

# Occupational Regulation in Texas

## Addendum



### Occupational Licenses and Statutory Penalties for Violations Relating to Occupational Licenses

Texas Legislative Council

June 2010



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## Preface

This publication is an addendum to *Occupational Regulation in Texas*, which was published by the Texas Legislative Council in October 2008 (<http://www.tlc.state.tx.us/pubspol/OccReg.pdf>). To facilitate comparisons with information in that publication, Table 1 of this addendum, for licenses that were in existence in fiscal year 2007, reflects the number of active licenses, fee amounts, and state revenue from fees for fiscal year 2007. Licenses that were created after fiscal year 2007 are included in the table, but the number of licenses and revenue from fees are not provided. Table 2 of this addendum reflects penalties that were in effect for fiscal year 2007.



**Table 1**

**Occupational Licenses in Texas  
Texas Parks and Wildlife Department**

## **Explanation of Table 1**

### **Type of License**

The term “license” also includes other occupational, professional, and business authorizations, such as permits and export fees.

### **Description**

The description sets out the authority of the license holder, including any limitations.

### **Code Chapter**

Code chapter references are to the Parks and Wildlife Code. If licensing requirements are set out in the Texas Administrative Code (T.A.C.) instead of in Texas statutes, the rule number is provided. Unless noted otherwise, a reference to “department” refers to the Texas Parks and Wildlife Department and a reference to “commission” refers to the Texas Parks and Wildlife Commission.

### **Number of Active Licenses (FY 07)**

This number may include licenses that have expired but are eligible for renewal; it excludes inactive licenses.

### **Fees**

Unless noted otherwise, license fees are paid annually and also may apply to renewal applications. Different fees for resident and nonresident licenses are shown as (R) and (N). Section 47.001(12), Parks and Wildlife Code, defines “resident” as an individual who has resided continuously in Texas for more than six months immediately before applying to the Texas Parks and Wildlife Department for a license. Most fees for licenses issued by the department were increased by rule in 2009 (34 Tex. Reg. 5381).

### **State Revenue from Fees (FY 07)**

This amount may reflect commissions paid by the Texas Parks and Wildlife Department to retailers who sell certain licenses and transaction charges as specified.

### **Year First Regulated**

This date is the year in which legislation was enacted or an administrative rule was adopted that required a specific occupation to be licensed by the State of Texas. Where licensing requirements are provided only by administrative rule, the year provided reflects the year first regulated under the current rule number; an earlier version of the rule may exist but that history is not provided in the Texas Administrative Code.

**Table 1. Occupational Licenses in Texas**

Type of License	Description	Code Chapter	Number of Active Licenses (FY 07)	Fees	State Revenue from Fees (FY 07)	Year First Regulated
<b>Texas Parks and Wildlife Department</b>						
Aerial management permit	Authorizes holder to count, photograph, relocate, capture, or hunt wildlife or exotic animals by the use of aircraft on land named in the landowner's authorization.	43	76	\$200 <sup>1</sup>	\$15,200	1973 <sup>2</sup>
Alligator dealer's permit, retail	Authorizes holder to purchase an alligator only from a valid wholesale dealer or lawful out-of-state source and sell processed alligator parts such as skulls, feet, or teeth. <sup>3</sup> The holder may sell legally obtained and documented processed alligators only to consumers. A permit is required for each place of business, mobile or permanent, where activities that require such a permit are conducted.	65	1 (R) 0 (N)	\$120 (R) \$480 (N)	\$120 (R) \$0 (N)	1997 <sup>4</sup>
Alligator dealer's permit, wholesale	Authorizes holder to sell legally obtained and documented processed alligators to anyone and legally obtained and documented unprocessed alligators only to another wholesale dealer or to an alligator farmer. The holder may purchase legally taken alligators from any hunter, dealer, farmer, import permit holder, or control hunter.	65	7 (R) 1 (N)	\$240 (R) \$960 (N)	\$1,680 (R) \$960 (N)	1997 <sup>4</sup>
Alligator export fee	Authorizes a person to export a live alligator from Texas.	65	4,558	\$4, unless alligator is accompanied by a valid department-issued hide tag <sup>5</sup>	\$18,232	2003 <sup>4</sup>

**Table 1. Occupational Licenses in Texas**

Type of License	Description	Code Chapter	Number of Active Licenses (FY 07)	Fees	State Revenue from Fees (FY 07)	Year First Regulated
Alligator farmer permit	Authorizes holder to purchase live or dead alligators from a farmer, wholesale dealer, hunter, or control hunter, and alligator eggs from an egg collector. The holder may sell live alligators to another farmer or to the holder of certain permits for scientific research, zoological collection, rehabilitation, and educational display and lawfully documented, unprocessed, dead alligators only to a wholesale dealer or another farmer.	65	20	\$240	\$4,800	1984
Alligator import permit	Authorizes holder to import a live alligator into Texas after notifying the department not less than 24 hours or more than 48 hours before each instance of importation. No import fee is required if the alligator was taken in another state under a sport hunting license.	65	6	\$100	\$678 <sup>6,7,8</sup>	1997 <sup>4</sup>
Bait dealer's license, individual	Authorizes holder to catch and sell minnows, fish, shrimp, or other aquatic products for bait.	47	247	\$36	\$8,892	1933 <sup>9</sup>
Bait dealer's license, place of business <sup>10</sup>	Authorizes holder to sell, offer for sale, handle, or transport minnows, fish, shrimp, or other aquatic products for bait.	47	1,823	\$36	\$65,628	1933 <sup>9</sup>
Bait-shrimp dealer's license	Authorizes holder to sell, purchase, and handle shrimp, minnows, fish, and other forms of aquatic life for sale or resale for fish bait purposes in the coastal counties of Texas. A holder who engages in such activities in a county other than a coastal county also must have a bait dealer's license. The holder of a bait-shrimp dealer's license must have a license for each bait stand or place of business the holder maintains. A licensed bait-shrimp dealer may not simultaneously hold a wholesale fish dealer's license.	77	212	\$204	\$43,248	1959

**Table 1. Occupational Licenses in Texas**

Type of License	Description	Code Chapter	Number of Active Licenses (FY 07)	Fees	State Revenue from Fees (FY 07)	Year First Regulated
Broodfish permit	Authorizes holder of a valid aquaculture (fish farming) license or a designated agent to collect broodfish. <sup>11</sup> While collecting broodfish, the aquaculturist or agent also must hold a valid sportfishing license in all public waters of Texas and a saltwater fishing stamp in public salt water.	31 T.A.C. § 57.392	2	\$25 <sup>12</sup>	\$50	1996
Commercial plant permit	Authorizes holder to take, possess, or transport for commercial sale, or sell an endangered, threatened, or protected native plant <sup>13</sup> from private land, with the landowner's consent, or to hire or pay another to perform those activities. <sup>14</sup>	88	0	\$50	0	1985
Controlled exotic snake permit, commercial <sup>15</sup>	Authorizes holder to sell a controlled exotic snake <sup>16</sup> or possess such a snake for commercial purposes. A separate permit is required for each permanent place of business where controlled exotic snakes are sold or held in commercial possession. <sup>17</sup>	43 31 T.A.C. § 55.652	0	\$60	0	2008
Crab fisherman's license, commercial	Authorizes holder to pursue, take, attempt to take, or land crabs in Texas for pay or for the purpose of sale, barter, or exchange. A person may not hold or directly or indirectly control more than three such licenses and may not fish with more than 200 crab traps at one time. A license issued to a person other than an individual must designate an individual in whose name the license will be issued.	78 31 T.A.C. § 58.203	221 (R) 0 (N)	\$600 (R) \$2,400 (N)	\$132,010 (R) <sup>18</sup> 0 (N)	1998
Deer breeder's permit	Authorizes holder to engage in the business of breeding breeder deer <sup>19</sup> in the immediate locality <sup>20</sup> for which the permit was issued and to sell, transfer to another person, or hold in captivity live breeder deer for the purpose of propagation or sale.	43	1,090	\$400 <sup>21</sup>	\$436,000	1985 <sup>22</sup>

**Table 1. Occupational Licenses in Texas**

Type of License	Description	Code Chapter	Number of Active Licenses (FY 07)	Fees	State Revenue from Fees (FY 07)	Year First Regulated
Educational display permit	Authorizes holder to collect, hold, possess, display, or transport protected wildlife for educational display purposes. The holder must be an employee, representative, or agent of an accredited primary, secondary, or postsecondary educational institution; a governmental entity; or a nonprofit educational organization.	43	127	\$50 <sup>23</sup>	\$2,200	1995
Exotic species permit <ul style="list-style-type: none"> <li data-bbox="100 662 231 690">• Research</li> <li data-bbox="100 906 226 933">• Standard</li> <li data-bbox="100 1177 304 1205">• Water spinach<sup>27</sup></li> <li data-bbox="100 1258 252 1286">• Zoological</li> </ul>	<p data-bbox="499 662 1087 885">Authorizes holder to possess, propagate, sell, and transport to the holder's private facilities exotic harmful or potentially harmful fish, shellfish, or aquatic plants<sup>25</sup> only as authorized in the permit provided the species are to be used exclusively as experimental organisms in a research program approved by the department.</p> <p data-bbox="499 906 1087 1156">Authorizes a holder who is a licensed aquaculturist to possess, propagate, transport, or sell certain exotic harmful or potentially harmful fish and shellfish.<sup>25,26</sup> Authorizes a holder who is an operator of a wastewater treatment facility to possess and transport permitted exotic species to the facility only for the purpose of wastewater treatment.</p> <p data-bbox="499 1177 1087 1237">Allows holder to grow, possess, or transport water spinach<sup>28</sup> for a commercial purpose.</p> <p data-bbox="499 1258 1087 1445">Authorizes a holder that is a public aquarium to possess, propagate, sell, and transport to the permittee's private facilities exotic harmful or potentially harmful exotic fish, shellfish, and aquatic plants for exhibit if the aquarium is approved for display of such fish, shellfish, and plants.</p>	12 and 66  31 T.A.C. § 57.113 (a)(1)  31 T.A.C. § 57.113 (d)-(f), (k)  31 T.A.C. § 57.136  31 T.A.C. § 57.113 (a)(2)	8  80  0  15	\$250 or \$25 <sup>24</sup>  \$200  \$3,125  0  \$600	\$200  \$3,125  0  \$600	1996  1996  2009  1996

**Table 1. Occupational Licenses in Texas**

Type of License	Description	Code Chapter	Number of Active Licenses (FY 07)	Fees	State Revenue from Fees (FY 07)	Year First Regulated
Exotic species interstate transport permit	Authorizes holder to transport live harmful or potentially harmful exotic species <sup>25</sup> originating from a point of origin outside Texas and being transported through Texas to a destination outside the state.	12 and 66 31 T.A.C. § 57.130	5	\$100 or \$25 <sup>29</sup>	\$500	1996
Finfish fisherman’s license, commercial	Authorizes holder to catch finfish <sup>30</sup> from the tidal waters of Texas for pay or for the purpose of sale, barter, exchange, or any other commercial purpose. The term “commercial finfish fisherman” does not include a person who holds an individual bait dealer’s license, is in a vessel licensed as a menhaden boat and who takes menhaden, or takes minnows for bait only. A person may not hold or directly or indirectly control more than three commercial finfish fisherman’s licenses. Such a license issued to a person other than an individual must designate an individual in whose name the license is issued.	47	329 (R) 0 (N)	\$360 (R) \$1,440 (N)	\$118,440 (R) 0 (N)	1979
Finfish import license	Authorizes holder to receive directly from another state or foreign country, import, transport, or sell bass of the genus <i>Micropterus</i> , blue marlin, crappie, flathead catfish, jewfish, longbill spearfish, muskellunge, northern pike, red drum, sailfish, sauger, snook, spotted sea trout, striped bass, tarpon, walleye, white bass, white marlin, yellow bass, or a hybrid of any of those fish.	12 and 66	190	\$90	\$17,100	1991
Fish dealer’s license, retail	Authorizes holder to operate a place of business for selling or offering for sale to a consumer aquatic products, other than aquatic products that are sold by restaurants for and ready for immediate consumption in individual portion servings and that are subject to the limited sales or use tax. The term “consumer” does not include a wholesale fish dealer or a hotel, restaurant, café, or other retail fish dealer.	47	2,683	\$92.40 <sup>31</sup>	\$247,909.20	1933

**Table 1. Occupational Licenses in Texas**

Type of License	Description	Code Chapter	Number of Active Licenses (FY 07)	Fees	State Revenue from Fees (FY 07)	Year First Regulated
Fish dealer's license, wholesale	Authorizes holder to operate a place of business for selling, offering for sale, canning, preserving, processing, or handling for shipments or sale aquatic products to retail fish dealers, hotels, restaurants, cafes, consumers, or other wholesale fish dealers.	47	567	\$825	\$467,775	1919
Fisherman's license, general commercial	Authorizes holder, for pay or for the purpose of sale, barter, or exchange or any other commercial purpose, to catch aquatic products from the water of Texas except finfish from the tidal waters of the state, or unload in the state aquatic products that were taken from water outside the state and have not been previously unloaded in another state or a foreign country.	47	599 (R) 17 (N)	\$24 (R) \$180 (N)	\$14,376 (R) \$3,060 (N)	1895
Fishing guide license		47				
• Freshwater	Authorizes holder, for compensation, to accompany, assist, or transport a person or persons engaged in freshwater fishing in Texas.	31 T.A.C. § 53.13 (a)(10)	679 (R) 110 (N)	\$125	\$83,050 (R) <sup>6</sup> \$13,371.25 (N) <sup>6</sup>	2003 <sup>32</sup>
• Paddle craft all-water <sup>33</sup>	Authorizes holder, for compensation, to accompany, assist, or transport a person or persons by means of a non-motorized vessel engaged in fishing in the coastal waters of Texas.	31 T.A.C. § 65.73 (c)-(d)	0	\$210 (R) \$1,050 (N)	0	2009
• Saltwater <sup>34</sup>	Authorizes holder, for compensation, to accompany, assist, or transport a person engaged in saltwater or freshwater fishing in Texas.	31 T.A.C. § 65.73(a)	995 (R) 1 (N)	\$200 (R) \$1,000 (N)	\$199,000 (R) \$1,000 (N)	2003 <sup>32</sup>
Fur-bearing animal propagation permit	Authorizes holder to take or possess a living fur-bearing animal <sup>35</sup> and hold it for the purpose of propagation or sale.	71	3	\$90	\$270	1930 <sup>36</sup>

**Table 1. Occupational Licenses in Texas**

Type of License	Description	Code Chapter	Number of Active Licenses (FY 07)	Fees	State Revenue from Fees (FY 07)	Year First Regulated
Fur dealer's license, wholesale	Authorizes holder to purchase, possess after purchase, or transport for commercial purposes a pelt or carcass taken in Texas. The holder must purchase the pelt or carcass from a licensed trapper, a licensed retail fur buyer, a fur-bearing animal propagator, or another licensed wholesale fur dealer.	71	12 (R) 4 (N)	\$180 (R) \$600 (N)	\$2,160 (R) \$2,100 (N) <sup>7</sup>	1929
Game animal breeder's license <sup>37</sup>	Authorizes holder to engage in the business of breeding a game animal <sup>38</sup> in the immediate locality for which the license was issued, or sell or hold a game animal in captivity for the purpose of propagation or sale.	44	2	\$75	\$150	1933
Game bird breeder's license, commercial	Authorizes holder to possess game birds in captivity for the purpose of propagation or sale or to sell game bird eggs in Texas, regardless of the number of eggs sold.  <ul style="list-style-type: none"> <li>• Class 1 license: Entitles holder to possess in captivity more than 1,000 game birds.</li> <li>• Class 2 license: Entitles holder to possess in captivity not more than 1,000 game birds during any calendar year.</li> </ul>	45	86  392	\$180  \$25	\$15,480  \$9,800	1957 <sup>39</sup>
Hunting lease license	Authorizes the owner of a hunting lease <sup>40</sup> or the landowner's agent to receive as a guest for pay or other consideration another person engaged in hunting.  <ul style="list-style-type: none"> <li>• If lease area is less than 500 acres</li> <li>• If lease area is 500 acres or more but less than 1,000 acres</li> <li>• If lease area is 1,000 acres or more</li> </ul>	43	4,678 1,481  2,553	\$75 \$140  \$240	\$336,698.25 <sup>6</sup> \$198,263.80 <sup>6</sup>  \$585,417.60 <sup>6</sup>	1925 <sup>41</sup>

**Table 1. Occupational Licenses in Texas**

Type of License	Description	Code Chapter	Number of Active Licenses (FY 07)	Fees	State Revenue from Fees (FY 07)	Year First Regulated
Marine dealer's, distributor's, or manufacturer's license	Authorizes holder to sell, sell on consignment, display for sale, purchase, trade, or transfer a vessel, motorboat, or outboard motor in exchange for a fee, commission, or other consideration. Licensing requirement applies also to a person or entity purporting to be a broker or brokerage house who acts as an intermediary or assists in such an activity. A dealer must have a license for each place of business owned and operated by the person.	31	861	\$500 <sup>42</sup>	\$430,500	2003
Menhaden fish plant license	Authorizes holder to operate a fixed installation on land designed, equipped, and used to process fish and the by-products of fish by the application of pressure, heat, or chemicals or a combination of pressure, heat, and chemicals to raw fish to convert the raw fish into fish oil, fish solubles, fish scraps, or other products.	47	0	\$180	0	1951
Mussel and clam fisherman's license, commercial	Authorizes holder to take mussels, clams, or their shells from the public water of Texas for commercial purposes.	78	20 (R) 1 (N)	\$36 (R) \$960 (N)	\$720 (R) \$960 (N)	1919
Nongame permit	Authorizes holder to collect certain nongame wildlife <sup>43</sup> from the wild and purchase or acquire nongame wildlife from the holder of a valid nongame dealer permit or lawful out-of-state source, but the holder may sell only to the holder of a valid nongame dealer permit.	67 31 T.A.C. § 65.327 (b)(2)	478 (R) 30 (N)	\$18 (R) \$60 (N)	\$8,326.98 (R) <sup>6</sup> \$1,854 (N) <sup>6,8</sup>	1998
Nongame dealer permit	Authorizes holder to collect certain nongame wildlife <sup>43</sup> from the wild; sell lawfully obtained nongame wildlife to anyone; acquire nongame wildlife by or for a commercial activity only from a person permitted under these provisions or a lawful out-of-state source; and import nongame	67 31 T.A.C. § 65.327 (b)(1)	288 (R) 0 (N)	\$60 (R) \$240 (N)	\$17,280 (R) 0 (N)	1998

**Table 1. Occupational Licenses in Texas**

Type of License	Description	Code Chapter	Number of Active Licenses (FY 07)	Fees	State Revenue from Fees (FY 07)	Year First Regulated
Nongame dealer permit (continued)	wildlife into Texas for any purpose, including sale or resale, or for purposes of export, provided the person does not release the nongame wildlife in Texas or allow the nongame wildlife to commingle with native nongame wildlife in Texas and meets certain notification and recordkeeping requirements. The holder also is authorized to export lawfully obtained nongame wildlife from Texas for any reason, including sale or resale, provided the person meets certain notification and recordkeeping requirements, and to engage in captive breeding of all species of nongame wildlife.					
Nongame fish, permit to sell	Authorizes holder to catch for sale, sell, or offer for sale nongame fish <sup>44</sup> taken from public fresh waters of Texas.	67 31 T.A.C. § 57.379	85	\$60	\$5,100	1993
Offshore aquaculture permit <sup>45</sup>	Authorizes holder to operate an aquaculture (fish farming) facility in a designated offshore aquaculture zone, which includes all waters of the Gulf of Mexico seaward from the shoreline for a distance of three marine leagues but does not include bays, passes, rivers, or other bodies of water. Holder may cultivate only native species. <sup>46</sup>	12 and 66 31 T.A.C. § 57.252	0	\$1,500 <sup>47</sup>	0	2007
Oyster boat captain's license, commercial	Authorizes holder to operate a commercial oyster boat while taking or attempting to take oysters from the public water of Texas.	76	685 (R) 38 (N)	\$30 (R) \$120 (N)	\$20,117.10 (R) <sup>6</sup> \$4,393.20 (N) <sup>6</sup>	1919
Oyster fisherman's license, commercial	Authorizes holder to take or attempt to take oysters from the public water of Texas for pay or for the purpose of sale, barter, or exchange or any other commercial purpose.	76	1 (R) 0 (N)	\$120 (R) \$300 (N)	\$120 (R) 0 (N)	1895

**Table 1. Occupational Licenses in Texas**

Type of License	Description	Code Chapter	Number of Active Licenses (FY 07)	Fees	State Revenue from Fees (FY 07)	Year First Regulated
Party boat operator license <sup>48</sup>	Authorizes the owner of a vessel that is rented or leased by the owner for a group recreational event for more than six passengers to operate the vessel on the inland waters of Texas. The vessel must be at least 30 feet long and excludes a sailboat, livery vessel, or any vessel used for training or instructional purposes while it is not being used as a party boat. The license also authorizes an employee of the owner to operate the vessel in inland waters. <sup>49</sup>	31 31 T.A.C. § 55.403	0	\$125 <sup>50,51</sup>	0	2007
Private bird hunting area license	Authorizes holder to release banded pen-reared birds <sup>52</sup> from a private bird hunting area, which must consist of contiguous acreage owned by an individual, partnership, firm, or corporation and be distinguished from any other club, hunting lease, or other leased premises for hunting purposes by clearly marking its boundaries with certain signs as prescribed by law, which must be placed at each entrance. Holder or a guest may take banded pen-reared birds on the licensed area during the private bird hunting area season, which begins each September 1 and extends through the following August 31. Holder may hold pen-reared birds in captivity on the private bird hunting area only for release to provide hunting.	43	353	\$80	\$28,240	1973
Protected nongame sales permit	Authorizes holder to possess a coatimundi and distribute, sell, or offer for sale such coatimundi.	67 31 T.A.C. § 69.403	2	\$200 <sup>53</sup>	\$400	1997

**Table 1. Occupational Licenses in Texas**

Type of License	Description	Code Chapter	Number of Active Licenses (FY 07)	Fees	State Revenue from Fees (FY 07)	Year First Regulated
Raptor propagator's permit	Authorizes holder to take, capture, or possess, or attempt to take or capture, any native raptors. <sup>54</sup> Holder is prohibited from possessing or breeding species of raptors listed as endangered unless the propagator can document proof of seven years' experience caring for and handling raptors.	49 31 T.A.C. § 65.265 (4)	3	\$60	\$180	1975 <sup>55</sup>
Scientific research permit	Authorizes holder to collect, hold, possess, display, transport, release, or propagate protected wildlife for scientific research.	43	446	\$50 <sup>23,56</sup>	\$6,950	1925 <sup>57</sup>
Shell buyer's license	Authorizes holder to purchase for commercial use mussel or clam shells that have been taken from the public water of Texas.	78	1 (R) 0 (N)	\$120 (R) \$1,800 (N)	\$120 (R) 0 (N)	1993
Shrimp boat captain's license, commercial	Authorizes the captain of a licensed commercial shrimp boat to operate the boat while catching or attempting to catch shrimp from the public water of Texas or unloading or attempting to unload in Texas shrimp and other aquatic products taken from saltwater outside the state for pay or for purposes of sale.	77	1,664 (R) 126 (N)	\$30 (R) \$120 (N)	\$49,323.30 (R) <sup>6</sup> \$15,066 (N) <sup>6</sup>	1919
Trapper's license	Authorizes holder to take a fur-bearing animal or the pelt of a fur-bearing animal in Texas.	71	2,749 (R) 68 (N)	\$18 (R) \$300 (N)	\$48,294 (R) <sup>6</sup> \$21,279 (N) <sup>6,7</sup>	1925
Triploid grass carp permit	Authorizes holder to possess triploid grass carp. Holder may purchase triploid grass carp only from a Texas aquaculturist in possession of a valid exotic species permit authorizing possession of triploid grass carp, and only in an amount less than or equal to that number specified in the triploid grass carp permit. <sup>58</sup>	12 and 66 31 T.A.C. § 57.124 (b)	NA <sup>59</sup>	\$15, plus an additional \$2 fee per triploid grass carp requested	\$108,248.50	1992

**Table 1. Occupational Licenses in Texas**

Type of License	Description	Code Chapter	Number of Active Licenses (FY 07)	Fees	State Revenue from Fees (FY 07)	Year First Regulated
Wildlife management association area hunting lease license	<p>Authorizes the owner of a tract of land included in a wildlife management association area to release banded pen-reared birds<sup>52</sup> from that tract of land.</p> <ul style="list-style-type: none"> <li>• If lease area is less than 10,000 acres</li> <li>• If lease area is between 10,000 and 50,000 acres</li> <li>• If lease area is more than 50,000 acres</li> </ul>	43	<p>24 20 9</p>	<p>\$36+<sup>60</sup> \$72+<sup>60</sup> \$144+<sup>60</sup></p>	<p>\$864 \$1,440 \$1,296</p>	1993
Zoological collection permit	<p>Authorizes holder to collect, hold, possess, display, transport, release, or propagate protected wildlife for zoological collection.<sup>61</sup> Holder must be an agent of an entity that is either accredited by the American Zoo and Aquarium Association or meets certain facility and other requirements.</p>	43	30	\$150 <sup>23</sup>	\$4,500	1925

## Notes

- <sup>1</sup> This permit may be renewed if the permittee files the prescribed application form, together with the required fee, at least 10 days before the current permit expires.
- <sup>2</sup> Senate Bill 44 (Chapter 147, Acts of the 63rd Legislature, Regular Session, 1973) authorized the department to issue permits for the control of predator animals (defined as coyotes, bobcats, red foxes, and cross-breeds between coyotes and dogs, and excluding birds and fowl) by the use of aircraft in specified counties. In 1989, passage of House Bill 3080 (Chapter 545, Acts of the 71st Legislature, Regular Session, 1989), which applied that authorization to all counties of the state, amended the types of depredating animals that could be controlled, and included the management of wildlife as an authorized activity, with management defined as counting, photographing, relocating, or capturing wildlife. Passage of Senate Bill 329 in 1995 (Chapter 969, Acts of the 74th Legislature, Regular Session, 1995) added the management of exotic animals to authorized activities and added hunting to the definition of “management.”
- <sup>3</sup> According to 31 T.A.C. § 65.357(5), an alligator retail dealer’s permit is not required of a person selling processed products if alligator hide is the only alligator part used (e.g., for footwear, belts, wallets, or luggage); or a person selling alligator ready for immediate consumption in individual portion servings; or a person selling alligator meat processed and packaged in accordance with applicable local, state, and federal laws governing the processing of food for sale to the public.
- <sup>4</sup> Senate Bill 418 (Chapter 184, Acts of the 67th Legislature, Regular Session, 1981) prohibited the taking, selling, purchase, or possession of an alligator, an alligator egg, or any part of an alligator in Texas except as permitted by the regulations of the Texas Parks and Wildlife Commission. The measure also created an alligator hunter’s license, which authorized the holder to take, attempt to take, possess, or accompany another person who is attempting to take an alligator in Texas during the open season established by the commission for taking alligators, and an alligator buyer’s license, which authorized the holder to purchase or possess after purchase from an alligator hunter an alligator, alligator hide, or any part of an alligator taken in the state. In 1997, the alligator buyer’s license was replaced by the alligator retail dealer’s permit and the alligator wholesale dealer’s permit (22 Tex. Reg. 7898, August 15, 1997). The alligator import permit was created at that time, and the alligator export fee was adopted by rule in 2003 (28 Tex. Reg. 9081, October 17, 2003).
- <sup>5</sup> The alligator export fee applies to the export of a live alligator. A person wishing to export a dead alligator, an alligator hide, or an alligator part must obtain an alligator hide tag, the fees for which are set out in 31 T.A.C. § 53.8(h), (i), and (j).
- <sup>6</sup> This type of license may be sold by a retailer, and the revenue reported by the department reflects commissions retained by the retailer before forwarding the revenue to the department.
- <sup>7</sup> Revenue includes license fees for licenses that were voided but for which the license fee was not refunded: e.g., the retailer mistakenly sold an individual an incorrect license at the same fee as the correct license then voided the incorrect license and issued the correct one, resulting in no refund but a miscalculation in the number of licenses sold in each category because the department’s accounting procedures do not include a change of item code for such voided licenses.
- <sup>8</sup> Revenue includes a non-returned document charge (the amount of the license minus the commission), which is assessed if a retailer sells a license then voids the transaction but fails to return the license to the department.
- <sup>9</sup> House Bill 81 (Chapter 29, Acts of the 43rd Legislature, 1st Called Session, 1933), which created a bait dealer license (effective in 1934, 90 days after adjournment on October 16, 1933), defined “bait dealer” as any person engaged in the business of selling either minnows, fish, shrimp, or other aquatic products for fish bait; the bill did not create a separate license for an individual and a place of business. That distinction was made in 1997 with the passage of House Bill 2542 (Chapter 1256, Acts of the 75th Legislature, Regular Session, 1997), which included the current definition for “bait dealer” (Section 47.001(5), Parks and Wildlife Code).
- <sup>10</sup> Section 47.001(9), Parks and Wildlife Code, defines “place of business” as a permanent structure on land or a motor vehicle required to be registered under Section 502.002, Transportation Code, where aquatic products or orders for aquatic products are received or where aquatic products are sold or purchased but does not include a boat or any type of floating device, a public cold storage vault, the portion of a structure that is used as a residence, or a vehicle from which no orders are taken or no shipments or deliveries are made other than to the place of business of a licensee in Texas.
- <sup>11</sup> 31 T.A.C. § 57.391(4) defines “broodfish” as a fish taken from the public waters of Texas for the purpose of aquaculture (fish farming, or the business of producing and selling cultured aquatic species raised in private facilities).
- <sup>12</sup> This permit expires 60 days from the date of issuance.
- <sup>13</sup> Section 88.002, Parks and Wildlife Code, provides that species of native plants are endangered, threatened, or protected if listed as such on the United States List of Endangered Plant Species or on the list of endangered, threatened, or protected native plants as filed by the director of the Texas Parks and Wildlife Department. 31 T.A.C. § 69.8 provides lists of the endangered and threatened plants that are covered by this permit.

- <sup>14</sup> Section 88.009, Parks and Wildlife Code, exempts from the provisions relating to this permit the taking, possession, or sale of endangered, threatened, or protected plants if such activity is incidental to the possession or sale of the real property on which the plant is growing; the possession or acquisition of easements or leases on which the plant is growing; and the harvest or sale of an agricultural crop if the endangered, threatened, or protected plant grows among that crop. Also exempt is the possession, transportation, or sale of an endangered, threatened, or protected plant if the plant originates in another state and the person possessing, transporting, or selling the plant complies with the terms of any required federal permit or with the terms of a state permit required by the laws of the originating state.
- <sup>15</sup> This category was created by rule in 2008 (33 Tex. Reg. 2543); therefore, the license fee is the current fee, and there are no active licenses or fee revenue for FY 07.
- <sup>16</sup> 31 T.A.C. § 55.651(2) defines “controlled exotic snake” as any live snake that is a venomous snake not indigenous to Texas; African rock python (*Python sebae*), Asiatic rock python (*Python molurus*), green anaconda (*Eunectes murinus*), reticulated python (*Python reticulatus*), or southern African python (*Python natalensis*); or a hybrid of any of the species listed in this subdivision.
- <sup>17</sup> Section 43.851(c), Parks and Wildlife Code, exempts from requirements for this permit a state or county official performing an official duty; a licensed zoo that possesses or transports a snake for exhibition or scientific purposes; a research facility, including a university, licensed under the Animal Welfare Act (7 U.S.C. Section 2131 et seq.) that possesses or transports a snake for scientific purposes; and a person who assists a department employee in the handling or transport of a snake under the permit requirements.
- <sup>18</sup> The difference of \$590 in revenue is due to one crab fisherman’s license being issued to an heir on the death of the license holder for a \$10 fee paid by the heir, in accordance with Section 78.109, Parks and Wildlife Code, and 31 T.A.C. § 53.12(d)(2)(B).
- <sup>19</sup> Section 43.351(1), Parks and Wildlife Code, defines “breeder deer” as a white-tailed deer or mule deer legally held under a deer breeder’s permit authorized by the Parks and Wildlife Code.
- <sup>20</sup> Section 43.351(6), Parks and Wildlife Code, defines “immediate locality” as land that is contiguous and that is owned by the same person; land divided or separated only by a public road or a public waterway is contiguous for such purposes.
- <sup>21</sup> This permit is valid from the date of issuance until the immediately following July 1 and may be renewed annually if the permittee meets the requirements in 31 T.A.C. § 65.603(d).
- <sup>22</sup> As created by Senate Bill 464 (Chapter 267, Acts of the 69th Legislature, Regular Session, 1985), this permit was called a scientific breeder’s permit and authorized a qualified person to possess a white-tailed deer for propagation, management, and scientific purposes. House Bill 1771 (Chapter 704, Acts of the 72nd Legislature, Regular Session, 1991) expanded the permit’s authority to include mule deer, and House Bill 1308 (Chapter 79, Acts of the 80th Legislature, Regular Session, 2007) renamed the permit a deer breeder’s permit and added other requirements relating to deer breeding operations.
- <sup>23</sup> 31 T.A.C. § 69.310(b) provides that no fee is required for a permit application on behalf of a primary or secondary educational institution, or on behalf of a governmental entity required by law to conduct activities governed by provisions relating to educational permits. Section 43.022(h), Parks and Wildlife Code, authorizes the commission by rule to exempt certain categories of activities from the permitting and fee requirements if those activities are determined to provide a public benefit and do not adversely affect a protected wildlife resource.
- <sup>24</sup> These permits are issued for one calendar year, expiring on December 31 of the year issued, and may be renewed. The fee for a new permit application, or a renewal or amended application that requires a facility inspection, is \$250; if no inspection is required, the fee for a renewal or amended application is \$25, unless the renewal application is received more than one year after the renewal date, in which case the renewal fee is \$250.
- <sup>25</sup> 31 T.A.C. § 57.111 defines “exotic species” as a nonindigenous plant or wildlife resource not normally found in public water of Texas and lists the exotic fish, shellfish, and plant species considered harmful or potentially harmful.
- <sup>26</sup> 31 T.A.C. § 57.113(d), (e), and (k) specify the species covered by an exotic species permit held by an aquaculturist.
- <sup>27</sup> This category was created by rule in 2009 (34 Tex. Reg. 9460); therefore, the license fees are the current fees, and there are no active licenses or fee revenue for FY 07.
- <sup>28</sup> According to 31 T.A.C. § 57.111(18)(K), the family referred to as water spinach (*Convolvulaceae--Ipomoea aquatica*) also is called ong choy, rau mong, and kangkong.
- <sup>29</sup> The fee is \$100 for an annual permit and \$25 for an individual permit. An annual permit is issued for one calendar year, expiring on December 31 of the year issued; an individual permit is issued for the duration of the transporting activity.
- <sup>30</sup> “Finfish” is defined in Section 47.001(14), Parks and Wildlife Code, as those living natural resources having either cartilaginous or bony skeletons (*Chondrichthyes* and *Osteichthyes*).
- <sup>31</sup> The license fee is assessed for each place of business.

- <sup>32</sup> House Bill 81 (Chapter 29, Acts of the 43rd Legislature, 1st Called Session, 1933) created a “fish guide” license, renamed a “fishing guide” license in 1993 (Chapter 365 [House Bill 1659], Acts of the 73rd Legislature, Regular Session, 1993), which authorized its holder to operate a boat for pay or any thing of value, in accompanying or transporting any person engaged in fishing in the waters of Texas. In 2003, the legislature passed Senate Bill 608 (Chapter 859, Acts of the 78th Legislature, Regular Session, 2003), which authorized the commission to adopt rules creating separate fishing guide licenses for use in saltwater and freshwater; the commission adopted such rules later that year (28 Tex. Reg. 5205). The holder of a saltwater fishing guide license, renamed the all-water fishing guide license in 2007 (32 Tex. Reg. 2659), is authorized to fish in either freshwater or saltwater.
- <sup>33</sup> This category was created by rule in 2009 (34 Tex. Reg. 5701); therefore, the license fees are the current fees, and there are no active licenses or fee revenue for FY 07.
- <sup>34</sup> In 2007, the commission renamed this license the all-water fishing guide license (32 Tex. Reg. 2659).
- <sup>35</sup> Section 71.001(1), Parks and Wildlife Code, defines “fur-bearing animal” as a wild beaver, otter, mink, ring-tailed cat, badger, skunk, raccoon, muskrat, opossum, fox, or nutria.
- <sup>36</sup> Senate Bill 3 (Chapter 172, Acts of the 39th Legislature, Regular Session, 1925) authorized the capture of wild animals or wild quadrupeds for propagation purposes if permission was secured by application to the game, fish, and oyster commissioner and authorized the commissioner to prescribe rules and regulations governing the propagation of game birds and animals. In 1930, a propagation permit authorizing a person to take a live fur-bearing animal for the purpose of sale was created with the passage of House Bill 86 (Chapter 45, Acts of the 41st Legislature, 5th Called Session, 1930).
- <sup>37</sup> Originally called a game breeder’s license; the name was changed by rule in 2003 (28 Tex. Reg. 5202) to differentiate the license from the game bird breeder’s license. Chapter 44, Parks and Wildlife Code, has not yet been amended to reflect the change.
- <sup>38</sup> Section 44.001(3), Parks and Wildlife Code, defines “game animal” as a pronghorn antelope, a collared peccary or javelina, or a red or gray squirrel.
- <sup>39</sup> The statutory provision creating the Class 1 and Class 2 license categories was added in 1973 with the passage of House Bill 618 (Chapter 430, Acts of the 63rd Legislature, Regular Session, 1973).
- <sup>40</sup> Section 43.041(2), Parks and Wildlife Code, defines “hunting lease” to mean the aggregate amount of land owned by one individual, partnership, firm, or corporation or the aggregate amount of land in a hunting cooperative in a county and leased for hunting purposes. The statute specifies the circumstances under which a landowner may be required to obtain more than one hunting lease license.
- <sup>41</sup> The provision establishing a graduated license fee based on the number of acres was added in 1975 with the passage of Senate Bill 169 (Chapter 176, Acts of the 64th Legislature, Regular Session, 1975).
- <sup>42</sup> This license is issued for a two-year period.
- <sup>43</sup> 31 T.A.C. § 65.331(d) lists the species of frogs and toads, salamanders, lizards, snakes, and mammals covered by this permit.
- <sup>44</sup> 31 T.A.C. § 57.377(3) and 31 T.A.C. § 65.3(23)(B) define “nongame fish” as all species not listed as game fish, except endangered and threatened fish, which are defined and regulated by separate proclamations.
- <sup>45</sup> This category was created by rule in 2007 (32 Tex. Reg. 2012); therefore, there are no active licenses or fee revenue for FY 07.
- <sup>46</sup> 31 T.A.C. § 57.251(6) defines “native species” as all fish, shellfish, or aquatic plants documented by the department to live, spawn, or reproduce in Texas offshore waters and whose first documented occurrence in Texas offshore waters was not the result of intentional or unintentional importation by man.
- <sup>47</sup> 31 T.A.C. § 57.255 authorizes the department to renew an unexpired offshore aquaculture permit if the applicant meets certain requirements and the aquaculture facility is in compliance with all operational and facility standards as reflected in the current permit, including any permit amendments.
- <sup>48</sup> This category was created by rule in 2007, as required by law (32 Tex. Reg. 10011), and became effective January 1, 2008; therefore, there are no active licenses or fee revenue for FY 07.
- <sup>49</sup> 31 T.A.C. § 55.402(c) exempts from the requirements for this license a person who has a valid and current federal pilot’s or captain’s license issued by the U.S. Coast Guard or other federal agency, or a valid license, issued by a state that shares a body of water with Texas, that is substantively similar in effect and scope to the party boat operator license required by Texas law if the issuing state allows Texas vessels to operate in the shared waters under the same conditions and the party boat is operated only in those shared waters.
- <sup>50</sup> The license holder also must pay an annual water safety inspection fee (\$125 in FY 07, increased to \$132 in 2009); if the inspection is performed by a department-approved entity, \$60 may be retained by the inspecting entity. The inspection fee is not required for a vessel that is carrying passengers for hire and carries a valid and current certificate of inspection issued under federal law.
- <sup>51</sup> This license is valid for two years from the date of issuance and may be renewed by submitting a renewal application to the department within 60 days of the expiration date of the license, accompanied by a renewal fee of \$50 (increased to \$53 in 2009).

- <sup>52</sup> In 2007, Section 43.071(5), Parks and Wildlife Code, defined “pen-reared birds” as bobwhite quail, pheasant, partridge, and mallard ducks propagated or acquired in accordance with provisions relating to a game bird breeder’s license (Chapter 45, Parks and Wildlife Code); in 2009, the definition was amended to include pigeons (Chapter 952 [House Bill 3391], Acts of the 81st Legislature, Regular Session, 2009).
- <sup>53</sup> This permit may be renewed for one year by submitting a completed renewal form to the department, accompanied by a permit renewal fee of \$200.
- <sup>54</sup> 31 T.A.C. § 65.262(8) defines “raptor” as a live migratory bird of the Order Falconiformes or the Order Strigiformes.
- <sup>55</sup> Senate Bill 3 (Chapter 172, Acts of the 39th Legislature, Regular Session, 1925) provided for the capture of wild birds and their nests and eggs for propagation purposes only after securing permission from the game, fish, and oyster commissioner by application in the form of an affidavit stating what animals, nests, or eggs the person wished to take and the purposes for that taking; however, it was not until 1975 that a permit was created specifically authorizing the propagation of raptors (Chapter 545 [House Bill 1186], Acts of the 64th Legislature, Regular Session, 1975), although collection and holding of raptors for propagation purposes was not prohibited under certain predecessor permits.
- <sup>56</sup> This permit is valid for three years.
- <sup>57</sup> This permit, originally called a scientific collecting permit, authorized the holder to take, possess, and transport, in any manner and at any time, birds and their nests and eggs, for scientific purposes, with the requirement that the holder obtain a federal scientific collecting permit issued by the Bureau of Biological Survey of the U.S. Department of Agriculture before taking migratory birds or their nests or eggs (Chapter 172 [Senate Bill 3], Acts of the 39th Legislature, Regular Session, 1925). The provision creating this permit also authorized the capture of wild animals or wild quadrupeds if permission was secured by application to the game, fish, and oyster commissioner in the form of an affidavit stating what animals, nests, or eggs the person wished to take and the purposes for that taking.
- <sup>58</sup> The number of triploid grass carp that may be purchased under this permit is determined by the size of the applicant’s pond and the amount of vegetation in the pond. The department’s fisheries biologists recommend 10 fish per acre for a pond with 50 percent or more coverage of vegetation and 5 fish per acre for a pond with less than 50 percent coverage of vegetation.
- <sup>59</sup> The department cannot determine how many permits were valid in 2007 because this permit has no expiration date; it is valid until the permittee has purchased all the fish authorized in the permit. The fish may be purchased at one time or over an unspecified period of time.
- <sup>60</sup> The license holder also must pay \$5 per participating landowner (increased to \$6 in 2009). This charge is not reflected in the state revenue from the license fees.
- <sup>61</sup> Section 43.021, Parks and Wildlife Code, defines “protected wildlife” as all indigenous mammals, birds, reptiles, amphibians, fish, and other indigenous aquatic life the taking, collecting, holding, possession, propagation, release, display, or transport of which is governed by state law or commission rule, and includes endangered species.

**Table 2**

**Statutory Penalties for Violations Relating to Occupational Licenses  
Texas Parks and Wildlife Department**



**Table 2. Statutory Penalties<sup>1</sup> for Violations Relating to Occupational Licenses**

Type of License	Penalty Description <sup>2</sup> and Statutory Authority
<b>Texas Parks and Wildlife Department</b>	
Aerial management permit	<p>(a) Except as otherwise provided by this section, a person who violates any provision of this subchapter [Subchapter G. Permits to Manage Wildlife and Exotic Animals from Aircraft] or a proclamation or regulation adopted under this subchapter commits an offense that is a <b><i>Class A Parks and Wildlife Code misdemeanor</i></b>.</p> <p>(b) A person who violates Section 43.107 [Reports Required] commits an offense that is a <b><i>Class C Parks and Wildlife Code misdemeanor</i></b>.</p> <p>(c) If it is shown at the trial of the defendant for a violation of this subchapter or a proclamation or regulation adopted under this subchapter that the defendant has been convicted of a Class A Parks and Wildlife Code misdemeanor violation of this subchapter within 10 years preceding the trial date, on conviction the defendant shall be punished for a <b><i>Parks and Wildlife Code felony</i></b>. This subsection does not apply if the previous conviction was for a violation of Section 43.107.</p> <p><i>[Statutory Authority: Section 43.111, Parks and Wildlife Code]</i></p>
Alligator permits and alligator export fee	<p>(a) A person commits an offense if the person violates this chapter or a regulation of the commission issued under this chapter.</p> <p>(b) An offense under this section is a <b><i>Class C Parks and Wildlife Code misdemeanor</i></b>.</p> <p>(c) If it is shown at the trial of the defendant that he has been once before convicted of a violation of this chapter, the offense is a <b><i>Class B Parks and Wildlife Code misdemeanor</i></b>.</p> <p>(d) If it is shown at the trial of the defendant that he has been convicted of a violation of this chapter two or more previous times, the offense is a <b><i>Class A Parks and Wildlife Code misdemeanor</i></b>.</p> <p><i>[Statutory Authority: Section 65.008, Parks and Wildlife Code]</i></p>
Bait dealer's licenses, fisherman's licenses, fish dealer's licenses, fishing guide licenses, and menhaden fish plant license	<p>Except as provided by Section 47.052, Parks and Wildlife Code [see below], a person who violates a provision of this chapter commits an offense that is a <b><i>Class C Parks and Wildlife Code misdemeanor</i></b>.</p> <p><i>[Statutory Authority: Section 47.051, Parks and Wildlife Code]</i></p> <p>If it is shown at the trial of the defendant for a violation of Section . . . 47.016 [Menhaden Fish Plant License] . . . of this code that he has been convicted within five years before the trial date of a violation of the section for which he is being prosecuted, on conviction he shall be punished for a <b><i>Class B Parks and Wildlife Code misdemeanor</i></b>.</p> <p><i>[Statutory Authority: Section 47.052(d), Parks and Wildlife Code]</i></p>
Bait-shrimp dealer's license; and shrimp boat captain's license, commercial	<p>(a) A person who violates a provision of this chapter except Section 77.024 [Operation Without License] or 77.061(a)(1) [establishing the dates for the general closed season for shrimping] or who violates a regulation adopted under this chapter commits an offense that is a <b><i>Class C Parks and Wildlife Code misdemeanor</i></b>.</p> <p>(b) If it is shown at the trial of the defendant that the person has been convicted once within five years before the trial date of a violation of a provision of this chapter except Section 77.024 or 77.061(a)(1), or of a regulation adopted under this chapter, the person is guilty of a <b><i>Class B Parks and Wildlife Code misdemeanor</i></b>.</p>

**Table 2. Statutory Penalties<sup>1</sup> for Violations Relating to Occupational Licenses**

Type of License	Penalty Description <sup>2</sup> and Statutory Authority
Bait-shrimp dealer’s license; and shrimp boat captain’s license, commercial (continued)	<p>(c) If it is shown at the trial of the defendant that the person has been convicted two or more times within five years before the trial date of a violation of a provision of this chapter except Section 77.024 or 77.061(a)(1), or of a regulation adopted under this chapter, the person is guilty of a <b><i>Class A Parks and Wildlife Code misdemeanor</i></b>.</p> <p>(d) Section 12.109 [Confiscation and Disposition of Aquatic Products] and Subchapter D, Chapter 12 [Recovery by the State for Value of Fish, Shellfish, Reptile, Amphibian, Bird, or Animal], do not apply to a violation of a rule adopted under this chapter related to the display of a commercial shrimp boat license or a commercial shrimp boat’s documentation or registration number if another violation of this chapter or a rule adopted under this chapter does not exist at the time of the violation.  <i>[Statutory Authority: Section 77.020, Parks and Wildlife Code]</i></p> <p>Each day on which a violation occurs constitutes a separate offense.  <i>[Statutory Authority: Section 77.021, Parks and Wildlife Code]</i></p> <p>(a) When a vessel is involved in a violation of this chapter, the captain of the vessel shall be considered primarily responsible for the violation. A member of the crew of a vessel shall not be guilty of a violation unless it also be charged that the member of the crew acted in violation of the orders of the captain of the vessel.</p> <p>(b) The owner of a vessel involved in a violation of this chapter may not be found guilty of the violation unless it is charged and proved that the owner knowingly directed, authorized, permitted, agreed to, aided, or acquiesced in the violation.  <i>[Statutory Authority: Section 77.022, Parks and Wildlife Code]</i></p>
Commercial plant permit	<p>(a) Except as otherwise provided by this section, a person who violates any provision of this chapter commits an offense that is a <b><i>Class C Parks and Wildlife Code misdemeanor</i></b>.</p> <p>(b) If it is shown at the trial of the defendant that he has been convicted within the preceding 36 months of a violation of this chapter, on conviction he shall be punished for a <b><i>Class B Parks and Wildlife Code misdemeanor</i></b>.</p> <p>(c) If it is shown at the trial of the defendant that he has been convicted two or more times within the preceding 60 months of a violation of this chapter, on conviction he shall be punished for a <b><i>Class A Parks and Wildlife Code misdemeanor</i></b>.</p> <p>(d) A person who hires or pays another person to take, possess, or transport for commercial sale or sell an endangered, threatened, or protected plant in violation of Subsection (d) of Section 88.008 [Prohibited Acts] of this code commits an offense. An offense under this section is a <b><i>Class B Parks and Wildlife Code misdemeanor</i></b>.</p> <p>(e) Each endangered, threatened, or protected plant taken, possessed, transported, or sold in violation of this chapter constitutes a separate offense.  <i>[Statutory Authority: Section 88.011, Parks and Wildlife Code]</i></p>
Controlled exotic snake permit, commercial	<p>(a) Except as provided by Subsection (c), a person who violates this subchapter [Subchapter V. Nonindigenous Snake Permit] or a rule adopted under this subchapter commits an offense that is a <b><i>Class C Parks and Wildlife Code misdemeanor</i></b>.</p> <p>(b) A person who violates Section 43.853 [Release From Captivity] or a rule adopted to implement Section 43.853 commits an offense that is a <b><i>Class A Parks and Wildlife Code misdemeanor</i></b>.  <i>[Statutory Authority: Section 43.856, Parks and Wildlife Code]</i></p>

**Table 2. Statutory Penalties<sup>1</sup> for Violations Relating to Occupational Licenses**

Type of License	Penalty Description <sup>2</sup> and Statutory Authority
Crab fisherman’s license, commercial; mussel and clam fisherman’s license, commercial; and shell buyer’s license	A person who violates the provisions of this chapter commits a <b><i>Class C Parks and Wildlife Code misdemeanor</i></b> . [Statutory Authority: Section 78.007, Parks and Wildlife Code]
Deer breeder’s permit	(a) Except as provided by Subsection (b), a person who violates a provision of this subchapter [Subchapter L. Deer Breeder’s Permit] or a regulation of the commission issued under this subchapter or who fails to file a full and complete report as required by Section 43.359 [Records and Reports] commits an offense that is a <b><i>Class C Parks and Wildlife Code misdemeanor</i></b> . (b) A person who violates Section 43.365(a)(1) [making it an offense for a deer breeder or another person to allow the hunting or killing of a breeder deer or any other deer held in captivity in a facility permitted under this subchapter, unless otherwise provided by this subchapter or by commission rule] commits an offense that is a <b><i>Class A Parks and Wildlife Code misdemeanor</i></b> . [Statutory Authority: Section 43.367, Parks and Wildlife Code]
Educational display, scientific research, and zoological collection permits	A person who violates Section 43.022 [Permit Requirement], a commission rule, or the conditions of a permit issued under this subchapter [Subchapter C. Permits for Scientific Research, Zoological Collection, Rehabilitation, and Educational Display] commits an offense that is a <b><i>Class C Parks and Wildlife Code misdemeanor</i></b> . [Statutory Authority: Section 43.030, Parks and Wildlife Code]
Exotic species permit, exotic species interstate transport permit, finfish import license, offshore aquaculture permit, and triploid grass carp permit	(a) Except as otherwise provided by this section, a person who violates a provision of this subchapter [Subchapter A. Provisions Applicable to Freshwater and Saltwater Fishing] or a rule adopted by the commission under this subchapter commits an offense that is a <b><i>Class C Parks and Wildlife Code misdemeanor</i></b> . (b) A person who violates Section . . . 66.007 [Exotic Harmful or Potentially Harmful Fish, Shellfish, and Aquatic Plants] . . . [or] 66.015 [Introduction of Fish, Shellfish, and Aquatic Plants] of this code commits an offense that is a <b><i>Class B Parks and Wildlife Code misdemeanor</i></b> . (c) If it is shown at the trial of the defendant for a violation of Section . . . 66.007 or 66.015 of this code that the defendant has been convicted once before the trial date of a violation of the same section, on conviction the defendant shall be punished for a <b><i>Class A Parks and Wildlife Code misdemeanor</i></b> . (d) If it is shown at the trial of the defendant for a violation of Section . . . 66.007 or 66.015 of this code that the defendant has been convicted two or more times before the trial date of a violation of the same section, on conviction the defendant shall be punished for a <b><i>Parks and Wildlife Code felony</i></b> . [Statutory Authority: Section 66.012, Parks and Wildlife Code]  (b) A person who violates Section . . . 134.020 [Exotic Species] commits an offense that is a <b><i>Class B misdemeanor</i></b> . [Statutory Authority: Section 134.023(b), Agriculture Code]

**Table 2. Statutory Penalties<sup>1</sup> for Violations Relating to Occupational Licenses**

Type of License	Penalty Description <sup>2</sup> and Statutory Authority
Fur-bearing animal propagation permit; fur dealer's license, wholesale; and trapper's license	<p>(a) Except as provided in another subsection of this section, a person who violates any provision of this chapter or proclamation under this chapter commits an offense that is a <b><i>Class C Parks and Wildlife Code misdemeanor</i></b>.</p> <p>(b) If it is shown at the trial of the defendant that he has been convicted once within the preceding 36 months of a violation of this chapter or a proclamation under this chapter, on conviction he shall be punished for a <b><i>Class B Parks and Wildlife Code misdemeanor</i></b>.</p> <p>(c) If it is shown at the trial of the defendant that he has been convicted two or more times within the preceding 60 months of a violation of this chapter or a proclamation under this chapter, on conviction he shall be punished for a <b><i>Class A Parks and Wildlife Code misdemeanor</i></b>.</p> <p><i>[Statutory Authority: Section 71.015, Parks and Wildlife Code]</i></p>
Game animal breeder's license	<p>A person who violates a provision of this chapter commits an offense that is a <b><i>Class C Parks and Wildlife Code misdemeanor</i></b>.</p> <p><i>[Statutory Authority: Section 44.016, Parks and Wildlife Code]</i></p>
Game bird breeder's license, commercial	<p>A person who violates a provision of this chapter commits an offense that is a <b><i>Class C Parks and Wildlife Code misdemeanor</i></b>.</p> <p><i>[Statutory Authority: Section 45.012, Parks and Wildlife Code]</i></p>
Hunting lease license and wildlife management association area hunting lease license	<p>A person who violates any provision of this subchapter [Subchapter D. Hunting Lease Licenses] or who fails to comply with any provision of this subchapter commits an offense that is a <b><i>Class C Parks and Wildlife Code misdemeanor</i></b>.</p> <p><i>[Statutory Authority: Section 43.055, Parks and Wildlife Code]</i></p>
Marine dealer's, distributor's, or manufacturer's license	<p>(a) A person who violates or fails to comply with any provision of this chapter, or who violates or fails to comply with a proclamation of the commission entered under this chapter or a city ordinance or order of a commissioners court or a political subdivision of the state made or entered under this chapter, commits an offense that is a <b><i>Class C Parks and Wildlife Code misdemeanor</i></b>.</p> <p>(b) A person who violates Section 31.043(c) [prohibiting a person from intentionally or knowingly tampering with the manufacturer's identification number on a vessel's hull, an outboard motor serial number, or a hull identification number or serial number issued by the department or from possessing a vessel with such an altered number] . . . of this code commits an offense that is a <b><i>Class B Parks and Wildlife Code misdemeanor</i></b>.</p> <p><i>[Statutory Authority: Section 31.127, Parks and Wildlife Code]</i></p>
Nongame permit; nongame dealer permit; nongame fish, permit to sell; and protected nongame sales permit	<p>(a) A person who violates a regulation of the commission issued under this chapter commits an offense that is a <b><i>Class C Parks and Wildlife Code misdemeanor</i></b>.</p> <p>(b) A person who violates a regulation of the commission issued under this chapter and who has been convicted on one previous occasion of a violation of a commission regulation under this chapter commits an offense that is a <b><i>Class B Parks and Wildlife Code misdemeanor</i></b>.</p> <p>(c) A person who violates a regulation of the commission issued under this chapter and who has been convicted on two or more previous occasions of a violation of commission regulations under this chapter commits an offense that is a <b><i>Class A Parks and Wildlife Code misdemeanor</i></b>.</p> <p><i>[Statutory Authority: Section 67.005, Parks and Wildlife Code]</i></p>

**Table 2. Statutory Penalties<sup>1</sup> for Violations Relating to Occupational Licenses**

Type of License	Penalty Description <sup>2</sup> and Statutory Authority
<p>Oyster boat captain’s license, commercial; and oyster fisherman’s license, commercial</p>	<p>(a) Except as provided in Subsections (b) and (c) of this section, a person who violates a provision of this subchapter [Subchapter C. Oyster Licenses] or a regulation of the commission issued under this subchapter commits an offense that is a <b><i>Class C Parks and Wildlife Code misdemeanor</i></b>.</p> <p>(b) A person who violates Section 76.101 [Oyster Licenses Required] . . . of this code or a regulation of the commission issued under [that section] commits an offense that is a <b><i>Class B Parks and Wildlife Code misdemeanor</i></b>.</p> <p>(d) Each day of a continuing violation constitutes a separate offense.</p> <p>(e) If it is shown at the trial of a defendant for a violation of Section 76.101 . . . of this code that the defendant has been convicted once within five years before the trial date of a violation of Section 76.101 . . . of this code, the defendant is guilty of a <b><i>Class A Parks and Wildlife Code misdemeanor</i></b>.</p> <p>(f) If it is shown at the trial of a defendant for a violation of Section 76.101 . . . of this code that the defendant has been convicted two or more times within five years before the trial date of a violation of Section 76.101 . . . of this code, the defendant is guilty of a <b><i>Parks and Wildlife Code felony</i></b>.  <i>[Statutory Authority: Section 76.118, Parks and Wildlife Code]</i></p> <p>(a) If a vessel licensed as a commercial oyster boat is involved in a violation of this chapter, the captain of the vessel licensed as a commercial oyster boat is primarily responsible for the violation. A member of the crew of a vessel licensed as a commercial oyster boat is not guilty of a violation unless the member of the crew committed the violation against the captain’s orders, except for a violation of Section 76.109 [Night Dredging Prohibited] of this subchapter, in which case each person on the vessel is responsible for the violation.</p> <p>(b) The owner of a vessel licensed as a commercial oyster boat involved in a violation of this chapter is not guilty of the violation unless the owner knowingly directed, authorized, permitted, agreed to, aided, or acquiesced in the violation.  <i>[Statutory Authority: Section 76.119, Parks and Wildlife Code]</i></p>
<p>Party boat operator license</p>	<p>(a) A person who violates or fails to comply with any provision of this chapter, or who violates or fails to comply with a proclamation of the commission entered under this chapter or a city ordinance or order of a commissioners court or a political subdivision of the state made or entered under this chapter, commits an offense that is a <b><i>Class C Parks and Wildlife Code misdemeanor</i></b>.</p> <p>(b) A person who violates Section 31.043(c) [prohibiting a person from intentionally or knowingly tampering with the manufacturer’s identification number on a vessel’s hull, an outboard motor serial number, or a hull identification number or serial number issued by the department or from possessing a vessel with such an altered number] or 31.096 [Reckless Operation and Excessive Speed] of this code commits an offense that is a <b><i>Class B Parks and Wildlife Code misdemeanor</i></b>.</p> <p>(c) Except as provided by Subsection (f), a person who operates a vessel in violation of Section 31.021(b) [prohibiting the operation of a vessel without the required identification number on the vessel and without a valid certificate of number] or 31.095 [Excessive Speed] commits <b><i>an offense punishable by a fine of not less than \$100 or more than \$500</i></b>.</p>

**Table 2. Statutory Penalties<sup>1</sup> for Violations Relating to Occupational Licenses**

Type of License	Penalty Description <sup>2</sup> and Statutory Authority
Party boat operator license (continued)	<p>(d) The operator of a vessel who is involved in a collision, accident, or other casualty that results in death or serious bodily injury to another person and fails to comply with Section 31.104 [Accidents: Duty of Operators] commits an offense that is a <b><i>Parks and Wildlife Code felony</i></b>.</p> <p>(e) Except as provided by Subsection (d), the operator of a vessel who is involved in a collision, accident, or other casualty and fails to comply with Section 31.104 commits an offense that is a <b><i>Class A Parks and Wildlife Code misdemeanor</i></b>.</p> <p>(f) A court may dismiss a charge of operating a vessel with an expired certificate of number under Section 31.021 [Required Numbering] if:</p> <p style="padding-left: 40px;">(1) the defendant remedies the defect not later than the 10th working day after the date of the offense and pays an administrative fee not to exceed \$10; and</p> <p style="padding-left: 40px;">(2) the certificate of number has not been expired for more than 60 days.</p> <p><i>[Statutory Authority: Section 31.127, Parks and Wildlife Code]</i></p>
Private bird hunting area license	<p>A person who violates any provision of this subchapter [Subchapter F. Private Bird Hunting Areas] or a regulation of the commission under this subchapter commits an offense that is a <b><i>Class C Parks and Wildlife Code misdemeanor</i></b>.</p> <p><i>[Statutory Authority: Section 43.077, Parks and Wildlife Code]</i></p>
Raptor propagator's permit	<p>A person who violates a provision of this chapter commits an offense that is a <b><i>Class C Parks and Wildlife Code misdemeanor</i></b>.</p> <p><i>[Statutory Authority: Section 49.017, Parks and Wildlife Code]</i></p>

## Notes

<sup>1</sup> All statutory penalties for violations of provisions relating to licenses issued by the Texas Parks and Wildlife Department are criminal penalties; however, Section 12.402, Parks and Wildlife Code, states that provisions relating to punishments for such violations do not deprive a court of law from imposing a civil penalty, which may be included in the court's sentence. The information in this table reflects penalties in effect in FY 07; however, the penalties have not changed to date.

<sup>2</sup> Sections 12.403 to 12.410, Parks and Wildlife Code, set out the classification of offenses for violations of Parks and Wildlife Code provisions and the scope of punishments for those offenses.