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SENATE BILL NO. 737**AMENDMENT IN THE NATURE OF A SUBSTITUTE**

(Proposed by the Senate Committee on Agriculture, Conservation and Natural Resources
on January 31, 2013)

(Patron Prior to Substitute—Senator Petersen)

A BILL to amend the Code of Virginia by adding a section numbered 29.1-745.1, relating to traveling upon certain waters.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 29.1-745.1 as follows:

§ 29.1-745.1. Traveling upon certain waters.

A. No person shall be liable for civil or criminal trespass for travel upon the rivers, streams, or creeks within the Commonwealth if the travel consists solely of floating in or upon the water in a nonmotorized vessel for purposes of recreation.

Nothing in this section shall be construed to change existing ownership rights in real property, to permit travel on adjacent banks or wading upon the streambed, to permit hunting or fishing on land or waters where the same is otherwise prohibited, or to allow travel upon portions of rivers, streams, or creeks where prohibited through exercise of the legislative or rulemaking authority of local, state, or federal authorities for reasons of conservation or safety.

B. This section shall apply only to rivers, streams, or creeks of the second order or larger. Streams of the second order are defined as those formed by the confluence of two streams of the first order. Streams of the first order are those indicated by the device of a solid blue line on United States Geological Survey topographic quadrant maps at a scale of 1:24,000.