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HOUSE BILL NO. 1825

Offered January 9, 2013

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A BILL to amend and reenact §§ 29.1-344, 29.1-345, 29.1-347, and 29.1-349 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 29.1-344.2 and 29.1-345.1, relating to duck blinds.

Patron—Lingamfelter

Referred to Committee on Agriculture, Chesapeake and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That §§ 29.1-344, 29.1-345, 29.1-347, and 29.1-349 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 29.1-344.2 and 29.1-345.1 as follows:

§ 29.1-344. Stationary blinds on shore and in the public waters for owners of riparian rights.

Each year, the owners of riparian rights, their lessees or permittees shall have the exclusive privilege of licensing and erecting stationary blinds on their shoreline, and the prior right of licensing and erecting stationary blinds in the public waters in front of their shoreline, to shoot waterfowl over the public waters. Such blinds shall not be located in water having a depth greater than eight feet at mean high tide, nor shall they be located farther than halfway across the body of water from the riparian owner's shoreline, except on the shores and waters of Back Bay in the City of Virginia Beach where such blinds are limited to (i) the riparian owner's shoreline at the mean low water mark or (ii) blinds erected and licensed by the riparian owner in 2011. *When licensing a stationary blind, the location of each blind licensed shall be provided as latitude and longitude coordinates.* When such a license has been obtained and a stake or a stationary blind has been erected on the site with the license for that season properly affixed, no other stationary or floating blind shall be located in the public waters within 500 yards of the licensed site without the consent of the riparian owner, lessee or permittee. *Riparian owners, their lessees or permittees may obtain licenses on and after May 1 and on or before June 15 of each year. A stake or a stationary blind shall be erected on the site, and a license plate supplied with the license for that season shall be affixed thereto by June 30. If a stake has been erected on the site of a stationary blind, such stake must be replaced by a blind by November 1 pursuant to the provisions of § 29.1-341. Such stationary blinds shall conform to the standards prescribed in § 29.1-341.*

§ 29.1-344.2. Time period for obtaining riparian stationary blind licenses.

A. *Riparian owners or their lessees or permittees licensing a stationary blind that was not licensed the previous year by the riparian owner, lessee, or permittee may obtain a stationary blind license beginning February 1 through June 15 of each year pursuant to § 29.1-344. A stake or a stationary blind shall be erected on the site, and a license plate supplied with the license for that season shall be affixed thereto, by June 30. If a stake has been erected on the site of a stationary blind, such stake shall be replaced by a blind by November 1 pursuant to the provisions of § 29.1-341. Such stationary blinds shall conform to the standards prescribed in § 29.1-341.*

B. *Riparian owners or their lessees or permittees licensing a stationary blind that was licensed the previous year by the riparian owner, lessee, or permittee may obtain a stationary blind license beginning February 1 through August 15 of each year pursuant to § 29.1-344. A stake or a stationary blind shall be erected on the site, and a license plate supplied with the license for that season shall be affixed thereto, by August 31. If a stake has been erected on the site of a stationary blind, such stake shall be replaced by a blind by November 1 pursuant to the provisions of § 29.1-341. Such stationary blinds shall conform to the standards prescribed in § 29.1-341.*

§ 29.1-345. Stationary blinds in the public waters for nonriparian owners.

Unless a license has been obtained pursuant to § 29.1-344, and a stake or a blind has been erected and marked within the time stated as specified in that section, in any year, the owners of riparian rights, their lessees or permittees shall forfeit the privilege of licensing blinds on their shores and also lose priority for licensing stationary blinds in the public waters adjoining such shores. Any locations remaining in the public waters shall belong to whoever first obtains a license and erects a stake or a blind. The blind cannot be located in water having a greater depth than eight feet at mean high tide on the site selected. In addition, the blind must be at least 500 yards from any other stationary blind, and the license for that season must be properly affixed to the structure. *The nonriparian license for a stationary blind in the public waters previously licensed the year before may be obtained on and after July 1 and on or before August 15. A stake or blind shall be erected on the site, and a license plate*

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HB1825

59 supplied with the license for that season must be affixed thereto by August 31. The nonriparian license
60 for a stationary blind in the public waters not previously licensed the year before may be obtained on
61 and after September 1 and on or before October 15. A stake or blind shall be erected on the site and a
62 license plate supplied with the license for that season must be affixed thereto. If a stake has been
63 erected on the site of a stationary blind, such stake must be replaced by a blind by November 1
64 pursuant to the provisions of § 29.1-341. Such stationary blinds shall conform to the standards
65 prescribed in § 29.1-341. When licensing a stationary blind, the location of each blind licensed shall be
66 provided as latitude and longitude coordinates.

67 **§ 29.1-345.1. Time period for obtaining nonriparian stationary blind licenses.**

68 A. A nonriparian license for a stationary blind in the public waters that was licensed the previous
69 year as a nonriparian stationary blind may be obtained by the previous year's licensee beginning July 1
70 through August 15 pursuant to § 29.1-345. A stake or blind shall be erected on the site, and a license
71 plate supplied with the license for that season shall be affixed thereto, by August 31.

72 B. A stationary blind or a site in the public waters that is not licensed and posted by August 31 can
73 be licensed as a nonriparian blind beginning September 1 through October 15 pursuant to § 29.1-345.
74 A stake or blind shall be erected on the site, and a license plate supplied with the license for that
75 season must be affixed thereto. If a stake has been erected on the site of a stationary blind, such stake
76 must be replaced by a blind by November 1 pursuant to the provisions of § 29.1-341. Such stationary
77 blinds shall conform to the standards prescribed in § 29.1-341.

78 **§ 29.1-347. Renewing licenses.**

79 The holders of licenses first issued under this article may renew the same privileges each succeeding
80 year by licensing within the time required and placing the license tag on the stake or blind as required
81 by this article. The exclusive privileges prescribed with respect to owners and their lessees and
82 permittees in § 29.1-344 shall be recurrent each year even if the privileges were forfeited to some other
83 person or persons in the preceding year. If any blind is destroyed in any manner beyond the control of
84 the owner, it may be replaced within thirty days without losing the position which it formerly occupied.
85 Those licensing stationary blinds in the public waters shall remove the blinds when the licenses expire
86 or when they no longer intend to use them, *whichever occurs first*.

87 **§ 29.1-349. Hunting, erecting blind within 500 yards of licensed blind.**

88 A. No person shall hunt or shoot migratory waterfowl in the public waters of this Commonwealth
89 from a boat, float, raft or other buoyant craft or device within 500 yards of any legally licensed erected
90 stationary blind of another without the consent of the licensee, except when in active pursuit of a visible
91 crippled waterfowl which was legally shot by the person.

92 B. No person shall erect a stationary blind in the public waters within 500 yards of any other
93 licensed blind without the consent of the licensee. Any person who violates this subsection shall be
94 guilty of a trespass, and the affected blind licensee may maintain an action for damages. Furthermore,
95 the trial court shall immediately revoke the blind owner's license for the stationary blind where the
96 offense was committed. The blind owner may be eligible for a license in the following open season
97 upon the same conditions that would apply to a new applicant. When a license for a stationary blind has
98 been revoked, the blind shall be destroyed by the former licensee ~~or by the conservation police officer~~.

99 **2. That the provisions of this act shall become effective on January 1, 2014.**