

How do I become a licensed fishing guide in Indiana?

If you are will be taking another individual for hire on public waters (regardless of whether or not a boat is used), you will need a charter boat operator license from the Division of Fish and Wildlife. If you will be taking person for hire on public waters with a boat, periodic boat inspections from the Division of Law Enforcement will also be required. Information on the charter operator regulations are provided below and can be found under IC 14-22-15; 312 IAC 5-14-2 and 312 IAC 9-7-17. Enclosed also please find some of the regulations for boat inspections, which are required for all boats taking passengers for hire. Please call the Division of Law Enforcement at (317) 232-4010 if you have additional questions about boat inspections.

The charter boat operator's license cost \$100 per year, and requires submitting monthly reports from the date the license is issued and which indicate the waters fished, numbers of fish caught, and number of individuals fishing for hire. Monthly reports must be provided even if no waters are fished that month. However, a charter operator may submit a request to place the boat on Inactive Status for the remainder of a calendar year, during which time no fishing will occur and no monthly reporting is required. Alternating between inactive status and fishing with a calendar year is not allowed. You may contact Dorothy Corns in the Division of Fish and Wildlife at 317-232-4102 for a charter boat operator's license application.

Charter Boat License Statute

IC 14-22-15

Chapter 15. Charter Fishing Boat Operator's License

IC 14-22-15-1

License requirement

Sec. 1. An individual may not take another individual sport fishing for hire on:

- (1) Indiana waters;
- (2) waters containing state owned fish; or
- (3) boundary waters of Indiana

without a charter fishing boat operator's license issued by the director.

As added by P.L.1-1995, SEC.15.

IC 14-22-15-2

Annual fee

Sec. 2. The annual fee for a charter fishing boat operator's license for a resident or a nonresident is one hundred dollars (\$100).

As added by P.L.1-1995, SEC.15.

IC 14-22-15-3

Validity; expiration

Sec. 3. A charter fishing boat operator's license:

- (1) is valid for one (1) year; and
- (2) expires December 31 of the year for which the license is issued.

As added by P.L.1-1995, SEC.15.

IC 14-22-15-4

Records and reports

Sec. 4. (a) An individual having a charter fishing boat operator's license shall keep an accurate record of the following:

- (1) Each day's catch of fish.
- (2) Other related information that the department requires by rule.

(b) Before the fifteenth day of each month, the charter fishing boat operator shall report the previous month's record required under subsection (a) to the department on forms furnished by the department. The report shall be made even if no fish are caught.

As added by P.L.1-1995, SEC.15.

IC 14-22-15-5**Failure to keep records or make reports**

Sec. 5. The director may:

- (1) refuse under IC 4-21.5-3-5 to grant, renew, or restore; or
- (2) suspend or revoke under IC 4-21.5-3-;

a license of an individual who fails to keep a record or make a report required by section 4 of this chapter.

As added by P.L.1-1995, SEC.15.

IC 14-22-15-6**Operation without license**

Sec. 6. A person who acts as a charter fishing boat operator without a license in violation of section 1 of this chapter commits a Class B infraction.

As added by P.L.1-1995, SEC.15.

IC 14-22-15-7**Violations regarding records and reports**

Sec. 7. A person who:

- (1) fails to keep accurate records in violation of section 4(a) of this chapter; or
- (2) fails to report monthly to the department in violation of section 4(b) of this chapter;

commits a Class C infraction.

As added by P.L.1-1995, SEC.15.

Charter Boat License Administrative Rule**312 IAC 9-7-17 Charter fishing boat operator's license**

Authority: IC 14-22-2-6; IC 14-22-15

Affected: IC 14-22-15-4

Sec. 17. (a) An individual may not take another individual sport fishing for hire on:

- (1) Indiana waters;
- (2) waters containing state-owned fish; or
- (3) State boundary waters;

without a charter fishing boat operator's license issued by the director under IC 14-22-15-4 and this section.

(b) A license holder under this section shall, on a departmental form, keep legible and accurate daily fishing records of the:

- (1) species;
- (2) numbers, locations, and dates of fish taken; and
- (3) number of fishermen and hours fished;

while engaged in charter fishing. These daily records shall be recorded before the licensed fishing person departs the boat at the conclusion of the fishing trip.

(c) A license holder under this section shall, on a departmental form, prepare a monthly report of the information maintained on the daily fishing records. The monthly report shall be submitted to the director or the director's representative before the fifteenth day of each month following the month covered. The report shall be submitted each month regardless of whether charter fishing activity occurs in the month covered unless the license holder has submitted an Inactive License Form to signify that no fishing activity will take place for the remainder of the calendar year. The Inactive License Form shall be submitted to the director or the director's representative before the fifteenth day of the month following the month the license is deemed inactive.

(d) The director or the director's representative may, at any reasonable time, inspect the daily fishing records required under subsection (b) or IC 14-22-15-4.

BOAT INSPECTIONS
Passenger-for-Hire Watercraft

IC 14-15-6-1

Certificate of inspection and registration; requirement

Sec. 1. (a) A person may not operate a boat upon public water to carry passengers for hire unless the following conditions are met:

- (1) The department has inspected and registered the boat.
- (2) A certificate of inspection and registration issued by the department is affixed to the boat in a prominent place within the clear view of the passengers.

(b) A certificate of inspection and registration expires one (1) calendar year after the date on which the watercraft was inspected. However, the department may extend the expiration date for not more than thirty (30) days if conditions exist that would prevent the inspection of the watercraft before the first anniversary of the previous inspection.

IC 14-15-6-2

Certificate of inspection and registration; issuance

Sec. 2. (a) Before issuing a certificate of inspection and registration for a passenger boat, the department shall have the boat, including all motors, machinery, and equipment, thoroughly and carefully inspected by a competent person.

(b) If the department finds that:

- (1) the boat, including motors, machinery, and equipment, is:
 - (A) of a suitable design and construction for the service in which the boat is or is to be employed; and
 - (B) in a good, safe, and sound operating condition and state of repair that warrants the belief that the boat can be operated with safety in the service;

(2) the boat, including motors, machinery, and equipment, is in compliance with this article and the rules adopted under this article; and

(3) property tax under IC 6-1.1 is not owed on the boat, as evidenced by the tax receipt for payment from the appropriate county treasurer; the department shall register the boat and issue a certificate.

(c) If the department does not find the conditions in subsection (b), the department shall immediately notify the owner of the boat why the boat fails to meet the requirements.

IC 14-15-6-3

Fees

Sec. 3. (a) The department shall charge and collect a fee for the following:

- (1) Each annual dockside inspection.
- (2) Each dry dock inspection, which shall be conducted at least one (1) time every sixty (60) months.

(b) The following fees shall be charged:

(1) All watercraft, except sailboats, carrying not more than six (6) passengers for hire on navigable water of Indiana:

- (A) Dockside inspection..... \$ 50
- (B) Dry dock inspection..... \$ 75

(2) All watercraft, except sailboats, carrying not more than six (6) passengers for hire on inland water of Indiana:

- (A) Dockside inspection..... \$ 30
- (B) Dry dock inspection..... \$ 30

(3) All watercraft, except sailboats, carrying more than six (6) passengers for hire on inland water of Indiana:

- (A) Dockside inspection..... \$ 75
- (B) Dry dock inspection..... \$100

(4) All watercraft propelled primarily by sail that carry passengers for hire on navigable or inland water of Indiana:

- (A) Dockside inspection..... \$ 50

(B) Dry dock inspection..... \$ 75

IC 14-15-6-4

Inspections; taking or suspension of certificate

Sec. 4. (a) The department may:

- (1) periodically; and
- (2) with or without notice;

inspect a registered passenger boat.

(b) If the department finds from the inspection that the boat would not be entitled to registration if registration were sought at that time, the department shall immediately notify the owner of the boat the reason the boat fails to meet the requirements. The department may:

- (1) take possession of a certificate of inspection and registration issued for the boat; and
- (2) suspend the operation of the certificate of inspection and registration;

pending the correction of the deficiencies.

IC 14-15-6-5

Operation during suspension of certificate prohibited

Sec. 5. The owner of a passenger boat whose registration has been suspended under section 4 of this chapter may not use the boat or permit the boat to be used to carry passengers for hire until:

- (1) the deficiencies have been corrected; and
- (2) the certificate of inspection and registration has been issued or restored.

IC 14-15-6-6

Contents of certificate

Sec. 6. Each certificate of inspection and registration must certify that the inspection has been made and must set forth, among other things, the following:

- (1) The date of inspection.
- (2) A description of the boat, including motors, machinery and equipment.
- (3) The age of the boat.
- (4) The maximum weight, including both passengers and property, that may safely be carried on the

boat.

IC 14-15-6-7

Display of maximum weight

Sec. 7. A person may not operate a passenger boat unless there is painted on the outside of the boat, both to starboard and to port and in a conspicuous place, the maximum weight, including passengers and property, that may safely be carried on the boat, as set forth in the certificate.

IC 14-15-6-8

Operation in excess of maximum weight prohibited

Sec. 8. A person may not operate a passenger boat with persons or property on board in excess of the maximum weight, including passengers and property, that may safely be carried on the boat, as set forth in the certificate.

IC 14-15-6-9

Procedure upon sale of boat

Sec. 9. (a) Upon the sale of a passenger boat, the purchaser shall within ten (10) days do the following at the same time:

- (1) Give notice in writing to the department of the sale and the date of the sale.
- (2) Surrender the certificate to the department for cancellation.

(b) The department shall, upon receipt, issue a new certificate of inspection and registration to the purchaser. The department shall charge and collect a fee of five dollars (\$5) for issuing the certificate.

IC 14-15-6-10

Violations

Sec. 10. A person who violates this chapter commits a Class C infraction.

312 IAC 5-2-6 "Carry passengers for hire" defined

Authority: IC 14-10-2-4; IC 14-11-2-1; IC 14-15-7-3

Affected: IC 14

Sec. 6. "Carry passengers for hire" means to carry or transport passengers for a passage or trip in consideration of a fare or charge. The phrase does not mean to carry or transport passengers or guests without

charge or to lease or rent a boat to a lessee to be operated by the lessee as the lessee's for an hour, a day, a week, or other fixed period of time.

312 IAC 5-14-1 Boats carrying passengers for hire; application; delegation; exemptions; maintenance of equipment in a good and serviceable condition

Authority: IC 14-10-2-4; IC 14-15-7-3; IC 14-15-7-5

Affected: IC 14-15

Sec. 1. (a) This rule governs the inspection, maintenance, and operation of boats carrying passengers for hire upon public water.

(b) Except as provided in subsection (c), a person must not operate a boat carrying passengers for hire unless the person complies with IC 14-15 and this rule. These requirements apply to the operator and the owner, regardless of whether an operator or owner is onboard.

(c) A person who presents valid and current documentation to evidence a boat is regulated and inspected by the United States Coast Guard, and who is in conformance with the regulation and inspection, is exempted from this rule.

(d) The division director may authorize a qualified person, other than an employee of the department, to conduct an inspection or other function of the department under this rule.

(e) An owner must maintain all equipment associated with a boat carrying passengers for hire in a good and serviceable condition as determined by a marine inspector.

(f) Operations relating to a boat carrying passengers for hire must be performed by or on behalf of the owner according to good marine practice and standards.

312 IAC 5-14-2 Inspections of boats carrying passengers for hire

Authority: IC 14-10-2-4; IC 14-15-7-3; IC 14-15-7-5

Affected: IC 14-15-6-3

Sec. 2. (a) An owner must annually apply to the department for an inspection of any boat carrying passengers for hire. The application must be accompanied by a nonrefundable fee according to the schedule established by IC 14-15-6-3.

(b) Upon receipt of the application, the department shall inspect the boat (and its equipment) to determine whether the boat conforms to good marine practice and standards, IC 14-15-6, and this rule. An inspection shall be conducted at least as frequently as follows:

(1) One (1) dockside inspection every year.

(2) One (1) drydock inspection every sixty (60) months.

(c) A boat must not be operated until an owner receives approval of the application.

(d) The department may inspect a boat carrying passengers for hire at any other reasonable time.

312 IAC 5-14-3 Drydock inspections; shutoff valves for through-hull fittings

Authority: IC 14-10-2-4; IC 14-15-7-3; IC 14-15-7-5

Affected: IC 14

Sec. 3. (a) A boat must satisfy a drydock inspection conducted by a marine inspector before carrying passengers for hire. The department shall subsequently require successful completion of a drydock inspection at intervals not to exceed sixty (60) months.

(b) Before an inspection, the owner must remove or store each of the following:

(1) Fishing gear.

(2) Coolers.

(3) Personal belongings.

(4) Any other equipment that may impede the inspection process.

(c) Before or during an inspection, the owner must do both of the following:

(1) Open or remove all hatches or inspection ports.

(2) Cause the boat to be clean and orderly.

(d) During an inspection, the owner must make available for inspection all of the following:

(1) The hull and appendages.

(2) Propellers.

(3) Shafting.

(4) Stern bearings.

(5) Rudders.

- (6) Through-hull fittings.
- (7) Sea valves.
- (8) Strainers.
- (9) Outdrive units.
- (10) Outboard power units.
- (11) Entire interior and exterior of the boat.
- (e) To assure that a boat conforms to good marine practice and standards, a marine inspector may require the owner of the boat to remove portions of the following:
 - (1) Lining.
 - (2) Decking.
 - (3) Ceiling.
 - (4) Any other obstructions to a complete inspection.
- (f) An owner must fit any through-hull fittings located below the waterline of a boat with a readily accessible shutoff valve. The shutoff valve shall be located as closely as practicable to the through-hull fitting.

312 IAC 5-14-12 Passenger capacity

Authority: IC 14-10-2-4; IC 14-15-7-3; IC 14-15-7-5

Affected: IC 14

Sec. 12. (a) The maximum passenger capacity on a boat is the greatest number that results from application of the following alternative formulae:

- (1) For a boat that does not have a boat capacity plate, the following:
 - (A) One (1) passenger per thirty (30) inches of rail space available to passengers at the sides and across the transom of the boat.
 - (B) One (1) passenger for ten (10) square feet of deck available for passenger use. In computing deck area, the areas occupied by concession stands, toilets and washrooms, companionways, and stairways are excluded.
 - (C) One (1) passenger per eighteen (18) inches of width of fixed seating.
- (2) For a boat that has or is required to have a boat capacity plate, the following:
 - (A) $(\text{Weight capacity minus maximum motor and gear weight}) / 150 = \text{number of passengers}$.
 - (B) $(\text{Boat length multiplied by boat beam}) / 15 = \text{number of passengers}$.
- (b) The marine inspector shall calculate the number of passengers that may safely be transported on a boat carrying passengers for hire. The number shall be set forth on the certificate of inspection.

312 IAC 5-14-13 Repairs and alterations; reinspections

Authority: IC 14-10-2-4; IC 14-15-7-3; IC 14-15-7-5

Affected: IC 14

- Sec. 13. (a) If a boat is involved in an accident resulting in damage, including grounding, or is to be hauled out and drydocked for major repairs or alterations affecting the seaworthiness of the boat, the owner must immediately report to the department the nature of the damage repairs or alterations. Damage does not include breakage of glass, lights, or decorative items.
- (b) All repairs and alterations shall be approved in advance by the marine inspector. A marine inspector may require drawings, sketches, or written specifications.
 - (c) A boat must not be returned to service or returned to the water until all repairs or alterations are completed and the boat is reinspected and approved by a marine inspector. A marine inspector shall reinspect the boat as soon as practicable after being notified alterations are completed.
 - (d) If corrections or repairs to a boat or associated equipment result from an inspection by a marine inspector, the owner must notify the marine inspector before returning the boat to service or to the water. A marine inspector shall reinspect the boat as soon as practicable after being notified repairs are completed.
 - (e) A marine inspector shall require an owner to remove a boat from the water or to correct any equipment or condition that poses a safety hazard.
 - (f) The department shall deny the issuance of a certificate of inspection if a boat is determined to be unsafe to carry passengers for hire.
 - (g) Notification to the department is not required for general maintenance drydocking or hauling out.

312 IAC 5-14-14 Dockside inspections

Authority: IC 14-10-2-4; IC 14-15-7-3; IC 14-15-7-5

Affected: IC 14

Sec. 14. During a dockside inspection, the owner of a boat must do both of the following:

- (1) Submit all required safety apparatus for dockside inspection.
- (2) Operate all machinery, steering, and bilge pumps as needed to determine if they are in satisfactory condition and fit for safe and constant operation.

312 IAC 5-14-21 Certificate of inspection; issuance; posting; revocation

Authority: IC 14-10-2-4; IC 14-15-7-3; IC 14-15-7-5

Affected: IC 4-21.5-3-8; IC 4-21.5-4; IC 14-15

Sec. 21. (a) Upon satisfactory completion of the required drydock and annual dockside inspections, the department shall issue a certificate of inspection to expire one (1) year after the date on which the boat was inspected. The department may extend the expiration date for a period not to exceed thirty (30) days if conditions exist that would prevent the inspection of the boat before the first anniversary of the previous inspection.

(b) Except as provided in this subsection, the certificate of inspection must be placed under transparent material and posted conspicuously on the boat. If posting is impracticable, the certificate must be kept onboard and shown on demand.

(c) The department shall issue stickers with each certificate. The stickers must be affixed conspicuously to the port and starboard sides of the boat.

(d) The department may, under IC 4-21.5-3-8 or IC 4-21.5-4, revoke a certificate issued under this section for any of the following reasons:

- (1) Changes occur to a boat after the issuance of the certificate so that the boat no longer meets the minimum standards for certification.
- (2) The owner, the captain, or a crew member violates IC 14-15 or this rule.
- (3) Information significant to the issuance of the certificate has been falsified or concealed.

312 IAC 5-14-22 Pilot's license on waters of concurrent jurisdiction

Authority: IC 14-10-2-4; IC 14-15-7-3; IC 14-15-7-5

Affected: IC 14

Sec. 22. (a) A pilot's license is required to operate a boat on waters of concurrent jurisdiction.

(b) Except as provided in this subsection, the pilot's license must be framed under transparent material and posted conspicuously on the boat. If display is impracticable, the license must be carried onboard and shown on demand.

312 IAC 5-14-23 Marine liability insurance

Authority: IC 14-10-2-4; IC 14-15-7-3; IC 14-15-7-5

Affected: IC 14

Sec. 23. The owner of a boat carrying passengers for hire must maintain marine liability insurance for bodily injury in the lesser of the following amounts:

- (1) Eighty-five thousand dollars (\$85,000) per passenger per accident.
- (2) One million dollars (\$1,000,000) in the aggregate.