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HOUSE BILL NO. 2661

Offered January 11, 2019

A BILL to amend and reenact § 28.2-302.5 of the Code of Virginia, relating to saltwater recreational fishing; commercial license holder.

Patron—Ransone

Referred to Committee on Agriculture, Chesapeake and Natural Resources

Be it enacted by the General Assembly of Virginia:**1. That § 28.2-302.5 of the Code of Virginia is amended and reenacted as follows:****§ 28.2-302.5. Exemptions to saltwater recreational fishing license.**

A. The following persons shall be exempt from the requirements of obtaining a saltwater recreational fishing license as set forth in § 28.2-302.1:

1. A person under the age of 16 or a person who has attained the age of 65.

2. A person fishing from private real property that he owns or rents, the nonpaying guest of such person, or a member of the immediate family of such person.

3. A person fishing from a licensed recreational boat licensed pursuant to § 28.2-302.7.

4. A person fishing from a licensed headboat, charterboat, or pier licensed pursuant to § 28.2-302 or 28.2-302.8.

5. A person fishing with gear licensed by the Commission.

6. The holder of a valid recreational fishing license issued by another state or jurisdiction, upon determination of reciprocity of the license by the Commissioner.

7. Members of the following groups, as determined by the Commissioner:

a. Organized groups of individuals with physical or mental limitations;

b. Organized groups of military veterans residing in veterans' hospitals; and

c. School groups, grades kindergarten through 12, participating in school-sponsored trips.

8. A permanently and totally disabled person as defined in § 58.1-3217 holding a special lifetime saltwater recreational fishing license issued pursuant to § 28.2-302.10.

9. A person holding a lifetime saltwater recreational fishing license issued pursuant to § 28.2-302.10:1.

10. A person fishing from a federally owned park or reserve with boundaries extending into an adjoining state that does not require a saltwater fishing license.

11. A Virginia resident who is a member of an American Indian tribe recognized by the Commonwealth and is carrying (i) an identification card or paper signed by the chief of his tribe, (ii) a valid tribal identification card, (iii) a written confirmation through a central tribal registry, or (iv) a certification from a tribal office, stating that the person is a member of such tribe. Such card or other certification shall create a presumption of residence in Virginia that may be rebutted by proof of actual residence elsewhere.

12. A Virginia resident who holds a commercial license pursuant to the provisions of § 28.2-301, 28.2-501, or 28.2-702 but is not fishing on board a vessel that contains gear that is required to be licensed by the Commission. Such exemption shall also apply to one immediate family member of the holder of the commercial license who is accompanying the commercial licensee.

B. No saltwater recreational fishing licenses shall be required on days that are designated as free fishing days. The Commissioner shall designate no more than three free fishing days in any calendar year. This exemption shall not apply to headboats, charterboats, or rental boats.

INTRODUCED

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