

# VIRGINIA ACTS OF ASSEMBLY -- 2002 SESSION

## CHAPTER 215

*An Act to amend and reenact §§ 28.2-302.1 and 28.2-302.5 of the Code of Virginia, relating to exemptions to the saltwater recreational fishing license.*

[H 613]

Approved March 22, 2002

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 28.2-302.1 and 28.2-302.5 of the Code of Virginia are amended and reenacted as follows:**

§ 28.2-302.1. Recreational license required.

~~On and after January 1, 1993, except~~ *Except* in areas under the jurisdiction of the Department of Game and Inland Fisheries, ~~in the waters of the ocean or eastern side of Virginia,~~ and as provided in § 28.2-302.5, a person shall not take or catch fish with rod and reel or hand line or by spearing or gigging in the tidal waters of the Commonwealth *under the jurisdiction of the Commission* without first obtaining a saltwater recreational fishing license. The license required by this section and issued pursuant to §§ 28.2-302.2, 28.2-302.6, 28.2-302.7, 28.2-302.8, 28.2-302.9 or § 28.2-302.10 shall not be transferable.

§ 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 *that he owns or rents*, the nonpaying guest of ~~the owner such person~~, or a member of the immediate family of ~~the owner such person~~.
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.
10. *A person fishing from a federally owned park or reserve with boundaries extending into an adjoining state that does not require a saltwater fishing license.*

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.