

Oregon Revised Statutes (ORS)

ORS 506.001 Contents of Commercial Fishing Laws

All laws enacted for the protection, propagation and preservation of food fish or for the protection and development of commercial fisheries in this state, including but not limited to ORS chapters 506, 507, 508, 509, 511 and 513, may be cited as the commercial fishing laws. [1965 c.570 §2]

ORS 508.025 Licenses Required to Take, Process or Deal in Fish

(1) It is unlawful for any person, without first procuring a license from the State Fish and Wildlife Commission, to:

- (a) Take food fish in any of the waters of this state for commercial purposes or land food fish in this state for commercial purposes.
- (b) Buy, sell or otherwise deal in food fish for commercial purposes.
- (c) Process or can food fish for commercial purposes.

(2) In a prosecution under this section, it is no defense that a person did take the person's own food fish for commercial purposes.

ORS 508.485 Revocation of license or permit for violation of commercial fishing laws or rules or theft of crab fishing gear

(1) Except for vessel licenses described in ORS 508.285 (License fees) and 508.470 (When licenses expire) and vessel permits described in ORS 508.775 (Vessel permit required to engage in fishery) to 508.796 (Review of permit denial), 508.801 (Vessel permit required to engage in fishery) to 508.825 (Review of permit denial), 508.880 (Vessel permit required to engage in fishery), 508.883 (Use of single delivery license in lieu of vessel permit), 508.889 (Issuance of permits limited) to 508.910 (Review of permit denial) and 508.926 (Vessel permit required to engage in fishery), the State Fish and Wildlife Commission may, in its discretion, revoke for the remainder of the license or permit year any license or permit issued to a person under the authority of the commission, or the State Fish and Wildlife Director, pursuant to the commercial fishing laws, and in its discretion may refuse the issuance of any license or permit issued under the authority of the commission, or director, pursuant to the commercial fishing laws, during any period not to exceed one year from the date of the license or permit revocation order:

- (a) Upon conviction within this state of any person of violation of any of the commercial fishing laws or rules;
- (b) Upon receiving notice from the agency that regulates commercial fishing in the State of Washington of the conviction of any person in that state of an offense that was a violation of Columbia River commercial fishing rules adopted pursuant to the Columbia River Compact and that if committed in this state would be grounds for license revocation pursuant to paragraph (a) of this subsection;

(c) Upon conviction within this state of any person for violation of ORS 498.022 (Purchase, sale, exchange or possession of wildlife or wildlife parts or products), or any rule adopted pursuant thereto, involving game fish, through the use of a license issued pursuant to the commercial fishing laws; or

(d) Upon conviction within this state of a person for violation of ORS 164.043 (Theft in the third degree) to 164.065 (Theft of lost, mislaid property) when the subject of the theft is commercial fishing crab rings or crab pots, or the crabs taken therefrom.

(2)(a) Except for vessel licenses described in ORS 508.285 (License fees) and 508.470 (When licenses expire) and vessel permits described in ORS 508.775 (Vessel permit required to engage in fishery) to 508.796 (Review of permit denial), 508.801 (Vessel permit required to engage in fishery) to 508.825 (Review of permit denial), 508.880 (Vessel permit required to engage in fishery), 508.883 (Use of single delivery license in lieu of vessel permit), 508.889 (Issuance of permits limited) to 508.910 (Review of permit denial) and 508.926 (Vessel permit required to engage in fishery), a court may order the commission to revoke any licenses or permits issued to a person under the authority of the commission, or the director, pursuant to the commercial fishing laws. Such revocations may not exceed a period of two years from the date of the license or permit revocation order. Revocation of licenses and permits is in addition to and not in lieu of other penalties provided by law.

(b) The license and permit revocation provisions of paragraph (a) of this subsection apply to the following persons:

(A) Any person who is convicted of a violation of the commercial fishing laws, or any rule adopted pursuant thereto, or who otherwise fails to comply with the requirements of a citation in connection with any such offense;

(B) Any person who is convicted of a violation of ORS 498.022 (Purchase, sale, exchange or possession of wildlife or wildlife parts or products), or any rule adopted pursuant thereto, involving game fish, through the use of a license issued pursuant to the commercial fishing laws; or

(C) Any person who is convicted of a violation of ORS 164.043 (Theft in the third degree) to 164.065 (Theft of lost, mislaid property) when the subject of the theft is commercial fishing crab rings or crab pots, or the crabs taken therefrom.

(c) When a court orders the revocation of a license or permit under the provisions of this subsection, the court shall take up any such licenses and permits and forward them, together with a copy of the revocation order, to the commission. Upon receipt thereof, the commission shall cause revocation of the appropriate licenses and permits in accordance with the court order.

(d) Nothing in this subsection requires a court to take additional action, after the conclusion of the sentencing hearing, to secure the licenses or permits if the defendant does not have the license or permit in the defendant's possession at the time of sentencing.

(3) Any person whose license revocation involves the buying, selling or dealing of food fish is prohibited from engaging in such activity under any license issued by the commission during the period the court orders the revocation. [Amended by 1965 c.570 §74; 1971 c.569 §1; 1977 c.350 §6; 1987 c.213 §4; 1997 c.252 §1; 1999 c.1051 §276; 2009 c.11 §73; 2013 c.164 §1; 2014 c.1 §1