

VIRGINIA ACTS OF ASSEMBLY -- 2005 SESSION

CHAPTER 124

An Act to amend and reenact §§ 28.2-226.1 and 28.2-302.1 of the Code of Virginia, relating to requiring a saltwater recreational fishing license for certain gear.

[H 2815]

Approved March 20, 2005

Be it enacted by the General Assembly of Virginia:

1. That §§ 28.2-226.1 and 28.2-302.1 of the Code of Virginia are amended and reenacted as follows:

§ 28.2-226.1. Recreational gear license required.

A. Any person desiring to take or catch finfish or shellfish for recreational purposes in the tidal waters of the Commonwealth using commercial gear authorized under § 28.2-226.2, and for which an exemption is not provided in § 28.2-226, *or included in § 28.2-302.1*, shall first obtain the appropriate commercial gear license for recreational purposes. A license to use such gear for recreational purposes shall be issued to an individual for his exclusive use and shall not be transferable.

B. All gear licenses issued for recreational purposes shall be so marked.

C. Any person who has obtained a commercial gear license for recreational purposes only shall be exempt from the commercial fishing registration requirements of §§ 28.2-241 and 28.2-242.

D. For purposes of this section and § 28.2-226.2, "recreational purposes" means finfish or shellfish taken for personal use and not sold, traded, bartered or given to another in order to be sold, traded or bartered.

E. Holders of licenses under this section shall report catch and other data as is deemed necessary by the Commission for effective fisheries management.

§ 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, *with a cast net, with a dip net, or by using up to two eel pots* 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.