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SENATE BILL NO. 750

Offered January 24, 2000

A BILL to amend and reenact §§ 28.2-302.5 and 29.1-301 of the Code of Virginia, relating to free fishing days.

Patrons—Rerras, Barry, Hanger, Miller, K.G., Potts, Puller and Stolle

Referred to Committee on Agriculture, Conservation and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That §§ 28.2-302.5 and 29.1-301 of the Code of Virginia are amended and reenacted as follows:

§ 28.2-302.5. Exemptions to saltwater recreational fishing license.

A. The following persons shall be exempt from the requirements of obtaining a saltwater recreational fishing license as set forth in § 28.2-302.1:

1. A person under the age of sixteen or a person who has attained the age of sixty-five.

2. A person fishing from his own private real property, the nonpaying guest of the owner, or a member of the immediate family of the owner.

3. A person fishing from a licensed recreational boat licensed pursuant to § 28.2-302.7.

4. A person fishing from a licensed headboat, charterboat or pier licensed pursuant to § 28.2-302 or § 28.2-302.8.

5. A person fishing with gear licensed by the Commission.

6. The holder of a valid recreational fishing license issued by another state or jurisdiction, upon determination of reciprocity of the license by the Commissioner.

7. Members of the following groups, as determined by the Commissioner:

a. Organized groups of individuals with physical or mental limitations;

b. Organized groups of military veterans residing in veterans' hospitals; and

c. School groups, grades kindergarten through twelve, participating in school-sponsored trips.

8. A permanently and totally disabled person as defined in § 58.1-3217 holding a special lifetime saltwater recreational fishing license issued pursuant to § 28.2-302.10.

9. A person holding a lifetime saltwater recreational fishing license issued pursuant to § 28.2-302.10:1.

B. No saltwater recreational fishing licenses shall be required on days that are designated as free fishing days. The Commissioner shall designate no more than three free fishing days in any calendar year. This exemption shall not apply to headboats, charterboats, or rental boats.

§ 29.1-301. Exemptions from license requirements.

A. No license shall be required of landowners, their spouses, or their children and minor grandchildren, resident or nonresident, to hunt, trap and fish within the boundaries of their own lands and inland waters or while within such boundaries or upon any private permanent extension therefrom, to fish in any abutting public waters.

B. No license shall be required of any stockholder owning fifty percent or more of the stock of any domestic corporation owning land in this Commonwealth, his or her spouse and children and minor grandchildren, resident or nonresident, to hunt, trap and fish within the boundaries of lands and inland waters owned by the domestic corporation.

C. No license shall be required of bona fide tenants, renters or lessees to hunt, trap or fish within the boundaries of the lands or waters on which they reside or while within such boundaries or upon any private permanent extension therefrom, to fish in any abutting public waters if such individuals have the written consent of the landlord upon their person. A guest of the owner of a private fish pond shall not be required to have a fishing license to fish in such pond.

D. No license shall be required of resident persons under sixteen years old to fish.

D1. No license shall be required of resident persons under twelve years old to hunt, provided such person is accompanied and directly supervised by an adult who has, on his person, a valid Virginia hunting license as described in subsection B of § 29.1-300.1.

E. No license shall be required of a resident person sixty-five years of age or over to hunt or trap on private property in the county or city in which he resides. An annual license at a fee of one dollar shall be required of a resident person sixty-five years of age or older to fish in any inland waters of the Commonwealth which shall be in addition to a license to fish for trout as specified in subsection B of § 29.1-310. A resident sixty-five years of age or older may, upon proof of age satisfactory to the Department and the payment of a one-dollar fee, apply for and receive from any authorized agent of the Department a nontransferable annual license permitting such person to hunt or an annual license

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60 permitting such person to trap in all cities and counties of the Commonwealth. Any lifetime license
61 issued pursuant to this article prior to July 1, 1988, shall remain valid for the lifetime of the person to
62 whom it was issued. Any license issued pursuant to this section includes any damage stamp required
63 pursuant to Article 3 (§ 29.1-352 et seq.) of this chapter.

64 F. No license to fish, except for trout as provided in subsection B of § 29.1-310, shall be required of
65 nonresident persons under twelve years of age when accompanied by a person possessing a valid license
66 to fish in Virginia.

67 G. No license shall be required to trap rabbits with box traps.

68 H. No license shall be required of resident persons under sixteen years of age to trap when
69 accompanied by any person eighteen years of age or older who possesses a valid state license to trap in
70 this Commonwealth.

71 I. No license to hunt, trap or fish shall be required of any Indian who habitually resides on an Indian
72 reservation; however, such Indian must have on his person an identification card or paper signed by the
73 chief of his reservation, setting forth that the person named is an actual resident upon such reservation.
74 Such card or paper shall create a presumption of residence, which may be rebutted by proof of actual
75 residence elsewhere.

76 J. No license to fish shall be required of legally blind persons.

77 K. No fishing license shall be required in any inland waters of the Commonwealth, except those
78 stocked with trout by the Department or other public body, on free fishing days. The Board shall
79 designate no more than ~~two~~ *three* free fishing days in any calendar year.

80 L. No license to fish, except for trout as provided in subsection B of § 29.1-310, in Laurel Lake and
81 Beaver Pond at Breaks Interstate Park shall be required of a resident of the State of Kentucky who (i)
82 possesses a valid license to fish in Kentucky or (ii) is exempt under Kentucky law from the requirement
83 of possessing a valid fishing license.

84 M. No license to hunt shall be required of any person who is not hunting but is aiding a disabled
85 person to hunt when such disabled person possesses a valid Virginia hunting license under § 29.1-302 or
86 § 29.1-302.1.