

**REPORT OF THE  
VIRGINIA CODE COMMISSION ON**

**Revision of Title 29  
of the Code of Virginia**

**TO THE GOVERNOR AND  
THE GENERAL ASSEMBLY OF VIRGINIA**



**House Document No. 22**

**COMMONWEALTH OF VIRGINIA  
RICHMOND  
1987**

Report of the  
Virginia Code Commission  
on the Revision of Title 29  
of the Code of Virginia  
To  
The Governor and the General Assembly of Virginia  
Richmond, Virginia  
January, 1987

TO: Honorable Gerald L. Baliles  
and  
The General Assembly of Virginia

House Joint Resolution No. 11 of the 1986 Acts of Assembly directed the Virginia Code Commission to make a study of Title 29 of the Code of Virginia and report to the Governor and the General Assembly its findings in the form of a revision of the title. Pursuant to this mandate, the study has been completed and the revision is appended to this report.

The study resolution was initially brought to the attention of the General Assembly by Delegate A. Victor Thomas, who was interested in having the style and substance of the hunting and fishing laws follow in a more consistent order in the Code. The resolution also referred to the inconsistency of penalties in Title 29. In order to address this concern, new language in Title 29.1 refers to the uniform class system of penalties as listed in Title 18.2 (i.e., Class 1 misdemeanor).

Due to the number of amendments and changes to Title 29 that have taken place over the years, the need arose to organize the laws in a more logical manner; to delete obsolete provisions; and to improve the grammar and clarity of the game and inland fisheries laws. These objectives led to the rearrangement of numerous sections and existing language into the new chapter structure. Originally, the title had thirteen chapters; new Title 29.1 will have seven chapters.

Upon review of Title 29, the Code Commission determined that several existing chapters would be more appropriately located in other titles. Existing Chapter 9 (Control of Rabies) is proposed to be relocated to Title 32.1 (Health) and appear as Article 3.1 of Chapter 2 (Disease Prevention and Control). Existing Chapter 9.4 (Comprehensive Animal Laws) is proposed to be relocated to Title 3.1 under a new Chapter 27.4. The rationale for this is the fact that the Commission of Game and Inland Fisheries does not administer any of the domestic animal laws anymore.

The Code Commission also determined that since the Commission of Game and Inland Fisheries administers boating laws and regulations, it would be logical to relocate Chapter 17 (Motorboats and Water Safety) from Title 62.1 to the new Title 29.1. This change appears as Chapter 7 of the new title.

In accordance with House Document No. 25 of 1986, A Report on Agency Nomenclature and Classification of Executive Branch Collegial Bodies, the Code Commission has suggested the incorporation of new agency and board references throughout Title 29.1. The term "Commission of Game and Inland Fisheries" is changed to the "Department of Game and Inland Fisheries" or the "Board of Game and Inland Fisheries" depending on whether the responsibilities and duties relate to administrative or policy matters.

Mr. Richard H. Cross, Jr., Executive Director of the Commission of Game and Inland Fisheries, relayed the recommendations of the Commission and his agency. Michael D. Ward, Attorney with the Division of Legislative Services, was responsible for the drafting of the revision and providing staff support for this project. Joan W. Smith, of the Division, provided the administrative support, and Sherry M. Smith coordinated typing and redrafts.

The revision of Title 29 of the Code of Virginia follows this text as Appendix A. Additional changes which will appear in the bill version are summarized on the page labelled Appendix B. Cross-reference tables follow as Appendix C. Those tables indicate the sections in the proposed new Title 29.1 equivalent to those in the present Title 29 and vice-versa.

The Virginia Code Commission recommends that the General Assembly enact legislation at the 1987 Session to effect this revision.

Respectfully submitted,

Theodore V. Morrison, Jr., Chairman  
Dudley J. Emick, Jr., Vice-Chairman  
John A. Banks, Jr., Secretary  
Russell M. Carneal  
James P. Jones  
H. Lane Kneedler  
John Wingo Knowles  
A. L. Philpott



1     § 29-1. Designation of laws embraced in title. The laws embraced in this title shall  
2 constitute, and be designated and cited as "The Game, Inland Fish and Dog Laws of  
3 Virginia."

4     *Drafting Note:* This section is being deleted since the laws in this title need not be  
5 cited by any particular designation.

6     § 29-1.1. Cooperative fish restoration projects. (1) The State of Virginia hereby assents  
7 to the provisions of the act of Congress entitled "An act to provide that the United States  
8 shall aid the States in fish restoration and management projects, and for other purposes,"  
9 approved August 9, 1950 (Public Law 681, 81st Congress), and to such end no funds  
10 accruing to the State of Virginia from license fees paid by fishermen shall be diverted for  
11 any other purpose than the administration of the Commission of Game and Inland Fisheries  
12 and for the protection, propagation, preservation and investigation of fish.

13     (2) The Commission of Game and Inland Fisheries is hereby authorized, empowered,  
14 and directed to perform such acts as may be necessary to the conduct and establishment  
15 of cooperative fish restoration projects, as deemed in such act of Congress, in compliance  
16 with said act and rules and regulations promulgated by the Secretary of the Interior  
17 thereunder but not in conflict with state law.

18     *Drafting Note:* This section has been condensed and restated as a general power in  
19 proposed § 29.1-109(B)(4).

20     § 29-2. Cooperative wildlife restoration projects. The Commonwealth assents to the  
21 provisions of the act of Congress entitled an act to provide that the United States shall aid  
22 the states in wildlife restoration projects, and for other purposes, approved September 2,  
23 1937, and the Commission of Game and Inland Fisheries is authorized and directed to  
24 perform such acts as may be necessary to the conduct and establishment of such  
25 cooperative wildlife restoration projects, as it may elect to adopt, as defined in such act of  
26 Congress, in compliance with such act and rules and regulations promulgated by the  
27 Secretary of the Interior thereunder; and no moneys accruing to the Commonwealth from  
28 license fees paid by hunters shall be diverted for any other purpose than the  
29 administration of the Commission of Game and Inland Fisheries.

30     *Drafting Note:* This section has been condensed and restated as a general power in  
31 proposed § 29.1-109(B)(4).

32     § 29-2.1. Definitions. Whenever and wherever the following words and phrases are used  
33 in the Game and Inland Fish Laws of this title, or in any of the regulations of the  
34 Commission, the same shall be, unless the context clearly indicates otherwise, construed to  
35 mean as follows:

36     The phrase "by law" or the word "lawful" means the statutes of this Commonwealth  
37 which the Commission is empowered to enforce or a regulation which the Commission is  
38 empowered to adopt and enforce.

39     (a) The "Commission" means the Commission of Game and Inland Fisheries.

40     (b) "Director" means the Executive Director of the Commission.

41     (c) "Game warden" means and includes supervising wardens, regular and special game  
42 wardens and conservation officers.

43     (d) "Regulation" means a regulation duly adopted by the Commission pursuant to the  
44 authority vested by the provisions of this title.

45     (e) "A properly licensed person" means a person who, while engaged in hunting, fishing  
46 or trapping, or in any other activity permitted under this title, in and upon the lands and  
47 inland waters of this Commonwealth, has upon his person all the licenses, permits and  
48 stamps required by law.

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

51     (g) "Game" means wild animals and wild birds that are commonly hunted for sport or  
52 food.

53     (h) "Nonmigratory game birds" means grouse, bobwhite, quail and turkey and all  
54 species of birds introduced by the Commission.

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

4 (j) "Game fish" means and includes trout (including all Salmonidae), grayling, all of the  
5 sunfish family (including largemouth bass, smallmouth bass and spotted bass, rock bass,  
6 bream, bluegill and crappie), walleye or pike perch, white bass, chain pickerel or jackfish,  
7 muskellunge, northern pike and lake trout, wherever such fish are found in the waters of  
8 this Commonwealth and rockfish or striped bass where found above tidewaters or in  
9 streams which are blocked from access from tidewaters by dams.

10 (k) "Game animals" means deer, elk, bear, rabbit, fox, squirrel, bobcat and mountain  
11 lion or cougar.

12 (l) "Fur-bearing animals" includes beaver, mink, muskrat, opossum, otter, raccoon, and  
13 skunk.

14 (m) "Nuisance species" means blackbirds, crows, cowbirds, grackles, English sparrows,  
15 starlings, weasels, nutria and all other wild animals except (1) birds, (2) animals  
16 designated as endangered species pursuant to § 29-232, and (3) animals classed as game or  
17 fur-bearing animals; however, blackbirds, crows, cowbirds, and grackles shall be classed as  
18 nuisance species only when found committing or about to commit depredation upon  
19 ornamental or shade trees, agricultural crops, livestock or other property, or wildlife, or  
20 when concentrated in such numbers and manner as to constitute a health hazard or other  
21 nuisance.

22 (n) "Hunting and trapping" includes taking, hunting, trapping, shooting, snaring or  
23 netting such birds or animals, and includes attempting to take, hunt, trap, shoot, snare or  
24 net wild birds or wild animals, and assisting any person who is hunting or trapping or  
25 attempting to do so whether the same results in taking or not, provided that whenever  
26 hunting or trapping is permitted, reference is made to so doing by lawful means and in a  
27 lawful manner.

28 (o) "Fishing" means taking, capturing, killing, or attempting to take, capture or kill any  
29 fish in and upon the inland waters of this Commonwealth.

30 (p) "Closed season" means that period of time fixed by the Commission during which  
31 wild animals, birds or fish may not be taken, captured, killed, pursued, hunted, trapped or  
32 possessed.

33 (q) "Open season" means that period of time fixed by the Commission during which  
34 wild animals, wild birds and fish may be taken, captured, killed, pursued, trapped or  
35 possessed.

36 (r) "Bag or creel limit" means the quantity of game or fish or fur-bearing animals that  
37 may be taken, caught, or possessed during a period fixed by the Commission.

38 (s) "Possession" means the exercise of control, either physical or constructive, of any  
39 wild animal, wild bird, fish or fur-bearing animal, or any part of the carcass thereof.

40 (t) "Transportation" means the transportation, either upon the person or by any other  
41 means, of any wild animal or wild bird or fish.

42 *Drafting Note:* The definitions in existing § 29-2.1 have been realigned in alphabetical  
43 order in proposed § 29.1-100.

#### 44 CHAPTER 1.

#### 45 ADMINISTRATION OF GAME AND INLAND FISHERIES.

#### 46 Article 1.

#### 47 General Provisions.

48 § 29.1-100. *Definitions.* – As used in this title, or in any of the regulations of the  
49 Board, unless the context clearly requires a different meaning:

50 "Bag or creel limit" means the quantity of game, fish or fur-bearing animals that may  
51 be taken, caught, or possessed during a period fixed by the Board.

52 "Board" means the Board of Game and Inland Fisheries.

53 "Closed season" means that period of time fixed by the Board during which wild  
54 animals, birds or fish may not be taken, captured, killed, pursued, hunted, trapped or

1 possessed.

2 *"Department" means the Department of Game and Inland Fisheries.*

3 *"Director" means the Director of the Department of Game and Inland Fisheries.*

4 *"Fishing" means taking, capturing, killing, or attempting to take, capture or kill any*  
5 *fish in and upon the inland waters of this Commonwealth.*

6 *"Fur-bearing animals" includes beaver, bobcat, fox, mink, muskrat, opossum, otter,*  
7 *raccoon, skunk, and weasel.*

8 *"Game" means wild animals and wild birds that are commonly hunted for sport or*  
9 *food.*

10 *"Game animals" means deer, bear, rabbit, fox, squirrel, bobcat and raccoon.*

11 *"Game fish" means trout (including all Salmonidae), all of the sunfish family (including*  
12 *largemouth bass, smallmouth bass and spotted bass, rock bass, bream, bluegill and*  
13 *crappie), walleye or pike perch, white bass, chain pickerel or jackfish, muskellunge, and*  
14 *northern pike, wherever such fish are found in the waters of this Commonwealth and*  
15 *rockfish or striped bass where found above tidewaters or in streams which are blocked*  
16 *from access from tidewaters by dams.*

17 *"Game warden" means supervising wardens, and regular and special game wardens.*

18 *"Hunting and trapping" includes the act of or the attempted act of taking, hunting,*  
19 *trapping, shooting, snaring or netting birds or animals, and assisting any person who is*  
20 *hunting, trapping or attempting to do so regardless of whether birds or animals are*  
21 *actually taken; however, when hunting and trapping are allowed, reference is made to*  
22 *such acts as being conducted by lawful means and in a lawful manner.*

23 *"Lawful," "by law," or "law" means the statutes of this Commonwealth or regulations*  
24 *adopted by the Board which the Director is empowered to enforce.*

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

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

30 *"Nuisance species" means blackbirds, crows, cowbirds, grackles, English sparrows,*  
31 *starlings, nutria and all other wild animals with the exception of (i) animals classed as*  
32 *game or fur-bearing animals, (ii) animals designated as endangered species pursuant to §*  
33 *29.1-562, and (iii) all other birds not specified herein. Blackbirds, crows, cowbirds, and*  
34 *grackles shall be classified as nuisance species only when found committing or about to*  
35 *commit depredation upon ornamental or shade trees, agricultural crops, wildlife, livestock*  
36 *or other property, or when concentrated in such numbers and manners as to constitute a*  
37 *health hazard or other nuisance.*

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

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

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

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

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

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

52 *Drafting Notes:*

53 1. The definitions in this section were realigned in alphabetical order for more  
54 convenient reference.

1 2. Some definitions were reworded for better readability. (See definitions for "hunting  
2 and trapping" and "nuisance species.")

3 3. References to the "Commission" are deleted and definitions are added for "Board"  
4 and "Department" to effectuate the standard nomenclature for state agencies.

5 § 29.1-101 ~~29-20~~ . Game protection fund. – The amount received by the State Treasurer  
6 from the sale of hunting, trapping and fishing licenses and such other items as may accrue  
7 to the ~~Commission~~ Board shall be set aside by him and shall constitute the game protection  
8 fund. This fund, including any unexpended balance on hand at any time , shall be a  
9 separate fund in the state treasury and shall be used for the payment of the salaries,  
10 allowances, wages, and expenses incident to carrying out the provisions of the hunting,  
11 trapping and inland fish laws and for no other purpose, except as provided in §§ 58.1-345  
12 and ~~62.1-168~~ 29.1-702 .

13 *Drafting Note:* Existing § 29-20 is being relocated from existing Chapter 2 since it is a  
14 general provision and reference is made to this fund throughout the rest of the title.

15 § 29-3. Appointment, terms and vacancies. The Commission shall consist of not more  
16 than one member from each congressional district. Each member of the Commission shall  
17 General Assembly, if in session when such appointments are made, and if not in session,  
18 then at its next succeeding session. An appointment to fill a vacancy shall be made in like  
19 manner, but only for the unexpired term. No person shall be appointed more than once to  
20 succeed himself; provided, that an appointment to fill a vacancy shall not be considered in  
21 determining a member's eligibility for appointment thereafter; and provided further, that  
22 any member appointed prior to July 1, 1975, to a term of less than six years, if such  
23 appointment was not made to fill a vacancy, shall be eligible to succeed himself for one  
24 term of not more than six years.

25 § 29-4. Subject to removal. Each of such members may be removed from office during  
26 their respective terms by the Governor.

27 *Drafting Note:* Existing §§ 29-3 and 29-4 have been merged and now appear in  
28 proposed § 29.1-102(A).

## 29 Article 2.

### 30 Board of Game and Inland Fisheries.

31 § 29.1-102. Board of Game and Inland Fisheries; how constituted; meetings. – The  
32 Commission of Game and Inland Fisheries is continued and shall hereafter be known as  
33 the Board of Game and Inland Fisheries.

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

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

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

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

51 § 29-6. May confer and impose powers and duties on Executive Director. The  
52 Commission is authorized by resolutions or regulations duly adopted to confer and impose  
53 from time to time upon the Executive Director hereinafter provided for all such powers,  
54 authorities, and duties as the Commission possesses and deems necessary or proper to



1 carry out the purposes of this title.

2 *Drafting Note:* Existing § 29-6 now appears as proposed § 29.1-103(14).

3 § 29-7. Rules and regulations. All rules, resolutions, regulations and policies adopted by  
4 the Commission shall be reduced to writing for the Executive Director, and such rules,  
5 resolutions, regulations and policies shall be public documents and available to the public  
6 on request.

7 *Drafting Note:* Existing § 29-7 is shifted to proposed § 29.1-107.

8 § 29-8. Chairman and Executive Director. The Commission shall elect one of its  
9 members as its chairman, who shall preside at all regular and called meetings of the  
10 Commission, and it shall appoint some other person, not a member of the Commission, as  
11 Executive Director. The Executive Director shall be the principal administrative officer of  
12 the Commission and, as such, it shall be his duty to carry out, or cause to be carried out,  
13 all orders, rules and regulations of the Commission, and to perform such other functions  
14 and duties, and exercise such powers, as are or from time to time may be conferred or  
15 imposed upon him by the Commission. The Executive Director shall devote his full time to  
16 the performance of his duties and shall receive such compensation therefor as may be  
17 provided in accordance with law for the purpose.

18 *Drafting Note:* The first part of of existing § 29-8 appears in proposed § 29.1-102(C); the  
19 second part appears in proposed § 29.1-109(B)

20 § 29-9. To be sworn into office. Each member of the Commission, before entering upon  
21 the discharge of his duties, shall be sworn into office in the manner prescribed in Chapter  
22 1 (§ 49-1 et seq.) of Title 49. The Executive Director shall be sworn into office in a  
23 similar manner and a certificate issued to him under the signature of the chairman.

24 *Drafting Note:* This section is unnecessary and is being stricken from the title.

25 § 29-10. Bonds required. Before entering upon the discharge of their duties, the  
26 chairman and Executive Director shall execute bonds, payable to the Commonwealth, in the  
27 penalty of \$5,000 each, conditioned for the faithful performance of their duties, with surety  
28 to be approved by the Attorney General, which bonds shall be filed in the office of the  
29 Secretary of the Commonwealth or such other officer as may be designated by law to  
30 perform the duties of this office. The premium on such bonds shall be paid out of the  
31 game protection fund.

32 *Drafting Note:* Existing § 29-10 is deleted since bond requirements are specified in §  
33 2.1-11.1.

34 § 29-11. General powers of the Commission. In addition to the specific authority  
35 elsewhere herein conferred, the Commission shall have general power and authority to  
36 acquire by purchase, lease, exchange, gift or otherwise, such lands and waters anywhere in  
37 this State as it may deem expedient and proper; to establish and erect thereon and therein  
38 such buildings, structures, dams, lakes and ponds as it may deem necessary and proper,  
39 and to conduct and carry on such operations for the preservation and propagation of game  
40 birds, game animals, fish and other wildlife as it may deem proper to increase, replenish  
41 and restock the lands and inland waters of the State; to purchase, lease or otherwise  
42 acquire lands and waters for game and fish refuges, preserves or public shooting and  
43 fishing, and to establish such lands and waters under appropriate regulations; to acquire by  
44 purchase, lease, or otherwise lands and structures for use as public landings, wharves, or  
45 docks; to establish and erect thereon such structures or other improvements as it deems  
46 necessary; and to control the use of all such public landings, wharves or docks by  
47 appropriate regulation; to acquire and introduce any new species of game birds, game  
48 animals or fish on the lands and within the waters in the State; to adopt such other means  
49 as it may deem necessary to restock, replenish and increase any depleted native species of  
50 game birds, game animals, or fish; to have educational matter pertaining to wildlife  
51 published and distributed; to hold exhibits throughout the State for the purpose of  
52 interesting school children, agriculturists and other persons in the preservation and  
53 propagation of the wildlife of this State; and to employ speakers and lecturers to  
54 disseminate information concerning the wildlife of the State and the protection,

1 replenishment and propagation thereof; and to have and to exercise such other powers and  
 2 to do such other things as it may deem advisable for the conservation, protection,  
 3 replenishment, propagation of and increasing the supply of game birds, game animals and  
 4 fish and other wildlife of the State. In addition to those powers already enumerated, the  
 5 Commission may permit the educational television entities in Virginia to use land under the  
 6 jurisdiction of the Commission for the site location of towers and other transmission  
 7 equipment as required for the most efficient operation of their facilities.

8 § 29.1-103. Powers and duties of the Board. – The Board is responsible for carrying out  
 9 the purposes and provisions of this title and is authorized to:

10 1. Appoint the Director of the Department.

11 2. Acquire by purchase, lease, exchange, gift or otherwise, lands and waters in the  
 12 Commonwealth and to establish buildings, structures, dams, lakes and ponds on such lands  
 13 and waters.

14 3. Conduct operations for the preservation and propagation of game birds, game  
 15 animals, fish and other wildlife in order to increase, replenish and restock the lands and  
 16 inland waters of the Commonwealth.

17 4. Purchase, lease, or otherwise acquire lands and waters for game and fish refuges,  
 18 preserves or public shooting and fishing, and establish such lands and waters under  
 19 appropriate regulations.

20 5. Acquire by purchase, lease, or otherwise, lands and structures for use as public  
 21 landings, wharves, or docks; to improve such lands and structures; and to control the use  
 22 of all such public landings, wharves or docks by regulation.

23 6. Acquire and introduce any new species of game birds, game animals or fish on the  
 24 lands and within the waters of the Commonwealth.

25 7. Restock, replenish and increase any depleted native species of game birds, game  
 26 animals, or fish.

27 8. Have educational matter pertaining to wildlife published and distributed.

28 9. Hold exhibits throughout the Commonwealth for the purpose of educating school  
 29 children, agriculturists and other persons in the preservation and propagation of wildlife in  
 30 the Commonwealth.

31 10. Control land owned by and under control of the Commonwealth in Back Bay, its  
 32 tributaries and the North Landing River from the North Carolina line to North Landing  
 33 Bridge. The Board shall regulate or prohibit by regulation any drilling, dredging or other  
 34 operation designed to recover or obtain shells, minerals, or other substances in order to  
 35 prevent practices and operations which would harm the area for fish and wildlife.

36 11. Exercise powers it may deem advisable for conserving, protecting, replenishing,  
 37 propagating and increasing the supply of game birds, game animals, fish and other wildlife  
 38 of the Commonwealth.

39 12. Adopt resolutions or regulations conferring upon the Director all such powers,  
 40 authorities and duties as the Board possesses and deems necessary or proper to carry out  
 41 the purposes of this title.

42 *Drafting Notes:* For clarification and easier reference, the general powers set out in  
 43 existing § 29-11 have been listed numerically in proposed § 29.1-103. Subsection 10 above  
 44 reflects existing § 62.1-5.

45 § 29.1-104 ~~29-11.2~~ . Acceptance of gifts, etc. – In addition to the authority granted the  
 46 Commission Board by § 29-11 ~~29.1-103~~ of the Code of Virginia, the Commission Board may  
 47 receive gifts, grants, bequests, and devises of property, real or personal, and of money  
 48 which, if accepted, shall be taken and held for the any uses prescribed , if any, by the  
 49 donor, grantor, or testator and in accord with the purposes of this title. The Commission  
 50 Board shall manage such properties or money in such a way as to maximize their value to  
 51 the citizens of Virginia.

52 § 29.1-105 ~~29-11.1~~ . Lease or contract respecting land or buildings. – The Commission  
 53 Board is authorized, with the approval of the Governor, to enter into contracts respecting  
 54 or to lease , upon such terms and conditions as deemed advisable by the Commission, any

1 land or buildings leased or owned by it to private persons, corporations, associations, other  
 2 governmental agencies, public authorities duly created by law or political subdivisions of  
 3 the State *Commonwealth*. *The contracts or leases shall be (i) upon terms and conditions*  
 4 *as deemed advisable by the Board, (ii) in a form to be approved by the Attorney General,*  
 5 *when such action is not inconsistent and (iii) consistent with the powers, authority and*  
 6 *responsibilities of the Commission Board*. *Any If any such lease or contract if is to be*  
 7 *effective for a term of more than five years, it shall be authorized only after a public*  
 8 *hearing by the Commission Board*. All amounts received pursuant to leases and contracts  
 9 hereunder shall be deposited in the state treasury to the credit of the game protection  
 10 fund.

11 *Drafting Note*: Changes in existing § 29-11.1 are made to improve readability.

12 § 29.1-106 29-12. Forest and watershed areas. – The *Commission Board* is authorized to  
 13 exercise full control of the hunting and fishing rights and privileges in and on all  
 14 impounded water areas in this State *Commonwealth* resulting from power development; and  
 15 in all forest and watershed areas in this State *Commonwealth* which are now owned, or  
 16 which may hereafter be acquired, by the United States government, subject to the rights  
 17 and power of the United States Department of Agriculture therein. The *Commission Board*  
 18 shall have the power to establish refuges, sanctuaries and public shooting and fishing  
 19 reserves *preserves* in such *these* areas, under such regulations as it may deem proper.

20 § 29.1-107. Rules and regulations. – All rules, resolutions, regulations and policies  
 21 adopted by the Board shall be reduced to writing for the Director, shall be public  
 22 documents and shall be available to the public on request.

23 *Drafting Note*: Proposed § 29.1-107 is existing § 29-7.

24 § 29-13. Enforcement of laws. The Commission is vested with jurisdiction, power and  
 25 authority to enforce or cause to be enforced all laws for the protection, propagation and  
 26 preservation of game birds and game animals of this State and all fish in the inland waters  
 27 thereof, which waters shall be construed to mean and to include all waters above tidewater  
 28 and the brackish and freshwater streams, creeks, bays, including Back Bay, inlets, and  
 29 ponds in the tidewater counties.

30 *Drafting Note*: Existing § 29-13 appears as proposed § 29.1-109(B)(1).

31 § 29-14. Prosecutions. The Commission shall prosecute all persons who violate such laws  
 32 and shall seize and confiscate any and all wild birds, wild animals and fish that have been  
 33 illegally killed, caught, transported or shipped.

34 *Drafting Note*: Existing § 29-14 appears as proposed § 29.1-109(B)(2).

35 § 29-15. Employment of other assistants. In addition to the Executive Director the  
 36 Commission may employ such other persons as may be necessary to the administrative  
 37 requirements and designate the official position and duties of each. The Commission shall  
 38 employ, and make available to local governing bodies on request, a person skilled in  
 39 predatory control of all wild animals recognized as carriers of rabies.

40 *Drafting Note*: Existing § 29-15 appears in proposed § 29.1-109(B)(3).

41 § 29-16. Salaries of employees. The salaries of all such employees shall be such as may  
 42 be provided in accordance with law.

43 *Drafting Note*: Existing § 29-16 appears in proposed § 29.1-109(B)(3).

44 § 29-17. Meetings of the Commission. The Commission shall meet once every three  
 45 months beginning July first of each year for the transaction of such business as may be  
 46 brought before it, and other meetings may be called if necessary. The majority of the  
 47 members shall constitute a quorum. In the event of unavoidable absence of the chairman,  
 48 because of illness or other reason, the members present shall designate some other  
 49 member to act in place of the chairman. Meetings shall be held in Richmond or at such  
 50 other places within the State as may be expedient.

51 *Drafting Note*: Existing § 29-17 appears in proposed § 29.1-102(D).

52 § 29.1-108 29-18. Audits and examinations. – The minute books and other records of  
 53 the *Commission Board* shall be open to examination by the Governor and Auditor of Public  
 54 Accounts, or their representatives, at any and all times. The accounts of the Commission

1 *Board* shall be audited in the manner provided for the audit of other state agencies. All  
 2 acts of the Commission and its employees shall be subject to the review and approval of  
 3 the members present.

4 § 29-20. Game protection fund. The amount received by the State Treasurer from the  
 5 sale of hunting, trapping and fishing licenses and such other items as may accrue to the  
 6 Commission shall be set aside by him and shall constitute the game protection fund. This  
 7 fund, including any unexpended balance on hand at any time, shall be a separate fund in  
 8 the state treasury and shall be used for the payment of the salaries, allowances, wages,  
 9 and expenses incident to carrying out the provisions of the hunting, trapping and inland  
 10 fish laws and for no other purpose, except as provided in §§ 58.1-345 and 62.1-168.

11 *Drafting Note:* Existing § 29-20 appears as proposed § 29.1-101.

12 *Article 3.*

13 *Department of Game and Inland Fisheries.*

14 § 29.1-109. *Department of Game and Inland Fisheries; Director.* – A. *The Department*  
 15 *of Game and Inland Fisheries shall exist to provide public, informational and educational*  
 16 *services related to this title, and to serve as the agency responsible for the administration*  
 17 *and enforcement of all rules and regulations of the Board, the statutory provisions of this*  
 18 *title, and related legislative acts.*

19 B. *The Board shall appoint a Director to head the Department and to act as principal*  
 20 *administrative officer. In addition to the powers designated elsewhere in this title, the*  
 21 *Director shall have the power to:*

22 1. *Enforce or cause to be enforced all laws for the protection, propagation and*  
 23 *preservation of game birds and game animals of the Commonwealth and all fish in the*  
 24 *inland waters thereof. Inland waters shall include all waters above tidewater and the*  
 25 *brackish and freshwater streams, creeks, bays, including Back Bay, inlets, and ponds in*  
 26 *the tidewater counties and cities.*

27 2. *Initiate prosecution of all persons who violate such laws, and seize and confiscate*  
 28 *wild birds, wild animals and fish that have been illegally killed, caught, transported or*  
 29 *shipped.*

30 3. *Employ persons necessary for the administrative requirements of the Board and to*  
 31 *designate the official position and duties of each. The salaries of all such employees shall*  
 32 *be as provided in accordance with law.*

33 4. *Perform such acts as may be necessary to the conduct and establishment of*  
 34 *cooperative fish and wildlife projects with the federal government as prescribed by acts of*  
 35 *Congress and in compliance with rules and regulations promulgated by the Secretary of*  
 36 *Interior.*

37 5. *Make and enter into all contracts and agreements necessary or incidental to the*  
 38 *performance of his duties and the execution of his powers, including, but not limited to,*  
 39 *contracts with the United States, other state agencies and governmental subdivisions of*  
 40 *the Commonwealth.*

41 *Drafting Notes:*

42 1. By resolution of the Commission dated August 17, 1973, administration of existing §§  
 43 29-13, 29-14 and 29-15 has been delegated to the Director. These sections appear as  
 44 proposed § 29.1-109(B)(1), (2), and (3) respectively.

45 2. Powers cited in existing §§ 29-1.1 and 29-2 were also delegated to the Director and  
 46 appear as (4) of § 29.1-109(B).

47 § 29.1-110. *Disbursements, accounts for Department; Board.* – A. *The disbursements of*  
 48 *the Department and the Board shall be limited to the amount appropriated by the General*  
 49 *Assembly from the game protection fund and in no event shall the Commonwealth pay*  
 50 *obligations that may be incurred by the Department or Board or be liable in any manner*  
 51 *for such obligations except to the extent of the game protection fund.*

52 B. *Accounts for salaries, allowances, wages and expenses authorized by the Board shall*  
 53 *be certified to the Comptroller for payment as the Board may direct by resolution.*

54 *Drafting Note:* Existing §§ 29-21 and 29-22 were combined to make proposed § 29.1-110.

1 § 29.1-111. *Sale of timber; portion of proceeds to be paid to locality. – A. The Director*  
 2 *is authorized to manage and harvest timber on lands owned by the Board in accordance*  
 3 *with the best timber and game management practices, and to sell the timber. Proceeds*  
 4 *from the sale of such timber shall be deposited in the state treasury to the credit of the*  
 5 *game protection fund.*

6 *B. When the Director authorizes the selling of timber which is standing, or which has*  
 7 *been cut from timber standing on land owned by the Board, the Board shall pay to the*  
 8 *locality in which the standing timber is located twenty-five percent of the proceeds of the*  
 9 *sale of the timber, after deducting the cost of any road constructed by the Department*  
 10 *which is necessary for the sale of the timber.*

11 *Drafting Note:* Existing §§ 29-23 and 29-23.01 were combined to make proposed §  
 12 29.1-111(A) and (B).

13 § 29-21. *Disbursements of Commission.* The disbursements of the Commission shall be  
 14 limited to the amount appropriated by the General Assembly from the game protection  
 15 fund and in no event shall the State pay obligations that may be incurred by the  
 16 Commission or be liable in any manner therefor except to the extent of the game  
 17 protection fund.

18 *Drafting Note:* Existing § 29-21 appears in proposed § 29.1-110(A).

19 § 29-22. *Certifying accounts for payment.* Accounts for salaries, allowances, wages and  
 20 expenses authorized by the Commission shall be certified to the Comptroller for payment  
 21 as the Commission may direct by resolution.

22 *Drafting Note:* Existing § 29-22 appears as proposed § 29.1-110(B).

23 § 29-23. *Commission authorized to harvest and sell timber from its land.* Whenever  
 24 deemed necessary or expedient so to do the Commission is authorized and empowered to  
 25 manage and harvest timber on its lands in accordance with the best timber and game  
 26 management practices, and to sell the same. Before any such sale shall be made the State  
 27 Forester or his deputy shall furnish the Commission with an estimate of value of such  
 28 timber.

29 In the event of a sale of the timber, the proceeds shall be deposited in the state  
 30 treasury to the credit of the game protection fund.

31 *Drafting Note:* Existing § 29-23 appears as proposed § 29.1-111(A).

32 § 29-23.01. *Portion of proceeds of sale of timber to be paid to county or city where*  
 33 *land is located.* In the event that the Commission of Game and Inland Fisheries, in the  
 34 management of any state-owned land under its control, shall cut and sell or sell for cutting  
 35 any timber standing on such land, there shall be paid to the county or city in which is  
 36 situated the land on which such timber is located, twenty-five per centum of the proceeds  
 37 of such sale after the cost of any road, constructed by the Commission which is necessary  
 38 for the sale of timber, has been deducted.

39 *Drafting Note:* Existing § 29-23.01 appears as proposed § 29.1-111(B).

## 40 CHAPTER 2.

### 41 GAME WARDENS.

42 § 29.1-200 29-24 . *Appointment of game wardens.* – The Commission Director shall  
 43 appoint not more than six supervisors and such regular and special game wardens as it  
 44 may deem necessary to enforce the game and inland fish laws ; and shall issue a  
 45 certificate of appointment to each game warden. which appointments shall be based upon  
 46 a practical knowledge of the bird, animal and fish life of the State ; and before making an  
 47 appointment, the Commission may, in its discretion, subject the applicant to an oral or  
 48 written examination designed to test his knowledge and fitness for the place.

49 § 29-25. *Age of appointee .* No person shall be appointed a regular game warden who  
 50 at the time of his application is more than fifty years of age.

51 § 29-26. *Term of office .* Persons appointed shall be known as game wardens and hold  
 52 office in accordance with the provisions of general law.

53 *Drafting Note:* Existing §§ 29-24 and 29-28 are combined to create proposed § 29.1-200.  
 54 Existing §§ 29-25 and 29-26 are being stricken as unnecessary.

1 § 29.1-201 29-27 . Bond. – Before entering upon the discharge of his official duties, each  
 2 game warden shall qualify, giving *post* bond with some a guaranty company, authorized to  
 3 do business within this State *Commonwealth* ; as surety, in the penalty of *for* \$1,000  
 4 payable to the Commonwealth of Virginia ; . *The bonds shall be posted with the condition*  
 5 *that he the game warden will well and truly (i) account for and legally apply all money*  
 6 *which may come into his hands he receives in his official capacity, and to (ii) pay all*  
 7 *judgments rendered against him for malicious prosecution or for unlawful search, arrest or*  
 8 *imprisonment, and that he will (iii) faithfully perform all of the duties enjoined upon him*  
 9 *by law. Such These bonds shall be filed in the office of the Commission with the*  
 10 *Department and shall be subject to the approval of the Commission or its Director or his*  
 11 *designated officer. The premium on such the bonds shall be paid out of the game*  
 12 *protection fund.*

13 *Drafting Note:* The changes made to existing § 29-27 are to improve readability.

14 § 29-28. Certificate of appointment. The Executive Director shall issue a certificate of  
 15 appointment, over his signature, to each game warden.

16 *Drafting Note:* Existing § 29-28 is incorporated into proposed § 29.1-200.

17 § 29.1-202 29-29 . Ex officio wardens. – All sheriffs, sergeants, policemen *police officers*  
 18 or other peace officers of this State, *Commonwealth* shall be ex officio game wardens.

19 § 29.1-203 29-30 . Jurisdiction; power to serve process. – Game wardens shall have  
 20 jurisdiction throughout the State *Commonwealth* in the enforcement of *to enforce* the  
 21 hunting, trapping and inland fish laws and may serve original and mesne process as  
 22 sheriffs and sergeants in all matters arising from violations of such laws.

23 § 29.1-204 29-31 . Assisting Commission *the Director* ; supervision. – The game wardens  
 24 shall assist the Commission *Director* in the discharge of its *discharging his* official duties  
 25 and each . *Each* regular and special game warden shall be under the supervision of such  
 26 *supervising certain game warden wardens as the Commission specified by the Director may*  
 27 *direct .*

28 § 29.1-205 29-32 . Power to make arrests. – All game wardens are vested with the  
 29 authority, upon displaying a badge or other credential of office, to *issue a summons or to*  
 30 arrest any person found in the act of violating any of the provisions of the hunting,  
 31 trapping and , inland fish *and boating* laws.

32 *Game Regular game* wardens who are full-time sworn members of the enforcement  
 33 division of the Commission of Game and Inland Fisheries are hereby vested with *the same*  
 34 *authority as sheriffs and other law-enforcement officers* to enforce all of the provisions of  
 35 the criminal laws of the Commonwealth as is now vested in sheriffs of counties and police  
 36 of cities and towns .

37 Any special game warden shall have general police power while in the performance of  
 38 *performing* his duty on properties owned or controlled by the Commission *Board of Game*  
 39 and Inland Fisheries .

40 *Drafting Note:* The Commission delegated to the Director the responsibility and  
 41 authority over this section by resolution dated August 17, 1973.

42 § 29.1-206 (Reserved) 29-32.1. Arrest without warrant; enforcement of certain statutes  
 43 relating to motorboats. – Any regular game warden when in uniform or displaying a badge  
 44 of office may arrest without warrant any person who, in the presence of and to the  
 45 knowledge of such game warden, commits any unlawful act prohibited by or punishable  
 46 under §§ 18.2-388, 18.2-415, 18.2-416, 18.2-308 and 33.1-346 of the Code of Virginia; and, upon  
 47 making such an arrest, the arresting officer shall proceed as required by § 19.2-82, if the  
 48 unlawful act is a misdemeanor, the arresting officer may proceed as provided by § 29-34.1.  
 49 Regular game wardens are vested with the powers of sheriffs for the purpose of enforcing  
 50 §§ 18.2-102, 18.2-109, 18.2-146, 18.2-147 and 18.2-150 of the Code of Virginia, to the extent  
 51 these sections apply to motorboats required to be registered pursuant to Chapter 17 (§  
 52 62.1-166 et seq.) of Title 62.1 of the Code of Virginia, and to equipment on board such  
 53 motorboats.

54 *Drafting Note:* The language in proposed § 29.1-205 adequately covers the power to

1 arrest as set out in existing § 29-32.1.

2 § 29.1-207 ~~29-32.2~~ . Impeding game warden, etc., in discharge of his duty. – If any  
3 person, by threats or force, attempts to intimidate or impede any *law-enforcement officer*  
4 empowered to enforce the game, inland fish, and dog laws or the motorboat and water  
5 safety laws, in the discharge of his duty with respect to *enforcing the game, inland fish*  
6 *and boating* such laws, he shall be deemed to be guilty of a *Class 2* misdemeanor and  
7 shall be subject to arrest by such *the* officer and to the procedures set forth in § 29-34.1  
8 29.1-210 .

9 *Drafting Note:* The punishment for violation of proposed § 29.1-207 is reclassified as a  
10 Class 2 misdemeanor.

11 § 29.1-208 ~~29-33~~ . Searches and seizures. – All game wardens are vested with the  
12 authority to search any person arrested as provided in § 29-32 29.1-205 together with any  
13 box, can, package, barrel or other container, hunting bag, coat, suit, trunk, grip, satchel or  
14 fish basket carried by, in the possession of, or belonging to such person ; and . *Game*  
15 *wardens shall also have the authority, immediately subsequent to such arrest, to enter and*  
16 search any refrigerator, building, vehicle, car, coach, depot, office, restaurant, cafe, hotel,  
17 or other place of whatsoever nature in which the officer making such *the* search has  
18 reasonable ground to believe that the person arrested has concealed or placed any wild  
19 bird, wild animal or fish, which will furnish evidence of a violation of the hunting, trapping  
20 and inland fish laws ; and such . *Such a* search may be made without a warrant, except  
21 that a dwelling may not be searched without a warrant. Any such box, can, package,  
22 barrel, or other container, hunting bag, coat, suit, trunk, grip, satchel or fish basket  
23 containing *Should any container as described in this section reveal any wild bird, wild*  
24 animal or fish, or any part thereof, which has been illegally taken, possessed, sold,  
25 purchased or transported, *the game warden shall seize and hold as evidence the container,*  
26 together with such wild bird, wild animal or fish, and any unlawful gun, net, or other  
27 device of any kind or nature for taking wild birds, wild animals or fish which may be  
28 found by the game warden shall be seized by him and held as evidence *he may find* .

29 § 29.1-209 ~~29-34~~ . Inspection of game and fish without arrest. – In order to see that bag  
30 and/ or creel limits are being observed, game wardens shall also have the power to  
31 inspect game, fur-bearing animals and fish taken by any person found hunting, trapping  
32 and/ or fishing without arresting such *the* person.

33 § 29.1-210 ~~29-34.1~~ . Person arrested may be committed to jail, bailed, recognized or  
34 summoned. – Any person arrested for a violation of the game, inland fish and *Dog boating*  
35 laws may be committed to jail pending trial or admitted to bail or released on  
36 recognizance as provided by general law; or the arresting officer may issue a summons  
37 requiring such *the* person to appear for trial at a time and place specified therein before a  
38 court having jurisdiction to try such offenses ; provided such *if the* person gives his written  
39 promise to appear at such *the specified* time. Such time shall not, however, be less than  
40 five days from the date of arrest unless such *the* person shall request *requests* an earlier  
41 hearing.

42 Any person refusing to give such *the* written promise to appear shall be taken  
43 immediately by the arresting or other police officer before the nearest or most accessible  
44 judicial officer. or other person qualified to admit to bail having jurisdiction under this  
45 title.

46 Any person who willfully violates his written promise to appear, given in accordance  
47 with this section, shall be guilty of a *Class 2* misdemeanor.

48 *Drafting Note:* Violation of proposed § 29.1-207 is reclassified as a Class 2 misdemeanor.

49 § 29.1-211 (*Reserved*) ~~29-34.2~~. Seizure of property to be reported to court; disposition  
50 pending trial. – When any property is taken possession of by a game warden, for the  
51 purpose of being used as evidence, or for confiscation, the game warden making the  
52 seizure shall immediately report such seizure to the court having jurisdiction of the case,  
53 and the court shall thereupon direct the game warden what disposition shall be made of  
54 the property, pending the trial of the case.

1 *Drafting Note:* Existing § 29-34.2 is being stricken as unnecessary. § 19.2-58 addresses  
2 disposition of property seized.

3 § 29.1-212 ~~29-35~~ . Precaution against fire. – The game warden shall , while in and  
4 about the woods, fields or other lands in the State, caution all persons of the danger from  
5 fires and . *if possible*, extinguish all fires left burning by anyone , *if within his power*, and  
6 . *When possible*, he shall give notice to *notify* any and all persons interested *persons* ;  
7 when possible, of fires raging beyond his control, to the end that the same *so that the fires*  
8 may be extinguished.

9 § 29.1-213 ~~29-35.1~~ . Taking samples of water believed to be polluted. – Any game  
10 warden appointed under the provisions of this title may, and shall when requested by a  
11 member of the governing body of a county, city or town, take samples of water from any  
12 stream in this State *Commonwealth* when he has reason to believe that such *the water*  
13 may be polluted for any reason . Any game warden taking *collecting* any such water  
14 sample shall take the same *sample* in a clean container, seal it forthwith , and thereupon  
15 send it to the State Water Control Board , hereinafter referred to as Board . At the time  
16 the warden takes such *With the sample, the game warden* he shall enclose *therewith* a  
17 *signed* statement in reasonable detail showing *in reasonable detail* the time and place when  
18 and where *at which* the sample was taken in such manner as will permit the place and  
19 time of taking to be identified; such statement shall be signed by the warden taking the  
20 sample and forwarded with it . The warden shall keep and sign the original of such *the*  
21 statement *and send the copy with the sample* .

22 § 29.1-214 ~~29-35.2~~ . Duties of State Water Control Board with respect to such water  
23 samples. – Upon the receipt of any such water sample sent the Board under § 29-35.1  
24 29.1-213 , the State Water Control Board shall have a chemical analysis thereof *of the*  
25 *sample* made by a chemist employed by the State Water Control Board or retained  
26 especially for such *that* purpose. If the results of such *the* analysis show that such *the*  
27 sample of water was polluted, the State Water Control Board shall have made such *initiate*  
28 further studies and analyses as may be requisite to determine the nature and, extent *and*  
29 *most effective measures of control* of such *the* pollution and the most effective measures  
30 for controlling the same .

31 The State Water Control Board shall thereafter *then* proceed as provided in Chapter  
32 3.1 (§ 62.1-44.2 et seq.) of Title 62.1 of the Code of Virginia.

33 § 29.1-215 (*Reserved*) ~~29-36~~. Compensation. – Game wardens shall not be entitled to  
34 receive arrest or witness fees or fees of any other kind for prosecuting violations of the  
35 hunting, trapping, inland fish and dog laws. They shall be employed for such time and  
36 receive such salary, allowances, wages and expenses as may be provided in accordance  
37 with law.

38 § 29.1-216 (*Reserved*) ~~29-37~~. Reports. – Regular and special game wardens shall file such  
39 reports, in such form, as the Commission from time to time may require.

40 *Drafting Note* : §§ 29-36 and 29-37 were determined to be unnecessary and are  
41 therefore stricken.

42 § 29.1-217 ~~29-37.1~~ . Special game wardens receiving no compensation from State  
43 *Commonwealth* . – On request of any employer owning *more than 1,000 acres forestlands*  
44 in this State *Commonwealth* with an acreage in excess of 1,000 acres , the Commission  
45 *Director* may appoint *as special game wardens* persons employed by him *the owner* as  
46 foresters or forest technicians as special game wardens . No such special game warden  
47 shall receive any compensation from the State *Commonwealth* for his services as such. Any  
48 such special game warden shall give the bond required by § 29-27 *29.1-201* prior to acting  
49 *hereunder serving* and shall make the reports required by § 29-37 . The powers and  
50 authority of such special game warden shall not extend beyond the lands of his employer.  
51 The Commission *Director* may require such duties of any special game warden *to perform*  
52 *duties* on such lands as are required for the enforcement of this chapter.

53 *Drafting Note* : Reference to “forestlands” and “foresters” has been stricken to clarify  
54 that special wardens can be appointed for property other than forests.



1 § 29.1-218 ~~29-37.2~~ . Defense of game warden prosecuted on criminal charge. – If any  
 2 game warden appointed by the ~~Commission~~ *Director* shall be *is* prosecuted on any criminal  
 3 charge arising out of any act committed in the discharge of *performing* his official duties,  
 4 the ~~Executive~~ Director may employ special counsel approved by the Governor to defend  
 5 ~~such~~ *the* officer. The compensation for special counsel employed pursuant to this section,  
 6 shall, subject to the approval of the Governor, be paid out of the funds appropriated for  
 7 the administration of the ~~Commission~~ *Department of Game and Inland Fisheries* .

8 CHAPTER 3.

9 LICENSES .

10 Article 1.

11 *Hunting, Trapping and Fishing Licenses.*

12 § 29.1-300 ~~29-51~~ . Unlawful to hunt, trap or fish without license. – It shall be unlawful  
 13 to hunt, trap or fish in or on the lands or inland waters of this ~~State~~ *Commonwealth*  
 14 without first obtaining a license, subject to the exceptions set out in § ~~29-52~~ *29.1-301* .

15 § 29.1-301 ~~29-52~~ . Exemptions from license requirements. – (1) ~~A. License~~ *No license*  
 16 shall ~~not~~ be required of landowners, their ~~husbands or wives and~~ *spouses*, or their children  
 17 and minor grandchildren, resident or nonresident, to hunt, trap and fish within the  
 18 boundaries of their own lands and inland waters.

19 ~~(1a) B. License~~ *No license* shall not be required of any stockholder owning fifty percent  
 20 ~~or more~~ of the stock ~~or more~~ of any domestic corporation owning land in this  
 21 Commonwealth, his or her spouse and children and minor grandchildren, resident or  
 22 nonresident, to hunt, trap and fish within the boundaries of lands and inland waters owned  
 23 by ~~some~~ *the* domestic corporation.

24 ~~(2) C. License~~ *No license* shall ~~not~~ be required of bona fide tenants, renters or lessees  
 25 to hunt, trap or fish within the boundaries of the lands or waters of which they are tenant,  
 26 renter or lessee and on which they reside ; ~~provided if~~ such tenant, renter or lessee has  
 27 ~~individuals have~~ the written consent of the landlord upon ~~his~~ *their* person ; . and ~~provided~~  
 28 ~~further~~ that a *A* guest of the owner of a private fish pond shall not be required to have a  
 29 fishing license to fish in such pond.

30 ~~(3) D. License~~ *No license* shall ~~not~~ be required of resident persons under sixteen years  
 31 old to fish ; . ~~nor~~

32 *E. No license shall be required* of a resident person sixty-five years of age or over to  
 33 hunt or trap on private property in the county or city in which he resides or to fish in any  
 34 inland waters of the Commonwealth. A resident sixty-five years of age or older may , upon  
 35 proof of age satisfactory to the ~~Commission~~ *Department* and the payment of a five-dollar  
 36 fee, apply for and receive from the ~~Commission~~ *Department* a nontransferable license valid  
 37 for life permitting such person to hunt ~~or trap~~ in any and all cities and counties of the  
 38 Commonwealth. Such lifetime license shall be deemed to include ~~includes~~ any damage  
 39 stamp required pursuant to Article 4 ~~3~~ (§ ~~29-92.1~~ *29.1-352* et seq.) of Chapter 5 ~~3~~ of Title  
 40 ~~29 .1~~ of this Code.

41 ~~(3a) F. License~~ *No license* to fish , except for trout as provided in § ~~29-55~~ ~~(b)~~  
 42 ~~29.1-310(B)~~, shall ~~not~~ be required of nonresident persons under twelve years of age when  
 43 accompanied by a person possessing a valid license to fish in Virginia.

44 ~~(4) G. License~~ *No license* shall ~~not~~ be required to trap ~~for~~ rabbits with box traps.

45 ~~(4a) H. License~~ *No license* shall ~~not~~ be required of resident persons under sixteen  
 46 years of age to trap when accompanied by any person eighteen years of age or older who  
 47 possesses a valid state license to trap in this Commonwealth.

48 ~~(5) I. License~~ *No license to hunt, trap or fish* shall ~~not~~ be required of any Indian who  
 49 habitually resides on an Indian reservation ; ; ~~provided that~~ *however*, such Indian ~~has~~ *must*  
 50 ~~have~~ on his person an identification card or paper signed by the chief of his reservation,  
 51 setting forth that the person named ~~therein~~ is an actual resident upon such reservation.  
 52 Such card or paper shall create a presumption of such residence, which may be rebutted  
 53 by proof of actual residence elsewhere.

54 ~~(6) J. License~~ *No license* to fish shall ~~not~~ be required of legally blind persons.

1 § 29.1-302 ~~29-52.2~~ . Special license for certain resident disabled veterans. – Any resident  
 2 veteran who has a permanent and total service-connected disability as certified by the  
 3 Veterans' Administration or who qualifies under § 46.1-149.1 of the Code of Virginia for  
 4 special license plates as certified by the Commissioner of the Department of Motor  
 5 Vehicles, upon such certification and payment of a five-dollar fee, may apply for and  
 6 receive from the ~~Commission~~ *Department* a nontransferable license, valid for life,  
 7 permitting such ~~the~~ *the* veteran to hunt and fish on any property in the Commonwealth  
 8 according to restrictions and regulations of law. However, such ~~this~~ *this* license shall not entitle  
 9 the owner to hunt big game without obtaining a big game license pursuant to § 29-122 et  
 10 seq. of the Code of Virginia or to fish in designated waters stocked with trout by the  
 11 ~~Commission~~ *Department* or other public body.

12 *Drafting Note* : Reference is made to the "Department" instead of the "Board" in  
 13 proposed §§ 29.1-301 and 29.1-302 because of the administrative nature of issuing licenses  
 14 and stocking waters. Reference to the big game license is deleted to clarify the scope of  
 15 the special veterans license.

16 § 29.1-303 ~~29-54~~ . Fees to hunt. – The license fees to hunt shall be as follows:

17 (1) ~~A.~~ *A.* County or city resident license to hunt in the county or city of residence only,  
 18 three dollars.

19 (2) ~~B.~~ *B.* State resident license to hunt in any and all counties and cities of the State  
 20 *Commonwealth* , seven dollars and fifty cents.

21 (3) ~~C.~~ *C.* State nonresident license to hunt in any and all counties and cities of the State  
 22 *Commonwealth* , thirty dollars.

23 § 29.1-304 ~~29-54.1~~ . Nonresident license to hunt within shooting preserves. – There shall  
 24 be a license *Licenses are required* for nonresidents of the State *Commonwealth* to hunt  
 25 within the boundaries of shooting preserves licensed under the provisions of Chapter 4 6 (§  
 26 ~~29-38~~ *29.1-600* et seq.) of this title. Such license shall be valid within the boundaries of any  
 27 such ~~licensed~~ *licensed* shooting preserves and may be in lieu of any license required by § 29-54  
 28 *29.1-303* . The *license* fee for such license shall be seven dollars and fifty cents.

29 § 29.1-305 ~~29-122~~ . Special license for hunting bear, deer and turkey. – There shall be a  
 30 *A* special license *is required* for hunting bear, deer and turkey in this State *Commonwealth*  
 31 , which shall be in addition to the license required to hunt other game. The fee for such  
 32 *the* special license shall be seven dollars and fifty cents for a resident and thirty dollars  
 33 for a nonresident.

34 The license to hunt bear, deer and turkey may be obtained from the clerk or agent of  
 35 any county or city whose duty it is to sell hunting licenses.

36 ~~29.1-306~~ *29-122.1* . Special archery license. – There shall be a license for hunting with a  
 37 bow and arrow during the special archery seasons, which will be in addition to the license  
 38 required to hunt small game. The fee for such ~~the~~ *the* special license shall be ten dollars for a  
 39 resident and twenty dollars for a nonresident.

40 The special archery license may be obtained from the clerk or agent of any county or  
 41 city whose duty it is to sell licenses.

42 *Drafting Note* : Existing §§ 29-122 and 29-122.1 currently appear in Chapter 7 of Title  
 43 29 (Big Game Licenses). They are set out as proposed §§ 29.1-305 and 29.1-306 here since  
 44 proposed Article 1 of Chapter 3 addresses hunting licenses in general.

45 § 29.1-307 (*Reserved*)

46 § 29.1-308 (*Reserved*)

47 § 29.1-309 ~~29-56~~ . Fee Fees to trap. – The license fee to trap shall be as follows:

48 (1) ~~A.~~ *A.* County or city resident license, seven dollars and fifty cents.

49 (2) ~~B.~~ *B.* State resident license, twenty-five dollars.

50 (3) [~~Repealed.~~]

51 (4) ~~C.~~ *C.* State nonresident permit to trap on privately owned land with the permission of  
 52 the owner, \$100.

53 *Drafting Note* : Existing § 29-56 is relocated to proposed § 29.1-309 so that the hunting  
 54 license fees and trapping fees will be set out in the same general proximity within Article

1 1.

2 § 29.1-310 29-55 . Fees to fish. – (a) A. The license fees to fish, which licenses shall  
3 not permit fishing for trout in waters stocked by the *Commission Department* or other  
4 public body, shall be as follows:

5 (1) 1. County or city resident license to fish, in all inland waters of the county or city  
6 of residence only, three dollars.

7 (2) 2. State resident license to fish in all inland waters of the Commonwealth, seven  
8 dollars and fifty cents.

9 (3) 3. State nonresident license to fish in all inland waters of the Commonwealth,  
10 fifteen dollars.

11 (b) B. The additional license fees to fish in designated waters stocked with trout by the  
12 *Commission Department* or other public body shall be as follows:

13 (1) 1. State resident license, six dollars and fifty cents.

14 (2) 2. State nonresident license, twenty dollars.

15 § 29.1-311 29-55.1 . Trip fishing license for residents and nonresidents. – There is  
16 hereby provided a trip fishing license for residents *Residents* and nonresidents of the State  
17 *Commonwealth may obtain trip fishing licenses* to fish in the freshwater creeks, bays,  
18 inlets and streams of the State *Commonwealth* , or in any of the impounded waters of this  
19 State *the Commonwealth* during the open season for game fish ; ~~which~~ . *These licenses*  
20 shall be in lieu of the regular season state or county fishing license. ~~Provided, however,~~  
21 ~~such license~~ , ~~but~~ shall not entitle the ~~owner thereof licensee~~ to fish in designated waters  
22 stocked with trout by the *Commission, Department* or other public body ,~~or to creel~~  
23 ~~(retain)~~ trout caught in the South Holston reservoir . The fee for such *the trip fishing*  
24 license shall be three dollars, and ~~said the~~ license shall be effective for five successive  
25 days ; ~~which days shall be set forth as specified~~ on the face of the license.

26 § 29.1-312 29-55.3 . Special fishing permits for certain veterans. – Upon application  
27 received from the director or other comparable official of any veterans hospital in  
28 Virginia, ~~or any adjoining state~~, or the District of Columbia, the *Commission Director* may  
29 permit any organized group of patients actually residing in such hospitals to fish without  
30 licenses in any public waters open to fishing, except in designated waters stocked with  
31 trout and in waters where a daily fishing fee has been imposed pursuant to § 29-55.4  
32 29.1-318 . The application for such *the* permit shall state the names of the patients to  
33 whom the permit will apply, the date or dates upon which it will be used, the general area  
34 in which it will be used, and the name of the person or organization responsible for the  
35 group.

36 § 29.1-313 29-57.1.1 . Issuance of licenses for use of patients in certain state institutions.  
37 – The *Commission Director* shall have authority to issue at the regular fee, up to  
38 twenty-five state resident licenses to fish in the name of any state institution operated by  
39 the *State Hospital Board Department of Mental Health and Mental Retardation* for use by  
40 patients of the institution. Licenses issued pursuant to this section shall be valid for use by  
41 any patient of the institution to which the license is issued.

42 *Drafting Note* : Existing § 29-57.1:1 is relocated as proposed § 29.1-313 in order to  
43 group the “special fishing permits” provisions together. The last sentence is repetitive and  
44 is stricken.

45 § 29.1-314 29-55.3.1 . Special fishing permits for certain handicapped persons. – A. Upon  
46 receipt of an application from an officer or designated representative of any organized  
47 group of physically or mentally handicapped persons who meet on a regular basis,  
48 including students at schools for the blind or deaf, the *Commission Director* may issue not  
49 more than two permits of one day each, in any calendar year, to such group to fish  
50 without licenses in public waters open to fishing. ~~Such~~ *The* permits shall not be issued for  
51 use in designated waters stocked with trout or in waters where a daily fishing fee has been  
52 imposed pursuant to § 29-55.4 29.1-318 of the Code of Virginia.

53 B. The application for such *the* permit shall state the names of the group members to  
54 whom the permit will apply, the name and description of the group, the date upon which it

1 will be used, the general area in which it will be used, and the name of the person or  
2 organization responsible for the group.

3 § 29.1-315 29-55.3:2 . Special fishing permits for certain school classes. – A. As used in  
4 this section:

5 1. “Qualified instructor” means a person who teaches in a school located in Virginia a  
6 course at the eighth grade level or above for which credit is awarded which includes  
7 instruction in fishing techniques and who possesses a valid license to fish in the area in  
8 which the fishing techniques are taught.

9 2. “Application” means a written request for a class fishing permit submitted by a  
10 qualified instructor and counter-signed by the principal of the school in which the applicant  
11 teaches, which states: (i) the name of the school; (ii) the county or city in which the  
12 school is located; (iii) the name and general subject matter of the class; (iv) the name of  
13 the class members to whom the permit is intended to apply; and (v) the general  
14 geographic area in which the permit is intended to be used.

15 B A . Upon receipt of an application from a qualified instructor, the Executive Director  
16 of the Commission may issue a special permit to the qualified instructor authorizing the  
17 class described in the application to fish without licenses in public waters open to fishing.  
18 Any special permit *so* issued hereunder shall be valid only during regular school hours and  
19 only when fishing by the class occurs under the direct and immediate supervision of the  
20 qualified instructor to whom it is issued. *These Special special permits issued hereunder*  
21 *shall not be valid for fishing in designated waters stocked with trout or in waters where a*  
22 *daily fishing fee has been imposed pursuant to § 29-55.4 29.1-318 .*

23 B. *The application shall be a written request for a class fishing permit submitted by a*  
24 *qualified instructor and countersigned by the principal of the school in which the*  
25 *applicant teaches. The application shall state (i) the name of the school; (ii) the county or*  
26 *city in which the school is located; (iii) the name and general subject matter of the class;*  
27 *and (iv) the general geographic area in which the permit is intended to be used. For the*  
28 *purposes of this section a “qualified instructor” means a person who teaches in a school*  
29 *located in Virginia a course at the eighth grade level or above for which credit is*  
30 *awarded which includes instruction in fishing techniques and who possesses a valid license*  
31 *to fish in the area in which the fishing techniques are taught.*

32 § 29.1-316 29-55.3:3 . Special fishing permits for certain youth camps. – A. Upon receipt  
33 of an application from an officer or designated representative of any organized nonprofit  
34 tax-exempt youth camp, the Commission Director shall issue a permit for the duration of  
35 any season of such youth camp *to the which allows camp members of such group under*  
36 *eighteen years of age to fish without licenses in public waters adjacent to property owned*  
37 *by the camp. Such The permits shall not be issued for use in designated waters stocked*  
38 *with trout or in waters where a daily fishing fee has been imposed pursuant to § 29-55.4*  
39 *29.1-318 of this Code .*

40 B. The application for such *the* permit shall state the name and description of the  
41 group, certification of the group’s tax-exempt status, the period of time during which it will  
42 be used, the general area in which it will be used, and the name of the persons or  
43 organization responsible for the group.

44 C. The Commission shall make no charge for the issuance of such permit.

45 § 29.1-317 29-55.3:4 . Special fishing permits for certain juveniles. – A. Upon application  
46 from the superintendent of any juvenile learning center maintained and operated by the  
47 Department of Corrections, the Commission Director may issue a permit to allow the  
48 residents of such learning center to fish under supervision without licenses in public waters  
49 open to fishing. *Such The permits shall not be issued for use in designated waters stocked*  
50 *with trout or in waters where a daily fishing fee has been imposed pursuant to § 29-55.4*  
51 *29.1-318 of this Code.*

52 B. The application for such *the* permit shall state the names of the residents to whom  
53 the permit will apply, the name and description of the group, the period of time during  
54 which it will be used, the general area in which it will be used, and the name of the

1 person who will be responsible for the group.

2 § 29.1-318 29-55.4 . ~~Commission Board~~ may charge use fees for fishing in certain  
3 streams waters . – In addition to the license fees heretofore provided for elsewhere in this  
4 chapter , the ~~Commission Board~~ may impose daily use fees, not to exceed two dollars, and  
5 issue permits therefor to fish in specially stocked trout streams waters as may be  
6 designated by the ~~Commission Board~~ . The proceeds from the fees shall be set aside and  
7 used exclusively by the ~~Commission Board~~ for the stocking and management of the  
8 streams. Permits shall be issued by the person or persons designated by the ~~Commission~~  
9 ~~Board~~ at or near the area in which the permits are required.

10 § 29-56. Fee to trap. The license fee to trap shall be as follows:

11 (1) County or city resident license, seven dollars and fifty cents.

12 (2) State resident license, twenty-five dollars.

13 (3) [Repealed.]

14 (4) State nonresident permit to trap on privately owned land with the permission of the  
15 owner, \$100.

16 *Drafting Note* : Existing § 29-56 has been relocated to follow the hunting fee provisions  
17 as proposed § 29.1-309.

18 § 29.1-319 29-57 . Persons entitled to county , city or state resident licenses. – The  
19 following persons shall be entitled to a state resident license or to a county or a city  
20 license to hunt, trap or fish provided that applications for a county or city license shall be  
21 made in the county or city in which the person meets the following criteria in the county  
22 in which they have physically resided six consecutive months before making application for  
23 license, or of which they are legal voters, or in which they are stationed, or to a state  
24 resident license :

25 (a) 1. Any person born in the United States or who has been naturalized and who has  
26 been a bona fide resident of the county or city for six months next preceding the date of  
27 application for license in the county or city ;

28 2. All persons who are and for two or more months next preceding the date of the  
29 application have been domiciliary residents of Virginia, upon execution of a certificate of  
30 residence prescribed by the Director;

31 (b) 3. Any legal voter of the county or city wherein in which the license is applied for;

32 (c) 4. Any unnaturalized person who owns real estate in the county or city and who  
33 has actually resided therein there not less than five years next preceding the date of the  
34 application for the license in the county or city ;

35 (d) [Repealed.]

36 5. Members of the armed forces of the United States upon execution of a certificate of  
37 residence if they (i) reside in the Commonwealth, and (ii) are on active duty and (iii) are  
38 stationed at military installations within, or in ships based in, the Commonwealth;

39 6. Any member of the armed forces of the United States, on active duty, when  
40 authorized by the commanding officer of a military reservation , . the The privileges of  
41 which this license shall be limited to hunting, trapping or fishing only within the  
42 boundaries of that military reservation;

43 (e) 7. Any student, a resident of this Commonwealth, regularly enrolled in any bona  
44 fide preparatory school, college or university in the Commonwealth, and any student, not a  
45 resident of the Commonwealth, regularly enrolled in and boarding at any such school,  
46 college or university who presents a certificate of enrollment for the current year to the  
47 clerk of the county or any license agent in the county or city wherein in which the school,  
48 college or university is located;

49 (f) 8. Residents of cities the whose limits of which are wholly within the county  
50 wherein where the license is applied for, provided the residents have physically resided  
51 within the city for a period of six consecutive months before making application applying  
52 for a license.

53 *Drafting Note* : Existing §§ 29-58 and 29-62 have been merged into proposed § 29.1-319.

54 § 29-58 appears in proposed (2) and (5) above. § 29-62 is addressed in the first paragraph

1 of this section.

2 § 29-57.1. Use fees for hunting on lands owned by Commission in Virginia Beach. In  
3 addition to the license fees heretofore provided for, the Commission may impose daily use  
4 fees, not to exceed three dollars, and issue permits therefor to hunt on such lands owned  
5 by the Commission within the territorial boundaries of the City of Virginia Beach. The  
6 proceeds from such fees shall be set aside and used exclusively by the Commission for  
7 replenishment of game upon and management of such lands or facilities. Such permits shall  
8 be issued by such person or persons as may be designated by the Commission at or near  
9 the area in which such permits are required.

10 *Drafting Note* : CGIF says existing § 29-57.1 is obsolete and can be stricken.

11 § 29-57.1:1. Issuance of licenses for use of patients in certain state institutions. The  
12 Commission shall have authority to issue at the regular fee up to twenty-five state resident  
13 licenses to fish in the name of any state institution operated by the State Hospital Board  
14 for use by patients of the institution. Licenses issued pursuant to this section shall be valid  
15 for use by any patient of the institution to which the license is issued.

16 *Drafting Note* : Existing § 29-57.1:1 was relocated to appear among the "special fishing  
17 permits" provisions as proposed § 29.1-313.

18 § 29-57.2. Use fees and permits for hunting on specially stocked areas controlled by  
19 Commission. In addition to the license fees heretofore provided for, the Commission may  
20 impose reasonable daily use fees and issue permits therefor to hunt game birds on such  
21 specially stocked areas as may be owned or controlled and so designated by the  
22 Commission. The proceeds from such fees shall be set aside and used exclusively by the  
23 Commission for the stocking and management of such lands, and the hunting thereof may  
24 be done under such regulations as the Commission may prescribe. Such permit shall be  
25 issued by such person or persons as may be designated by the Commission at or near the  
26 area in which such permits are required.

27 *Drafting Note* : CGIF says existing § 29-57.2 is obsolete and can be stricken.

28 § 29.1-320 (Reserved) 29-58. Persons entitled to state license. – A. Except as provided in  
29 subsection B of this section, all persons not enumerated in § 29-57, who have resided in  
30 this Commonwealth for six months or more next preceding the date of the application,  
31 shall be entitled to a state resident license to hunt, trap or fish. Upon execution of a  
32 certificate of residence prescribed by the Commission of Game and Inland Fisheries, all  
33 persons who are and for two or more months next preceding the date of the application  
34 have been domiciliary residents of Virginia shall be entitled to a county or city license to  
35 hunt, trap or fish in the city or county in which they reside, or to a state resident license  
36 to hunt, trap or fish.

37 B. Members of the armed forces of the United States shall be entitled to a county or  
38 state license to hunt, fish or trap upon execution of a certificate of residence if they (i)  
39 reside in the Commonwealth, and (ii) are on active duty and (iii) are stationed at military  
40 installations within, or in ships based in, the Commonwealth.

41 *Drafting Note* : Existing § 29-58 has been merged into proposed § 29.1-319 and appears  
42 as subsections (2) and (5) therein.

43 § 29.1-321 29-59 . Nonresident required to buy nonresident license; no nonresident  
44 trapping licenses issued; nonresident trapping permits. – Nonresidents of this  
45 Commonwealth shall be required, except as otherwise provided, to obtain a nonresident  
46 license to hunt or fish . No nonresident trapping licenses shall be issued pursuant to the  
47 provisions of this article . Trapping permits may be issued to nonresidents who have  
48 written permission from the owner to trap on private property within the Commonwealth.

49 § 29.1-322 29-60 . Residents of counties bordering on streams. – The residents of  
50 counties bordering a nontidal stream shall have the right to hunt, trap and fish when not  
51 otherwise prohibited by law or regulation in such stream opposite the shoreline of the  
52 county for which such resident has a county license . and the The residents of counties  
53 bordering a tidal stream shall have such the right to hunt, trap and fish out to the  
54 low-water mark or as far as the county limits of the county for which he has license

1 extends extend .

2 § 29.1-323 ~~29-61~~ . By whom licenses issued. – The clerks of the circuit courts of cities,  
3 and such agents as the Commission Board may otherwise designate, shall issue state and  
4 city resident licenses, and county licenses for those counties contiguous to their respective  
5 cities , . and the The clerks of the circuit courts of counties, and such agents as the  
6 Commission Board may otherwise designate, shall issue state licenses and county licenses  
7 for their respective counties . Licenses shall be issued as provided for in this title and  
8 clerks and agents shall date and sign the same licenses. ; provided that any Any clerk who  
9 desires to be relieved of this duty ; and so notifies shall notify the Commission Board in  
10 writing ; and may be relieved when the Commission Board has designated an agent to sell  
11 licenses in his county or city.

12 § 29.1-324 (Reserved) ~~29-62~~. Where application for county license made. – Applications  
13 for county resident licenses shall be made in the county wherein the applicant has been a  
14 bona fide resident six months next preceding, or the county wherein the applicant is a  
15 legal voter, or the county wherein an unnaturalized person owns real estate and in which  
16 he has resided five years or more next preceding, or the county wherein a commissioned  
17 or enlisted soldier, sailor or marine is located, or the county wherein the school a student  
18 is attending is located, or residents of cities in the county wherein such city is wholly  
19 located, or the circuit court of any city authorized to issue licenses for any such county.

20 Drafting Note : Existing § 29-62 is being stricken since the first paragraph of proposed  
21 § 29.1-319 is amended to include the application requirements set forth here.

22 § 29.1-325 ~~29-63~~ . Evidence that applicant entitled to license. – The clerk or agent shall  
23 require any applicant to make affidavit or to furnish other satisfactory evidence that he is  
24 entitled to the license applied for before issuing the same license .

25 § 29.1-326 (Reserved) ~~29-64~~. Contents of application. – Except as is otherwise provided  
26 for by law, all applications for licenses specified in this chapter shall be made in such  
27 form and contain such information as the Commission may require; provided, that the  
28 clerks of circuit courts of cities of the size defined in § 29-57, subsection (f) shall also  
29 have authority to issue county licenses for the county in which the city is located, to bona  
30 fide residents of such city, or of such county, making application to such clerk therefor, in  
31 accordance with the provisions of §§ 29-62 and 29-63, concerning application for and  
32 issuance of county licenses.

33 Drafting Note : CGIF indicates that existing § 29-64 is unnecessary since previous  
34 sections adequately address the license application process.

35 § 29.1-327 ~~29-65~~ . Agents for sale of licenses and permits. – The Commission Board  
36 shall have authority to appoint agents in counties, cities and towns for the issuance and  
37 sale of any or all of the permits and licenses provided for in this title. Those agents  
38 appointed hereunder shall be in addition to the clerks of the courts designated by § 29-61  
39 29.1-323 and shall be chosen so as to best serve the public from the standpoint of  
40 geographic location and method of operation. Such agents shall be subject to the laws and  
41 the rules and regulations of the Commission Board covering the issuance and sale of  
42 licenses and permits. Rules and regulations promulgated by the Commission Board shall be  
43 designed to insure ensure that agents provide adequate service to the public . In cases  
44 where agents are not performing their duties properly, such rules and regulations and shall  
45 include provisions for their removal removing agents not performing their duties properly .  
46 The compensation of agents for issuing licenses and permits shall be fixed by the  
47 Commission but shall not be more for issuing licenses than provided in this title for clerks  
48 of courts. Before such an agent's appointment shall become becomes effective, the agent  
49 shall be bonded by a surety company entitled to do business in this State Commonwealth ,  
50 in the penalty of \$1,000, or such additional amount as the Commission Board may require,  
51 payable to the Commonwealth and conditioned upon the faithful performance of his the  
52 agent's duties.

53 At least annually, or at such intervals as the Commission Board may decide to be  
54 proper, the Commission Board shall informally investigate the performance of agents

1 appointed pursuant to this section to determine whether such agents are performing their  
2 duties in the public interest as provided by law and shall take any action deemed  
3 necessary to provide the best possible service in the public interest.

4 *Drafting Note* : The provision relating to compensation for issuing licenses and permits  
5 in existing § 29-65 is stricken since the amount is specified in proposed § 29.1-332.

6 § 29.1-328 ~~29-66~~ . Term of licenses and permits.—A. Hunting and trapping licenses and  
7 permits, including those issued pursuant to §§ ~~29-52.2~~ 29.1-302 and ~~29-117~~ 29.1-408, shall be  
8 valid from July 1 of each year or their later date of purchase, to June 30 of the following  
9 year, unless sooner revoked.

10 B. Fishing licenses shall run and be valid from July 1, 1980, or their later date of  
11 purchase, to December 31, 1981, and thereafter annually, from January first *1 of each year*  
12 or their later date of purchase to December 31 *of the same year* , unless sooner revoked.

13 § 29.1-329 (*Reserved*) ~~29-67~~. Numbering and forms. — Licenses shall be numbered and  
14 printed in such forms as the Commission may determine.

15 *Drafting Note* : Existing § 29-67 is stricken since proposed § 29.1-331 below addresses  
16 this requirement.

17 § 29.1-330 ~~29-68~~ . Delivery to clerk or agent; return of unsold licenses. — The  
18 Commission Director shall send to each clerk or agent before the first day of the license  
19 year as many licenses as it *he* may deem necessary and shall charge him with *hold them*  
20 *accountable for* the number sent. Clerks and agents shall return to the Commission , within  
21 ten days after the end of the license year , *return to the Director* all unsold licenses and  
22 the stubs of licenses sold. All serially numbered licenses shall be accounted for by the  
23 Commission Director .

24 § 29.1-331 ~~29-68.1~~ . Licenses to be dated, numbered and signed, and to contain certain  
25 information. — All licenses shall be dated, numbered, and signed by the clerk or agent and  
26 , besides showing other information required by law or ~~thought pertinent~~ by the  
27 Commission Board , shall have printed in red on the top of the face thereof in bold type  
28 equal in size to the largest type appearing thereon, the following words:

29 “See Back for Legal Restrictions of License , .” and, ~~on~~ *On* the back of *the* license ,  
30 ~~there~~ shall be printed a concise but full statement of the law applying to persons hunting,  
31 fishing or trapping on the lands, waters, ponds, boats or blinds of another without the  
32 consent of the owner.

33 § 29.1-332 ~~29-69~~ . License and permit receipts; compensation for issuing ; *sums to be*  
34 *credited to game protection fund.* — A. Notwithstanding the provisions of § 2.1-180 of the  
35 Code of Virginia, the amount of money received for licenses and permits issued under this  
36 title shall be paid by each clerk or agent to the Commission Department for payment into  
37 the state treasury after the clerk or agent has deducted and retained for such service  
38 twenty-five cents for each license or permit *he has* issued by him .

39 B. *Upon receipt into the treasury of such sums the Comptroller shall credit the sums*  
40 *to the game protection fund.*

41 *Drafting Note* : Existing § 29-71 is set out as proposed § 29.1-332(B) since existing §§  
42 29-69 and 29-71 both dealt with the receipt of funds into the state treasury.

43 § 29.1-333 ~~29-70~~ . Reports to Commission Director as to sale of licenses. — A. When  
44 remitting to the Commission *license and permit receipts* , each clerk or agent shall make a  
45 report to the Commission Director on *departmental* forms provided by the Commission ,  
46 which shall show (i) the quantity of licenses of each kind sold and the amount of gross  
47 collections for each kind of license, (ii) the amount of collections retained as compensation  
48 pursuant to § ~~29-69~~ 29.1-332 of the Code of Virginia, (iii) the net amount remitted to the  
49 Commission Department, and (iv) any other information that the Commission Director may  
50 require.

51 § ~~29-71~~. Comptroller to credit amounts to game protection fund. *Upon receipt into the*  
52 *treasury of such sums the Comptroller shall credit the same to the game protection fund.*

53 *Drafting Note* : Existing § 29-71 is set out as proposed § 29.1-332(B).

54 B. § ~~29-72~~. Penalty for failure to report and remit. For failure to make *a* report and



1 remit the amount due within thirty days after the same should be made *due date* , the  
2 clerk or agent shall forfeit his compensation for issuing license *licenses* on such report.

3 C. § 29-73. Time of report and remittance. The reports and the remittances to the  
4 Commission Department shall be made as follows:

5 (a) 1. For July, August and September, quarterly, not later than October fifth 5 .

6 (b) 2. For October, November and December, monthly, not later than the fifth of the  
7 succeeding month.

8 (c) 3. For January, February and March, quarterly, not later than April fifth 5 .

9 (d) 4. For April, May and June, quarterly, not later than July fifth 5 .

10 *Drafting Note* : Existing §§ 29-72 and 29-73 are combined into proposed § 29.1-333 since  
11 the subject matter in each relates to "reports on the sale of licenses."

12 § 29.1-334 29-74 . Certificate when license lost or destroyed. – If a license becomes *is*  
13 lost or destroyed, it shall be the duty of the person to whom *the license is issued may*  
14 immediately to apply to the clerk or agent who issued the ~~same~~ license for a license  
15 certificate. Upon affidavit *written statement* that the license has become ~~been~~ lost or  
16 destroyed, the clerk or agent shall issue a license certificate and endorse the number of  
17 the original license and date of issue thereon. The fee of the clerk or agent for  
18 acknowledging the affidavit *filing the statement* and issuing a license certificate shall be  
19 twenty-five cents and shall be paid by the applicant. The clerk or agent shall not be  
20 required to remit his fees for issuing license certificates. No licenses shall be redeemed or  
21 exchanged. Spoiled *Damaged* licenses shall be attached to the report of the clerk or agent  
22 and , sent to the Commission, *Director and* proper deductions from the gross amount being  
23 made therefor shall then be made . The Commission Department shall furnish forms of  
24 affidavits *written statements* and license certificates as required by this section.

25 29.1-335. Hunting, trapping or fishing without a license.—*No person shall hunt, trap, or*  
26 *fish without having obtained a license when such a license is required. Any person who*  
27 *violates this section shall be guilty of a Class 2 misdemeanor and shall pay any additional*  
28 *amount necessary to purchase the required license.*

29 *The purchase of a license subsequent to an arrest or notice of summons to appear in*  
30 *court for hunting, trapping or fishing without a license shall not relieve the person from*  
31 *the penalties specified in this section.*

32 29.1-336. Carrying licenses.—*Every person who is issued a hunting, trapping or fishing*  
33 *license must carry the license on their person while hunting, trapping or fishing. Persons*  
34 *who have been issued such licenses and fail to carry them when required shall be guilty*  
35 *of a Class 4 misdemeanor.*

36 29.1-337. Displaying license upon request.—*A. Every person who is issued a hunting,*  
37 *trapping or fishing license and is carrying such a license when hunting, trapping or fishing*  
38 *shall present it immediately upon demand of any officer whose duty it is to enforce the*  
39 *game and inland fish laws. Refusing to exhibit the license upon demand of any game*  
40 *warden or other officer shall be a Class 2 misdemeanor.*

41 *B. In accordance with § 18.2-133, the hunting, trapping or fishing license shall also be*  
42 *shown upon the demand of any owner or lessee, or of any employee or representative of*  
43 *such owner or lessee, upon whose lands or waters the person may be hunting, fishing or*  
44 *trapping*

45 *C. The Director may supply buttons or license holders and require the license or*  
46 *button to be displayed in a manner he may determine.*

47 29.1-337.1. Penalty for false statements; altering, borrowing or lending license.—*It shall*  
48 *be unlawful for any person to make a false statement in order to secure a license or to*  
49 *alter, change, borrow, or lend or attempt to use, borrow or lend a license. Any person*  
50 *violating this provision shall be guilty of a Class 2 misdemeanor.*

51 *Drafting Note* : Old sections 29-75 and 29-76 contained confusing language as to  
52 violations and penalties relating to hunting, trapping, and fishing without a license and  
53 displaying, carrying and making false statements as to such licenses. The provisions are  
54 divided into 4 sections here (§§ 29.1-335 through 29.1-337.1) for clarity.

1 § 29.1-338 ~~29-77~~ . Revocation of license. – If any person be *is* found guilty of (i)  
 2 violating any of the provisions of the hunting, trapping, and/ or inland fish laws, and/or  
 3 any provisions of §§ 18.2-131 through 18.2-135 and §§ 18.2-285 through 18.2-287.1 of the  
 4 Code of Virginia , and/ or any regulations adopted by the Commission Board pursuant  
 5 thereto, a second time within three years of a previous conviction of violating any such  
 6 law or regulation, or if any person be found guilty of violating (ii) any provisions of law or  
 7 ordinance governing the dumping of refuse, trash or other litter, while engaged in hunting,  
 8 trapping or fishing, the license issued to such person shall be revoked by the court trying  
 9 the case and ~~he~~ *that person* shall not apply for a new license until twelve months  
 10 succeeding *the* date of conviction. If found hunting, trapping or fishing during such *this*  
 11 prohibited period, such *the* person shall pay a fine of not less than \$50 nor more than  
 12 \$250 *be guilty of a Class 2 misdemeanor* . Licenses revoked shall be sent to the  
 13 Commission Director .

14 § 29-77.1. License to ~~sell~~ minnows in certain counties. Chapter 360 of the Acts of 1964,  
 15 authorizing the governing body of any county having a population of more than 38,000 but  
 16 less than 40,000 to adopt ordinances requiring a license to sell or furnish minnows, is  
 17 incorporated in this Code by this reference.

18 *Drafting Note:* Existing § 29-77.1 is set out separately in the Acts of Assembly and  
 19 therefore need not be duplicated by codification.

20 § 29-78. Private clubs, associations or preserves. Nothing in this title shall be construed  
 21 as permitting any person to hunt, trap or fish in or on the lands or waters of any public  
 22 or private club, association or preserve of any description as landowner or in any other  
 23 capacity unless such person has a license.

24 *Drafting Note:* Existing § 29-78 has been relocated to Chapter 6 on Preserves and  
 25 Sanctuaries and appears as proposed § 29.1-610.

26 § 29-79. National forests. No resident or nonresident shall hunt, fish or trap on any  
 27 lands in the national forests in this State without first obtaining the regular resident or  
 28 nonresident license as well as the permit required by § 29-117.

29 *Drafting Note:* Existing § 29-79 has been deleted since the same requirement is set  
 30 forth in proposed § 29.1-408 in Article 2 of Chapter 4.

31 § 29.1-339 ~~29-80~~ . Complimentary licenses. – The Commission Director is authorized to  
 32 issue complimentary hunting licenses and complimentary fishing licenses to the field  
 33 inspectors of the United States Fish and Wildlife Service and public officials of the United  
 34 States and of other states engaged in conservation work; ~~provided~~ *however*, not more than  
 35 75 such complimentary hunting licenses shall be issued during ~~1~~ *one* fiscal year and not  
 36 more than 150 such complimentary fishing licenses shall be issued during ~~1~~ *one* calendar  
 37 year.

#### 38 Article 2.

##### 39 Licenses for Waterfowl Blinds and for Hunting Waterfowl.

40 § 29.1-340 ~~29-81~~ . Hunting waterfowl from unlicensed blinds and without season license.  
 41 – It shall be unlawful to hunt migratory waterfowl ~~in~~ *on* the public waters ~~and shores east~~  
 42 of this State ~~Interstate Route 95 in the Commonwealth and the shores thereof from~~  
 43 unlicensed blinds, whether stationary or floating blinds. *For the purposes of this article, the*  
 44 *term “public waters” means public waters which are navigable in fact. ; and any* Any  
 45 person hunting waterfowl shall also have a season license to hunt ; ~~provided~~ *that* licenses  
 46 shall neither be required nor issued for blinds in the waters, on the islands or on the  
 47 shores of any river, stream or impoundment west of Interstate Route 95 .

48 § 29.1-341 ~~29-82~~ . Stationary blinds. – Stationary blinds shall include ~~mean~~ *mean* blinds  
 49 erected ~~either~~ *either* on the shores of the public waters and brush or stake blinds, or other  
 50 stationary blinds permitted by law ~~or~~ *in* the public waters at a fixed and stationary  
 51 location the required distance from other blinds ~~and shall include brush or stake blinds, or~~  
 52 ~~any other stationary blinds permitted by law~~ . No club ~~Clubs~~ or individual ~~individuals~~ who  
 53 does ~~do~~ not own riparian rights shall be permitted to license ~~no~~ more than two brush or  
 54 stake blinds, or other stationary blinds in the public waters in any one season. Stationary

1 blinds shall be erected not later than November first 1 of each year.

2 § 29.1-342 29-83 . Floating blinds. – Floating blinds shall include mat blinds , or other  
3 means floating blinds permitted by law in the public waters . and They may be used in  
4 any position therein in public waters at different locations from day to day so long as such  
5 if the blind is anchored the required distance from any other blind permitted by law ,  
6 unless agreed otherwise between the parties. Licenses for floating blinds shall be limited to  
7 one mat blind and one other two floating blind blinds ; if permitted by law, in any one  
8 season, to any one applicant.

9 § 29.1-343 29-84 . Fees for waterfowl blind licenses. – The fees for waterfowl blind  
10 licenses shall be as follows;

11 (1) 1. For a stationary blind erected in the public waters or on the shores of the  
12 riparian owner to shoot on or over the public waters, resident, ten dollars; nonresident, ten  
13 dollars.

14 (2) For a stationary brush or stake blind, or other stationary blind permitted by law, in  
15 the public waters, to shoot on or over such waters, resident, ten dollars; nonresident, ten  
16 dollars.

17 (3) 2. For a mat blind, or other floating blind, permitted by law in the public waters,  
18 to shoot on or over said the public waters, resident, twenty dollars ; nonresident,  
19 twenty-five dollars .

20 Drafting Note : CGIF suggests there is no need to differentiate between blind licenses  
21 for resident and nonresidents in proposed § 29.1-343. Existing (1) and (2) are combined for  
22 clarification.

23 § 29.1-344 29-85 . Stationary blinds on shore and in the public waters for owners of  
24 riparian rights. – The Each year, the owners of riparian rights, their lessees or permittees ,  
25 who desire to do so, shall , each year, have the exclusive privilege of licensing and  
26 erecting blinds on their shoreline, and the prior right of licensing and erecting blinds in  
27 the public waters in front of such their shoreline, to shoot waterfowl on or over the public  
28 waters , . and when When such a license has been obtained and a stake, or a blind , has  
29 been erected on the site with the metal license plate supplied with the license for that  
30 season properly affixed thereto , no other stationary or floating blind shall locate be  
31 located in the public waters within less than 500 yards thereof of the licensed site without  
32 the consent of such the riparian owner, lessee or permittee. Riparian owners, their lessees  
33 or permittees , may obtain licenses on and after July first 1 and on or before August  
34 thirty-first 21 of each year. A stake, or a blind , shall be erected on the site , and the a  
35 metal license plate supplied with the license for that season shall be affixed thereto within  
36 ten days by August 31 .

37 § 29.1-345 29-86 . Stationary blinds in the public waters for nonriparian owners. –  
38 Unless the a license has been obtained pursuant to § 29.1-344, and a stake, or a blind has  
39 been erected and marked as aforesaid within the time stated as specified in that section ,  
40 in any year, the owners of riparian rights, their lessees or permittees , shall forfeit the  
41 privilege of licensing blinds on their shores and also lose priority for licensing stationary  
42 blinds in the public waters adjoining such shores. Any locations remaining in the public  
43 waters shall belong to whoever first obtains a license and erects a stake, or a blind , . and  
44 The blind cannot be located in water having a greater depth than 8' eight feet at mean  
45 high tide , on the site selected , . which In addition, the blind must be at least 500 yards  
46 from any other stationary blind , with and the metal license plate supplied with the license  
47 for that season must be properly affixed thereto to the structure . The nonriparian license  
48 for a stake or brush blind, or other stationary blind permitted by law, in the public waters  
49 , may be obtained on and after July September first 1 and on or before September  
50 thirtieth 30 , . and a A stake or blind shall be erected on the site with the and a metal  
51 license plate supplied with the license for that season must be affixed thereto within ten  
52 days by October 10 .

53 Drafting Note : The July 1 date is changed to September 1 in proposed § 29.1-345 to  
54 allow riparian owners until August 21 to obtain license.

1 § 29.1-346 ~~29-87~~ . When license for floating blinds issued; distance from stationary  
 2 blinds. – Licenses for ~~mat blinds, or other~~ floating blinds permitted by law, in the public  
 3 waters, may be obtained on and after July first ~~1~~ and on or before October thirty-first .  
 4 Floating blinds shall have the ~~metal~~ a license plate supplied with the license for that  
 5 season affixed ~~thereto to the blind. and~~ Floating blinds, including any accompanying boat  
 6 or tender, shall anchor or tie out at least 500 yards from any licensed stationary blind for  
 7 shooting, whether on the shore or in the water, unless agreed otherwise between the  
 8 parties , and this shall include any boat or tender accompanying such floating blind .

9 *Drafting Note* : CGIF suggests there is no need for an October 31 cut-off date for  
 10 obtaining licenses for floating blinds.

11 § 29.1-347 ~~29-88~~ . Renewing licenses. – The holders of licenses first issued under this  
 12 article may renew the same privileges each succeeding year by licensing the same within  
 13 the time required and placing the ~~metal~~ license tag on the stake or blind as required by  
 14 this article , . ~~provided that the~~ The exclusive privileges prescribed with respect to owners  
 15 and their lessees and permittees in § ~~29-85~~ 29.1-344 shall be recurrent each year  
 16 notwithstanding that such ~~even if the~~ privileges were forfeited to some other person or  
 17 persons in the preceding year. If any blind ~~shall be~~ is destroyed in any manner beyond the  
 18 control of the owner , it may be replaced within thirty days without losing the position  
 19 which it formerly occupied. Those licensing stationary blinds in the public waters shall  
 20 remove the same blinds when the licenses are allowed to expire or when they no longer  
 21 intend to use them.

22 § 29.1-348 ~~29-89~~ . Obtaining licenses. – All applications for blind licenses under this  
 23 article shall be made to the local license agent or clerk of the circuit court of the county  
 24 or city wherein in which or nearest which the blind site is located or in which it is to be  
 25 used, who The clerk or local license agent shall be paid similar fees as for issuing hunting  
 26 licenses. With each license the clerk or local license agent shall deliver a ~~metal~~ license  
 27 plate bearing the number of the license, which shall be affixed to the blind where it may  
 28 be easily observed. The Commission Department shall furnish the licenses and license  
 29 plates provided for in this article. The money arising from the sale of blind licenses shall  
 30 be paid into the game protection fund.

31 *Drafting Note* : CGIF suggests adding the term “local license agent” in this section.

32 29.1-349 ~~29-90~~ . Hunting, erecting blind within 500 yards of licensed blind.—A. No  
 33 person shall hunt migratory waterfowl or shoot in the public waters of this  
 34 Commonwealth from a boat, float, raft or other buoyant craft or device within 500 yards  
 35 of any legally licensed erected stationary blind of another without the consent of the  
 36 licensee, except when in active pursuit of a visible crippled waterfowl which was legally  
 37 shot by the person.

38 B. No person shall erect a stationary blind in the public waters within 500 yards of  
 39 any other licensed blind without the consent of the licensee. Any person who violates this  
 40 subsection shall be guilty of a trespass and the affected blind licensee may maintain an  
 41 action for damages. Furthermore, the trial court shall immediately revoke the blind  
 42 owner's license for the stationary blind where the offense was committed. The blind owner  
 43 may be eligible for a license in the following open season upon the same conditions that  
 44 would apply to a new applicant. When a license for a stationary blind has been revoked,  
 45 the blind shall be destroyed by the former licensee, or by the game warden.

46 C. An erected stationary blind within the meaning of this section shall be a blind of  
 47 such size and strength that it can be occupied by one or more hunters, or large enough  
 48 to accommodate a boat or a skiff, and intended for use therefor.

49 *Drafting Note*: Proposed § 29.1-349 was rewritten to clarify the separate violations of  
 50 “hunting within 500 yards of a licensed blind” (A), and “erecting a blind within 500 yards  
 51 of another blind” (B).

52 § 29.1-350 ~~29-91~~ . Exemption from application of article. – The provisions of this article  
 53 shall not apply to the shores and public waters and marshes of Accomack and  
 54 Northampton Counties and the City of Virginia Beach , . provided that in such counties and

1 in such city *However, in those localities* no person shall hunt migratory waterfowl, whether  
2 from a blind or otherwise, without having obtained a season license to hunt.

3 *Drafting Note:* Local Legislative Acts L8-1 and L8-5 provide for hunting from blinds in  
4 these areas so they are exempted from the general provisions of this article.

5 § 29.1-351 ~~29-92~~ . Regulations to be issued; present regulations continued in force. – The  
6 ~~Commission Board~~ shall have the power to amend or alter the provisions of this article by  
7 regulation prescribing a lesser distance *less than 500 yards* between blinds than 500 yards  
8 whenever and wherever such action seems practicable and desirable . ~~and The Board~~ may  
9 adopt other regulations concerning the use of such blinds as may appear advisable to meet  
10 changing conditions as to hunting migratory game birds . ~~and the The~~ regulations of the  
11 ~~Commission Board~~ now applying to such hunting are hereby continued in force until  
12 amended or repealed by the ~~Commission Board~~ ; ~~provided, however, that the Commission~~  
13 ~~Board~~ shall not have the power to alter in any respect ; ~~by any means whatsoever,~~ the  
14 privileges prescribed for owners and their lessees and permittees in §§ ~~29-85 29.1-344~~ and  
15 ~~29-88 29.1-347~~ .

16 *29.1-351.1. Penalty for violations.—Unless otherwise specified, any person who violates*  
17 *any of the provisions of this article shall be guilty of a Class 2 misdemeanor.*

18 *Drafting Note :* Existing § 29.1-90 referred to the penalty for violations of the blind  
19 license laws. The penalty described converts to a Class 2 misdemeanor.

20 *Article 3.*

21 *Stamps .*

22 § 29.1-352 ~~29-92.1~~ . Damage stamp program established; purpose; intent. – There is  
23 hereby established a damage stamp program to provide for an available source of funds to  
24 be used for the purpose of compensating persons who suffer *to compensate* damage to  
25 crops, fruit trees, commercially grown Christmas trees, *nursery stock*, livestock, or farm  
26 equipment as the result of injury or damages thereto caused by deer or bear or by big  
27 game hunters during the course of hunting seasons . It is the intent of the General  
28 Assembly that persons suffering loss or damage as the result of such *these* activities should  
29 be realistically compensated for damages which occurred to their property as the result of  
30 such *the* activity. A local governing body shall encourage to the maximum extent possible  
31 the utilization of the damage stamp fund for payment of claims in keeping with the  
32 purposes of this article.

33 *Drafting Note :* The term “nursery stock” was added to clarify scope of the term  
34 “crops”.

35 § 29.1-353 ~~29-92.2~~ . Local governing body to adopt ordinance. – A. Any local governing  
36 body may adopt an ordinance consistent with the provisions of this article for the purpose  
37 of establishing a damage stamp program. No such ordinance shall be of any *in force* or  
38 effect between May 1 of any year and the following April 30 ~~when~~ *whenever* the amount  
39 of money in the *this* special fund established ~~therein~~ is more than twice the average  
40 annual disbursement made from such *the* fund for the payment of damage claims in such  
41 *the county locality* during the immediately preceding three years ; . ~~provided that~~  
42 *However,* such estoppel shall not apply to any *county locality* during the first three years  
43 immediately following the effective date of the first such ordinance adopted by the  
44 governing body of that *county locality* pursuant to this or any earlier similar enabling act.

45 B. Any locality which has adopted an ordinance prior to July 1, 1981, will not be  
46 required to adopt a new ordinance; however, any prior ordinance shall be administered  
47 pursuant to the provisions of this article.

48 § 29.1-354 ~~29-92.3~~ . Stamps required; issuance; fee; affixing stamps; cancellation. – It  
49 shall be unlawful for any person to hunt bear or deer in any locality adopting *this a*  
50 *damage stamp* ordinance within the Commonwealth without having first obtained a *the*  
51 special stamp.

52 The annual fee for such *a* stamp shall be one dollar. The local governing body may  
53 prescribe any fee, not to exceed five dollars for such *these* special stamps, when issued to  
54 nonresidents of the Commonwealth.

1 Such ~~The~~ special stamps shall be obtained from a locally designated official or from  
 2 any agent designated by the ~~Commission~~ *Board of Game and Inland Fisheries* pursuant to §  
 3 ~~29-65 29.1-327~~ of this Code. The agent shall be paid a fee of ten cents from the special  
 4 fund for each stamp issued.

5 The stamp shall be affixed to the reverse side of a current hunting license of each  
 6 person required to obtain such ~~the~~ stamp, ~~who and that person~~ shall cancel the same  
 7 stamp with his initials.

8 § ~~29.1-355 29-92.4~~ . Disposition of funds. – A. ~~Any and all~~ *All* moneys received from the  
 9 sale of such ~~the~~ special stamps shall be paid into the local treasury to the credit of a  
 10 special damage stamp fund and identified by the year in which the moneys were collected.  
 11 The special fund shall be used for the following purposes:

12 1. Payment of damages to crops, fruit trees, commercially grown Christmas trees,  
 13 *nursery stock*, livestock, or farm equipment by deer or bear at any time, or by big game  
 14 hunters during hunting season; and

15 2. Payment of the actual and necessary costs of the administration of the provisions of  
 16 this article, including the printing and distribution of the required stamps and the payment  
 17 of reasonable fees to persons designated by a local governing body to inspect, evaluate, and  
 18 confirm reported claims and adjust such claims; and

19 3. In the discretion of the local governing body, payment of the costs of law  
 20 enforcement directly related to and incidental to carrying out the provisions of this article  
 21 and the general game laws of the Commonwealth. Any person compensated to engage in  
 22 such law-enforcement activities shall be approved for such employment by the ~~Commission~~  
 23 *of Game and Inland Fisheries Director* and appointed to be a special game warden in  
 24 accordance with the ~~Commission's Board's~~ standards and policies governing such  
 25 appointment; and

26 4. In the discretion of the local governing body, administrative expenses related to the  
 27 special stamps, support of a county volunteer fire prevention and suppression program  
 28 when such ~~the~~ program includes fire fighting on big game hunting lands open to the public,  
 29 and support of local volunteer rescue squads whose services are available to hunters in  
 30 distress, ~~provided that~~ *However*, the money appropriated from the special damage stamp  
 31 fund for these purposes shall not exceed, in the aggregate, in any calendar year, an  
 32 amount equal to fifty percent of the amount paid into the special damage stamp fund  
 33 during the fiscal year or previous calendar year. Once selecting the fiscal year or previous  
 34 calendar year, the local governing body must continue to use that selected period of time  
 35 in determining the amount of money to be appropriated from the special damage stamp  
 36 fund.

37 § ~~29.1-356 29-92.5~~ . Reporting damages; filing and adjudicating claims. – Any person  
 38 suffering damage pursuant to the provisions of this article shall report the ~~same~~ *damage* to  
 39 a locally designated official whose duty it shall be to have the ~~same~~ *damage* investigated.  
 40 The claim for damage shall be filed under oath and in such ~~a~~ manner and ~~in~~ such form  
 41 as may be prescribed by the local governing body.

42 If the claimant and the designated local official agree as to the amount of damage, the  
 43 local governing body may approve the amount and order payment thereof from the special  
 44 damage stamp fund established by this article. No claim for damages shall be paid to any  
 45 person who does not permit the hunting of big game by licensed hunters on his property.  
 46 In the event that no agreement as to the amount of damages can be reached, the claimant  
 47 may initiate an action in the general district court of the county in which the damage  
 48 occurred.

49 § ~~29.1-357 29-92.6~~ . Civil action required. – In any instance in which compensable  
 50 damage is alleged to have been caused by an individual hunter and such ~~hunter and his~~  
 51 *whose whereabouts be are* known and *when* it is reasonable and practicable to do so, the  
 52 claimant shall first proceed against such hunter in a civil action before any payment is  
 53 made pursuant to the provisions of this article.

54 Upon payment of any claim pursuant to the provisions of this article, the county shall

1 be subrogated to the rights of the claimant against such individual hunter.

2 § 29.1-358 ~~29-92.7~~ . Localities to report claims and reimbursements. – Any locality  
3 establishing a damage stamp program pursuant to the provisions of this article, including  
4 those localities previously authorized to adopt such an ordinance prior to July 1, 1981, shall  
5 establish a procedure to ensure that annual reports of all damage claims made and the  
6 amount of reimbursement therefor are made to the ~~Commission~~ *Department* of Game and  
7 Inland Fisheries. The ~~Commission~~ shall provide copies of such annual reports to the  
8 members of the Senate Agriculture, Conservation and Natural Resources Committee and the  
9 House Conservation and Natural Resources Committee .

10 *Drafting Note:* Proposed §§ 29.1-352 through 29.1-358 make up new Article 3 on  
11 “Stamps”. The few changes within are style changes since the substance of the provisions  
12 (enacted 1981) requires no change.

13 *CHAPTER 4.*

14 *PERMITS REQUIRED.*

15 *Article 1.*

16 *Dealing in Furs.*

17 § 29.1-400 ~~29-93~~ . Unlawful to deal in furs without a permit. – It shall be unlawful to  
18 buy, sell, barter, exchange, traffic or trade in, bargain for, solicit for purchase, or possess  
19 the hides, furs or pelts of wild animals, or otherwise deal in fur as a business, without  
20 having first obtained a permit, subject to the exemptions in § ~~29-94~~ 29.1-401 .

21 § 29.1-401 ~~29-94~~ . Exemptions as to fur permits. – A permit shall not be required of  
22 any hunter or trapper to possess or dispose of the hides, furs or pelts of wild animals  
23 legally shot or caught by him nor of any person lawfully engaging in the business of fur  
24 farming to possess or to dispose of the hides, furs or pelts of wild animals raised by him.

25 § 29.1-402 ~~29-95~~ . Permit fees to deal in furs; *permit issuance*. – A. The fee for a  
26 permit to buy, sell, barter, exchange, traffic or trade in, bargain for, solicit for purchase,  
27 or possess the hides, furs or pelts of wild animals shall be as follows:

28 (1) 1. State resident, thirty-five dollars.

29 (2) 2. State nonresident, \$100.

30 B. § ~~29-96.1~~. Issuance of foregoing permits. The permit required by § 29-95 shall be  
31 issued in the name of the firm or individual conducting the business, but shall authorize  
32 one person only, who shall be designated as *a* fur buyer, to personally solicit for the  
33 purchase of furs within the area covered by the permit. Such person *The fur buyer* may  
34 be the permittee, if an individual, a member of the firm, or a bona fide employee of such  
35 individual or firm who is paid a regular stated monthly salary.

36 *Drafting Note:* Existing §§ 29-95 and 96.1 are combined to form proposed § 29.1-402(A)  
37 and (B).

38 § 29.1-403 ~~29-98~~ . Term of permits; application. – All fur permits shall be for the fiscal  
39 year, July first 1 to through June thirtieth 30 , inclusive, and shall be obtained from the  
40 ~~Commission~~ *Department* by making written application.

41 § 29.1-404 ~~29-99~~ . Qualifications of permittee. – The qualifications obtaining for securing  
42 resident county and state hunting and fishing licenses shall apply to obtaining permits  
43 under this article and the ~~Commission~~ may require affidavit as to correctness of facts set  
44 forth on the application .

45 *Drafting Note :* According to CGIF, the last part of this section can be stricken as  
46 unnecessary.

47 § 29.1-405 ~~29-100~~ . Reports of permittees. – The ~~Commission~~ *Director* may require each  
48 permit holder to submit , within ten days after the end of each fiscal year, a detailed  
49 activities report in such *a* form as ~~it~~ *the Director* may prescribe.

50 § 29.1-406 ~~29-101~~ . Penalty for violations. – The violation of any of the terms of this  
51 article shall constitute a Class 3 misdemeanor. Furthermore, the trial court shall revoke the  
52 permit of the fur dealer and he shall not have a similar permit for that season or for the  
53 succeeding season ; but . *He* may , *however*, be eligible for a permit thereafter.

54 § 29.1-407 ~~29-102~~ . Forfeiture of furs. – Any furs found in the possession of any person

1 or firm *and* acquired in violation of this article shall be forfeited to the Commonwealth.  
 2 The proceedings for such forfeiture shall conform as far as practicable to the provisions of  
 3 Chapter 10 (~~§ 29-214 et seq.~~) of this title *Chapter 22* (~~§ 19.2-369 et seq.~~) of Title 19.2 , and  
 4 the net proceeds of such *the* forfeiture ~~to~~ shall be paid into the Literary Fund.

5 *Drafting Note:* Existing Chapter 10 on Enforcement of Forfeitures is being repealed  
 6 since Chapter 22 of Title 19.2 sets out all the provisions necessary to carry out  
 7 enforcement proceedings.

8 *Article 2.*

9 *National Forests.*

10 § ~~29.1-408 29-117~~ . Permit required; exceptions. – No resident or nonresident person  
 11 shall hunt, fish, or trap on any lands in the national forests in this State *Commonwealth*  
 12 without first obtaining, in addition to the regular resident or nonresident license, a special  
 13 permit to hunt, fish, or trap on such areas in the national forests as the *Commission Board*  
 14 and the Forest service may agree upon ; . ~~provided, that~~ *However*, no such permit shall be  
 15 required of the following: (a) (i) residents under the age of sixteen to fish or trap; (b) (ii)  
 16 residents over the age of sixty-five to fish; (c) (iii) nonresidents under the age of twelve to  
 17 fish, except for trout, when accompanied by a person possessing a valid license to fish  
 18 therein; (d) (iv) residents possessing a license as provided by § ~~29-52~~ (~~3~~) *29.1-301(D)* ; and  
 19 (e) (v) persons holding a license as provided by § ~~29-80~~ *29.1-339* .

20 *The violation of any of the terms of this article shall constitute a Class 3*  
 21 *misdeameanor.*

22 *Drafting Note :* The Class 3 penalty is added here since existing § 29-171 specifies a  
 23 Class 3 penalty for violation of sanctuaries, preserves, etc.

24 § ~~29.1-409 29-118~~ . From whom permits obtained; fee. – The special national forest  
 25 permit may be obtained from the clerk of agent or any county or city whose duty it is to  
 26 sell hunting, fishing, and trapping licenses. The fee for such *the* special permit shall be two  
 27 dollars.

28 § ~~29.1-410 29-119~~ . Disposition of funds. – The funds derived from the sale of such *the*  
 29 special permits shall be used by the *Commission Director* for game and fish management  
 30 purposes within the national forests in this State *Commonwealth* , or, in the discretion of  
 31 the *Commission Board* , shall be paid into the United States treasury as a cooperative  
 32 deposit for use of the United States Forest Service for game and fish management purposes  
 33 within the aforesaid area *national forests in Virginia* .

34 § ~~29.1-411 29-120~~ . Cooperative agreement. – The *Commission Board* shall enter into a  
 35 cooperative agreement with the United States Forest Service ; . ~~such~~ *The* cooperative  
 36 agreement ~~to~~ shall define the means and methods to be taken to improve the fish and  
 37 game resources of the national forests of this State *Commonwealth* and ~~to~~ shall program  
 38 the expenditure of all funds derived from *this the* special permit.

39 *Drafting Note:* Existing Article 3 (§§ 29-117 through 29-120) of existing Chapter 6 is set  
 40 forth as proposed Article 2 (§§ 29.1-408 through 29.1-411) of proposed Chapter 4.

41 *Article 3.*

42 *Special Permits.*

43 § ~~29.1-412 29-103~~ . Permits required. – It shall be unlawful to exercise the *any*  
 44 *privileges privilege* of the permits hereinafter provided in this article ; or to hold in  
 45 captivity any live wild bird or wild animal designated as nonmigratory game bird, game  
 46 animal or fur-bearing animal, or any hawk or owl, or any wild bird or wild animal  
 47 protected by state or federal law, without first having obtained a *the required* permit to do  
 48 so .

49 *Any person who violates any provision of this article shall be guilty of a Class 4*  
 50 *misdemeanor and the permit shall be revoked.*

51 *Drafting Note :* Reference to the various species for which a permit is required is  
 52 unnecessary since the following sections set out the required permits. The penalty section,  
 53 existing 29-116, is merged into this section on the general requirements.

54 § ~~29.1-413 29-104~~ . Issuance discretionary, duration. – The issuance of all of the permits



1 provided by this article shall be within the discretion of the Commission and Board , under  
 2 such regulations as it may prescribe, including such and contingent on reports as it may  
 3 require. Each permit issued under this article shall be effective for the fiscal year, July 1  
 4 to June 30, inclusive.

5 § 29.1-414 (Reserved) ~~29-105~~. Duration. – Each permit required by this article shall run  
 6 by the fiscal year, July first to June thirtieth, inclusive.

7 *Drafting Note* : Existing § 29-105 has been merged into proposed § 29.1-413.

8 § 29.1-415 ~~29-109~~ . Taxidermy. – The fee for a permit to stuff or mount birds, animals,  
 9 or fish or parts thereof, for compensation or for sale shall be twenty-five dollars.

10 § 29.1-416 ~~29-110~~ . Netting fish. – A. The fee for a permit to net fish in inland waters,  
 11 for private table use and not for sale, shall be as follows:

12 1. ~~county~~ County dip net, two dollars;

13 2. ~~gill~~ Gill net or fyke net, five dollars each;

14 3. ~~haul~~ Haul seine, ten dollars;

15 minnow haul seine to catch minnows for sale except from private waters, two dollars  
 16 and fifty cents,

17 4. ~~haul~~ Haul seine to catch shad, herring and mullet, or suckers, for sale, twenty-five  
 18 dollars . ; provided, that the Commission of Game and Inland Fisheries

19 B. The Board may permit a licensee to use dip nets, gill nets or fyke nets to take for  
 20 sale fish of any designated species in the waters of Back Bay and its tributaries.

21 *Drafting Note*: Proposed § 29.1-416 is divided into paragraph (A) 1-5 and paragraph (B)  
 22 for clarity.

23 § 29.1-417 ~~29-111.1~~ . Holding and disposing of game animals, game birds, game fish and  
 24 furbearers for authorized purposes. – The fee for a permit to hold and dispose of game  
 25 animals, game birds including bobwhite quail, game fish and game furbearers, for any  
 26 authorized purpose including use as food, under such rules and regulations as the  
 27 Commission may prescribe, shall be seven dollars and fifty cents. Such *The* permit shall  
 28 authorize the permittee to breed and raise trout for sale from a privately owned hatchery  
 29 where the same trout are artificially raised and where the permittee allows public fishing  
 30 from its facilities. In the event that if this fee has been paid no license shall be required  
 31 to fish from such a facility.

32 § 29.1-418 ~~29-113~~ . Collecting specimens. – There shall be no charge for a permit to  
 33 collect specimens of fish, wild birds, wild animals and amphibians, in limited quantity, for  
 34 scientific or museum purposes. Such permits may be issued to collect a certain number of  
 35 specimens of one or more designated species when such *the* collection is shown to be an  
 36 essential part of a specific research project designed to advance scientific knowledge by  
 37 achieving precisely formulated objectives .

38 § 29.1-419 ~~29-114.2~~ . Taking, holding, etc., of falcons, hawks and owls; use to hunt wild  
 39 game. – Notwithstanding any other provision of law, the Commission Director may:

40 (1) 1. Permit the taking, trapping, holding, transportation, carriage and shipment of live  
 41 falcons, hawks and owls ; . provided that the *The* fee for such *this* annual permit shall be  
 42 fifty dollars and such annual *the* permit shall entitle the holder thereof to have in  
 43 possession at any one time *possess* not more than three of any such birds ; *at any one*  
 44 *time*. provided that the *The* fee for renewing an existing permit expiring after June 30,  
 45 1977 , if such permit is in effect or has not expired more than *within* six months prior to  
 46 the date of application for renewal, shall be twenty dollars.

47 (2) 2. Authorize the use of falcons, hawks, and owls to hunt and take all species of wild  
 48 birds and wild animals . ; provided that *However*, the hunting of migratory game birds  
 49 shall be in accordance with § 29-137; 29.1-515 and provided further that appropriate  
 50 hunting licenses shall be required as provided in Chapter 5 3 (§ 29-51 29.1-300 et seq.) of  
 51 this title.

52 § 29.1-420 ~~29-115~~ . From whom permits obtained. – The permits provided for in this  
 53 article may be obtained from the Commission Department except that county dip net  
 54 permits shall be sold by clerks and agents.

1     § 29.1-421 (Reserved) 29-116. Penalty for violation. – Any person or firm convicted of  
2 violating this article shall pay a fine of not less than \$10 nor more than \$100 and the  
3 permit shall be revoked.

4     *Drafting Note:* Existing § 29-116 has been merged into proposed § 29.1-412 at the  
5 beginning of the article.

6     § 29-117. Permit required; exceptions. No resident or nonresident shall hunt, fish, or  
7 trap on any lands in the national forests in this State without first obtaining, in addition to  
8 the regular resident or nonresident license, a special permit to hunt, fish, or trap on such  
9 areas in the national forests as the Commission and the Forest Service may agree upon;  
10 provided, that no such permit shall be required of the following: (a) residents under the  
11 age of sixteen to fish or trap; (b) residents over the age of sixty-five to fish; (c)  
12 nonresidents under the age of twelve to fish, except for trout, when accompanied by a  
13 person possessing a valid license to fish therein; (d) residents possessing a license as  
14 provided by § 29-52 (3); and (e) persons holding a license as provided by § 29-80.

15     § 29-118. From whom permits obtained; fee. The special national forest permit may be  
16 obtained from the clerk or agent of any county or city whose duty it is to sell hunting,  
17 fishing, and trapping licenses. The fee for such special permit shall be two dollars.

18     § 29-119. Disposition of funds. The funds derived from the sale of such special permits  
19 shall be used by the Commission for game and fish management purposes within the  
20 national forests in this State, or, in the discretion of the Commission shall be paid into the  
21 United States treasury as a cooperative deposit for use of the United States Forest Service  
22 for game and fish management purposes within the aforesaid area.

23     § 29-120. Cooperative agreement. The Commission shall enter into a cooperative  
24 agreement with the United States Forest Service, such cooperative agreement to define the  
25 means and methods to be taken to improve the fish and game resources of the national  
26 forests of this State and to program the expenditure of all funds derived from this special  
27 permit.

28     *Drafting Note:* Existing Article 3 on National Forests (§§ 29-117 through 29-120) is  
29 relocated to proposed Article 2 of Chapter 4, §§ 29.1-408 through 29.1-411.

30     § 29-122. Special license for hunting bear, deer and turkey. There shall be a special  
31 license for hunting bear, deer and turkey in this State, which shall be in addition to the  
32 license required to hunt other game. The fee for such special license shall be seven dollars  
33 and fifty cents for a resident and thirty dollars for a nonresident.

34     The license to hunt bear, deer and turkey may be obtained from the clerk or agent of  
35 any county or city whose duty it is to sell hunting licenses.

36     § 29-122.1. Special archery license. There shall be a license for hunting with a bow and  
37 arrow during the special archery seasons, which will be in addition to the license required  
38 to hunt small game. The fee for such special license shall be ten dollars for a resident and  
39 twenty dollars for a nonresident.

40     The special archery license may be obtained from the clerk or agent of any county or  
41 city whose duty it is to sell licenses.

42     *Drafting Note:* Existing Chapter 7 (§§ 29-122 and 29-122.1) on Big Game Licenses is  
43 relocated to proposed Chapter 3 (Licenses), and appears as §§ 29.1-305 and 29.1-306.

44     § 29.1-422 29-213.96 . Permits for field trials. – Notwithstanding any provision of  
45 paragraphs (b) through (k) of § 29-143 to the contrary, the Commission of Game and  
46 Inland fisheries *The Board* is authorized to grant permits to bona fide field trial clubs and  
47 associations to hold field trials with dogs under such regulations as it may deem *deems*  
48 proper, beginning with the second weekend in August through the third weekend of May,  
49 and at such other times in its discretion . It shall be unlawful to hold such trials without  
50 the permit herein authorized during the closed season for game. If wild game is to be shot  
51 over or in front of dogs engaged in such field trials, the person actually doing the shooting  
52 must have a license permitting him to do so.

53     Captive birds of any species released and immediately shot or recovered during such  
54 trials shall not be considered to be wild birds under this chapter or § 29.1-143(a) 29.1-521 .

1 *Drafting Note* : Since the CGIF has discretion as to the times for field trial permits,  
2 listing a specific period is not necessary.

3 § 29-213.97. Permits for night trials. – Permits may be granted by the Commission of  
4 Game and Inland Fisheries to individuals for trials with dogs used and trained, or to be  
5 trained, for hunting at night, between September 10 and October 1 of any year. No person  
6 accompanying such dogs on trial shall carry or have with him any firearm or axe.

7 § 29-213.98. Permits to allow foxhounds to run at large. – The Commission of Game and  
8 Inland Fisheries is authorized to issue permits to residents of this Commonwealth who are  
9 bona fide owners of foxhounds, actually used for fox hunting, allowing such owners to  
10 permit such foxhounds to run at large any time, whether or not accompanied by the owner  
11 or his agent. It shall be lawful for such foxhounds to run at large at any time, if the  
12 owner has been issued such a permit. The Commission may limit the number of foxhounds  
13 allowed to run at large under one permit and shall stipulate the geographic area to which  
14 the permit applies. The Commission shall not issue any permit under this section for areas  
15 in which the local jurisdiction by ordinance forbids it.

16 *Drafting Note*: Existing §§ 29-213.96 through 29-213.98 are the only provisions in the  
17 existing Chapter 9.4 on Comprehensive Animal Laws which are administered by the  
18 Commission of Game and Inland Fisheries. Of these, the Commission indicates that only  
19 existing § 29-213.96 is an activity which requires administration. Existing § 29-213.97 and  
20 29-213.98 are said to be obsolete.

21 *CHAPTER 5.*

22 *WILDLIFE AND FISH LAWS.*

23 *Article 1.*

24 *General Provisions.*

25 § 29.1-500 (Reserved) § 29-125. Power of the Commission.— Having a due regard for the  
26 distribution, abundance, economic value and breeding habits of wild birds, wild animals,  
27 and fish in inland waters, the Commission is hereby vested with the necessary power to  
28 determine when, to what extent, if at all, and by what means it is desirable to restrict,  
29 extend or prohibit in any degree the provisions of law obtaining in this State or any part  
30 thereof for the hunting, taking, capture, killing, possession, sale, purchase, shipment,  
31 transportation, carriage or export of any wild bird, wild animal, or fish from inland waters  
32 and may upon its own motion or upon written petition of 100 licensed resident landowners  
33 of any county, propose regulations for such purpose.

34 *Drafting Note* : The powers of CGIF are set forth in proposed Chapter 1 and restating  
35 powers in this section is considered unnecessary.

36 § 29.1-501 § 29-126 . *Promulgation of regulations*; publication of proposed regulations or  
37 change therein; validation; evidentiary nature of publication. – A. *The Board may*  
38 *promulgate regulations pertaining to the hunting, taking, capture, killing, possession, sale,*  
39 *purchase and transportation of any wild bird, wild animal, or inland water fish.*

40 (a) B. The full text or an informative summary of any proposed regulation or change  
41 in the regulations shall be published not less than fifteen nor more than thirty days before  
42 the same it may be acted upon and . *The publication* shall name the time and place that  
43 the *specified* matters mentioned therein will be taken up, at which time any interested  
44 citizen shall be heard. Such publication, if *If* the proposed regulation or change in the  
45 regulations be *is* of local application, *the publication* shall be made appear in a newspaper  
46 published in *or within reasonable proximity* to the affected locality county, or, if there be  
47 none such, in a newspaper in the adjoining county or section or in such other manner as  
48 may be convenient . However, such publication, if the proposed regulation or change in the  
49 regulations be *is* of statewide application, *the publication* shall be made in a newspaper in  
50 every county and city in which a newspaper is published *sufficient number of newspapers*  
51 *having a general circulation throughout the entire Commonwealth* .

52 Also, a C. A copy of such proposed regulation *regulations* or a change in the  
53 regulations, being of either local application or statewide application, shall be filed in the  
54 office of the Division of Legislative Services, where it shall be subject to inspection during

1 office hours by any person *in the Virginia Register of Regulations pursuant to § 9-6.14:22* .  
 2 Such filing must not be less than fifteen nor more than thirty days prior to the day on  
 3 which the public hearing on such proposed regulation or change in the regulations is to be  
 4 held. All regulations or changes in the regulations published in accordance with this  
 5 paragraph as amended are hereby validated.

6 (b) *D. Prima facie evidence of any such regulation may be given in all courts and*  
 7 *proceedings by the production of a certified copy of such the regulation or regulations ,*  
 8 *which certification shall be made certified by the Executive Director of the Commission or*  
 9 *his deputy.*

10 Drafting Note: Proposed § 29.1-501 restates the publication and notice requirements for  
 11 proposed changes in regulations. Though the Board of Game and Inland Fisheries is  
 12 exempted from the Virginia APA, regulations must be filed with the Registrar as stated in  
 13 proposed subsection C.

14 § 29.1-502 § 29-127 . Adoption of regulations.— If the Commission is satisfied that the  
 15 proposed regulation, or any part thereof, is advisable, such regulation, or any part thereof,  
 16 in the form in which it was filed or as amended as a result of the hearing, provided the  
 17 amendments do not alter the main purpose of the regulation, may be adopted and if so, it  
 18 shall be published in the manner directed for proposing the same and shall name the date  
 19 when it is to become effective. Any such regulation or part thereof shall remain in effect  
 20 until it is overruled by a joint resolution of the General Assembly or repealed by the  
 21 Commission. *The Board may adopt regulations and amendments to regulations upon*  
 22 *completion of all applicable hearing and notice requirements. The Board shall file the*  
 23 *regulations with the Registrar pursuant to § 9-6.18.*

24 Drafting Note: Proposed § 29.1-502 is rewritten to state simply that the Board may  
 25 adopt regulations and that they must be filed as required by law.

26 § 29.1-503 § 29-128 . Posting regulations on bulletin board at courthouse.—A copy of  
 27 any regulation adopted by the Commission Board shall be mailed to the game warden of  
 28 each county or city wherein such locality where the regulation will be effective , . who  
 29 The game warden shall deliver one copy to the clerk of the circuit or corporation court  
 30 for the affected locality , and shall post a copy of such the regulation on the bulletin board  
 31 at the local courthouse thereof .

32 § 29.1-504 § 29-128.1 . Annual publication of laws and regulations; copies to be furnished  
 33 to certain members of General Assembly.— A. All laws relating to hunting, fishing and  
 34 trapping, together with the regulations of the Commission Board , and all exceptions  
 35 thereto, of both general and local application, shall be published once each year annually  
 36 by the Commission Department in a handbook or pamphlet. The courts of the  
 37 Commonwealth shall take judicial notice of all laws and regulations contained in such  
 38 publication.

39 B. In addition to the requirements of subsection A, the Commission shall furnish to the  
 40 chairmen of the Rules Committees, and of the appropriate standing committees, of each  
 41 house of the General Assembly, by January seven of each year, a copy of any regulation  
 42 adopted by the Commission during the preceding calendar year which restricted, amended  
 43 or modified the effect of any statute, specifying the statute affected.

44 Drafting Note : Existing subsection B is obsolete and is therefore stricken.

45 § 29.1-505 § 29-129 . Penalty for violation of regulations.—It shall be a misdemeanor to  
 46 violate such regulation, or any part thereof, and any regulation promulgated pursuant to  
 47 this title. any Any person convicted of such violation shall be fined not less than \$10 nor  
 48 more than \$100 and may be sentenced to 30 days in jail, either, or both violating such a  
 49 regulation shall be guilty of a Class 3 misdemeanor .

50 Drafting Note: The penalty for violation of regulations is reclassified as a Class 3  
 51 misdemeanor in proposed § 29.1-505.

52 § 29.1-506 § 29-129.1 . Prescribing seasons and bag limits for taking fish and game.—  
 53 Notwithstanding any other provisions hereafter enacted or ordained of local or special law,  
 54 or any local ordinance the Commission shall have power, after After careful study of each

1 species of wild bird, animal and fish within the jurisdiction of the *Commission Board* in  
 2 cities and counties of the *State Commonwealth*, the *Board* shall have the power to  
 3 prescribe the seasons and bag limits for hunting, fishing, trapping or otherwise taking such  
 4 wild birds, animals and fish by regulation adopted as provided in this article.

5 § 29.1-507 § 29-130 . Closing or shortening open season.— *Whenever The Board may*  
 6 *close or shorten the open season in any county or city whenever (i) extreme weather*  
 7 *threatens the welfare of wild birds, wild animals or fish or ; (ii) whenever such wild birds,*  
 8 *wild animals or fish have been seriously affected by adverse weather conditions or ; (iii)*  
 9 *when investigation of the Commission Board shows that there is an unusual scarcity of any*  
 10 *species thereof; or ; (iv) when there is substantial demand from any county or city. section*  
 11 *or county, the Commission may close or shorten the open season in the section or county*  
 12 *affected and The Board shall immediately give notice thereof immediately of any closing*  
 13 *or shortening of an open season by publishing such action the announcement in one or*  
 14 *more newspapers having a general circulation in the section or county ; or city affected.*  
 15 *which The notice shall be published at least three days before such the action shall*  
 16 *become becomes effective.*

17 Drafting Note: The changes to proposed § 29.1-507 are to improve clarity in reading.

18 § 29.1-508 § 29-130.1 . *Commission Board* to prescribe seasons, bag limits and methods  
 19 of taking and killing fish and game on lands and waters owned or controlled by  
 20 *Commission Board* .—*The Commission of Game and Inland Fisheries Board* is hereby  
 21 authorized ; notwithstanding any other provision of law or local ordinance to the contrary,  
 22 to adopt rules and regulations to prescribe and enforce the seasons, bag limits and  
 23 methods of taking fish and game on lands and waters owned by such *Commission the*  
 24 *Board* and on lands owned by others but controlled by such *Commission the Board* .

25 The *Commission* shall exercise its powers under this section by the adoption of rules  
 26 and regulations in the manner provided by law.

27 § 29.1-509 § 29-130.2 . Duty of care and liability for damages of landowners to hunters,  
 28 fishermen, sightseers, etc.— (a) A. For the purpose of this section :

29 “Landowner” means the legal title holder, lessee, occupant or any other person in  
 30 control of land or premises.

31 “Consideration” means any payment or payments of money or anything else of value  
 32 to a landowner, but does not include rentals or similar fees received by a landowner from  
 33 governmental sources or payments received by a landowner from incidental sales of forest  
 34 products to an individual for his personal use.

35 “Land” or “premises” means real property, waters, boats, private ways, natural growth,  
 36 trees and any building or structure which might be located on such real property, waters,  
 37 boats, private ways and natural growth.

38 “Consideration” means any payment or payments of money or anything else of value to  
 39 a landowner, but does not include rentals or similar fees received by a landowner from  
 40 governmental sources or payments received by a landowner from incidental sales of forest  
 41 products to an individual for his personal use.

42 “Landowner” means the legal title holder, lessee, occupant or any other person in  
 43 control of land or premises.

44 (b) B. A landowner shall owe no duty of care to keep land or premises safe for entry  
 45 or use by others for hunting, fishing, trapping, camping, participation in water sports,  
 46 boating, hiking, sightseeing, hang gliding, skydiving, horseback riding and , bicycle riding ;  
 47 or collecting, gathering, cutting or removing of firewood ; . nor shall a No landowner shall  
 48 be required to give any warning of hazardous conditions or uses of, structures on, or  
 49 activities on such land or premises to any person entering on such the land or premises  
 50 for such purposes, except as provided in (d) hereof subsection D .

51 (c) C. Any landowner who gives permission to another person to hunt, fish, launch and  
 52 retrieve boats, swim, ride, trap, camp, hike, hang glide, skydive, sightsee, or to collect,  
 53 gather, cut or remove forest products upon land or premises for the personal use of such  
 54 person, upon land or premises does not thereby:

1 ~~(1)~~ 1. Impliedly or expressly represent that the premises are safe for such purposes; or  
 2 ~~(2)~~ 2. Constitute the person to whom such permission has been granted an invitee to  
 3 whom a duty of care is owed; or

4 ~~(3)~~ 3. Assume responsibility for or incur liability for any intentional or negligent acts of  
 5 such person or any other person, except as provided in ~~(d)~~ hereof *subsection D* .

6 ~~(d)~~ *D*. Nothing contained in this section shall limit the liability of a landowner which  
 7 may otherwise arise or exist by reason of his gross negligence or willful or malicious  
 8 failure to guard or warn against a dangerous condition, use, structure, or activity ; ~~nor~~  
 9 shall the . *The provisions hereof of this section shall not limit the liability of a landowner*  
 10 which may otherwise arise or exist of a landowner who *when the landowner* receives  
 11 consideration for giving another person permission to enter upon land to engage in any  
 12 activity described in paragraphs ~~(b)~~ *subsections B* and ~~(c)~~ hereof *C of this section* .

13 Drafting Note: The definition in subsections A of proposed § 29.1-509 are restated in  
 14 alphabetical order. Other changes are to improve clarity and sentence structure.

15 § ~~29-131~~. *Hunting and trapping defined*. *Hunting and trapping wild birds and wild*  
 16 *animals includes taking, hunting, trapping, pursuing, chasing, shooting, snaring and/or*  
 17 *netting such birds or animals, and lesser acts, such as attempting to take, hunt, trap,*  
 18 *pursue, chase, shoot, snare and/or net wild birds or wild animals, and any act of assistance*  
 19 *to any person who is hunting or trapping or attempting to do so whether the same results*  
 20 *in taking or not provided that whenever hunting or trapping is permitted reference is made*  
 21 *to so doing by lawful means and in a lawful manner. For the purpose of the license*  
 22 *required by Article 1 (§ 29-51 et seq.) of Chapter 5 of this title, the hunting or pursuit of*  
 23 *foxes shall mean the actual following of the dogs while in pursuit of a fox or foxes, or*  
 24 *managing the dog or dogs while the fox or foxes are being hunted, pursued or chased.*

25 Drafting Note: Existing § 29-131 is being deleted. Hunting and trapping is already  
 26 defined in proposed Chapter 1. Fox hunting is clarified in proposed § 29.1-516.

27 *Article 2.*

28 *Hunting and Trapping.*

29 § ~~29.1-510~~ § ~~29-132~~ . *Other definitions. Big game; small game.* –For the purpose of the  
 30 hunting and trapping laws of this State *the Commonwealth* , big game shall include bear,  
 31 *turkey and deer and elk* and small game shall include all other game birds and game  
 32 animals.

33 § ~~29.1-511~~ § ~~29-133~~ . *Open season on nuisance species.*–There shall be a continuous  
 34 open season for killing nuisance species of wild birds and wild animals as defined in §  
 35 ~~29-2-1~~ § ~~29.1-100~~ .

36 § ~~29.1-512~~ § ~~29-134~~ . *Closed season on other species.*–There shall be a continuous closed  
 37 hunting season on all birds and wild animals which are not nuisance species as defined in  
 38 § ~~29-2-1~~ § ~~29.1-100~~ , except as provided by law or Commission regulations .

39 § ~~29.1-513~~ § ~~29-135~~ . *Daily and season bag limits as promulgated by Commission Board*  
 40 *regulations.*–It shall be lawful to hunt wild birds and wild animals named in the following  
 41 sections of *as specified in* this article, within *the any applicable* daily and season bag limits  
 42 , if any, during the open seasons *as may be provided* , including the first and last days  
 43 thereof, as promulgated by Commission Board regulations ; provided that nothing in this  
 44 section shall affect the operation of any local acts heretofore or hereafter enacted .

45 Drafting Note: The changes set in proposed § 29.1-513 are generally to improve  
 46 sentence structure. The provision referring to the “first and last days” of a season is  
 47 deleted since regulations of the Board specify the open season dates. Reference to the  
 48 operation of local acts in this section and in proposed § 29.1-514 below is stricken as  
 49 unnecessary.

50 § ~~29.1-514~~ § ~~29-136~~ . *Nonmigratory game birds.*– *A*. The following nonmigratory game  
 51 birds may be hunted during the *prescribed* open seasons *prescribed in* § ~~29-135~~ ; provided  
 52 that nothing in this section shall affect the operation of any local acts heretofore or  
 53 hereafter enacted :

54 *Birds introduced by the Board.*

1 *Bobwhite quail*

2 *Grouse.*

3 *Pheasants*

4 *Turkey.*

5 *B. The following provisions shall also be applicable to the raising and hunting of the*  
6 *particular nonmigratory game bird species listed:*

7 1. Pheasant, ringnecked only. - ~~The Commission Board~~ may issue a permit to raise or  
8 purchase pheasants which shall entitle the permittee to release pheasants raised or  
9 purchased by him on land owned or leased by him, and such pheasants may be hunted  
10 under rules and regulations promulgated by the ~~Commission Board~~ .

11 ~~Birds introduced by the Commission.~~

12 2. ~~Quail Game birds~~ . - ~~The Commission Board~~ may open the season on pen-raised quail  
13 *game birds* on controlled shooting areas operated under Chapter 4 6 (§ ~~29-38~~ 29.1-600 et  
14 seq.) of this title under rules and regulations as may be promulgated by the ~~Commission~~  
15 *Board* .

16 *Turkey.*

17 *Clapper rail.*

18 *Drafting Note:* Nonmigratory game birds are listed in alphabetical order in proposed §  
19 29.1-514(A). CGIF suggests removing reference to "clapper rail". Special provisions are set  
20 out in proposed § 29.1-514(B). CGIF also suggests replacing reference to "quail" with "game  
21 birds".

22 § 29.1-515 § ~~29-137~~ . Migratory game birds.—Migratory game birds may be hunted in  
23 accordance with regulations of the ~~Commission, Board.~~ ~~which Board~~ regulations shall  
24 conform to the regulations of the United States government insofar as open seasons and  
25 bag limits are concerned.

26 § 29.1-516 ~~29-138~~ . Game animals.— *The following provisions shall apply to the killing*  
27 *and hunting of the particular game animals listed:*

28 Black bear. - Black bear may be killed by any person when (i) it is inflicting or  
29 attempting to inflict injury to a person , or (ii) when a person is in a pursuit of the bear  
30 commenced immediately after the commission of such offense. Any person killing a bear  
31 under this provision shall ~~forthwith~~ *immediately* report the ~~same~~ *killing* to a state game  
32 warden.

33 Deer. - It shall be unlawful for a person to kill or attempt to kill a deer in the water  
34 of any stream, lake or pond. It shall be unlawful to hunt deer with dogs in the counties  
35 west of the Blue Ridge Mountains.

36 Fox. - ~~Continuous~~ *There shall be a continuous* open season for hunting with dogs only.  
37 *The hunting or pursuit of foxes shall mean the actual following of the dogs while in*  
38 *pursuit of a fox or foxes or managing the dog or dogs while the fox or foxes are being*  
39 *hunted or pursued.* Foxes may be killed at any time by the owner or tenant of any land  
40 when such animals are doing damage to domestic stock or fowl.

41 Rabbits and squirrels. - It shall be unlawful to kill rabbits and squirrels during the  
42 closed season thereon, except that ; *however, the following persons* a landowner and  
43 *members of his immediate family, resident members of hunt clubs who own the land in*  
44 *fee, either jointly or through a holding corporation, and tenants residing upon the premises,*  
45 *with the written permission of the landowner, may kill rabbits or squirrels for their own*  
46 *use during the closed season . :*

47 1. *A landowner and members of his immediate family;*

48 2. *Resident members of hunt clubs who own the land in fee, either jointly or through*  
49 *a holding company;*

50 3. *Tenants residing on the premises, with the written permission of the landowner.*

51 ~~Further, when~~

52 *When such animals are committing substantial damage to fruit trees, gardens, crops, or*  
53 *other property, the owner of the premises may kill the animals or have the same them*  
54 *killed under a permit obtained from the game warden . of the county authorizing same;*

1     ~~(b)~~ 2. To destroy or molest the nest, eggs, dens or young of any wild bird or wild  
2 animal, except nuisance species, at any time without a permit as required by law.

3     ~~(e)~~ 3. To hunt or attempt to kill or trap any species of wild bird ~~and/~~ or wild animal  
4 after having obtained the daily bag or season limit during such day or season.

5     ~~(d)~~ 4. To occupy any baited blind or other baited place for the purpose of taking or  
6 attempting to take any wild bird or wild animal or to put out bait or salt for any wild bird  
7 or wild animal for the purpose of taking or killing ~~the same, them.~~ ~~except that~~ *However,*  
8 this shall not apply to baiting nuisance species of animals and birds, or to baiting traps for  
9 the purpose of taking fur-bearing animals that may be lawfully trapped.

10    ~~(e)~~ 5. To kill or capture any wild bird or wild animal adjacent to any area while a  
11 field or forest fire is in progress.

12    ~~(f)~~ 6. To shoot ~~and/~~ or attempt to take any wild bird or wild animal from an  
13 automobile or other vehicle.

14    ~~(g)~~ To hunt or track woodcock or nonmigratory game birds or game animals in the  
15 snow, either on or off one's own lands, except as permitted by regulations of the  
16 Commission; provided that landowners may kill rabbits in the snow on their lands for their  
17 own personal use.

18    ~~(h)~~ 7. To set a trap of any kind on the lands or waters of another without attaching to  
19 *the trap* the name and address of the trapper thereto .

20    ~~(i)~~ 8. To set a trap where it would be likely to injure persons, dogs, stock or fowl.

21    ~~(j)~~ 9. To fail to visit all traps once each day and remove all animals caught therein ,  
22 and *forthwith immediately* report to the landowner as to stock, dogs or fowl *which are*  
23 caught therein and the date.

24    ~~(k)~~ 10. To hunt, trap, take, capture, kill, attempt to take, capture or kill, possess, offer  
25 for sale, sell, offer to purchase, purchase, deliver for shipment, ship, cause to be shipped,  
26 deliver for transportation, transport, cause to be transported, carry or cause to be carried,  
27 by any means whatever, receive for shipment, transportation or carriage, or export, or  
28 import, at any time or in any manner, any wild bird or wild animal or the carcass or any  
29 part thereof, except as specifically permitted by law and only by the manner or means and  
30 within the numbers stated.

31     *Drafting Note:* Subsection (g) of existing § 29-143 is deleted since VR 325-02-1 (§ 1) of  
32 Commission of Game and Inland Fisheries regulations allows hunting in the snow except  
33 for quail VR 325-02-17(§ 5).

34     § 29.1-522 § 29-144 . Unlawful to kill male deer unless antlers visible above hair.—  
35 *Unless the Board declares otherwise by regulation, It it shall be unlawful to kill male deer*  
36 *in any county or city of this State the Commonwealth unless such the deer shall have has*  
37 *antlers visible above the hair ; provided that in any area in which the Commission*  
38 *declares an antlerless season, male deer may be killed in such area during such antlerless*  
39 *season without regard to the length of antlers .*

40     § 29.1-523 § 29-144.2 . Killing deer or elk by use of certain lights; acts raising  
41 presumption of attempt to kill.—Any person who kills or attempts to kill any deer or elk  
42 between a half hour after sunset on any day and a half hour before sunrise the following  
43 day by use of a light attached to any vehicle or a spotlight or flashlight shall be guilty of  
44 a *Class 2* misdemeanor and shall be punished by a fine of not less than \$150 nor more  
45 than \$500 or by confinement in jail for not less than 30 days nor more than 90, either or  
46 both . The flashing of a light attached to any vehicle or a spotlight or flashlight from any  
47 vehicle between a half hour after sunset on any day and a half hour before sunrise the  
48 following day by any person or persons, then in possession of a rifle, shotgun, pistol,  
49 crossbow, or bow and arrow or speargun, without good cause, shall raise a presumption of  
50 an attempt to kill deer or elk in violation of this section. Every person in or on any such  
51 vehicle shall be deemed a principal in the second degree and subject to the same  
52 punishment as a principal in the first degree. Every person who, in any manner, aids,  
53 abets or acts in concert with any person or persons in committing an act in violation of  
54 *violating* this section shall be deemed a principal in the second degree and subject to the



1 same punishment as a principal in the first degree.

2 *In addition to the penalty prescribed herein, the court shall revoke the current hunting*  
 3 *license, if any, of the person convicted of violating this section and prohibit the issuance*  
 4 *of any hunting license to that person for the next license year. Notification of such*  
 5 *revocation or prohibition shall be forwarded to the Department pursuant to subsections C*  
 6 *and D of § 18.2-56.1.*

7 This section shall not apply to persons duly authorized to kill deer according to the  
 8 provisions of § ~~29-145.1~~ 29.1-529 .

9 *Drafting Note:* The penalty for violation of proposed § 29.1-523 is reclassified as a Class  
 10 2 misdemeanor. The additional penalty prescribed in existing § 29.1-144.4:1 is merged into  
 11 this section.

12 § 29.1-524 § ~~29-144.3~~ . Forfeiture of vehicles and weapons used for such killing or  
 13 attempt to kill.—Every vehicle, rifle, shotgun, pistol, crossbow, bow and arrow, or speargun  
 14 used with the knowledge or consent of the owner or lienholder thereof, in killing or  
 15 attempting to kill deer or elk between a half hour after sunset on any day and a half hour  
 16 before sunrise the following day, in violation of § ~~29-144.2~~ 29.1-523 , and every vehicle  
 17 used in the transportation of the carcass, or any part thereof, of a deer or elk so killed  
 18 shall be forfeited to the Commonwealth . ; and upon ~~Upon~~ being condemned as forfeited in  
 19 proceedings under Chapter 22 (§ 19.2-369 et seq.) of Title 19.2 the proceeds of sale shall be  
 20 disposed of according to law.

21 § 29.1-525 ~~29-144.4~~ . Employment of lights under certain circumstances upon places used  
 22 by deer or elk .— (a) A. Any person in any vehicle and then in possession of any rifle,  
 23 shotgun, pistol, crossbow, bow and arrow or speargun who employs a light attached to such  
 24 the vehicle or a spotlight or flashlight to cast a light beyond the water or surface of the  
 25 roadway upon any place used by deer or elk shall be guilty of a *Class 3* misdemeanor.  
 26 Every person in or on any such vehicle shall be deemed prima facie a principal in the  
 27 second degree and subject to the same punishment as a principal in the first degree. Any  
 28 person who violates this section shall be punished by a fine of not less than \$100 nor more  
 29 than \$250 or by confinement in jail for not more than 30 days or by both such fine and  
 30 imprisonment. This subsection shall not apply to a landowner in possession of any said a  
 31 weapon when he is on his own land and is making a bona fide effort to protect his  
 32 property and not to kill from damage by deer or elk .

33 (b) B. Any person in any motor vehicle who deliberately employs a light attached to  
 34 such vehicle or a spotlight or flashlight to cast a light beyond the surface of the roadway  
 35 upon any place used by deer or elk , except upon his own land or upon land on which he  
 36 has an easement or permission for such purpose, shall be guilty of a *Class 4* misdemeanor.  
 37 Every person in or on any such vehicle shall be deemed prima facie a principal in the  
 38 second degree and subject to the same punishment as a principal in the first degree. Any  
 39 person who violates this section shall be punished by a fine of not less than \$25 nor more  
 40 than \$150 or by confinement in jail for not more than 10 days or both such fine and  
 41 imprisonment.

42 *C. In addition to the penalties prescribed in subsections A and B of this section, the*  
 43 *court shall revoke the current hunting license, if any, of the person convicted of a*  
 44 *violation of this section and prohibit the issuance of any hunting license to that person*  
 45 *for the next license year. Notification of such revocation or prohibition shall be forwarded*  
 46 *to the Department pursuant to subsections C and D of § 18.2-56.1.*

47 *Drafting Note:* The penalties specified in subsections (A) and (B) of proposed § 29.1-525  
 48 are reclassified as Class 3 and Class 4 misdemeanors respectively. The additional penalty  
 49 prescribed in proposed subsection C is relocated from existing § 29.1-144.4:1.

50 § ~~29-144.4:1~~ . Revocation of hunting license for violation of § ~~29-144.2~~ or § ~~29-144.4~~ . In  
 51 addition to the penalties provided for violation of §§ ~~29-144.2~~ and ~~29-144.4~~ of the Code of  
 52 Virginia, the court shall revoke the current hunting license, if any, of the person convicted  
 53 of a violation of either section and prohibit the issuance of any hunting license to such  
 54 person for the next license year. Notification of such revocation or prohibition shall be

1 forwarded to the Commission of Game and Inland Fisheries pursuant to subsections C and  
2 D of § 18.2-56.1 of this Code.

3 *Drafting Note:* The penalty specified in existing § 29-144.4:1 has been relocated to the  
4 sections it originally made reference to and is set out in proposed §§ 29.1-523 and 29.1-525.

5 § 29.1-526 29-144.5 . Counties and cities may prohibit hunting or trapping near primary  
6 and secondary highways.—The governing body of any county or city may prohibit by  
7 ordinance the hunting , or attempting to hunt with a firearm, of any game bird or game  
8 animal while the hunting or attempting to hunt is on or within 100 yards of any primary  
9 or secondary highway in such county , or city and may , in such ordinance, provide that  
10 any violation thereof of the ordinance shall be a misdemeanor. In addition, the governing  
11 body of any county or city may prohibit by ordinance the trapping or attempting to trap of  
12 any game animal or furbearer within fifty feet of the shoulder of any primary or  
13 secondary highway in the county , or city and may , in the ordinance provide that any  
14 violation thereof of the ordinance shall be a misdemeanor. No such ordinance shall  
15 prohibit such trapping with where the written permission of the landowner is obtained . It  
16 shall be the duty of the governing body enacting an ordinance under the provisions of this  
17 section on and after January 1, 1978, to notify the Executive Director of the Commission of  
18 Game and Inland Fisheries by registered mail no later than May 1 of the year in which  
19 such the ordinance is to take effect. In the event that If the governing body fails to make  
20 such notice, the ordinance shall be of no effect and shall be unenforceable.

21 For the purpose of this section, the term terms“hunt”, “attempt to hunt”, or and“trap”  
22 shall not include the necessary crossing of such highways for the bona fide purpose of  
23 going into or leaving a lawful hunting or trapping area.

24 *Drafting Note:* The term “attempt to hunt” is deleted in proposed §§ 29.1-526 and  
25 29.1-527 since it is included in the definition of hunting in Chapter 1. The term “city” is  
26 added because of cities such as Suffolk, Chesapeake, etc.

27 § 29.1-527 29-144.5:1 . Counties, cities or towns may prohibit hunting near public schools  
28 and county, city, town or regional parks.—The governing body of any county, city or town  
29 may prohibit by ordinance, shooting , or hunting or the attempt to hunt with a firearm, or  
30 prohibit hunters from traversing an area while in possession of a loaded firearm, within  
31 100 yards of any property line of a public school or a county, city, town or regional park ,  
32 . and The governing body may, in such ordinance, provide that any violation thereof shall  
33 be a Class 4 misdemeanor. Nothing in this section shall give any county, city or town the  
34 authority to enforce such an ordinance on lands within a national or state park or forest,  
35 or wildlife management area.

36 § 29.1-528 29-144.6 . Counties or cities may prohibit hunting with certain firearms.—A.  
37 The governing body of any county or city may, by ordinance, prohibit hunting in such  
38 county or city with a shotgun loaded with slugs, or with a rifle of a caliber larger than  
39 ~~twenty-two one-hundredths~~ .22 rimfire. However, such ordinance may permit the hunting of  
40 groundhogs with a rifle of a caliber larger than ~~twenty-two one-hundredths~~ .22 rimfire  
41 between March 1 and August 31. Such ordinance may also permit the use of muzzle-loading  
42 rifles during the prescribed open seasons for the hunting of game species. Any such  
43 ordinance may also specify permissible types of ammunition to be used for such hunting.

44 B. This section shall not be construed to invalidate any existing Act of Assembly of  
45 local application, and shall be construed to be in addition to any such act.

46 C. The provisions of this section shall not become effective in any county unless the  
47 governing body of the county adopts an ordinance providing for the same because of the  
48 requirements of public safety. Nor shall any ordinance adopted on and after January 1,  
49 1978, hereunder

50 B. No such ordinance shall be enforceable unless the governing body adopting such  
51 ordinances notifies the Executive Director of the Commission of Game and Inland Fisheries  
52 by registered mail prior to May 1 of the year in which such the ordinance is to take  
53 effect.

54 D. C. In adopting an ordinance pursuant to the provisions of this section the governing

1 body of any county *or city* may provide that any person who violates the provisions of  
2 such *the* ordinance shall be guilty, upon conviction, of a Class 2 misdemeanor.

3 E. Notwithstanding the provisions of subsections A, B, C and D of this section, it shall  
4 be unlawful and constitute a Class 2 misdemeanor for any person to hunt game in the  
5 Counties of Goochland, Louisa, Prince William and Richmond with a rifle of a caliber  
6 larger than twenty-two one-hundredths or with a shotgun loaded with slugs.

7 F. Notwithstanding the provisions of subsections A, B, C and D of this section, it shall  
8 be unlawful and constitute a Class 2 misdemeanor for any person to hunt in the County of  
9 Lancaster with a rifle of a caliber larger than twenty-two one-hundredths. However, this  
10 subsection shall not be construed to prohibit any person from shooting groundhogs with a  
11 larger rifle, except during the general open season for hunting game animals with firearms.

12 *Drafting Note:* Subsections E and F of proposed § 29.1-528 are stricken because the  
13 localities have the power through the previous subsections to prohibit such acts. Existing  
14 subsection B and part of existing subsection C appear unnecessary and are stricken.

15 § 29.1-529 29-145.1 . Killing of deer or bear damaging fruit trees, crops, livestock or  
16 personal property or creating a hazard to aircraft.—Whenever it is found that deer or bear  
17 are damaging fruit trees, crops, livestock or personal property in the State *Commonwealth*  
18 , the owner or lessee of the lands on which such damage is done shall immediately report  
19 such fact *the damage* to the local game warden for investigation. If after investigation the  
20 game warden finds that deer or bear have so injured the fruit trees, crops, livestock or  
21 personal property of such owner or lessee as to cause damage *are responsible for the*  
22 *damage* , he shall authorize in writing, the owner, lessee or any other person designated by  
23 the game warden to kill such deer or bear when they are found upon the land upon which  
24 the damages occurred.

25 Whenever it is found that deer are creating a hazard to the operation of any aircraft  
26 or to the facilities connected with the operation of aircraft, the person or persons  
27 responsible for the safe operation of such *the* aircraft or facilities shall report such fact to  
28 the local game warden for investigation. If after investigation the game warden finds that  
29 deer have so created such *are creating a* hazard, he shall authorize such person or  
30 persons, or their representatives, to kill such *the* deer when they are found to be creating  
31 such a hazard.

32 The carcass of every deer or bear so killed may be awarded to the owner or lessee by  
33 the game warden, who shall give such person a certificate to that effect on forms  
34 furnished by the Commission of Game and Inland Fisheries *Department* . Any person  
35 awarded a deer or bear under this section may make use thereof *the carcass* as if he had  
36 *killed* the same animal had been killed by him during the *hunting* season *therefor for deer*  
37 *or bear* .

38 § 29-145.2. Hunting and killing antlerless deer. (1) Under such conditions and within  
39 such dates and areas as may be determined and prescribed by the Commission of Game  
40 and Inland Fisheries, for the purpose of selective population control, a special permit in  
41 addition to other licenses and stamps required, may be issued to authorize the holder  
42 thereof to hunt and kill antlerless deer.

43 (2) For the purpose of carrying out the provisions of this section, the Commission shall  
44 print or cause to be printed special permits in suitable design and place the same in the  
45 hands of clerks and agents authorized to sell hunting licenses.

46 (3) The applicant for a permit as provided herein shall pay to the clerk or agent  
47 issuing such permit a fee of two dollars, twenty cents of which shall constitute the fee of  
48 the clerk or agent, and the remainder thereof shall be deposited in the county treasury of  
49 the county in which issued and shall be deposited to the credit of a special fund in the  
50 said county to be used, subject to the approval of the Commission, for the benefit of game  
51 restoration in the county.

52 *Drafting Note:* Existing § 29-145.2 is stricken since proposed § 29.1-522 states that  
53 regulations of the Board will specify circumstances for hunting male antlerless deer.

54 § 29.1-530 29-146 . Open and closed season for trapping, bag limits, etc.— A. There shall

1 be a continuous open season for trapping nuisance species of wild birds and wild animals  
 2 and a continuous closed trapping season on all other species of wild birds and wild  
 3 animals, except as provided by Commission Board regulations ; provided that . However, a  
 4 landowner or his agent may trap and dispose of, except by sale, squirrels deemed to be  
 5 committing *creating* a nuisance or *depredation* on his property at any time in any area  
 6 where the use of firearms for such purpose is prohibited by law or local ordinance ; and  
 7 provided further: .

8 *B. In addition, the following general rules shall be applicable to any person trapping in*  
 9 *the Commonwealth:*

10 (a) 1. The trapper shall be responsible for all damage done by an illegally set trap and  
 11 any person finding a trap set contrary to law may report the same *it* to the landowner  
 12 upon whose land the trap is located or to any game warden who may destroy or otherwise  
 13 make the trap inoperable.

14 (b) 2. A landowner may trap fur-bearing animals, except beaver, muskrat and raccoons,  
 15 upon his own land during closed season.

16 (c) 3. Licensed trappers may shoot wild animals caught in traps during the open  
 17 hunting season if such *the* trapper has a license to hunt.

18 (d) 4. It shall be lawful to trap wild animals within the daily bag and season limits, if  
 19 any, during the open season provided ; including the first and last days thereof, as  
 20 provided by Commission Board regulations.

21 *Drafting Note:* Proposed § 29.1-530 is divided into subsections A and B to clarify the  
 22 applicability of the provisions.

23 § 29-147. Killing and capturing of muskrats in tidewater section. It shall be unlawful to  
 24 kill, capture, or take in any manner muskrats in the tidewater section of this State between  
 25 half an hour after sundown and half an hour before sunrise, except by means of traps.

26 Any violation of the provisions of this section shall be deemed a misdemeanor and  
 27 punished by a fine of not less than ten dollars nor more than twenty-five dollars or  
 28 imprisonment in jail for not more than thirty days, or both, in the discretion of the trial  
 29 justice or jury trying the case.

30 *Drafting Note:* Existing § 29-147 is unnecessary since the hunting and trapping of  
 31 muskrats is specified in VR 325-02-12 of the Regulations.

32 *Article 3.*

33 *Fishing Laws.*

34 § 29.1-531 29-148 . Unlawful to take or attempt to take, possess, sell or transport fish  
 35 except as permitted.— A. Unless and until otherwise provided by a regulation of the  
 36 Commission Board , after a public hearing, in accordance with the provisions of this title ,  
 37 it shall be unlawful for any person to take or attempt to take any fish in inland waters  
 38 other than shad, herring or mullet, except by fishing with a hook and line or rod and reel,  
 39 held in the hand ; or .

40 *B. It shall be unlawful* to catch, trap, take, capture, kill, or attempt to take, capture or  
 41 kill, possess, offer for sale, sell, offer to purchase, purchase, deliver for shipment, ship,  
 42 cause to be shipped, deliver for transportation, transport, cause to be transported, carry or  
 43 cause to be carried, by any means whatever, receive for shipment, transport or carriage ,  
 44 or export, or import at any time or in any manner any species of bass or trout *game fish* ,  
 45 or the carcass or any part thereof, except as specifically permitted by this article and only  
 46 by the manner or means and within the numbers stated; except that in .

47 *C. In the Counties of Mecklenburg, Pittsylvania, Prince Edward, City of Danville,*  
 48 *Charlotte, Campbell, Halifax, Amelia (except between Vaughn's Pond and Meadville Dam),*  
 49 *Caroline and King George Counties, in the City of Danville, and in the Meherrin River in*  
 50 *Lunenburg County , it shall be lawful to fish with " fish traps " or " fish pots " and haul*  
 51 *seines in any and all streams and waters, provided that no person shall catch fish with " "*  
 52 *fish traps " or " fish pots " and haul seines to be sold; for commercial purposes and*  
 53 *provided further that . However, it shall be unlawful in any and all of such counties*  
 54 *localities to remove from the waters thereof any bass, perch and trout game fish caught*

1 with fish pots or fish traps or haul seines, and any person *doing* so catching bass, perch  
2 and trout shall immediately return the same *them* to the waters. The Commission Board  
3 shall have the authority to close any streams or rivers or parts of streams or rivers in  
4 such counties *localities* when same shall be *the waters* are stocked with fish by the  
5 Commission Department . Any provisions of this title to the contrary notwithstanding, it

6 *D. It* shall be lawful to sell or offer to sell for human consumption trout which have  
7 been lawfully acquired provided such trout have been propagated and raised in a hatchery  
8 or by other artificial means. The Commission of Game and Inland Fisheries Board shall by  
9 appropriate regulation establish a practical system of identification of trout so offered for  
10 sale for table use.

11 A violation of the provisions of this section *shall constitute a Class 2 misdemeanor* or  
12 regulations based thereunder shall be declared a misdemeanor punishable by a penalty as  
13 provided by law.

14 *Drafting Note:* Proposed § 29.1-531 is divided into subsections A-D for clarity and to  
15 separate the main subjects. The penalty is listed as a Class 2 misdemeanor in this section  
16 to conform to the general penalties section in proposed § 29.1-546.

17 § 29-148.1. Permits for competitive striped bass fishing for prizes. The Commission may  
18 by regulation require that permits be obtained from the Commission to organize, conduct,  
19 supervise or solicit entries for striped bass fishing tournaments, rodeos or other competitive  
20 striped bass fishing events for which prizes are offered, awarded, or accepted, either in  
21 money or other valuable considerations. Each such tournament shall be conducted in  
22 accordance with any special rules which the Commission may prescribe for that specific  
23 event provided such rules are issued in writing and made a part of the permit issued, and  
24 such special rules for each specific fishing event may be promulgated by the Commission  
25 without regard to the provisions of §§ 29-125 through 29-128.1 of this Code. Special rules for  
26 any such competitive fishing events may include, but need not be limited to, restrictions on  
27 fishing methods, baits, lures and other tackle, times when competitive fishing under the  
28 permit is authorized, and records and reports to be submitted to the Commission by the  
29 permittee. It shall be the duty of each permittee to inform all participants in a competitive  
30 striped bass fishing event of applicable special rules imposed by the Commission, and no  
31 entrant in any such event shall fish in violation of such special rules. The issuance of  
32 permits required by Commission regulation for competitive striped bass sport fishing shall  
33 be discretionary with the Commission, and may be denied in any case in which the  
34 Commission deems such denial to be necessary to protect the striped bass fishery resource  
35 in any public water.

36 § 29-149. Failure to return game fish. Any person violating the provisions of § 29-148 by  
37 not returning bass, perch and trout to the waters from which caught, shall be fined not less  
38 than \$10 nor more than \$100 for each offense.

39 *Drafting Note:* Existing §§ 29-148.1 and 29-149 are being stricken since CGIF regulations  
40 have been adopted on this topic. (VR 325-03-1(§14) .

41 § 29-150. Open season; method of taking bass and trout. The open season during which  
42 it shall be lawful to take any species of bass and trout from the inland waters of this  
43 State, but only by angling with hook and line, attached to a rod or pole, either with or  
44 without a reel, and with or without the aid of a hand landing net, including the first and  
45 last days thereof, shall be as promulgated by Commission regulations.

46 Bass, including rock bass and redeye.

47 Trout, any species. - The owner, or lessee, of any private pond stocked by himself, or  
48 by the Commission not less than three years prior thereto, may capture any fish therefrom  
49 for his own use at any time; provided that nothing in this section shall affect the operation  
50 of any local acts heretofore or hereafter enacted.

51 *Drafting Note:* Existing § 29-150 is being stricken since regulations VR 325-03-1 (§ 1)  
52 and VR 325-03-2 (§ 1) address open seasons for bass and trout fishing.

53 § 29.1-532 § 29-151 . Dams and fish ladders; inspection of *fishways* .—Any dam or other  
54 thing *object* in a watercourse, which obstructs navigation or the passage of fish, shall be

1 deemed a nuisance, unless it be *is used* to work a mill, *manufactory factory* or other  
2 machine or engine useful to the public, and is allowed by law or order of court. Any  
3 person owning or having control of any dam or other obstruction in any of the streams of  
4 this State above *tidewater the Commonwealth* which may interfere with the free passage of  
5 *anadromous and other migratory* fish, shall provide every such dam or other obstruction  
6 with a suitable fish ladder; *fishway when the Board considers it necessary.* so that fish  
7 may have free passage up and down the streams during the months of March, April, May  
8 and June of each year, and maintain and keep the same in good repair, and restore it in  
9 case of destruction; provided, however, that this section shall not apply to the Meherrin  
10 River within the Counties of Brunswick and Greenville, nor to the Meherrin River within  
11 or between the Counties of Lunenburg and Mecklenburg, nor to the Nottoway River  
12 between the Counties of Lunenburg and Nottoway, nor to Abram's Creek in Shawnee  
13 district, Frederick County, nor to the James River between the Counties of Bedford and  
14 Amherst, nor any streams within the Counties of Augusta, Lunenburg, Mecklenburg, Louisa,  
15 Buckingham, Halifax, Montgomery, Pulaski, Franklin, Russell, Tazewell, Giles, Bland, Craig,  
16 Wythe, Carroll and Grayson, nor to that part of any stream that forms a part of the  
17 boundary of Halifax and Franklin Counties; provided, however, that no fish ladders shall be  
18 required on dams twenty feet or more in height or on such dams as the Commission may  
19 deem it unnecessary on which to have ladders. Any person failing to comply with this  
20 provision shall be fined one dollar for each day's failure; and the circuit court of the  
21 county or the corporation court of the city in which the dam is situated, after reasonable  
22 notice, by rule or otherwise, to the parties or party interested and upon satisfactory proof  
23 of the failure, shall cause the fishway to be constructed, or put in good repair as the case  
24 may be, at the expense of the owner of the dam or other obstruction. It shall be the duty  
25 of the game warden to make a personal inspection of dams and rivers in his respective  
26 county or city in the months of April and October of each year and report to the circuit  
27 court of the county or the corporation court of the city any violation of this section. *The*  
28 *purpose of such a fishway is for anadromous and other migratory fish to have free*  
29 *passage up and down the streams during March, April, May and June, and down the*  
30 *streams throughout the remaining months. "Suitable fishway" means a fishway which*  
31 *passes significant numbers of the target fishes, as determined by the Board.*

32 *Owners of such dams or other authorized obstructions shall maintain and keep*  
33 *fishways operational, in good repair, and restore them in case of destruction.*

34 *Owners of dams or other obstructions which are not authorized by law must have the*  
35 *obstacles removed at their expense when the Board determines that the obstacles interfere*  
36 *with the free passage of anadromous and other migratory fish within the streams of the*  
37 *Commonwealth.*

38 *Any person failing to comply with this section within one year of notice shall be fined*  
39 *one percent of the estimated cost of such construction or destruction for each day's failure*  
40 *to comply. The Board shall provide construction, destruction, and repair cost estimates*  
41 *and no construction, destruction, or repair shall be required unless it is deemed necessary*  
42 *by the Board.*

43 *If action is deemed necessary by the Board, the circuit court of the county or city in*  
44 *which the dam is situated, after reasonable notice to the parties or party interested and*  
45 *upon satisfactory proof of the failure to comply, shall cause the necessary construction,*  
46 *destruction or repair to be initiated and completed at the expense of the owner of the*  
47 *dam or other obstruction. All such construction, destruction or repair shall be completed*  
48 *within three years of the court order.*

49 Drafting Note: Proposed § 29.1-532 has been rewritten at the suggestion of CGIF and  
50 the concurrence of the Council on the Environment to eliminate exceptions to certain  
51 localities and to clarify the intent of the section. The one dollar fine in existing § 29-151 is  
52 replaced by a fine of one percent of the construction cost at the request of CGIF.

53 § 29-152. Fish wheels for restocking. Notwithstanding any provision of existing law or  
54 any rule or regulation adopted in pursuance thereof to the contrary, fish wheels may be

1 maintained and operated in any of the ponds in this State for a period of two years,  
 2 provided no such fish wheel shall be maintained or operated except for the sole purpose of  
 3 restocking such ponds.

4 Any violation of the provisions of this section shall be deemed a misdemeanor.

5 Drafting Note: Existing § 29-152 is being stricken at suggestion of CGIF since there are  
 6 no fishing wheels known to be operated in Virginia.

7 § 29.1-533 § 29-153 . Prohibition against use of substances injurious to fish.—It shall be  
 8 unlawful to use fish berries, lime, giant powder, dynamite, or any other substance *explosive*  
 9 for the destruction of fish, or knowingly cast any noxious substance or matter into any  
 10 watercourse of this State by which *the Commonwealth where* fish therein or fish spawn  
 11 may be destroyed, or to place or to allow to pass into the watercourses of the State  
 12 *Commonwealth* any sawdust, ashes, lime, gas, tar, or refuse of gas works, injurious to fish .  
 13 ; provided, however, that Giles, Bland and Franklin Counties are exempt from the  
 14 prohibition of permitting sawdust to be put in their watercourses when a sawmill is run in  
 15 connection with a grain mill, and permanently located in a stream of water used as power  
 16 toward the operation of the mill, and provided, further, that the sawdust pollution from  
 17 such operation is not sufficient to destroy fish or fish spawn, and provided, however, in the  
 18 waters of Piney River and its tributaries in the Counties of Amherst and Nelson, it shall  
 19 not be unlawful to run sawdust in those portions of the stream not inhabited by trout. Any  
 20 person violating any of the provisions of this section shall , on conviction thereof, be fined  
 21 for each offense not less than \$25 nor more than \$250, and be imprisoned in jail until the  
 22 fine is paid, but not exceeding 30 days *be guilty of a Class 2 misdemeanor* , except that  
 23 any person convicted of destroying fish by means of dynamite or other explosives shall be  
 24 punished by a fine of not less than \$200 nor more than \$500, or, in the discretion of the  
 25 court or jury, by confinement in jail not to exceed 90 days, or by both such fine and  
 26 imprisonment *guilty of a Class 1 misdemeanor* .

27 The owner or lessee of any property on which fish are destroyed by means of  
 28 dynamite or other explosives shall be entitled to recover liquidated damages in the *an*  
 29 amount of \$100 *deemed appropriate by the court* from any person convicted of destroying  
 30 fish by such means.

31 Drafting Note: The penalties in proposed § 29.1-533 are reclassified as Class 1 and Class  
 32 2 misdemeanors. The exemptions relating to sawmills are stricken since the State Water  
 33 Control Board will be regulating such discharges.

34 § 29.1-534 29-153.1 . Right to fish in interstate nontidal waters.— It shall be lawful for a  
 35 citizen *A Virginia resident or a resident* of an adjoining state , *having which has* nontidal  
 36 water lying and being adjacent to Virginia land or water , or a citizen of the State of  
 37 Virginia to *may* take fish with hook and line , fly, troll or spinner after complying with the  
 38 requirements of the laws of the state of which he is a citizen *resident* for the taking of  
 39 fish in such interstate nontidal waters of such state .

40 § 29.1-535 29-153.2 . Reciprocal agreement as to fishing in such waters.—The Commission  
 41 of Game and Inland Fisheries *Board* shall have the necessary power and authority to enter  
 42 into a reciprocal agreement with an adjoining state having nontidal waters lying and being  
 43 adjacent to Virginia land or water relating to the following:

44 (a) 1. Recognition of a *A* sport fishing license acquired in an adjoining state *shall be*  
 45 *recognized* when it is used by the person, whose name appears on the face of such license,  
 46 when such licensee is fishing in that portion of said nontidal waters lying and being  
 47 situated in either the State of Virginia or such *the* other state or partly in each of such *the*  
 48 states. Such recognition shall be contingent upon a like *reciprocal* recognition of said *by the*  
 49 adjoining state giving such recognition to a licensee of the *Virginia who is fishing in the*  
 50 *same waters.* State of Virginia while such licensee is fishing in that portion of such  
 51 nontidal waters lying and being situated in either such adjoining state or the State of  
 52 Virginia or partly in each of such states.

53 (b) 2. State creel limits, open seasons for fishing and all other laws and regulations of  
 54 the state entering into such *the* agreement shall be strictly observed, and failure of any

1 person *failing* to comply with the rules and regulations set up under such *the* agreement  
2 shall be *guilty* of a Class 2 misdemeanor and punished accordingly.

3 *Drafting Note* : The changes in proposed § 29.1-535 are for the most part for  
4 clarification. The penalty for violation is listed as a Class 2 misdemeanor to conform with  
5 the general penalties requirement (§ 29.1-546) and § 29.1-531 on taking fish.

6 *Article 4.*

7 *Possession, Transportation, and Sale of Game and Fish.*

8 § 29.1-536 ~~29-154~~ . Sale.—When taken in accordance with the provisions of law or  
9 regulation, bear, muskrat, opossum, rabbits, raccoon and squirrels may be bought and sold  
10 during the open hunting season only, but the hides, furs or pelts of furbearing animals  
11 legally taken and possessed, and the carcass of any furbearing animal held in a freezer  
12 locker pursuant to § 29-155.1 may be sold at any time in accordance with §§ ~~29-93~~ 29.1-400  
13 through ~~29-94~~ 29.1-407 .

14 *Drafting Note* : The provision relating to “freezer lockers” is being removed so the  
15 reference here is also deleted.

16 § 29.1-537 ~~29-155~~ . Possession.—When taken in accordance with the provisions of this  
17 title, each species of wild bird, wild animal or fish may be possessed *at any day time*  
18 during the open season in this State, and for an additional period of ten days next  
19 succeeding such open season; provided that the skins of game birds or fish, the plumage of  
20 game birds and the skins or horns of game or fur-bearing or hair-bearing animals may be  
21 kept in possession indefinitely .

22 *Drafting Note* : CGIF suggests the removal of language here since there is no reason  
23 for restricting the period of time when a wild bird, animal or fish can be possessed.

24 § 29.1-538 (*Reserved*) ~~29-155.1~~. Holding in freezer lockers. — It shall be lawful for any  
25 person to hold in any freezer locker, private or public, any game animal, fur-bearing  
26 animal, game bird or game fish legally acquired.

27 *Drafting Note* : CGIF suggests removing this section as being unnecessary.

28 § 29.1-539 ~~29-155.2~~ . Keeping deer or bear struck by motor vehicle ; *procedure to be*  
29 *followed by driver*. — Any person who, while driving a motor vehicle , is involved in a  
30 collision who collides with a deer or bear may , upon compliance with the provisions of §  
31 29-155.3 *this section*, keep such *the* deer or bear for his own use as if the animal had  
32 been killed by that person during the hunting season for the animal purposes .

33 § 29-155.3. Procedure to be followed by driver. The

34 Any person so killing any deer or bear shall ~~forthwith~~ *immediately* report the accident  
35 to the game warden or other law-enforcement officer of the county or city where the  
36 accident occurred. The game warden , or other law-enforcement officer shall view the deer  
37 or bear and if he believes that the deer or bear was killed by collision with the motor  
38 vehicle or injured to such *an extent thereby* as to require its death he shall award the  
39 *same animal* to the person so claiming the deer or bear, and shall give such *the* person a  
40 certificate to that effect on forms furnished by the Commission of Game and Inland  
41 Fisheries Department .

42 § 29-155.4. Use to be made of deer or bear. Any person awarded a deer or bear under  
43 § 29-155.3 may make use thereof as if the same had been killed by him during the season  
44 therefor.

45 *Drafting Note*: Existing §§ 29-155.2, 29-155.3 and 29-155.4 all relate to drivers who  
46 collide with a deer or bear, so the provisions are combined into one section, proposed §  
47 29.1-539. The language in existing 29-155.4 is relocated to the first paragraph of the new  
48 section.

49 § 29-155.5. Repeal of conflicting laws and regulations. All acts and parts of acts and  
50 regulations of the Commission of Game and Inland Fisheries in conflict with §§ 29-155.2 to  
51 29-155.4 are repealed to the extent of such conflict.

52 *Drafting Note*: Existing § 29-155.5 is stricken since repealing by reference doesn't  
53 properly notify the reader as to the applicability of the law.

54 § 29.1-540 ~~29-156~~ . Carriage and shipment. When taken in accordance with the



1 provisions of this title , wild birds, wild animals or fish or parts thereof may be  
2 transported as follows:

3 (a) 1. By any person properly licensed, for lawful use in or out of the county or city  
4 where taken to another county or city in this State *the Commonwealth* or to another state  
5 during the open season in the county or city where taken , but not more than the  
6 number thereof that may be taken in two days by one person in the county where taken  
7 may be so transported by him in one calendar week. The transportation may be either in  
8 his personal possession or as his baggage, on the same conveyance with him, exposed to  
9 view and plainly labeled or tagged with his name and address .

10 (b) 2. By any person properly licensed *person* via freight, express, parcel post or  
11 airplane mail, as a gift and not for market or sale, and so stating on the shipping tag .  
12 *The wild bird, wild animal or fish may be transported* in or out of the county or city  
13 where taken to another county or city in this State *Commonwealth*, or to another state ,  
14 during the open season in the county or city where taken , but not more than the  
15 number thereof that may be taken in any one day by one person in the county where  
16 taken may be so transported in one calendar week; any such birds or animals or fish or  
17 parts thereof in transit during the open season may continue in transit, not to exceed five  
18 days, necessary to deliver the same to their destination and *Any* package in which birds ,  
19 or animals or fish or parts thereof are transported shall have the name and address of the  
20 shipper and consignee and a statement of the numbers and kinds, of birds, animals or fish  
21 contained therein *being transported* clearly and conspicuously marked on the outside  
22 thereof of the container .

23 *Any such birds, animals or fish in transit during the open season may continue in*  
24 *transit, not to exceed five days, in order to reach their destination.*

25 *For the purposes of this section the terms "wild birds, " "wild animals" and "fish"*  
26 *shall mean all or any part of the carcasses of any such birds, animals or fish.*

27 Drafting Note: Changes in proposed § 29.1-540 are to improve sentence structure and  
28 clarity. The last paragraph is added to avoid using the phrase "or parts thereof" in several  
29 sentences of this section. CGIf suggests removing the restrictions to the number of wild  
30 birds, fish, or animals which may be transported in any one calendar week. .

31 § 29.1-541 ~~29-157~~ . Storage.—It shall be unlawful for any person to store any wild birds,  
32 wild animals or fish if the sale of such birds, animals or fish *selling them* is prohibited by  
33 law, except in *persons may store them in a his* bona fide domicile or in a licensed cold  
34 storage establishment. Any licensed cold storage establishment which shall receive *receives*  
35 any wild birds, wild animals or fish, if the sale of such birds, animals or fish *where selling*  
36 *them* is prohibited by law, shall attach a ticket to each such lot of wild birds, wild animals  
37 or fish . *showing* *The ticket shall show* the number of each kind of wild bird, wild animal  
38 or fish , the date upon which the same *they* are brought for storage and the name and  
39 address of the person storing the same *them* . Every such licensed cold storage  
40 establishment shall keep a record of all deliveries of such game and fish so stored, the  
41 dates *they are delivered* thereof , the number of each species so delivered and the name  
42 of each person to whom any such delivery is made. Possession of any wild birds, wild  
43 animals or fish which are prohibited by law to be sold, in any place of business of  
44 *whatever* kind or nature , except in a licensed cold storage establishment, shall be  
45 unlawful.

46 Any person who shall violate any provision of this section shall be guilty of a *Class 2*  
47 misdemeanor and upon conviction thereof shall be punished as provided in § 29-161.

48 For the purposes of this section the terms "wild birds," "wild animals" and "fish" shall  
49 mean all or any part of the carcasses of any such birds, animals or fish.

50 Drafting Notes: The penalty in this section is listed as a Class 2 misdemeanor in order  
51 to conform to the general penalties provision in § 29.1-546.

52 § 29.1-542 ~~29-158~~ . Importation. — Live wolves or coyotes, or birds and animals  
53 otherwise classed as predatory or undesirable, may not be imported into this State, *the*  
54 *Commonwealth* or liberated therein, or possessed therein, except under a special permit of

1 the ~~Commission Board~~ . Nonpredatory birds, animals or fish may be imported, but upon  
 2 arrival in ~~this State, the Commonwealth~~, shall be subject to the laws governing the  
 3 possession of such birds, animals and fish in Virginia. A ~~returning licensed hunter or~~  
 4 ~~fisherman~~ *Any person* may bring into ~~this State the Commonwealth~~ , either in his personal  
 5 possession or as his baggage, on the same conveyance with him and plainly labeled or  
 6 tagged with his name and address, game and fish legally taken in another state or foreign  
 7 country, but in no greater quantity than he could legally possess while in such other state  
 8 or foreign country. Nothing ~~herein in this section~~ shall be construed as applying to birds,  
 9 animals and fish being transported in unbroken packages from beyond the confines of this  
 10 State *Virginia* through the same *Commonwealth* to another state.

11 § 29.1-543 ~~29-158.1~~ . Game and fish taken and packaged outside State ~~the~~  
 12 *Commonwealth* .— Any provision of this chapter or any regulation heretofore or hereafter  
 13 adopted by the Commission to the contrary notwithstanding, it *It* shall be lawful to possess,  
 14 store, transport, offer for sale, sell, offer to purchase, purchase and otherwise deal in any  
 15 wild animal, bird, fish or any part thereof, which has been taken and packaged in a can,  
 16 tin, pot or other receptacle outside ~~this State the Commonwealth~~ by any person, company  
 17 or corporation duly licensed by the state in which such cannery or processing plant is  
 18 located and certified to the Commission of Game and Inland Fisheries of such license,  
 19 *recognized by the Board.* ~~and Such packages may be transported into this State the~~  
 20 *Commonwealth* , so long as the original can, tin, pot or other receptacle in which such  
 21 animal, bird, fish, or any part thereof was originally packaged and came into this State  
 22 *package* remains unbroken, unopened and intact.

23 Drafting Note: The language relating to “provisions notwithstanding” is unnecessary and  
 24 is deleted. Other changes were made for clarity in reading.

25 § 29.1-544 ~~29-158.2~~ . Dressing, packing and selling of bobwhites *bobwhite* ; quail or  
 26 partridges by shooting-preserve licensees. Any provision of this chapter or any regulation  
 27 heretofore adopted by the Commission to the contrary notwithstanding, it *It* shall be lawful  
 28 for the licensee of a shooting preserve or his designated agents to dress, pack and sell  
 29 bobwhites *bobwhite* ; quail or partridges, raised by him for use as food, under rules or  
 30 regulations to be prescribed by the Commission *Board* .

31 *Drafting Note* : Bobwhite quail is the species intended to be covered in this section  
 32 according to CGIF. They also suggest removal of reference to partridges.

33 § 29.1-545 ~~29-158.3~~ . Possession, sale, offering for sale or liberation of live nutria.—It  
 34 shall be unlawful for any person, firm, association or corporation to possess, sell, offer for  
 35 sale, or liberate in ~~this State the Commonwealth~~ any *live* fur-bearing animal commonly  
 36 referred to as nutria. Any person, firm, association or corporation convicted of possessing,  
 37 selling, offering for sale or liberating any live nutria in this State shall be guilty of a  
 38 misdemeanor and punishable as provided by law.

39 Drafting Note: The last sentence of proposed § 29.1-545 is deleted since the general  
 40 penalties provisions in Article 5 will apply.

#### 41 *Article 5.*

##### 42 *Penalties in General.*

43 § 29.1-546 ~~29-161~~ . General penalty ; prosecution by attorney for Commonwealth;  
 44 ~~enforcement~~ .—Any person convicted of violating any of the provisions of the hunting,  
 45 trapping or inland fish laws *this title* shall, unless otherwise specified, be deemed guilty of  
 46 a *Class 2* misdemeanor and upon conviction, shall, unless specific penalty is otherwise  
 47 provided, pay a fine of not more than \$250 and may be imprisoned in jail not exceeding  
 48 30 days, either or both. The attorney for the Commonwealth of each county and city shall  
 49 prosecute all violations of any provisions of Chapters 1 (§ 29-1 et seq.) through 8 (§ 29-125  
 50 et seq.) of this title .

51 *Drafting Note*: The penalty prescribed in proposed § 29.1-546 is reclassified as a Class 2  
 52 misdemeanor. The last sentence of the section is unnecessary so it has been deleted.

53 § 29.1-547 ~~29-161.1~~ . Trapping, selling, purchasing, etc., migratory game birds.—  
 54 Notwithstanding the provisions of §§ 29-161 ~~29.1-546~~ ; as amended, and § 29-164 ~~29.1-553~~ of

1 the Code of Virginia, any person convicted of trapping, attempting to take by means of a  
 2 trap, offering for sale, selling, offering to purchase or purchasing any migratory game bird,  
 3 as defined in § 29-132 29.1-100 , as amended, of the Code of Virginia, or convicted of  
 4 possessing any such migratory game bird taken by means of a trap, shall be deemed guilty  
 5 of a *Class 1* misdemeanor ; and, upon conviction, shall pay a fine of not less than \$500  
 6 nor more than \$1,000 and may be imprisoned in jail not exceeding 12 months, either or  
 7 both .

8 *Drafting Note:* The penalty in proposed § 29.1-547 is reclassified as a Class 1  
 9 misdemeanor.

10 § 29.1-548 29-162 . Killing elk and deer illegally.—Any person killing an elk which does  
 11 not have antlers visible above the hair, or who exceeds the bag limit for elk, or who kills  
 12 an elk during the closed season, and any person killing a deer in violation of the  
 13 Commission's Board regulations, or who exceeds the bag limit for deer, or who kills a deer  
 14 during the closed season shall upon conviction be fined not less than \$25 nor more than  
 15 \$250 *be guilty of a Class 3 misdemeanor* . Provided, that the fine for killing an elk which  
 16 does not have antlers visible above the hair, or an illegal *However, any person who kills a*  
 17 deer *illegally* during the open season shall be \$100 for such elk and \$25 for such deer  
 18 *guilty of a Class 4 misdemeanor* if such person immediately delivers the complete carcass  
 19 in good condition to the game warden of the county or city in which it was killed ; .  
 20 whereupon *At that time* it shall be confiscated and disposed of by the game warden or as  
 21 otherwise provided ; . and that such *Any such* person so delivering such carcass to the  
 22 game warden shall be exempt from the replacement cost as provided in § 29-163.1 29.1-551  
 23 .

24 § 29.1-549 29-162.1 . Hunting deer from watercraft ; *confiscation of watercraft and*  
 25 *weapons used* .— A. Any person who kills or attempts to kill any deer while *such the*  
 26 person is in a boat or other type watercraft shall be guilty of a *Class 4* misdemeanor and  
 27 shall be punished by a fine of not more than fifty dollars .

28 § 29-162.2. Confiscation of watercraft and weapons used in violation of § 29-162.1. B.  
 29 Every boat or other type watercraft and their motors, *and any* rifle, shotgun, crossbow,  
 30 bow and arrow, or speargun used with the knowledge or consent of the owner or  
 31 lienholder thereof, in killing or attempting to kill deer in violation of § 29-162.1 *this section*  
 32 shall be forfeited to the Commonwealth, and upon being condemned as forfeited in  
 33 proceedings under Chapter 22 (§ 19.2-369 et seq.) of Title 19.2 the proceeds of sale shall be  
 34 disposed of according to law.

35 *Drafting Notes:* Existing §§ 29-162.1 and 29-162.2 are combined to form proposed §  
 36 29.1-549. The penalty in proposed subsection A is reclassified as a Class 4 misdemeanor.

37 § 29.1-550 29-163 . Taking game or fish during closed season or exceeding bag limit.—  
 38 (a) It shall be unlawful for any person to (i) take, or attempt to take, any wild bird, wild  
 39 animal and/ or fish during the closed season ; (b) It shall be unlawful for any person to ,  
 40 (ii) exceed the bag and/ or creel limit for any wild bird, wild animal and/ or fish ; (c) It  
 41 shall be unlawful for any person to , or (iii) possess over the daily bag and/ or creel limit  
 42 for any wild bird, wild animals and/ or fish, while in the forests, fields and/ or waters of  
 43 *this State the Commonwealth* . (d) Any person convicted of violating any provisions of this  
 44 section shall be fined not less than \$25 nor more than \$250 *guilty of a Class 3*  
 45 *misdemeanor* .

46 *Drafting Note:* The violations in proposed § 29.1-550 are relisted for clarity and the  
 47 penalty is reclassified as a Class 3 misdemeanor.

48 § 29.1-551 29-163.1 . Assessment of value of game or fish unlawfully taken.—The judge ,  
 49 or court, upon convicting any person of a violation of § 29-162 29.1-548, or § 29-163  
 50 29.1-550 or 29.1-552 involving the unlawful killing of any animal, or bird, or the exceeding  
 51 of a bag limit as to animals, or birds or fish, or the taking of the same during the closed  
 52 season , shall, in addition to the imposition of the punishment hereinbefore prescribed ; *in*  
 53 *those sections*, ascertain the approximate replacement value of such animals, birds or fish  
 54 *taken in violation of those sections* and shall assess *such the* value against the person so

1 convicted , which ~~The~~ assessment shall be paid by the person so convicted within the  
 2 time prescribed in the judgment of the judge or court, not exceeding sixty days, and the  
 3 collecting officer shall pay such moneys representing the approximate replacement values  
 4 aforesaid forward such payments to the ~~Commission~~ Board for payment into the state  
 5 treasury . whereupon ~~the~~ The Comptroller shall credit the same such payments to the  
 6 game protection fund.

7 *Drafting Note:* Since reference is made to prior sections in proposed § 29.1-551, the  
 8 description of the substance of the law in those sections appears superfluous so that  
 9 language is deleted. The reference to § 29.1-552 (killing wild turkeys) is added since that  
 10 section refers to this one. .

11 § 29.1-552 ~~29-163.2~~ . Killing wild turkey during closed season.— Notwithstanding any  
 12 other provisions of this chapter to the contrary, any Any person who kills a wild turkey  
 13 during the closed season, or who kills a beardless turkey during an open hunting season  
 14 prescribed by the ~~Commission~~ Board for bearded turkeys only, shall be guilty of a Class 3  
 15 misdemeanor and punished by a fine of not less than \$200 and not more than \$500 for  
 16 each such turkey killed. Provided, that if such ~~However, if a person kills a beardless~~  
 17 turkey when only the hunting of bearded turkeys is permitted, and immediately delivers  
 18 the complete carcass in good condition to a game warden or game checking station  
 19 authorized by the ~~Commission~~ Board , it shall be confiscated and disposed of as otherwise  
 20 provided and such the person so delivering such the carcass shall be exempt from  
 21 replacement cost provided in § ~~29-163.1~~ 29.1-551 .

22 § 29.1-553 ~~29-164~~ . Selling or offering for sale.—Any person who offers for sale, sells ,  
 23 offers to purchase, or purchases any wild bird or wild animal, or any part thereof, or any  
 24 freshwater fish, except as provided by law, shall be guilty of a Class 1 misdemeanor. This  
 25 section shall not affect prosecutions under § ~~29-161.1~~ 29.1-547 .

26 *Drafting Note:* The first paragraph in proposed § 29.1-553 is unchanged because it was  
 27 rewritten in 1986 (HB 507).

28 § 29-170. Civil rights against trespasser. Nothing in this chapter shall be construed to  
 29 affect in any way the civil rights of a landowner as against trespassers against his  
 30 property.

31 *Drafting Note:* Existing § 29-170 appears to be superfluous language, so the section is  
 32 stricken.

33 § 29.1-554 ~~29-171~~ . Violation of sanctuaries, refuges, preserves and water used for  
 34 propagation.—It shall be unlawful for any person, including the a property owner, to  
 35 commit the following acts, violation of which shall constitute a Class 3 misdemeanor: to  
 36 trespass or hunt upon a privately owned state game sanctuary or permit his dog to do  
 37 so; to

38 1. To violate any regulation of the ~~Commission~~ Board concerning refuges, sanctuaries  
 39 and public shooting or fishing preserves in impounded waters or in forest and watershed  
 40 areas owned by the United States government ; or to

41 2. To damage the boundary enclosure of or enter a game refuge owned, leased, or  
 42 operated by the ~~Commission~~ Board for the purpose of molesting any bird or animal, or  
 43 permit his dog or livestock to go thereon ; or ;

44 3. To fish or trespass with intent to fish upon any waters or lands being utilized for  
 45 fish propagation, or damage or destroy any pond, pool, flume, dam, pipeline, property or  
 46 appliance belonging to or being utilized by the ~~Commission~~, Board; or

47 4. To interfere with, obstruct, pollute, or diminish the natural flow of water into or  
 48 through a fish hatchery. Any person convicted of any offense hereunder section shall be  
 49 deemed guilty of a misdemeanor and he shall be punished by a fine of not less than \$25  
 50 nor more than \$100 or be sentenced to jail not exceeding 60 days, either, or both, and  
 51 shall be responsible for all damage; provided, however, that the minimum fine for  
 52 permitting a dog to go on a sanctuary or refuge shall be \$5.

53 *Drafting Note:* The various offenses prescribed in proposed § 29.1-554 are listed  
 54 numerically here for clarity. The penalty for violating any provision within is reclassified

1 as a Class 3 misdemeanor. The first provision is unnecessary since such actions are  
 2 covered by trespassing laws (§ 18.2-132) anyway. The last sentence (fines for loose dogs)  
 3 appears to be unnecessary.

4 § 29.1-555 (Reserved) ~~29-171.1~~. Using firearms within certain distance of wildlife  
 5 sanctuary in any city.—It shall be unlawful for any person at any time to hunt with or  
 6 shoot any firearm within a distance of 750 yards of a wildlife sanctuary located and  
 7 maintained within the corporate limits of any city of this State.

8 The provisions of this section shall not apply to any new city, formed by a merger  
 9 between an old city and a county contiguous thereto, such merger taking effect after July  
 10 1, 1962.

11 This section shall be enforced by game wardens and other peace officers of the State.

12 *Drafting Note* : CGIF suggests removal of this section as obsolete. Section 15.1-865 states  
 13 city has power to regulate discharge of firearms.

14 § 29.1-556 ~~29-172~~ . Unlawful devices to be destroyed.— Any gun *firearm* , trap, net, or  
 15 other device of any kind or nature for taking wild birds, wild animals, or fish, except as  
 16 specifically permitted in this title *by law* , shall be considered unlawful and, . upon  
 17 satisfactory evidence of the guilt of the owner or user and of the unlawful nature of the  
 18 article seized, the trial court shall fine the owner or user not less than \$25 nor more than  
 19 \$250 and forfeit such device to the Commonwealth, *Any person who violates the provisions*  
 20 *of this section shall be guilty of a Class 3 misdemeanor and the device shall be forfeited*  
 21 *to the Commonwealth. whereupon it Nets, traps or other such devices, excluding firearms*  
 22 shall be destroyed by the game warden . *If if* the owner or user of such article *the device*  
 23 cannot be located within thirty days , the game warden shall destroy the same . The  
 24 possession of any gun, trap, net, or other device not permitted by law to be used, under  
 25 circumstances which may be deemed suspicious, shall be prima facie evidence of the guilt  
 26 of the person in whose possession the same is found. Unlawful fixed devices may be  
 27 destroyed by the game warden at the place where the same *the devices* are found.

28 The owner or user of any automatic-loading or hand-operated repeating shotgun  
 29 possessed or used in violation of the provisions of this Code or regulations of the  
 30 Commission shall be subject to a fine of not less than \$10 nor more than \$100, but such  
 31 gun shall not be destroyed; before any such gun shall be returned to the owner or user the  
 32 game warden shall make such gun conform to this Code and regulations of the Commission  
 33 applicable thereto, at the expense of the owner.

34 *Drafting Note*: The penalty in the first paragraph of proposed § 29.1-556 is restated as  
 35 a Class 3 misdemeanor. By this proposed language, illegal firearms would be forfeited but  
 36 not necessarily destroyed. CGIF suggests removing the language requiring a gun to be made  
 37 to conform to the Code.

38 § 29.1-557 ~~29-173~~ . Confiscation of wild birds and animals under certain circumstances;  
 39 disposition.—Wild birds, wild animals and fish are the property of the State *Commonwealth*  
 40 and may be reduced to personal possession only in accordance with law. Upon satisfactory  
 41 evidence of the illegal taking, possession, sale or purchase, or transport or import of any  
 42 wild bird, wild animal or fish, the trial court shall forfeit the same *Any wild bird, wild*  
 43 *animal or fish which is illegally taken, possessed, sold, purchased, transported or imported*  
 44 *shall be forfeited* to the Commonwealth. The game warden shall deliver the same to some  
 45 charitable institution or hospital, as the Commission may direct.

46 *Drafting Note* : The last sentence of this section is stricken since current health laws  
 47 would not allow this.

48 § 29-174. Judges' special charges to grand juries. The circuit judges and the judges of  
 49 concurrent jurisdiction shall give the grand juries, when empaneled, the provisions of the  
 50 game, inland fish and dog laws strictly in charge and shall urge inquiry into any  
 51 infractions thereof.

52 *Drafting Note*: Existing § 29-174 is repealed. § 19.2-199 addresses judges' charges to  
 53 grand juries and would appear to apply in lieu of § 29-174.

54 § 29-175. Jurisdiction. County and municipal courts and circuit courts shall have

1 concurrent jurisdiction for the trial of offenses against the game, inland fish and dog laws  
2 of the State.

3 *Drafting Note:* Existing § 29-175 is unnecessary in light of § 16.1-126 relating to offenses  
4 tried in circuit courts.

5 § 29-176. Appeals. An appeal for the accused from the judgment of a county or  
6 municipal court shall lie as in other criminal cases; and if the case relates to state revenue  
7 and the accused is acquitted, an appeal shall lie for the Commonwealth.

8 *Drafting Note:* Existing § 29-176 appears unnecessary in light of §§ 16.1-132, 16.1-134,  
9 and 16.1-136 relating to the right to appeal.

10 § 29.1-558 (Reserved) 29-178. Officer failing to perform duty. Any game warden or  
11 other official who shall fail to perform any act, duty, or obligation enjoined upon him by  
12 the provisions of the game, inland fish and dog laws of this State shall be guilty of a  
13 misdemeanor and upon conviction shall be punished by a fine of not less than \$10 nor  
14 more than \$100 .

15 § 29.1-559 (Reserved) 29-179. Report of prosecution.—Every court or clerk of any court  
16 before which any prosecution under the game, inland fish or dog laws is commenced or  
17 shall go on appeal shall, within five days after trial or dismissal, report in writing whether  
18 the defendant was adjudged guilty or not guilty, and the penalty or requirement, if any, to  
19 the Commission. For the failure of any court or clerk to comply with this provision, he  
20 shall forfeit to the Commonwealth the sum of five dollars in each case, such sum to go to  
21 the credit of the Literary Fund.

22 *Drafting Notes :* CGIF suggests striking this section since game wardens already make  
23 such a report.

24 § 29.1-560 (Reserved) 29-180. Company or corporation, service of warrant of arrest upon.  
25 – In case of violation of the game, inland fish or dog laws of Virginia, by a company or  
26 corporation , the warrant of arrest may be read to the president, secretary, or manager in  
27 this State, or to any general or local agent in any county where the action or indictment is  
28 pending, and, upon the return of such warrant so served, the company or corporation shall  
29 be deemed in court, and subject to the jurisdiction thereof, and any fine imposed may be  
30 collected by execution against the property of the company or corporation, but this section  
31 shall not be considered to exempt any agent or employee from prosecution.

32 *Drafting Note:* § 19.2-238, provides for the manner of serving a summons upon a  
33 corporation so this section is unnecessary.

34 § 29.1-561 29-181 . Self-incrimination. – No person shall be excused from testifying for  
35 the Commonwealth as to any offense committed by another under the provisions of the  
36 game, inland fish and dog boating laws by reason of his testimony tending to incriminate  
37 himself, but the testimony given by any such person on behalf of the Commonwealth when  
38 called as witness for the prosecution shall in no case be used against him nor shall he be  
39 prosecuted as to the offense to which he has testified.

40 § 29.1-562 (Reserved) 29-182. Proceedings when convicted a second time.—If a person be  
41 convicted a second time of any offense mentioned in this title, the trial justice rendering  
42 judgment therefor shall require him to give a bond for not less than \$100, with sufficient  
43 surety, for his good behavior for a year and if he fails to give such bond, commit him to  
44 jail for 1 month, unless he sooner gives it. The bond shall be deemed to be forfeited if the  
45 person commit such other offense within the time specified in the bond.

46 *Drafting Note:* CGIF suggests removing this section so that punishment on a second  
47 offense will be up to the discretion of the judge.

#### 48 *Article 6.*

#### 49 *Endangered Species.*

50 § 29-230. Legislative findings. The General Assembly hereby finds and declares that  
51 certain species of fish or wildlife are threatened with extinction and are entitled to  
52 preservation and protection as a matter of general state concern. Federal statutes,  
53 international treaties and conventions provide for the protection of fish or wildlife  
54 threatened with worldwide extinction by prohibiting the importation of endangered fish or

1 wildlife and by restricting and regulating interstate and foreign commerce in fish or  
 2 wildlife taken in violation of state, federal, and foreign laws. The states, however, must also  
 3 assume their responsibility for conserving these fish or wildlife and for restricting the  
 4 taking, transportation, processing, or sale of endangered fish or wildlife within their  
 5 respective jurisdictions to assure their continued survival and propagation for the aesthetic,  
 6 recreational, and scientific purposes of future generations. The General Assembly finds that  
 7 by eliminating in this State the taking, sale, or offer for sale, of species threatened with  
 8 extinction, their potential for continued existence will be strengthened.

9 *Drafting Note:* Existing § 29-230 is stricken because the language is rhetorical and  
 10 unnecessary.

11 § 29.1-563 ~~29-231~~ . Definitions.—For the purposes of this chapter *article* :

12 (3)“Endangered species” means any species which is in danger of extinction throughout  
 13 all or a significant portion of its range other than a species of the class Insecta deemed to  
 14 be a pest whose protection under the provisions of this chapter *article* would present an  
 15 overriding risk to the health or economic welfare of the Commonwealth;

16 (1)“Fish or wildlife” means any member of the animal kingdom, vertebrate or  
 17 invertebrate, without limitation, and includes any part, products, egg, or the dead body or  
 18 parts thereof;

19 (2)“Person” means any individual, firm, corporation, association or partnership;

20 (4)“Threatened species” means any species which is likely to become an endangered  
 21 species within the foreseeable future throughout all or a significant portion of its range.

22 *Drafting Note:* The definitions have been aranged alphabetically. The stricken number  
 23 shows the original order.

24 § 29.1-564 ~~29-232~~ . Taking, transportation, sale, etc., of endangered species prohibited.—  
 25 Notwithstanding any other provision of law, *The* taking, transportation, processing, sale,  
 26 or offer for sale within this State *the Commonwealth* of any fish or wildlife appearing on  
 27 any list of *threatened or* endangered species published by the United States Secretary of  
 28 the Interior pursuant to the provisions of the federal Endangered Species Act of 1973 (P.L.  
 29 93-205), or any list of endangered species in Virginia as determined by the Commission of  
 30 Game and Inland Fisheries pursuant to § 29-233 *modifications or amendments thereto* , is  
 31 prohibited except as provided in § 29-236 *29.1-568* .

32 § 29.1-565 (*Reserved*) ~~29-233~~. Modification of federal lists of endangered species; addition  
 33 of species not on federal lists.—In the event the federal lists are hereafter modified by  
 34 additions or deletions, such modifications shall be accepted as binding under § 29-232. The  
 35 Commission may, on its own motion, declare by regulation that species not appearing on  
 36 the federal lists are an endangered or threatened species in Virginia .

37 *Drafting Note* : The intent of existing § 29-233 has been incorporated into proposed §  
 38 29.1-556 below.

39 § 29.1-566 ~~29-234~~ . Regulations.—The Commission Board is authorized to issue regulations  
 40 to implement the provisions of this chapter *adopt the federal list, as well as modifications*  
 41 *and amendments thereto by regulations; to declare by regulation that species not*  
 42 *appearing on the federal lists are an endangered or threatened species in Virginia* ; and to  
 43 prohibit by regulation the taking, transportation, processing, sale, or offer for sale within  
 44 this State *the Commonwealth* of any threatened *or endangered* species of fish or wildlife.

45 § 29.1-567 ~~29-235~~ . Penalties; authority of game wardens and police officers; disposition  
 46 of property seized.— (a) A. Any person who violates the provisions of § 29-232 *29.1-564* , or  
 47 any regulations issued pursuant *thereto to that section* , or whoever violates any regulation  
 48 or permit issued under § 29-236 *29.1-568* , shall be punished by a fine of not more than  
 49 \$1,000, or imprisonment not to exceed 6 months, or both *guilty of a Class 1 misdemeanor* .

50 (b) B. Notwithstanding the provisions of § 29-13 , any game warden, or any police  
 51 officer of this State or of any county, city or town within this State, *Any judicial officer or*  
 52 *other officer authorized to issue criminal warrants* shall have authority to execute *issue a*  
 53 warrant search for *the search and seize seizure of* any goods, business records,  
 54 merchandise or fish or wildlife taken, employed or used in connection with a violation of

1 any provision of this chapter *article* . Any game warden or other police officer may,  
 2 without a warrant, arrest any person who such officer has probable cause to believe is  
 3 violating, in his presence or view, any such provision, or any regulation or permit provided  
 4 for by this chapter. An officer who has made an arrest of a person in connection with any  
 5 such violation may search such person or business records at the time of arrest and seize  
 6 any fish or wildlife, records, or property taken, used or employed in connection with any  
 7 such violation *All such search warrants shall be issued and executed pursuant to Chapter*  
 8 *5 (§ 19.2-52 et seq.) of Title 19.2 of the Code .*

9 ~~(e)~~ C. Goods, merchandise, fish or wildlife or records seized under the provisions of  
 10 subsection ~~(b)~~ B of this section shall be held by an officer or agent of the Commission  
 11 Department at the direction of the judge or court pending disposition of court proceedings;  
 12 and thereafter be forfeited to the State Commonwealth for destruction or disposition as the  
 13 Commission Director may deem appropriate ; ~~provided, that~~ . However , prior to forfeiture,  
 14 the Commission Director may direct the transfer of fish or wildlife so seized to a qualified  
 15 zoological, educational, or scientific institution for safekeeping, *with costs assessable to the*  
 16 defendant. The Commission Board is authorized to issue regulations to implement this  
 17 section.

18 *Drafting Note:* The penalty prescribed under proposed § 29.1-567(A) is reclassified as a  
 19 Class 1 misdemeanor. The language pertaining to search warrants was rewritten to conform  
 20 with constitutional requirements.

21 § 29.1-568 ~~29-236~~ . When Commission Board may permit taking, etc., of endangered  
 22 species.— The Commission Board may permit the taking, exportation, transportation or  
 23 possession of any fish or wildlife which is listed by the provisions of this chapter *article* ,  
 24 for zoological, educational, or scientific purposes and for propagation of such fish or  
 25 wildlife in captivity for preservation purposes ; wherever such exportation, possession,  
 26 transportation, or taking is permitted under federal law, regulation, or permit .

27 § 29-237. Construction of chapter. None of the provisions of this chapter shall be  
 28 construed to apply retroactively or to prohibit entry into this State of fish or wildlife which  
 29 may be lawfully imported into the United States or taken or removed from another state;  
 30 provided that this paragraph shall not be construed to permit, contrary to federal law, the  
 31 taking and removal from another state into this State of fish or wildlife on the federal  
 32 endangered species lists.

33 *Drafting Note:* Existing § 29-237 is deleted since federal law will prevail where it is in  
 34 conflict with state law and a restatement to this effect appears unnecessary.

35 § 29.1-569 ~~29-213.35~~ . Keeping of reptiles generally; penalty.—It shall be unlawful for the  
 36 owner or keeper of any exotic reptile or type of reptile not native to the Commonwealth of  
 37 Virginia, including but not limited to the American alligator, to keep any such *the* reptile  
 38 in any manner that will not sufficiently confine such reptile so as to permit its escape or  
 39 to knowingly permit such *the* reptile to run at large. Any violation of this section shall  
 40 constitute a Class 4 misdemeanor.

41 *Drafting Note:* Proposed § 29.1-569 is relocated from existing Chapter 9.3, where it  
 42 appears as the only section to that chapter. Its location to this chapter is based on the fact  
 43 that many species of reptiles are on the endangered species lists.

44 § 29.1-570 ~~29-248~~ . Cooperation of state agencies.—All departments, commissions, boards,  
 45 authorities, agencies, offices and institutions within any branch of the state government  
 46 shall cooperate with the Commission Board in carrying out the purposes of this chapter  
 47 *article* .

48 *Drafting Note:* Proposed Article 6 consists mainly of sections which appear as existing  
 49 Chapter 11 (Endangered Species). These sections are merged into proposed Chapter 5,  
 50 "Fish and Wildlife Laws," because of the broad nature of the laws enforced pursuant to  
 51 this chapter.

## 52 CHAPTER 6.

### 53 PRESERVES AND SANCTUARIES.

54 § 29.1-600 ~~29-38~~ . Licenses for shooting preserves.—The Commission Director is



1 authorized to issue licenses for shooting preserves when, in the *his* judgment of the  
 2 Commission , operations under such licenses will result in an increase in hunting  
 3 opportunities in the Commonwealth, and will otherwise be in the public interest. A fee of  
 4 ~~\$25~~ *twenty-five dollars* shall be collected for each such license, when the area for which  
 5 the license is granted is of 500 acres or less, and an additional fee of ~~\$10~~ *ten dollars* shall  
 6 be collected for each additional 500 acres or fraction thereof. A properly licensed person  
 7 operating a shooting preserve shall be entitled free of charge, upon request to the  
 8 Commission, to each of the permits prescribed by §§ 29-106, 29-112 and 29-112.1 with  
 9 respect to the species for which his shooting preserve is licensed under this section. All  
 10 license fees collected under this section shall be credited to the game protection fund. All  
 11 such licenses shall expire on June ~~thirtieth~~ *30* of each year.

12 *Drafting Note:* §§ 29-106, 29-112 and 29-112.1, relating to breeding pheasants and  
 13 bobwhites, have been repealed, so reference to those sections is deleted within.

14 § 29.1-601 ~~29-39~~ . Applicant to own or have land under lease; boundaries.—No *shooting*  
 15 *preserve* license shall be granted unless the applicant shall ~~own~~ *owns* or ~~have under lease~~  
 16 *leases* the areas for which the *shooting preserve* license is desired. Boundaries of the area  
 17 licensed shall be clearly defined by at least one strand of wire, or by a ~~fence~~ clearly  
 18 recognizable as ~~such~~ *fence* , and by ~~such~~ posting as shall be prescribed by the Commission  
 19 Board .

20 § 29.1-602 ~~29-40~~ . Applicant to develop land, release game and comply with other  
 21 provisions.—The applicant shall *(i)* develop the lands to be licensed as a shooting preserve  
 22 so as to meet such requirements as the Commission Board may make ; , *(ii)* release such  
 23 game birds and animals as may be designated by the Commission; Board, and *(iii)* comply  
 24 with such other provisions as the Commission Board may ~~deem~~ *deems* advisable to promote  
 25 wildlife .

26 § 29.1-603 ~~29-41~~ . No taking of game before compliance with requirements of  
 27 Commission Board. —Until the requirements specified by the Commission Board have been  
 28 fulfilled by the applicant to the satisfaction of the Commission Board and certified to and  
 29 accepted by the Commission Board , it shall be unlawful to shoot, attempt to shoot, or to  
 30 take ~~otherwise~~ any game of the species licensed under this chapter on premises so  
 31 licensed.

32 § 29.1-604 ~~29-42~~ . Hunting, etc., after compliance with requirements.—When the  
 33 requirements specified by the Commission Board shall have been certified and accepted by  
 34 the Commission Board , and when such persons are otherwise lawfully entitled to hunt  
 35 game, the licensee and such other persons as he may designate, because of payment of  
 36 fees or otherwise, may hunt on the licensed premises, and shoot, ~~have in possession~~  
 37 *possess* , transport and dispose of by gift any game birds or animals of the species  
 38 licensed ; . provided that the number of such birds or animals so shot, possessed,  
 39 transported or disposed of by gift shall not exceed the bag or possession limits stated in  
 40 the rules governing the shooting preserve. Game birds or animals not covered by the  
 41 shooting preserve license may be taken and possessed by the licensee or his guests as  
 42 otherwise provided by state law or regulation.

43 § 29.1-605 (Reserved) ~~29-43~~ . Record of game shot.—A full record covering each item of  
 44 game shot on the licensed premises shall be kept by the licensee or his designated agent,  
 45 and a copy of this record under oath shall be filed with the Commission within fifteen  
 46 days after the close of the hunting season, and no license shall be renewed until such  
 47 record for the preceding year shall have been filed with and accepted by the Commission.

48 *Drafting Note:* CGIF suggests that existing § 29-43 is unnecessary and repealing this  
 49 section will result in less paperwork.

50 § 29.1-606 ~~29-44~~ . Seals to be attached to shot game.—No shot game of the species  
 51 named in the license shall be removed from the licensed premises until there has been  
 52 securely attached to ~~such~~ *the* game a metallic seal, the type and design of which shall be  
 53 designated by the Commission, and ~~such~~ Board. The seal shall remain attached to ~~such~~ *the*  
 54 game until it is finally prepared for consumption.

1 § 29.1-607 29-45 . Hunting season and bag limit.—The length of the hunting season on  
2 such preserves and the size of the bag limit shall be in accordance with rules of the  
3 Commission Board .

4 § 29.1-608 29-46 . Rules of Commission Board .—The Commission Board is authorized to  
5 make such rules as shall be necessary to carry out the intents and purposes of this chapter  
6 , which Such rules shall be effective ten days after written notice has been sent to each  
7 holder of a shooting preserve license.

8 § 29.1-609 29-47 . Revocation of license.—Any shooting preserve license may be revoked  
9 by the Commission Director upon evidence that the provisions of the contract entered into  
10 by the license holder are being violated.

11 *Drafting Note:* The authority under existing § 29-47 was assigned to the Director by  
12 resolution.

13 § 29.1-610 29-12.1 . Portion of James River declared a no hunting area.—The James  
14 River, downstream from Boshers' Dam to the Interstate 95 bridge, is hereby declared a no  
15 hunting area. It shall be unlawful to take, attempt to take or pursue wildlife within this  
16 area; however, fishing in this area shall be permitted as authorized by law.

17 *Drafting Note:* Existing § 29-12.1 is a new section passed by the 1986 General Assembly.  
18 It is located here as proposed § 29.1-610 since it describes a special sanctuary area.

19 § 29.1-611 29-48. Penalty for violations.—Any person violating any of the above provisions  
20 of this article shall be guilty of a Class 2 misdemeanor and on conviction thereof shall be  
21 punished by a fine of not less than \$100 for each offense, or by imprisonment in the  
22 county jail for a period not exceeding 30 days, or by both such fine and imprisonment, in  
23 the discretion of the court.

24 *Drafting Note:* Violation of the shooting preserve laws would subject a person to a Class  
25 2 penalty.

26 § 29.1-612. Preserves, private clubs, associations.— Nothing in this title shall be  
27 construed as permitting any person to hunt, trap or fish in or on the lands or waters of  
28 any public or private club, association or preserve of any description as landowner or in  
29 any other capacity unless the person has a proper license.

30 *Drafting Note:* Proposed § 29.1-612 is relocated from existing § 29-78 (Article 2, Chapter  
31 5).

32 § 62.1-166. Declaration of policy. It is the policy of this State to promote safety for  
33 persons and property in and connected with the use, operation, and equipment of vessels,  
34 and to promote uniformity to laws relating thereto.

35 *Drafting Note:* The declaration of policy is unnecessary and is therefore deleted.

#### 36 CHAPTER 7.

#### 37 BOATING LAWS.

#### 38 Article 1.

#### 39 Boat Registration and Identification.

40 § 29.1-700 62.1-167 . Definitions.—As used in this chapter, unless the context clearly  
41 requires a different meaning:

42 (1) "Vessel" means every description of watercraft, other than a seaplane on the water,  
43 used or capable of being used as a means of transportation on water.

44 (2) "Motorboat" means any vessel propelled by machinery whether or not such the  
45 machinery is the principal source of propulsion.

46 "Operate" means to navigate or otherwise control the movement of a motorboat or a  
47 vessel.

48 (3) "Owner" means a person, other than a lien holder, having the property in or title to  
49 a motorboat. The term includes a person entitled to the use or possession of a motorboat  
50 subject to an interest in another person, reserved or created by agreement and securing  
51 payment of performance of an obligation, but the term excludes a lessee under a lease not  
52 intended as security.

53 "Vessel" means every description of watercraft, other than a seaplane on the water,  
54 used or capable of being used as a means of transportation on water.

1 (4) "Waters of this State *the Commonwealth*" means any public waters within the  
 2 territorial limits of this State *the Commonwealth* , and the *adjacent* marginal sea adjacent  
 3 to this State and the high seas when navigated as a part of a journey or ride to or from  
 4 the *Virginia* shore of this State .

5 5) "Person" means an individual, partnership, firm, corporation, association, or other  
 6 entity.

7 (6) "Operate" means to navigate or otherwise use a motorboat or a vessel.

8 (7) "Commission" means the Commission of Game and Inland Fisheries.

9 *Drafting Note:* The definitions in proposed § 29.1-700 are realigned in alphabetical  
 10 order. Definitions for "person" and "Commission" are stricken as unnecessary.

11 § 29.1-701 ~~62.1-168~~ . Commission of Game and Inland Fisheries *Department* to  
 12 administer chapter; Motorboat Committee; funds for administration; records; rules and  
 13 regulations.— (a) A. It shall be the duty of the Commission of Game and Inland Fisheries  
 14 *Department* to enforce and administer the provisions of this chapter.

15 (b) B. The chairman of the Commission *Board* shall designate from among the  
 16 members of the Commission *Board* three members who shall serve as the Motorboat  
 17 Committee of the Commission, and who shall, in their activities with the Commission, . *This*  
 18 *committee shall* place special emphasis on the administration and enforcement of this  
 19 chapter.

20 (c) C. All expenses required for administration and enforcement of this chapter shall  
 21 be paid from the funds collected pursuant to the numbering and certificate of title  
 22 provisions of this chapter. All moneys collected pursuant to the numbering and certificate  
 23 of title provisions of this chapter shall be deposited into the State *state* treasury and,  
 24 credited to a special fund known as the Game Protection Fund *game protection fund* , and  
 25 accounted for as a separate part thereof to be designated as the Motorboat and Water  
 26 Safety Fund *motorboat and water safety fund* . Such moneys shall be made available to  
 27 the Commission *Department* solely for the administration and enforcement of this chapter  
 28 as herein provided, and , for educational activities relating to boating safety and for other  
 29 activities and purposes of direct benefit to the boating public and for no other purpose .  
 30 All moneys collected pursuant to the numbering and certificate of title provisions of this  
 31 chapter *The motorboat and water safety fund* and moneys otherwise provided for in this  
 32 chapter shall be made available to carry out the intent and purposes as set forth herein *in*  
 33 *this chapter* in accordance with plans approved by the Commission *Board*. and all *All* such  
 34 funds are hereby appropriated, reserved , set aside and made available until expended for  
 35 the enforcement, administration and other provisions of this chapter , . provided that the  
 36 Commission is hereby *However, the Board is* authorized to adopt a plan or formula for the  
 37 use of said *these* moneys for employing and equipping such *any* additional personnel as  
 38 may be necessary for carrying *to carry* out the provisions of this chapter and for paying a  
 39 proportionate share of the salaries, expense, and operational costs of existing personnel  
 40 according to the time and effort expended by them in carrying out the provisions of this  
 41 chapter. Such plan or formula may be altered or amended from time to time by the  
 42 Commission *Board* as existing conditions may warrant. No funds derived from the sale of  
 43 hunting licenses or fishing licenses shall be expended or diverted for carrying out the  
 44 provisions of this chapter.

45 (d) D. The Commission *Department* shall maintain a record of all certificates of title  
 46 issued by it *it issues*. which *The certificates of title* may be located (i) under a distinctive  
 47 title number assigned to each watercraft, (ii) under the hull identification number of each  
 48 watercraft, (iii) under the registration number, (iv) alphabetically under the name of the  
 49 owner, and (v) at the discretion of the Commission *Board* , *by* any additional methods it  
 50 determines.

51 (e) E. The Commission *Board* shall make such rules and regulations as it deems  
 52 necessary and proper for the effective administration of this chapter. *The proposal and*  
 53 *adoption of rules and regulations shall take place as prescribed in Article 1 of Chapter 5*  
 54 *of this title and all rules and regulations shall be published by the Board in a convenient*

1 *form.* The Commission Board shall cooperate with the Department of Taxation in issuing  
2 titles and collecting tax thereon.

3 *Drafting Note:* Most changes in proposed § 29.1-701 are for clarity. The new language  
4 in paragraph E derives from existing § 62.1-183.

5 § 29.1-702 ~~62.1-170.~~ Application for numbers; certificate of number; fee; renewal of  
6 certificate; displaying; reciprocity; change of ownership; loss of certificate; presumption  
7 from possession of certificate; conformity with United States regulations; award of  
8 certificates; records; transfer of interest, abandonment, etc.; change of address; unauthorized  
9 numbers; dealers' and manufacturers' certificates and numbers. (a) *Registration*  
10 *requirements; display of numbers; cancellation of certificate.*—A. The owner of each  
11 motorboat requiring numbering by the Commonwealth shall file an application for a  
12 number with the Commission Department on forms approved by it. The application shall  
13 be signed by the owner , or his agent, of the motorboat *or the owner's agent shall sign*  
14 *the application and pay* and shall be accompanied by a fee of eleven dollars , . provided  
15 that ~~for~~ *However,* an owner, other than a manufacturer or dealer, of more than ten  
16 motorboats numbered by the Commonwealth, ~~the fee shall be~~ *shall pay a fee of eleven*  
17 dollars each for the first ten such boats and three dollars for each additional boat. Upon  
18 receipt of the application in approved form , the Commission Department shall have the  
19 ~~same application~~ *application* entered upon the records of its office and issue to the applicant a  
20 certificate of number stating the identification number awarded to the motorboat and the  
21 name, address and social security number or numbers, or federal tax identification number  
22 of the owner or owners. Any certificate issued in accordance with this chapter shall be  
23 issued to expire three years from the first day of the month in which *it was* issued , . and  
24 may thereafter upon *Upon* proper application and payment of fee , and in the discretion of  
25 the Commission Director , *the certificate may be renewed.*

26 B. The owner shall paint on or attach to each side of the bow of the motorboat the  
27 identification number in ~~such~~ *the* manner as may be prescribed by rules and regulations of  
28 the Commission Board in order that it may be clearly visible . The number shall be  
29 maintained in legible condition. The certificate of number shall be pocket-size and shall be  
30 available at all times for inspection on the motorboat for which issued , whenever such  
31 motorboat is in operation , . ~~except that~~ *However,* the certificate of number for any vessel  
32 less than twenty-six feet in length, and leased or rented to another for the lessee's  
33 noncommercial use for less than twenty-four hours, may be retained on shore by the  
34 vessel's owner or his representative at the place at which the vessel departs and returns to  
35 the possession of the owner or his representative, provided the vessel is appropriately  
36 identified as to its owner while in use under such lease or rental.

37 C. *No number other than the number awarded to a motorboat or granted reciprocity*  
38 *pursuant to this chapter shall be displayed on either side of the bow of the motorboat.*

39 D. The Commission Department is authorized and empowered to cancel and recall any  
40 certificate of number issued by the Commission Department when it appears proper  
41 payment has not been made for ~~such~~ *the* certificate of number or when any ~~such~~ *the*  
42 certificate has been improperly or erroneously issued.

43 *Drafting Note :* Paragraph C above is relocated here from existing paragraph J of §  
44 62.1-170 since it refers to the display of numbers. The remaining paragraphs of existing §  
45 62.1-170 are divided into separate sections for more convenient reference. (The existing  
46 section is too long.)

47 § 29.1-703 ~~62.1-169~~ . Identification numbers required; decals.—Every motorboat on the  
48 waters of this Commonwealth shall be numbered except those specifically exempt in §  
49 ~~62.1-173~~ 29.1-710 . No person shall operate or give permission for the operation of any  
50 motorboat on such waters unless the motorboat is numbered in accordance with this  
51 chapter, or in accordance with applicable federal law, or in accordance with a federally  
52 approved numbering system of another state , . and unless *In addition to the numbering*  
53 *requirements,* (1) (i) the certificate of number awarded to the motorboat is *must be* in full  
54 force and effect, (2) (ii) the identifying number set forth in the certificate of number is

1 *must be* displayed on each side of the bow of the motorboat, and ~~(3)~~ (iii) decals signifying  
 2 the last month and year during which the certificate of number is valid *are must be*  
 3 displayed on each side of the motorboat within six inches of the registration number so as  
 4 to be visible while the motorboat is being operated. Decals will be furnished with each  
 5 certificate of number issued or reissued by the ~~Commission Department~~ after December 31,  
 6 1984 . Expired decals must be removed from the vessel. Upon written request and for good  
 7 cause, the ~~Commission Board~~ may allow exceptions to the requirement to display decals. If  
 8 a decal becomes defaced, lost or destroyed, application for replacement shall be made to  
 9 the ~~Commission Board~~ within fifteen days. A fee of one dollar shall be charged for each  
 10 decal or set of decals replaced. Decals must be displayed upon the watercraft for which  
 11 they were purchased and are not transferable.

12 *Drafting Note* : Existing § 62.1-169 (proposed § 29.1-703) is relocated after existing §  
 13 62.1-170 (proposed § 29.1-702) for more logical sequence.

14 (b) § 29.1-704. *Recording previously awarded numbers.*— The owner of any motorboat  
 15 already covered by a number in full force and effect which has been awarded to it  
 16 pursuant to then operative federal law or *pursuant to* a federally approved numbering  
 17 system of another state shall record the number prior to operating the motorboat on the  
 18 waters of this Commonwealth in excess of the ninety-day reciprocity period provided for in  
 19 § 62.1-173 ~~(1)~~ 29.1-710 . Such recordation shall be in the manner and pursuant to the  
 20 procedure required for the award of a number under subsection (a) of this section §  
 21 29.1-702 , except that no additional or substitute number shall be issued.

22 (c) § 29.1-705. *Change of ownership of motorboat; lost certificates.*— Should the  
 23 ownership of a numbered motorboat change, a new application form with *the* appropriate  
 24 fee as provided in subsection (a) of this section § 29.1-702 shall be filed with the  
 25 ~~Commission Department~~ and a new certificate bearing the same number shall be awarded  
 26 in the manner as provided for in an original award of number. If the registration of the  
 27 former owner is valid and the new owner has in his possession the dated bill of sale and  
 28 the valid registration card of the former owner, the new owner may operate the vessel for  
 29 thirty days from the date of purchase. ~~In case~~ *If* a certificate should become *is* lost a new  
 30 certificate bearing the same number shall be issued upon payment of a fee of fifty cents.  
 31 Possession of the certificate shall in cases involving prosecution for violation of any  
 32 provision of this chapter be prima facie evidence that the person whose name appears  
 33 thereon is the owner of the boat.

34 (d) In the event that an agency of the United States government shall have in force an  
 35 overall system of identification numbering for motorboats within the United States, the  
 36 numbering system employed pursuant to this chapter by the Commission shall conform to  
 37 such system.

38 *Drafting Note* : Paragraph D is stricken since Virginia would be obligated to follow  
 39 federal requirements anyway.

40 (e) § 29.1-706. *Agents awarding numbers.*— The ~~Commission Director~~ may award any  
 41 certificate of number directly or may authorize any person to act as *an* agent ~~for the~~  
 42 ~~awarding thereof to make awards~~ . In the event that a person accepts *Persons accepting*  
 43 such authorization , he may be assigned a block of numbers and certificates ~~therefor~~ which  
 44 upon award, in conformity with this chapter and with any rules and regulations of the  
 45 ~~Commission Board~~ , shall be valid as if awarded directly by the ~~Commission Director~~ .

46 (f) §29.1-707. *Records.*— All records of the ~~Commission Department~~ made or kept  
 47 pursuant to this section shall be public records ~~but and~~ shall be open for inspection subject  
 48 to such conditions as the ~~Commission Board~~ may prescribe. The ~~Commission Director~~ shall  
 49 furnish, without cost, the annual lists of boat registrations, as of January 1 of each year ,  
 50 to the commissioners of revenue , of each county or city, except that the ~~Commission~~  
 51 ~~Director~~ shall not send such *the* lists to any commissioner who requests that he not receive  
 52 such lists *them* .

53 (g) Every certificate of number awarded pursuant to this chapter shall continue in full  
 54 force and effect for the period that it is valid unless sooner terminated or discontinued in

1 accordance with the provisions of this chapter.

2 *Drafting Note* : This paragraph is unnecessary since proposed § 29.1-702(A) specifies  
3 when certificates expire.

4 ~~(h) [Repealed.]~~

5 ~~(i) § 29.1-708. Transfer, destruction or abandonment of motorboat.~~— The owner shall  
6 furnish the ~~Commission Department~~ with notice of (i) the transfer of all or any part of his  
7 interest other than the creation of a security interest in a motorboat numbered in Virginia  
8 pursuant to subsections ~~(a) and (b)~~ of this section ~~or § 29.1-702 or 29.1-704~~ or (ii) of the  
9 destruction or abandonment of such motorboat, within fifteen days thereof. Such transfer,  
10 destruction, or abandonment shall terminate the certificate of number for ~~such the~~  
11 motorboat except that, in the case of a transfer of a part interest which does not affect  
12 the owner's right to operate such motorboat, ~~such the~~ transfer shall not terminate the  
13 certificate of number.

14 ~~(j) § 29.1-709. Change of address of certificate holder.~~— Any holder of a certificate of  
15 number shall notify the ~~Commission Department~~ within fifteen days if his address no  
16 longer conforms to the address appearing on the certificate ~~changes~~, and he shall, as a  
17 part of such notification, furnish the ~~Commission Department~~ with his new address. The  
18 ~~Commission Board~~ may provide in its rules and regulations for the surrender of the  
19 certificate bearing the former address and its replacement with a ~~for~~ certificate  
20 ~~replacements or alterations~~ bearing the new address ~~or for the alteration of an outstanding~~  
21 certificate to show the new address of the holder.

22 ~~(k) No number other than the number awarded to a motorboat or granted reciprocity~~  
23 ~~pursuant to this chapter shall be painted, attached, or otherwise displayed on either side of~~  
24 ~~the bow of such motorboat.~~

25 *Drafting Note* : Paragraph K is relocated to Paragraph C of proposed § 29.1-702.

26 ~~62.1-173~~ § 29.1-710 . Exemption from numbering requirements.—A motorboat shall not be  
27 required to be numbered under this chapter if it is:

28 ~~(1) 1. A motorboat which has been awarded a number pursuant to federal law or a~~  
29 ~~federally approved numbering system of another state . Provided, that any such if the boat~~  
30 ~~shall not have been within this State for a period in excess of has been within the~~  
31 ~~Commonwealth for less than ninety consecutive days.~~

32 ~~(2) 2. A motorboat from a country other than the United States temporarily using the~~  
33 ~~waters of this State the Commonwealth .~~

34 ~~(3) 3. A motorboat which is used in a governmental function by the United States, a~~  
35 ~~state or a subdivision thereof of the state .~~

36 ~~(4) 4. A ship's lifeboat.~~

37 ~~(5) 5. A vessel which has a valid marine document issued by the Bureau of Customs of~~  
38 ~~the United States government or any federal agency successor thereto.~~

39 ~~(6) 6. A racing boat used during an authorized race and during a twenty-four-hour~~  
40 ~~period before and after such the race.~~

41 ~~(7) A motorboat having a total propulsion force as determined by the manufacturer's~~  
42 ~~maximum horsepower rating of less than ten horsepower whether or no such total~~  
43 ~~propulsion force is in use, provided, however, that no boat shall be exempted from~~  
44 ~~numbering under this subsection after midnight, September 30, 1972.~~

45 ~~(8) 7. A motorboat belonging to a class of vessels which has been exempted from~~  
46 ~~numbering by a regulation adopted by the Commission Board after the Commission Board~~  
47 ~~has found that applicable federal law or federal regulation has exempted, or permitted the~~  
48 ~~exemption of, such class of vessels.~~

49 *Drafting Note*: Existing subdivision (7) is deleted since the exemption is no longer in  
50 effect.

51 ~~(1) § 29.1-711. Dealers and manufacturers of motorboats.~~— ~~Dealers~~ The following shall  
52 ~~apply to dealers and manufacturers :~~

53 ~~(1) 1. The registering numbering requirements of this chapter shall apply to dealers~~  
54 ~~and manufacturers of motorboats.~~

1 (2) 2. Applications for certificates of number shall be made on the approved application  
2 form prescribed in this chapter. Dealers and manufacturers shall certify that they are  
3 dealers or manufacturers ; as the case may be .

4 (3) 3. Applications shall be accompanied by a fee of fifteen dollars for dealers and  
5 twenty-five dollars for manufacturers, by check or money order, and shall be forwarded to  
6 the ~~Commission~~ Department .

7 (4) 4. Upon receipt by the ~~Commission~~ Department of a properly completed application  
8 and fee, it shall issue to the applicant a dealer's or manufacturer's certificate of number as  
9 appropriate, which may be used in connection with the operation of any motorboat in the  
10 possession of such ~~the~~ dealer or manufacturer, when the boat is being used for  
11 demonstration purposes.

12 (5) 5. Additional dealer's or manufacturer's certificates of number may be obtained by  
13 making application ~~applying~~ in the same manner as prescribed for the initial certificate  
14 with payment of an additional fee of eight dollars for each additional certificate.

15 (6) 6. Manufacturers or dealers may have the number or numbers awarded to them  
16 printed upon or attached to a removable sign or signs to be temporarily but firmly  
17 mounted upon or attached to the boat being demonstrated, so long as the display meets the  
18 requirements of this chapter.

19 *Article Drafting Note* : Existing § 62.1-170 is quite long. It is divided into proposed §  
20 29.1-702, §§ 29.1-704 through 29.1-709, and 29.1-711 for easier reference.

21 *Article 2.*

22 *Watercraft Titling Certificates.*

23 § 29.1-712 62.1-186.1 . Definitions.— The following words, when used in this article, shall  
24 have the meanings respectively ascribed thereto *As used in this article* :

25 "Dealer" means any person whom the Tax Commissioner finds to be in the regular  
26 business of selling watercraft, and who has held during the calendar year five or more  
27 watercraft for resale.

28 1. "Watercraft" shall ~~mean~~ means every description of watercraft, other than a  
29 seaplane on the water, used or capable of being used as a means of transportation on  
30 water and which is (i) fifteen feet or more in overall length longer measured along the  
31 centerline and which is powered by a motor in excess of twenty-five horsepower, or (ii)  
32 any sail-powered vessel in excess of longer than eighteen feet in length measured along the  
33 centerline. Watercraft which have a valid marine document issued by the United States  
34 Coast Guard shall not be included in this definition.

35 2. "Dealer" shall mean any person whom the Tax Commissioner finds to be in the  
36 regular business of selling watercraft, and who has held during the calendar year five or  
37 more watercraft for resale.

38 § 29.1-713 62.1-186.2 . Who must or may apply for certificate of title; authority of  
39 employees of ~~Commission~~ Department .—A. Any owner, except a registered dealer, of any  
40 watercraft acquired after January 1, 1982, or in which an interest is transferred after that  
41 date, shall apply to the ~~Commission~~ Department for a certificate of title in the name of  
42 the owner before the watercraft is operated.

43 B. Any owner, except a registered dealer, of a watercraft which is subject to a lien,  
44 shall apply on or before February 15, 1982, for a certificate of title.

45 C. Any owner who renews the certificate of number for his watercraft shall apply for a  
46 certificate of title at the time of such renewal.

47 D. B. Any owner of a vessel ; as defined in § 62.1-167, not required to be titled  
48 hereunder under this article and not titled elsewhere, may apply to the ~~Commission~~  
49 Department for a certificate of title. The ~~Commission~~ Department shall issue such the  
50 certificate upon reasonable evidence of ownership which shall be shown by such as a bill  
51 of sale or other document satisfactory to the ~~Commission~~ Department .

52 E. C. Employees of the ~~Commission~~ Department are vested with the authority and  
53 power *authorized* to administer oaths and take acknowledgments and affidavits incidental to  
54 the administration and enforcement of this section for which services they . They shall

1 receive no compensation *for these services* .

2 *Drafting Note:* Subsections B and C of proposed § 29.1-713 as well as the reference to  
3 January 1, 1982 appear obsolete since the law has been in effect for over 4 years.

4 § 29.1-714 ~~62.1-186.3~~ . Form and contents of application.—A. Every application for a  
5 certificate of title shall be made by the owner or his duly authorized attorney-in-fact, and  
6 shall contain the name, residence, social security number or motor vehicle operator's  
7 license number, if any, and mailing address of the owner, a statement of the applicant's  
8 title and of all liens or encumbrances upon the watercraft in the order of their priority,  
9 and the names and addresses of all persons having any interest ~~therein~~ *in the watercraft*  
10 and the nature of every such ~~the~~ interest.

11 B. Every application for a certificate of title shall contain a brief description of the  
12 watercraft to be registered, including the name of the manufacturer, state identification  
13 number, hull identification number, length, type, and principal material of construction,  
14 model year, the date of purchase, identification of the motor, including manufacturer's  
15 name and serial number, except on motors of twenty-five horsepower or less, and the  
16 name and address of the person from whom the watercraft was purchased.

17 The application shall be on forms prescribed and furnished by the *Commission*  
18 *Department* and shall contain ~~such~~ *any* other information as may be required by the  
19 *Commission Director* .

20 § 29.1-715 ~~62.1-186.4~~ . Notice by owner of change of address.—Whenever any person ,  
21 after making application *applying* for or obtaining the certificate of title of a watercraft  
22 shall move , *moves* from the address shown in the application or upon the certificate of  
23 title, such person *he* shall, no later than thirty days thereafter *within thirty days* , notify  
24 the *Commission Department* in writing of his change of address.

25 A fee of seven dollars shall be imposed upon anyone failing to comply with this section  
26 within the time prescribed.

27 § 29.1-716 ~~62.1-186.5~~ . Certificate of title prerequisite to issuance of certificate of  
28 number.—The *Commission Department* shall neither issue nor renew a certificate of number  
29 to any watercraft required to be titled in this *State Commonwealth* unless *the Department*  
30 *has issued* a certificate of title has been issued to the owner by the *Commission* .

31 § 29.1-717 ~~62.1-186.6~~ . Certificate of title required; certificate as evidence; duration;  
32 transfer of title.—A. Except for amphibious vessels which have a valid title issued by the  
33 Division of Motor Vehicles, or a watercraft owned by a bona fide dealer licensed as  
34 provided in § 58-685.43 ~~58.1-1406~~ , no person shall operate a watercraft subject to titling  
35 under this chapter unless the owner has applied to the *Commission Department* for a  
36 certificate of title for such *the* watercraft.

37 B. A certificate of title is prima facie evidence of the ownership of a watercraft. A  
38 certificate of title shall be in force for the life of the watercraft so long as the certificate  
39 is owned or held by the legal holder.

40 C. To sell, assign, or transfer a watercraft title in ~~this State~~ *the Commonwealth* , the  
41 certificate of title must be delivered to the purchaser or transferee with an assignment on  
42 the certificate showing title in the purchaser or transferee. To purchase or otherwise  
43 acquire a watercraft required to be titled in ~~this State~~ *the Commonwealth* , any purchaser  
44 or transferee other than a licensed dealer must obtain a certificate of title for it in his  
45 name.

46 § 29.1-718 ~~62.1-186.7~~ . *Commission's Department's* records; fees.—The *Commission*  
47 *Department* shall maintain a record of any certificate of title it issues.

48 The *Commission Department* shall charge a fee of seven dollars for issue of each  
49 certificate of title, transfer of title or for the recording of a supplemental lien.

50 The *Commission Department* shall charge a fee of two dollars for the issuance of each  
51 duplicate title and for changes to a previously issued certificate of title which are made  
52 necessary by a change of the motor on the watercraft.

53 § 29.1-719 ~~62.1-186.8~~ . Acquisition of watercraft by dealer.—Any registered dealer who  
54 acquires a watercraft for resale shall be exempt from the titling requirement in this



1 chapter.

2 Any dealer transferring a watercraft required to be titled under this chapter shall  
3 assign the title to the new owner, or in the case of a new watercraft, assign the certificate  
4 of origin. The dealer shall forward all fees and applications to the ~~Commission, Department~~  
5 within fifteen days of sale.

6 § 29.1-720 ~~62.1-186.9~~ . Transfer to or from dealer; manufacturer's or importer's  
7 certificate.—A. No dealer shall purchase or acquire a new watercraft without obtaining from  
8 the seller thereof a manufacturer's or importer's certificate.

9 B. No manufacturer, importer, dealer, or other person shall sell or otherwise dispose of  
10 a new watercraft to a dealer for purposes of display and resale, without delivering to such  
11 the dealer a manufacturer's or importer's certificate.

12 C. The manufacturer's or importer's certificate shall be a uniform or standardized form  
13 prescribed by the ~~Commission, Department~~ and shall contain:

14 1. A description of the watercraft including its trade name, if any, year, series or  
15 model, body type, and manufacturer's serial number;

16 2. Certification of date of transfer of watercraft and name and address of transferee;

17 3. Certification that this was the transfer of watercraft in ordinary trade and commerce;  
18 and

19 4. Signature and address of a representative of the transferor.

20 D. On the reverse side of each manufacturer's or importer's certificate shall appear an  
21 assignment form, including the name and address of the transferee, a certification that the  
22 watercraft is new, and a warranty that the title at the time of delivery is subject only to  
23 such liens and encumbrances as set forth and described in full in the assignment.

24 § 29.1-721 ~~62.1-186.10~~ . Dealer's records.—Every dealer shall maintain a record for six  
25 years of any watercraft he bought, sold, exchanged or received for sale or exchange. This  
26 record shall be available for inspection by ~~Commission Department~~ representatives during  
27 reasonable business hours.

28 § 29.1-722 ~~62.1-186.11~~ . Duplicate certificate of title.—The ~~Commission Department~~ may  
29 issue a duplicate certificate of title plainly marked "duplicate" across its face upon  
30 application by the person entitled to hold such certificate if the ~~Commission Department~~ is  
31 satisfied that the original certificate has been lost, stolen, mutilated, destroyed, or becomes  
32 has become illegible. Mutilated or illegible certificates shall be returned to the ~~Commission~~  
33 ~~Department~~ with the application for a duplicate. If a duplicate certificate of title has been  
34 issued and the lost or stolen original is recovered, the original shall be promptly  
35 surrendered to the ~~Commission Department~~ for cancellation.

36 § 29.1-723 ~~62.1-186.12~~ . Certificate to show security interests.—The ~~Commission~~  
37 ~~Department~~ , upon receiving an application for a certificate of title to a watercraft showing  
38 security interests upon such the watercraft, shall, upon issuing the certificate of title to the  
39 owner, show upon the face of the certificate of title all security interests in the order of  
40 their priority as shown in such the application.

41 § 29.1-724 ~~62.1-186.13~~ . Security interests subsequently created.—Security interests, other  
42 than a security interest in inventory held for sale to be perfected only as provided in §§  
43 8.9-301 to 8.9-408, created in watercraft by the voluntary act of the owner after the original  
44 issue of title to the owner must be shown on the certificate of title. In such cases, the  
45 owner shall file an application with the ~~Commission Department~~ on a blank furnished for  
46 that purpose, setting forth the security interests and such other information as the  
47 ~~Commission Department~~ requires. The ~~Commission Department~~ , if satisfied that it is  
48 proper that the same information should be recorded and upon surrender of the certificate  
49 of title covering the watercraft, shall thereupon then issue a new certificate of title  
50 showing the security interests in the order of their priority according to the date of the  
51 filing of the application. For the purpose of recording such the subsequent security interest,  
52 the ~~Commission Department~~ may require any secured party to deliver the certificate of  
53 title to the ~~Commission Department~~ . The newly issued certificate shall be sent or  
54 delivered to the secured party from whom the prior certificate was obtained.

1     § 29.1-725 ~~62.1-186.14~~ . Certificate as notice of security interest.— ~~Such~~ *The* certificate of  
 2 title, when issued by the ~~Commission~~ *Department* showing a security interest, shall be  
 3 deemed adequate notice to the Commonwealth, creditors, and purchasers that a security  
 4 interest in the watercraft exists and the recording or filing of such creation or reservation  
 5 of a security interest in the county or city wherein the purchaser or debtor resides or  
 6 elsewhere is ~~not necessary~~ and shall not be required. Watercraft, other than those which  
 7 are inventory held for sale, for which a certificate of title ~~shall have~~ *has* been issued  
 8 under this chapter shall be exempt from the provisions of §§ 8.9-302, 8.9-304, 8.9-307,  
 9 8.9-309, 8.9-312, 8.9-318, 8.9-401 to 8.9-408, and 55-96.

10     § 29.1-726 ~~62.1-186.15~~ . Security interest may be filed within thirty days after purchase.—  
 11 If application for the recordation of a security interest to be placed upon a watercraft be  
 12 *is* filed in the principal office of the ~~Commission~~ *Department* within thirty days from the  
 13 date of such applicant's purchase of ~~such~~ *the* watercraft, it shall be valid to all persons,  
 14 including the Commonwealth , as if ~~such~~ *the* recordation had been done on the day ~~such~~  
 15 *the* security interest was acquired.

16     § 29.1-727 ~~62.1-186.16~~ . Priority of security interests shown on certificates.—The security  
 17 interests, except security interests in watercraft which are inventory held for sale and  
 18 *which* are perfected under §§ 8.9-401 to 8.9-408, shown upon ~~such~~ *the* certificates of title  
 19 issued by the ~~Commission~~ *Department* pursuant to applications for ~~same~~ *certificates* shall  
 20 have priority over any other liens or security interests against ~~such~~ *the* watercraft however  
 21 created and recorded, except ~~that~~ *lien of* for a mechanics *lien* for repairs to the extent of  
 22 \$150 given by § 43-33 if the requirements ~~therefor~~ exist, provided the mechanic furnishes  
 23 the holder of any such recorded lien who may request it with an itemized sworn statement  
 24 of the work done and materials supplied for which the lien is claimed.

25     § 29.1-728 ~~62.1-186.17~~ . Who to hold certificate of title subject to security interest.—The  
 26 certificate of title of ~~such~~ *the* watercraft shall be delivered to the person holding the  
 27 security interest having first priority upon the watercraft and retained by ~~him or them~~ *that*  
 28 *person* until the entire amount of ~~his or their~~ *the* security interest is fully paid by the  
 29 owner of the watercraft. ~~Thereupon~~ *The* certificate of title shall ~~then~~ be delivered to  
 30 the secured party next in order of priority and so on, or, if none, then to the owner of the  
 31 watercraft.

32     § 29.1-729 ~~62.1-186.18~~ . Release of security interest shown on certificate of title.—An  
 33 owner, upon securing the release of any security interest upon a watercraft shown upon the  
 34 certificate of title issued ~~therefor~~ *for the watercraft* , may exhibit the documents  
 35 evidencing ~~such~~ *the* release, signed by the person or persons making such release, and the  
 36 certificate of title to the ~~Commission~~ *Department* ; ~~or when~~ . *When* it is impossible to  
 37 secure ~~such~~ *the* release from the secured party, the owner may exhibit to the ~~Commission~~  
 38 ~~whatever~~ *Department* any available evidence ~~may be available~~ showing that the debt  
 39 secured has been satisfied, together with a statement by the owner under oath that the  
 40 debt has been paid. ~~The Commission~~ *When the Department is* satisfied as to the  
 41 genuineness and regularity ~~thereof~~ *of the satisfied debt, the Department* shall issue to the  
 42 owner either a new certificate of title in proper form or an endorsement or rider showing  
 43 the release of the security interest which the ~~Commission~~ *Department* shall attach to the  
 44 outstanding certificate of title.

45     § 29.1-730 ~~62.1-186.19~~ . Surrender of certificate required when security interest paid.—It  
 46 shall be ~~unlawful~~ and constitute a Class 1 misdemeanor for a secured party who holds a  
 47 certificate of title as provided in this chapter to refuse or fail to surrender ~~such~~ *the*  
 48 certificate of title to the person *to whom it is* legally entitled ~~thereto~~ within ten days after  
 49 ~~his~~ *the* security interest shall ~~have~~ *has* been paid and satisfied.

50     § 29.1-731 ~~62.1-186.20~~ . Levy of execution, etc.—A levy made by virtue of an execution,  
 51 fieri facias or other proper court order, upon a watercraft for which a certificate of title  
 52 has been issued by the ~~Commission~~ *Department* , shall constitute a lien, subsequent to  
 53 security interests ~~theretofore~~ *previously* recorded by the ~~Commission~~ *Department* and  
 54 subsequent to security interests in inventory held for sale and perfected as otherwise

1 permitted by law, if and when the officer making such *the* levy reports to the Commission  
 2 Department at its principal office, on forms provided therefor by the Commission  
 3 Department, that such *the* levy has been made and that the watercraft thus levied upon  
 4 has been seized by and is in the custody of such *the* officer. Should the lien thereafter be  
 5 satisfied or should the watercraft thus levied upon and seized thereafter be released by  
 6 such *the* officer, he shall immediately report that fact to the Commission Department at its  
 7 principal office. Any owner who, after such levy and seizure by an officer and before the  
 8 report thereof is made by the officer to the Commission Department, fraudulently assigns  
 9 or transfers his title to or interest in such *the* watercraft, or causes the certificate of title  
 10 thereto to be assigned or transferred, or causes a security interest to be shown upon such  
 11 certificate of title, shall be deemed guilty of a Class 1 misdemeanor.

12 § 29.1-732 ~~62.1-186.21~~. When unlawful to have in possession *Possession of* certificate of  
 13 title issued to another *unlawful*.—It shall be unlawful and constitute a Class 1 misdemeanor  
 14 for any person in this State *the Commonwealth* to have in his possession a certificate of  
 15 title issued by the Commission Department to a person other than the *lawful* holder  
 16 thereof, unless and until the certificate of title has been duly assigned to the holder as  
 17 provided in this chapter. This section shall not apply to secured parties who legally hold  
 18 such certificates of title as provided in this chapter.

19 § 62.1-186.22. Secured transactions prior to January 1, 1982.—Secured transactions validly  
 20 entered into prior to January 1, 1982, and the rights, duties, and interests flowing from  
 21 them shall remain valid hereafter and may be terminated, completed, consummated or  
 22 enforced as required or permitted by any other provision of this Code, amended or  
 23 repealed by this act as though such repeal or amendment had not occurred. Without  
 24 limiting the foregoing, a security interest which has been granted and perfected prior to  
 25 the January 1, 1982, shall continue effective subject to any required filing of a continuation  
 26 statement under the provisions of § 8.9-403. If a certificate of title is issued for such  
 27 watercraft as contemplated by this chapter and a security interest granted or perfected  
 28 otherwise prior to January 1, 1982, is noted thereon, then no continuation statement under  
 29 § 8.9-403 shall be necessary.

30 *Drafting Note* : References to the January 1, 1982 date are obsolete. Security interests  
 31 would remain valid by law under § 8.9-403.

32 § 29.1-733 ~~62.1-186.23~~. Registration prima facie evidence of ownership; rebuttal.—  
 33 Issuance of registration under the provisions of § ~~62.1-170~~ 29.1-702 shall be prima facie  
 34 evidence of ownership of a watercraft and entitlement to a certificate of title under the  
 35 provisions of this chapter, but such registration and certificate of title shall be subject to  
 36 rebuttal.

37 § 62.1-186.24. Certificate of title not based on manufacturer's or importer's certificate.—  
 38 Any certificate of title issued based upon a registration made prior to January 1, 1982, or  
 39 otherwise and not through a manufacturer's or importer's certificate as contemplated by §  
 40 ~~62.1-186.8~~ shall bear a legend thereon in bold language as follows:

41 The certificate of title to this watercraft was issued under the presumption of ownership  
 42 attaching to a registration under § 62.1-170 and not pursuant to a certificate of a  
 43 manufacturer or an importer, and this certificate of title is prima facie only. Security  
 44 interests existing prior to January 1, 1982, are not necessarily noted hereon.

45 *Drafting Note* : Since all titles would have been renewed by now, existing § 62.1-186:24  
 46 appears to be unnecessary.

### 47 Article 3.

#### 48 Boating Safety.

49 § 29.1-734 ~~62.1-171~~. Authorization for and placing of markers in waters of the  
 50 Commonwealth used for public swimming areas; *no motorboating, waterskiing in marked*  
 51 *area*. — (a) A. Any owner of real estate which touches any of the waters of this  
 52 Commonwealth or the agent of the owner may petition the Commission Board to authorize  
 53 the placing of markers approved by the Commission Board around a public swimming or  
 54 bathing area.

1 (b) *B. The Commission Department* , upon receiving the petition and sufficient proof  
 2 and such other information as the Commission requires that the water adjacent to the real  
 3 estate is used in whole or in part as a public swimming or bathing area, may authorize the  
 4 placement of such *the* markers as are necessary to designate the area as a swimming or  
 5 bathing area.

6 (c) *C. The cost of the purchase and placement of such the markers shall be borne by*  
 7 the party requesting the placement of the markers.

8 *D. No person shall operate a motorboat or manipulate skis within the area of the*  
 9 *waters of the Commonwealth marked under this section. Persons violating this subsection*  
 10 *shall be guilty of a Class 4 misdemeanor.*

11 *Drafting Note:* Existing § 62.1-180 is merged into this section as subsection (D) since it  
 12 currently makes direct reference to it.

13 § 29.1-734.1. *Skin and scuba divers.—A. No person shall engage in skin diving or scuba*  
 14 *diving from a boat in the waters of this Commonwealth which are open to boating, or*  
 15 *assist in such diving, without displaying a diver's flag from a mast, buoy, or other*  
 16 *structure at the place of diving; and no person shall display such flag except when diving*  
 17 *operations are under way or in preparation or display a diver's flag in a location which*  
 18 *will unreasonably obstruct vessels from making legitimate navigational use of the water.*

19 *B. The diver's flag shall be square, not less than 12 inches on a side, and shall be of*  
 20 *red background with a diagonal white stripe, of a width equal to one fifth of the flag's*  
 21 *height, running from the upper corner adjacent to the mast downward to the opposite*  
 22 *outside corner.*

23 *C. No operator of a vessel under way in the waters of this Commonwealth shall*  
 24 *permit such vessel to approach closer than twenty-five yards to any structure from which*  
 25 *a diver's flag is then being displayed.*

26 *Drafting Note :* Proposed § 29.1-734.1 was added by the Code Commission since current  
 27 laws and regulations on the flag requirements were vague.

28 § 29.1-735 ~~62.1-172.1~~ . *Classification of motorboats; required equipment; rules and*  
 29 *Regulations for vessel operation and equipment . —A. Motorboats subject to the provisions*  
 30 *of this chapter shall be divided into four classes as follows:*

- 31 1. *Class A. Less than sixteen feet in length.*
- 32 2. *Class 1. Sixteen feet or over and less than twenty-six feet in length.*
- 33 3. *Class 2. Twenty-six feet or over and less than forty feet in length.*
- 34 4. *Class 3. Forty feet or over.*

35 ~~B. A.~~ *The Commission Board shall adopt such regulations as it deems appropriate: (i) to*  
 36 *provide rules for the safe and reasonable operation of vessels so as to reduce the risks of*  
 37 *collision, personal injury and property damage as a result of such operation; and (ii) to*  
 38 *govern the number, type, condition, performance capabilities, use, and stowage on board, of*  
 39 *lifesaving (personal flotation) devices and other safety equipment to be carried on vessels*  
 40 *or classes of vessels operated on waters within the territorial limits of this Commonwealth.*

41 ~~C. B.~~ *The Commission Board is hereby authorized to make rules and regulations to the*  
 42 *extent necessary to keep these requirements generally in conformity with the provisions of*  
 43 *the federal navigation laws, or , with the rules promulgated by the United States Coast*  
 44 *Guard or the United States Secretary of Transportation.*

45 ~~D. C.~~ *No person shall operate or give permission for the operation of a vessel which is*  
 46 *not equipped as required by this section or modification thereof Board regulations .*

47 *Drafting Note :* The classes listed in existing Paragraph A are not referred to anywhere  
 48 else in the chapter and are stricken as unnecessary.

49 § 62.1-173. *Exemption from numbering requirements. A motorboat shall not be required*  
 50 *to be numbered under this chapter if it is:*

51 (1) *A motorboat which has been awarded a number pursuant to federal law or a*  
 52 *federally approved numbering system of another state: Provided, that any such boat shall*  
 53 *not have been within this State for a period in excess of ninety consecutive days.*

54 (2) *A motorboat from a country other than the United States temporarily using the*

1 waters of this State.

2 (3) A motorboat which is used in a governmental function by the United States, a state  
3 or a subdivision thereof.

4 (4) A ship's lifeboat.

5 (5) A vessel which has a valid marine document issued by the Bureau of Customs of  
6 the United States government or any federal agency successor thereto.

7 (6) A racing boat used during an authorized race and during a twenty-four hour period  
8 before and after such race.

9 (7) A motorboat having a total propulsion force as determined by the manufacturer's  
10 maximum horsepower rating of less than ten horsepower whether or not such total  
11 propulsion force is in use; provided, however, that no boat shall be exempted from  
12 numbering under this subsection after midnight, September 30, 1972.

13 (8) A motorboat belonging to a class of vessels which has been exempted from  
14 numbering by a regulation adopted by the Commission after the Commission has found that  
15 applicable federal law or federal regulation has exempted, or permitted the exemption of,  
16 such class of vessels.

17 *Drafting Note:* Existing § 62.1-173 has been relocated into Article 1, Boat Registration  
18 and Identification, and appears as proposed of § 29.1-710.

19 § 29.1-736 ~~62.1-174~~ . Boat livery rentals; equipment .— A. It shall be unlawful for the  
20 owner of a boat livery to rent a motorboat to any person unless the provisions of this  
21 chapter have been complied with. It shall be the duty of owners of boat livery *persons*  
22 *renting motorboats* to equip all motorboats rented *them* as required by this chapter.

23 B. § 62.1-196. Persons renting boats other than motorboats on public waters to provide  
24 life preserves. It shall be unlawful for any person to regularly offer a boat or boats, other  
25 than a motorboat, for rent for use on the public waters of this State *the Commonwealth*  
26 unless such person shall provide *provides* , for the use of each passenger in each such *the*  
27 boat, a life preserver of the sort prescribed by the regulations of the Commission of Game  
28 and Inland Fisheries *Board* . Any person violating this section shall be guilty of a  
29 misdemeanor and punished accordingly. Every game warden and every other law  
30 enforcement officer of this State and its political subdivisions shall have the authority to  
31 enforce the provisions of this section.

32 *Drafting Note:* Existing § 62.1-196 relates to boating safety and is merged with proposed  
33 § 29.1-736 as subsection B.

34 § 29.1-737 ~~62.1-175~~ . Muffling devices.—The exhaust of every internal combustion engine  
35 used on any motorboat shall be effectively muffled by equipment so constructed and used  
36 as to muffle the noise of the exhaust in a reasonable manner. *The muffling device shall*  
37 *exhaust at or below the water line or it shall be equipped with mechanical baffles.* The  
38 use of cutouts is prohibited, except for motorboats competing in a regatta or boat race  
39 approved as provided in § ~~62.1-181~~ 29.1-743 , and for such motorboats while on trial runs ;  
40 during a period not to exceed *within* forty-eight hours immediately preceding such regatta  
41 or race and for such motorboats *or* while competing in official trials ; for speed records  
42 during a period not to exceed *within* forty-eight hours immediately following such regatta  
43 or race.

44 *Drafting Note :* The new language which appears in proposed § 29.1-737 attempts to  
45 clarify what type of muffler is required.

46 § 29.1-738 ~~62.1-176~~ . Operating boat or manipulating water skis, etc., in reckless manner  
47 or while intoxicated, etc.— (a) A. No person shall operate any motorboat or vessel, or  
48 manipulate any skis, surfboard, or similar device, *or engage in any spearfishing while skin*  
49 *diving or scuba diving* in a reckless or negligent manner so as to endanger the life, limb,  
50 or property of any person.

51 (b) B. No person shall operate any motorboat or vessel, or manipulate any water skis,  
52 surfboard or similar device, *or engage in any skin diving or scuba diving activities* while  
53 intoxicated or under the influence of any narcotic drug, barbiturate, or marijuana.

54 Any person who shall violate *violates* any provision of this section shall be guilty of a

1 *Class 1 misdemeanor and may be punished as provided by § 18.1-9 .*

2 *Drafting Note:* The penalty prescribed in § 18.2-12 (old § 18.1-9) is a Class 1  
3 misdemeanor.

4 § 29.1-739 ~~62.1-177~~ . Duty of operator involved in collision, accident or other casualty;  
5 immunity from liability; report of collision, etc.; summons in lieu of arrest.— (a) A. It shall  
6 be the duty of the operator of a vessel involved in a collision, accident, or other casualty,  
7 so far as he can do so without serious danger to his own vessel, crew, and passengers (if  
8 any), to render persons affected by the collision, accident, or other casualty such assistance  
9 as may be practicable and as may be necessary in order to save them from or minimize  
10 any danger caused by the collision, accident, or other casualty, and also give his name,  
11 address, and identification of his vessel in writing to any person injured and to the owner  
12 of any property damaged in the collision, accident, or other casualty. Any person who  
13 complies with this subsection or who gratuitously and in good faith renders assistance at  
14 the scene of a vessel collision, accident, or other casualty without objection of any person  
15 assisted, shall not be held liable for any civil damages as a result of the rendering of  
16 assistance or for any act or omission in providing or arranging salvage, towage, medical  
17 treatment or other assistance where the assisting person acts as an ordinary, reasonably  
18 prudent man *person* would have acted under the same or similar circumstances.

19 (b) B. In case of collision, accident, or other casualty involving a vessel, the operator  
20 thereof *of the vessel* , if the collision, accident, or other casualty is of such a nature as to  
21 be reportable pursuant to regulations adopted by the *Commission Board* , shall file with the  
22 *Commission Department* a full report of the collision, accident, or other casualty, within  
23 such time limits, and including such information, in such form, as the regulations of the  
24 *Commission Board* may require. ~~Such~~ *The* report shall be without prejudice, shall be for  
25 the information of the *Commission Department* only, and shall not be open to public  
26 inspection. The fact that such a report has been made shall be admissible in evidence  
27 solely to show compliance with this section and *applicable* regulations adopted thereunder ,  
28 but no such report nor any statement contained therein *in the report* shall be admissible as  
29 evidence for any other purpose in any trial.

30 (c) C. Any officer investigating any collision, accident or other casualty shall have  
31 authority, in lieu of arresting any person charged with violating any of the provisions of  
32 this chapter, to issue a written summons to ~~such~~ *the* person (stating name, address, boat  
33 number, offense charged, etc.) to appear in court as in § 46.1-178.

34 § 29.1-740 ~~62.1-177.1~~ . ~~Same;~~ *Duty* to stop and render assistance; penalties for  
35 violations.—It shall be the duty of every operator of a vessel *involved in a collision* to stop  
36 and render assistance as required by § ~~62.1-177~~ 29.1-739 . If any person shall knowingly  
37 ~~fail~~ *fails* to comply with the provisions of § ~~62.1-177~~ 29.1-739 , when the collision, accident  
38 or other casualty results in serious bodily injury to, or the death of, any person, he shall  
39 be guilty of a Class 6 felony. If any person shall knowingly ~~fail~~ *fails* to comply with the  
40 provisions of § ~~62.1-177~~ 29.1-739 , when the collision, accident or other casualty results only  
41 in damage to property, ~~such operator~~ *he* shall be guilty of a Class 1 misdemeanor ; .  
42 ~~provided, however,~~ *However,* if the vessel struck is unattended and the damage is less than  
43 fifty dollars ~~thereto~~ , such person shall be punished only by a fine not exceeding fifty  
44 dollars.

45 § 29.1-741 ~~62.1-178~~ . Furnishing information to agency of United States.—In accordance  
46 with any request duly made by an authorized official or agency of the United States, any  
47 information compiled or otherwise available to the *Commission Department* pursuant to §  
48 ~~62.1-177~~ (b) 29.1-739(B) shall be transmitted to said *the* official or agency of the United  
49 States.

50 § 29.1-742 ~~62.1-179~~ . Towing water skis, surfboards, etc.— (a) A. No person shall operate  
51 a vessel on any waters of ~~this State~~ *the Commonwealth* for towing a person or persons on  
52 water skis, a surfboard, or a similar device unless there is in ~~such~~ *the* vessel a person, in  
53 addition to the operator, in a position to observe the progress of the person or persons  
54 being towed or unless the skier or skiers wear life preservers.

1     ~~(b)~~ B. No person shall operate a vessel on any water of ~~this State~~ *the Commonwealth*  
 2 towing a person or persons on water skis, a surfboard, or a similar device, nor shall any  
 3 person engage in water skiing or a similar activity at any time between the hours from  
 4 one hour after sunset to one hour before sunrise. The provisions of this paragraph shall not  
 5 constitute a defense to any provision of § ~~29.1-738~~ ~~62.1-176~~ of this Code.

6     ~~(e)~~ C. The provisions of subsections ~~(a)~~ A and ~~(b)~~ B of this section do not apply to a  
 7 performer engaged in a professional exhibition or a person or persons engaged in an  
 8 activity authorized under § ~~62.1-181~~ ~~29.1-743~~ .

9     ~~(d)~~ D. No person shall operate or manipulate any vessel, towrope, or other device by  
 10 which the direction or location of water skis, a surfboard, or a similar device may be  
 11 affected or controlled in such a way as to cause the water skis, surfboard, or similar  
 12 device, or any person ~~thereon~~ *upon the device* to collide with any object or person.

13     § ~~62.1-180~~. Motorboats and skis prohibited in waters of the State marked for public  
 14 swimming areas. No person shall operate a motorboat or manipulate skis within the area  
 15 of the waters of this State marked by the Commission as provided in § ~~62.1-171~~ of the  
 16 Code of Virginia.

17     *Drafting Note:* Existing § 62.1-180 now appears as subsection D of proposed § 29.1-734.

18     § ~~29.1-743~~ ~~62.1-181~~ . Regattas, races, marine parades, tournaments or exhibitions.— ~~(a)~~  
 19 A. The ~~Commission Board~~ may authorize the holding of regattas, motorboat , or other boat  
 20 races, marine parades, tournaments, or exhibitions on any waters of ~~this State~~ *the*  
 21 *Commonwealth* . It shall adopt and may , ~~from time to time~~, amend regulations concerning  
 22 the safety of motorboats and other vessels and persons thereon , ~~either observers or~~  
 23 ~~participants~~ . Whenever a regatta, motorboat , or other boat race, marine parade,  
 24 tournament, or exhibition is proposed to be held, the person in charge thereof, shall, at  
 25 least thirty days prior ~~thereto~~ *to the event* , file an application with the ~~Commission Board~~  
 26 for permission to hold ~~such~~ *the* regatta, motorboat , or other boat race, marine parade,  
 27 tournament, or exhibition. The application shall set forth the date, time and location where  
 28 it is proposed to hold ~~such~~ *regatta, motorboat, or other boat race, marine parade,*  
 29 ~~tournament, or exhibition~~ *activity* , and it shall not be conducted without *written*  
 30 authorization of the ~~Commission~~ *in writing* ~~Board~~ .

31     ~~(b)~~ B. The provisions of this section shall not exempt any person from compliance with  
 32 applicable federal law or regulation, but nothing ~~contained herein~~ *in this section* shall be  
 33 construed to require the securing of a ~~State~~ *state* permit pursuant to this section if a ~~the~~  
 34 ~~necessary~~ permit ~~therefor~~ has been obtained from an authorized agency of the United  
 35 States.

36     § ~~29.1-744~~ ~~62.1-182~~ . Local regulation; application for placement of “no wake” buoys,  
 37 etc.— ~~(a)~~ A. Any political subdivision of this Commonwealth , may , at any time, but only  
 38 after public notice, ~~make formal application~~ *formally apply* to the ~~Commission Board~~ for  
 39 special rules and regulations with reference to the safe and reasonable operation of vessels  
 40 on any water within its territorial limits and shall ~~set forth~~ *therein specify in the*  
 41 *application* the reasons which make ~~such~~ *the* special rules or regulations necessary or  
 42 appropriate.

43     ~~(b)~~ B. The ~~Commission Board~~ is ~~hereby~~ authorized upon application by a political  
 44 subdivision or its own motion to make special or general rules and regulations with  
 45 reference to the safe and reasonable operation of vessels on any waters within the  
 46 territorial limits of any political subdivision of this Commonwealth ; . ~~without~~ *Without*  
 47 limiting the generality of the grant of such power, a system of regulatory or navigation  
 48 markers may be adopted by the ~~Commission Board~~ . Nothing in this section shall be  
 49 construed to affect the application of any general law concerning the tidal waters of this  
 50 Commonwealth.

51     ~~(e)~~ C. Any county, city or town of this Commonwealth may enact ordinances which  
 52 parallel general law regulating the operation of vessels on any waters within its territorial  
 53 limits, including the marginal ~~adjacent~~ *adjacent* ~~thereto~~ , and the conduct and  
 54 activity of any person using such waters , . ~~and~~ *The locality* may also provide for the

1 enforcement thereof and penalties for the violation thereof *of the ordinances* , provided  
2 said *the* penalties do not exceed the penalties provided in this chapter for similar offenses.

3 (d) *D.* Any person who desires to place “no wake” buoys or other markers relating to  
4 the safe and efficient operation of vessels pursuant to any local ordinance shall ~~make~~  
5 ~~application~~ *apply* to the local governing body. The local governing body shall forward the  
6 application to the Executive Director of the Commission of Game and Inland Fisheries ,  
7 who shall approve, disapprove or approve with modifications within thirty days the  
8 placement and type of marker to be used. Any marker or buoy which is not placed in  
9 conformance with the regulations of the ~~Commission Board~~ or which is not properly  
10 maintained may be removed by the ~~Commission Department~~ .

11 § 62.1-183. Regulations to conform with Chapter 8, Article 1 of Title 29; publication.—All  
12 regulations shall conform to Chapter 8, Article 1 (§ 29-125 et seq.), Title 29 of the Code of  
13 Virginia and all rules and regulations shall be published by the Commission in a convenient  
14 form.

15 *Drafting Note* : Existing § 62.1-183 has been restated in proposed § 29.1-701.

16 § 29.1-745 ~~62.1-184~~ . Enforcement of chapter; vessels displaying Coast Guard inspection  
17 decal.—Every game warden, Marine Resources Commission inspector, and every other  
18 law-enforcement officer of ~~this State~~ *the Commonwealth* and its subdivisions shall have the  
19 authority to enforce the provisions of this chapter and in the exercise thereof shall have  
20 authority to stop , ~~board and inspect~~ any vessel subject to this chapter ; and, after having  
21 identified himself in his official capacity , . shall have authority to board and inspect any  
22 vessel subject to this chapter; provided that, except ~~Except~~ for enforcement of § 62.1-176  
23 29.1-738 ; and the requirement of having the registration certificate on board, the  
24 provisions of this section shall not apply to any vessel of twenty-six feet or more in length  
25 on which is displayed a current valid United States Coast Guard or United States Coast  
26 Guard Auxiliary inspection decal.

27 § 29.1-746 ~~62.1-185~~ . Penalties.— ~~Unless specified otherwise, Any any~~ person who violates  
28 any provision of §§ 62.1-169, 62.1-170 ; 62.1-172.1, 62.1-174, 62.1-175 ; 62.1-177, 62.1-179,  
29 62.1-180, 62.1-181, and 62.1-184 ~~this chapter or any regulation adopted under this chapter~~  
30 shall be guilty of a *Class 4* misdemeanor and shall be punished by a fine of not more than  
31 fifty dollars for each such violation.

32 *Drafting Note*: The penalty prescribed here is restated as a Class 4 misdemeanor. Some  
33 sections within proposed Chapter 7 specify higher penalties which will apply in lieu of the  
34 Class 4 penalty.

35 § 62.1-186. Operation of watercraft by manufacturers, dealers, etc.— Notwithstanding any  
36 other provisions of this chapter, the Commission may promulgate such rules and regulations  
37 regarding the operation of watercraft by manufacturers, distributors, dealers, and  
38 demonstrators as the Commission may deem necessary and proper.

39 *Drafting Note* : The authority to promulgate rules and regulations for operation of  
40 watercraft by dealers and manufacturers would derive from the Board’s general authority  
41 to prescribe rules and regulations for the administration of the chapter (proposed §  
42 29.1-702(E)). Existing § 62.1-186 appears unnecessary.

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APPENDIX B

Title 29.1  
Additional Changes

1. Existing §§ 29-213.1 through 29-213.4 (Control of Rabies - Chapter 9) are proposed to be relocated to Title 32.1 and appear as Article 3.1 (§§ 32.1-48.1 through 32.1-48.4) of Chapter 2 - Disease Prevention and Control.
2. Existing §§ 29-213.36 through 29-213.100 (Comprehensive Animal Laws - Chapter 9.4) are proposed to be relocated to Title 3.1 under a new Chapter 27.4 (§§ 3.1-796.66 et seq.) However, § 29-213.96 will remain in Title 29.1 and will be located under Chapter 4.
3. A new section is proposed in Title 15.1 (§ 15.1-28.5:1) which will serve to cross reference those Comprehensive Animal Laws which pertain to powers, duties, and responsibilities of local governing bodies:

§ 15.1-28.5:1. Authority of local government concerning animal laws. -- The powers and duties of local governing bodies relating to the control and protection of animals, and the administration and enforcement of local animal laws are contained in Chapter 27.4 of Title 3.1, (§ 3.1-796.66 et seq.) and referred to as the Comprehensive Animal Laws.
4. Existing Chapter 10 - Enforcement of Forfeitures (§§ 29-214 through 29-229) is being repealed since virtually identical provisions are set out in Title 19.2 (§§ 19.2-369 through 19.2-386).
5. Existing § 19.2-8 relating to limitations on prosecutions is proposed to be amended to allow that prosecution of illegal sales or purchases of wild birds, wild animals and fresh water fish under proposed §§ 29.1-553 shall commence within three years after commission of the offense.

APPENDIX C

Comparative Tables

Old Title 29

New Title 29.1

Chapter 1

|          |                       |
|----------|-----------------------|
| 29-1     | Repealed              |
| 29-1.1   | 29.1-109 B            |
| 29-2     | 29.1-109 B            |
| 29-2.1   | 29.1-100              |
| 29-3     | 29.1-102 A            |
| 29-4     | 29.1-102 A            |
| 29-5     | Repealed in 1980      |
| 29-6     | 29.1-103              |
| 29-7     | 29.1-107              |
| 29-8     | 29.1-102C, 29.1-109 B |
| 29-9     | Repealed              |
| 29-10    | Repealed              |
| 29-11    | 29.1-103              |
| 29-11.1  | 29.1-105              |
| 29-11.2  | 29.1-104              |
| 29-12    | 29.1-106              |
| 29-13    | 29.1-109 B            |
| 29-14    | 29.1-109 B            |
| 29-15    | 29.1-109 B            |
| 29-16    | 29.1-109 B            |
| 29-17    | 29.1-102 D            |
| 29-18    | 29.1-108              |
| 29-19    | Repealed in 1984      |
| 29-20    | 29.1-101              |
| 29-21    | 29.1-110 A            |
| 29-22    | 29.1-110 B            |
| 29-23    | 29.1-111 A            |
| 29-23.01 | 29.1-111 B            |
| 29-23.1  | Repealed in 1977      |

Chapter 2.1

|                                |                        |
|--------------------------------|------------------------|
| 29-23.2<br>through<br>29-23.10 | Repealed<br>in<br>1974 |
|--------------------------------|------------------------|

Chapter 3

|       |          |
|-------|----------|
| 29-24 | 29.1-200 |
| 29-25 | Repealed |
| 29-26 | Repealed |
| 29-27 | 29.1-201 |

|         |                  |
|---------|------------------|
| 29-28   | 29.1-200         |
| 29-29   | 29.1-202         |
| 29-30   | 29.1-203         |
| 29-31   | 29.1-204         |
| 29-32   | 29.1-205         |
| 29-32.1 | Repealed         |
| 29-32.2 | 29.1-207         |
| 29-33   | 29.1-208         |
| 29-34   | 29.1-209         |
| 29-34.1 | 29.1-210         |
| 29-34.2 | Repealed         |
| 29-35   | 29.1-212         |
| 29-35.1 | 29.1-213         |
| 29-35.2 | 29.1-214         |
| 29-36   | Repealed         |
| 29-36.1 | Repealed in 1977 |
| 29-37   | Repealed         |
| 29-37.1 | 29.1-217         |
| 29-37.2 | 29.1-218         |

Chapter 4

|       |                  |
|-------|------------------|
| 29-38 | 29.1-600         |
| 29-39 | 29.1-601         |
| 29-40 | 29.1-602         |
| 29-41 | 29.1-603         |
| 29-42 | 29.1-604         |
| 29-43 | Repealed         |
| 29-44 | 29.1-606         |
| 29-45 | 29.1-607         |
| 29-46 | 29.1-608         |
| 29-47 | 29.1-609         |
| 29-48 | 29.1-611         |
| 29-49 | Repealed in 1975 |
| 29-50 | repealed in 1977 |

Chapter 5

|           |                  |
|-----------|------------------|
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