

24106927D

HOUSE BILL NO. 1406

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Agriculture, Chesapeake and Natural Resources
on February 7, 2024)

(Patron Prior to Substitute—Delegate Fowler)

A BILL to amend and reenact §§ 28.2-302.5 and 29.1-301 of the Code of Virginia, relating to fishing license requirements; exemptions; free fishing days.

Be it enacted by the General Assembly of Virginia:

1. That §§ 28.2-302.5 and 29.1-301 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.

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~~ six free fishing days in any calendar year. This exemption shall not apply to headboats, charterboats, or rental boats.

§ 29.1-301. Exemptions from license requirements.

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

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

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

D. No license shall be required of resident or nonresident persons under 16 years of age to fish.

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

E. No license shall be required of a resident person 65 years of age or over to hunt or trap on

60 private property in the county or city in which he resides. An annual license at a fee of \$1 shall be
61 required of a resident person 65 years of age or older to fish in any inland waters of the
62 Commonwealth, which shall be in addition to a license to fish for trout as specified in subsection B of
63 § 29.1-310 or a special lifetime trout fishing license as specified in § 29.1-302.4. A resident 65 years of
64 age or older may, upon proof of age satisfactory to the Department and the payment of a \$1 fee, apply
65 for and receive from any authorized agent of the Department a nontransferable annual license permitting
66 such person to hunt or an annual license permitting such person to trap in all cities and counties of the
67 Commonwealth. Any lifetime license issued pursuant to this article prior to July 1, 1988, shall remain
68 valid for the lifetime of the person to whom it was issued. Any license issued pursuant to this section
69 includes any damage stamp required pursuant to Article 3 (§ 29.1-352 et seq.) of this chapter.

70 F. No license to fish shall be required of nonresident persons under 16 years of age when
71 accompanied by a person possessing a valid license to fish in Virginia.

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

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

76 I. No license to hunt, trap or fish shall be required of any Indian who habitually resides on an Indian
77 reservation or of a member of the Virginia recognized tribes who resides in the Commonwealth;
78 however, such Indian must have on his person an identification card or paper signed by the chief of his
79 tribe, a valid tribal identification card, written confirmation through a central tribal registry, or
80 certification from a tribal office. Such card, paper, confirmation, or certification shall set forth that the
81 person named is an actual resident upon such reservation or member of the recognized tribes in the
82 Commonwealth, and such card, paper, confirmation or certification shall create a presumption of
83 residence, which may be rebutted by proof of actual residence elsewhere.

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

85 K. No fishing license shall be required in any inland waters of the Commonwealth on free fishing
86 days. The Board shall designate no more than ~~three~~ six free fishing days in any calendar year. In the
87 event that a free day is canceled as a result of an inclement weather event, the Board may designate
88 another free fishing day in its place.

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

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

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