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HOUSE BILL NO. 1719

Offered January 14, 2009

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A *BILL to amend and reenact §§ 28.2-226.2, 28.2-227, 28.2-228, 28.2-228.1, 28.2-241, 28.2-301, 28.2-302, 28.2-302.2, 28.2-302.2:1, 28.2-302.6, 28.2-302.7, 28.2-302.7:1, 28.2-302.8, 28.2-302.9, 28.2-302.10, 28.2-302.10:1, 28.2-315, 28.2-402, 28.2-502, 28.2-504, 28.2-702, 29.1-300.4, 29.1-302.1, 29.1-302.2, 29.1-302.3, 29.1-302.4, 29.1-303, 29.1-303.1, 29.1-303.2, 29.1-303.3, 29.1-304, 29.1-305, 29.1-306, 29.1-307, 29.1-309, 29.1-309.1, 29.1-309.2, 29.1-309.3, 29.1-310, 29.1-310.2, 29.1-311, 29.1-318, 29.1-339.2, and 29.1-343 of the Code of Virginia, relating to fees for hunting and fishing licenses.*

Patron—Cox

Referred to Committee on Agriculture, Chesapeake and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That §§ 28.2-226.2, 28.2-227, 28.2-228, 28.2-228.1, 28.2-241, 28.2-301, 28.2-302, 28.2-302.2, 28.2-302.2:1, 28.2-302.6, 28.2-302.7, 28.2-302.7:1, 28.2-302.8, 28.2-302.9, 28.2-302.10, 28.2-302.10:1, 28.2-315, 28.2-402, 28.2-502, 28.2-504, 28.2-702, 29.1-300.4, 29.1-302.1, 29.1-302.2, 29.1-302.3, 29.1-302.4, 29.1-303, 29.1-303.1, 29.1-303.2, 29.1-303.3, 29.1-304, 29.1-305, 29.1-306, 29.1-307, 29.1-309, 29.1-309.1, 29.1-309.2, 29.1-309.3, 29.1-310, 29.1-310.2, 29.1-311, 29.1-318, 29.1-339.2, and 29.1-343 of the Code of Virginia are amended and reenacted as follows:

§ 28.2-226.2. Commission to establish requirements for commercial gear licenses used for recreational purposes.

A. The Commission is authorized to establish the type and amount of commercial gear which can be used for taking finfish and shellfish for recreational purposes. The license fees for use of recreational gear shall be the same as fees charged for the particular gear when used commercially.

B. The Commission shall not issue to any licensee a recreational gear license which exceeds the following limitations:

1. One gill net up to 300 feet in length, \$7.50;
2. Up to 10 crab pots, \$29;
3. One crab trap or crab pound, \$5;
4. One crab scrape, \$16; or
5. Two eel pots, \$10.

C. All fees collected pursuant to this section shall be deposited in the state treasury and credited to the Virginia Marine Products Fund as established under § 3.1-684.63.

D. The Commission may subsequently revise the cost of licenses pursuant to § 28.2-201.

§ 28.2-227. Special nonresident harvester's license; fee and oath; revocation; penalty.

A. Any nonresident desiring to take or catch marine fish, crabs or any other seafood, except oysters, clams or other mollusks, from the tidal waters of the Commonwealth for which a license is required shall pay to any officer or agent a fee for a nonresident harvester's license. The fee, to be established by the Commission, shall be no less than \$350 or more than \$1,150 *or as subsequently revised by the Commission pursuant to § 28.2-201*. Three hundred fifty dollars of each fee shall be credited to the Virginia Marine Products Fund as provided under § 3.1-684.63. The remainder of the fee shall be credited to the Marine Fishing Improvement Fund, as established pursuant to § 28.2-208.

B. The license shall be required of each boat used in Virginia's tidal waters and shall be in addition to any other licenses required for the activity involved.

C. The nonresident shall state under oath his true name and address, the name and number of the boat being licensed, and that he will not violate any of the laws of this Commonwealth governing the taking and catching of seafood.

D. A nonresident harvester's license shall be required prior to the purchase of any other license for the harvesting of seafood. Revocation of this license in accordance with § 28.2-232 shall constitute revocation of any other license held by the nonresident under the provisions of this subtitle.

E. Any Virginia resident who enters into a partnership or other agreement with the intent to defeat the object of this section is guilty of a Class 1 misdemeanor.

§ 28.2-228. License for purchase of fish, shellfish, or marine organisms from the catcher; fee.

A. Any person, purchasing from the catcher, oysters or clams caught from the public grounds of the Commonwealth or the Potomac River, or crabs, fish, or other seafood caught from the waters of the Commonwealth or the Potomac River, shall pay a license fee of (i) fifty dollars for each place of

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59 business and (ii) twenty-five dollars for each boat or motor vehicle used for buying. *The Commission*
60 *may subsequently revise the cost of licenses pursuant to § 28.2-201.*

61 B. No license shall be required of any person purchasing seafood for personal consumption, any
62 place of business which is solely a restaurant, or any person who operates a business which is subject to
63 local license taxes under § 58.1-3703 and who has in his possession no more than one bushel of peeler
64 crabs to be sold as bait.

65 § 28.2-228.1. Seafood landing licenses.

66 A. The Commission may by regulation establish licenses for the landing of seafood in Virginia, the
67 fee for which shall not exceed \$150 *or as subsequently revised by the Commission pursuant to*
68 *§ 28.2-201.* The regulations may limit the number of such licenses that may be issued and may establish
69 eligibility criteria. Fees collected from the sale of seafood landing licenses shall be deposited to the
70 Marine Fishing Improvement Fund established in § 28.2-208.

71 B. The Commission may grant exceptions to the license requirement established in subsection A to
72 any person registered as a commercial fisherman under the provisions of § 28.2-241.

73 C. The following shall be Class 3 misdemeanors: (i) landing seafood without the license that may be
74 required under this section and (ii) failure to produce or have available for inspection the license that
75 may be required under this section when requested by any officer. Failure to produce the license is
76 prima facie evidence that the person is landing seafood without a license.

77 § 28.2-241. Registration of commercial fishermen required; exemption; penalty.

78 A. On and after January 1, 1993, holders of gear licenses, except those issued pursuant to § 28.2-402,
79 issued January 1, 1992, through December 31, 1992, shall register as commercial fishermen as provided
80 for in regulation.

81 B. [Repealed.]

82 C. On and after January 1, 1993, fishermen not registered as commercial fishermen but who desire to
83 sell their catch shall apply to the Commission for registration as commercial fishermen. The effective
84 date of status as a commercial fisherman shall be two years from the date the application is approved by
85 the Commission. A person whose registration as a commercial fisherman is not effective shall not sell,
86 trade or barter his catch or give his catch to another in order that it may be sold, traded or bartered.

87 D. For purposes of this section and §§ 28.2-242, 28.2-243 and 28.2-244, "commercial fisherman"
88 means any person who fishes in tidal waters using any gear and who sells, trades or barter his catch or
89 gives his catch to another in order that it may be sold, traded or bartered. The Commission shall
90 provide, by regulation, for exemptions from the definition of "commercial fisherman" those persons who
91 independently sell, trade or barter minnows and who are not part of, hired by, or engaged in a
92 continuing business enterprise as may be defined by the Commission. Such regulation may include, but
93 is not limited to, limits on the quantity of minnows that may be sold, traded or bartered by a person that
94 may be exempted from the definition of commercial fisherman.

95 E. The cost of registration as a commercial fisherman shall be \$150 annually, due no later than the
96 effective date of registration; however, the cost of registration for a person seventy years of age or older
97 shall be seventy-five dollars. All fees collected from the registration of commercial fishermen shall be
98 deposited in the state treasury and credited to the Marine Fishing Improvement Fund as established in
99 § 28.2-208. *The Commission may subsequently revise the cost of licenses in this section pursuant to*
100 *§ 28.2-201.*

101 F. Registrations of commercial fishermen shall not be transferable.

102 G. Whenever a court finds that a defendant has violated any of the provisions of this section, the
103 court shall assess a civil penalty of \$500. All civil penalties assessed pursuant to this section shall be
104 paid into the Marine Fishing Improvement Fund as established in § 28.2-208.

105 H. Only commercial fishermen with valid registrations may purchase licenses pursuant to
106 §§ 28.2-301, 28.2-501 and 28.2-702.

107 I. Persons who have obtained a recreational gear license pursuant to § 28.2-226.1 or § 28.2-302.1 are
108 exempt from the provisions of this section.

109 § 28.2-301. License fee for fishing in tidal waters.

110 Every applicant for a license to catch or take fish shall pay the following license fee *or such fee as it*
111 *may be subsequently revised by the Commission pursuant to § 28.2-201:*

- 112 1. On each pound net, \$25;
- 113 2. On each stake gill net of 1,200 feet in length or under with a fixed location, \$15;
- 114 3. On all other gill nets up to 600 feet, \$10;
- 115 4. On all other gill nets over 600 feet and up to 1,200 feet, \$15;
- 116 5. On each person using a cast net or throw net or similar device, \$8;
- 117 6. On each fyke net head, weir, or similar device, \$8;
- 118 7. For up to 100 fish pots or eel pots, \$12;
- 119 8. For over 100 but not more than 300 fish pots or eel pots, \$20;
- 120 9. For over 300 fish pots or eel pots, \$50;

10. For fish trotlines, \$12;

11. On each person using or operating a fish dip net, \$6;

12. On each haul seine under 500 yards in length used for catching fish, \$29; or

13. On each haul seine from 500 yards up to 1,000 yards in length used for catching fish, \$88.

§ 28.2-302. Commercial fishing pier; license fee; penalty.

A. The owner of a commercial fishing pier shall pay an annual license fee of ~~fifty dollars~~ \$50 or as subsequently revised by the Commission pursuant to § 28.2-201 for each pier that is over or upon the subaqueous beds of the Commonwealth.

B. Net fishing shall not be permitted within 300 yards of the sides or end of a commercial fishing pier. The Commission may decrease this distance if it considers 300 yards to be an excessive distance because of the size of the body of water where the pier is located. A violation of this subsection is a Class 3 misdemeanor.

C. The construction or erection of a commercial fishing pier on a subaqueous bed of the Commonwealth is subject to the permit requirements of § 28.2-1203.

D. For purposes of this section, a commercial fishing pier means any pier whose primary purpose is to allow fishing by the public for a fee. A public fishing pier operated by a political subdivision shall be considered to be a commercial fishing pier, although no fee is charged.

§ 28.2-302.2. Recreational license fee; cooperative program.

A. The annual fee for the saltwater recreational fishing license shall be seven dollars and fifty cents or as subsequently revised by the Commission pursuant to § 28.2-201. Agents of the Commission shall retain the agent's fee established by the Board of Game and Inland Fisheries pursuant to subsection B of § 29.1-327, except that the agent's fee shall be deducted from the license fee established by the Commission pursuant to subdivision 4 of § 28.2-201, as compensation for issuing each license.

B. All funds collected under this section 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.

C. The Commission shall enter into cooperative programs with the Department of Game and Inland Fisheries as are necessary to carry out the provisions of this section.

D. The Commission shall also have the power necessary to conduct and establish cooperative fish projects with the federal government as prescribed by Congress and in compliance with rules and regulations promulgated by the United States Secretary of the Interior.

E. Upon implementation of an automated point-of-sale licensing system, licenses issued under this section shall be valid for one year from their date of purchase.

§ 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 the agent's fee established by the Board of Game and Inland Fisheries pursuant to subsection B of § 29.1-327, except that the agent's fee shall be deducted from the license fee established by the Commission pursuant to subdivision 4 of § 28.2-201, 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 the agent's fee established pursuant to subsection B of § 29.1-327, except that the agent's fee shall be deducted from the license fee established by the Commission pursuant to subdivision 4 of § 28.2-201, 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.

C. The Commission may subsequently revise the cost of licenses in this section pursuant to § 28.2-201.

§ 28.2-302.6. Temporary license.

A. The Commission shall provide for issuance of a temporary saltwater recreational fishing license, which shall be valid for a stated period of time not to exceed ten consecutive days. The fee for the temporary license shall be five dollars *or as subsequently revised by the Commission pursuant to § 28.2-201*. Agents shall retain fifty cents as compensation for issuing each license.

B. All funds collected pursuant to this section shall be paid into the state treasury to the credit of the Virginia Saltwater Recreational Fishing Development Fund, as established by § 28.2-302.3.

§ 28.2-302.7. Recreational boat; reporting of catch.

A. The owner or operator of a recreational boat used for saltwater recreational fishing shall have the option of purchasing a saltwater recreational fishing license which covers his passengers and himself to meet the licensing requirements set forth in § 28.2-302.1. The cost of the license shall be ~~thirty dollars~~ *\$30 or as subsequently revised by the Commission pursuant to § 28.2-201* a year for boats. If the owner or operator of the boat does not purchase a license which covers all his passengers, individuals shall still purchase a license as required by § 28.2-302.1. Purchasers of licenses pursuant to this section will be issued an individual license, at no additional cost, as required in § 28.2-302.1.

B. Holders of licenses issued pursuant to subsection A shall report catch and other data as are deemed necessary by the Commission for effective fisheries management.

C. All funds collected pursuant to this section shall be paid into the state treasury to the credit of the Virginia Saltwater Recreational Fishing Development Fund, as established by § 28.2-302.3.

§ 28.2-302.7:1. Reissuance of licenses for recreational boats.

The Commission shall provide for the reissuance of a saltwater recreational fishing license to a person who holds a valid license for a recreational boat issued pursuant to § 28.2-302.7 and who owns or operates another recreational boat. The cost of reissuing a license shall be five dollars *or as subsequently revised by the Commission pursuant to § 28.2-201*. A reissued license shall be valid for the balance of the term of the original license.

§ 28.2-302.8. Headboat or charterboat; rental boats.

A. The Commission may establish the sale of a fishing guide license. If established, such fishing guide license shall be required for each charterboat and headboat captain. The Commission may limit the sale of such licenses when deemed necessary by the Commission for effective fisheries management. The application for the license shall include a copy of the applicant's current U.S. Coast Guard license permitting him to carry passengers for hire. The fee for the license shall not exceed \$100. The Commission may reduce the fee charged for the saltwater recreational fishing license under subsection B by an amount equal to the fee for the fishing guide license.

B. The owner of a headboat or charterboat annually shall purchase a recreational fishing license which covers his passengers and the captain and mate of the vessel to meet the requirements set forth in § 28.2-302.1. The annual cost of the license shall be \$150 for uninspected vessels licensed by the United States Coast Guard to carry six fishing passengers or fewer and, for boats United States Coast Guard certified to carry a number of fishing passengers greater than six, \$150 plus \$4 for each passenger over six for which the boat is designed. A headboat or charterboat owner who has purchased the license required under this subsection shall be issued, at no additional cost, the saltwater recreational fishing license issued pursuant to § 28.2-302.1.

C. The owner of a boat rental service shall purchase a recreational fishing license which covers his customers to meet the requirements set forth in § 28.2-302.1. The annual cost of the license shall be \$7.50 per boat with a maximum fee of \$500, whichever is less.

D. Charterboat and headboat operators shall report such data as are deemed necessary by the Commission for the effective fisheries management as a condition of issuance of the license.

E. All funds collected pursuant to this section shall be paid into the state treasury to the credit of the Virginia Saltwater Recreational Fishing Development Fund, as established by § 28.2-302.3. *The Commission may subsequently revise the cost of licenses in this section pursuant to § 28.2-201.*

§ 28.2-302.9. Commercial fishing pier.

A. The owner of a commercial fishing pier, as defined in § 28.2-302, shall have the option of purchasing a saltwater recreational fishing license, covering his customers, in order to meet the licensing requirements set forth in § 28.2-302.1. The cost of the license shall be \$450. If the owner of the pier does not purchase such a license, individuals shall still purchase a license as required by § 28.2-302.1.

B. Owners of commercial piers shall report catch and other data as are deemed necessary by the Commission for effective fisheries management.

C. All funds collected pursuant to this section shall be paid into the state treasury to the credit of the Virginia Saltwater Recreational Fishing Development Fund, as established by § 28.2-302.3. *The Commission may subsequently revise the cost of licenses in this section pursuant to § 28.2-201.*

§ 28.2-302.10. Special lifetime saltwater recreational fishing license; permanently and totally disabled persons.

A. Any resident who is permanently and totally disabled, as defined in § 58.1-3217, who applies for

a special lifetime saltwater recreational fishing license shall receive such a license for a fee of five dollars *or as subsequently revised by the Commission pursuant to § 28.2-201*. The applicant shall provide proof of permanent and total disability acceptable to the Commissioner.

B. All funds collected pursuant to this section shall be paid into the state treasury to the credit of the Virginia Saltwater Recreational Fishing Development Fund, as established by § 28.2-302.3.

§ 28.2-302.10:1. Lifetime saltwater recreational fishing licenses for residents and nonresidents.

A. Any resident or nonresident individual may apply for and receive from the Commission a lifetime saltwater recreational fishing license after payment of a fee of \$250, except as provided in subsection C. This license shall be valid for the life of the individual and shall not be transferable.

B. All funds collected pursuant to this section shall be paid into the state treasury to the credit of the Virginia Saltwater Recreational Fishing Development Fund, as established by § 28.2-302.3.

C. Any resident forty-five years of age or older who applies for the lifetime license authorized by this section shall receive such a license for one of the following fees based on age: age forty-five through fifty, \$120; age fifty-one through fifty-five, \$90; age fifty-six through sixty, \$60; and age sixty-one through sixty-four, \$30.

D. The Commission may subsequently revise the cost of licenses in this section pursuant to § 28.2-201.

§ 28.2-315. Fishing with trawl net within three-mile limit; license fee.

A. It is unlawful to catch fish, shellfish, or marine organisms within the three-mile limit of the Virginia Atlantic shoreline with trawl nets or similar devices. However, the Commission may issue licenses to trawl within the three-mile limit from Cape Charles north to the Maryland line, except during September and October and from 36° 40' north latitude south to the North Carolina line at any time, and from Cape Henry south to 36° 40' north latitude between October 1 and May 1.

B. The Commission, to protect or promote the fisheries, may close and open the area, or any part thereof, described in subsection A to trawling or restrict the manner, method, size, and season of catch.

C. The license fee to fish with a trawl net or similar device in the area described in subsection A shall be \$100 *or as subsequently revised by the Commission pursuant to § 28.2-201* for each boat so employed.

§ 28.2-402. License fee to take menhaden with purse nets.

Any person desiring to take or catch menhaden with purse nets shall pay to the officer or agent a license fee as follows *or as subsequently revised by the Commission pursuant to § 28.2-201*:

1. On each boat or vessel under seventy gross tons fishing with purse net, \$3 per gross ton, but not more than \$150.

2. On each vessel over seventy gross tons fishing with purse net, \$5 per gross ton, provided the maximum license fee for such vessels shall not be more than \$600.

The officer or agent shall thereupon grant a license to use such net or other device and state in the license the name or names of the person or persons who shall use the same and the amount of the license fee.

§ 28.2-502. License fees for taking oysters or clams in tidal waters.

Every resident who applies for a license to take or catch oysters and clams shall pay as follows *or as subsequently revised by the Commission pursuant to § 28.2-201*:

1. For each person taking or catching oysters by hand or with ordinary tongs, \$10;

2. For each single-rigged patent tong boat taking oysters, \$35;

3. For each double-rigged patent tong boat taking oysters, \$70;

4. For each person taking or catching clams by hand or with ordinary tongs, \$15;

5. For each single-rigged patent tong boat taking clams, \$35;

6. For each double-rigged patent tong boat taking clams, \$70; and

7. For each dredge used for taking or catching clams, \$50.

§ 28.2-504. License fee graduated; penalty.

A. Every person engaged in the business of shucking or packing oysters in Virginia shall pay a license fee based on the amount of oysters shucked or packed by him during the previous year.

B. The license fees to engage in the business of shucking or packing oysters are the following *or as such fees may be subsequently revised by the Commission pursuant to § 28.2-201*:

1. For under 1,000 gallons, \$7.50;

2. For 1,000 gallons up to 10,000, \$20;

3. For 10,000 gallons up to 25,000, \$45;

4. For 25,000 gallons up to 50,000, \$75;

5. For 50,000 gallons up to 100,000, \$125;

6. For 100,000 gallons up to 200,000, \$175; and

7. For 200,000 gallons or more, \$275.

Any person violating this section is guilty of a Class 1 misdemeanor.

305 C. The required license fee shall be collected in the same manner as other license fees collected
306 under Virginia oyster laws.

307 § 28.2-702. Licenses to take crabs; shedding operations; amount of fee.

308 Any person desiring to take or catch crabs for market or profit from the waters of this
309 Commonwealth, or waters under its jurisdiction, or any person desiring to engage in the business of
310 buying or marketing crabs for packing or canning crabs, shall pay to any officer the following fees *or*
311 *as such fees may be subsequently revised by the Commission pursuant to § 28.2-201:*

- 312 1. For each person taking or catching crabs by dip nets, \$8;
- 313 2. For ordinary trotlines, \$8;
- 314 3. For patent trotlines, \$31;
- 315 4. For up to 100 crab pots, \$29;
- 316 5. For over 100 but not more than 300 crab pots, \$48;
- 317 6. For over 300 but not more than 500 crab pots, \$100;
- 318 7. For over 500 crab pots, \$250;
- 319 8. For each boat used for taking or catching hard crabs with dredges, \$58;
- 320 9. For each crab trap or crab pound, \$5;
- 321 10. For each single-rigged crab-scrape boat, \$16;
- 322 11. For each double-rigged crab-scrape boat, \$32;
- 323 12. For up to 20 tanks and floats for shedding crabs, \$7.50;
- 324 13. For more than 20 tanks or floats for shedding crabs, \$15; and
- 325 14. For taking or catching peeler crabs using peeler pots, \$29.

326 § 29.1-300.4. Apprentice hunting license; deferral of hunter education.

327 A. There is hereby established an apprentice hunting license. The license shall be a one-time
328 nonrenewable license that shall be valid for two years from the date of purchase and shall entitle the
329 licensee to a one-time deferral of completion of hunter education required under § 29.1-300.1. The
330 apprentice hunting licensee shall not hunt unless accompanied and directly supervised by an adult over
331 the age of 18 who has, on his person, a valid Virginia hunting license. For the purposes of this section,
332 "accompanied and directly supervised" occurs when a person over 18 maintains a close visual and verbal
333 contact with, provides adequate direction to, and can immediately assume control of the firearm from the
334 apprentice hunter. The cost of the license shall be \$10 for a resident and \$20 for a nonresident. *The*
335 *Board may subsequently revise the cost of the license pursuant to § 29.1-103.*

336 B. Possession of a valid apprentice hunting license shall serve in lieu of the state resident hunting or
337 nonresident hunting license required under subdivisions 2 and 3 of § 29.1-303, respectively. The
338 purchase of any other hunting licenses shall be at the same cost as specified for residents or
339 nonresidents in this title or as subsequently revised by the Board pursuant to subdivision 16 of
340 § 29.1-103. The purchase of the apprentice hunting license shall not qualify the holder to purchase a
341 regular hunting license or exempt the licensee from compliance with the requirements of this title and
342 any regulations adopted by the Department. Any previous holder of a state resident or nonresident
343 hunting license issued under this title shall be prohibited from the purchase of an apprentice hunting
344 license for himself.

345 C. The Board may adopt regulations to carry out the provisions of this section.

346 § 29.1-302.1. Special lifetime hunting and fishing licenses for residents and nonresidents.

347 A. Any resident or nonresident individual may apply for and receive from the Department, after
348 payment of the appropriate fee, any of the following lifetime licenses which shall be valid for the life of
349 the individual, nontransferable, and permit the person to engage in the licensed activity on any property
350 in the Commonwealth according to restrictions and regulations of law:

351 1. A basic resident lifetime hunting license, to be obtained for a fee of \$250. This license is valid for
352 the lifetime of the license holder even if the license holder becomes a nonresident of the Commonwealth
353 subsequent to the purchase of the license.

354 2. A basic resident lifetime fishing license, to be obtained for a fee of \$250. This license is valid for
355 the lifetime of the license holder even if the license holder becomes a nonresident of the Commonwealth
356 subsequent to the purchase of the license.

357 3. A basic nonresident lifetime hunting license, to be obtained for a fee of \$500.

358 4. A basic nonresident lifetime fishing license, to be obtained for a fee of \$500.

359 5. A junior resident lifetime hunting license that is valid until an individual's twelfth birthday, and
360 which is transferable to a resident lifetime hunting license for no additional fee upon proof of
361 completion of a hunter education course or equivalent, may be obtained for a fee of \$250.

362 6. A junior nonresident lifetime hunting license that is valid until an individual's twelfth birthday,
363 and which is transferable to a nonresident lifetime hunting license for no additional fee upon proof of
364 completion of a hunter education course or equivalent, may be obtained for a fee of \$500.

365 Such basic lifetime hunting licenses shall serve in lieu of the state resident hunting license as
366 provided for in subdivision 2 of § 29.1-303, or state nonresident hunting license as provided for in

subdivision 3 of § 29.1-303. Such basic lifetime fishing licenses shall serve in lieu of the state resident fishing license as provided for in subdivision A 2 of § 29.1-310 or state nonresident fishing license as provided for in subdivision A 3 of § 29.1-310.

B. Applications for all lifetime hunting and fishing licenses authorized by this section shall be made to the Department. The form and issuance of such a license shall conform to the provisions of this chapter for all licenses.

Except as otherwise specifically provided by law, all money credited to, held by, or to be received by the Department from the sale of licenses authorized by this section shall be consolidated and placed in the Lifetime Hunting and Fishing Endowment Fund established in § 29.1-101.1.

C. Any resident who is permanently disabled, as defined in § 58.1-3217, who applies for either of the resident lifetime licenses authorized by this section shall receive such a license for a fee of five dollars. The applicant shall provide proof of permanent disability acceptable to the Director of the Department of Game and Inland Fisheries.

D. Any resident forty-five years of age or older who applies for either of the resident lifetime licenses authorized by this section shall receive such a license for one of the following fees based on age: age forty-five through fifty, \$200; age fifty-one through fifty-five, \$150; age fifty-six through sixty, \$100; age sixty-one through sixty-four, \$50; and age sixty-five or older, \$10.

E. The Board may subsequently revise the cost of licenses set forth in this section pursuant to § 29.1-103.

§ 29.1-302.2. Special lifetime fishing license; permanently disabled persons.

Any resident who is permanently disabled, as defined in § 58.1-3217, who applies for a special lifetime state resident fishing license shall receive such a license for a fee of five dollars *or as subsequently revised by the Board pursuant to § 29.1-103*. The applicant shall provide proof of permanent disability acceptable to the Director of the Department of Game and Inland Fisheries.

§ 29.1-302.3. Special guest fishing licenses.

An owner or bona fide lessee of private land bordering inland waters lying adjacent to North Carolina land or water may apply for a special guest fishing license entitling the licensee and his guests to fish from the property and any private dock, pier or other permanent extension into public waters without an additional fishing license except as required in designated waters stocked with trout and in waters where a daily fishing fee has been imposed pursuant to § 29.1-318. The annual fee of a special guest fishing license shall be ~~five dollars~~ *\$50 or as subsequently revised by the Board pursuant to § 29.1-103*. A special guest fishing license shall not be valid for any property, pier or dock operated for any commercial purpose. A special guest fishing license shall not be in force unless displayed on the premises of the property. A special guest fishing license shall not be transferable.

§ 29.1-302.4. Special lifetime trout fishing licenses for residents and nonresidents.

A. Any resident or nonresident individual may apply for and receive from the Department, after payment of the appropriate fee, any of the following lifetime licenses, which shall be valid for the life of the individual, nontransferable, and shall permit the person to engage in the licensed activity on any property in the Commonwealth according to restrictions and regulations of law:

1. A special resident lifetime trout fishing license, to be obtained for a fee of \$250. This license is valid for the lifetime of the license holder even if the license holder becomes a nonresident of the Commonwealth subsequent to the purchase of the license.

2. A special nonresident lifetime trout fishing license, to be obtained for a fee of \$500. Such special lifetime trout fishing licenses shall apply only to specially stocked trout waters as may be designated by the Board, and shall serve in lieu of the state resident trout fishing license as provided for in subdivision B. 1. of § 29.1-310 or state nonresident trout fishing license as provided for in subdivision B. 2. of § 29.1-310. Such special lifetime trout fishing licenses shall serve in addition to fishing license fees as provided for in subdivision A of § 29.1-310 or special lifetime fishing license as provided for in § 29.1-302.1.

B. Applications for all lifetime trout fishing licenses authorized by this section shall be made to the Department. The form and issuance of such a license shall conform to the provisions of this chapter for all licenses.

Except as otherwise specifically provided by law, all money credited to, held by, or to be received by the Department from the sale of licenses authorized by this section shall be consolidated and placed in the Lifetime Hunting and Fishing Endowment Fund established in § 29.1-101.1.

C. Any resident forty-five years of age or older who applies for the resident lifetime trout licenses authorized by this section shall receive such a license for one of the following fees based on age: age forty-five through fifty, \$200; age fifty-one through fifty-five, \$150; age fifty-six through sixty, \$100; age sixty-one through sixty-four, fifty dollars; and age sixty-five or older, ten dollars.

D. The Board may subsequently revise the cost of licenses set forth in this section pursuant to § 29.1-103.

428 § 29.1-303. Fees to hunt.

429 The license fees to hunt shall be as follows *or as such fees may be subsequently revised by the*
430 *Board pursuant to § 29.1-103*:

431 1. County or city resident license to hunt in the county or city of residence only, \$5.

432 2. State resident license to hunt in all counties and cities of the Commonwealth, issued to residents
433 age 16 or older, \$12.

434 3. State nonresident license for persons 16 years of age and older to hunt in all counties and cities of
435 the Commonwealth, \$80; however, for (i) nonresidents under the age of 12, \$12, and (ii) nonresidents
436 12 years of age to 15 years of age, \$15.

437 § 29.1-303.1. Three-day nonresident hunting licenses.

438 Nonresidents of the Commonwealth may purchase a three-day hunting license in lieu of the
439 nonresident hunting license required by subdivision 3 of § 29.1-303. The fee for the three-day
440 nonresident hunting license shall be \$40 *or as subsequently revised by the Board pursuant to § 29.1-103*,
441 and the license shall be effective for three successive days as specified on the face of the license.

442 § 29.1-303.2. State junior resident hunting license fee.

443 The fee for a license to hunt in all counties and cities of the Commonwealth, issued to a state
444 resident under the age of sixteen, shall be seven dollars and fifty cents *or as subsequently revised by the*
445 *Board pursuant to § 29.1-103*.

446 § 29.1-303.3. Youth resident and nonresident combination hunting license established; fee.

447 There is hereby established a state youth resident combination hunting license, which may be
448 obtained by any resident under the age of 16 to hunt in all counties and cities of the Commonwealth,
449 and to hunt (i) bear, deer and turkey, (ii) with a bow and arrow during the special archery seasons, and
450 (iii) with a crossbow during special archery seasons, and (iv) with a muzzleloader during the special
451 muzzleloading seasons. The fee for this license shall be \$15. The license shall serve in lieu of the state
452 junior resident hunting license, the special license for hunting bear, deer and turkey, the special archery
453 license, the special crossbow license, and the special muzzleloading license. For a nonresident youth
454 under the age of 16 the fee for such a license shall be \$30. *The Board may subsequently revise the cost*
455 *of licenses set forth in this section pursuant to § 29.1-103*.

456 § 29.1-304. Nonresident license to hunt within shooting preserves.

457 Licenses are required for nonresidents of the Commonwealth to hunt within the boundaries of
458 shooting preserves licensed under the provisions of Chapter 6 of this title. Such license shall be valid
459 within the boundaries of any licensed shooting preserves and may be in lieu of any license required by
460 § 29.1-303. The license fee shall be ~~twelve dollars~~ \$12 *or as subsequently revised by the Board pursuant*
461 *to § 29.1-103*.

462 § 29.1-305. Special license for hunting bear, deer and turkey; authority of Board to create bear
463 license.

464 A. A special license is required for hunting bear, deer and turkey in this Commonwealth, which shall
465 be in addition to the license required to hunt other game. The fee for the special license shall be \$12 for
466 a resident age 16 or older, \$7.50 for a resident under the age of 16, and \$60 for a nonresident 16 years
467 of age or older, \$15 for a nonresident 12 years of age to 15 years of age, and \$12 for a nonresident
468 younger than 12 years of age.

469 B. The Board may create a separate special license for the hunting of bear in this Commonwealth.
470 The fee for such a special license shall be \$25 for residents and \$150 for nonresidents. A person who
471 obtains a special license for hunting bear shall also be required to obtain the state resident license or
472 state nonresident license pursuant to § 29.1-303. If a special license to hunt bear is established by the
473 Board, the special license required in subsection A shall authorize the hunting of deer and turkey only.

474 The license to hunt bear, deer and turkey or, if authorized by the Board, the license to hunt bear may
475 be obtained from the clerk or agent of any county or city whose duty it is to sell hunting licenses.

476 C. *The Board may subsequently revise the cost of licenses set forth in this section pursuant to*
477 *§ 29.1-103*.

478 § 29.1-306. Special archery license.

479 There shall be a license for hunting with a bow and arrow, excluding crossbows, during the special
480 archery seasons, which shall be in addition to the license required to hunt small game. The fee for the
481 special license shall be \$12 for a resident and \$25 for a nonresident. *The Board may subsequently revise*
482 *the cost of licenses set forth in this section pursuant to § 29.1-103*.

483 The special archery license may be obtained from the clerk or agent of any county or city whose
484 duty it is to sell licenses.

485 § 29.1-307. Special muzzleloading license.

486 There shall be a license for hunting with a muzzleloader during the special muzzleloading seasons,
487 which shall be in addition to the license required to hunt small game. The fee for the special license
488 shall be twelve dollars for a resident and twenty-five dollars for a nonresident. The special muzzleloader
489 license may be obtained from the clerk or agent whose duty it is to sell licenses in any county or city.

The Board may subsequently revise the cost of licenses set forth in this section pursuant to § 29.1-103.

§ 29.1-309. Fees to trap.

The license fee to trap shall be as follows *or as such fee may be subsequently revised by the Board pursuant to § 29.1-103*:

1. County or city resident license, ten dollars.

2. State resident license, thirty-five dollars.

3. State nonresident license, \$150.

§ 29.1-309.1. Special lifetime trapping license; permanently disabled persons and disabled veterans.

Any resident who is (i) a veteran with a permanent and total service-connected disability as certified by the Veterans' Administration or (ii) permanently disabled, as defined in § 58.1-3217, may apply for and receive from the Department, for a fee of five dollars *or as subsequently revised by the Board pursuant to § 29.1-103*, a special lifetime disabled trapping license. Such a person shall provide proof of his disability acceptable to the Director.

§ 29.1-309.2. Special lifetime trapping license for senior citizens.

Any resident who is 65 years of age or older may apply for and receive from the Department, for a fee of \$10 *or as subsequently revised by the Board pursuant to § 29.1-103*, a special lifetime trapping license. Such a person shall provide proof of his age acceptable to the Director.

§ 29.1-309.3. State junior resident trapping license established; fee.

There is hereby established a state youth resident trapping license, which may be obtained by any resident under the age of 16, to trap in all counties and cities of the Commonwealth. The fee for this license shall be \$10 *or as subsequently revised by the Board pursuant to § 29.1-103*.

§ 29.1-310. Fees to fish.

A. The license fees to fish, which licenses shall not permit fishing for trout in waters stocked by the Department, shall be as follows:

1. County or city resident license to fish, in all inland waters of the county or city of residence only, five dollars.

2. State resident license to fish in all inland waters of the Commonwealth, twelve dollars.

3. State nonresident license to fish in all inland waters of the Commonwealth, thirty dollars.

B. The additional license fees for a trout license required to fish in designated waters stocked with trout by the Department shall be as follows:

1. State resident license, twelve dollars.

2. State nonresident license, thirty dollars.

C. *The Board may subsequently revise the cost of licenses set forth in this section pursuant to § 29.1-103.*

§ 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.

The Board may subsequently revise the cost of licenses set forth in this section pursuant to § 29.1-103.

§ 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 \$5 for residents, \$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

551 to the credit of the Virginia Saltwater Recreational Fishing Development Fund as established in
552 § 28.2-302.3 and (ii) \$5 per resident license sold and \$10 per nonresident license sold shall be paid into
553 the state treasury to the credit of the Game Protection Fund as established in § 29.1-101.

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

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

562 E. *The Board may subsequently revise the cost of licenses set forth in this section pursuant to*
563 *§ 29.1-103.*

564 § 29.1-318. Board may charge use fees for fishing in certain waters.

565 In addition to the license fees provided for elsewhere in this chapter, the Board may impose daily
566 use fees, not to exceed ~~three dollars and fifty cents~~ \$3.50 *or as subsequently revised by the Board*
567 *pursuant to § 29.1-103*, and issue permits therefor to fish in specially stocked trout waters as may be
568 designated by the Board. The proceeds from the fees shall be set aside and used exclusively by the
569 Board for the stocking and management of the streams. Permits shall be issued by the person or persons
570 designated by the Board at or near the area in which the permits are required.

571 § 29.1-339.2. Establishment of Virginia Migratory Waterfowl Conservation Stamp; required.

572 A. No person shall hunt or take any migratory waterfowl within the Commonwealth without first
573 obtaining a Virginia Migratory Waterfowl Conservation Stamp. Every person who is issued the Stamp
574 shall carry it on his person when hunting or taking any migratory waterfowl. Each Stamp shall be
575 validated by the signature of the licensee written across the face of such stamp. The Stamp shall be
576 designed and produced in accordance with Department policy and shall be valid from July 1 of each
577 year or their later date of purchase, to June 30 of the following year, unless sooner revoked. Unless
578 otherwise provided in this chapter, any person who is exempt from hunting license requirements shall
579 also be exempt from the requirements imposed by this section. Any person who is under the age of 16
580 years shall be exempt from the requirements of this section.

581 B. The fee for the Stamp for a resident and a nonresident is \$9.75. Clerks and license agents who
582 sell hunting licenses shall sell the Stamp and retain \$0.75 as compensation for such service. *The Board*
583 *may subsequently revise the cost of the fees set forth in this section pursuant to § 29.1-103.*

584 C. The Stamp may also be issued through an automated license delivery system. The fee for the
585 issuance of the Stamp through an automated license delivery system shall be consistent with the fees
586 specified in § 29.1-332. The format of the Stamp shall be the same as any other license, validation, or
587 privilege issued through an automated license delivery system. When purchased through an automated
588 license delivery system, the purchaser shall have the option of requesting the actual Stamp at the address
589 specified on the license at the time of purchase.

590 D. The moneys received from the sale of the Stamp shall be paid by each clerk or agent to the
591 Department for payment into the state treasury. Payment shall be made by means prescribed by the
592 Board and agreed to by the clerk or agent. Upon receipt into the treasury of such moneys, the
593 Comptroller shall credit the sums to the Game Protection Fund established in § 29.1-101 and accounted
594 for as a separate fund to be designated as the Virginia Migratory Waterfowl Conservation Stamp Fund
595 (the Stamp Fund). Moneys from the Stamp Fund shall not be diverted to any other state agency. The
596 Department shall use the moneys in the Stamp Fund in the following manner:

597 1. The Department shall first utilize these moneys to cover any administrative costs associated with
598 production and issuance of, and accounting for, the Stamp.

599 2. The Department shall contract 50 percent of the remaining annual revenue deposited in the Stamp
600 Fund with appropriate nonprofit organizations for cooperative waterfowl habitat improvement projects.
601 Before paying such moneys to any nonprofit organization, the Department shall obtain evidence that the
602 organization is eligible to receive funds for such projects.

603 3. The remainder of the moneys in the Stamp Fund shall be used by the Department to protect,
604 preserve, restore, enhance, and develop waterfowl habitat in Virginia.

605 E. The Department may establish (i) the method for selecting appropriate designs for the Stamp and
606 (ii) eligibility criteria for receiving funds for waterfowl habitat improvement projects. The Department
607 may sell expired Stamps for less than face value to the general public for a period of three years, after
608 which time the Department shall shred any unsold expired Stamps. All revenues derived from the sale of
609 these Stamps shall be paid into the state treasury to the credit of the Game Protection Fund and
610 dedicated to the Stamp Fund.

611 F. For purposes of this section:

612 "Migratory waterfowl" means those migratory birds belonging to the Family Anatidae (ducks, geese,

613 brant, and swans) for which open hunting seasons are established by federal regulations.

614 "Stamp" means the Virginia Migratory Waterfowl Conservation Stamp.

615 § 29.1-343. Fees for waterfowl blind licenses.

616 The fees for waterfowl blind licenses shall be as follows *or as such fees may be subsequently revised*
617 *by the Board pursuant to § 29.1-103:*

618 1. For a stationary blind erected in the public waters or on the shores of the riparian owner to shoot
619 over the public waters, seventeen dollars and fifty cents.

620 2. For a floating blind, in the public waters, to shoot over the public waters, thirty-five dollars.

INTRODUCED

HB1719