest printing of the A.M. Best's Key Rating Guide in a sufficient amount as determined by the commission to protect the public.

Present law provides that a charter fishing operation which does not have a charter boat fishing guide present must have a charter boat license. Further requires such license to be for a charter fishing operation which consists of a large motorized vessel carrying small skiffs attached to it with such skiffs to be used by no more than two people for fishing purposes. Requires the main motorized vessel to carry a charter boat license and the captain to have a valid captain's license issued by the U.S. Coast Guard with the license on his person.

Proposed law retains present law and requires the main motorized vessel to carry proof of liability insurance. Further requires the liability insurance to be written by an insurance company with at least an A- rating in the latest printing of the A.M. Best's Key Rating Guide and in a sufficient amount as determined by the commission to protect the public.

Effective August 1, 2012.

(Amends R.S. 56:302.9(A) and 302.9.1(A))