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SENATE BILL NO. 243

Offered January 13, 2010

Prefiled January 12, 2010

A BILL to amend and reenact § 29.1-301 of the Code of Virginia, relating to an exemption for active duty military personnel on leave from having to obtain a fishing license.

Patron—Watkins

Referred to Committee on Agriculture, Conservation and Natural Resources

Be it enacted by the General Assembly of Virginia:**1. That § 29.1-301 of the Code of Virginia is amended and reenacted as follows:**

§ 29.1-301. Exemptions from license requirements.

A. No license shall be required of landowners, their spouses, their children and grandchildren and the spouses of such children and grandchildren, or the landowner's parents, 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 50 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 16 years old to fish.

D1. No license shall be required of resident persons under 12 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 65 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 \$1 shall be required of a resident person 65 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 or a special lifetime trout fishing license as specified in § 29.1-302.4. A resident 65 years of age or older may, upon proof of age satisfactory to the Department and the payment of a \$1 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 permitting such person to trap in all cities and counties of the Commonwealth. Any lifetime license issued pursuant to this article prior to July 1, 1988, shall remain valid for the lifetime of the person to whom it was issued. Any license issued pursuant to this section includes any damage stamp required pursuant to Article 3 (§ 29.1-352 et seq.) of this chapter.

F. No license to fish, except for trout as provided in § 29.1-302.4 or subsection B of § 29.1-310, shall be required of nonresident persons under 12 years of age when accompanied by a person possessing a valid license to fish in Virginia.

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

H. No license shall be required of resident persons under 16 years of age to trap when accompanied by any person 18 years of age or older who possesses a valid state license to trap in this Commonwealth.

I. No license to hunt, trap or fish shall be required of any Indian who habitually resides on an Indian reservation or of a member of the Virginia recognized tribes who resides in the Commonwealth; however, such Indian must have on his person an identification card or paper signed by the chief of his tribe, a valid tribal identification card, written confirmation through a central tribal registry, or certification from a tribal office. Such card, paper, confirmation, or certification shall set forth that the person named is an actual resident upon such reservation or member of the recognized tribes in the Commonwealth, and such card, paper, confirmation or certification shall create a presumption of residence, which may be rebutted by proof of actual residence elsewhere.

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

K. No fishing license shall be required in any inland waters of the Commonwealth, except those stocked with trout by the Department or other public body, on free fishing days. The Board shall

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59 designate no more than three free fishing days in any calendar year.

60 L. No license to fish, except for trout as provided in § 29.1-302.4 or subsection B of § 29.1-310, in
61 Laurel Lake and Beaver Pond at Breaks Interstate Park shall be required of a resident of the State of
62 Kentucky who (i) possesses a valid license to fish in Kentucky or (ii) is exempt under Kentucky law
63 from the requirement of possessing a valid fishing license.

64 M. *No license to fish, except for trout as provided in subsection B of § 29.1-310, shall be required of*
65 *a member of the armed forces of the United States, on active duty, who is a resident of the*
66 *Commonwealth while such person is on official leave, provided that person presents a copy of his leave*
67 *papers upon request.*

68 N. No license to hunt or fish shall be required of any person who is not hunting or fishing but is
69 aiding a disabled person to hunt or fish when such disabled person possesses a valid Virginia hunting or
70 fishing license under § 29.1-302, 29.1-302.1, or 29.1-302.2.