

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 29.1-738 of the Code of Virginia and to amend the Code of Virginia by*
3 *adding sections numbered 28.2-903.1 and 29.1-554.1, relating to impeding fishing; penalty.*

4 [H 1915]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**

7 **1. That § 29.1-738 of the Code of Virginia is amended and reenacted and that the Code of Virginia**
8 **is amended by adding sections numbered 28.2-903.1 and 29.1-554.1 as follows:**

9 § 28.2-903.1. *Impeding lawful fishing in tidal waters; penalty.*

10 *A. It is unlawful for any person to willfully and intentionally impede the lawful fishing of any species*
11 *of fish or shellfish. "Fishing" means those activities defined in § 28.2-100 as "fishing," "fisheries" or "to*
12 *fish."*

13 *B. Notwithstanding any other provision of law, any person convicted of a violation of this section*
14 *shall be guilty of a Class 3 misdemeanor.*

15 § 29.1-554.1. *Impeding lawful fishing in inland waters; penalty.*

16 *A. It is unlawful for any person to willfully and intentionally impede the lawful fishing of any species*
17 *of fish. "Fishing" means those activities defined in § 29.1-100 as "fishing."*

18 *B. Any person convicted of a violation of this section shall be guilty of a Class 3 misdemeanor.*

19 § 29.1-738. Operating boat or manipulating water skis, etc., in reckless manner or while intoxicated,
20 etc.

21 *A. No person shall operate any motorboat or vessel, or manipulate any skis, surfboard, or similar*
22 *device, or engage in any spearfishing while skin diving or scuba diving, or engage in any other activity*
23 *in or on the water in a reckless manner so as to endanger the life, limb, or property of any person or in*
24 *a willful and intentional manner to impede the lawful fishing for any species of fish or shellfish. Fishing*
25 *means all activities as defined in § 28.2-100 or § 29.1-100 for "fishing," "fisheries" or "to fish."*

26 *B. No person shall operate any watercraft, as defined in § 29.1-712, or motorboat which is underway*
27 *(i) while such person has a blood alcohol concentration at or greater than the blood alcohol*
28 *concentration at which it is unlawful to drive or operate a motor vehicle as provided in § 18.2-266 as*
29 *indicated by a chemical test administered in accordance with § 29.1-738.2, (ii) while such person is*
30 *under the influence of alcohol, (iii) while such person is under the influence of any narcotic drug or any*
31 *other self-administered intoxicant or drug of whatsoever nature, or any combination of such drugs, to a*
32 *degree which impairs his ability to operate the watercraft or motorboat safely or (iv) while such person*
33 *is under the combined influence of alcohol and any drug or drugs to a degree which impairs his ability*
34 *to operate the watercraft or motorboat safely.*

35 *C. For purposes of this article, the word "operate" shall include being in actual physical control of a*
36 *watercraft or motorboat and "underway" shall mean that a vessel is not at anchor, or made fast to the*
37 *shore, or aground.*

38 *Any person who violates any provision of this section shall be guilty of a Class 1 misdemeanor.*

ENROLLED

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