

VIRGINIA ACTS OF ASSEMBLY -- 2004 SESSION

CHAPTER 486

An Act to amend and reenact §§ 28.2-302.1 and 29.1-311 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 28.2-302.2:1 and 29.1-310.2, relating to establishment of combined recreational sportfishing licenses.

[H 1452]

Approved April 12, 2004

Be it enacted by the General Assembly of Virginia:

1. That §§ 28.2-302.1 and 29.1-311 of the Code of Virginia are amended and reenacted, and that the Code of Virginia is amended by adding sections numbered 28.2-302.2:1 and 29.1-310.2 as follows:

§ 28.2-302.1. Recreational license required.

Except in areas under the jurisdiction of the Department of Game and Inland Fisheries 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, 28.2-302.2:1, 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.

§ 28.2-302.2:1. *Special combined individual sportfishing licenses.*

A. Residents and nonresidents of the Commonwealth may obtain a special combined sportfishing license to fish in all inland waters and the tidal waters of the Commonwealth during the open season. For residents, this license shall be in lieu of the state resident fishing license required by subdivision A 2 of § 29.1-310, and the saltwater recreational license required by § 28.2-302.1. The cost of this license for residents shall be \$19.50. For nonresidents, this license shall be in lieu of the state nonresident fishing license required by subdivision A 3 of § 29.1-310 and the saltwater recreational license required by § 28.2-302.1. The cost of this license for nonresidents shall be \$37.50.

Agents of the Commission shall retain \$.50 as compensation for issuing each license. Of the funds collected under this subsection, (i) \$7 per license sold shall be paid into the state treasury to the credit of the Virginia Saltwater Recreational Fishing Development Fund, as established in § 28.2-302.3 and (ii) \$12 per resident license sold and \$30 per nonresident sold shall be paid into the state treasury to the credit of the Game Protection Fund, as established in § 29.1-101.

B. Residents and nonresidents of the Commonwealth may obtain a special combined sportfishing trip license to fish in all inland waters and tidal waters of the Commonwealth during the open season. This license shall be in lieu of the trip fishing license specified in subsection A of § 29.1-311 and the saltwater recreational license required by § 28.2-302.1. The cost of the license shall be \$10.50 for residents and \$15.50 for nonresidents. The license shall be valid for five successive days as specified on the face of the license. Agents of the Commission shall retain \$.50 as compensation for issuing each license. Of the funds collected under this subsection, (i) \$5 per license sold shall be paid into the state treasury to the credit of the Virginia Saltwater Recreational Fishing Development Fund and (ii) \$5 per resident license sold and \$10 per nonresident license sold shall be paid into the state treasury to the credit of the Game Protection Fund.

§ 29.1-310.2. *Special combined individual sportfishing licenses.*

Residents and nonresidents of the Commonwealth may obtain a special combined sportfishing license to fish in all inland waters and the tidal waters of the Commonwealth during the open season. For residents, this license shall be in lieu of the state resident fishing license required by subdivision A 2 of § 29.1-310, and the saltwater recreational license required by § 28.2-302.1. The cost of this license for residents shall be \$19. For nonresidents, this license shall be in lieu of the state nonresident fishing license required by subdivision A 3 of § 29.1-310 and the saltwater recreational license required by § 28.2-302.1. The cost of this license for nonresidents shall be \$37.

Of the funds collected under this subsection, (i) \$7 per license sold shall be paid into the state treasury to the credit of the Virginia Saltwater Recreational Fishing Development Fund, as established in § 28.2-302.3 and (ii) \$12 per resident license sold and \$30 per nonresident sold shall be paid into the state treasury to the credit of the Game Protection Fund, as established in § 29.1-101.

§ 29.1-311. Trip fishing license for residents and nonresidents; trout stocked waters.

A. Residents and nonresidents of the Commonwealth may obtain trip fishing licenses to fish in the freshwater creeks, bays, inlets and streams of the Commonwealth, or in any of the impounded waters of the Commonwealth during the open season for game fish. These licenses shall be in lieu of the regular season state or county fishing license required under subsection A of § 29.1-310. The fee for the trip fishing license shall be ~~five dollars~~ \$5 for residents, ~~six dollars~~ \$10 for nonresidents, and the license

shall be effective for five successive days as specified on the face of the license.

B. Residents and nonresidents of the Commonwealth may obtain a special combined sportfishing trip license to fish in all inland waters and tidal waters of the Commonwealth during the open season. This license shall be in lieu of the trip fishing license specified in subsection A and the saltwater recreational license required by § 28.2-302.1. The cost of the license shall be \$10 for residents and \$15 for nonresidents. The license shall be valid for five successive days as specified on the face of the license. Of the funds collected under this subsection, (i) \$5 per license sold shall be paid into the state treasury to the credit of the Virginia Saltwater Recreational Fishing Development Fund as established in § 28.2-302.3 and (ii) \$5 per resident license sold and \$10 per nonresident license sold shall be paid into the state treasury to the credit of the Game Protection Fund as established in § 29.1-101.

C. Possession of a trip fishing license by a nonresident shall not entitle him to fish in designated waters stocked with trout by the Department or other public body unless he also possesses the trout license required under subsection B of § 29.1-310 or has obtained the special lifetime trout fishing license pursuant to § 29.1-302.4.

€ D. Possession of a trip fishing license by a resident shall not entitle him to fish in designated waters stocked with trout by the Department or other public body. Residents shall only be entitled to fish in such waters if they possess (i) a regular season state or county fishing license and (ii) a trout license, as required by § 29.1-310, or a special lifetime trout fishing license pursuant to § 29.1-302.4.

2. That the provisions of this act shall become effective on January 1, 2005.