

VIRGINIA ACTS OF ASSEMBLY -- 2016 SESSION

CHAPTER 7

An Act to amend and reenact §§ 28.2-226 and 28.2-530 of the Code of Virginia, relating to recreational oyster harvest.

[S 284]

Approved February 23, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 28.2-226 and 28.2-530 of the Code of Virginia are amended and reenacted as follows:

§ 28.2-226. Exemptions from licensing requirements.

The following activities are exempt from the licensing requirements of this subtitle:

1. Except as otherwise provided by regulation, taking by dip net, hand line, or two crab pots, as much as one bushel of hard crabs and two dozen peeler crabs in any one day for personal use only.
2. Taking a maximum of one bushel of oysters in any one day for personal use, when taken by hand or with ordinary tongs *during the legally prescribed oyster season on public oyster grounds open for harvest or unleased bottom open for harvest.*
3. Taking a maximum of 250 clams in any one day for personal use, when taken by hand or with ordinary tongs.
4. Using one tank or float no greater than four feet in width and eight feet in length for shedding crabs for personal use.

§ 28.2-530. Taking oysters or loading on vessel on Sunday or at night; penalty.

A. It shall be unlawful for any person to take oysters, from either public or private grounds, on Sunday or between sunset and sunrise; nor shall any person load any vessel or boat for such purpose with any oysters from any of the waters of the Commonwealth on Sunday or between sunset and sunrise.

B. Shucking oysters taken from the public grounds other than from designated seed areas may be unloaded on shore at packinghouses or loaded on trucks or motor vehicles one-half hour after sunset and one-half hour before sunrise. Those oysters which have been inspected by an officer and purchased by the packer or planter, and the oysters owned by the packer or planter, may be unloaded at any time except Sunday within the discretion of the packer.

C. The provisions of subsection A ~~of this section~~ shall not apply to (i) the taking or catching, by hand during the prescribed hours of daylight on Sunday *during the legally prescribed public oyster harvest season on public oyster grounds open for harvest or unleased bottom open for harvest*, of not more than one bushel of oysters for personal use or (ii) the taking or catching of cultured oysters during the prescribed hours of daylight on Sunday. The presence, on board a boat or other vehicle being used during any Sunday harvesting, except as part of a *an* oyster aquaculture operation, of any gear normally associated with the harvesting of oysters other than by hand is prima facie evidence of a violation of the provisions of this section.

A violation of this section is a Class 3 misdemeanor.