

1995 SESSION

INTRODUCED

LD8922000

HOUSE BILL NO. 1395

Offered January 25, 1994

A *BILL to amend and reenact §§ 2.1-1.1, 2.1-1.3, 2.1-1.6, 2.1-20.4, 2.1-41.2, 2.1-51.9, 9-6.25:3, 29.1-100, 29.1-102, and 29.1-801 of the Code of Virginia, relating to the Board of Wildlife Resources and the Department of Wildlife Resources.*

Patron—Puller (By Request)

Referred to Committee on Conservation and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.1-1.1, 2.1-1.3, 2.1-1.6, 2.1-20.4, 2.1-41.2, 2.1-51.9, 9-6.25:3, 29.1-100, 29.1-102, and 29.1-801 of the Code of Virginia are amended and reenacted as follows:

§ 2.1-1.1. Departments generally.

There shall be, in addition to such others as may be established by law, the following administrative departments and divisions of the state government:

Chesapeake Bay Local Assistance Department.

Department of Accounts.

Department for the Aging.

Department of Agriculture and Consumer Services.

Department of Alcoholic Beverage Control.

Department of Aviation.

Department of Conservation and Recreation.

Department of Corporations.

Department of Correctional Education.

Department of Corrections.

Department of Criminal Justice Services.

Department for the Deaf and Hard-of-Hearing.

Department of Economic Development.

Department of Education.

Department of Emergency Services.

Department of Employee Relations Counselors.

Department of Environmental Quality.

Department of Fire Programs.

Department of Forestry.

~~Department of Game and Inland Fisheries.~~

Department of General Services.

Department of Health.

Department of Health Professions.

Department of Historic Resources.

Department of Housing and Community Development.

Department of Information Technology.

Department of Labor and Industry.

Department of Law.

Department of Medical Assistance Services.

Department of Mental Health, Mental Retardation and Substance Abuse Services.

Department of Military Affairs.

Department of Mines, Minerals and Energy.

Department of Minority Business Enterprise.

Department of Motor Vehicles.

Department of Personnel and Training.

Department of Planning and Budget.

Department of Professional and Occupational Regulation.

Department of Rail and Public Transportation.

Department of Rehabilitative Services.

Department for Rights of Virginians With Disabilities.

Department of Social Services.

Department of State Police.

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60 Department of Taxation.
61 Department of Transportation.
62 Department of the Treasury.
63 Department of Veterans' Affairs.
64 Department for the Visually Handicapped
65 *Department of Wildlife Resources.*
66 Department of Workers' Compensation.
67 Department of Youth and Family Services.
68 Governor's Employment and Training Department.
69 § 2.1-1.3. Entities subject to standard nomenclature.
70 The following independent administrative entities are subject to the standard nomenclature provisions
71 of § 2.1-1.2:
72 Chesapeake Bay Local Assistance Department.
73 Department of Accounts.
74 Department for the Aging.
75 Department of Agriculture and Consumer Services.
76 Department of Alcoholic Beverage Control.
77 Department of Aviation.
78 Department of Conservation and Recreation.
79 Department of Correctional Education.
80 Department of Corrections.
81 Department of Criminal Justice Services.
82 Department for the Deaf and Hard-of-Hearing.
83 Department of Economic Development.
84 Department of Education.
85 Department of Emergency Services.
86 Department of Environmental Quality.
87 Department of Employee Relations Counselors.
88 Department of Fire Programs.
89 Department of Forestry.
90 ~~Department of Game and Inland Fisheries.~~
91 Department of General Services.
92 Department of Health.
93 Department of Health Professions.
94 Department of Historic Resources.
95 Department of Housing and Community Development.
96 Department of Information Technology.
97 Department of Labor and Industry.
98 Department of Medical Assistance Services.
99 Department of Mental Health, Mental Retardation and Substance Abuse Services.
100 Department of Military Affairs.
101 Department of Mines, Minerals and Energy.
102 Department of Minority Business Enterprise.
103 Department of Motor Vehicles.
104 Department of Personnel and Training.
105 Department of Planning and Budget.
106 Department of Professional and Occupational Regulation.
107 Department of Rail and Public Transportation.
108 Department of Rehabilitative Services.
109 Department for Rights of Virginians With Disabilities.
110 Department of Social Services.
111 Department of State Police.
112 Department of Taxation.
113 Department of Transportation.
114 Department of the Treasury.
115 Department of Veterans' Affairs.
116 Department for the Visually Handicapped.
117 *Department of Wildlife Resources.*
118 Department of Youth and Family Services.
119 Governor's Employment and Training Department.
120 § 2.1-1.6. State boards.
121 A. There shall be, in addition to such others as may be established by law, the following permanent

- 122 collegial bodies affiliated with a state agency within the executive branch:
- 123 Accountancy, Board for
- 124 Aging, Advisory Board on the
- 125 Agriculture and Consumer Services, Board of
- 126 Air Pollution, State Advisory Board on
- 127 Alcoholic Beverage Control Board, Virginia
- 128 Apple Board, Virginia State
- 129 Appomattox State Scenic River Advisory Board
- 130 Aquaculture Advisory Board
- 131 Architects, Professional Engineers, Land Surveyors and Landscape Architects, State Board for
- 132 Art and Architectural Review Board
- 133 Athletic Board, Virginia
- 134 Auctioneers Board
- 135 Audiology and Speech-Language Pathology, Board of
- 136 Aviation Board, Virginia
- 137 Barbers, Board for
- 138 Branch Pilots, Board for
- 139 Bright Flue-Cured Tobacco Board, Virginia
- 140 Building Code Technical Review Board, State
- 141 Catoctin Creek State Scenic River Advisory Board
- 142 Cattle Industry Board, Virginia
- 143 Cave Board
- 144 Certified Seed Board, State
- 145 Chesapeake Bay Local Assistance Board
- 146 Chickahominy State Scenic River Advisory Board
- 147 Child Abuse and Neglect, Advisory Board on
- 148 Chippokes Plantation Farm Foundation, Board of Trustees
- 149 Clinch Scenic River Advisory Board
- 150 Coal Research and Development Advisory Board, Virginia
- 151 Coal Surface Mining Reclamation Fund Advisory Board
- 152 Conservation and Development of Public Beaches, Board on
- 153 Conservation and Recreation, Board of
- 154 Contractors, Board for
- 155 Corn Board, Virginia
- 156 Correctional Education, Board of
- 157 Corrections, State Board of
- 158 Cosmetology, Board for
- 159 Criminal Justice Services Board
- 160 Dark-Fired Tobacco Board, Virginia
- 161 Deaf and Hard-of-Hearing, Advisory Board for the Department for the
- 162 Dentistry, Board of
- 163 Education, State Board of
- 164 Egg Board, Virginia
- 165 Emergency Medical Services Advisory Board
- 166 Employment Agency Advisory Board
- 167 Farmers Market Board, Virginia
- 168 Film Office Advisory Board
- 169 Fire Services Board, Virginia
- 170 Forensic Science Advisory Board
- 171 Forestry, Board of
- 172 Funeral Directors and Embalmers, Board of
- 173 ~~Game and Inland Fisheries, Board of~~
- 174 Geology, Board for
- 175 Goose Creek Scenic River Advisory Board
- 176 Health Planning Board, Virginia
- 177 Health Professions, Board of
- 178 Health, State Board of
- 179 Hearing Aid Specialists, Board for
- 180 Hemophilia Advisory Board
- 181 Historic Resources, Board of
- 182 Housing and Community Development, Board of

183	Industrial Development Services Advisory Board
184	Insurance Advisory Board, State
185	Irish Potato Board, Virginia
186	Laboratory Services Advisory Board
187	Marine Products Board, Virginia
188	Medical Advisory Board, Department of Motor Vehicles
189	Medical Board of the Virginia Retirement System
190	Medicare and Medicaid, Advisory Board on
191	Medicine, Board of
192	Mental Health, Mental Retardation and Substance Abuse Services Board, State
193	Migrant and Seasonal Farmworkers Board
194	Military Affairs, Board of
195	Mines, Minerals and Energy, Board of Examiners in the Department of
196	Minority Business Enterprise, Interdepartmental Board of the Department of
197	Motor Vehicle Dealers' Advisory Board
198	Networking Users Advisory Board, State
199	Nottoway State Scenic River Advisory Board
200	Nursing, Board of
201	Nursing Home Administrators, Board of
202	Occupational Therapy, Advisory Board on
203	Oil and Gas Conservation Board, Virginia
204	Opticians, Board for
205	Optometry, Board of
206	Peanut Board, Virginia
207	Personnel Advisory Board
208	Pesticide Control Board
209	Pharmacy, Board of
210	(Delayed effective date - See Editor's note in Code) Physical Fitness and Sports, Virginia Board on
211	Physical Therapy to the Board of Medicine, Advisory Board on
212	Plant Pollination Advisory Board
213	Polygraph Examiners Advisory Board
214	Pork Industry Board, Virginia
215	Poultry Products Board, Virginia
216	Private College Advisory Board
217	Private Security Services Advisory Board
218	Professional and Occupational Regulation, Board for
219	Professional Counselors, Board of
220	Professional Soil Scientists, Board for
221	Psychiatric Advisory Board
222	Psychology, Board of
223	Public Buildings Board, Virginia
224	Public Telecommunications Board, Virginia
225	Radiation Advisory Board
226	Real Estate Appraiser Board
227	Real Estate Board
228	Reciprocity Board, Department of Motor Vehicles
229	Recreational Fishing Advisory Board, Virginia
230	Recreation Specialists, Board of
231	Reforestation Board
232	Rehabilitative Services, Board of
233	Respiratory Therapy, Advisory Board on
234	Retirement System Review Board
235	Rockfish State Scenic River Advisory Board
236	Safety and Health Codes Board
237	Seed Potato Board
238	Sewage Handling and Disposal Appeal Review Board, State Health Department
239	Shenandoah State Scenic River Advisory Board
240	Small Business Advisory Board
241	Small Business Environmental Compliance Advisory Board
242	Small Grains Board, Virginia
243	Social Services, Board of
244	Social Work, Board of

245 Soil and Water Conservation Board, Virginia
 246 Soybean Board, Virginia
 247 State Air Pollution Control Board
 248 Substance Abuse Certification Board
 249 Surface Mining Review, Board of
 250 Sweet Potato Board, Virginia
 251 Teacher Education and Licensure, Advisory Board on
 252 Tourism and Travel Services Advisory Board
 253 Toxic Substances Advisory Board
 254 Transportation Board, Commonwealth
 255 Transportation Safety, Board of
 256 Treasury Board, The, Department of the Treasury
 257 Veterans' Affairs, Board on
 258 Veterinary Medicine, Board of
 259 Virginia Board for Asbestos Licensing
 260 Virginia Employment Commission, State Advisory Board for the
 261 (Delayed effective date - See Editor's note in Code) Virginia Horse Industry Board
 262 Virginia Manufactured Housing Board
 263 Virginia Mine Safety Board
 264 Virginia Retirement System, Board of Trustees
 265 Virginia Waste Management Board
 266 Visually Handicapped, Virginia Board for the
 267 Voluntary Formulary Board, Virginia
 268 War Memorial Foundation, Virginia, Board of Trustees
 269 Waste Management Facility Operators, Board for
 270 Water Resources Research Center Statewide Advisory Board, Virginia
 271 Waterworks and Wastewater Works Operators, Board for
 272 *Wildlife Resources, Board of*
 273 Well Review Board, Virginia
 274 Youth and Family Services, State Board of.
 275 B. Notwithstanding the definition for "board" as provided in § 2.1-1.2, the following entities shall be
 276 referred to as boards:
 277 Compensation Board
 278 State Board of Elections
 279 State Water Control Board
 280 Virginia Parole Board
 281 Virginia Veterans Care Center Board of Trustees.
 282 § 2.1-20.4. Bodies receiving compensation.
 283 A. Notwithstanding any other provision of law, the following commissions, boards, etc., shall be
 284 those which receive compensation from state funds pursuant to § 2.1-20.3:
 285 Accountancy, Board for
 286 Agriculture and Consumer Services, Board of
 287 Air Pollution Control Board, State
 288 Airports Authority, Virginia
 289 Apprenticeship Council
 290 Architects, Professional Engineers, Land Surveyors and Landscape Architects, State Board for
 291 Athletic Board, Virginia
 292 Auctioneers Board
 293 Audiology and Speech-Language Pathology, Board of
 294 Aviation Board, Virginia
 295 Barbers, Board for
 296 Branch Pilots, Board for
 297 Building Code Technical Review Board, State
 298 Chesapeake Bay Local Assistance Board
 299 Child Day Care and Early Childhood Programs, Virginia Council on
 300 College Building Authority
 301 Commonwealth Transportation Board
 302 Conservation and Development of Public Beaches, Board on
 303 Conservation and Recreation, Board of
 304 Contractors, Board for
 305 Correctional Education, Board of

306 Corrections, Board of
307 Cosmetology, Board for
308 Criminal Justice Services Board
309 Deaf and Hard-of-Hearing, Advisory Board for the
310 Dentistry, Board of
311 Education, State Board of
312 Education Loan Authority, Virginia - Board of Directors
313 Elections, State Board of
314 Environment, Council on the
315 Fire Services Board, Virginia
316 Funeral Directors and Embalmers, Board of
317 ~~Game and Inland Fisheries, Board of~~
318 Geology, Board for
319 Health, State Board of
320 Health Professions, Board of
321 Hearing Aid Specialists, Board for
322 Higher Education, State Council of
323 Historic Resources, Board of
324 Housing and Community Development, Board of
325 Information Management, Council on
326 Marine Resources Commission
327 Medical Assistance Services, Board of
328 Medical Complaint Investigation Committee
329 Medicine, Board of
330 Mental Health, Mental Retardation and Substance Abuse Services Board, State
331 Milk Commission
332 Mines, Minerals and Energy, Board of Examiners in the Department of
333 Nursing, Board of
334 Nursing Home Administrators, Board of
335 Occupational Therapy, Advisory Board on
336 Oil and Gas Conservation Board, Virginia
337 Opticians, Board for
338 Optometry, Board of
339 Pesticide Control Board
340 Pharmacy, Board of
341 Physical Therapy, Advisory Board on
342 Port Authority, Board of Commissioners of the Virginia
343 Professional and Occupational Regulation, Board for
344 Professional Counselors, Board of
345 Professional Soil Scientists, Board for
346 Psychology, Board of
347 Public Defender Commission
348 Public School Authority, Virginia
349 Purchases and Supply Appeals Board
350 Real Estate Appraiser Board
351 Real Estate Board
352 Recreation Specialists, Board of
353 Rehabilitative Services, Board of
354 Respiratory Therapy, Advisory Board on
355 Safety and Health Codes Board
356 Seed Potato Board
357 Social Services, Board of
358 Social Work, Board of
359 State Health Department Sewage Handling and Disposal Appeal Review Board
360 Substance Abuse Certification Board
361 Surface Mining Review, Board of
362 Treasury Board
363 Veterans' Affairs, Board on
364 Veterinary Medicine, Board of
365 Virginia Board for Asbestos Licensing
366 Virginia Health Planning Board
367 Virginia Manufactured Housing Board

Virginia Veterans Care Center Board of Trustees
 Virginia Waste Management Board
 Visually Handicapped, Virginia Board for the
 Waste Management Facility Operators, Board for
 Water Control Board, State
 Waterworks and Wastewater Works Operators, Board for
 Well Review Board, Virginia
Wildlife Resources, Board of
 Youth and Family Services, State Board of.

B. Individual members of boards, commissions, committees, councils, and other similar bodies appointed at the state level and receiving compensation for their services on January 1, 1980, but who will not receive compensation under the provisions of this article, shall continue to receive compensation at the January 1, 1980, rate until such member's current term expires.

§ 2.1-41.2. Appointment of agency heads; chief of staff.

Notwithstanding any provision of law to the contrary, the Governor shall appoint the administrative head of each agency of the executive branch of state government except the following: the Executive Director of the Virginia Port Authority, the Director of the State Council of Higher Education for Virginia, the Executive Director of the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources*, the Executive Director of the Jamestown-Yorktown Foundation and the Director of the Virginia Supplemental Retirement System. However, the manner of selection of those heads of agencies chosen by election as of January 1, 1976, or as set forth in the Constitution of Virginia shall continue without change. Each administrative head and Secretary appointed by the Governor pursuant to this section shall be subject to confirmation by the General Assembly, shall have such professional qualifications as may be prescribed by law, and shall serve at the pleasure of the Governor. The chief of staff who may be appointed by the Governor pursuant to § 2.1-38 shall be confirmed by a majority of the members of each house of the General Assembly. For the purpose of this section, "agency" shall include all administrative units established by law or by executive order which are not arms of the legislative or judicial branches of government, which are not educational institutions as classified under §§ 9-84, 22.1-346, 23-14, and 23-252, which are not regional planning districts, regional transportation authorities or districts, or regional sanitation districts and which are not assigned by law to other departments or agencies, not including assignments to secretaries under Chapter 5.1 (§ 2.1-51.7 et seq.) of this title.

§ 2.1-51.9. Agencies for which Secretary of Natural Resources responsible.

The Secretary shall be responsible to the Governor for the following agencies: Department of Conservation and Recreation, Department of Historic Resources, Marine Resources Commission, Department of ~~Game and Inland Fisheries~~ *Wildlife Resources*, Chippokes Plantation Farm Foundation, Chesapeake Bay Local Assistance Department, Virginia Museum of Natural History and the Department of Environmental Quality.

The Governor may, by executive order, assign any state executive agency to the Secretary of Natural Resources, or reassign any agency listed above to another secretary.

§ 9-6.25:3. Supervisory boards.

There shall be, in addition to such others as may be designated in accordance with § 9-6.25, the following supervisory boards:

Alcoholic Beverage Control Board
 Board for Branch Pilots
 Board of Commissioners, Virginia Port Authority
 Board of ~~Game and Inland Fisheries~~ *Wildlife Resources*
 Board of Regents, Gunston Hall Plantation
 Board of Regents, James Monroe Memorial Law Office and Library
 Board of Trustees, Chippokes Plantation Farm Foundation
 Board of Trustees, Frontier Culture Museum of Virginia
 Board of Trustees, Jamestown-Yorktown Foundation
 Board of Trustees, the Science Museum of Virginia
 Board of Trustees, Virginia Museum of Fine Arts
 Board of Trustees, Virginia Retirement System
 Board of Trustees, Virginia Veterans Care Center
 Board of Trustees, Virginia War Memorial Foundation
 Board of Visitors, Christopher Newport University
 Board of Visitors, George Mason University
 Board of Visitors, James Madison University
 Board of Visitors, Longwood College
 Board of Visitors, Mary Washington College

- 429 Board of Visitors, Norfolk State University
430 Board of Visitors, Old Dominion University
431 Board of Visitors, Radford University
432 Board of Visitors, The College of William and Mary in Virginia
433 Board of Visitors, University of Virginia
434 Board of Visitors, Virginia Commonwealth University
435 Board of Visitors, Virginia Military Institute
436 Board of Visitors, Virginia Polytechnic Institute and State University
437 Board of Visitors, Virginia State University
438 Commonwealth's Attorneys' Services Council
439 Compensation Board
440 Governing Board, Virginia College Building Authority
441 Governing Board, Virginia Public School Authority
442 State Board for Community Colleges, Virginia Community College System
443 State Board of Education
444 State Certified Seed Board
445 State Council of Higher Education for Virginia
446 Virginia Agricultural Council
447 Virginia Bright Flue-Cured Tobacco Board
448 Virginia Board for People with Disabilities
449 Virginia Cattle Industry Board
450 Virginia Corn Board
451 Virginia Dark-Fired Tobacco Board
452 Virginia Egg Board
453 Virginia Horse Industry Board
454 Virginia Marine Products Board
455 Virginia Peanut Board
456 Virginia Pork Industry Board
457 Virginia Soybean Board
458 Virginia State Apple Board
459 Virginia Sweet Potato Board.
460 § 29.1-100. Definitions.
461 As used in this title, or in any of the regulations of the Board, unless the context clearly requires a
462 different meaning:
463 "Bag or creel limit" means the quantity of game, fish or fur-bearing animals that may be taken,
464 caught, or possessed during a period fixed by the Board.
465 "Board" means the Board of ~~Game and Inland Fisheries~~ *Wildlife Resources*.
466 "Closed season" means that period of time fixed by the Board during which wild animals, birds or
467 fish may not be taken, captured, killed, pursued, hunted, trapped or possessed.
468 "Department" means the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources*.
469 "Director" means the Director of the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources*.
470 "Fishing" means taking, capturing, killing, or attempting to take, capture or kill any fish in and upon
471 the inland waters of this Commonwealth.
472 "Fur-bearing animals" includes beaver, bobcat, fox, mink, muskrat, opossum, otter, raccoon, skunk,
473 and weasel.
474 "Game" means wild animals and wild birds that are commonly hunted for sport or food.
475 "Game animals" means deer, bear, rabbit, fox, squirrel, bobcat and raccoon.
476 "Game fish" means trout (including all Salmonidae), all of the sunfish family (including largemouth
477 bass, smallmouth bass and spotted bass, rock bass, bream, bluegill and crappie), walleye or pike perch,
478 white bass, chain pickerel or jackfish, muskellunge, and northern pike, wherever such fish are found in
479 the waters of this Commonwealth and rockfish or striped bass where found above tidewaters or in
480 streams which are blocked from access from tidewaters by dams.
481 "Game warden" means supervising wardens, and regular and special game wardens.
482 "Hunting and trapping" includes the act of or the attempted act of taking, hunting, trapping, pursuing,
483 chasing, shooting, snaring or netting birds or animals, and assisting any person who is hunting, trapping
484 or attempting to do so regardless of whether birds or animals are actually taken; however, when hunting
485 and trapping are allowed, reference is made to such acts as being conducted by lawful means and in a
486 lawful manner. The Board of Game and Inland Fisheries may authorize by regulation the pursuing or
487 chasing of wild birds or wild animals during any closed hunting season where persons have no intent to
488 take such birds or animals.
489 "Lawful," "by law," or "law" means the statutes of this Commonwealth or regulations adopted by the
490 Board which the Director is empowered to enforce.

"Migratory game birds" means doves, ducks, brant, geese, swan, coot, gallinules, sora and other rails, snipe, woodcock and other species of birds on which open hunting seasons are set by federal regulations.

"Nonmigratory game birds" means grouse, bobwhite quail, turkey and all species of birds introduced into the Commonwealth by the Board.

"Nuisance species" means blackbirds, crows, cowbirds, grackles, English sparrows, starlings, or those species designated as such by regulations of the Board, and those species found committing or about to commit depredation upon ornamental or shade trees, agricultural crops, wildlife, livestock or other property or when concentrated in numbers and manners as to constitute a health hazard or other nuisance. However, the term nuisance does not include (i) animals designated as endangered or threatened pursuant to §§ 29.1-563, 29.1-564, and 29.1-566, (ii) animals classified as game or furbearing animals, and (iii) those species protected by state or federal law.

"Open season" means that period of time fixed by the Board during which wild animals, wild birds and fish may be taken, captured, killed, pursued, trapped or possessed.

"Possession" means the exercise of control of any wild animal, wild bird, fish or fur-bearing animal, or any part of the carcass thereof.

"Properly licensed person" means a person who, while engaged in hunting, fishing or trapping, or in any other activity permitted under this title, in and upon the lands and inland waters of this Commonwealth, has upon his person all the licenses, permits and stamps required by law.

"Regulation" means a regulation duly adopted by the Board pursuant to the authority vested by the provisions of this title.

"Transportation" means the transportation, either upon the person or by any other means, of any wild animal or wild bird or fish.

"Wildlife" means all species of wild animals, wild birds and freshwater fish in the public waters of this Commonwealth.

§ 29.1-102. Board of Wildlife Resources; how constituted; meetings.

The Commission of Game and Inland Fisheries is continued and shall hereafter be known as the Board of Game and Inland Fisheries *is continued and shall hereafter be known as the Board of Wildlife Resources.*

A. The Board shall consist of not more than one member from each congressional district. Each member of the Board shall be appointed by the Governor, subject to confirmation by the General Assembly. Members shall be appointed for terms of one to four years; however, appointments shall be made in a manner whereby no more than three members shall have terms which expire in the same year. An appointment to fill a vacancy shall be made in the same manner, but only for the unexpired term. No person shall be eligible to serve more than two consecutive four-year terms. Members may be removed from office during their respective terms by the Governor.

B. The Board shall adopt rules and procedures for the conduct of its business.

C. The Board shall elect one of its members as its chairman, who shall preside at all regular and called meetings of the Board.

D. The Board shall meet once every three months beginning July 1 of each year for the transaction of business, and other meetings may be called if necessary. The majority of the members shall constitute a quorum. In the event of unavoidable absence of the chairman, the members present shall designate some other member to act in place of the chairman. Meetings shall be held in Richmond or at such other places within the Commonwealth as may be expedient.

§ 29.1-801. Definitions.

Unless the context otherwise requires, the following words and terms for the purpose of this chapter shall have the following meanings:

"Board" means the Board of ~~Game and Inland Fisheries~~ *Wildlife Resources.*

"Certificate of origin" means the document provided by the manufacturer of a new watercraft, or its distributor, which is the only valid indication of ownership between the manufacturer, its distributor, its franchised new watercraft dealers, and the original purchaser not for resale.

"Department" means the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources.*

"Director" means the director of the Department.

"Distributor" means a person who sells or distributes new watercraft pursuant to a written agreement with the manufacturer, to new watercraft dealers in this Commonwealth.

"Distributor branch" means a branch office maintained by a distributor for the sale of watercraft to watercraft dealers or for directing or supervising, in whole or in part, its representatives in this Commonwealth.

"Distributor representative" means a person employed by a distributor or wholesaler, or by a distributor branch, for the purpose of making or promoting the sale of watercraft dealt in by it or for supervising or contacting its dealers, prospective dealers, or representatives in this Commonwealth.

552 "Established place of business" means a salesroom in a permanent enclosed building or structure,
553 either owned in fee or leased, at which a permanent business of bartering, trading and selling of
554 watercraft will be carried on as such in good faith and at which place of business shall be kept and
555 maintained the books, records and files necessary to conduct the business at such place. It shall not
556 mean residence, tents, temporary stands or other temporary quarters, nor permanent quarters occupied
557 pursuant to any temporary arrangement, devoted principally to the business of a watercraft dealer, as
558 herein defined.

559 "Factory branch" means a branch office, maintained by a person for the sale of watercraft to
560 distributors or for the sale of watercraft to watercraft dealers, or for directing or supervising, in whole or
561 in part, its representatives in this Commonwealth.

562 "Factory representative" means a person employed by a person who manufactures or assembles
563 watercraft or by a factory branch for the purpose of making or promoting the sale of its watercraft or
564 for supervising or contacting its dealers, prospective dealers, or representatives in this Commonwealth.

565 "Franchise" means a written contract or agreement between two or more persons whereby one
566 person, the franchisee, is granted the right to engage in the business of offering, selling and servicing
567 new watercraft manufactured or distributed by the grantor of the right, the franchisor, and where the
568 operation of the franchisee's business is substantially associated with the franchisor's trademark, trade
569 name, advertising, or other commercial symbol designating the franchisor, the watercraft or its
570 manufacturer or distributor.

571 "Manufacturer" means a person engaged in the business of constructing or assembling new
572 watercraft.

573 "New watercraft" means any watercraft which (i) has not been previously sold except in good faith
574 for the purpose of resale, (ii) has not been used as a rental or demonstration watercraft, or for the
575 personal and business transportation of the manufacturer or dealer or any of their employees, or for any
576 use other than the limited use necessary in testing the watercraft prior to delivery to a customer, (iii) is
577 transferred by a certificate of origin, and (iv) has the manufacturer's certification that it conforms to all
578 applicable federal watercraft safety standards.

579 "New watercraft dealer" means a dealer in new watercraft or new and used watercraft.

580 "Person" means any natural person or individual, partnership, firm, association, corporation or other
581 entity.

582 "Retail installment sale" means and includes every sale of one or more watercraft to a buyer for his
583 use and not for resale, in which the price thereof is payable in one or more installments over a period of
584 time and in which the seller has either retained title to the goods or has taken or retained a security
585 interest in the goods under form of contract designated either as a conditional sale, bailment lease,
586 chattel mortgage or otherwise.

587 "Sale at retail" or "retail sale" means the act or attempted act of selling, bartering, exchanging, or
588 otherwise disposing of a watercraft to a buyer for his personal use and not for resale.

589 "Sale at wholesale" or "wholesale" means a sale to watercraft dealers or wholesalers other than to
590 consumers or a sale to one who intends to resell.

591 "Used watercraft" means any watercraft other than a new watercraft as defined herein.

592 "Used watercraft dealer" means a dealer in used watercraft that does not deal in new watercraft.

593 "Watercraft" means that as defined in § 29.1-712 except that (i) United States naval watercraft, (ii)
594 watercraft which have a valid marine document issued by the United States Coast Guard, other than
595 recreational watercraft under seventy feet in length and (iii) watercraft documented outside the United
596 States shall not be included in such definition for purposes of this chapter.

597 "Watercraft dealer" means any person which:

598 1. For commission, money or other thing of value, buys, sells, exchanges, either outright or on
599 conditional sale, bailment lease, chattel mortgage or otherwise howsoever, or arranges or offers or
600 attempts to solicit or negotiate on behalf of others a sale, purchase or exchange of an interest in, new
601 watercraft or new and used watercraft or used watercraft alone whether or not such watercraft are owned
602 by such person; or

603 2. Is engaged, wholly or in part, in the business of selling new watercraft or new and used
604 watercraft, or used watercraft only, whether or not such watercraft are owned by such person; or

605 3. Sells, offers to sell, displays or permits the display for sale, of two or more watercraft, within any
606 twelve consecutive months.

607 For the purpose of this chapter the term "watercraft dealer" does not include:

608 1. Receivers, trustees, administrators, executors, guardians or other persons appointed by or acting
609 under judgment or order of any court or their employees when engaged in the specific performance of
610 their duties as such employees; or

611 2. Public officers, their deputies, assistants or employees, while performing their official duties; or

612 3. Persons, other than corporations or other business entities primarily engaged in the leasing or
613 renting of watercraft to others, (i) when selling or offering such watercraft for sale at retail, or (ii)

614 disposing of watercraft acquired for their own use and actually so used, when the same shall have been
615 so acquired and used in good faith and not for the purpose of avoiding the provisions of this chapter; or

616 4. Any corporation duly chartered or authorized to do a banking or trust business under the authority
617 of the laws of this Commonwealth, or the United States, which may have received title to a watercraft
618 in the normal course of its business by reason of a foreclosure, other taking, repossession or voluntary
619 reconveyance to said corporation arising or occurring as a result of any loan secured by a lien on said
620 watercraft; or

621 5. An employee of an organization arranging for the purchase or lease by the organization of
622 watercraft for use in the organization's business; or

623 6. Any person who permits the operation of a watercraft show or permits the display of watercraft
624 for sale by any watercraft dealer licensed under this chapter; or

625 7. An insurance company licensed or otherwise authorized to do business in this Commonwealth that
626 sells or disposes of watercraft under a contract with their insured and in the regular course of its
627 business.

628 "Watercraft salesman" or "salesman" means any person who is employed as a salesman by, or has an
629 agreement with, a watercraft dealer to sell or exchange watercraft.

630 **"Watercraft show" means a display of watercraft to the general public at a location other than a**
631 **dealer's location licensed under this chapter where such watercraft may be offered for sale or**
632 **exchange during or as part of the display.**

633 2. That whenever the terms "Board of Game and Inland Fisheries" or "Department of Game and
634 Inland Fisheries" are used in this Code, in any other laws of the Commonwealth, on any posted
635 signs, or in any documents, it shall be taken to mean the "Board of Wildlife Resources" and the
636 "Department of Wildlife Resources," respectively.