

TITLE 36
FISH AND GAME

CHAPTER 8
COMMERCIAL FISHING

36-801. COMMERCIAL FISHING. The taking of fish and crustacea for commercial purposes from any of the waters of the state of Idaho shall be unlawful except as hereinafter provided.

[36-801, added 1976, ch. 95, sec. 2, p. 347; am. 1988, ch. 331, sec. 1, p. 993.]

36-802. COMMERCIAL FISHING AUTHORIZED. The commission shall at such times and in such amounts as, through investigations it deems proper, allow commercial fishing for fish or crustacea in the waters under the jurisdiction of the state. Commercial fishing shall mean the taking or attempting to take fish or crustacea for the purpose of selling, bartering, exchanging, offering, or exposing for sale. No person shall conduct, operate or manage a commercial fishing operation without obtaining a commercial fishing license and commercial gear tags from the director prior to engaging in such commercial fishing operation. Fishermen using five (5) or fewer traps or a single minnow net and having annual gross retail sales of five hundred dollars (\$500) or less, are exempt from purchasing a commercial license. Either the licensed commercial operator or a licensed employee must be present whenever the commercial gear is operated, lifted, or fished. The director shall charge the fee as specified in section [36-416](#), Idaho Code, for each resident license and the fee as specified in section [36-416](#), Idaho Code, for each nonresident license. Said licenses shall expire on June 30 next following date of issuance. The director shall charge the following fees for the commercial gear tags: for each crayfish or minnow trap, the fee as specified in section [36-416](#), Idaho Code; and for each net longer than four (4) feet, the fee as specified in section [36-416](#), Idaho Code.

[36-802, added 1976, ch. 95, sec. 2, p. 348; am. 1988, ch. 331, sec. 2, p. 993; am. 1989, ch. 128, sec. 1, p. 278; am. 1990, ch. 107, sec. 1, p. 219; am. 2000, ch. 211, sec. 26, p. 567.]

36-803. PURCHASE FROM OTHER THAN LICENSED FISHERMAN PROHIBITED -- EXCEPTIONS. No person shall purchase fish or crustacea taken from the waters of the state except from a fisherman licensed as provided in either section [36-802](#) or section [36-501](#)(f), Idaho Code[,] or a commercial fisherman exempt from purchasing a commercial license.

[36-803, added 1976, ch. 95, sec. 2, p. 348; am. 1988, ch. 331, sec. 3, p. 993; am. 1990, ch. 107, sec. 2, p. 219.]

36-804. COMMISSION AUTHORIZED TO MAKE REGULATIONS. The commission shall be authorized to promulgate such regulations as may be necessary relating to:

1. Fishing gear and methods of use.
2. Seasons.
3. Catch and possession limits.
4. Sales and catch records.

5. Necessary forms and their use.

[36-804, added 1976, ch. 95, sec. 2, p. 348.]

36-805. VIOLATIONS A MISDEMEANOR -- LICENSE REVOKED. Any person violating the provisions of this chapter or regulations made pursuant thereto shall be guilty of a misdemeanor and, conviction thereof shall be cause for the director to suspend or cancel any license issued under the terms of this chapter.

[36-805, added 1976, ch. 95, sec. 2, p. 348.]