**South Carolina General Assembly**

125th Session, 2023-2024

**H. 4386**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Forrest

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Introduced in the House on April 26, 2023

Introduced in the Senate on February 28, 2024

Last Amended on May 8, 2024

Currently residing in conference committee

Summary: Robust redhorse

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 4/26/2023 House Introduced and read first time (House Journal‑page 108)

 4/26/2023 House Referred to Committee on **Agriculture, Natural Resources and Environmental Affairs** (House Journal‑page 108)

 2/14/2024 House Committee report: Favorable **Agriculture, Natural Resources and Environmental Affairs** (House Journal‑page 3)

 2/27/2024 House Read second time (House Journal‑page 43)

 2/27/2024 House Roll call Yeas-108 Nays-0 (House Journal‑page 43)

 2/28/2024 House Read third time and sent to Senate (House Journal‑page 26)

 2/28/2024 Senate Introduced and read first time (Senate Journal‑page 11)

 2/28/2024 Senate Referred to Committee on **Fish, Game and Forestry** (Senate Journal‑page 11)

 4/16/2024 Senate Committee report: Favorable with amendment **Fish, Game and Forestry** (Senate Journal‑page 8)

 5/7/2024 Senate Committee Amendment Adopted (Senate Journal‑page 70)

 5/7/2024 Senate Read second time (Senate Journal‑page 70)

 5/8/2024 Senate Amended

 5/8/2024 Senate Read third time and returned to House with amendments (Senate Journal‑page 57)

 5/8/2024 Senate Roll call Ayes-43 Nays-0 (Senate Journal‑page 57)

 5/9/2024 House Non-concurrence in Senate amendment (House Journal‑page 79)

 5/9/2024 House Roll call Yeas-0 Nays-104 (House Journal‑page 80)

 5/9/2024 Senate Senate insists upon amendment and conference committee appointed Campsen, Goldfinch, McElveen (Senate Journal‑page 47)

 5/9/2024 House Conference committee appointed Hixon, Forrest, McDaniel (House Journal‑page 154)

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=4386&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[04/27/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/4386_20230427.docx)

[02/14/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/4386_20240214.docx)

[04/16/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/4386_20240416.docx)

[05/07/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/4386_20240507.docx)

[05/08/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/4386_20240508.docx)

Indicates Matter Stricken

Indicates New Matter

As Passed By The Senate

May 08, 2024

H. 4386

Introduced by Rep. Forrest

S. Printed 05/08/24--S.

Read the first time February 28, 2024

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A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 50-13-647 SO AS TO PROHIBIT THE TAKING, HARMING, OR KILLING OF ROBUST REDHORSE.

 Amend Title To Conform

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Article 3, Chapter 5, Title 50 of the S.C. Code is amended by adding:

 Section 50-5-400. (A) For the privilege of taking blue crabs by trap for a commercial purpose in the waters of this State, an individual must obtain a limited commercial blue crab license, a commercial saltwater fishing license, and a commercial equipment license for traps.

 (B) The cost of a limited commercial blue crab license is one hundred dollars for residents and five hundred dollars for nonresidents.

 (C) The following individuals are eligible to obtain a limited commercial blue crab license:

 (1) an individual who possessed a valid commercial equipment license for traps during the 2023‑2024 license year and who has verifiable documentation of at least five hundred pounds of commercial blue crab landings during the first six months of the 2023‑2024 license year, the entirety of the 2022‑2023 license year, or the entirety of the 2021‑2022 license year;

 (2) an individual who is selected via an applicant lottery pursuant to subsection (D); or

 (3) an individual who receives a valid limited commercial blue crab license via transfer pursuant to subsection (E).

 (D) If the total number of limited commercial blue crab licenses issued by the department in a license year is below one hundred, then the department may award additional licenses, not to exceed one hundred total limited commercial blue crab licenses, via an applicant lottery.

 (E) A limited commercial blue crab license may be transferred by the licensee to another individual after providing information relating to the transfer as required by the department. An individual is limited to one commercial blue crab license and a licensee must not receive a transfer of another limited commercial blue crab license.

 (F) The maximum number of traps used for taking blue crab, inclusive of peeler traps, that may be licensed to:

 (1) an individual who obtains a limited commercial blue crab license under subsection (C)(1) is the greater of two hundred traps and the highest number of traps licensed by the individual in the three previous license years;

 (2) an individual who receives a limited commercial blue crab license via transfer is the greater of two hundred traps and the average number of traps licensed by a holder of the transferred limited commercial blue crab license in the three previous license years; or

 (3) an individual who is selected via lottery is two hundred traps.

 (G) If the 2024-2025 license year or 2023-2024 license year is used to determine the highest number of traps that may be licensed under subsection (F), then only the first six months of the 2023-2024 license year must be used in the determination.

 (H) A limited commercial blue crab license must be renewed annually. Prior to every fourth license year, a licensee must have verifiable documentation of at least four thousand pounds of commercial blue crab landings in at least one of the three previous license years. If a licensee does not meet the documented landings threshold, then the licensee’s limited commercial blue crab license must not be renewed by the department.

SECTION 2. Section 50-5-350(B) of the S.C. Code is amended to read:

 (B) Licenses and permits, other than a limited commercial blue crab license, are not transferable; however, any licensed commercial saltwater fisherman may operate any licensed commercial equipment with written permission of the owner except:

 (1) channel nets; and

 (2) any commercial equipment licensed at the resident fee when the nonresident fee is greater if the operator is a nonresident.

SECTION 3. Section 50-5-325(A) of the S.C. Code is amended to read:

 (A) Commercial equipment, excluding vessels, used in the salt waters of this State and in fisheries for anadromous and catadromous species in any waters of this State must be licensed by the department. The owner and operator are responsible for obtaining a license:

 (1) to use a trawl or trawls, and the cost is one hundred twenty-five dollars for residents and three hundred dollars for nonresidents;

 (2) to use traps, other than traps for taking blue crab, and the cost is twenty-five dollars per for fifty traps and one dollar for each trap thereafter for residents, and one hundred twenty-five dollars per for fifty traps and five dollars for each trap thereafter for nonresidents;

 (3) to use traps for taking blue crab, and the cost is two dollars for each trap for residents and ten dollars for each trap for nonresidents;

 (3)(4) to use a channel net for taking shrimp, and the cost is two hundred fifty dollars for each net;

 (4)(5) to use a gill net for taking shad, herring, or sturgeon, and the cost is ten dollars per one hundred net yards or a fraction thereof for residents and fifty dollars per one hundred net yards or a fraction thereof for nonresidents, and to use any other gill net or haul seine the cost is ten dollars per one hundred net feet or a fraction thereof for residents and fifty dollars per one hundred net feet or a fraction thereof for nonresidents;

 (5)(6) to use hand-held equipment to take shellfish, including tongs, rakes, and forks, at no cost;

 (6)(7) to use a drag dredge, and the cost is seventy-five dollars for residents and three hundred seventy-five dollars for nonresidents;

 (7)(8) to use other mechanically operated or boat assisted equipment, other than equipment used to set or retrieve licensed equipment, and the cost is one hundred twenty-five dollars for residents and six hundred twenty-five dollars for nonresidents;

 (8)(9) to use trotlines with baits or hooks, and the cost is ten dollars for residents and fifty dollars for nonresidents for each line having not more than fifty baits or hooks per line;

 (9)(10) to use any other commercial equipment, and the cost is ten dollars for each type for residents and fifty dollars per type for nonresidents.

SECTION 4. Section 50-5-360(B) of the S.C. Code is amended to read:

 (B) In order to engage in shedding peeler crabs, a person or entity must first be a licensed wholesale seafood dealer, and must be licensed for peeler crabs, and the person’s or entity’s business premises must be capable of peeler shedding operations. The fee for a resident peeler crab license is an additional seventy-five dollars, and the fee for a nonresident license is an additional three hundred seventy-five dollars. Persons holding this license and engaged in shedding peeler crabs are authorized to receive, possess, and sell peeler crabs regardless of size. The department may inspect the business premises of a person or entity applying for a peeler crab license and of a peeler crab licensee to ensure the applicant’s or licensee’s business premises are capable of peeler shedding operations.

SECTION 5. Section 50-5-545 of the S.C. Code is amended to read:

 Section 50-5-545. (A) Except as provided in this section, from June 1 through March 14, a trap used for taking blue crab used for commercial purposes from June 1 through March 14, or for recreational purposes year round, must have at least two unobstructed, circular escape vents (rings) which must be two and three-eighths inches or greater in inside diameter and located on vertical surfaces. At least one vent (ring) must be in the upper chamber. All vents (rings) must be within two inches of the horizontal partition or the base of the trap.

 (B) A trap used for taking blue crab constructed of a single chamber must have at least one two and three-eighths inch or larger inside diameter escape vent (ring) located on a vertical surface within two inches of the base of the trap. Peeler traps are exempt year round.

 (C) A trap used for taking blue crab, other than peeler traps, must be constructed of wire with a minimum mesh size of one and one‑half inches, have throats or entrances located only on a vertical surface, and have a maximum dimension of twenty-four inches by twenty‑four inches by twenty‑four inches or a volume of eight cubic feet.

SECTION 6. Article 13, Chapter 5, Title 50 of the S.C. Code is amended by adding:

 Section 50-5-1345. (A) The department must promulgate regulations establishing criteria for the designation of closed seasons and closed or partially closed areas for the taking of blue crabs by trap. In accordance with the established criteria, the department may designate closed seasons and closed or partially closed areas for the taking of blue crabs by trap upon at least forty-five days’ public notice.

 (B) A trap that is in the waters of this State during a closed season or in a closed or partially closed area may be confiscated by the department or by an agent of the department.

 (C) It is unlawful to take or attempt to take blue crabs by trap during a closed season or in a closed or partially closed area. A person who violates this subsection is guilty of a misdemeanor and, upon conviction, must be fined not less than two hundred dollars nor more than five hundred dollars.

 (D) Nothing in this section limits the authority of the department under Section 50-5-32.

SECTION 7. Article 13, Chapter 5, Title 50 of the S.C. Code is amended by adding:

 Section 50-5-1302. (A) For the purposes of this section, “day” means sunrise on one day to sunrise on the following day.

 (B) It is unlawful for a person to take or possess for recreational purposes more than one bushel of blue crabs in any one day, not to exceed two bushels in any one day on any boat.

 (C) A person who violates this section is guilty of a misdemeanor and, upon conviction, must be fined not less than one hundred dollars and not more than five hundred dollars.

SECTION 8. Section 50-5-330(A) of the S.C. Code is amended to read:

 (A) A person may fish or use the following in the salt waters of this State solely for recreational purposes without being commercially licensed:

 (1) shrimp seines;

 (2) hand-operated tongs, rakes except bull rakes, and forks except seed forks, used to harvest shellfish;

 (3) hook and line or rod and reel;

 (4) minnow traps, drop nets, and dip nets;

 (5) cast nets; however, the use must comply with all other provisions of law;

 (6) no more than two crab traps without a recreational crab trap endorsement;

 (7) no more than five crab traps with a recreational crab trap endorsement;

 (7)(8) no more than two trotlines with a cumulative total of not more than fifty hooks or baits;

 (8)(9) no more than ten bush or pole lines with single hooks or baits.

SECTION 9. Section 50-9-540 of the S.C. Code is amended by adding:

 (E) For the privilege of fishing more than two and up to five crab traps recreationally, a recreational saltwater license holder must purchase an annual enhanced recreational crab trap endorsement at a cost of five dollars.

SECTION 10.Section 50-5-555 of the S.C. Code is amended by adding:

 (G) The department may impose a civil penalty of up to one hundred dollars for each trap in violation of this section for a first offense, up to three hundred dollars for a second offense, and up to five hundred dollars for a third or subsequent offense.

SECTION 11.Article 6, Chapter 13, Title 50 of the S.C. Code is amended by adding:

 Section 50-13-647. It is unlawful to take, harm, or kill robust redhorse (moxostoma robustum) from public waters. Any robust redhorse taken must be returned immediately to the water from which it was taken. A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars for a first offense and not more than one thousand dollars for each subsequent offense.

SECTION 12.Upon approval of this act by the Governor, a moratorium on the issuance of new commercial equipment licenses to use traps for the taking of blue crab takes effect, at which time the department must not issue any new commercial equipment licenses to use traps for the taking of blue crab. This moratorium expires on June 15, 2025. Commercial equipment licenses to use traps for the taking of blue crab in effect for the 2023-2024 license year are extended and do not expire until June 30, 2025.

SECTION 13. Sections 4, 6, 11, and 12 of this act take effect upon approval by the Governor. All other sections take effect on July 1, 2025.

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