

SENATE BILL 1308

By Bailey

AN ACT to amend Tennessee Code Annotated, Section 39-14-206 and Title 70, relative to the taking of aquatic creatures.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 70-4-104, is amended by deleting the section and substituting:

(a) Fish may be taken:

(1) With rod and reel;

(2) By hook and line held in the hand while fishing; or

(3) By one (1) or more trotlines that meet the requirements of subsection

(c)

(b) Except as provided for in subsection (a), this title, or the commission's rules or proclamations, a person shall not use or possess an instrument for the killing, catching, or taking of fish or other aquatic life.

(c) Except as provided in § 70-2-203(a), in order to be used for the taking of fish in this state, a trotline must:

(1) Consist of a main line with drop lines that are not longer than twenty-four inches (24") to which single hooks are attached. The drop lines must be no closer than twenty-four inches (24") together. A trotline must not consist of more than one hundred (100) hooks that are attached and baited to catch fish;

(2) Be conspicuously marked at each end with a white floating marker having a capacity of not less than one quart (1 qt.) nor more than one gallon (1 gal.) and made of solid, buoyant material that does not sink if punctured or

cracked. Each white floating marker must be marked legibly and indelibly with the trotline owner's name, address, and telephone number or the agency identification number for the trotline;

(3) Be marked at intervals of every twenty-five (25) hooks with an interval float that is daylight fluorescent orange color, as defined in § 70-4-124(b). Each interval float must be marked legibly and indelibly with the trotline owner's name, address, and telephone number or the agency identification number for the trotline;

(4) Be set parallel to the nearest shore;

(5) Not be set within one hundred yards (100 yds.) of the mouth of a river, creek, or slough, or within one thousand yards (1,000 yds.) below a dam that is owned or operated by the Tennessee Valley authority or the United States army corps of engineers;

(6) Be submerged at least three feet (3') below the surface of the water, and no part of a drop line or hook may extend on or above the surface of the water;

(7) Not be used, placed, set, or fished in a manner that constitutes a hazard to boating or public safety;

(8) Be checked and all animals caught removed at least once every twenty-four (24) hours; and

(9) Not be set before one-half (1/2) hour before sunset and be removed within one-half (1/2) hour after sunrise each day on April 1 through October 1 of each year.

(d) It is a Class B misdemeanor for a person to intentionally make or possess, or use for the taking of fish, a trotline that is inconsistent with the requirements of subsection (c).

(e) A trotline made or used in a manner inconsistent with the requirements of subsection (c) is contraband and subject to seizure by a law enforcement officer having knowledge thereof, subject to § 70-6-201.

(f) There is a cause of action for a person who suffers bodily injury or death resulting from the use of a trotline in a manner inconsistent with the requirements of subsection (c). In a civil action pursuant to this subsection (f):

(1) A violation of subdivision (c)(6) is prima facie evidence of negligence on the part of the trotline owner; and

(2) The court shall award a prevailing plaintiff treble damages, together with reasonable attorneys' fees and costs.

SECTION 2. Tennessee Code Annotated, Section 70-4-302, is amended by adding the following as a new subsection:

(c) It is a defense to prosecution under this section and § 39-14-206 that a person removed or altered another person's trotline to prevent or remedy a clear and present danger posed by the trotline to the person or another person who was lawfully using the waters of the state.

SECTION 3. This act takes effect July 1, 2023, the public welfare requiring it.