

17103766D

**HOUSE BILL NO. 2450**

Offered January 20, 2017

A *BILL to amend and reenact §§ 29.1-103 and 29.1-301 of the Code of Virginia, relating to hunting license requirement; hunting on own property.*

\_\_\_\_\_  
 Patron—Edmunds

\_\_\_\_\_  
 Referred to Committee on Agriculture, Chesapeake and Natural Resources

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

- 1. That §§ 29.1-103 and 29.1-301 of the Code of Virginia are amended and reenacted as follows:**  
**§ 29.1-103. Powers and duties of the Board.**

The Board is responsible for carrying out the purposes and provisions of this title and is authorized to:

1. Appoint the Director of the Department.
2. Acquire by purchase, lease, exchange, gift or otherwise, lands and waters in the Commonwealth and to establish buildings, structures, dams, lakes and ponds on such lands and waters. However, it is the policy of the Commonwealth that there shall be no net loss of those public lands managed by the Department that are available for hunting in Virginia.
3. Conduct operations for the preservation and propagation of game birds, game animals, fish and other wildlife in order to increase, replenish and restock the lands and inland waters of the Commonwealth.
4. Purchase, lease, or otherwise acquire lands and waters for game and fish refuges, preserves or public shooting and fishing, and establish such lands and waters under appropriate regulations.
5. Acquire by purchase, lease, or otherwise, lands and structures for use as public landings, wharves, or docks; to improve such lands and structures; and to control the use of all such public landings, wharves, or docks by regulation.
6. Acquire and introduce any new species of game birds, game animals, or fish on the lands and within the waters of the Commonwealth, with the authorization and cooperation of the local government for the locality where the introduction occurs.
7. Restock, replenish and increase any depleted native species of game birds, game animals, or fish.
8. Have educational matter pertaining to wildlife published and distributed.
9. Hold exhibits throughout the Commonwealth for the purpose of educating school children, agriculturists and other persons in the preservation and propagation of wildlife in the Commonwealth.
10. Control land owned by and under control of the Commonwealth in Back Bay, its tributaries and the North Landing River from the North Carolina line to North Landing Bridge. The Board shall regulate or prohibit by regulation any drilling, dredging or other operation designed to recover or obtain shells, minerals, or other substances in order to prevent practices and operations which would harm the area for fish and wildlife.
11. Exercise powers it may deem advisable for conserving, protecting, replenishing, propagating and increasing the supply of game birds, game animals, fish and other wildlife of the Commonwealth.
12. Adopt resolutions or regulations conferring upon the Director all such powers, authorities and duties as the Board possesses and deems necessary or proper to carry out the purposes of this title.
13. Administer and manage the Virginia Fish Passage Grant and Revolving Loan Fund pursuant to Article 1.1 (§ 29.1-101.2 et seq.) of Chapter 1.
14. Establish and collect admittance, parking, or other use fees at certain Department-owned facilities as determined by the Board. Any daily fee established by the Board shall not exceed \$3. Any annual fee established by the Board shall not exceed the cost of an annual state resident fishing license pursuant to subdivision A 2 of § 29.1-310, or an annual state resident hunting license pursuant to subdivision 2 of § 29.1-303.
15. Establish and collect a use fee through the issuance of an annual hunting stamp required to be obtained to hunt on private lands managed by the Department through a lease agreement or other similar memorandum of agreement. The annual hunting stamp shall be in addition to the required licenses to hunt, and the cost of such stamp shall be the same as the cost of the annual state resident hunting license in § 29.1-303.
16. Revise, as it deems appropriate, through the promulgation of regulations as prescribed in Article 1 (§ 29.1-500 et seq.) of Chapter 5, the fees charged for all hunting, fishing and trapping licenses authorized under Articles 1 (§ 29.1-300 et seq.) and 2 (§ 29.1-340 et seq.) of Chapter 3, notwithstanding any other provision of this title. Beginning July 1, 2004, and no more frequently than

INTRODUCED

HB2450

59 once every three years thereafter, such license fees for residents may be increased or decreased no more  
60 than \$5. Beginning July 1, 2007, and no more frequently than once every three years thereafter, the  
61 Board may increase or decrease license fees for nonresidents, authorized under Article 1 (§ 29.1-300 et  
62 seq.) of Chapter 3, no more than \$50.

63 17. Take such regulatory or other action as it may determine to be necessary to enable the  
64 Commonwealth to become a party to the Interstate Wildlife Violator Compact, as authorized in Article  
65 2.1 (§ 29.1-530.5) of Chapter 5, and to implement the Compact in the Commonwealth. The  
66 promulgation of any regulations pursuant to this subdivision shall be as prescribed in Article 1  
67 (§ 29.1-500 et seq.) of Chapter 5.

68 18. Adopt regulations that allow any person who holds a valid license to hunt or trap to manufacture  
69 and sell products made from wildlife that he has lawfully taken, except where the Board determines that  
70 such manufacture or sale is detrimental to public health or sound wildlife management.

71 19. *Adopt regulations that allow a person to obtain a hunting license at no cost by indicating on the*  
72 *application that he intends to hunt within the boundaries of lands and inland waters that are (i) owned*  
73 *by himself or that he is the parent, spouse, child or his spouse, or grandchild or his spouse, whether*  
74 *resident or nonresident, of the landowner; (ii) owned by a domestic corporation, 50 percent or more of*  
75 *whose stock he owns, or that he is the spouse, child, or minor grandchild, whether resident or*  
76 *nonresident, of such a stockholder; or (iii) resided upon by himself as a bona fide tenant, renter, or*  
77 *lessee and that he will carry the written consent of the landlord upon his person while hunting.*

78 **§ 29.1-301. Exemptions from license requirements.**

79 A. No license shall be required of landowners, their spouses, their children and grandchildren and the  
80 spouses of such children and grandchildren, or the landowner's parents, resident or nonresident, to ~~hunt~~,  
81 trap and fish within the boundaries of their own lands and inland waters or while within such  
82 boundaries or upon any private permanent extension therefrom, to fish in any abutting public waters.

83 B. No license shall be required of any stockholder owning 50 percent or more of the stock of any  
84 domestic corporation owning land in this Commonwealth, his ~~or her~~ spouse and children and minor  
85 grandchildren, resident or nonresident, to ~~hunt~~, trap and fish within the boundaries of lands and inland  
86 waters owned by the domestic corporation.

87 C. No license shall be required of bona fide tenants, renters, or lessees to ~~hunt~~, trap or fish within  
88 the boundaries of the lands or waters on which they reside or while within such boundaries or upon any  
89 private permanent extension therefrom, to fish in any abutting public waters if such individuals have the  
90 written consent of the landlord upon their person. A guest of the owner of a private fish pond shall not  
91 be required to have a fishing license to fish in such pond.

92 D. No license shall be required of resident persons under 16 years old to fish.

93 D1. No license shall be required of resident persons under 12 years old to hunt, provided such  
94 person is accompanied and directly supervised by an adult who has, on his person, a valid Virginia  
95 hunting license as described in subsection B of § 29.1-300.1.

96 E. No license shall be required of a resident person 65 years of age or over to hunt or trap on  
97 private property in the county or city in which he resides. An annual license at a fee of \$1 shall be  
98 required of a resident person 65 years of age or older to fish in any inland waters of the  
99 Commonwealth, which shall be in addition to a license to fish for trout as specified in subsection B of  
100 § 29.1-310 or a special lifetime trout fishing license as specified in § 29.1-302.4. A resident 65 years of  
101 age or older may, upon proof of age satisfactory to the Department and the payment of a \$1 fee, apply  
102 for and receive from any authorized agent of the Department a nontransferable annual license permitting  
103 such person to hunt or an annual license permitting such person to trap in all cities and counties of the  
104 Commonwealth. Any lifetime license issued pursuant to this article prior to July 1, 1988, shall remain  
105 valid for the lifetime of the person to whom it was issued. Any license issued pursuant to this section  
106 includes any damage stamp required pursuant to Article 3 (§ 29.1-352 et seq.) of this chapter.

107 F. No license to fish, except for trout as provided in § 29.1-302.4 or subsection B of § 29.1-310,  
108 shall be required of nonresident persons under 12 years of age when accompanied by a person  
109 possessing a valid license to fish in Virginia.

110 G. No license shall be required to trap rabbits with box traps.

111 H. No license shall be required of resident persons under 16 years of age to trap when accompanied  
112 by any person 18 years of age or older who possesses a valid state license to trap in this  
113 Commonwealth.

114 I. No license to hunt, trap or fish shall be required of any Indian who habitually resides on an Indian  
115 reservation or of a member of the Virginia recognized tribes who resides in the Commonwealth;  
116 however, such Indian must have on his person an identification card or paper signed by the chief of his  
117 tribe, a valid tribal identification card, written confirmation through a central tribal registry, or  
118 certification from a tribal office. Such card, paper, confirmation, or certification shall set forth that the  
119 person named is an actual resident upon such reservation or member of the recognized tribes in the  
120 Commonwealth, and such card, paper, confirmation or certification shall create a presumption of

121 residence, which may be rebutted by proof of actual residence elsewhere.

122 J. No license to fish shall be required of legally blind persons.

123 K. No fishing license shall be required in any inland waters of the Commonwealth on free fishing  
124 days. The Board shall designate no more than three free fishing days in any calendar year.

125 L. No license to fish, except for trout as provided in § 29.1-302.4 or subsection B of § 29.1-310, in  
126 Laurel Lake and Beaver Pond at Breaks Interstate Park shall be required of a resident of the State of  
127 Kentucky who (i) possesses a valid license to fish in Kentucky or (ii) is exempt under Kentucky law  
128 from the requirement of possessing a valid fishing license.

129 M. No license to fish, except for trout as provided in subsection B of § 29.1-310, shall be required of  
130 a member of the armed forces of the United States, on active duty, who is a resident of the  
131 Commonwealth while such person is on official leave, provided that person presents a copy of his leave  
132 papers upon request.

133 N. No license to hunt or fish shall be required of any person who is not hunting or fishing but is  
134 aiding a disabled person to hunt or fish when such disabled person possesses a valid Virginia hunting or  
135 fishing license under § 29.1-302, 29.1-302.1, or 29.1-302.2.