CODE OF VIRGINIA

Title 29.1

Game, Inland Fisheries and Boating

Title 29.1 - Wildlife, Inland Fisheries and Boating

Chapter 1 - Administration of Wildlife Resources

Article 1 - General Provisions

§ 29.1-100. Definitions.

As used in and for the purposes of this title only, or in any of the regulations of the Board, unless the context clearly requires a different meaning:

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

"Board" means the Board of Wildlife Resources.

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

"Conservation police officers" means supervising officers, and regular and special conservation police officers.

"Department" means the Department of Wildlife Resources.

"Director" means the Director of the Department of Wildlife Resources.

"Firearm" means any weapon that will or is designed to or may readily be converted to expel single or multiple projectiles by the action of an explosion of a combustible material.

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

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

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

"Game animals" means deer (including all Cervidae), bear, rabbit, fox, squirrel, bobcat and raccoon.

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

"Hunting and trapping" includes the act of or the attempted act of taking, hunting, trapping, pursuing, chasing, shooting, snaring or netting birds or animals, and assisting any person who is hunting, trapping or attempting to do so regardless of whether birds or animals are actually taken; however, when

hunting and trapping are allowed, reference is made to such acts as being conducted by lawful means and in a lawful manner. The Board of Wildlife Resources may authorize by regulation the pursuing or chasing of wild birds or wild animals during any closed hunting season where persons have no intent to take such birds or animals.

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

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

"Muzzleloader" means any firearm described in subdivision 3 of the definition of antique firearm in § 18.2-308.2:2.

"Muzzleloading pistol" means a muzzleloader originally designed, made or intended to fire a projectile (bullet) from one or more barrels when held in one hand and that is loaded from the muzzle or forward end of the cylinder.

"Muzzleloading rifle" means a muzzleloader firing a single projectile that is loaded along with the propellant from the muzzle of the gun.

"Muzzleloading shotgun" means a muzzleloader with a smooth bore firing multiple projectiles that are loaded along with the propellant from the muzzle of the gun.

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

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

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

"Pistol" means a weapon originally designed, made, and intended to fire a projectile (bullet) from one or more barrels when held in one hand, and having one or more chambers as an integral part of or permanently aligned with the bore and a short stock at an angle to and extending below the line of the bore that is designed to be gripped by one hand.

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

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

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

"Revolver" means a projectile weapon of the pistol type, having a breechloading chambered cylinder arranged so that the cocking of the hammer or movement of the trigger rotates it and brings the next cartridge in line with the barrel for firing.

"Rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder, and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

"Shotgun" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder, and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore or rifled shotgun barrel either a number of ball shot or a single projectile for each single pull of the trigger.

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

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

1952, c. 573, § 29-131; 1952, c. 608, § 29-2.1; 1962, c. 469; 1974, c. 302; 1979, c. 264; 1984, c. 199; 1987, cc. 134, 488; 1990, c. 371; 2002, c. 157; 2012, cc. 247, 603; 2015, c. 618; 2017, c. 161; 2020, c. 958.

§ 29.1-100.1. Department of Game and Inland Fisheries continued as Department of Wildlife Resources.

The Department of Wildlife Resources, formerly known as the Department of Game and Inland Fisheries, is continued, and wherever "Department of Game and Inland Fisheries" is used in this Code, it shall mean the Department of Wildlife Resources. The Board of Wildlife Resources, formerly known as the Board of Game and Inland Fisheries, is continued, and wherever "Board of Game and Inland Fisheries" is used in this Code, it shall mean the Board of Wildlife Resources.

2020, c. 958.

§ 29.1-101. Game Protection Fund.

The amount received by the State Treasurer from the collection of admittance, parking, or other use fees, the sale of hunting, trapping and fishing licenses, revenue generated from the sales and use tax pursuant to subsection E of § 58.1-638, and such other items as may accrue to the Board shall be set aside and shall constitute the Game Protection Fund. The income and principal of this Fund, including

any unexpended balance, shall be a separate fund in the state treasury and shall only be used for the payment of the salaries, allowances, wages, and expenses incident to carrying out the provisions of the hunting, trapping and inland fish laws and for no other purpose, except as provided in §§ 29.1-101.01, 29.1-701, subdivision B 1 of 58.1-344.3, and 58.1-1410.

Code 1950, § 29-20; 1979, c. 264; 1981, c. 204; 1987, c. 488; 1991, c. 70; 1998, c. 320; 2003, c. 562; 2005, cc. 860, 889.

§ 29.1-101.01. Capital Improvement Fund.

There is hereby created in the state treasury a special, nonreverting fund to be known as the Capital Improvement Fund, hereafter referred to as "the Fund." The Fund shall consist of those funds that may be so designated by the Board and any gifts, grants, and contributions from any person, foundation, or other legal entity. In addition, the Board may transfer to this Fund an amount equal to fifty percent or less of the revenue generated annually from the sales and use tax which has been deposited in the Game Protection Fund pursuant to subsection E of § 58.1-638. The income and principal in the Fund shall be used only for the purchase, construction, maintenance, or repair of capital assets of the Department.

The Fund shall be established on the books of the Comptroller. All moneys received shall be paid into the state treasury and credited to the Fund. Interest earned on the moneys in the Fund shall remain in the Fund and be credited to the Fund. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund, except as provided in subsection E of § 58.1-638.

1998, c. 320.

§ 29.1-101.1. Lifetime Hunting and Fishing Endowment Fund.

There is hereby established in the state treasury a special fund to be designated the "Lifetime Hunting and Fishing Endowment Fund." This fund shall consist of proceeds from the sale of lifetime hunting and fishing licenses as provided in § 29.1-302.1 and any gifts, grants and contributions which are specifically designated for inclusion in the Fund.

The income and principal of this Fund shall be used only for the purposes of administering the lifetime hunting and fishing license program and supporting the wildlife conservation programs of the Department.

The Board shall serve as trustee of the Fund and these funds shall be withdrawn and expended for the purposes stated in this section by order of the Board. The State Treasurer shall be custodian of the funds. No part of such Fund, either principal or interest earned thereon, shall revert to the general fund of the state treasury.

1987, c. 95, § 29-20.1; 2020, c. 958.

Article 1.1 - VIRGINIA FISH PASSAGE GRANT AND REVOLVING LOAN FUND

§ 29.1-101.2. Creation and management of Fund.

There is a permanent revolving fund known as the Virginia Fish Passage Grant and Revolving Loan Fund, hereinafter referred to as the Fund. The Fund shall be comprised of general fund moneys, receipts by the Fund from loans made by it, all income from the investment of moneys held by the Fund, and any other sums designated for deposit to the Fund from any source, public or private. The Fund shall be administered and managed by the Department and shall be used solely for the administration and management of the Fund and the Fish Passage Program. Moneys may be expended (i) as provided for in §§ 29.1-101.5 and 29.1-101.6 and (ii) for the costs incurred by the Department in the management of the Fund and operation of the Fish Passage Program.

1989, c. 5, § 10.1-1214; 1992, cc. 464, 887.

§ 29.1-101.3. Deposit of money.

All money belonging to the Fund shall be recorded on the books of the State Comptroller and deposited in an account or accounts in banks or trust companies organized under the laws of the Commonwealth or in national banking associations located in Virginia or in savings institutions located in Virginia organized under the laws of the Commonwealth or the United States. Money in the Fund not needed for immediate use or disbursement may be invested or reinvested by the State Treasurer in obligations or securities that are considered lawful investments for public funds under the laws of the Commonwealth.

1989, c. 5, § 10.1-1215; 1992, cc. 464, 887; 1996, c. 77.

§ 29.1-101.4. Collection of money due to the Fund.

The Department, or its designated agent, is empowered to collect amounts due to the Fund under any loan made by it including, where appropriate, taking action as required by § 15.2-2659 to obtain payment of any amounts in default. Proceedings to recover amounts due to the Fund may be instituted by the Department in the name of the Fund in any appropriate circuit court.

1989, c. 5, § 10.1-1216; 1992, cc. 464, 887.

§ 29.1-101.5. Grants and loans to local governments.

After consultation with the Commissioner of the Virginia Marine Resources Commission, the Department may offer to finance the construction of fishways for any local government which owns a dam or other artificial impediment to the free passage of anadromous fish. The Fund will pay for seventy-five percent of the entire cost of the fishway, and will lend the balance of the cost to the local government. The loan shall be repaid over ten years at no interest or over twenty years at an annual rate of interest which shall be two percentage points below the rate for municipal bonds given in the latest Bond Buyer Twenty Bond Index appearing before the loan is made. Any balance of a loan not paid off as required by this section shall be paid off as provided in § 29.1-101.4. The Department shall approve the design of the fishway prior to the making of any grant or loan from the Fund pursuant to this section.

All local governments borrowing money from the Fund are authorized to take any action, adopt any proceedings and make and carry out any contracts that are contemplated by this chapter. Such

contracts need not be identical among all local governments, but may be structured as determined by the Department according to the needs of the contracting local governments and the Fund.

1989, c. 5, § 10.1-1217; 1992, cc. 464, 887.

§ 29.1-101.6. Loans to owners other than local governments.

After consultation with the Commissioner of the Virginia Marine Resources Commission, the Department may offer to finance the construction of fishways for an owner, other than a local government, who owns a dam or other artificial impediment to the free passage of anadromous fish. The term of such loan shall not exceed twenty years and the interest rate shall be the prime rate for major money center banks, as reported by the latest edition of The Wall Street Journal appearing before the loan is made if the total loan exceeds fifty percent of the estimated project cost; if the total loan does not exceed fifty percent of the estimated cost of the project, the interest rate shall not be less than three percentage points below such prime rate. The Department shall approve the design of the fishway prior to the making of any loan from the Fund pursuant to this section.

1989, c. 5, § 10.1-1218; 1992, cc. 464, 887.

§ 29.1-101.7. Security for loans.

Each loan to an owner other than a local government shall be evidenced by appropriate bonds or notes of the borrower payable to the Fund. The Department may require in connection with any loan to an owner other than a local government such documents, instruments, certificates, legal opinions, and other information as it deems necessary or convenient. The Department may require such borrower to provide the Fund a security interest in the borrower's real and personal property and to procure such insurance, guarantees, letters of credit and other forms of security as the Department deems necessary to provide remedies to the Fund in case of loss or default.

1989, c. 5, § 10.1-1219; 1992, cc. 464, 887.

§ 29.1-101.8. Grants and loans for dams licensed under or by the Federal Energy Regulatory Commission.

In the event that the Federal Energy Regulatory Commission issues a license for hydropower generation in connection with a dam that is the subject of a loan or grant from the Fund, that loan balance and all accrued interest and the full amount of the grant shall be due and payable one year from the date the federal license is issued or at the expiration of the term of the loan, whichever is earlier.

1989, c. 5, § 10.1-1220; 1992, cc. 464, 887.

§ 29.1-101.9. Requirement for fishways.

Notwithstanding any provision of § 29.1-532, including the existence or lack thereof of an exemption pursuant to § 29.1-532, the owner of every dam or other artificial impediment to the migration of anadromous fish in any tributary of the Chesapeake Bay, including that portion of the James River downstream from the City of Lynchburg, shall be responsible to provide appropriate fishways for anadromous fish as soon as reasonably possible after being offered financing from the Fund for the estimated construction cost of the fishways as provided in this article. Any owner of such a dam or

other artificial impediment who fails to provide or to maintain fishways providing substantially free passage for anadromous fish may be compelled to provide such fishways by injunction in an action initiated by the Department in an appropriate circuit court. Nothing in this section shall relieve the owner of any dam or other object in a watercourse, which obstructs navigation or the passage of anadromous and other migratory fish, of any obligations or responsibilities under § 29.1-532.

1989, c. 5, § 10.1-1221; 1992, cc. 464, 887.

Article 2 - Board of Wildlife Resources

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

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

B. The Board shall consist of 11 members. Each member of the Board shall be appointed by the Governor, subject to confirmation by the General Assembly. The members appointed shall be citizens of the Commonwealth and shall be knowledgeable about wildlife conservation, hunting, fishing, boating, agriculture, forestry, or habitat. Each Department region, as constituted on July 1, 2014, shall be represented by two members, and three members shall be members-at-large, each representing a different Department region. Members shall be appointed for terms of one to four years; however, appointments shall be made in a manner whereby no more than three members shall have terms which expire in the same year. An appointment to fill a vacancy shall be made in the same manner, but only for the unexpired term. No person shall be eligible to serve more than two consecutive four-year terms. Members may be removed from office during their respective terms by the Governor.

C. The Board shall adopt rules and procedures for the conduct of its business that shall be set forth in a Governance Manual. The Board may establish committees to assist it with its duties and responsibilities. All decisions by a committee shall be reviewed by the Board, and shall only take effect if approved by the Board.

D. The Board shall elect one of its members as its chairman whose duties shall be limited to (i) presiding at all regular and called meetings of the Board; (ii) serving as the Board liaison to the Director, other Board members, and the Secretary of Natural Resources; and (iii) the other duties set forth in the Governance Manual as approved by a majority of the Board. The Board shall also elect a vice-chairman to preside in the absence of the chairman. Any additional duties of the vice-chairman shall be set forth in the Governance Manual. The Board shall annually elect one of its members as chairman and one of its members as vice-chairman. At such annual election, the chairman and vice-chairman shall not be eligible to be re-elected to their respective positions and no person shall serve more than one year as chairman and one year as vice-chairman during a four-year term.

E. The Board shall meet at least once every quarter of the calendar year for the transaction of business, and other meetings may be called if necessary by the chairman or at the request of any three

members. The majority of the members shall constitute a quorum. Meetings shall be held in Richmond or at such other places within the Commonwealth as may be necessary.

Code 1950, §§ 29-3, 29-4, 29-8, 29-17; 1952, c. 608; 1956, c. 447; 1975, c. 152; 1987, c. 488; 2006, cc. 69, 915; 2014, c. 592; 2020, c. 958.

§ 29.1-103. Powers and duties of the Board.

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

1. Appoint the Director of the Department.

2. Acquire by purchase, lease, exchange, gift or otherwise, lands and waters in the Commonwealth and to establish buildings, structures, dams, lakes and ponds on such lands and waters. However, it is the policy of the Commonwealth that there shall be no net loss of those public lands managed by the Department that are available for hunting in Virginia.

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

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

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

6. Acquire and introduce any new species of game birds, game animals, or fish on the lands and within the waters of the Commonwealth, with the authorization and cooperation of the local government for the locality where the introduction occurs.

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

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

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

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

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

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

13. Administer and manage the Virginia Fish Passage Grant and Revolving Loan Fund pursuant to Article 1.1 (§ 29.1-101.2 et seq.) of Chapter 1.

14. Establish and collect admittance, parking, or other use fees at certain Department-owned facilities as determined by the Board. Any daily fee established by the Board shall not exceed $3. Any annual fee established by the Board shall not exceed the cost of an annual state resident fishing license pursuant to subdivision A 2 of § 29.1-310, or an annual state resident hunting license pursuant to subdivision 2 of § 29.1-303.

15. Establish and collect a use fee through the issuance of an annual hunting stamp required to be obtained to hunt on private lands managed by the Department through a lease agreement or other similar memorandum of agreement. The annual hunting stamp shall be in addition to the required licenses to hunt, and the cost of such stamp shall be the same as the cost of the annual state resident hunting license in § 29.1-303.

16. Revise, as it deems appropriate, through the promulgation of regulations as prescribed in Article 1 (§ 29.1-500 et seq.), the fees charged for all hunting, fishing and trapping licenses authorized under Articles 1 (§ 29.1-300 et seq.) and 2 (§ 29.1-340 et seq.) of Chapter 3, notwithstanding any other provision of this title. Beginning July 1, 2004, and no more frequently than once every three years thereafter, such license fees for residents may be increased or decreased no more than $5. Beginning July 1, 2007, and no more frequently than once every three years thereafter, the Board may increase or decrease license fees for nonresidents, authorized under Article 1 (§ 29.1-300 et seq.) of Chapter 3, no more than $50.

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

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

Code 1950, §§ 29-6, 29-11; 1970, c. 254; 1979, c. 264; 1980, c. 301; 1987, c. 488; 1992, c. 887; 2003, c. 562; 2004, cc. 280, 1027; 2007, cc. 35, 906; 2009, c. 648; 2011, cc. 805, 841; 2016, c. 121.

§ 29.1-103.1. Control and eradication of wildlife diseases; Board authorized to promulgate regulations.

The Board, in consultation with the Virginia Department of Agriculture and Consumer Services, the State Veterinarian, and representatives of appropriate agriculture agencies and organizations, may promulgate regulations pertaining to diseases in wildlife populations. The regulations shall include,

but not be limited to, (i) measures to be implemented to eradicate or prevent the spread of such diseases and (ii) procedures for the condemnation and indemnification of captive wildlife. Regulations promulgated by the Board under this section shall not conflict with (a) the laws enforced by the Virginia Department of Agriculture and Consumer Services, or (b) the regulations, orders, proclamations, quarantines, or authority of the Commissioner of Agriculture and Consumer Services, the State Veterinarian, or the Board of Agriculture and Consumer Services. Livestock and poultry shall not be governed by any regulations promulgated under this section by the Board.

2006, c. 12.

§ 29.1-103.2. Assent to wildlife restoration projects and sport fishing restoration and management projects.

The Commonwealth hereby assents to the provisions of the Federal Aid in Wildlife Restoration Act of September 2, 1937 (16 U.S.C. § 669 et seq.), as amended, and to the provisions of the Federal Aid in Sport Fish Restoration Act of August 9, 1950 (16 U.S.C. § 777 et seq.), as amended. The Director and the Board are hereby authorized to perform all such acts as may be necessary for the establishment and implementation of cooperative wildlife restoration projects and fish restoration and management projects, as defined in these federal statutes and the implementing regulations promulgated thereunder. Revenues derived from license fees paid by hunters and fishermen, as well as interest, dividends, or other income earned on such revenues, shall not be diverted and shall be used solely for the administration of the Department's fish and wildlife programs.

2006, c. 24.

§ 29.1-104. Acceptance of gifts, etc.

In addition to the authority granted the Board by § 29.1-103, the Board may receive gifts, grants, bequests, and devises of property, real or personal, and of money which, if accepted, shall be taken and held for any uses prescribed by the donor, grantor, or testator and in accord with the purposes of this title. The Board shall manage such properties or money in such a way as to maximize their value to the citizens of Virginia.

1973, c. 191, § 29-11.2; 1987, c. 488.

§ 29.1-105. Lease or contract respecting land or buildings.

The Board is authorized, with the approval of the Governor, to enter into contracts respecting or to lease any land or buildings leased or owned by it to private persons, corporations, associations, other governmental agencies, public authorities duly created by law or political subdivisions of the Commonwealth. The contracts or leases shall be (i) upon terms and conditions as deemed advisable by the Board, (ii) in a form to be approved by the Attorney General, and (iii) consistent with the powers, authority and responsibilities of the Board. If any such lease or contract is to be effective for a term of more than five years, it shall be authorized only after a public hearing by the Board. All amounts received pursuant to leases and contracts hereunder shall be deposited in the state treasury to the credit of the game protection fund.

1970, c. 406, § 29-11.1; 1972, c. 520; 1973, c. 4; 1978, c. 835; 1979, c. 140; 1987, c. 488.

§ 29.1-106. Forest and watershed areas.

The Board is authorized to exercise full control of the hunting and fishing rights and privileges in and on all impounded water areas in this Commonwealth resulting from power development; and in all forest and watershed areas in this Commonwealth which are now owned, or which may hereafter be acquired, by the United States government, subject to the rights and power of the United States Department of Agriculture. The Board shall have the power to establish refuges, sanctuaries and public shooting and fishing preserves in these areas, under such regulations as it may deem proper.

Code 1950, § 29-12; 1987, c. 488.

§ 29.1-107. Rules and regulations.

All rules, resolutions, regulations and policies adopted by the Board shall be reduced to writing for the Director, shall be public documents and shall be available to the public on request.

Code 1950, § 29-7; 1987, c. 488.

§ 29.1-108. Audits and examinations.

The minute books and other records of the Board shall be open to examination by the Governor, members of the General Assembly, and Auditor of Public Accounts, or their representatives, at all times. The accounts of the Board shall be audited in the manner provided for the audit of other state agencies. In addition, the Board shall ensure that the Auditor of Public Accounts, or an entity approved by him, conducts an audit of a fiscal and compliance nature of the accounts and transactions of the Department as determined necessary by the Auditor of Public Accounts. The Board may order such other audits as it deems necessary and desirable.

Code 1950, § 29-18; 1987, c. 488; 2006, cc. 69, 915; 2018, cc. 57, 307.

Article 3 - Department of Wildlife Resources

§ 29.1-109. Department of Wildlife Resources; Director.

A. The Department shall exist to provide public, informational and educational services related to this title, and to serve as the agency responsible for the administration and enforcement of all rules and regulations of the Board, the statutory provisions of this title, and related legislative acts. The Department shall employ scientific principles and procedures, as developed, researched, recognized and accepted within the bounds of comprehensive professional wildlife resource management, in the management of the Commonwealth's wildlife and natural resources.

B. The Board shall appoint a Director, subject to confirmation and reconfirmation every four years by the General Assembly, to head the Department and to act as principal administrative officer. In addition to the powers designated elsewhere in this title, the Director shall have the power to:

1. Enforce or cause to be enforced all laws for the protection, propagation and preservation of game birds and game animals of the Commonwealth and all fish in the inland waters thereof. Inland waters shall include all waters above tidewater and the brackish and freshwater streams, creeks, bays,

including Back Bay, inlets, and ponds in the tidewater counties and cities. In waters of the Albemarle and Currituck watersheds, the management of the recreational and commercial harvest of blue crabs shall rest with the Marine Resources Commission.

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

3. Enter into reciprocal or mutual aid agreements with other states pertaining to the enforcement of laws set forth in Chapters 3 (§ 29.1-300 et seq.), 4 (§ 29.1-400 et seq.), 5 (§ 29.1-500 et seq.), and 6 (§ 29.1-600 et seq.) across state boundaries.

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

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

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

7. When practicable, consult with, and keep informed, wildlife and boating constituent organizations so as to benefit Virginia's wildlife and natural resources and accomplish the Department's mission.

Code 1950, §§ 29-8, 29-16; 1952, c. 680, § 29-1.1; 1954, c. 632, § 29-15; 1962, c. 469, § 29-14; 1974, c. 59, § 29-2; 1979, c. 264, § 29-13; 1987, c. 488; 1999, c. 215; 2000, c. 10; 2006, cc. 69, 915; 2012, c. 595; 2015, c. 68; 2020, c. 958.

§ 29.1-110. Disbursements, accounts for Department; Board.

A. The disbursements of the Department and the Board shall be limited to the amount appropriated by the General Assembly from the game protection fund to expenditures from the Lifetime Hunting and Fishing Endowment Fund. In no event shall the Commonwealth pay obligations that may be incurred by the Department or Board or be liable in any manner for such obligations except to the extent of the game protection fund and the Lifetime Hunting and Fishing Endowment Fund.

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

Code 1950, §§ 29-21, 29-22; 1956, c. 337; 1987, cc. 95, 488.

§ 29.1-111. Sale of timber; portion of proceeds to be paid to locality.

A. The Director is authorized to manage and harvest timber on lands owned by the Board in accordance with the best timber and game management practices, and to sell the timber. Proceeds from the sale of such timber shall be deposited in the state treasury to the credit of the game protection fund.

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

Code 1950, § 29-23; 1964, c. 532, § 29-23.01; 1987, c. 488.

§ 29.1-112. Payment of license and permit fees.

The Director may authorize the acceptance of any method of payment authorized by § 2.2-614.1 in lieu of money for payment of any fees collected by the Department or agents acting on behalf of the Department for any licenses or permits issued under this title or for any merchandise sold by the Department.

1999, c. 254; 2002, c. 719.

§ 29.1-113. Admittance, parking, and use at certain Department-owned facilities or Department-leased land; civil penalty.

A. No person shall make use of, gain admittance to, or attempt to use or gain admittance to any Department-owned or Department-managed facility or boat ramp where the Department charges a fee established by the Board pursuant to § 29.1-103, unless the person pays such fee. However, such fee shall not apply to (i) any person holding a valid hunting, trapping, or fishing permit or an access permit or current certificate of boat registration issued by the Department; (ii) any person 16 years of age or younger; or (iii) any person who is a passenger in but not the owner or operator of a paddlecraft or registered vessel.

B. No person shall hunt on private lands managed by the Department through a lease agreement or other similar memorandum of agreement where the Department issues an annual hunting stamp without having purchased a valid annual hunting stamp.

C. Any person violating subsection A or B may, in lieu of any criminal penalty, be assessed a civil penalty of up to $50 by the Department. Civil penalties assessed under this section shall be paid into the Game Protection Fund established pursuant to § 29.1-101.

D. No owner or driver shall cause or permit a vehicle to stand:

1. On property owned or managed by the Department outside of a designated parking space, except for a reasonable time in order to receive or discharge passengers or in the case of an emergency;

2. In any designated parking space on property owned or managed by the Department in violation of any posted rule regarding use of the space; or

3. In any space on property owned or managed by the Department designated for use by persons with disabilities unless the vehicle displays a license plate or decal issued by the Commissioner of the Department of Motor Vehicles, or a similar identification issued by a similar authority of another state or the District of Columbia, that authorizes parking in such a designated space. Notwithstanding the provisions of § 29.1-554, any regulation of the Board, or any other trespass provision in the Code of

Virginia, no person violating this subsection shall be subject to a criminal penalty. Any person violating this subsection may, in lieu of any criminal penalty, be assessed a civil penalty of $25, which shall be paid into the Game Protection Fund.

2003, c. 562; 2004, c. 280; 2011, c. 768; 2020, c. 321.

§ 29.1-114. Hunting from aircraft feral hogs.

Notwithstanding § 5.1-17, employees of the Department and employees of federal agencies whose responsibilities include fisheries and wildlife management, in the performance of such employees' official duties, may hunt or kill feral hogs in False Cape State Park and Back Bay National Wildlife Refuge from aircraft, with the permission of the landowner. However, no such activity shall occur during waterfowl season.

2016, c. 116; 2020, c. 958.

Chapter 2 - Conservation Police Officers

§ 29.1-200. Appointment of conservation police officers.

The Director shall appoint regular and special conservation police officers as he may deem necessary to enforce the game and inland fish laws and shall issue a certificate of appointment to each conservation police officer. Any special conservation police officer initially appointed after October 1, 2009, shall have a valid registration as a Special Conservator of the Peace from the Department of Criminal Justice Services.

Code 1950, §§ 29-24, 29-28; 1952, c. 608; 1979, c. 264; 1987, c. 488; 1994, c. 641; 2007, c. 87; 2009, c. 355; 2020, c. 671.

§ 29.1-201. Bond.

Before entering upon the discharge of his official duties, each conservation police officer shall post bond with a guaranty company, authorized to do business within this Commonwealth as surety, for $1,000 payable to the Commonwealth of Virginia. The bonds shall be posted with the condition that the conservation police officer will (i) account for and legally apply all money which he receives in his official capacity, (ii) pay all judgments rendered against him for malicious prosecution or for unlawful search, arrest or imprisonment, and (iii) faithfully perform all of the duties enjoined upon him by law. These bonds shall be filed with the Department and shall be subject to the approval of the Director or his designated officer. The premium on the bonds shall be paid out of the game protection fund.

Code 1950, § 29-27; 1952, c. 608; 1987, c. 488; 2007, c. 87.

§ 29.1-202. Ex officio conservation police officers.

All sheriffs, police officers or other peace officers of this Commonwealth shall be ex officio conservation police officers.

Code 1950, § 29-29; 1987, c. 488.

§ 29.1-203. Jurisdiction; power to serve process.

A. Conservation police officers shall have jurisdiction throughout the Commonwealth to enforce the hunting, trapping and inland fish laws and may serve process in all matters arising from violations of such laws.

B. Conservation police officers shall enforce the State Water Control Board's regulations designating Smith Mountain Lake as a no-discharge zone for boat sewage.

Code 1950, § 29-30; 1979, c. 264; 1987, c. 488; 2001, cc. 93, 123.

§ 29.1-204. Assisting the Director; supervision.

The conservation police officers shall assist the Director in discharging his official duties. Each regular and special conservation police officer shall be under the supervision of certain conservation police officers specified by the Director.

Code 1950, § 29-31; 1987, c. 488; 2007, c. 87.

§ 29.1-205. Power to make arrests.

All conservation police officers are vested with the authority, upon displaying a badge or other credential of office, to issue a summons or to arrest any person found in the act of violating any of the provisions of the hunting, trapping, inland fish and boating laws.

Regular conservation police officers are vested with the same authority as sheriffs and other law-enforcement officers to enforce all of the criminal laws of the Commonwealth.

Any special conservation police officer shall have general police power while performing his duty on properties owned or controlled by the Board.

Any commissioned, warrant or petty officers of the United States Coast Guard and of the United States Coast Guard Reserve while engaged on active duty, in the conduct of their official duties in uniform, and any officers of the customs as defined by 19 U.S.C. § 1709 (b), in the conduct of their official duties in uniform, shall have the same power to make arrests under Chapter 7 (§ 29.1-700 et seq.) of Title 29.1 as conservation police officers.

Code 1950, § 29-32; 1960, c. 540; 1979, c. 264; 1982, c. 64; 1987, c. 488; 1988, c. 605; 2007, c. 87.

§ 29.1-206. Reserved.

Reserved.

§ 29.1-207. Impeding conservation police officer, etc., in discharge of his duty.

If any person, by threats or force, attempts to intimidate or impede any law-enforcement officer enforcing the game, inland fish and boating laws, he shall be guilty of a Class 2 misdemeanor and shall be subject to arrest by the officer and to the procedures set forth in § 29.1-210.

1974, c. 299, § 29-32.2; 1987, c. 488; 2007, c. 87.

§ 29.1-208. Searches and seizures.

All conservation police officers are vested with the authority to search any person arrested as provided in § 29.1-205 together with any box, can, package, barrel or other container, hunting bag, coat, suit,

trunk, grip, satchel or fish basket carried by, in the possession of, or belonging to such person. Conservation police officers shall also have the authority, immediately subsequent to such arrest, to enter and search any refrigerator, building, vehicle, or other place in which the officer making the search has reasonable ground to believe that the person arrested has concealed or placed any wild bird, wild animal or fish, which will furnish evidence of a violation of the hunting, trapping and inland fish laws. Such a search may be made without a warrant, except that a dwelling may not be searched without a warrant. Should any container as described in this section reveal any wild bird, wild animal or fish, or any part thereof, which has been illegally taken, possessed, sold, purchased or transported, the conservation police officer shall seize and hold as evidence the container, together with such wild bird, wild animal or fish, and any unlawful gun, net, or other device of any kind for taking wild birds, wild animals or fish which he may find.

Code 1950, § 29-33; 1987, c. 488; 2007, c. 87.

§ 29.1-209. Inspection of game and fish without arrest.

In order to see that bag or creel limits are being observed, conservation police officers shall also have the power to inspect game, fur-bearing animals and fish taken by any person found hunting, trapping or fishing without arresting the person.

Code 1950, § 29-34; 1962, c. 469; 1987, c. 488.

§ 29.1-210. Person arrested may be committed to jail, bailed, recognized or summoned.

Any person arrested for a violation of the game, inland fish and boating laws may be committed to jail pending trial or admitted to bail or released on recognizance as provided by general law; or the arresting officer may issue a summons requiring the person to appear for trial at a time and place specified therein before a court having jurisdiction to try such offenses if the person gives his written promise to appear at the specified time. Such time shall not, however, be less than five days from the date of arrest unless the person requests an earlier hearing.

Any person refusing to give the written promise to appear shall be taken immediately by the arresting or other police officer before the nearest or most accessible judicial officer.

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

1952, c. 608, § 29-34.1; 1974, c. 58; 1987, c. 488.

§ 29.1-211. Reserved.

Reserved.

§ 29.1-212. Precaution against fire.

The conservation police officer shall caution persons of the danger from fires and, if possible, extinguish all fires left burning by anyone. When possible, he shall notify any interested persons of fires raging beyond his control, so that the fires may be extinguished.

Code 1950, § 29-35; 1987, c. 488; 2007, c. 87.

§ 29.1-213. Taking samples of water believed to be polluted.

Any conservation police officer appointed under the provisions of this title may, and shall when requested by a member of the governing body of a county, city or town, take samples of water from any stream in this Commonwealth when he has reason to believe that the water may be polluted. Any conservation police officer collecting any water sample shall take the sample in a clean container, seal it, and send it to the State Water Control Board. With the sample, the conservation police officer shall enclose a signed statement showing in reasonable detail the time and place at which the sample was taken. The officer shall keep the original of the statement and send the copy with the sample.

1954, c. 695, § 29-35.1; 1987, c. 488; 2007, c. 87.

§ 29.1-214. Duties of State Water Control Board with respect to water samples.

Upon the receipt of any water sample sent under § 29.1-213, the State Water Control Board shall have a chemical analysis of the sample made by a chemist employed by the State Water Control Board or retained especially for that purpose. If the results of the analysis show that the sample of water was polluted, the State Water Control Board shall initiate further studies and analyses to determine the nature, extent and most effective measures of control of the pollution.

The State Water Control Board shall then proceed as provided in Chapter 3.1 (§ 62.1-44.2 et seq.) of Title 62.1.

1954, c. 695, § 29-35.2; 1987, c. 488.

§§ 29.1-215, 29.1-216. Reserved.

Reserved.

§ 29.1-217. Special conservation police officers receiving no compensation from Commonwealth.

A. On request of any employer owning more than 500 acres in this Commonwealth, the Director may appoint as special conservation police officers persons employed by the owner. No such special conservation police officer shall receive any compensation from the Commonwealth for his services as such. Any such special conservation police officer shall give the bond required by § 29.1-201 prior to serving. The powers and authority of such special conservation police officer shall not extend beyond the lands of his employer. The Director may require any special conservation police officer to perform duties on such lands as are required for the enforcement of this chapter.

B. On request of two or more adjoining landowners who own 1,000 or more contiguous acres in this Commonwealth, the Director may appoint as special conservation police officers persons employed by one or more of the landowners. No such special conservation police officer shall receive any compensation from the Commonwealth for his services as such. Any such special conservation police officer shall give the bond required by § 29.1-201 prior to serving. The powers and authority of such special conservation police officer shall not extend beyond the lands of the adjoining landowners requesting the appointment of the special conservation police officer. The Director may require any special conservation police officer to perform duties on such lands as are required for the enforcement of this chapter.

C. The Commonwealth and the Department shall not be liable in any manner for the acts or omissions of special conservation police officers appointed pursuant to this section occurring during the performance of their duties as special conservation police officers.

D. Each request for appointment of a special conservation police officer shall be accompanied by a nonrefundable fee of $100 to defray the cost of processing the request.

1954, c. 700, § 29-37.1; 1987, c. 488; 1994, c. 411; 1997, c. 185; 2007, c. 87.

§ 29.1-218. Defense of conservation police officer prosecuted on criminal charge.
If any conservation police officer appointed by the Director is prosecuted on any criminal charge arising out of any act committed in performing his official duties, the Director may employ special counsel approved by the Governor to defend the officer. The compensation for special counsel employed pursuant to this section, shall, subject to the approval of the Governor, be paid out of the funds appropriated for the administration of the Department.

1966, c. 222, § 29-37.2; 1987, c. 488; 2007, c. 87.

Chapter 3 - LICENSES

Article 1 - HUNTING, TRAPPING AND FISHING LICENSES

§ 29.1-300. Unlawful to hunt, trap or fish without license.
It shall be unlawful to hunt, trap or fish in or on the lands or inland waters of this Commonwealth without first obtaining a license, subject to the exceptions set out in § 29.1-301.

Code 1950, § 29-51; 1987, c. 488.

§ 29.1-300.1. Certification of competence in hunter education; incentives.
A. Except as provided in subsection B and §§ 29.1-300.4 and 29.1-305.2, no hunting license shall be issued to (i) a person who has never obtained a license to hunt in any state or country, or (ii) a person who is under the age of 16, unless such a person presents to the Board or one of its authorized license vendors, a certificate of completion in hunter education issued or authorized by the Board under the hunter education program, or proof that he holds the equivalent certificate obtained from an authorized agency or association of another state or country.

B. Although a resident under the age of 12 is not required to obtain a license to hunt, any person under the age of 12, or an individual on his behalf, may purchase a Virginia hunting license or a junior lifetime hunting license pursuant to § 29.1-302.1, without completing a hunter education program as required in subsection A, provided that no person under the age of 12 shall hunt unless accompanied and directly supervised by an adult who has, on his person, a valid Virginia hunting license. The junior lifetime hunting license issued to an individual under the age of 12 shall become invalid on the individual's twelfth birthday and remain invalid until certification of competence in hunter education is shown as provided in this section. A lifetime license, indicating the completion of hunter education or an equivalent certificate, shall be reissued at no cost when such proof is provided.

The adult shall be responsible for such supervision. For the purposes of this section, "adult" means the parent or legal guardian of the person under age 12, or such person over the age of 18 designated by the parent or legal guardian.

"Accompanied and directly supervised" means that the adult is within sight of the person under the age of 12.

C. This section shall not apply to persons while on horseback hunting foxes with hounds but without firearms.

D. The Board may adopt regulations that provide incentives for successful completion of a hunter education course to hunters who are not required by law to complete such a course. The regulations may include such incentives as the Board deems appropriate.

1987, c. 83, § 29-51.1; 1988, cc. 179, 384, 474; 1989, c. 204; 1996, cc. 118, 151; 1997, c. 247; 2008, cc. 18, 416; 2014, c. 798; 2016, c. 123; 2020, c. 958.

§ 29.1-300.2. Hunter education program.

The Department shall provide for a course of instruction in hunter safety, principles of conservation, and sportsmanship, and for this purpose may cooperate with any reputable association or organization having as one of its objectives the promotion of hunter safety, principles of conservation, and sportsmanship.

The Board shall establish at least one full-time hunter education coordinator position for each of the Department's administrative regions. Each coordinator will be assigned to a conservation police officer district and have the responsibility for providing hunter education training throughout the administrative region.

The Department may designate as a hunter safety instructor any person found by it to be competent to give instruction in the courses required by this article. A person so appointed shall give such course of instruction, and, upon completion thereof, shall issue to the person instructed a certificate of competency as provided by the Board in hunter safety, principles of conservation, and sportsmanship.

The Board shall prescribe a minimum level of skill and knowledge to be required of all hunter safety instructors, and may limit the number of students per instructor in all required classes.

The Board may revoke the certificate of any instructor when, in the opinion of the Board, it is in the best interest of the Commonwealth to do so.

The Board shall promulgate rules and regulations in order to administer and enforce the provisions of §§ 29.1-300.1, 29.1-300.2, and 29.1-300.3.

1987, c. 83, § 29-51.2; 2007, c. 87; 2012, c. 763.

§ 29.1-300.3. Program fees.

No fee shall be charged for the instructor's service; however, a fee to cover the cost of giving such instruction may be charged each person participating in and receiving such instruction. A record of

such expenses shall be kept for inspection by the Department. The expenses may include, but not be limited to, such items as range fees, ammunition and transportation of students.

1987, c. 83, § 29-51.3.

§ 29.1-300.4. Apprentice hunting license; deferral of hunter education.

A. There is hereby established an apprentice hunting license. The license shall be a one-time non-renewable license that shall be valid for two years from the date of purchase and shall entitle the licensee to a one-time deferral of completion of hunter education required under § 29.1-300.1. The apprentice hunting licensee shall not hunt prior to completing hunter education unless accompanied and directly supervised by an adult over the age of 18 who has, on his person, a valid Virginia hunting license. For the purposes of this section, "accompanied and directly supervised" occurs when a person over 18 maintains a close visual and verbal contact with, provides adequate direction to, and can immediately assume control of the firearm from the apprentice hunter. The cost of the license shall be $10 for a resident and $20 for a nonresident. The Board may subsequently revise the cost of the license pursuant to § 29.1-103.

B. Possession of a valid apprentice hunting license shall serve in lieu of the state resident hunting or nonresident hunting license required under subdivisions 2 and 3 of § 29.1-303, respectively. The purchase of any other hunting licenses shall be at the same cost as specified for residents or nonresidents in this title or as subsequently revised by the Board pursuant to subdivision 16 of § 29.1-103. The purchase of the apprentice hunting license shall not qualify the holder to purchase a regular hunting license or exempt the licensee from compliance with the requirements of this title and any regulations adopted by the Department. Any previous holder of a state resident or nonresident hunting license issued under this title shall be prohibited from the purchase of an apprentice hunting license for himself.

C. Upon completion of hunter education under § 29.1-300.1, and unless otherwise required by law to be supervised, the apprentice hunting licensee may hunt unsupervised subject to the requirements of applicable state law and regulations.

D. The Board may adopt regulations to carry out the provisions of this section.

2008, cc. 18, 416; 2009, c. 9; 2014, c. 244.

§ 29.1-301. Exemptions from license requirements.

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

B. No license shall be required of any stockholder owning 50 percent or more of the stock of any domestic corporation owning land in this Commonwealth, his or her spouse and children and minor

grandchildren, resident or nonresident, to hunt, trap and fish within the boundaries of lands and inland waters owned by the domestic corporation.

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

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

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

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

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

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

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

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

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

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

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

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

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

Code 1950, § 29-52; 1950, pp. 619, 627; 1954, c. 623; 1962, c. 526; 1964, c. 445; 1968, c. 673; 1974, c. 363; 1977, c. 392; 1980, cc. 494, 500; 1981, c. 16; 1985, c. 154; 1987, cc. 126, 488, 507; 1988, cc. 180, 488; 1992, c. 262; 1996, cc. 118, 151; 1997, c. 267; 2000, cc. 110, 142; 2001, cc. 49, 597; 2002, c. 67; 2004, c. 846; 2008, c. 279; 2010, c. 345; 2016, c. 63; 2018, cc. 116, 507.

§ 29.1-302. Special license for certain resident disabled veterans.

Any resident veteran who is totally and permanently disabled due to a service-connected disability as certified by the U.S. Department of Veterans Affairs may apply for and receive at no cost from the Department a nontransferable license pursuant to 4VAC15-20-65, valid for life, permitting the veteran

to hunt and freshwater fish, or to hunt only or to freshwater fish only, depending on which license is purchased, on any property in the Commonwealth according to restrictions and regulations of law. However, this license shall not entitle the owner to fish in designated waters stocked with trout by the Department or other public body.

1976, c. 234, § 29-52.2; 1977, c. 167; 1985, c. 65; 1987, c. 488; 1996, c. 810; 2009, c. 9; 2012, cc. 321, 380.

§ 29.1-302.01. Special fishing license for disabled active duty military personnel.

Any resident or nonresident who is (i) on active duty military service, (ii) disabled due to service-connected disability, and (iii) receiving inpatient or outpatient medical treatment from a hospital located in Virginia, an adjoining state, or the District of Columbia may apply for and shall receive from the Department a nontransferable state license to fish as required by subsections A and B of § 29.1-310. This license shall be issued at no cost and shall be valid for one year from the date of issuance. The holder of the license shall not be eligible to receive a subsequent license issued under this section.

2010, c. 822.

§ 29.1-302.02. Special resident and nonresident hunting and fishing licenses for partially disabled veterans.

A. Any resident veteran who is rated by the U.S. Department of Veterans Affairs as having at least a 70 percent service-connected disability, upon certification, shall pay an amount equal to one-half the fee for the state resident basic hunting license required by subdivision 2 of § 29.1-303. Any nonresident veteran who is similarly rated, upon certification, shall pay an amount equal to one-half the fee for the state nonresident license required by subdivision 3 of § 29.1-303. The license fees established by this section may be revised by the Board pursuant to § 29.1-103.

B. Any resident veteran who is rated by the U.S. Department of Veterans Affairs as having at least a 70 percent service-connected disability, upon certification, shall pay an amount equal to one-half the fee for the state resident basic fishing license required by subdivision A 2 of § 29.1-310. Any nonresident veteran who is similarly rated, upon certification, shall pay an amount equal to one-half the fee for the state nonresident license required by subdivision A 3 of § 29.1-310. The license fees established by this section may be revised by the Board pursuant to § 29.1-103.

2011, c. 273; 2012, c. 244.

§ 29.1-302.03. Special licenses for certain nonresident disabled veterans.

A. Any nonresident veteran who is totally and permanently disabled due to a service-connected disability as certified by the U.S. Department of Veterans Affairs shall pay an amount equal to one-quarter the fee for the state nonresident hunting license required by subdivision 3 of § 29.1-303. The license fees established by this subsection may be revised by the Board pursuant to § 29.1-103.

B. Any nonresident veteran who is totally and permanently disabled due to a service-connected disability as certified by the U.S. Department of Veterans Affairs shall pay an amount equal to one-quarter the fee for the state nonresident fishing license required by subdivision A 3 of § 29.1-310.

However, this license shall not entitle such nonresident veteran to fish in designated waters stocked with trout by the Department or other public body. The license fees established by this subsection may be revised by the Board pursuant to § 29.1-103.

2014, c. 587.

§ 29.1-302.1. Special lifetime hunting and fishing licenses for residents and nonresidents.

A. Any resident or nonresident individual may apply for and receive from the Department, after payment of the appropriate fee, any of the following lifetime licenses which shall be valid for the life of the individual, nontransferable, and permit the person to engage in the licensed activity on any property in the Commonwealth according to restrictions and regulations of law:

1. A basic resident lifetime hunting license, to be obtained for a fee of $250. This license is valid for the lifetime of the license holder even if the license holder becomes a nonresident of the Commonwealth subsequent to the purchase of the license.

2. A basic resident lifetime fishing license, to be obtained for a fee of $250. This license is valid for the lifetime of the license holder even if the license holder becomes a nonresident of the Commonwealth subsequent to the purchase of the license.

3. A basic nonresident lifetime hunting license, to be obtained for a fee of $500.

4. A basic nonresident lifetime fishing license, to be obtained for a fee of $500.

5. A basic senior resident lifetime hunting license and bear, deer, and turkey license, to be obtained for a fee of $200. This license is available only to a resident of the Commonwealth who is 80 years of age or older and shall be valid for the lifetime of the license holder even if the license holder becomes a nonresident of the Commonwealth subsequent to the purchase of the license. This license shall include any special license necessary under § 29.1-305 for hunting bear, deer, and turkey.

6. A junior resident lifetime hunting license that is valid until an individual's twelfth birthday, and which is transferable to a resident lifetime hunting license for no additional fee upon proof of completion of a hunter education course or equivalent, may be obtained for a fee of $250.

7. A junior nonresident lifetime hunting license that is valid until an individual's twelfth birthday, and which is transferable to a nonresident lifetime hunting license for no additional fee upon proof of completion of a hunter education course or equivalent, may be obtained for a fee of $500.

8. An infant resident lifetime hunting license, to be obtained for a fee of $125. This license shall be issued only to an individual who is younger than two years of age and shall be valid to be used as prescribed under subsection D1 of § 29.1-301 until an individual's twelfth birthday. Upon proof of completion of a hunter education course or equivalent, this license shall be transferable to a resident lifetime hunting license for no additional fee. This license shall remain valid even if the license holder becomes a nonresident of the Commonwealth subsequent to the purchase of the license.

9. An infant nonresident lifetime hunting license, to be obtained for a fee of $250. This license shall be issued only to an individual who is younger than two years of age and shall be valid to be used as prescribed under subsection D1 of § 29.1-301 until an individual's twelfth birthday. Upon proof of completion of a hunter education course or equivalent, this license shall be transferable to a nonresident lifetime hunting license for no additional fee. This license shall remain valid even if the license holder becomes a resident of the Commonwealth subsequent to the purchase of the license.

10. An infant resident lifetime fishing license, to be obtained for a fee of $125. This license shall be issued only to an individual who is younger than two years of age. This license is valid for the lifetime of the license holder even if the license holder becomes a nonresident of the Commonwealth subsequent to the purchase of the license.

11. An infant nonresident lifetime fishing license, to be obtained for a fee of $250. This license shall be issued only to an individual who is younger than two years of age. This license is valid for the lifetime of the license holder even if the license holder becomes a resident of the Commonwealth subsequent to the purchase of the license.

Such basic lifetime hunting licenses shall serve in lieu of the state resident hunting license as provided for in subdivision 2 of § 29.1-303, or state nonresident hunting license as provided for in subdivision 3 of § 29.1-303. Such basic lifetime fishing licenses shall serve in lieu of the state resident fishing license as provided for in subdivision A 2 of § 29.1-310 or state nonresident fishing license as provided for in subdivision A 3 of § 29.1-310.

B. Applications for all lifetime hunting and fishing licenses authorized by this section shall be made to the Department. The form and issuance of such a license shall conform to the provisions of this chapter for all licenses.

Except as otherwise specifically provided by law, all money credited to, held by, or to be received by the Department from the sale of licenses authorized by this section shall be consolidated and placed in the Lifetime Hunting and Fishing Endowment Fund established in § 29.1-101.1.

C. Any resident who is permanently disabled, as defined in § 58.1-3217, who applies for either of the resident lifetime licenses authorized by this section shall receive such a license for a fee of $5. The applicant shall provide proof of permanent disability acceptable to the Director of the Department.

D. Any resident 45 years of age or older who applies for either of the resident lifetime licenses authorized by subdivision A 1 or A 2 shall receive such a license for one of the following fees based on age: age 45 through 50, $200; age 51 through 55, $150; age 56 through 60, $100; age 61 through 64, $50; and age 65 or older, $10.

E. The Board may subsequently revise the cost of licenses set forth in this section pursuant to § 29.1-103.

1987, c. 95, § 29-52.3; 1988, c. 181; 1989, c. 427; 1996, cc. 7, 109, 810; 1997, c. 247; 2009, c. 9; 2010, c. 251; 2020, cc. 564, 958.

§ 29.1-302.2. Special lifetime fishing license; permanently disabled persons.

Any resident who is permanently disabled, as defined in § 58.1-3217, who applies for a special lifetime state resident fishing license shall receive such a license for a fee of five dollars or as subsequently revised by the Board pursuant to § 29.1-103. The applicant shall provide proof of permanent disability acceptable to the Director of the Department.

1989, c. 91; 2009, c. 9; 2020, c. 958.

§ 29.1-302.3. Special guest fishing licenses.

An owner or bona fide lessee of private land bordering inland waters lying adjacent to North Carolina land or water may apply for a special guest fishing license entitling the licensee and his guests to fish from the property and any private dock, pier or other permanent extension into public waters without an additional fishing license except as required in designated waters stocked with trout and in waters where a daily fishing fee has been imposed pursuant to § 29.1-318. The annual fee of a special guest fishing license shall be $50 or as subsequently revised by the Board pursuant to § 29.1-103. A special guest fishing license shall not be valid for any property, pier or dock operated for any commercial purpose. A special guest fishing license shall not be in force unless displayed on the premises of the property. A special guest fishing license shall not be transferable.

1992, c. 198; 2009, c. 9.

§ 29.1-302.4. Special lifetime trout fishing licenses for residents and nonresidents.

A. Any resident or nonresident individual may apply for and receive from the Department, after payment of the appropriate fee, any of the following lifetime licenses, which shall be valid for the life of the individual, nontransferable, and shall permit the person to engage in the licensed activity on any property in the Commonwealth according to restrictions and regulations of law:

1. A special resident lifetime trout fishing license, to be obtained for a fee of $250. This license is valid for the lifetime of the license holder even if the license holder becomes a nonresident of the Commonwealth subsequent to the purchase of the license.

2. A special nonresident lifetime trout fishing license, to be obtained for a fee of $500. Such special lifetime trout fishing licenses shall apply only to specially stocked trout waters as may be designated by the Board, and shall serve in lieu of the state resident trout fishing license as provided for in subdivision B 1 of § 29.1-310 or state nonresident trout fishing license as provided for in subdivision B 2 of § 29.1-310. Such special lifetime trout fishing licenses shall serve in addition to fishing license fees as provided for in subdivision A of § 29.1-310 or special lifetime fishing license as provided for in § 29.1-302.1.

B. Applications for all lifetime trout fishing licenses authorized by this section shall be made to the Department. The form and issuance of such a license shall conform to the provisions of this chapter for all licenses.

Except as otherwise specifically provided by law, all money credited to, held by, or to be received by the Department from the sale of licenses authorized by this section shall be consolidated and placed in the Lifetime Hunting and Fishing Endowment Fund established in § 29.1-101.1.

C. Any resident forty-five years of age or older who applies for the resident lifetime trout licenses authorized by this section shall receive such a license for one of the following fees based on age: age forty-five through fifty, $200; age fifty-one through fifty-five, $150; age fifty-six through sixty, $100; age sixty-one through sixty-four, fifty dollars; and age sixty-five or older, ten dollars.

D. The Board may subsequently revise the cost of licenses set forth in this section pursuant to § 29.1-103.

2002, c. 67; 2009, c. 9.

§ 29.1-303. Fees to hunt.

The license fees to hunt shall be as follows or as such fees may be subsequently revised by the Board pursuant to § 29.1-103:

1. County or city resident license to hunt in the county or city of residence only, $5.

2. State resident license to hunt in all counties and cities of the Commonwealth, issued to residents age 16 or older, $12.

3. State nonresident license for persons 16 years of age and older to hunt in all counties and cities of the Commonwealth, $80; however, for (i) nonresidents under the age of 12, $12, and (ii) nonresidents 12 years of age to 15 years of age, $15.

Code 1950, § 29-54; 1960, c. 566; 1974, c. 363; 1980, c. 494; 1987, c. 488; 1988, c. 250; 2003, c. 120; 2004, c. 269; 2009, c. 9.

§ 29.1-303.1. Trip hunting licenses.

Nonresidents or residents of the Commonwealth may purchase a trip hunting license in lieu of the hunting license required by § 29.1-303. The duration for which the license shall be valid shall be established by the Board. The fee for the trip hunting license shall be established by the Board and may be revised pursuant to § 29.1-103.

1988, c. 250; 2003, c. 120; 2009, c. 9; 2013, c. 351; 2019, c. 147.

§ 29.1-303.2. State junior resident hunting license fee.

The fee for a license to hunt in all counties and cities of the Commonwealth, issued to a state resident under the age of sixteen, shall be seven dollars and fifty cents or as subsequently revised by the Board pursuant to § 29.1-103.

1988, c. 250; 2009, c. 9.

§ 29.1-303.2:1. State junior resident bear hunting license; fee.

The Board may create a separate state youth resident license for hunting bear that may be obtained by any resident under the age of 16. The fee for the state youth resident license for hunting bear shall

be $5.50. The license fees established by this section may be revised by the Board pursuant to § 29.1-103.

The state youth resident license to hunt bear may be obtained from the clerk or agent of any county or city whose duty it is to sell licenses.

2017, c. 353.

§ 29.1-303.3. Youth resident and nonresident combination hunting license established; fee.
There is hereby established a state youth resident combination hunting license, which may be obtained by any resident under the age of 16 to hunt in all counties and cities of the Commonwealth and to hunt (i) bear, deer, and turkey; (ii) with a bow and arrow or slingbow during the special archery seasons; (iii) with a crossbow during special archery seasons; and (iv) with a muzzleloader during the special muzzleloading seasons. The fee for this license shall be $15. The license shall serve in lieu of the state junior resident hunting license; the special license for hunting bear, deer, and turkey; the special archery license; the special crossbow license; and the special muzzleloading license. For a nonresident youth under the age of 16, the fee for such a license shall be $30. The Board may subsequently revise the cost of licenses set forth in this section pursuant to § 29.1-103.

1996, cc. 118, 151; 2004, c. 269; 2007, c. 40; 2009, c. 9; 2017, c. 530.

§ 29.1-304. Nonresident license to hunt within shooting preserves and foxhound training preserves.
Licenses are required for nonresidents of the Commonwealth to hunt within the boundaries of shooting preserves licensed under the provisions of Chapter 6 (§ 29.1-600 et seq.) or foxhound training preserves allowed under the authority of Chapter 4 (§ 29.1-400 et seq.). Such licenses shall be valid either within the boundaries of any licensed shooting preserves or any foxhound training preserves and may be in lieu of any license required by § 29.1-303. The license fees shall be $12 or as subsequently revised by the Board pursuant to § 29.1-103.

1958, c. 145, § 29-54.1; 1972, c. 149; 1980, c. 494; 1987, c. 488; 1988, c. 250; 2009, cc. 9, 50.

§ 29.1-305. Special license for hunting bear, deer and turkey; authority of Board to create bear license.
A. A special license is required for hunting bear, deer and turkey in this Commonwealth, which shall be in addition to the license required to hunt other game. The fee for the special license shall be $12 for a resident age 16 or older, $7.50 for a resident under the age of 16, and $60 for a nonresident 16 years of age or older, $15 for a nonresident 12 years of age to 15 years of age, and $12 for a nonresident younger than 12 years of age.

B. The Board may create a separate special license for the hunting of bear in this Commonwealth. The fee for such a special license shall be $25 for residents and $150 for nonresidents. A person who obtains a special license for hunting bear shall also be required to obtain the state resident license or state nonresident license pursuant to § 29.1-303. If a special license to hunt bear is established by the Board, the special license required in subsection A shall authorize the hunting of deer and turkey only.

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

C. The Board may subsequently revise the cost of licenses set forth in this section pursuant to § 29.1-103.

Code 1950, § 29-122; 1958, c. 318; 1960, c. 568; 1966, c. 493; 1972, c. 509; 1974, c. 363; 1980, c. 494; 1987, c. 488; 1988, c. 250; 2001, c. 55; 2004, c. 269; 2009, c. 9.

§ 29.1-305.01. Special license to hunt elk; authority of Board to create elk license and quota hunts.
A. The Board may create a separate special license to hunt elk within the designated elk management zone, as designated in the 2019-2028 Virginia Elk Management Plan, which shall be in addition to the license required to hunt other game. Any person, whether licensed or exempt from being licensed, shall possess (i) a valid state resident hunting license or state nonresident hunting license pursuant to § 29.1-303 and (ii) a special elk license in order to pursue elk within the designated elk management zone. A separate special license to hunt elk shall not be required to hunt elk outside of the designated elk management zone.

B. Upon creation of a special license to hunt elk, the Board may establish quotas and procedures for selection to purchase a special elk license. Application for selection for a special elk license may require a nonrefundable application fee of $15 for residents and $20 for nonresidents. The fee for a special elk license shall be no more than $40 for residents and $400 for nonresidents.

C. The Board may establish guidelines permitting the transfer of special elk licenses to individuals, cooperators who assist in meeting agency hunting objectives, or wildlife conservation organizations whose mission is to ensure the conservation of Virginia's wildlife resources.

2020, cc. 309, 310.

§ 29.1-305.1. Bonus deer permits.
The Board shall establish by regulation a procedure for selling bonus deer permits. Each bonus deer permit purchased shall entitle the holder thereof to take additional deer under conditions prescribed by the Board. The cost of a bonus deer permit shall be set by the Board but shall not exceed the fee charged for the special license to hunt bear, deer and turkey, as prescribed under § 29.1-305. Clerks and license agents who sell hunting licenses shall sell bonus deer permits and shall be entitled to a service fee as prescribed in § 29.1-332.

1991, c. 676.

§ 29.1-305.2. Special fox hunting licenses.
There shall be a special license for hunting foxes on horseback with hounds but without firearms. The special license shall exempt the licensee from the hunter education requirement of § 29.1-300.1. The fee for the special license shall be the same as any license required by § 29.1-303 and shall be subject to subsequent revision by the Board pursuant to § 29.1-103. This special license shall not be required of any person holding a hunting license required by § 29.1-303.

2014, c. 798.

§ 29.1-306. Special archery license, slingbow license, and crossbow license.

There shall be a license for hunting with a bow and arrow, slingbow, or crossbow, during the special archery seasons, which shall be in addition to the licenses required to hunt small and big game. Any person who is disabled so as to prevent drawing the weight of a bow or crossbow may obtain such license for hunting with an arrowgun. The applicant shall provide proof of disability acceptable to the Director on a standardized form provided by the Department, which shall be in the person's possession while hunting with an arrowgun.

The fee for the special license shall be $17 for a resident and $30 for a nonresident. The Board may subsequently revise the cost of licenses set forth in this section pursuant to § 29.1-103.

1985, c. 15, § 29-122.1; 1987, c. 488; 1988, c. 250; 1994, c. 725; 1996, cc. 102, 825; 1998, c. 144; 2005, c. 8; 2009, c. 9; 2014, c. 136; 2017, c. 530; 2018, cc. 557, 558.

§ 29.1-306.1. Repealed.

Repealed by Acts 2014, c. 136, cl. 2.

§ 29.1-307. Special muzzleloading license.

There shall be a license for hunting with a muzzleloader or arrowgun during the special muzzleloading seasons, which shall be in addition to the license required to hunt small game.

The fee for the special license shall be $12 for a resident and $25 for a nonresident. The special muzzleloader license may be obtained from the clerk or agent whose duty it is to sell licenses in any county or city. The Board may subsequently revise the cost of licenses set forth in this section pursuant to § 29.1-103.

1990, c. 115; 2009, c. 9; 2018, cc. 557, 558.

§ 29.1-308. Reserved.

Reserved.

§ 29.1-309. Fees to trap.

The license fee to trap shall be as follows or as such fee may be subsequently revised by the Board pursuant to § 29.1-103:

1. County or city resident license, ten dollars.

2. State resident license, thirty-five dollars.

3. State nonresident license, $150.

Code 1950, § 29-56; 1952, c. 608; 1974, c. 363; 1979, c. 287; 1980, c. 494; 1983, c. 191; 1987, c. 488; 1988, c. 250; 1995, c. 77; 2009, c. 9.

§ 29.1-309.1. Special lifetime trapping license; permanently disabled persons and disabled veterans.

Any resident who is (i) a veteran with a permanent and total service-connected disability as certified by the U.S. Department of Veterans Affairs or (ii) permanently disabled, as defined in § 58.1-3217, may apply for and receive from the Department, for a fee of five dollars or as subsequently revised by the Board pursuant to § 29.1-103, a special lifetime disabled trapping license. Such a person shall provide proof of his disability acceptable to the Director.

2001, c. 62; 2009, c. 9; 2020, c. 958.

§ 29.1-309.2. Special lifetime trapping license for senior citizens.

Any resident who is 65 years of age or older may apply for and receive from the Department, for a fee of $10 or as subsequently revised by the Board pursuant to § 29.1-103, a special lifetime trapping license. Such a person shall provide proof of his age acceptable to the Director.

2003, c. 145; 2009, c. 9.

§ 29.1-309.3. State junior resident trapping license established; fee.

There is hereby established a state youth resident trapping license, which may be obtained by any resident under the age of 16, to trap in all counties and cities of the Commonwealth. The fee for this license shall be $10 or as subsequently revised by the Board pursuant to § 29.1-103.

2006, c. 70; 2009, c. 9.

§ 29.1-310. Fees to fish.

A. The license fees to fish, which licenses shall not permit fishing for trout in waters stocked by the Department, shall be as follows:

1. County or city resident license to fish, in all inland waters of the county or city of residence only, $5.

2. State resident license to fish in all inland waters of the Commonwealth, $12.

3. State nonresident license to fish in all inland waters of the Commonwealth, $30.

4. State resident license to fish in the interstate waters of South Holston Reservoir pursuant to a reciprocal agreement established in accordance with § 29.1-535, $20 in addition to the license required by subdivision 2.

B. The additional license fees for a trout license required to fish in designated waters stocked with trout by the Department or to fish for or harvest trout in the interstate waters of South Holston Reservoir shall be as follows:

1. State resident license, $12.

2. State nonresident license, $30.

C. The Board may subsequently revise the cost of licenses set forth in this section pursuant to § 29.1-103.

Code 1950, § 29-55; 1952, c. 355; 1958, c. 493; 1960, c. 566; 1962, c. 469; 1968, c. 649; 1974, c. 363; 1980, c. 494; 1985, c. 119; 1987, c. 488; 1988, c. 250; 1989, c. 208; 1994, c. 409; 2009, c. 9; 2010, c. 6.

§ 29.1-310.1. Sportsman's hunting and fishing license established.

A. Upon implementation of an automated point-of-sale licensing system, any resident individual may apply for and receive from the Department, after payment of the appropriate fee, a sportsman's hunting and fishing license. This license shall serve in lieu of any person having to obtain hunting or fishing licenses provided for under subdivision 2 of § 29.1-303 and §§ 29.1-305, 29.1-306, and 29.1-307, and subdivisions A 2 and B 1 of § 29.1-310.

B. Applications for the license authorized by this section shall be made to the Department. The license shall be valid for the seasons as established by the Board. The form and issuance of the license shall conform to the provisions of this chapter for all licenses.

C. The Board shall establish the fee for this license, which shall not exceed the total cost of purchasing each license separately.

2000, c. 12; 2007, c. 40; 2014, c. 136.

§ 29.1-310.2. Special combined individual sportfishing licenses.

A. Residents and nonresidents of the Commonwealth may obtain a special combined sportfishing license to fish in all inland waters and the tidal waters of the Commonwealth during the open season. For residents, this license shall be in lieu of the state resident freshwater fishing license required by subdivision A 2 of § 29.1-310, and the saltwater recreational license required by § 28.2-302.1. The cost of this license for residents shall be the sum of the costs of the two component resident licenses. For nonresidents, this license shall be in lieu of the state nonresident freshwater fishing license required by subdivision A 3 of § 29.1-310 and the saltwater recreational license required by § 28.2-302.1. The cost of this license for nonresidents shall be the sum of the costs of the two component nonresident licenses.

Of the funds collected under this subsection, (i) the cost of the component saltwater license shall be paid into the state treasury to the credit of the Virginia Saltwater Recreational Fishing Development Fund, as established in § 28.2-302.3, and (ii) the cost of the component freshwater fishing license shall be paid into the state treasury to the credit of the Game Protection Fund, as established in § 29.1-101.

The two component licenses shall be independently priced by their respective agencies. The freshwater fishing license shall be priced by the Board pursuant to § 29.1-103. The saltwater recreational license shall be priced by the Marine Resources Commission pursuant to § 28.2-201.

B. Residents and nonresidents of the Commonwealth may obtain a special combined sportfishing license to fish in all the tidal waters of the Commonwealth during the open season that covers the owner of a recreational boat not carrying anglers for hire, in any registered boat owned and operated by him, and his passengers. For residents, this license shall be in lieu of the state resident fishing

license required by subdivision A 2 of § 29.1-310, the saltwater recreational license required by § 28.2-302.1, and the saltwater recreational boat license established by § 28.2-302.7. The cost of this license for residents shall be $125. For nonresidents, this license shall be in lieu of the state non-resident fishing license required by subdivision A 3 of § 29.1-310 and the saltwater recreational license required by § 28.2-302.1. The cost of this license for nonresidents shall be $200.

Of the funds collected under this subsection, (i) $48 per resident license sold and $76 per nonresident license sold shall be paid into the state treasury to the credit of the Virginia Saltwater Recreational Fishing Development Fund, as established in § 28.2-302.3, and (ii) $77 per resident license sold and $124 per nonresident sold shall be paid into the state treasury to the credit of the Game Protection Fund, as established in § 29.1-101.

C. The Board may subsequently revise the cost of licenses set forth in this section pursuant to § 29.1-103.

2004, c. 486; 2009, c. 9; 2011, c. 287; 2012, c. 579.

§ 29.1-311. Trip fishing license for residents and nonresidents; trout stocked waters.

A. Residents and nonresidents of the Commonwealth may obtain trip fishing licenses to fish in the freshwater creeks, bays, inlets, and streams of the Commonwealth, or in any of the impounded waters of the Commonwealth during the open season for game fish. These licenses shall be in lieu of the regular season state or county fishing license required under subsection A of § 29.1-310. The duration for which trip fishing licenses shall be valid shall be established by the Board. The fee for the trip fishing license shall be established by the Board and may be revised pursuant to § 29.1-103.

B. Residents and nonresidents of the Commonwealth may obtain a special combined sportfishing trip license to fish in all inland waters and tidal waters of the Commonwealth during the open season. This license shall be in lieu of the trip fishing license specified in subsection A and the saltwater recreational license required by § 28.2-302.1. The cost of the license shall be $10 for residents and $15 for nonresidents. The license shall be valid for five successive days as specified on the face of the license. Of the funds collected under this subsection, (i) $5 per license sold shall be paid into the state treasury to the credit of the Virginia Saltwater Recreational Fishing Development Fund as established in § 28.2-302.3 and (ii) $5 per resident license sold and $10 per nonresident license sold shall be paid into the state treasury to the credit of the Game Protection Fund as established in § 29.1-101.

C. Possession of a trip fishing license by a nonresident shall not entitle him to fish in designated waters stocked with trout by the Department or other public body unless he also possesses the trout license required under subsection B of § 29.1-310 or has obtained the special lifetime trout fishing license pursuant to § 29.1-302.4.

D. Possession of a trip fishing license by a resident shall not entitle him to fish in designated waters stocked with trout by the Department or other public body. Residents shall only be entitled to fish in such waters if they possess (i) a regular season state or county fishing license and (ii) a trout license, as required by § 29.1-310, or a special lifetime trout fishing license pursuant to § 29.1-302.4.

E. The Board may subsequently revise the cost of licenses set forth in this section pursuant to § 29.1-103.

1954, c. 567, § 29-55.1; 1956, c. 51; 1958, c. 443; 1974, c. 363; 1987, c. 488; 1988, c. 250; 1991, c. 242; 2002, c. 67; 2004, c. 486; 2009, c. 9; 2013, c. 351.

§ 29.1-312. Special fishing or hunting permits for certain veterans.

Upon application received from the director or other comparable official representing any veterans hospital or other military hospital in Virginia, any adjoining state, or the District of Columbia, the Director may permit any organized group of patients (i) actually residing in such hospitals or (ii) actively receiving outpatient medical treatment to hunt without licenses on any lands of the Commonwealth where it is otherwise legal to do so or to fish without licenses in any public waters open to fishing, including designated waters stocked with trout and in waters where a daily fishing fee has been imposed pursuant to § 29.1-318. The application for the permit shall state the date or dates upon which it will be used, the general area in which it will be used, and the name of the person or organization responsible for the group.

1974, c. 277, § 29-55.3; 1987, c. 488; 2008, c. 11; 2009, c. 5.

§ 29.1-313. Issuance of licenses for use of individuals in certain state facilities.

The Director shall have authority to issue at the regular fee, up to 25 state resident licenses to fish in the name of any state facility operated by the Department of Behavioral Health and Developmental Services for use by individuals receiving services in those facilities.

1972, c. 414, § 29-57.1:1; 1987, cc. 413, 488; 2009, cc. 813, 840; 2012, cc. 476, 507.

§ 29.1-314. Special fishing permits for certain handicapped persons.

A. Upon receipt of an application from an officer or designated representative of any organized group of physically or mentally handicapped persons who meet on a regular basis, including students at schools for the blind or deaf, the Director may issue not more than two permits of one day each, in any calendar year, to such group to fish without licenses in public waters open to fishing. The permits shall not be issued for use in designated waters stocked with trout or in waters where a daily fishing fee has been imposed pursuant to § 29.1-318; however, a permit may be issued to such group to fish without licenses on the second Saturday of May in designated waters stocked with trout.

B. The application for the permit shall state the name and description of the group, the date upon which it will be used, the general area in which it will be used, and the name of the person or organization responsible for the group.

1976, c. 144, § 29-55.3:1; 1987, c. 488; 2006, cc. 8, 37.

§ 29.1-315. Special fishing permits for certain school classes.

A. Upon receipt of an application from a qualified instructor, the Director may issue a special permit to the instructor authorizing the class described in the application to fish without licenses in public waters open to fishing. Any special permit so issued shall be valid only during regular school hours and only

when fishing by the class occurs under the direct and immediate supervision of the instructor to whom it is issued. These special permits shall not be valid for fishing in designated waters stocked with trout or in waters where a daily fishing fee has been imposed pursuant to § 29.1-318.

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

1979, c. 197, § 29-55.3:2; 1987, c. 488.

§ 29.1-315.1. Special permit to hunt and fish by youth during fish and wildlife education events.
Upon receipt of an application from an officer or other designated official representative of any nonprofit organization that has as one of its stated purposes to educate youth on Virginia's fish and wildlife resources, the Director may issue a permit to an officer or representative of the organization that allows youths under the age of 18 years old who participate in a fish and wildlife educational event of the organization to hunt and fish. This permit shall serve in lieu of having to purchase a state youth resident combination hunting license pursuant to § 29.1-303.3 or state resident basic hunting license pursuant to § 29.1-303, the special license for hunting bear, deer, and turkey pursuant to § 29.1-305, and the state resident fishing license pursuant to subsection A of § 29.1-310. The permit shall be valid for a period of 48 hours. The permit fee shall be $25 or as subsequently revised by the Board pursuant to § 29.1-103. The application for the permit shall state the date upon which it will be used, the general area in which it will be used, the name of the person and organization responsible for the group of participants, and the number of participants to be covered by the permit. All youth participating in a hunting event covered by the permit shall comply with the provisions of subsection A of § 29.1-300.1 regarding competence in hunter education, or shall be accompanied and directly supervised by an adult over the age of 18 who has, on his person, a valid Virginia hunting license.

For the purposes of this section, "accompanied and directly supervised" occurs when a person over 18 years of age maintains a close visual and verbal contact with, provides adequate direction to, and can immediately assume control of the firearm from the youth participant.

2009, c. 45.

§ 29.1-316. Special fishing permits for certain youth camps.
A. Upon receipt of an application from an officer or designated representative of any organized nonprofit tax-exempt youth camp, the Director shall issue a permit for the duration of any season of such youth camp that allows camp members under 18 years of age and camp employees to fish without licenses in public waters adjacent to property owned by the camp. Such permit shall not be issued for

use in designated waters stocked with trout or in waters where a daily fishing fee has been imposed pursuant to § 29.1-318.

B. The application for the permit shall state the name and description of the group, certification of the group's tax-exempt status, the period of time during which it will be used, the general area in which it will be used, and the name of the person or organization responsible for the group.

1980, c. 52, § 29-55.3:3; 1982, c. 27; 1987, c. 488; 2020, c. 570.

§ 29.1-317. Special fishing permits for certain juveniles.

A. Upon application from the superintendent of any juvenile correctional center maintained and operated by the Department of Juvenile Justice, the Director may issue a permit to allow the residents of such juvenile correctional center to fish under supervision without licenses in public waters open to fishing. The permits shall not be issued for use in designated waters stocked with trout or in waters where a daily fishing fee has been imposed pursuant to § 29.1-318.

B. The application for the permit shall state the name and description of the group, the period of time during which it will be used, the general area in which it will be used, and the name of the person who will be responsible for the group.

1980, c. 188, § 29-55.3:4; 1987, c. 488; 1989, c. 733; 1996, cc. 755, 914.

§ 29.1-318. Board may charge use fees for fishing in certain waters.

In addition to the license fees provided for elsewhere in this chapter, the Board may impose daily use fees, not to exceed $3.50 or as subsequently revised by the Board pursuant to § 29.1-103, and issue permits therefor to fish in specially stocked trout waters as may be designated by the Board. The proceeds from the fees shall be set aside and used exclusively by the Board for the stocking and management of the streams. Permits shall be issued by the person or persons designated by the Board at or near the area in which the permits are required.

1962, c. 397, § 29-55.4; 1968, c. 235; 1983, c. 53; 1987, c. 488; 1988, c. 250; 2009, c. 9.

§ 29.1-319. Persons entitled to county, city, or state resident licenses.

The following persons shall be entitled to a state resident license or to a county or a city license to hunt, trap, or fish provided that applications for a county or city license shall be made in the county or city in which the person meets the following criteria:

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

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

3. Any legal voter of the county or city in which the license is applied for;

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

5. Any member of the armed forces of the United States, or a member of the immediate family of such a member as defined in § 2.2-3101, upon execution of a certificate of residence if the member (i) resides in the Commonwealth, (ii) is on active duty, and (iii) is stationed at a military installation within, or in a ship based in, the Commonwealth;

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

7. Any student, a resident of the Commonwealth, regularly enrolled in any bona fide preparatory school or institution of higher education in the Commonwealth and any student, not a resident of the Commonwealth, regularly enrolled in and boarding at any such school or institution who presents a certificate of enrollment for the current year to the clerk or any license agent in the county or city in which the school or institution is located;

8. Residents of cities whose limits are wholly within the county where the license is applied for, provided the residents have physically resided within the city for a period of six consecutive months before applying for a license.

Code 1950, §§ 29-57, 29-58; 1956, c. 68; 1960, c. 536; 1962, c. 469; 1964, cc. 160, 451; 1966, c. 527; 1984, c. 26; 1987, c. 488; 2015, c. 678.

§ 29.1-320. Reserved.

Reserved.

§ 29.1-321. Nonresident required to buy nonresident license.

Nonresidents of this Commonwealth shall be required, except as otherwise provided, to obtain a nonresident license to hunt, trap or fish.

Code 1950, § 29-59; 1979, c. 287; 1983, c. 191; 1987, c. 488; 1995, c. 77.

§ 29.1-322. Residents of counties bordering on streams.

The residents of counties bordering a nontidal stream shall have the right to hunt, trap and fish when not otherwise prohibited by law or regulation in such stream opposite the shoreline of the county for which such resident has a county license. The residents of counties bordering a tidal stream shall have the right to hunt, trap and fish out to the low-water mark or as far as the county limits of the county for which he has a license extend.

Code 1950, § 29-60; 1987, c. 488.

§ 29.1-323. By whom licenses issued.

The clerks of the circuit courts of cities, and such agents operating in Virginia cities as the Board may designate, shall issue state and city resident licenses, and county licenses for those counties

contiguous to their respective cities. The clerks of the circuit courts of counties, and such agents operating in Virginia counties as the Board may designate, shall issue state licenses and county licenses for their respective counties. Agents, designated by the Board, who operate outside of Virginia, shall issue state licenses and such Virginia county or city licenses as agreed upon by the agent and the Department. Licenses shall be issued as provided for in this title, and clerks and agents shall date and authenticate the licenses in a manner prescribed by the Board. Any clerk who desires to be relieved of this duty shall notify the Board in writing and shall be relieved when the Board has designated an agent to sell licenses in his county or city.

Code 1950, § 29-61; 1954, c. 280; 1958, c. 172; 1978, c. 485; 1987, c. 488; 2000, c. 132; 2003, c. 92.

§ 29.1-324. Reserved.

Reserved.

§ 29.1-325. Evidence that applicant entitled to license.

The clerk or agent shall require any applicant to make affidavit or to furnish other satisfactory evidence that he is entitled to the license applied for before issuing the license.

Code 1950, § 29-63; 1978, c. 218; 1987, c. 488.

§ 29.1-326. Reserved.

Reserved.

§ 29.1-327. Agents for sale of licenses and permits; sales by telephone and electronic media.

A. The Board shall have authority to appoint agents operating in and outside of Virginia for the issuance and sale of any or all of the permits and licenses provided for in this title. Those agents appointed shall be in addition to the clerks of the courts designated by § 29.1-323 and shall be chosen so as to best serve the public from the standpoint of geographic location and method of operation. Such agents operating in and outside of Virginia shall be subject to the laws and the rules and regulations of the Board covering the issuance and sale of licenses and permits. Rules and regulations promulgated by the Board shall be designed to ensure that agents provide adequate service to the public and shall include provisions for removing agents not performing their duties properly. Any contract between the Department and any agent operating outside of Virginia shall stipulate that application and construction of the contract is governed by the laws of Virginia. Before an agent's appointment becomes effective, the agent shall be bonded by a surety company entitled to do business in this Commonwealth in the penalty of such amount as the Board may require, payable to the Commonwealth and conditioned upon the faithful performance of the agent's duties.

At such intervals as the Board may decide to be proper, the Board shall informally investigate the performance of agents appointed pursuant to this section to determine whether such agents are performing their duties in the public interest as provided by law and shall take any action deemed necessary to provide the best service in the public interest.

B. The Board may make and enter into agency contracts whereby the agent, whether operating in or outside of Virginia, may sell hunting and fishing licenses, issued under this title, by telephone, the

Internet, or other electronic or computerized means. The contract shall establish the cost the agent may charge and receive per transaction which shall be in addition to the actual cost of the license sold during the transaction. A telephone or electronic media agent shall receive as compensation the fees for which he contracted with the Board and as determined and provided for in § 29.1-332. A telephone or electronic media agent shall follow the provisions of the contract.

Code 1950, § 29-65; 1950, p. 149; 1964, c. 562; 1966, c. 286; 1968, c. 522; 1970, c. 82; 1972, c. 133; 1973, c. 184; 1974, cc. 105, 107; 1975, cc. 153, 402; 1976, cc. 38, 171; 1977, c. 377; 1987, c. 488; 1999, c. 255; 2000, c. 132.

§ 29.1-328. Term of licenses and permits; multiple-year license.

A. Hunting and trapping licenses and permits shall be valid for one year from their date of purchase or future effective date, as authorized by the Department, except those licenses issued pursuant to § 29.1-305, which shall be valid from July 1 of each year or their later date of purchase, to June 30 of the following year, unless sooner revoked.

B. Fishing licenses shall run and be valid for one year from their date of purchase or future effective date, as authorized by the Department.

C. The Board may authorize the sale of any annual license or permit issued under this title for a period exceeding the one-year term. Such a multiple-year license or permit shall be valid for the number of consecutive years stated on the permit or license. The fee for such a multiple-year license or permit shall not exceed the total amount that would be charged if the particular license or permit was purchased on an annual basis over the specified number of years.

D. The terms of licenses listed in subsections A, B, and C shall not apply to the lifetime hunting and fishing license established in § 29.1-302.1.

E. National Forest Stamps, issued pursuant to § 29.1-408, shall be valid for one year from their date of purchase, unless sooner revoked.

Code 1950, § 29-66; 1980, c. 494; 1987, cc. 95, 488; 1988, c. 161; 2001, c. 115; 2002, c. 175; 2007, c. 39; 2011, c. 819; 2014, c. 255.

§ 29.1-329. Reserved.

Reserved.

§ 29.1-330. Delivery to clerk or agent; return of unused annually expiring materials and unsold licenses; voluntary contributions.

A. The Director shall send to each clerk or agent before the first day of the license year as many annually expiring licensing materials and licenses as he may deem necessary and shall hold each accountable for the amount and number sent. Clerks and agents shall, within 10 days after the end of the license year, return to the Director all unused annually expiring licensing materials, unsold licenses and the stubs of licenses sold. All annually expiring licensing materials and serially numbered licenses shall be accounted for by the Director. For licensing conducted by telephone or electronic

media, the Director shall determine what additional equipment and nonannually expiring licensing materials are required by the clerks or agents, and he shall make available such equipment and materials to agents according to a schedule he deems appropriate.

B. Any form used in applying for a hunting permit or license issued under this title shall include language permitting the applicant to make a voluntary contribution of at least $2 to support the activities of Virginia Hunters Who Care, Inc., known as Hunters For The Hungry.

Code 1950, § 29-68; 1976, c. 660; 1980, c. 494; 1987, c. 488; 2000, c. 132; 2003, cc. 95, 737; 2010, c. 3.

§ 29.1-331. Licenses to be dated, numbered and authenticated.

All licenses shall be dated, numbered, and authenticated by the clerk or agent by his signature or in such other manner as prescribed by the Director, and the clerk or agent shall show all other information required by law or the Board.

1952, c. 366, § 29-68.1; 1960, c. 541; 1987, c. 488; 2000, c. 132.

§ 29.1-332. License and permit receipts; compensation for issuing; sums to be credited to game protection fund.

A. Notwithstanding the provisions of § 2.2-1802, the money received for licenses and permits issued under this title shall be paid by each clerk or agent to the Department for payment into the state treasury. Payment shall be made by means prescribed by the Board and agreed to by the clerk or agent. For license sales by telephone or electronic media, the means of payment may include a continuous deposit of proceeds from the sale of licenses into accounts from which the Department may electronically transfer funds to a Departmental or state account at agreed-upon intervals. For license sales made other than by telephone or electronic media, the clerk or agent shall add $.50 to the fee for each license or permit he issues and retain the $.50 as compensation for such service.

B. Upon receipt into the treasury of such sums the Comptroller shall credit the sums to the game protection fund or to the Lifetime Hunting and Fishing Endowment Fund for licenses sold pursuant to § 29.1-302.1.

C. The voluntary contributions collected pursuant to subsection B of § 29.1-330 and remitted to the Department shall be deposited into the state treasury and credited to a special nonreverting fund, within the game protection fund, known as the Feed the Hungry Fund. Monies in this fund shall be disbursed quarterly to Hunters For The Hungry to support its programs to feed the hungry and other statewide activities related to this mission.

Code 1950, §§ 29-69, 29-71; 1976, c. 660; 1980, c. 494; 1987, cc. 95, 488; 1992, c. 374; 2000, c. 132; 2003, cc. 95, 737.

§ 29.1-333. Reports to Director as to sale of licenses.

A. When remitting license and permit receipts, each clerk or agent shall make a report to the Director, in a manner prescribed by the Director, which shall show (i) the quantity of licenses of each kind sold

and the amount of gross collections for each kind of license, (ii) the amount of collections retained as compensation pursuant to § 29.1-332, (iii) the net amount remitted to the Department, (iv) the amount of voluntary contributions collected pursuant to subsection B of § 29.1-330, and (v) any other information that the Director may require.

B. For failure to make a report and remit the amount due within 30 days after the due date, the clerk or agent shall forfeit his compensation for issuing licenses on such report. If an agent fails to have funds in an amount equal to the Department's records of reported license sales in any account from which remission of revenues to the Department is made by periodic electronic transfer, he shall forfeit his compensation for issuing licenses during the period covered by the transfer of the funds. For any subsequent failure to have funds equal to the Department's records of reported license sales in an account from which remission of revenues to the Department is made by periodic electronic transfer, the Director may revoke the person's status as a license agent.

C. For license sales made by telephone or electronic media, the reports and remittances to the Department shall be made not less than quarterly and in accordance with a schedule prescribed by the Board. For license sales made other than by telephone or electronic media, the reports and remittances to the Department shall be made as follows:

1. For July and August, not later than September 5.

2. For September, October, November and December, monthly, not later than the fifth of the succeeding month.

3. For January, February and March, quarterly, not later than April 5.

4. For April, May and June, quarterly, not later than July 5.

Code 1950, §§ 29-70, 29-72, 29-73; 1976, c. 660; 1987, c. 488; 1992, c. 374; 2000, c. 132; 2003, cc. 95, 737.

§ 29.1-334. Certificate when license lost or destroyed.

If a license, other than a license issued by electronic means or a temporary license as described in § 29.1-335, is lost or destroyed, the person to whom the license is issued may immediately apply to the clerk or agent who issued the license for a license certificate. Upon written statement that the license has been lost or destroyed, the clerk or agent shall issue a license certificate and endorse the number of the original license and date of issue thereon. A temporary license that is lost or destroyed may not be replaced with a license certificate. The fee of the clerk or agent for filing the statement and issuing a license certificate shall be twenty-five cents for agents and as prescribed in subdivision A 30 of § 17.1-275 for clerks and shall be paid by the applicant. The clerk or agent shall not be required to remit his fees for issuing license certificates. No licenses shall be redeemed or exchanged. Damaged licenses shall be returned to the Department in a manner prescribed by the Director, and proper deductions from the gross amount shall then be made. The Department shall furnish forms of written statements and license certificates and shall make available equipment and materials as needed or as

required by this section. Replacement of any lost or destroyed license issued by electronic means should be made in a manner prescribed by the Director.

Code 1950, § 29-74; 1976, c. 660; 1987, c. 488; 1994, c. 432; 2000, c. 132.

§ 29.1-335. Hunting, trapping or fishing without a license.

No person shall hunt, trap, or fish without having obtained a license when such a license is required. For the purposes of this article, the term "license" shall include any temporary license issued by a clerk or agent to a buyer and authorized to be used in a manner prescribed by the Director. Any person who violates this section shall be guilty of a Class 3 misdemeanor and shall pay to the clerk a fee equal to the cost of the required license to be paid into the state treasury and credited to the game protection fund.

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

Code 1950, § 29-75; 1987, c. 488; 1989, c. 421; 1993, c. 839; 2000, c. 132.

§ 29.1-336. Carrying licenses and certificates; penalty.

A. Every person who is issued a hunting, trapping, or fishing license shall carry the license on his person while hunting, trapping, or fishing. Persons who have been issued such licenses and fail to carry them when required shall be guilty of a Class 4 misdemeanor.

B. Any person who is 16 years of age or older and who is (i) required to present a certificate of completion in hunter education to obtain a hunting license pursuant to § 29.1-300.1, and (ii) issued a hunting license by telephone, the Internet, or other electronic or computerized means, shall also carry such certificate on his person while hunting.

C. Any person who is 12 years of age through 15 years of age, and is issued a hunting license by telephone, the Internet, or other electronic or computerized means, shall carry his certificate of completion in hunter education on his person while hunting, unless he is accompanied and directly supervised by an adult who has, on his person, a valid Virginia hunting license and certificate if required under subsection B.

D. For purposes of this section and § 29.1-337, "carry" means possess a hard copy or electronic copy of the license or certificate.

Code 1950, § 29-75; 1987, c. 488; 2005, c. 145; 2015, c. 479; 2017, c. 363.

§ 29.1-337. Displaying license upon request.

A. Every person who is issued a hunting, trapping or fishing license and is carrying such a license when hunting, trapping or fishing shall present it immediately upon demand of any officer whose duty it is to enforce the game and inland fish laws. Refusing to exhibit the license upon demand of any conservation police officer or other officer shall be a Class 3 misdemeanor.

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

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

Code 1950, § 29-76; 1987, c. 488; 1989, c. 421; 2007, c. 87.

§ 29.1-337.1. Penalty for false statements; altering, borrowing or lending license.

It shall be unlawful for any person to make a false statement in order to secure a license or to alter, change, borrow, or lend or attempt to use, borrow or lend a license. Any person violating this provision shall be guilty of a Class 2 misdemeanor.

Code 1950, § 29-76; 1987, c. 488.

§ 29.1-338. Revocation of license and privileges; penalties.

If any person is found guilty of violating (i) any of the provisions of the hunting, trapping, or inland fish laws, any provision of §§ 15.2-915.2, 15.2-1209.1, 18.2-131 through 18.2-136, or §§ 18.2-285 through 18.2-286.1, or any regulation adopted by the Board pursuant thereto, a second time within three years of a previous conviction of violating any such law or regulation, or (ii) any provision of law or ordinance governing the dumping of refuse, trash, or other litter while engaged in hunting, trapping, or fishing, such license and privileges shall be revoked by the court trying the case and such person shall not apply for a new license or exercise such privileges until 12 months succeeding the date of conviction. The court may also prohibit the convicted person from hunting, fishing, or trapping in the Commonwealth for a period of one to five years. If found hunting, trapping, or fishing during such prohibited period, the person is guilty of a Class 2 misdemeanor and may also be prohibited by the court from hunting, fishing, or trapping for an additional period of one to five years. Licenses revoked shall be sent to the Director.

Code 1950, § 29-77; 1962, c. 469; 1970, c. 274; 1983, c. 272; 1987, c. 488; 1989, c. 213; 2004, c. 462; 2010, c. 183; 2020, c. 311.

§ 29.1-339. Complimentary licenses.

The Director is authorized to issue complimentary hunting licenses and complimentary fishing licenses to the field inspectors of the United States Fish and Wildlife Service and public officials of the United States and of other states engaged in conservation work, including official representatives of out-of-state, nationally recognized, nongovernmental organizations engaged in wildlife conservation work; however, not more than seventy-five such complimentary hunting licenses shall be issued during one fiscal year, and not more than 150 such complimentary fishing licenses shall be issued during one calendar year.

Code 1950, § 29-80; 1964, c. 474; 1982, c. 72; 1987, c. 488; 2001, c. 63.

§ 29.1-339.1. Repealed.

Repealed by Acts 2005, c. 127, cl. 2.

§ 29.1-339.2. Establishment of Virginia Migratory Waterfowl Conservation Stamp; required.

A. No person shall hunt or take any migratory waterfowl within the Commonwealth without first obtaining a Virginia Migratory Waterfowl Conservation Stamp. Every person who is issued the Stamp shall carry it on his person when hunting or taking any migratory waterfowl. Each Stamp shall be validated by the signature of the licensee written across the face of such stamp. The Stamp shall be designed and produced in accordance with Department policy and shall be valid from July 1 of each year or their later date of purchase, to June 30 of the following year, unless sooner revoked. Unless otherwise provided in this chapter, any person who is exempt from hunting license requirements shall also be exempt from the requirements imposed by this section. Any person who is under the age of 16 years shall be exempt from the requirements of this section.

B. The fee for the Stamp for a resident and a nonresident is $9.75. Clerks and license agents who sell hunting licenses shall sell the Stamp and retain $0.75 as compensation for such service. The Board may subsequently revise the cost of the fees set forth in this section pursuant to § 29.1-103.

C. The Stamp may also be issued through an automated license delivery system. The fee for the issuance of the Stamp through an automated license delivery system shall be consistent with the fees specified in § 29.1-332. The format of the Stamp shall be the same as any other license, validation, or privilege issued through an automated license delivery system. When purchased through an automated license delivery system, the purchaser shall have the option of requesting the actual Stamp at the address specified on the license at the time of purchase.

D. The moneys received from the sale of the Stamp shall be paid by each clerk or agent to the Department for payment into the state treasury. Payment shall be made by means prescribed by the Board and agreed to by the clerk or agent. Upon receipt into the treasury of such moneys, the Comptroller shall credit the sums to the Game Protection Fund established in § 29.1-101 and accounted for as a separate fund to be designated as the Virginia Migratory Waterfowl Conservation Stamp Fund (the Stamp Fund). Moneys from the Stamp Fund shall not be diverted to any other state agency. The Department shall use the moneys in the Stamp Fund in the following manner:

1. The Department shall first utilize these moneys to cover any administrative costs associated with production and issuance of, and accounting for, the Stamp.

2. The Department shall contract 50 percent of the remaining annual revenue deposited in the Stamp Fund with appropriate nonprofit organizations for cooperative waterfowl habitat improvement projects. Before paying such moneys to any nonprofit organization, the Department shall obtain evidence that the organization is eligible to receive funds for such projects.

3. The remainder of the moneys in the Stamp Fund shall be used by the Department to protect, preserve, restore, enhance, and develop waterfowl habitat in Virginia.

E. The Department may establish (i) the method for selecting appropriate designs for the Stamp and (ii) eligibility criteria for receiving funds for waterfowl habitat improvement projects. The Department may sell expired Stamps for less than face value to the general public for a period of three years, after

which time the Department shall shred any unsold expired Stamps. All revenues derived from the sale of these Stamps shall be paid into the state treasury to the credit of the Game Protection Fund and dedicated to the Stamp Fund.

F. For purposes of this section:

"Migratory waterfowl" means those migratory birds belonging to the Family Anatidae (ducks, geese, brant, and swans) for which open hunting seasons are established by federal regulations.

"Stamp" means the Virginia Migratory Waterfowl Conservation Stamp.

2005, c. 127; 2007, c. 644; 2009, c. 9.

Article 2 - Licenses for Waterfowl Blinds and for Hunting Waterfowl

§ 29.1-340. Hunting waterfowl from unlicensed blinds and without season license.

It shall be unlawful to hunt migratory waterfowl on the public waters and shores east of Interstate Route 95 in the Commonwealth from unlicensed stationary or floating blinds. For the purposes of this article, "public waters" means public waters that are navigable in fact. Any person hunting waterfowl or applying to license a stationary blind in public waters shall also have a season license to hunt and a state and federal duck stamp.

Code 1950, § 29-81; 1958, c. 38; 1964, c. 478; 1987, c. 488; 2020, c. 415.

§ 29.1-341. Stationary blinds defined.

For the purposes of this article, a stationary blind means a structure erected at a fixed location either on the shores of the public waters or in the public waters for the purpose of hunting and shooting waterfowl.

A stationary blind shall be (i) of such size and strength that it can be occupied by and conceal one or more hunters, or (ii) large enough to accommodate and conceal a boat or skiff from which one or more hunters intend to hunt or shoot waterfowl.

Code 1950, § 29-82; 1987, c. 488; 2004, c. 422.

§ 29.1-341.1. Number of stationary blinds permitted; when erected.

Notwithstanding the provisions of § 29.1-340, clubs holding stationary waterfowl blind licenses in Virginia Beach may continue to renew stationary blinds in the public waters. In areas other than Virginia Beach, individuals who do not own riparian rights shall be permitted to license no more than two stationary blinds in the public waters in any one season. Stationary blinds shall be erected not later than November 1 of each year.

2004, c. 422; 2020, c. 415.

§ 29.1-342. Floating blinds.

Floating blinds shall mean floating blinds permitted by law in the public waters. They may be used in any position in public waters at different locations from day to day if the blind is anchored the required

distance from any other blind, unless agreed otherwise between the parties. Licenses for floating blinds shall be limited to two floating blinds in any one season, to any one applicant.

Code 1950, § 29-83; 1970, c. 579; 1987, c. 488.

§ 29.1-342.1. Waterfowl blinds in locality where bird hunting with firearms prohibited.
The Department shall not license any stationary waterfowl blind in any area of Hunting Creek, Little Hunting Creek, or Dogue Creek in which the local governing body prohibits by ordinance the hunting of birds with a firearm.

2020, cc. 307, 308.

§ 29.1-343. Fees for waterfowl blind licenses.
The fees for waterfowl blind licenses shall be as follows or as such fees may be subsequently revised by the Board pursuant to § 29.1-103:

1. For a stationary blind erected in the public waters or on the shores of the riparian owner to shoot over the public waters, seventeen dollars and fifty cents.

2. For a floating blind, in the public waters, to shoot over the public waters, thirty-five dollars.

Code 1950, § 29-84; 1974, c. 363; 1987, c. 488; 1988, c. 250; 2009, c. 9.

§ 29.1-344. Stationary blinds on shore and in the public waters for owners of riparian rights.
Notwithstanding the provisions of § 29.1-340, each year, the owners of riparian rights, their lessees or permittees shall have the exclusive privilege of licensing and erecting stationary blinds on their shoreline, and the prior right of licensing and erecting stationary blinds in the public waters in front of their shoreline, to shoot waterfowl over the public waters. Such blinds shall not be located in water having a depth greater than eight feet at mean high tide, nor shall they be located farther than halfway across the body of water from the riparian owner's shoreline, except on the shores and waters of Back Bay in the City of Virginia Beach where such blinds are limited to (i) the riparian owner's shoreline at the mean low water mark or (ii) blinds erected and licensed by the riparian owner in 2011. When licensing a stationary blind, the location of each blind licensed shall be provided as latitude and longitude coordinates. When such a license has been obtained and a stake or a stationary blind has been erected on the site with the license for that season properly affixed, no other stationary or floating blind shall be located in the public waters within 500 yards of the licensed site without the consent of the riparian owner, lessee or permittee.

Code 1950, § 29-85; 1987, c. 488; 1989, c. 217; 2004, c. 422; 2010, c. 9; 2012, c. 227; 2013, c. 745; 2020, c. 415.

§ 29.1-344.1. Stationary duck blind license; riparian landowners exempted.
Notwithstanding the provisions of § 29.1-340, the owners of riparian rights or their invitees shall not be required to obtain a stationary blind license when hunting waterfowl from such a blind located on the riparian owner's property. However, a stationary blind license shall be required in order to afford the riparian owners the protections provided by §§ 29.1-344, 29.1-345, and 29.1-349.

1992, c. 237; 1993, c. 209.

§ 29.1-344.2. Time period for obtaining riparian stationary blind licenses.

A. Riparian owners or their lessees or permittees licensing a stationary blind that was not licensed the previous year by the riparian owner, lessee, or permittee may obtain a stationary blind license beginning February 1 through June 15 of each year pursuant to § 29.1-344. A stake or a stationary blind shall be erected on the site, and a license plate supplied with the license for that season shall be affixed thereto, by June 30. If a stake has been erected on the site of a stationary blind, such stake shall be replaced by a blind by November 1 pursuant to the provisions of § 29.1-341. Such stationary blinds shall conform to the standards prescribed in § 29.1-341.

B. Riparian owners or their lessees or permittees licensing a stationary blind that was licensed the previous year by the riparian owner, lessee, or permittee may obtain a stationary blind license beginning February 1 through August 15 of each year pursuant to § 29.1-344. A stake or a stationary blind shall be erected on the site, and a license plate supplied with the license for that season shall be affixed thereto, by August 31. If a stake has been erected on the site of a stationary blind, such stake shall be replaced by a blind by November 1 pursuant to the provisions of § 29.1-341. Such stationary blinds shall conform to the standards prescribed in § 29.1-341.

2013, c. 745.

§ 29.1-345. Stationary blinds in the public waters for nonriparian owners.

Unless a license has been obtained pursuant to § 29.1-344, and a stake or a blind has been erected and marked within the time stated as specified in § 29.1-344, in any year, the owners of riparian rights, their lessees or permittees shall forfeit the privilege of licensing blinds on their shores and also lose priority for licensing stationary blinds in the public waters adjoining such shores. Any locations remaining in the public waters shall belong to whoever first obtains a license and erects a stake or a blind. The blind shall not be located in a marked navigation channel on the site selected. In addition, the blind must be at least 500 yards from any other stationary blind, and the license for that season must be properly affixed to the structure. When licensing a stationary blind, the location of each blind licensed shall be provided as latitude and longitude coordinates.

Code 1950, § 29-86; 1987, c. 488; 2010, c. 9; 2013, c. 745; 2014, c. 377.

§ 29.1-345.1. Time period for obtaining nonriparian stationary blind licenses.

A. A nonriparian license for a stationary blind in the public waters that was licensed the previous year as a nonriparian stationary blind may be obtained by the previous year's licensee beginning July 1 through August 15 pursuant to § 29.1-345. A stake or blind shall be erected on the site, and a license plate supplied with the license for that season shall be affixed thereto, by August 31.

B. A stationary blind or a site in the public waters that is not licensed and posted by August 31 can be licensed as a nonriparian blind beginning September 1 through October 15 pursuant to § 29.1-345. A stake or blind shall be erected on the site, and a license plate supplied with the license for that season must be affixed thereto. If a stake has been erected on the site of a stationary blind, such stake must

be replaced by a blind by November 1 pursuant to the provisions of § 29.1-341. Such stationary blinds shall conform to the standards prescribed in § 29.1-341.

2013, c. 745.

§ 29.1-345.2. Damaged stationary blinds in Virginia Beach; civil penalty.

Any licensee who has a stationary blind located in the City of Virginia Beach that has been abandoned or does not meet the requirements for a blind set forth in § 29.1-341 shall place a PVC pipe marker with reflecting tape or gear six feet above mean low water at the site of the blind and shall immediately notify the Department that the blind has been marked in accordance with this section. The failure to place such a reflective marker within seven days of discovery of the blind's condition or within seven days of notification by the Department of the requirement to place a reflective marker shall subject the owner of the blind to a civil penalty not to exceed $100. All civil penalties assessed under this section shall be deposited in the Motorboat and Water Safety Fund of the Game Protection Fund and used as provided for in § 29.1-701.

2016, c. 378.

§ 29.1-346. When license for floating blinds issued; distance from stationary blinds.

Licenses for floating blinds permitted by law, in the public waters, may be obtained on and after July 1. Floating blinds shall have a license plate supplied with the license for that season affixed to the blind. Floating blinds, including any accompanying boat or tender, shall anchor or tie out at least 500 yards from any licensed stationary blind for shooting, whether on the shore or in the water, unless agreed otherwise between the parties.

Code 1950, § 29-87; 1970, c. 579; 1987, cc. 94, 488.

§ 29.1-347. Renewing licenses.

The holders of licenses first issued under this article may renew the same privileges each succeeding year by licensing within the time required and placing the license tag on the stake or blind as required by this article. The exclusive privileges prescribed with respect to owners and their lessees and permittees in § 29.1-344 shall be recurrent each year even if the privileges were forfeited to some other person or persons in the preceding year. If any blind is destroyed in any manner beyond the control of the owner, it may be replaced within thirty days without losing the position which it formerly occupied. Those licensing stationary blinds in the public waters shall remove the blinds when the licenses expire or when they no longer intend to use them, whichever occurs first.

Code 1950, § 29-88; 1987, c. 488; 2013, c. 745.

§ 29.1-348. Obtaining licenses.

All applications for blind licenses under this article shall be made to the local license agent or clerk of the circuit court of the county or city in which or nearest which the blind site is located or through an electronic or computerized means determined by the Director. The clerk or local license agent shall be paid similar fees as for issuing hunting licenses. With each license the Department, clerk, or local license agent shall deliver a license plate bearing the number of the license, which shall be affixed to

the blind where it may be easily observed. The Department shall furnish the licenses and license plates provided for in this article. The money arising from the sale of blind licenses shall be paid into the game protection fund.

Code 1950, § 29-89; 1987, c. 488; 2007, c. 38.

§ 29.1-349. Hunting, erecting blind within 500 yards of licensed blind.

A. No person shall hunt or shoot migratory waterfowl in the public waters of this Commonwealth from a boat, float, raft or other buoyant craft or device within 500 yards of any legally licensed erected stationary blind of another without the consent of the licensee, or within 150 yards of a residence without the consent of the landowner, except when in active pursuit of a visibly crippled waterfowl that was legally shot by the person.

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

Code 1950, § 29-90; 1954, c. 305; 1956, c. 318; 1987, c. 488; 2004, c. 422; 2007, c. 87; 2013, c. 745; 2020, c. 415.

§ 29.1-350. Exemption from application of article.

The provisions of this article shall not apply to the shores and public waters and marshes of Accomack and Northampton Counties. However, in those localities no person shall hunt migratory waterfowl, whether from a blind or otherwise, without having obtained a season license to hunt.

Code 1950, § 29-91; 1970, c. 644; 1987, c. 488; 1993, c. 209.

§ 29.1-351. Regulations to be issued; present regulations continued in force.

The Board shall have the power to amend or alter the provisions of this article by regulation prescribing a distance less than 500 yards between blinds whenever and wherever such action seems practicable and desirable. The Board may adopt other regulations concerning the use of such blinds as may appear advisable to meet changing conditions as to hunting migratory game birds. The regulations of the Board now applying to such hunting are hereby continued in force until amended or repealed by the Board; however, the Board shall not have the power to alter in any respect the privileges prescribed for owners and their lessees and permittees in §§ 29.1-344 and 29.1-347.

Code 1950, § 29-92; 1987, c. 488.

§ 29.1-351.1. Penalty for violations.

Unless otherwise specified, any person who violates any of the provisions of this article shall be guilty of a Class 2 misdemeanor.

Code 1950, § 29-90; 1954, c. 305; 1956, c. 318; 1987, c. 488.

Article 3 - STAMPS

§ 29.1-352. Damage stamp program established; purpose; intent.

There is hereby established a damage stamp program to provide for an available source of funds to be used to compensate damage to crops, fruit trees, commercially grown Christmas trees, nursery stock, livestock, colonies of bees, bee equipment and appliances, as defined in § 3.2-4400, or farm equipment that is caused by deer, elk, or bear, or by big game hunters. It is the intent of the General Assembly that persons suffering loss or damage as the result of these activities should be realistically compensated for damages that occurred to their property as the result of the activity. A local governing body shall encourage to the maximum extent possible the utilization of the damage stamp fund for payment of claims in keeping with the purposes of this article.

1981, c. 16, § 29-92.1; 1983, c. 198; 1987, c. 488; 2003, c. 137; 2004, cc. 87, 463.

§ 29.1-353. Local governing body to adopt ordinance.

A. Any local governing body may adopt an ordinance consistent with the provisions of this article for the purpose of establishing a damage stamp program. No such ordinance shall be in force between May 1 of any year and the following April 30 whenever the amount of money in this special fund is more than twice the average annual disbursement made from the fund for the payment of damage claims in the locality during the immediately preceding three years. However, such estoppel shall not apply to any locality during the first three years immediately following the effective date of the first such ordinance adopted by the governing body of that locality pursuant to this or any earlier similar enabling act.

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

1981, c. 16, § 29-92.2; 1987, c. 488.

§ 29.1-354. Stamps required; issuance; fee; affixing stamps; cancellation.

It shall be unlawful for any person to hunt bear, deer or elk in any locality adopting a damage stamp ordinance within the Commonwealth without having first obtained the special stamp. A violation of this provision shall be punishable as a Class 3 misdemeanor.

The annual fee for such a stamp shall be $1. The local governing body may prescribe any fee, not to exceed $5 for these special stamps, when issued to nonresidents of the Commonwealth.

The special stamps shall be obtained from a locally designated official or from any agent designated by the Board pursuant to § 29.1-327. The agent shall be paid a fee of $.10 from the special fund for each stamp issued.

The stamp shall be affixed to the reverse side of a current hunting license of each person required to obtain the stamp, and that person shall cancel the stamp with his initials.

1981, c. 16, § 29-92.3; 1987, c. 488; 1989, c. 421; 2003, c. 137.

§ 29.1-355. Disposition of funds.

All moneys received from the sale of the special stamps shall be paid into the local treasury to the credit of a special damage stamp fund and identified by the year in which the moneys were collected. The special fund shall be used for the following purposes:

1. Payment for damages to crops, fruit trees, commercially grown Christmas trees, nursery stock, livestock, colonies of bees, bee equipment and appliances, as defined in § 3.2-4400, or farm equipment that is caused by deer, elk, or bear at any time, or by big game hunters during hunting season; and

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

3. In the discretion of the local governing body, payment of the costs of law enforcement directly related to and incidental to carrying out the provisions of this article and the general game laws of the Commonwealth; any person compensated to engage in such law-enforcement activities shall be approved for such employment by the director and appointed to be a special conservation police officer in accordance with the Board's standards and policies governing such appointment; and

4. In the discretion of the local governing body, administrative expenses related to the special stamps, support of a county volunteer fire prevention and suppression program when the program includes firefighting on big game hunting lands open to the public, and support of local volunteer emergency medical services agencies whose services are available to hunters in distress. However, the money appropriated from the special damage stamp fund for these purposes shall not exceed, in the aggregate, in any calendar year, an amount equal to 25 percent of the amount paid into the special damage stamp fund during the fiscal year or previous calendar year. Once selecting the fiscal year or previous calendar year, the local governing body must continue to use that selected period of time in determining the amount of money to be appropriated from the special damage stamp fund.

1981, c. 16, § 29-92.4; 1983, c. 198; 1985, c. 284; 1986, c. 361; 1987, c. 488; 2003, c. 137; 2004, cc. 87, 463; 2007, c. 87; 2015, cc. 502, 503.

§ 29.1-356. Reporting damages; filing and adjudicating claims.

Any person suffering damage pursuant to the provisions of this article shall report the damage to a locally designated official whose duty it shall be to have the damage investigated. The claim for damage shall be filed under oath and in a manner and form as may be prescribed by the local governing body.

If the claimant and the designated local official agree as to the amount of damage, the local governing body may approve the amount and order payment thereof from the special damage stamp fund established by this article. No claim for damages shall be paid to any person who does not permit the hunting of big game or elk by licensed hunters on his property. However, the fact that a landowner places reasonable restrictions on the number of licensed hunters who are permitted to hunt big game or elk

on his property shall not disqualify him from filing a claim for damages pursuant to this section. In the event that no agreement as to the amount of damages can be reached, the claimant may initiate an action in the general district court of the county in which the damage occurred.

1981, c. 16, § 29-92.5; 1987, c. 488; 1988, cc. 375, 385; 2003, c. 137.

§ 29.1-357. Civil action required.

In any instance in which compensable damage is alleged to have been caused by an individual hunter whose whereabouts are known and when it is reasonable and practicable to do so, the claimant shall first proceed against such hunter in a civil action before any payment is made pursuant to the provisions of this article.

Upon payment of any claim pursuant to the provisions of this article, the county shall be subrogated to the rights of the claimant against such individual hunter.

1981, c. 16, § 29-92.6; 1987, c. 488.

§ 29.1-358. Localities to report claims and reimbursements.

Any locality establishing a damage stamp program pursuant to the provisions of this article, including those localities previously authorized to adopt such an ordinance prior to July 1, 1981, shall ensure that annual reports of all damage claims made and the amount of reimbursement therefor are made to the Department.

1981, c. 16, § 29-92.7; 1987, c. 488; 2020, c. 958.

Chapter 4 - PERMITS REQUIRED

Article 1 - DEALING IN FURS

§ 29.1-400. Unlawful to deal in furs without a permit.

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

Code 1950, § 29-93; 1987, c. 488.

§ 29.1-401. Exemptions as to fur permits.

A. A permit shall not be required of any hunter or trapper to possess or dispose of the hides, furs or pelts of wild animals legally shot or caught by him nor of any person lawfully engaging in the business of fur farming to possess or to dispose of the hides, furs or pelts of wild animals raised by him.

B. A permit shall not be required of any Virginia resident who is a member of an American Indian tribe recognized by the Commonwealth or a member of a federally recognized American Indian tribe to buy and possess the hides, furs, pelts or skeletal parts of legally obtained wild animals, except bear as prohibited in § 29.1-536, when such items are to be used as part of traditional American Indian religious practices. Resale of items obtained under this section is prohibited.

C. The Board may adopt regulations providing further exemptions to the permit requirement.

Code 1950, § 29-94; 1980, c. 494; 1987, c. 488; 1997, c. 510; 2016, c. 62.

§ 29.1-402. Permit fees to deal in furs; permit issuance.

A. The fee for a permit to buy, sell, barter, exchange, traffic or trade in, bargain for, solicit for purchase, or possess the hides, furs or pelts of wild animals shall be as follows:

1. State resident, $50.

2. State nonresident, $125.

B. The permit shall be issued in the name of the firm or individual conducting the business, but shall authorize one person only, who shall be designated as a fur buyer, to personally solicit for the purchase of furs within the area covered by the permit. The fur buyer may be the permittee, if an individual, a member of the firm, or a bona fide employee of such individual or firm who is paid a regular stated monthly salary.

Code 1950, § 29-95; 1980, c. 494; 1987, c. 488; 1988, c. 250.

§ 29.1-403. Term of permits; application.

All fur permits shall be for the fiscal year, July 1 through June 30, and shall be obtained from the Department by written application.

Code 1950, § 29-98; 1987, c. 488.

§ 29.1-404. Qualifications of permittee.

The qualifications for securing resident county and state hunting and fishing licenses shall apply to obtaining permits under this article.

Code 1950, § 29-99; 1987, c. 488.

§ 29.1-405. Reports of permittees.

The Director may require each permit holder to submit, within ten days after the end of each fiscal year, a detailed activities report in a form as the Director may prescribe.

Code 1950, § 29-100; 1980, c. 494; 1987, c. 488.

§ 29.1-406. Penalty for violations.

The violation of any of the terms of this article shall constitute a Class 3 misdemeanor. Furthermore, the trial court shall revoke the permit of the fur dealer, and he shall not have a similar permit for that season or for the succeeding season. He may, however, be eligible for a permit thereafter.

Code 1950, § 29-101; 1980, c. 494; 1987, c. 488.

§ 29.1-407. Forfeiture of furs.

Any furs found in the possession of any person or firm and acquired in violation of this article shall be forfeited to the Commonwealth. The proceedings for forfeiture shall conform as far as practicable to the provisions of Chapter 22.1 (§ 19.2-386.1 et seq.) of Title 19.2, and the net proceeds of the forfeiture shall be paid into the Literary Fund.

Code 1950, § 29-102; 1987, c. 488; 2012, cc. 283, 756.

Article 2 - NATIONAL FORESTS

§ 29.1-408. Permit required; exceptions.

No person shall hunt, fish, or trap on any lands in the national forests in this Commonwealth without first obtaining, in addition to the regular resident or nonresident license, a special permit to hunt, fish, or trap on such areas in the national forests as the Board and the Forest Service may agree upon. However, no such permit shall be required of (i) residents under the age of 16 to fish or trap; (ii) residents over the age of 65 to fish; (iii) nonresidents under the age of 16 to fish when accompanied by a person possessing a valid license to fish therein; (iv) residents possessing a license as provided by subsection E of § 29.1-301; and (v) persons holding a license as provided by § 29.1-339.

The violation of any of the terms of this article shall constitute a Class 3 misdemeanor.

Code 1950, § 29-117; 1972, c. 381; 1977, c. 377; 1987, c. 488; 2018, c. 507.

§ 29.1-409. From whom permits obtained; fee.

The special national forest permit may be obtained from the clerk or agent of any county or city whose duty it is to sell hunting, fishing, and trapping licenses. The fee for the special permit shall be three dollars.

Code 1950, § 29-118; 1980, c. 494; 1987, c. 488; 1988, c. 250.

§ 29.1-410. Disposition of funds.

The funds derived from the sale of the special permits shall be used by the Director for game and fish management purposes within the national forests in this Commonwealth, or, in the discretion of the Board, shall be paid into the United States treasury as a cooperative deposit for use of the United States Forest Service for game and fish management purposes within the national forests in Virginia.

Code 1950, § 29-119; 1987, c. 488.

§ 29.1-411. Cooperative agreement.

The Board shall enter into a cooperative agreement with the United States Forest Service. The cooperative agreement shall define the means and methods to be taken to improve the fish and game resources of the national forests of this Commonwealth and shall program the expenditure of all funds derived from the special permit.

Code 1950, § 29-120; 1987, c. 488.

Article 3 - SPECIAL PERMITS

§ 29.1-412. Permits required.

It shall be unlawful to exercise any privilege of the permits provided in this article without first having obtained the required permit.

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

Code 1950, §§ 29-103, 29-116; 1962, c. 469; 1968, c. 242; 1987, c. 488.

§ 29.1-413. Issuance discretionary, duration.

The issuance of all of the permits provided by this article shall be within the discretion of the Board, under regulations it may prescribe, and contingent on reports as it may require. The Board is authorized to establish a starting and ending date for each type of permit issued under this article and the number of years for which each type of permit may be issued.

Code 1950, §§ 29-104, 29-105; 1987, c. 488; 1997, c. 57.

§ 29.1-414. Reserved.

Reserved.

§ 29.1-415. Taxidermy; sale of specimens.

The fee for a permit to stuff or mount birds, animals, fish or parts thereof, for compensation or for sale shall be forty dollars per year. The Board may promulgate regulations pertaining to the sale of unclaimed or mounted specimens or parts thereof.

Code 1950, § 29-109; 1980, c. 494; 1987, c. 488; 1988, c. 250; 1994, c. 194; 1997, c. 57.

§ 29.1-416. Netting fish.

A. The fee for a permit to net fish in inland waters, for private table use, or for sale where permitted, shall be as follows:

1. County dip net, three dollars and fifty cents each per year;

2. Gill net, eight dollars each per year;

3. Haul seine, seventeen dollars and fifty cents each per year; and

4. Haul seine to catch species designated by the Board for sale, forty-five dollars each per year.

B. The Board may permit a licensee to use dip nets or gill nets to take for sale fish of any designated species in the waters of Back Bay and its tributaries. However, any nonresident desiring to take or catch fish in Back Bay and its tributaries for which a permit is required and where such fishing is not prohibited, shall first pay $350 per year to the Department for a nonresident harvester's permit. Such a permit shall be required for each boat used to take or catch fish in Back Bay and its tributaries, and shall be in addition to any other permit required for the activity involved.

Code 1950, § 29-110; 1956, c. 343; 1974, c. 363; 1987, c. 488; 1988, c. 250; 1989, c. 692; 1997, c. 57.

§ 29.1-416.1. Use of eel pots in the waters of Back Bay and its tributaries.

A. The Board may permit a licensee to use eel pots to take American eels in the waters of Back Bay and North Landing River and their tributaries for sale or private use.

B. The annual fee for a permit to set eel pots in the waters of Back Bay and North Landing River and their tributaries for the purpose of taking American eels for private use or for sale shall be as follows:

1. Eel pots to catch eels for sale, $50; and

2. Eel pots to catch eels for personal use, $17.50.

C. Any nonresident desiring to take or catch American eels in the waters of Back Bay and North Landing River and their tributaries using eel pots shall first pay $350 per year to the Department for a nonresident harvester's permit, unless he has paid a permit fee pursuant to subsection B of § 29.1-416. A separate nonresident harvester's permit shall be required for each boat used to take or harvest American eels in the waters of Back Bay and North Landing River and their tributaries, and shall be in addition to any other permit required for the activity involved.

2013, c. 706.

§ 29.1-417. Capturing, holding, propagating, and disposing of wildlife for authorized purposes.
A. The fee for a permit to capture, hold, propagate, and dispose of wildlife for purposes authorized by the Board shall be an amount sufficient to defray the costs of processing the permit and administering the permitted activity. However, in no instance shall the fees established by the Board exceed the following:

1. For endangered species, scientific collection and wildlife holder, $20 per year; and

2. For all other such permits, $50 per year.

B. The Board shall establish a permit to authorize the permittee to artificially raise trout, catfish, or largemouth bass and other members of the sunfish family for sale from a privately owned facility. Where the permittee allows public fishing from its facilities, if the fee provided for in subsection A has been paid, no license shall be required to fish from such a facility.

C. The Board shall establish standards for the possession and display of wildlife by elementary or secondary school teachers for educational purposes. No permit fee or application shall be required, and such display shall be deemed to be permitted so long as notification of the display is made to the Department and the exhibit is in compliance with the standards established by the Board. The Board's standards may include species permitted to be possessed and displayed, caging and enclosure requirements, prohibitions on release of wildlife, and notification requirements in the case of wildlife sickness or escape.

1980, c. 494, § 29-111.1; 1987, c. 488; 1988, c. 250; 1993, c. 623; 1995, c. 610; 1997, c. 57; 2013, c. 792; 2015, c. 463.

§ 29.1-418. Collecting specimens.
The fee for a permit to collect specimens of fish, wild birds, wild animals and amphibians, in limited quantity, for scientific or museum purposes shall be established pursuant to § 29.1-417. Such permits may be issued to collect a certain number of specimens of one or more designated species when the collection is shown to be an essential part of a specific research project.

Code 1950, § 29-113; 1980, c. 494; 1987, c. 488; 1993, c. 623.

§ 29.1-419. Taking or holding of falcons, hawks and owls; use to hunt wild game.
Notwithstanding any other provision of law, the Director may:

1. Permit the taking, trapping, holding, transportation, carriage and shipment of live falcons, hawks and owls. The initial fee or the fee for nonconsecutive years for this permit shall be $50. The fee for subsequent consecutive years shall be $20 per year.

2. Authorize the use of falcons, hawks and owls to hunt and take all species of wild birds and wild animals. However, the hunting of migratory game birds shall be in accordance with § 29.1-515, and appropriate hunting licenses shall be required as provided in Chapter 3 (§ 29.1-300 et seq.) of this title.

1964, c. 345, § 29-114.2; 1977, c. 377; 1978, c. 331; 1987, c. 488; 1997, c. 57; 2011, c. 191.

§ 29.1-420. From whom permits obtained.
The permits provided for in this article may be obtained from the Department except that county dip net permits shall be sold by clerks and agents.

Code 1950, § 29-115; 1987, c. 488.

§ 29.1-421. Reserved.
Reserved.

§ 29.1-422. Permits for field trials.
The Board is authorized to grant permits to bona fide field trial clubs and associations to hold field trials with dogs under such regulations it deems proper. The fee established by the Board for a field trial permit shall be an amount sufficient to defray the costs of processing the permit and administering the permitted activity, but shall not exceed twenty-five dollars per event. It shall be unlawful to hold such trials without the permit herein authorized during the closed season for game. If wild game is to be shot over or in front of dogs engaged in such field trials, the person actually shooting must have a license permitting him to do so.

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

1984, c. 492, § 29-213.96; 1987, c. 488; 1993, c. 623.

Chapter 5 - WILDLIFE AND FISH LAWS

Article 1 - GENERAL PROVISIONS

§ 29.1-500. Reserved.
Reserved.

§ 29.1-501. Promulgation of regulations; publication of proposed regulations or change therein; validation; evidentiary nature of publication.
A. The Board may promulgate regulations pertaining to the hunting, taking, capture, killing, possession, sale, purchase, and transportation of any wild bird, wild animal, or inland water fish, and the feeding of any game, game animals, or fur-bearing animals as defined in § 29.1-100, or the feeding of

any wildlife that results in property damage, endangers any person or wildlife, or creates a public health concern.

B. The full text or an informative summary of any proposed regulation or change in the regulations shall be published not less than fifteen nor more than thirty days before it may be acted upon. The publication shall name the time and place that the specified matters will be taken up, at which time any interested citizen shall be heard. If the proposed regulation or change in the regulations is of local application, the publication shall appear in a newspaper published in or within reasonable proximity to the affected locality. However, if the proposed regulation or change in the regulations is of statewide application, the publication shall be made in a sufficient number of newspapers having a general circulation throughout the entire Commonwealth.

C. A copy of proposed regulations or a change in the regulations, of either local application or statewide application, shall be published in the Virginia Register of Regulations pursuant to § 2.2-4031.

D. Prima facie evidence of any regulation may be given in all courts and proceedings by the production of a copy of the regulation, which shall be certified by the Director or his deputy.

Code 1950, § 29-126; 1956, c. 178; 1960, c. 539; 1962, c. 478; 1974, c. 56; 1987, c. 488; 2010, c. 184.

§ 29.1-502. Adoption of regulations.

The board may adopt regulations and amendments to regulations upon completion of all applicable hearing and notice requirements. The Board shall file the regulations with the Registrar of Regulations pursuant to § 2.2-4103.

Code 1950, § 29-127; 1974, c. 56; 1979, c. 264; 1987, c. 488.

§ 29.1-503. Repealed.

Repealed by Acts 1996, c. 9.

§ 29.1-504. Annual publication of laws and regulations.

All laws relating to hunting, fishing and trapping, together with the regulations of the Board, of both general and local application, shall be published annually by the Department in a handbook or pamphlet. The courts of the Commonwealth shall take judicial notice of all laws and regulations contained in such publication.

1952, c. 608, § 29-128.1; 1979, c. 264; 1987, c. 488.

§ 29.1-505. Penalty for violation of regulations.

It shall be a misdemeanor to violate any regulation promulgated pursuant to this title. Any person violating such a regulation shall be guilty of a Class 3 misdemeanor unless another penalty is specified.

Code 1950, § 29-129; 1987, c. 488; 1988, c. 19.

§ 29.1-505.1. Conspiracy; penalty.

If any person conspires with another to commit any offense defined in this title or any of the regulations of the Board, and one or more such persons does any act to effect the object of the conspiracy, he shall be guilty of conspiracy to commit the underlying offense and shall be subject to the same punishment prescribed for the offense the commission of which was the object of the conspiracy.

1989, c. 362; 2020, c. 958.

§ 29.1-506. Prescribing seasons and bag limits for taking fish and game.

After careful study of each species of wild bird, animal and fish within the jurisdiction of the Board in cities and counties of the Commonwealth, the Board shall have the power to prescribe the seasons and bag limits for hunting, fishing, trapping or otherwise taking such wild birds, animals and fish by regulation adopted as provided in this article.

Code 1950, § 29-129.1; 1950, p. 411; 1952, c. 619; 1960, c. 537; 1970, c. 239; 1987, c. 488.

§ 29.1-507. Closing or shortening open season.

The Board may close or shorten the open season in any county or city (i) whenever extreme weather threatens the welfare of wild birds, wild animals or fish; (ii) whenever such wild birds, wild animals or fish have been seriously affected by adverse weather conditions; (iii) when investigation of the Board shows that there is an unusual scarcity of any species or; (iv) when there is substantial demand from any county or city. The Board shall immediately give notice of any closing or shortening of an open season by publishing the announcement in one or more newspapers having a general circulation in the county or city affected. The notice shall be published at least three days before the action becomes effective.

Code 1950, § 29-130; 1987, c. 488.

§ 29.1-508. Board to prescribe seasons, bag limits and methods of taking and killing fish and game on lands and waters owned or controlled by Board.

The Board is hereby authorized to adopt rules and regulations to prescribe and enforce the seasons, bag limits and methods of taking fish and game on lands and waters owned by the Board and on lands owned by others but controlled by the Board.

1960, c. 538, § 29-130.1; 1987, c. 488.

§ 29.1-508.1. Use of drugs on vertebrate wildlife.

A. Without written authorization from the Director or his designee, it is unlawful to administer any drug to any vertebrate wildlife, except in accordance with a permit issued under the provisions of this title or regulations adopted by the Board. This prohibition shall include, but not be limited to, drugs used for fertility control, disease prevention or treatment, immobilization, or growth stimulation. Nothing in this section shall prohibit the treatment of sick or injured wild animals by licensed veterinarians or permitted wildlife rehabilitators. This section shall not limit employees of agencies of the Commonwealth, the United States, or local animal control officers in the performance of their official duties related to public health, wildlife management, or wildlife removal. For the purposes of this section, the term

"drug" means any chemical substance, other than food, that affects the structure or biological function of wildlife species.

B. The Department may take possession and dispose of any vertebrate wildlife if it believes that drugs have been administered to such wildlife in violation of this section.

C. Any person violating this section is guilty of a Class 2 misdemeanor.

2004, c. 171.

§ 29.1-509. Duty of care and liability for damages of landowners to hunters, fishermen, sightseers, etc.

A. For the purpose of this section:

"Fee" means any payment or payments of money to a landowner for use of the premises or in order to engage in any activity described in subsections B and C, but does not include license fees, insurance fees, handling fees, transaction fees, administrative fees, rentals or similar fees received by a landowner from governmental, not-for-profit, or private sources, or payments received by a landowner for rights of ingress and egress or from incidental sales of forest products to an individual for his personal use, or any action taken by another to improve the land or access to the land for the purposes set forth in subsections B and C or remedying damage caused by such uses.

"Land" or "premises" means real property or right-of-way, whether rural or urban, waters, boats, private ways, natural growth, trees, railroad property, railroad right-of-way, utility corridor, and any building or structure which might be located on such real property, waters, boats, private ways and natural growth.

"Landowner" means the legal title holder, any easement holder, lessee, occupant or any other person in control of land or premises, including railroad rights-of-way.

"Low-head dam" means a dam that is built across a river or stream for the purpose of impounding water where the impoundment, at normal flow levels, is completely within the banks, and all flow passes directly over the entire dam structure within the banks, excluding abutments, to a natural channel downstream.

B. A landowner shall owe no duty of care to keep land or premises safe for entry or use by others for hunting, fishing, trapping, camping, participation in water sports, boating, hiking, rock climbing, sightseeing, hang gliding, skydiving, horseback riding, foxhunting, racing, bicycle riding or collecting, gathering, cutting or removing firewood, for any other recreational use, for ingress and egress over such premises to permit passage to other property used for recreational purposes or for use of an easement granted to the Commonwealth or any agency thereof or any not-for-profit organization granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code to permit public passage across such land for access to a public park, historic site, or other public recreational area. No landowner shall be required to give any warning of hazardous conditions or uses of, structures on, or activities on such land or premises to any person entering on the land or premises for such purposes, except as

provided in subsection D. The provisions of this subsection apply without regard to whether the landowner has given permission to a person to use their land for recreational purposes.

C. Any landowner who gives permission, express or implied, to another person to hunt, fish, launch and retrieve boats, swim, ride, foxhunt, trap, camp, hike, bicycle, rock climb, hang glide, skydive, sight-see, engage in races, to collect, gather, cut or remove forest products upon land or premises for the personal use of such person, or for the use of an easement or license as set forth in subsection B does not thereby:

1. Impliedly or expressly represent that the premises are safe for such purposes; or

2. Constitute the person to whom such permission has been granted an invitee or licensee to whom a duty of care is owed; or

3. Assume responsibility for or incur liability for any intentional or negligent acts of such person or any other person, except as provided in subsection D.

D. Nothing contained in this section, except as provided in subsection E, shall limit the liability of a landowner which may otherwise arise or exist by reason of his gross negligence or willful or malicious failure to guard or warn against a dangerous condition, use, structure, or activity. The provisions of this section shall not limit the liability of a landowner which may otherwise arise or exist when the landowner receives a fee for use of the premises or to engage in any activity described in subsections B and C. Nothing contained in this section shall relieve any sponsor or operator of any sporting event or competition including but not limited to a race or triathlon of the duty to exercise ordinary care in such events. Nothing contained in this section shall limit the liability of an owner of a low-head dam who fails to implement safety measures described in subsection F.

E. For purposes of this section, whenever any landowner has entered into an agreement with, or grants an easement or license to, the Commonwealth or any agency thereof, any locality, any not-for-profit organization granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code, or any local or regional authority created by law for public park, historic site, or recreational purposes, concerning the use of, or access over, his land by the public for any of the purposes enumerated in subsections B and C, such landowner shall be immune from liability to any member of the public arising out of such member's use of such land for any such purpose, and the government, agency locality, not-for-profit organization, or authority with which the agreement is made shall indemnify and hold the landowner harmless from all liability and be responsible for providing, or for paying the cost of, all reasonable legal services required by any person entitled to the benefit of this section as the result of a claim or suit attempting to impose liability. Any action against the Commonwealth, or any agency thereof, shall be subject to the provisions of the Virginia Tort Claims Act (§ 8.01-195.1 et seq.). Any provisions in a lease or other agreement which purports to waive the benefits of this section shall be invalid, and any action against any county, city, town, or local or regional authority shall be subject to the provisions of § 15.2-1809, where applicable.

F. Any owner of a low-head dam may mark the areas above and below the dam and on the banks immediately adjacent to the dam with signs and buoys of a design and content, in accordance with the regulations of the Board, to warn the swimming, fishing, and boating public of the hazards posed by the dam. Any owner of a low-head dam who marks a low-head dam in accordance with this subsection shall be deemed to have met the duty of care for warning the public of the hazards posed by the dam. Any owner of a low-head dam who fails to mark a low-head dam in accordance with this subsection shall be presumed not to have met the duty of care for warning the public of the hazards posed by the dam.

Code 1950, §§ 8-654.2, 29-130.2; 1962, c. 545; 1964, c. 435; 1977, c. 624; 1979, c. 276; 1980, c. 560; 1982, c. 29; 1983, c. 283; 1987, c. 488; 1988, c. 191; 1989, cc. 26, 500, 505; 1990, cc. 799, 808; 1991, c. 305; 1992, c. 285; 1994, c. 544; 2007, c. 664; 2010, c. 43; 2017, c. 366.

Article 2 - HUNTING AND TRAPPING

§ 29.1-510. Big game; small game.

For the purpose of the hunting and trapping laws of the Commonwealth, big game shall include bear and deer and small game shall include other game animals and all game birds.

Code 1950, § 29-132; 1954, c. 228; 1958, c. 165; 1960, c. 537; 1962, c. 469; 1974, c. 302; 1987, c. 488; 1988, c. 158.

§ 29.1-511. Open season on nuisance species.

There shall be a continuous open season for killing nuisance species of wild birds and wild animals as defined in § 29.1-100.

Code 1950, § 29-133; 1958, c. 165; 1974, c. 302; 1987, c. 488.

§ 29.1-512. Closed season on other species.

There shall be a continuous closed hunting season on all birds and wild animals which are not nuisance species as defined in § 29.1-100, except as provided by law.

Code 1950, § 29-134; 1974, c. 302; 1987, c. 488.

§ 29.1-513. Daily and season bag limits as promulgated by Board regulations.

It shall be lawful to hunt wild birds and wild animals specified in this article within any applicable daily and season bag limits during the open seasons as may be provided by Board regulations.

Code 1950, § 29-135; 1960, c. 590; 1987, c. 488.

§ 29.1-514. Nonmigratory game birds.

A. The following nonmigratory game birds may be hunted during prescribed open seasons:

Birds introduced by the Board.

Bobwhite quail.

Grouse.

Pheasants.

Turkey.

B. The following provisions shall also be applicable to the raising and hunting of the particular non-migratory game bird species listed:

1. The Board may issue a permit to raise or purchase pheasants which shall entitle the permittee to release pheasants raised or purchased by him on land owned or leased by him, and such pheasants may be hunted under rules and regulations promulgated by the Board.

2. The Board may open the season, including Sunday operation, on pen-raised game birds on controlled shooting areas licensed under Chapter 6 (§ 29.1-600 et seq.) of this title under regulations as may be promulgated by the Board. However, the regulations promulgated by the Board shall not allow Sunday operation in Augusta County, or in any county or city which prohibits Sunday operation by ordinance.

Prior to obtaining a license from the Board to operate a commercially operated controlled shooting area, an applicant shall (i) notify adjoining landowners of the proposed use and (ii) obtain approval from the governing body of the county, city or town that such activity is permitted under existing ordinances. The requirements of clauses (i) and (ii) shall only apply to applications filed on or after July 1, 1993, for commercially operated controlled shooting area licenses issued under Chapter 6 of this title and shall not apply to existing preserve licenses or renewals issued for the shooting of pen-raised game birds.

Code 1950, § 29-136; 1954, c. 228; 1956, c. 375; 1960, c. 590; 1987, c. 488; 1993, c. 87; 2007, c. 813.

§ 29.1-515. Migratory game birds.

Migratory game birds may be hunted in accordance with regulations of the Board. Board regulations shall conform to the regulations of the United States government insofar as open seasons and bag limits are concerned.

Code 1950, § 29-137; 1987, c. 488.

§ 29.1-516. Game animals.

The following provisions shall apply to the killing and hunting of the particular game animals listed:

Black bear. -- A black bear may be killed by any person when (i) it is inflicting or attempting to inflict injury to a person or (ii) when a person is in pursuit of the bear commenced immediately after the commission of such offense. Any person killing a bear under this provision shall immediately report the killing to a state conservation police officer.

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

Fox. -- There is a continuous open season for hunting with dogs only. The hunting or pursuit of foxes shall mean the actual following of the dogs while in pursuit of a fox or foxes or the managing of the

dog or dogs, including by the use of a Global Positioning System (GPS) or other electronic tracking device, while the fox or foxes are being hunted or pursued. Nothing in this section shall preclude the managing of dogs by the use of a GPS or other electronic tracking device by hunters when hunting other game animals. Foxes may be killed at any time by the owner or tenant of any land when such animals are doing damage to domestic stock or fowl.

Rabbits and squirrels. -- It is unlawful to kill rabbits or squirrels during the closed season; however, the following persons may kill rabbits or squirrels for their own use during the closed season:

1. A landowner and members of his immediate family;

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

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

When such animals are committing substantial damage to fruit trees, gardens, crops, or other property, the owner of the premises may kill the animals or have them killed under a permit obtained from the conservation police officer.

Code 1950, § 29-138; 1960, c. 590; 1962, c. 469; 1977, c. 377; 1980, c. 271; 1984, c. 6; 1987, c. 488; 2007, c. 87; 2013, c. 345.

§ 29.1-516.1. Using tracking dogs to retrieve bear, deer, or turkey.

Tracking dogs maintained and controlled on a lead may be used to find a wounded or dead bear, turkey, or deer statewide during any archery, muzzleloader, or firearm bear, turkey, or deer hunting season, or within 24 hours of the end of such season, provided that those who are involved in the retrieval effort have permission to hunt on or to access the land being searched. A licensed hunter who is engaged in such tracking may have in his possession a weapon permitted under this title and may use such weapon to humanely kill the wounded bear, deer, or turkey being tracked, including after legal shooting hours. Such weapon shall not be used to hunt, wound, or kill any animal other than the animal that the hunter is tracking, except in self-defense.

2011, c. 459; 2018, c. 447.

§ 29.1-517. Trapping and shooting of fur-bearing animals during closed season.

A landowner may trap or shoot fur-bearing animals upon his own land during closed season when these animals are causing damage to crops or property, or are posing a threat to human health or safety, or are otherwise causing a nuisance.

Code 1950, § 29-139; 1964, c. 207; 1987, c. 488; 2004, c. 421; 2007, c. 87; 2013, c. 349.

§ 29.1-518. When killing of beaver permitted.

When beaver are damaging crops or lands, the owner of the premises, his agent or tenant, may kill the animals, or have them killed.

1958, c. 147, § 29-139.1; 1987, c. 488; 2004, c. 421.

§ 29.1-519. Guns, pistols, revolvers, etc., which may be used; penalty.

A. All wild birds and wild animals may be hunted with the following weapons unless shooting is expressly prohibited:

1. A shotgun or muzzleloading shotgun not larger than 10 gauge;

2. An automatic-loading or hand-operated repeating shotgun capable of holding not more than three shells the magazine of which has been cut off or plugged with a one-piece filler incapable of removal through the loading end, so as to reduce the capacity of the gun to not more than three shells at one time in the magazine and chamber combined, unless otherwise allowed by Board regulations;

3. A rifle, a muzzleloading rifle, or an air rifle;

4. A bow and arrow;

5. [Expired.]

6. A crossbow, which is a type of bow and arrow, in accordance with the provisions of § 29.1-306;

7. A slingshot, except when hunting deer, bear, elk, or turkey;

8. An arrowgun, which is a pneumatic-powered air gun that fires an arrow; and

9. A slingbow, which is a type of bow and arrow, in accordance with the provisions of § 29.1-306 except when hunting bear or elk.

B. A pistol, muzzleloading pistol, or revolver may be used to hunt nuisance species of birds and animals.

C. In the counties west of the Blue Ridge Mountains, and counties east of the Blue Ridge where rifles of a caliber larger than .22 caliber may be used for hunting wild birds and animals, game birds and animals may be hunted with pistols or revolvers firing cartridges rated in manufacturers' tables at 350 foot pounds of energy or greater and under the same restrictions and conditions as apply to rifles, provided that no cartridge shall be used with a bullet of less than .23 caliber. In no event shall pistols or revolvers firing cartridges rated in manufacturers' tables at 350 foot pounds of energy or greater be used if rifles of a caliber larger than .22 caliber are not authorized for hunting purposes.

D. The use of muzzleloading pistols and .22 caliber rimfire handguns is permitted for hunting small game where .22 caliber rifles are permitted.

E. The use of muzzleloading pistols of .45 caliber or larger is permitted for hunting big game where and in those seasons when the use of muzzleloading rifles is permitted. The Board may adopt regulations that specify the types of muzzleloading pistols and the projectiles and propellants that shall be permitted.

F. The hunting of wild birds and wild animals with fully automatic firearms, defined as a machine gun in § 18.2-288, is prohibited.

G. The hunting of wild birds or wild animals with (i) weapons other than those authorized by this section or (ii) weapons that have been prohibited by this section is punishable as a Class 3 misdemeanor.

Code 1950, § 29-140; 1962, c. 469; 1964, c. 441; 1974, cc. 108, 302; 1977, c. 377; 1983, c. 166; 1987, c. 488; 1988, c. 162; 1989, c. 421; 1993, c. 684; 1998, c. 144; 2002, c. 157; 2005, c. 8; 2007, c. 643; 2014, cc. 117, 136; 2016, c. 486; 2017, c. 530; 2018, cc. 557, 558.

§ 29.1-520. Times for hunting.

A. Nonmigratory game birds and game animals may be hunted from one-half hour before sunrise to one-half hour after sunset. Bears may be hunted without capturing or taking from 4:00 a.m. until 10:00 p.m. during bear hound training season.

B. Fur-bearing animals and nuisance species of birds and animals may be hunted by day or by night, except that muskrats may be hunted by day only.

C. A violation of this section shall be punishable as a Class 3 misdemeanor.

Code 1950, §§ 29-141, 29-142; 1962, c. 469; 1974, c. 302; 1987, c. 488; 1989, c. 421; 2008, c. 31; 2012, cc. 69, 226.

§ 29.1-521. Unlawful to hunt, trap, possess, sell, or transport wild birds and wild animals except as permitted; exception; penalty.

A. The following is unlawful:

1. To hunt or kill any wild bird or wild animal, including any nuisance species, with a gun, firearm, or other weapon, or to hunt or kill any deer or bear with a gun, firearm, or other weapon with the aid or assistance of dogs, on Sunday. The provision of this subdivision that prohibits the hunting or killing of any wild bird or wild animal, including nuisance species, on Sunday shall not apply to (i) any person who hunts or kills raccoons; (ii) any person who hunts or kills birds in the family Rallidae or waterfowl, subject to geographical limitations established by the Director and except within 200 yards of a place of worship or any accessory structure thereof; or (iii) any landowner or member of his family or any person with written permission from the landowner who hunts or kills any wild bird or wild animal, including any nuisance species, on the landowner's property, except within 200 yards of a place of worship or any accessory structure thereof. However, a person lawfully carrying a gun, firearm, or other weapon on Sunday in an area that could be used for hunting shall not be presumed to be hunting on Sunday, absent evidence to the contrary.

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

3. To hunt or attempt to kill or trap any species of wild bird or wild animal after having obtained the daily bag or season limit during such day or season. However, any properly licensed person, or a person exempt from having to obtain a license, who has obtained such daily bag or season limit while hunting may assist others who are hunting game by calling game, retrieving game, handling dogs, or

conducting drives if the weapon in his possession is an unloaded firearm, a bow without a nocked arrow, an unloaded slingbow, an unloaded arrowgun, or an unloaded crossbow. Any properly licensed person, or person exempt from having to obtain a license, who has obtained such season limit prior to commencement of the hunt may assist others who are hunting game by calling game, retrieving game, handling dogs, or conducting drives, provided he does not have a firearm, bow, slingbow, arrowgun, or crossbow in his possession.

4. To knowingly occupy any baited blind or other baited place for the purpose of taking or attempting to take any wild bird or wild animal or to put out bait or salt for any wild bird or wild animal for the purpose of taking or killing it. There shall be a rebuttable presumption that a person charged with violating this subdivision knows that he is occupying a baited blind or other baited place for the purpose of taking or attempting to take any wild bird or wild animal. However, this shall not apply to baiting nuisance species of animals and birds, or to baiting traps for the purpose of taking fur-bearing animals that may be lawfully trapped.

5. To kill or capture any wild bird or wild animal adjacent to any area while a field or forest fire is in progress.

6. To shoot or attempt to take any wild bird or wild animal from an automobile or other vehicle, except (i) as provided in § 29.1-521.3 or (ii) for the killing of nuisance species as defined in § 29.1-100 on private property by the owner of such property or his designee from a stationary automobile or other stationary vehicle.

7. To set a trap of any kind on the lands or waters of another without attaching to the trap: (i) the name and address of the trapper; or (ii) an identification number issued by the Department.

8. To set a trap where it would be likely to injure persons, dogs, stock, or fowl.

9. To fail to visit all traps once each day and remove all animals caught, and immediately report to the landowner as to stock, dogs, or fowl that are caught and the date. However, the Director or his designee may authorize employees of federal, state, and local government agencies, and persons holding a valid Commercial Nuisance Animal Permit issued by the Department, to visit body-gripping traps that are completely submerged at least once every 72 hours, and the Board may adopt regulations permitting trappers to visit traps less frequently under specified conditions. The Board shall adopt regulations permitting trappers to use remote trap-checking technology to check traps under specified conditions.

10. To hunt, trap, take, capture, kill, attempt to take, capture, or kill, possess, deliver for transportation, transport, cause to be transported, by any means whatever, receive for transportation or export, or import, at any time or in any manner, any wild bird or wild animal or the carcass or any part thereof, except as specifically permitted by law and only by the manner or means and within the numbers stated. However, the provisions of this section shall not be construed to prohibit the (i) use or transportation of legally taken turkey carcasses, or portions thereof, for the purposes of making or selling turkey callers; (ii) the manufacture or sale of implements, including tools or utensils made from legally

harvested deer skeletal parts, including antlers; (iii) the possession of shed antlers; or (iv) the possession, manufacture, or sale of other parts or implements authorized by regulations adopted by the Board.

11. To offer for sale, sell, offer to purchase, or purchase, at any time or in any manner, any wild bird or wild animal or the carcass or any part thereof, except as specifically permitted by law, including subsection D of § 29.1-553. However, any nonprofit organization exempt from taxation under § 501(c)(3) of the Internal Revenue Code that is (i) organized to provide wild game as food to the hungry and (ii) authorized by the Department to possess, transport, and distribute donated or unclaimed meat to the hungry may pay a processing fee in order to obtain such meat. Such fee shall not exceed the actual cost for processing the meat. In addition, any nonprofit organization exempt from taxation under § 501 (c)(3) of the Internal Revenue Code that is (a) organized to support wildlife habitat conservation and (b) approved by the Department shall be allowed to offer wildlife mounts that have undergone the taxidermy process for sale in conjunction with fundraising activities. A violation of this subdivision shall be punishable as provided in § 29.1-553.

12. To offer for sale, sell, offer to purchase, or purchase a hunt guaranteeing the killing of a deer, bear, or wild turkey. Nothing in this subdivision shall prevent a landowner from leasing land for hunting. A violation of this subdivision shall be punishable as provided in § 29.1-553.

B. Notwithstanding any other provision of this article, any American Indian who produces verification that he is an enrolled member of a tribe recognized by the Commonwealth, another state, or the U.S. government, may possess, offer for sale, or sell to another American Indian, or offer to purchase or purchase from another American Indian, parts of legally obtained fur-bearing animals, nonmigratory game birds, and game animals, except bear. Such legally obtained parts shall include antlers, hooves, feathers, claws, and bones.

"Verification" as used in this section shall include (i) display of a valid tribal identification card, (ii) confirmation through a central tribal registry, (iii) a letter from a tribal chief or council, or (iv) certification from a tribal office that the person is an enrolled member of the tribe.

C. Notwithstanding any other provision of this chapter, the Department may authorize the use of snake exclusion devices by public utilities at their transmission or distribution facilities and the incidental taking of snakes resulting from the use of such devices.

D. A violation of subdivisions A 1 through 10 shall be punishable as a Class 3 misdemeanor.

Code 1950, § 29-143; 1962, c. 469; 1974, c. 302; 1979, c. 264; 1987, c. 488; 1988, c. 175; 1989, c. 421; 1990, c. 237; 1994, cc. 244, 436; 1997, c. 249; 1998, c. 415; 2000, c. 13; 2001, cc. 26, 60; 2004, c. 862; 2005, cc. 170, 533, 534; 2006, cc. 20, 215; 2008, cc. 160, 161; 2010, c. 10; 2014, cc. 152, 482; 2015, c. 47; 2016, cc. 10, 62, 121, 372; 2017, c. 530; 2018, cc. 113, 557, 558, 620; 2019, c. 151; 2020, cc. 315, 631.

§ 29.1-521.1. Willfully impeding hunting or trapping; penalty.

A. It is unlawful to willfully and intentionally impede the lawful hunting or trapping of wild birds or wild animals.

B. It is unlawful for any person or his agent to knowingly and intentionally facilitate or attempt to cause a violation of subdivision A 4 of § 29.1-521 by putting out bait or salt for any wildlife in any place used or occupied by hunters to hunt wild birds or wild animals.

C. Any person convicted of a violation of this section is guilty of a Class 3 misdemeanor.

1988, c. 584; 2010, c. 626.

§ 29.1-521.2. Violation of § 18.2-286 while hunting; revocation of license and privileges.

A. Any firearm, crossbow, slingbow, arrowgun, or bow and arrow used by any person to hunt any game bird or game animal in a manner which violates § 18.2-286 may, upon conviction of such person violating § 18.2-286, be forfeited to the Commonwealth by order of the court trying the case. The forfeiture shall be enforced as provided in Chapter 22.1 (§ 19.2-386.1 et seq.) of Title 19.2. The officer or other person seizing the property shall immediately give notice to the attorney for the Commonwealth.

B. The court may revoke the current hunting license and privileges of a person hunting any game bird or game animal in a manner that constitutes a violation of § 18.2-286. The court may prohibit that person from hunting for a period of one to five years. If found hunting during this prohibited period, the person shall be guilty of a Class 2 misdemeanor. Notification of such revocation or prohibition shall be forwarded to the Department pursuant to subsection C of § 18.2-56.1.

1993, c. 322; 1994, c. 18; 2010, c. 183; 2012, cc. 283, 756; 2017, c. 530; 2018, cc. 557, 558.

§ 29.1-521.3. Shooting wild birds and wild animals from stationary vehicles by disabled persons.

Any person, upon application to a conservation police officer and the presentation of a medical doctor's written statement based on a physical examination that such person is permanently unable to walk due to impaired mobility, may, in the discretion of the conservation police officer, be issued a permit to shoot wild birds and wild animals from a stationary automobile or other vehicle during established open hunting seasons and in accordance with other laws and regulations. Permits issued pursuant to this section shall (i) be issued on a form provided by the Department, (ii) not authorize shooting from a stationary vehicle less than 50 feet from nor in or across any public road or highway subject to the provisions of § 29.1-526, (iii) be issued for the lifetime of the permittee and be issued only to those persons who are properly licensed to hunt, and (iv) be nontransferable. Any permit found in the possession of any person not entitled to such permit shall be subject to confiscation by a conservation police officer.

1994, c. 244; 2007, c. 87.

§ 29.1-522. Unlawful to kill male deer unless antlers visible above hair.

Unless the Board declares otherwise by regulation, it shall be unlawful to kill male deer in any county or city of the Commonwealth unless the deer has antlers visible above the hair.

Code 1950, § 29-144; 1952, c. 608; 1958, c. 444; 1975, c. 529; 1987, c. 488.

§ 29.1-523. Killing deer by use of certain lights; acts raising presumption of attempt to kill.
Any person who kills or attempts to kill any deer between a half hour after sunset and a half hour before sunrise by use of a light attached to any vehicle or a spotlight or flashlight shall be guilty of a Class 2 misdemeanor. The flashing of a light attached to any vehicle or a spotlight or flashlight from any vehicle between a half hour after sunset and half hour before sunrise by any person or persons, then in possession of a firearm, crossbow, or bow and arrow or speargun, without good cause, shall raise a presumption of an attempt to kill deer in violation of this section. Every person in or on any such vehicle shall be deemed a principal in the second degree and subject to the same punishment as a principal in the first degree. Every person who, in any manner, aids, abets or acts in concert with any person or persons violating this section shall be deemed a principal in the second degree and subject to the same punishment as a principal in the first degree.

In addition to the penalty prescribed herein, the court shall revoke the current hunting license and privileges of the person convicted of violating this section and prohibit that person from hunting for a period of one to five years. If found hunting during this prohibited period, the person shall be guilty of a Class 2 misdemeanor. Notification of such revocation or prohibition shall be forwarded to the Department pursuant to subsections C and D of § 18.2-56.1.

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

1962, c. 520, § 29-144.2; 1970, c. 79; 1973, c. 369; 1980, cc. 602, 607, § 29-144.4:1; 1987, c. 488; 1994, c. 113; 2002, c. 157; 2010, c. 183.

§ 29.1-523.1. Hunting deer with sights after dark; forfeiture of weapon and sighting device.
A. Any person who kills or attempts to kill any deer between one hour after sunset and one hour before sunrise using a firearm equipped with any sighting device other than iron or open sights shall be guilty of a Class 2 misdemeanor. In addition to this penalty, the court shall revoke the current hunting license and privileges of the person convicted of violating this section and prohibit that person from hunting for a period of one to five years. Notification of such revocation or prohibition shall be forwarded to the Department pursuant to subsections C and D of § 18.2-56.1.

B. Every firearm equipped with any sighting device other than iron or open sights used with the knowledge or consent of the owner in violation of this section shall be forfeited to the Commonwealth. Upon being condemned as forfeited in proceedings under Chapter 22.1 (§ 19.2-386.1 et seq.) of Title 19.2, the proceeds of the sale shall be disposed of according to law.

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

2001, c. 112; 2010, c. 183; 2012, cc. 283, 756.

§ 29.1-524. Forfeiture of vehicles and weapons used for killing or attempt to kill.

Every vehicle, firearm, crossbow, slingbow, arrowgun, bow and arrow, or speargun used with the knowledge or consent of the owner or lienholder thereof, in killing or attempting to kill deer between a half hour after sunset and a half hour before sunrise in violation of § 29.1-523, and every vehicle used in the transportation of the carcass, or any part thereof, of a deer so killed shall be forfeited to the Commonwealth. Upon being condemned as forfeited in proceedings under Chapter 22.1 (§ 19.2-386.1 et seq.) of Title 19.2, the proceeds of sale shall be disposed of according to law.

1962, c. 520, § 29-144.3; 1978, c. 199; 1987, c. 488; 2002, c. 157; 2012, cc. 283, 756; 2017, c. 530; 2018, cc. 557, 558.

§ 29.1-525. Employment of lights under certain circumstances upon places used by deer.

A. Any person in any vehicle and then in possession of any firearm, crossbow, slingbow, arrowgun, bow and arrow, or speargun who employs a light attached to the vehicle or a spotlight or flashlight to cast a light beyond the water or surface of the roadway upon any place used by deer shall be guilty of a Class 2 misdemeanor. Every person in or on any such vehicle shall be deemed prima facie a principal in the second degree and subject to the same punishment as a principal in the first degree. This subsection shall not apply to a landowner in possession of a weapon when he is on his own land and is making a bona fide effort to protect his property from damage by deer and not for the purpose of killing deer unless the landowner is in possession of a permit to do so pursuant to the provisions of § 29.1-529.

B. Any person in any motor vehicle who deliberately employs a light attached to such vehicle or a spotlight or flashlight to cast a light beyond the surface of the roadway upon any place used by deer, except upon his own land or upon land on which he has an easement or permission for such purpose, shall be guilty of a Class 4 misdemeanor. Every person in or on any such vehicle shall be deemed prima facie a principal in the second degree and subject to the same punishment as a principal in the first degree.

C. The provisions of subsections A and B shall not apply to activities conducted by a locality pursuant to a permit or written authorization issued by the Department.

D. In addition to the penalties prescribed in subsection A, the court shall revoke the current hunting license and privileges of the person convicted of a violation of subsection A and prohibit the person from hunting for a period of one to five years. In addition to the penalties prescribed in subsection B, the court may revoke the current hunting license and privileges of the person convicted of a violation of subsection B and prohibit that person from hunting for one to five years. If a person convicted of a violation of subsection A or B is found hunting during the prohibited period, the person shall be guilty of a Class 2 misdemeanor. Notification of such revocation or prohibition shall be forwarded to the Department pursuant to subsections C and D of § 18.2-56.1.

1962, c. 520, § 29-144.4; 1973, c. 369; 1974, c. 101; 1980, cc. 602, 607, § 29-144.4:1; 1981, c. 60; 1987, c. 488; 1988, c. 450; 1994, c. 113; 2002, c. 157; 2010, c. 183; 2014, c. 126; 2017, c. 530; 2018, cc. 557, 558.

§ 29.1-525.1. Deer enclosures prohibited; exceptions; penalty.

A. It is unlawful to erect a fence that prevents or impedes the free egress of deer from the enclosed area with the intent to confine deer.

B. It is unlawful to hunt deer inside a fenced area that prevents or impedes the free egress of deer.

C. The provisions of subsection A shall not apply to:

1. Local, state or federal public lands on which fences are erected to protect public health or safety;

2. Enclosures permitted by the Department as fallow deer farms or permitted exhibitors holding native deer for educational purposes;

3. Enclosures permitted by the U.S. Department of Agriculture as exhibitors, breeders, or dealers; or

4. Zoos accredited by the American Zoological Association.

D. The provisions of subsection B shall not apply to (i) local, state or federal public lands on which fences are erected to protect public health or safety, or (ii) any person hunting in an enclosure or facility that (a) was constructed prior to July 1, 2001, (b) has been registered with the Department not later than August 1, 2001, and annually thereafter, and (c) has been modified not later than 90 days following registration in a manner approved by the Director or his designee to allow the free egress of deer. Such registration shall not be transferable. The Department shall place information of the initial registration requirement in newspapers of general circulation throughout the Commonwealth. Such enclosures or facilities shall operate using acceptable hunting and wildlife management practices determined by the Director or his designee, including, but not limited to, methods of take, use of dogs, and supplemental feeding. The Director or his designee shall provide the owner of the enclosure or facility with information on what constitutes acceptable hunting and wildlife management practices.

E. Any registered enclosure or facility within which the owners or persons hunting have not followed acceptable hunting wildlife management practices shall have its registration revoked by the Department. Upon revocation of the registration, any person hunting within the enclosure or facility shall be subject to the provisions of subsection B and the penalties imposed under subsection F.

F. Any person who violates this section is guilty of a Class 1 misdemeanor. Any person who is convicted of violating this section shall have his hunting license and privileges suspended by the court for a period of one to five years. In addition, the court may order compensation for replacement for any deer killed be paid to the Department as provided for in § 29.1-551, and may order the owner of the fence to modify the fence to allow the free egress by deer.

2001, c. 856; 2010, c. 183.

§ 29.1-525.2. Fox and coyote enclosures prohibited; penalty.

A. It is unlawful to erect, maintain, or operate an enclosure for the purpose of pursuing, hunting, or killing or attempting to pursue, hunt, or kill any fox or coyote with a dog. For purposes of this section, "enclosure" means a fence or other barrier that is used to prevent or impede the natural egress by any fox or coyote. A person who violates any provision of this subsection is guilty of a Class 1

misdemeanor. This subsection shall not be construed to limit the authority of the Department to enforce other available penalties.

B. This section shall not preclude the pursuing, hunting, or killing of any fox or coyote by a dog in the absence of an enclosure, or the killing of any fox or coyote by a landowner or tenant when the fox or coyote is damaging domestic stock or fowl on the owned or leased land.

C. Until July 1, 2054, the provisions of subsection A shall not apply to any location at which, as of January 1, 2014, a foxhound training preserve existed and was operating under a permit issued by the Department. The Department shall continue to issue or renew permits to existing locations in accordance with this section notwithstanding changes in the identity of the person or entity holding the permit.

D. The regulations governing foxhound training preserves in effect as of January 1, 2014, shall continue in full force and effect, provided, however, that the Department shall adopt regulations by October 1, 2014, to limit the total number of foxes stocked annually in all permitted preserves to 900. The Department shall specify a proportional number of foxes that may be stocked in each permitted preserve based upon the number of acres of the preserve as a percentage of the total acreage of permitted foxhound training preserves. If a preserve ceases to operate, its allocation of foxes from the previous year shall be deducted from the total number of foxes that may be stocked in foxhound training preserves in the Commonwealth.

E. The Department shall not deny a permit to an existing location solely due to recordkeeping failures or other technical violations of the regulations governing foxhound training preserves.

F. The Department shall deny a permit to an existing location if the location voluntarily ceases operation of its foxhound training preserve for a period of 12 consecutive months or longer.

G. Notwithstanding the provisions of § 2.2-4002, the denial of a permit to operate a foxhound training preserve by the Department shall constitute a case decision subject to the Administrative Process Act (§ 2.2-4000 et seq.). If a permittee or owner of a location subject to a permit files a notice of appeal with the Department, the Department shall continue to permit the location until any such appeals have been exhausted and the Department's determination upheld.

2014, c. 605.

§ 29.1-526. Counties and cities may prohibit hunting or trapping near primary and secondary highways.

The governing body of any county or city may prohibit by ordinance the hunting, with a firearm, of any game bird or game animal while the hunting is on or within 100 yards of any primary or secondary highway in such county or city and may provide that any violation of the ordinance shall be a Class 3 misdemeanor. In addition, the governing body of any county or city may prohibit by ordinance the trapping of any game animal or furbearer within fifty feet of the shoulder of any primary or secondary highway in the county or city and may provide that any violation of the ordinance shall be a Class 3

misdemeanor. No such ordinance shall prohibit such trapping where the written permission of the landowner is obtained. It shall be the duty of the governing body enacting an ordinance under the provisions of this section to notify the Director by registered mail no later than May 1 of the year in which the ordinance is to take effect. If the governing body fails to make such notice, the ordinance shall be unenforceable.

For the purpose of this section, the terms "hunt" and "trap" shall not include the necessary crossing of highways for the bona fide purpose of going into or leaving a lawful hunting or trapping area.

1962, c. 141, § 29-144.5; 1964, c. 549; 1977, c. 377; 1982, c. 194; 1987, c. 488; 1989, c. 421.

§ 29.1-527. Counties, cities or towns may prohibit hunting near public schools and county, city, town or regional parks.

The governing body of any county, city or town may prohibit by ordinance, shooting or hunting with a firearm, or prohibit hunters from traversing an area while in possession of a loaded firearm, within 100 yards of any property line of a public school or a county, city, town or regional park. The governing body may, in such ordinance, provide that any violation thereof shall be a Class 4 misdemeanor. Nothing in this section shall give any county, city or town the authority to enforce such an ordinance on lands within a national or state park or forest, or wildlife management area.

1985, c. 485, § 29-144.5:1; 1987, c. 488.

§ 29.1-527.1. Localities may prohibit feeding of migratory and nonmigratory waterfowl.

Upon notice to the Department, any locality may prohibit by ordinance the feeding of migratory and nonmigratory waterfowl in any subdivision or other area of such locality which, in the opinion of the governing body, is so heavily populated as to make the feeding of such waterfowl a threat to public health or the environment. The terms "migratory" and "nonmigratory" waterfowl shall include those waterfowl defined as such in a listing as provided by the Department. The Department shall make available to localities a model ordinance suggested for use by localities. The locality shall post the appropriate signage that designates an area where the ordinance is applicable and shall be solely responsible for enforcement of the ordinance. The penalty for violating such an ordinance shall be a civil fine not to exceed $50.

A locality shall not enact such an ordinance on lands within a national or state park or forest, or wildlife management area.

2004, c. 386.

§ 29.1-527.2. Localities may prohibit feeding of deer.

Any city or town may, by ordinance, prohibit the feeding of deer within its jurisdiction. The Department shall make available to localities a model ordinance suggested for use by localities. The penalty for violating such an ordinance shall be a civil fine not to exceed $50. It shall be the duty of the governing body enacting an ordinance under this section to notify the Director by registered mail of the adoption of such an ordinance.

Any such ordinance shall not apply to agricultural, commercial, noncommercial, or residential plantings; distribution of food to livestock; or wildlife management activities conducted or authorized by the Department. The ordinance shall not limit the authority of the Board to regulate feeding of wildlife consistent with this chapter.

2016, c. 376.

§ 29.1-528. Board to develop model ordinances for hunting with firearms; counties or cities may adopt.

A. The Board shall adopt regulations establishing model ordinances for hunting with firearms that may be adopted by counties or cities. Such model ordinances shall address items including firearm caliber; type of firearm, including rifle, shotgun, or muzzleloader; type of ammunition; and the hunting of groundhogs or coyotes.

B. The governing body of any county or city may, by ordinance, (i) prohibit hunting in such county or city with a shotgun loaded with slugs, or with a rifle of a caliber larger than .22 rimfire; (ii) permit the hunting of groundhogs with a rifle of a caliber larger than .22 rimfire between March 1 and August 31; (iii) permit the use of muzzle-loading rifles during the prescribed open seasons for the hunting of game species; (iv) specify permissible types of ammunition to be used for hunting in the county or city; or (v) permit the hunting of coyotes with a rifle of a caliber larger than .22 rimfire.

C. No such ordinance shall be enforceable unless the governing body notifies the Director by registered mail prior to May 1 of the year in which the ordinance is to take effect.

D. In adopting an ordinance pursuant to the provisions of this section, the governing body of any county or city may provide that any person who violates the provisions of the ordinance is guilty of a Class 3 misdemeanor.

1976, c. 443, § 29-144.6; 1977, cc. 20, 377; 1978, c. 303; 1986, c. 342; 1987, c. 488; 1989, c. 421; 2007, c. 642; 2016, c. 64.

§ 29.1-528.1. Board to develop model ordinances for hunting with bow and arrow; counties or cities may adopt.

A. The Board shall adopt regulations establishing model ordinances for hunting deer with bow and arrow, slingbows, and crossbows in those counties and cities where there is an overabundance of the deer population, which is creating conflicts between humans and deer, including safety hazards to motorists. The model ordinances shall include (i) the times at which such hunting shall commence and end each day and (ii) the number of deer that can be taken based on analysis performed by the Department.

B. No such ordinance shall be enforceable unless the governing body notifies the Director by registered mail prior to May 1 of the year in which the ordinance is to take effect. Any change jurisdictions may seek in the model ordinance shall be approved by the Board prior to its adoption.

C. In adopting an ordinance pursuant to the provisions of this section, the governing body of any locality may provide that any person who violates the provisions of the ordinance shall be guilty of a Class 3 misdemeanor.

2010, c. 512; 2017, c. 530.

§ 29.1-528.2. Local tree stand ordinance; disabled hunter exempt.

While hunting during any established open hunting season and in accordance with other laws and regulations, a hunter shall be exempt from any local ordinance requiring hunting from an elevated platform or tree stand if he (i) possesses a valid hunting license and is permanently disabled, as defined in § 58.1-3217 and as attested to by a licensed physician on a form provided by the Department and carried on the hunter's person while hunting, or (ii) holds a lifetime disabled or disabled veterans license under § 29.1-302, 29.1-302.02, or 29.1-302.03 or subsection C of § 29.1-302.1.

The exemption provided by this section shall apply only to a hunter whose permanent disability, as attested to by a licensed physician pursuant to the provisions of this section or as accepted by the Director pursuant to the provisions of subsection C of § 29.1-302.1, is based on a physical impairment or deformity.

2018, c. 836.

§ 29.1-529. Killing of deer, elk or bear damaging fruit trees, crops, livestock, or personal property; wildlife creating a hazard to aircraft or motor vehicles.

A. Whenever deer, elk or bear are damaging fruit trees, crops, livestock or personal property utilized for commercial agricultural production in the Commonwealth, the owner or lessee of the lands on which such damage is done shall immediately report the damage to the Director or his designee for investigation. If after investigation the Director or his designee finds that deer or bear are responsible for the damage, he shall authorize in writing the owner, lessee or any other person designated by the Director or his designee to kill such deer or bear when they are found upon the land upon which the damages occurred. However, the Director or his designee shall have the option of authorizing nonlethal control measures rather than authorizing the killing of elk or bear, provided that such measures occur within a reasonable period of time; and whenever deer cause damage on parcels of land of five acres or less, except when such acreage is used for commercial agricultural production, the Director or his designee shall have discretion as to whether to issue a written authorization to kill the deer. The Director or his designee may limit such authorization by specifying in writing the number of animals to be killed and duration for which the authorization is effective and may in proximity to residential areas and under other appropriate circumstances limit or prohibit the authorization between 11:00 p.m. and one-half hour before sunrise of the following day. The Director or his designees issuing these authorizations shall specify in writing that only antlerless deer shall be killed, unless the Director or his designee determines that there is clear and convincing evidence that the damage was done by deer with antlers. Any owner or lessee of land who has been issued a written authorization shall not be issued an authorization in subsequent years unless he can demonstrate to the satisfaction of the Dir-

ector or his designee that during the period following the prior authorization, the owner or his designee has hunted bear or deer on the land for which he received a previous authorization.

B. Subject to the provisions of subsection A, the Director or his designee may issue a written authorization to kill deer causing damage to residential plants, whether ornamental, noncommercial agricultural, or other types of residential plants. The Director may charge a fee not to exceed actual costs. The holder of this written authorization shall be subject to local ordinances, including those regulating the discharge of firearms.

C. Whenever wildlife is creating a hazard to the operation of any aircraft or to the facilities connected with the operation of aircraft, the person or persons responsible for the safe operation of the aircraft or facilities shall report such fact to the Director or his designee for investigation. If after investigation the Director or his designee finds that wildlife is creating a hazard, he shall authorize such person or persons or their representatives to kill wildlife when the wildlife is found to be creating such a hazard. As used in this subsection, the term "wildlife" shall not include any federally protected species.

D. Whenever deer are creating a hazard to the operation of motor vehicle traffic within the corporate limits of any city or town, the operator of a motor vehicle or chief law-enforcement officer of the city or town may report such fact to the Director or his designee for investigation. If after investigation the Director or his designee finds that deer are creating a hazard within such city or town, he may authorize responsible persons, or their representatives, to kill the deer when they are found to be creating such a hazard.

E. Whenever deer are damaging property in a locality in which deer herd population reduction has been recommended in the current Deer Management Plan adopted by the Board, the owner or lessee of the lands on which such damage is being done may report such damage to the Director or his designee for investigation. If after investigation the Director or his designee finds that deer are responsible for the damage, he may authorize in writing the owner, lessee or any other person designated by the Director or his designee to kill such deer when they are found upon the land upon which the damages occurred. The Director or his designee also may limit such authorization by specifying in writing the number of animals to be killed and the period of time for which the authorization is effective. The requirement in subsection A of this section, that an owner or lessee of land demonstrate that during the period following the prior authorization deer or bear have been hunted on his land, shall not apply to any locality that conducts a deer population control program authorized by the Department.

F. The Director or his designee may revoke or refuse to reissue any authorization granted under this section when it has been shown by a preponderance of the evidence that an abuse of the authorization has occurred. Such evidence may include a complaint filed by any person with the Department alleging that an abuse of the written authorization has occurred. Any person aggrieved by the issuance, denial or revocation of a written authorization can appeal the decision to the Department. Any person convicted of violating any provision of the hunting and trapping laws and regulations shall be entitled to receive written authorization to kill deer or bear. However, such person shall not (i) be

designated as a shooter nor (ii) carry out the authorized activity for a person who has received such written authorization for a period of at least two years and up to five years following his most recent conviction for violating any provision of the hunting and trapping laws and regulations. In determining the appropriate length of this restriction, the Director shall take into account the nature and severity of the most recent violation and of any past violations of the hunting and trapping laws and regulations by the applicant. No person shall be designated as a shooter under this section during a period when such person's hunting license or privileges to hunt have been suspended or revoked.

G. The Director or his designee may authorize, subject to the provisions of this section, the killing of deer over bait within the political boundaries of any city or town, or any county with a special late antlerless season, in the Commonwealth when requested by a certified letter from the governing body of such locality.

H. The parts of any deer or bear killed pursuant to this section or wildlife killed pursuant to subsection C shall not be used for the purposes of taxidermy, mounts, or any public display unless authorized by the Director or his designee. However, the meat of any such animal may be used for human consumption. The carcass and any unused meat of any such animal shall be disposed of within 24 hours of being killed. Any person who violates any provision of this subsection is guilty of a Class 3 misdemeanor.

I. It is unlawful to willfully and intentionally impede any person who is engaged in the lawful killing of a bear or deer pursuant to written authorization issued under this section. Any person convicted of a violation of this subsection is guilty of a Class 3 misdemeanor.

Code 1950, § 29-145.1; 1954, c. 686; 1956, c. 684; 1958, cc. 315, 609; 1960, c. 129; 1962, c. 229; 1970, c. 79; 1980, c. 271; 1987, cc. 48, 488; 1991, c. 99; 1993, cc. 204, 273; 1994, c. 571; 1996, c. 314; 1998, c. 179; 1999, c. 563; 2000, c. 6; 2002, c. 174; 2003, cc. 123, 135; 2004, c. 447; 2008, cc. 17, 260; 2009, cc. 8, 305; 2010, c. 5; 2012, c. 247; 2013, c. 346; 2020, c. 958.

§ 29.1-530. Open and closed season for trapping, bag limits, etc.

A. There shall be a continuous open season for trapping nuisance species and a continuous closed trapping season on all other species of wild birds and wild animals, except as provided by Board regulations. However, a landowner or his agent may trap and dispose of, except by sale, squirrels creating a nuisance on his property at any time in any area where the use of firearms for such purpose is prohibited by law or local ordinance.

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

1. The trapper shall be responsible for all damage done by an illegally set trap, and any person finding a trap set contrary to law may report it to the landowner upon whose land the trap is located or to any conservation police officer who may destroy or otherwise make the trap inoperable.

2. Licensed trappers may shoot wild animals caught in traps on any day of the week during the seasons prescribed in subsection A in order to dispatch such animal. No additional licenses are required other than a valid Virginia trapping license.

3. It is lawful to trap wild animals within the daily bag and season limits, if any, during the open season provided by Board regulations.

Code 1950, § 29-146; 1958, c. 495; 1974, c. 302; 1982, c. 335; 1987, c. 488; 2006, c. 20; 2007, c. 87; 2013, c. 349.

§ 29.1-530.1. Solid blaze orange or solid blaze pink clothing required at certain times.

A. For the purposes of this section, "solid blaze orange" means a safety orange or fluorescent orange hue and "solid blaze pink" means a safety pink or fluorescent pink hue.

B. During any firearms deer season, except during the special season for hunting deer with a muzzle-loading rifle only, in counties and cities designated by the Board, every hunter and every person accompanying a hunter shall (i) wear a solid blaze orange or solid blaze pink hat, except that the bill or brim of the hat may be a color or design other than solid blaze orange or solid blaze pink, or solid blaze orange or solid blaze pink upper body clothing that is visible from 360 degrees, (ii) display at least 100 square inches of solid blaze orange or solid blaze pink material at shoulder level within body reach visible from 360 degrees, or (iii) when hunting from an enclosed ground blind, display at least 100 square inches of solid blaze orange or solid blaze pink material visible from 360 degrees attached to or immediately above a blind.

C. During the special season for hunting deer with a muzzle-loading rifle only, in counties and cities designated by the Board, every muzzleloader deer hunter and every person accompanying a muzzle-loader deer hunter shall wear (i) a solid blaze orange or solid blaze pink hat, except that the bill or brim of the hat may be a color or design other than solid blaze orange or solid blaze pink, or (ii) solid blaze orange or solid blaze pink upper body clothing, either of which shall be visible from 360 degrees, unless such person is physically located in a tree stand or other stationary hunting location.

D. Any person violating the provisions of this section shall, upon conviction, pay a fine of $25.

E. Violations of this section shall not be admissible in any civil action for personal injury or death as evidence of negligence, contributory negligence, or assumption of the risk.

F. This section shall not apply when (i) hunting waterfowl from stationary or floating blinds, (ii) hunting waterfowl over decoys, (iii) hunting waterfowl in wetlands as defined in § 28.2-1300, (iv) hunting waterfowl from a boat or other floating conveyance, (v) hunting doves, (vi) participating in hunting dog field trials permitted by the Board, (vii) on horseback while hunting foxes with hounds but without firearms, or (viii) hunting with a bow and arrow in areas where the discharge of firearms is prohibited by state law or local ordinance.

1987, c. 319, § 29-147.2; 1988, cc. 474, 715; 2002, c. 39; 2005, c. 167; 2009, c. 11; 2014, c. 140; 2017, c. 347; 2018, c. 151; 2020, c. 958.

§ 29.1-530.2. Unlawfully killing bear; penalty.

Any person who kills or attempts to kill a bear in violation of any provision of this article or any regulation adopted thereunder is guilty of a Class 1 misdemeanor and may also be prohibited by the court from hunting, trapping, or fishing in the Commonwealth for a period of one to five years.

1988, c. 19; 2020, c. 311.

§ 29.1-530.3. Remote hunting prohibited; penalty.

A. It is unlawful for any person to engage in computer-assisted remote hunting or provide or operate a facility that allows others to engage in computer-assisted remote hunting if the wild animal or wild bird being hunted or shot is located in the Commonwealth.

B. Any person who violates this section is guilty of a Class 1 misdemeanor. In addition to the penalty prescribed herein, the court shall revoke all current hunting licenses and privileges of the person convicted of violating this section and prohibit that person from hunting for a period of one to five years. Notification of the revocation or prohibition shall be forwarded to the Department pursuant to subsections C and D of § 18.2-56.1.

C. For the purposes of this section "computer-assisted remote hunting" means the use of a computer or other device, equipment, or software, to remotely control the aiming and discharge of a firearm or other weapon, that allows a person, not physically present, to hunt or shoot any wild animal or wild bird.

2005, cc. 172, 226; 2010, c. 183.

§ 29.1-530.4. Duty of certain entities to report hunting incidents.

Any law-enforcement agency or emergency medical services provider that receives a report that a person engaged in hunting as defined in § 29.1-100 has suffered serious bodily injury or death shall immediately give notice of the incident to the Department.

2005, c. 688; 2015, cc. 502, 503; 2020, c. 958.

Article 2.1 - WILDLIFE VIOLATOR COMPACT

§ 29.1-530.5. Wildlife Violator Compact.

ARTICLE I

Findings, Declaration of Policy, and Purpose

(a) The participating states find that:

(1) Wildlife resources are managed in trust by the respective states for the benefit of all residents and visitors;

(2) The protection of the wildlife resources of a state is materially affected by the degree of compliance with state statutes, laws, regulations, rules, and ordinances relating to the management of those resources;

(3) The preservation, protection, management, and restoration of wildlife contributes immeasurably to the aesthetic, recreational, and economic aspects of such natural resources;

(4) Wildlife resources are valuable without regard to political boundaries; therefore, every person should be required to comply with wildlife preservation, protection, management, and restoration statutes, laws, rules, regulations, and ordinances of the participating states as a condition precedent to the continuance or issuance of any license to hunt, fish, trap, or possess wildlife;

(5) Violation of wildlife laws interferes with the management of wildlife resources and may endanger the safety of persons and property;

(6) The mobility of many wildlife law violators necessitates the maintenance of channels of communication among the various states;

(7) In most instances, a person who is cited for a wildlife violation in a state other than the person's home state:

(i) Is required to post collateral or a bond to secure an appearance for a trial at a later date;

(ii) Is taken into custody until the collateral or bond is posted; or

(iii) Is taken directly to court for an immediate appearance;

(8) The purpose of the enforcement practices set forth in paragraph (7) of this subsection is to ensure compliance with the terms of a wildlife citation by the cited person who, if permitted to continue on the person's way after receiving the citation, could return to the person's home state and disregard any duty under the terms of the citation;

(9) In most instances, a person receiving a wildlife citation in the person's home state is permitted to accept the citation from the officer at the scene of the violation and immediately continue on the person's way after agreeing or being instructed to comply with the terms of the citation;

(10) The practices described in paragraph (7) of this subsection cause unnecessary inconvenience and, at times, a hardship for the person who is unable at the time to post collateral, furnish a bond, stand trial, or pay a fine, and thus is compelled to remain in custody until some alternative arrangement is made; and

(11) The enforcement practices described in paragraph (7) of this subsection consume an undue amount of law-enforcement time.

(b) It is the policy of the participating states to:

(1) Promote compliance with the statutes, laws, regulations, rules, and ordinances relating to management of wildlife resources in their respective states;

(2) Recognize a suspension of wildlife license privileges of any person whose license privileges have been suspended by a participating state and treat that suspension as if it had occurred in each respective state;

(3) Allow a violator, except as provided in Article III, subsection (b) of this compact, to accept a wildlife citation and, without delay, proceed on the person's way, regardless of the violator's home state, if that state is a party to this compact;

(4) Report to the appropriate participating state, as provided in the compact manual, any conviction recorded against a person whose home state was not the issuing state;

(5) Allow the home state to recognize and treat convictions recorded against its residents, which convictions occurred in a participating state, as though they had occurred in the home state;

(6) Extend cooperation to its fullest extent among the participating states for enforcing compliance with the terms of a wildlife citation issued in one participating state to a resident of another participating state;

(7) Maximize the effective use of law-enforcement personnel and information; and

(8) Assist court systems in the efficient disposition of wildlife violations.

(c) The purpose of this compact is to:

(1) Provide a means through which participating states may join in a reciprocal program to effectuate the policies enumerated in subsection (b) of this article in a uniform and orderly manner; and

(2) Provide for the fair and impartial treatment of wildlife violators operating within participating states in recognition of the violator's right to due process and the sovereign status of a participating state.

ARTICLE II

Definitions

As used in this compact, unless the context requires otherwise, the following words have the meanings indicated:

(a) "Citation" means any summons, complaint, summons and complaint, ticket, penalty assessment, or other official document issued to a person by a wildlife officer or other law-enforcement officer for a wildlife violation that contains an order requiring the person to respond.

(b) "Collateral" means any cash or other security deposited to secure an appearance for trial in connection with the issuance by a wildlife officer or other law-enforcement officer of a citation for a wildlife violation.

(c) "Compliance" with respect to a citation means the act of answering a citation through an appearance in a court or tribunal, or through the payment of fines, costs, and surcharges, if any.

(d) "Conviction" means a conviction that results in suspension or revocation of a license, including any court conviction, for an offense related to the preservation, protection, management, or restoration of wildlife that is prohibited by state statute, law, regulation, rule, or ordinance. The term also includes the forfeiture of any bail, bond, or other security deposited to secure the appearance of a person

charged with having committed the offense, the payment of a penalty assessment, a plea of nolo contendere, or the imposition of a deferred or suspended sentence by the court.

(e) "Court" means a court of law, including magistrate's court and the justice of the peace court.

(f) "Home state" means the state of primary residence of a person.

(g) "Issuing state" means the participating state that issues a wildlife citation to the violator.

(h) "License" means a license, permit, or other public document that conveys to the person to whom it was issued the privilege of pursuing, possessing, or taking any wildlife regulated by statute, law, regulation, rule, or ordinance of a participating state.

(i) "Licensing authority" means the governmental unit in each participating state that is authorized by law to issue or approve licenses or permits to hunt, fish, trap, or possess wildlife.

(j) "Participating state" means a state that enacts legislation to become a member of this Wildlife Violator Compact.

(k) "Personal recognizance" means an agreement by a person made at the time of issuance of the wildlife citation that such person will comply with the terms of the citation.

(l) "State" means any state, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the provinces of Canada, and other countries.

(m) "Suspension" means any revocation, denial, or withdrawal of any or all license privileges, including the privilege to apply for, purchase, or exercise the benefits conferred by a license.

(n) "Terms of the citation" means the conditions and options expressly stated upon the citation.

(o) "Wildlife" means all species of animals including, but not limited to, mammals, birds, fish, reptiles, amphibians, mollusks, and crustaceans, that are defined as "wildlife" and are protected or otherwise regulated by statute, law, rule, regulation, or ordinance in a participating state. Species included in the definition of "wildlife" vary from state to state and the determination of whether a species is "wildlife" for the purposes of this Compact shall be based on the law of the issuing state.

(p) "Wildlife law" means a statute, law, regulation, rule, or ordinance developed and enacted for the management of wildlife resources and the uses thereof.

(q) "Wildlife officer" means any individual authorized by a participating state to issue a citation for a wildlife violation.

(r) "Wildlife violation" means any cited violation of a statute, law, regulation, rule, or ordinance developed and enacted for the management of wildlife resources and the uses thereof.

ARTICLE III

Procedures for Issuing State

(a) When issuing a citation for a wildlife violation, a wildlife officer shall issue a citation to any person whose primary residence is in a participating state in the same manner as though the person were a resident of the issuing state and shall not require such person to post collateral to secure appearance, subject to the exceptions noted in subsection (b) of this article, if the officer receives the recognizance of such person that he will comply with the terms of the citation.

(b) Personal recognizance is acceptable if not prohibited by local law; by policy, procedure, or regulation of the issuing agency; or by the compact manual and if the violator provides adequate proof of identification to the wildlife officer.

(c) Upon conviction or failure of a person to comply with the terms of a wildlife citation, the appropriate official shall report the conviction or failure to comply to the licensing authority of the participating state in which the wildlife citation was issued. The report shall be made in accordance with procedures specified by the issuing state and must contain information as specified in the compact manual as minimum requirements for effective processing by the home state.

(d) Upon receiving the report of conviction or noncompliance pursuant to subsection (c) of this article, the licensing authority of the issuing state shall transmit to the licensing authority of the home state of the violator the information in the form and content prescribed in the compact manual.

ARTICLE IV

Procedure for Home State

(a) Upon receipt of a report from the licensing authority of the issuing state reporting the failure of a violator to comply with the terms of a citation, the licensing authority of the home state shall notify the violator and shall initiate a suspension action in accordance with the home state's suspension procedures and shall suspend the violator's license privileges until satisfactory evidence of compliance with the terms of the wildlife citation has been furnished by the issuing state to the home state licensing authority. Due process safeguards shall be accorded to the violator.

(b) Upon receipt of a report of conviction from the licensing authority of the issuing state, the licensing authority of the home state shall enter such conviction in its records and shall treat such conviction as though the conviction had occurred in the home state for the purposes of the suspension of license privileges.

(c) The licensing authority of the home state shall maintain a record of actions taken and shall make reports to issuing states as provided in the compact manual.

ARTICLE V

Reciprocal Recognition of Suspension

(a) All participating states shall recognize the suspension of license privileges of a person by a participating state as though the violation resulting in the suspension had occurred in their state and could have been the basis for suspension of license privileges in their state.

(b) Each participating state shall communicate suspension information to other participating states in a form and content prescribed in the compact manual.

ARTICLE VI

Applicability of Other Laws

Except as expressly required by provisions of this compact, nothing in this compact may be construed to affect the right of a participating state to apply any of its laws relating to license privileges to any person or circumstance or to invalidate or prevent any agreement or other cooperative arrangement between a participating state and a nonparticipating state concerning the enforcement of wildlife laws.

ARTICLE VII

Compact Administrator Procedures

(a) For the purpose of administering the provisions of this compact and to serve as a governing body for the resolution of all matters relating to the operation of this compact, a Board of Compact Administrators is established. The board shall be composed of one representative from each of the participating states to be known as the compact administrator. The compact administrator shall be appointed by the head of the licensing authority of each participating state and shall serve and be subject to removal in accordance with the laws of the state he or she represents. A compact administrator may provide for an alternate for the discharge of his or her duties and the performance of his or her functions as a board member. An alternate is not entitled to serve unless written notification of the alternate's identity has been given to the board.

(b) Each member of the Board of Compact Administrators shall be entitled to one vote. No action of the board shall be binding unless taken at a meeting at which a majority of the total number of the board's votes are cast in favor thereof. Action by the board shall be only at a meeting at which a majority of the participating states are represented.

(c) The board shall elect annually from its membership a chairman and vice chairman.

(d) The board shall adopt bylaws not inconsistent with the provisions of this compact or the laws of a participating state for the conduct of its business and shall have the power to amend and rescind its bylaws.

(e) The board may accept for any of its purposes and functions under this compact any and all donations and grants of moneys, equipment, supplies, materials, and services, conditional or otherwise, from any state, the United States, or any governmental unit, and may receive, utilize, and dispose of those grants and donations.

(f) The board may contract with, or accept services or personnel from, any governmental or intergovernmental unit, individual, firm, or corporation, or any private nonprofit organization or institution.

(g) The board shall formulate all necessary procedures and develop uniform forms and documents for administering the provisions of this compact. All procedures and forms adopted pursuant to board action shall be contained in a compact manual.

ARTICLE VIII

Entry into Compact and Withdrawal

(a) This compact shall become effective at such time as it is adopted in substantially similar form by two or more states.

(b) Entry into the compact shall be made by resolution of ratification executed by the authorized officials of the applying state and submitted to the chairman of the board. The resolution shall substantially be in the form and content as provided in the compact manual and shall include the following:

(1) A citation of the authority from which the state is empowered to become a party to this compact;

(2) An agreement of compliance with the terms and provisions of this compact; and

(3) An agreement that compact entry is with all states participating in the compact and with all additional states legally becoming a party to the compact.

(c) The effective date of entry shall be specified by the applying state, but may not be less than 60 days after notice has been given by the chairman of the Board of Compact Administrators or by the secretariat of the board to each participating state that the resolution from the applying state has been received.

(d) A participating state may withdraw from this compact by official written notice to each participating state, but withdrawal shall not become effective until 90 days after the notice of withdrawal is given. The notice shall be directed to the compact administrator of each member state. The withdrawal of any state does not affect the validity of this compact as to the remaining participating states.

ARTICLE IX

Amendments to the Compact

(a) This Compact may be amended from time to time. Amendments shall be presented in resolution form to the chairman of the Board of Compact Administrators and shall be initiated by one or more participating states.

(b) Adoption of an amendment shall require endorsement by all participating states and shall become effective 30 days after the date of the last endorsement.

(c) Failure of a participating state to respond to the compact chairman within 120 days after receipt of a proposed amendment shall constitute endorsement of the proposed amendment.

ARTICLE X

Construction and Severability

This compact shall be liberally construed so as to effectuate the purposes stated herein. The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of a participating state or of the United States, or if the applicability thereof to any government, unit, individual, or circumstance is held invalid, the validity of the remainder of this compact shall not be affected thereby. If this compact is held contrary to the constitution of a participating state, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the participating state affected as to all severable matters.

ARTICLE XI

Title

This compact shall be known as the "Wildlife Violator Compact."

2009, c. 648.

Article 3 - FISHING LAWS

§ 29.1-531. Unlawful to take or attempt to take, possess, sell or transport fish except as permitted.
A. Unless otherwise provided by a regulation of the Board, it shall be unlawful for any person to take or attempt to take any fish in inland waters other than shad, herring or mullet, except by fishing with a hook and line or rod and reel, held in the hand.

B. It shall be unlawful to catch, trap, take, capture, kill, or attempt to take, capture or kill, possess, deliver for transportation, transport, cause to be transported, receive for transport, export, or import at any time or in any manner any species of game fish, or the carcass or any part thereof, except as specifically permitted by law and only by the means and within the numbers stated.

C. In Mecklenburg, Pittsylvania, Prince Edward, Charlotte, Campbell, Halifax, Amelia (except between Vaughn's Pond and Meadsville Dam), Caroline and King George Counties, in the City of Danville, and in the Meherrin River in Lunenburg County, it shall be lawful to fish with fish traps, fish pots or haul seines in any streams and waters, provided that no person shall catch fish with fish traps or fish pots or haul seines for commercial purposes. However, it shall be unlawful in such localities to remove from the waters thereof any game fish caught with fish pots, fish traps or haul seines, and any person doing so shall immediately return them to the waters. The Board shall have the authority to close any streams or rivers or parts of streams or rivers in such localities when the waters are stocked with fish by the Department.

D. It shall be lawful to sell or offer to sell trout which have been lawfully acquired, provided such trout have been propagated and raised in a hatchery or by other artificial means. The Board shall by appropriate regulation establish a practical system of identification of trout so offered for sale for table or other uses as directed by the Board.

E. It shall be unlawful to offer for sale, sell, offer to purchase, or purchase at any time or in any manner any species of game fish, or the carcass or any part thereof, except as specifically permitted by law

and only by the means and within the numbers stated. A violation of the provisions of this subsection shall be punishable as provided in § 29.1-553.

F. A violation of the provisions of subsections A through D shall constitute a Class 2 misdemeanor.

Code 1950, § 29-148; 1956, c. 490; 1958, c. 514; 1960, c. 126; 1962, c. 469; 1966, c. 413; 1987, c. 488; 1994, cc. 413, 848; 2000, cc. 403, 447.

§ 29.1-532. Dams and fishways.

Any dam or other object in a watercourse, which obstructs navigation or the passage of fish, shall be deemed a nuisance, unless it is used to work a mill, factory or other machine or engine useful to the public, and is allowed by law or order of court. Any person owning or having control of any dam or other obstruction in the streams of the Commonwealth which may interfere with the free passage of anadromous and other migratory fish, shall provide every such dam or other obstruction with a suitable fishway unless the Board considers it unnecessary. The purpose of such a fishway is for anadromous and other migratory fish to have free passage up and down the streams during March, April, May and June, and down the streams throughout the remaining months. "Suitable fishway" means a fishway which passes significant numbers of the target fishes, as determined by the Board.

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

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

The circuit court of the county or city in which the dam is situated, after reasonable notice to the parties or party interested and upon satisfactory proof of the failure to comply, may order any necessary construction or destruction to be initiated or put in good repair at the expense of the owner of the dam or other obstruction. All such construction or destruction must be initiated within one year of the court order and completed within three years of the court order.

Any person failing to comply with this section shall pay as a penalty a percentage of the estimated cost of construction or destruction equal to the percentage specified on the judgment rate of interest pursuant to § 6.2-302, and the Board shall provide construction or destruction cost estimates.

Penalties collected pursuant to this section shall be directed to the Department.

This section shall not apply to the Meherrin River within the Counties of Brunswick and Greensville, nor to the Meherrin River within or between the Counties of Lunenburg and Mecklenburg, nor to the Nottoway River between the Counties of Lunenburg and Nottoway, nor to Abram's Creek in Shawnee district, Frederick County, nor to the James River between the City of Lynchburg and the County of Amherst, nor to the James River within the City of Richmond and between the City of Richmond and Henrico County, except that the exemption for those dams west of Virginia Route 161 which are located on the James River within the City of Richmond and between the City of Richmond and Henrico

County shall expire on January 1, 1990, nor any streams within the Counties of Augusta, Lunenburg, Mecklenburg, Louisa, Buckingham, Halifax, Montgomery, Pulaski, Franklin, Russell, Tazewell, Giles, Bland, Craig, Wythe, Carroll and Grayson, nor to that part of any stream that forms a part of the boundary of Halifax and Franklin Counties. Furthermore, no fish ladders shall be required on dams twenty feet or more in height. The City of Richmond shall continue to work with the Department toward implementing and funding a plan for breaching dams to provide fishways for the passage of anadromous and other migratory fish.

Code 1950, § 29-151; 1950, p. 891; 1958, c. 607; 1987, c. 488; 1988, c. 487; 2020, c. 958.

§ 29.1-533. Prohibition against use of substances injurious to fish.

It shall be unlawful to use any explosive for the destruction of fish, or knowingly cast any noxious substance or matter into any watercourse of the Commonwealth where fish or fish spawn may be destroyed, or to place or to allow to pass into the watercourses of the Commonwealth any sawdust, ashes, lime, gas, tar, or refuse of gas works, injurious to fish. Any person violating any of the provisions of this section shall be guilty of a Class 3 misdemeanor, except that any person convicted of destroying fish by means of explosives shall be guilty of a Class 1 misdemeanor.

The owner or lessee of any property on which fish are destroyed by means of explosives shall be entitled to recover liquidated damages in an amount deemed appropriate by the court from any person convicted of destroying fish by such means.

Code 1950, § 29-153; 1956, c. 709; 1962, c. 469; 1987, c. 488; 1988, c. 158.

§ 29.1-534. Right to fish in interjurisdictional inland waters.

A Virginia resident or a resident of an adjoining jurisdiction which has inland water lying adjacent to Virginia land or water may take fish with hook and line after complying with the requirements of the laws of the jurisdiction where the fishing occurs. For purposes of this section and § 29.1-535, the term "jurisdiction" shall include the District of Columbia.

1952, c. 484, § 29-153.1; 1964, c. 74; 1970, c. 194; 1987, c. 488; 1991, c. 200; 2011, cc. 93, 179.

§ 29.1-535. Reciprocal agreement as to fishing in such waters.

The Board shall have the necessary authority to enter into a reciprocal agreement with an adjoining jurisdiction having inland waters lying adjacent to Virginia land or water relating to the following:

1. A sport fishing license acquired in an adjoining jurisdiction shall be recognized when it is used by the person whose name appears on the face of such license, when such licensee is fishing in that portion of inland waters lying in either Virginia or the other jurisdiction or partly in each of the jurisdictions. Such recognition shall be contingent upon a reciprocal recognition by the adjoining jurisdiction to a licensee of Virginia who is fishing in the same waters.

2. Creel limits, open seasons for fishing and all other laws and regulations of the jurisdiction entering into the agreement shall be strictly observed, and any person failing to comply with the regulations set up under the agreement shall be guilty of a Class 2 misdemeanor and punished accordingly.

1952, c. 484, § 29-153.2; 1964, c. 74; 1970, c. 194; 1980, c. 28; 1987, c. 488; 1991, c. 200.

Article 4 - POSSESSION, TRANSPORTATION, AND SALE OF GAME AND FISH

§ 29.1-536. Sale.

When taken in accordance with the provisions of law or regulation, muskrat, opossum, rabbits, raccoon and squirrels may be bought and sold during the open hunting season only, but the hides, furs or pelts of fur-bearing animals legally taken and possessed, and the carcass of any fur-bearing animal may be sold at any time in accordance with §§ 29.1-400 through 29.1-407.

Code 1950, § 29-154; 1977, c. 377; 1980, c. 494; 1987, c. 488; 1994, c. 436; 1999, c. 204.

§ 29.1-537. Possession.

When taken in accordance with the provisions of this title, each species of wild bird, wild animal or fish may be possessed at any time.

Code 1950, § 29-155; 1987, c. 488.

§ 29.1-538. Reserved.

Reserved.

§ 29.1-539. Keeping deer or bear struck by motor vehicle; procedure to be followed by driver.

Any person driving a motor vehicle who collides with a deer or bear may, upon compliance with the provisions of this section, keep the deer or bear for his own use as if the animal had been killed by that person during hunting season for the animal.

Any person so killing any deer or bear shall immediately report the accident to the conservation police officer or other law-enforcement officer of the county or city where the accident occurred. The conservation police officer or other law-enforcement officer shall view the deer or bear and if he believes that the deer or bear was killed by the collision with the motor vehicle or injured to such an extent as to require its death, he shall award the animal to the person claiming the deer or bear, and shall give the person a certificate to that effect on forms furnished by the Department.

1950, pp. 441, 442, §§ 29-155.2 to 29-155.4; 1980, c. 271; 1987, c. 488; 2007, c. 87.

§ 29.1-540. Carriage and shipment.

A. When taken in accordance with the provisions of this title, wild birds, wild animals, or fish may be transported as follows:

1. By any person properly licensed, for lawful use in or out of the county or city where taken to another county or city in the Commonwealth or to another state during the open season in the county or city where taken.

2. By any properly licensed person via freight, express, parcel post, or airplane mail, as a gift and not for market or sale, and so stating on the shipping tag. The wild bird, wild animal, or fish may be transported in or out of the county or city where taken to another county or city in the Commonwealth, or to another state, during the open season in the county or city where taken. Any package in which birds,

animals, or fish are transported shall have the name and address of the shipper and consignee and a statement of the numbers and kinds of birds, animals, or fish being transported clearly and conspicuously marked on the outside of the container.

B. It is unlawful to transport for sale outside of the Commonwealth at any time or in any manner any river herring, alewife, threadfin shad, or gizzard shad collected from the inland waters for use as bait fish. A violation of the provisions of this subsection is a Class 1 misdemeanor.

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

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

Code 1950, § 29-156; 1987, c. 488; 2020, c. 808.

§ 29.1-541. Storage.

It shall be unlawful for any person to store any wild birds, wild animals or fish if selling them is prohibited by law, except persons may store them in a bona fide domicile or in a licensed cold storage establishment. Any licensed cold storage establishment which receives any wild birds, wild animals or fish, where selling them is prohibited by law, shall attach a ticket to each lot of wild birds, wild animals or fish. The ticket shall show the number of each kind of wild bird, wild animal or fish, the date upon which they are brought for storage and the name and address of the person storing them. Every such licensed cold storage establishment shall keep a record of all deliveries of game and fish so stored, the dates they are delivered, the number of each species delivered and the name of each person to whom any such delivery is made. Possession of any wild birds, wild animals or fish which are prohibited by law to be sold, in any place of business, except in a licensed cold storage establishment, shall be unlawful.

Any person who violates any provision of this section shall be guilty of a Class 2 misdemeanor.

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

Code 1950, § 29-157; 1987, c. 488.

§ 29.1-542. Importation.

Live wolves or coyotes, or birds and animals otherwise classed as predatory or undesirable, may not be imported into the Commonwealth or liberated therein, or possessed therein, except under a special permit of the Board. Nonpredatory birds, animals or fish may be imported, but upon arrival in the Commonwealth, shall be subject to the laws governing the possession of such birds, animals and fish in Virginia. Any person may bring into the Commonwealth, either in his personal possession or as his baggage, on the same conveyance with him and plainly labeled or tagged with his name and address, game and fish legally taken in another state or foreign country, but in no greater quantity than he could legally possess while in such other state or foreign country. Nothing in this section shall be construed

as applying to birds, animals and fish being transported in unbroken packages from beyond the confines of Virginia through the Commonwealth to another state.

Code 1950, § 29-158; 1977, c. 377; 1982, c. 73; 1987, c. 488.

§ 29.1-543. Game and fish taken and packaged outside the Commonwealth.

It shall be lawful to possess, store, transport, offer for sale, sell, offer to purchase, purchase and otherwise deal in any wild animal, bird, fish or any part thereof, which has been taken and packaged in a can, tin, pot or other receptacle outside the Commonwealth by any person, company or corporation duly licensed by the state in which such cannery or processing plant is located and recognized by the Board. Such packages may be transported into the Commonwealth, so long as the original package remains unbroken, unopened and intact.

1958, c. 153, § 29-158.1; 1987, c. 488.

§ 29.1-543.1. Introduction, stocking, and release of blue catfish; penalty.

A. It is unlawful for any person to introduce into or stock in waters of the Commonwealth, including private ponds or lakes, the blue catfish or its hybrids or to release any blue catfish or any such hybrid into any water body other than that in which it was caught.

B. Any person who violates any provision of this section is guilty of a Class 2 misdemeanor.

2015, c. 470.

§ 29.1-544. Dressing, packing and selling bobwhite quail.

A. It shall be lawful for the licensee of a shooting preserve or his designated agents to dress, pack and sell bobwhite quail raised by him for use as food, under rules or regulations to be prescribed by the Board.

B. It shall be lawful to sell mounted bobwhite quail in the Commonwealth that have been legally raised captively and mounted outside of the Commonwealth.

1960, c. 131, § 29-158.2; 1987, c. 488; 1998, c. 179.

§ 29.1-545. Possession, sale, offering for sale or liberation of live nutria.

It shall be unlawful for any person, firm, association or corporation to possess, sell, offer for sale, or liberate in the Commonwealth any live fur-bearing animal commonly referred to as nutria.

1962, c. 106, § 29-158.3; 1987, c. 488.

Article 5 - Penalties in General

§ 29.1-546. General penalty.

Any person convicted of violating any of the provisions of this title shall, unless otherwise specified, be guilty of a Class 2 misdemeanor and may also be prohibited by the court from hunting, trapping, or fishing in the Commonwealth for a period of one to five years.

Code 1950, § 29-161; 1954, c. 694; 1962, c. 469; 1979, c. 264; 1987, c. 488; 2020, c. 311.

§ 29.1-547. Trapping, selling, purchasing, etc., migratory game birds.

Notwithstanding the provisions of §§ 29.1-546 and 29.1-553, any person convicted of trapping or attempting to trap any migratory game bird, as defined in § 29.1-100, or convicted of possessing any such migratory game bird taken by means of a trap, shall be guilty of a Class 1 misdemeanor. Any person convicted of offering for sale, selling, offering to purchase, or purchasing any migratory game bird shall be subject to penalties as provided in § 29.1-553.

1960, c. 173, § 29-161.1; 1987, c. 488; 1994, c. 848.

§ 29.1-548. Killing deer illegally.

Any person killing a deer in violation of Board regulations, or who exceeds the bag limit for deer, or who kills a deer during the closed season shall be guilty of a Class 2 misdemeanor. However, any person who kills a deer illegally during the open season shall be guilty of a Class 3 misdemeanor if such person immediately delivers the complete carcass in good condition to the conservation police officer of the county or city in which it was killed. At that time it shall be confiscated and disposed of by the conservation police officer or as otherwise provided. Any such person delivering such carcass to the conservation police officer shall be exempt from replacement cost as provided in § 29.1-551.

Code 1950, § 29-162; 1956, c. 466; 1958, c. 444; 1962, c. 469; 1987, c. 488; 1988, c. 19; 2007, c. 87.

§ 29.1-549. Hunting deer from watercraft.

A. Any person who kills or attempts to kill any deer while the person is in a boat or other type watercraft shall be guilty of a Class 4 misdemeanor.

B. Every boat or other watercraft and their motors, and any firearm, slingbow, arrowgun, crossbow, bow and arrow, or speargun, used with the knowledge or consent of the owner or lienholder thereof in killing or attempting to kill deer in violation of this section shall be forfeited to the Commonwealth, and upon being condemned as forfeited in proceedings under Chapter 22.1 (§ 19.2-386.1 et seq.) of Title 19.2 the proceeds of sale shall be disposed of according to law.

1973, c. 120, §§ 29-162.1, 29-162.2; 1987, c. 488; 2002, c. 157; 2012, cc. 283, 756; 2017, c. 530; 2018, cc. 557, 558.

§ 29.1-550. Taking game or fish during closed season or exceeding bag limit.

It is unlawful for any person to (i) take or attempt to take any wild bird, wild animal, or fish during the closed season; (ii) exceed the bag or creel limit for any wild bird, wild animal, or fish; or (iii) possess over the daily bag or creel limit for any wild bird, wild animal, or fish while in the forests, fields, or waters of the Commonwealth. Any person convicted of violating any provisions of this section is guilty of a Class 2 misdemeanor and may also be prohibited by the court from hunting, trapping, or fishing in the Commonwealth for a period of one to five years.

Code 1950, § 29-163; 1950, p. 936; 1952, c. 78; 1958, c. 444; 1962, c. 469; 1987, c. 488; 1988, c. 19; 2020, c. 311.

§ 29.1-551. Assessment of value of game or fish unlawfully taken.

The judge or court, upon convicting any person of a violation of §§ 29.1-523, 29.1-525.1, 29.1-530.2, 29.1-548, 29.1-550 or § 29.1-552 shall, in addition to imposition of the punishment prescribed in those sections, ascertain the approximate replacement value of animals, birds or fish taken in violation of those sections and shall assess the value against the person convicted. The assessment shall be paid by the person so convicted within the time prescribed in the judgment of the judge or court, not exceeding sixty days, and the collecting officer shall forward such payments to the Board for payment into the state treasury. The Comptroller shall credit such payments to the game protection fund.

Code 1950, § 29-163.2; 1950, p. 936; 1952, c. 78; 1962, c. 469; 1976, c. 660; 1987, c. 488; 1994, c. 412; 2001, c. 856.

§ 29.1-552. Killing wild turkey during closed season.

Any person who kills a wild turkey during the closed season, or who kills a beardless turkey during an open hunting season prescribed by the Board for bearded turkeys only, shall be guilty of a Class 2 misdemeanor for each such turkey killed. However, if a person kills a beardless turkey when only the hunting of bearded turkeys is permitted, and immediately delivers the complete carcass in good condition to a conservation police officer or game checking station authorized by the Board, it shall be confiscated and disposed of as otherwise provided, and the person delivering the carcass shall be exempt from replacement cost provided in § 29.1-551.

1968, c. 309, § 29-163.2; 1974, c. 60; 1977, c. 377; 1987, c. 488; 1988, c. 19; 2007, c. 87.

§ 29.1-553. Selling or offering for sale; penalty.

A. Any person who offers for sale, sells, offers to purchase, or purchases any wild bird or wild animal, or any part thereof, or any freshwater fish, except as provided by law, shall be guilty of a Class 1 misdemeanor. However, when the aggregate of such sales or purchases, or any combination thereof, by any person totals $1,000 or more during any 90-day period, that person shall be guilty of a Class 6 felony.

B. Whether or not criminal charges have been placed, when any property is taken possession of by a conservation police officer for the purpose of being used as evidence of a violation of this section or for confiscation, the conservation police officer making such seizure shall immediately report the seizure to the Attorney for the Commonwealth.

C. In any prosecution for a violation of this section, photographs of the wild bird, wild animal, or any freshwater fish, or any part thereof shall be deemed competent evidence of such wild bird, wild animal, or freshwater fish, or part thereof and shall be admissible in any proceeding, hearing, or trial of the case to the same extent as if such wild bird, wild animal, or any freshwater fish, or part thereof had been introduced as evidence. Such photographs shall bear a written description of the wild bird, wild animal, or freshwater fish, or parts thereof, the name of the place where the alleged offense occurred, the date on which the alleged offense occurred, the name of the accused, the name of the arresting officer or investigating officer, the date of the photograph, and the name of the photographer. The photographs shall be identified by the signature of the photographer.

D. Any licensed Virginia auctioneer or licensed auction firm that sells, as a legitimate item of an auction sale, wildlife mounts that have undergone the taxidermy process, shall be exempt from the provisions of this section and subdivision A 11 of § 29.1-521.

Code 1950, § 29-164; 1962, c. 469; 1986, c. 182; 1987, c. 488; 1989, c. 203; 1994, c. 848; 1997, c. 172; 2005, c. 170; 2007, c. 87; 2018, cc. 764, 765; 2020, cc. 89, 401.

§ 29.1-553.1. Penalty for wanton waste.

Any person violating a regulation adopted by the Board to prohibit wanton waste shall be guilty of a Class 2 misdemeanor.

2019, c. 150.

§ 29.1-554. Violation of sanctuaries, refuges, preserves and water used for propagation.

It shall be unlawful for any person, including a property owner, to commit the following acts, the violation of which shall constitute a Class 3 misdemeanor:

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

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

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

4. To interfere with, obstruct, pollute, or diminish the natural flow of water into or through a fish hatchery.

Code 1950, § 29-171; 1987, c. 488; 2020, c. 315.

§ 29.1-554.1. Impeding lawful fishing in inland waters; penalty.

A. It is unlawful for any person to willfully and intentionally impede the lawful fishing of any species of fish. "Fishing" means those activities defined in § 29.1-100 as "fishing."

B. Any person convicted of a violation of this section shall be guilty of a Class 3 misdemeanor.

1997, c. 703.

§ 29.1-555. Reserved.

Reserved.

§ 29.1-556. Unlawful devices to be destroyed.

Any firearm, trap, net, or other device of any kind or nature for taking wild birds, wild animals, or fish, except as specifically permitted by law, shall be considered unlawful. Any person who violates the provisions of this section shall be guilty of a Class 3 misdemeanor, and the device shall be forfeited to the Commonwealth. Nets, traps or other such devices, excluding firearms, shall be destroyed by the

conservation police officer if the owner or user of the device cannot be located within thirty days. Unlawful fixed devices may be destroyed by the conservation police officer at the place where the devices are found.

Code 1950, § 29-172; 1962, c. 469; 1979, c. 264; 1987, c. 488; 2007, c. 87.

§ 29.1-556.1. Release of certain balloons prohibited; civil penalty.

A. It shall be unlawful for any person to knowingly release or cause to be released into the atmosphere within a one-hour period fifty or more balloons which are (i) made of a nonbiodegradable or nonphotodegradable material or any material which requires more than five minutes' contact with air or water to degrade and (ii) inflated with a substance which is lighter than air. Any person who violates this section shall be liable for a civil penalty not to exceed five dollars per balloon released above the allowable limit, which shall be paid into the Lifetime Hunting and Fishing Endowment Fund established pursuant to § 29.1-101.1.

B. The provisions of this section shall not apply to (i) balloons released by or on behalf of any agency of the Commonwealth, or the United States or pursuant to a contract with the Commonwealth, the United States, or any other state, territory or government for scientific or meteorological purposes or (ii) hot air balloons that are recovered after launch.

1991, c. 607.

§ 29.1-557. Confiscation of wild birds and animals under certain circumstances; disposition.

Wild birds, wild animals and fish are the property of the Commonwealth and may be reduced to personal possession only in accordance with law. Any wild bird, wild animal or fish which is illegally taken, possessed, sold, purchased, transported or imported shall be forfeited to the Commonwealth.

Code 1950, § 29-173; 1987, c. 488.

§§ 29.1-558 through 29.1-560. Reserved.

Reserved.

§ 29.1-561. Self-incrimination.

No person shall be excused from testifying for the Commonwealth as to any offense committed by another under the provisions of the game, inland fish and boating laws by reason of his testimony tending to incriminate himself, but the testimony given by any such person on behalf of the Commonwealth when called as witness for the prosecution shall in no case be used against him, nor shall he be prosecuted as to the offense to which he has testified.

Code 1950, § 29-181; 1987, c. 488.

§ 29.1-562. Reserved.

Reserved.

Article 6 - ENDANGERED SPECIES

§ 29.1-563. Definitions.

For the purposes of this article:

"Conservation plan" means a document developed by the Department and approved by the Director that describes the Department's approach to managing and, if possible, recovering an endangered or threatened species of fish or wildlife.

"Endangered species" means any species which is in danger of extinction throughout all or a significant portion of its range.

"Experimental population" means any population of an endangered or threatened species of fish or wildlife, excluding those species appearing on the federal list specified in § 29.1-564, that is (i) established through deliberate introduction by humans; (ii) designated by regulation of the Board; and (iii) explicitly delineated in a conservation plan.

"Fish or wildlife" means any member of the animal kingdom, vertebrate or invertebrate, except for the class Insecta, and includes any part, products, egg, or the dead body or parts thereof.

"Incidental take" means any taking of an endangered or threatened species of fish or wildlife, excluding those species appearing on the federal list specified in § 29.1-564, that otherwise would be prohibited by this article or by regulation, if such taking is incidental to but not the purpose of an otherwise lawful activity allowed in accordance with regulations adopted pursuant to § 29.1-568.

"Person" means any individual, firm, corporation, association or partnership.

"Threatened species" means any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

1972, c. 329, § 29-231; 1977, c. 377; 1987, c. 488; 1990, c. 369; 2011, c. 47.

§ 29.1-564. Taking, transportation, sale, etc., of endangered species prohibited.

The taking, transportation, possession, sale, or offer for sale within the Commonwealth of any fish or wildlife appearing on any list of threatened or endangered species published by the United States Secretary of the Interior pursuant to the provisions of the federal Endangered Species Act of 1973 (P.L. 93-205), or any modifications or amendments thereto, is prohibited except as provided in § 29.1-568.

1972, c. 329, § 29-232; 1977, c. 377; 1987, c. 488.

§ 29.1-565. Reserved.

Reserved.

§ 29.1-566. Regulations.

The Board is authorized to adopt the federal list, as well as modifications and amendments thereto by regulations; to declare by regulation, after consideration of recommendations from the Director of the Department of Conservation and Recreation and from other reliable data sources, that species not appearing on the federal lists are endangered or threatened species in Virginia; and to prohibit by regulation the taking, transportation, processing, sale, or offer for sale within the Commonwealth of any threatened or endangered species of fish or wildlife.

1972, c. 329, §§ 29-233, 29-234; 1977, c. 377; 1987, c. 488; 1989, c. 553.

§ 29.1-567. Penalties; authority of conservation police officers and police officers; disposition of property seized.

A. Any person who violates the provisions of § 29.1-564 or § 29.1-566, or any regulations issued pursuant to these sections, or whoever violates any regulation or permit issued under § 29.1-568 shall be guilty of a Class 1 misdemeanor; however, the sale, offering for sale, purchasing or offering to purchase within the Commonwealth of any fish or wildlife appearing on a list of threatened or endangered species as prohibited by § 29.1-564 shall be punishable as provided in § 29.1-553.

B. Any judicial officer or other officer authorized to issue criminal warrants shall have authority to issue a warrant for the search and seizure of any goods, business records, merchandise or fish or wildlife taken, employed or used in connection with a violation of any provision of this article. All such search warrants shall be issued and executed pursuant to Chapter 5 (§ 19.2-52 et seq.) of Title 19.2.

C. Goods, merchandise, fish or wildlife or records seized under the provisions of subsection B of this section shall be held by an officer or agent of the Department at the direction of the judge or court pending disposition of court proceedings, and thereafter be forfeited to the Commonwealth for destruction or disposition as the Director may deem appropriate. However, prior to forfeiture, the Director may direct the transfer of fish or wildlife so seized to a qualified zoological, educational, or scientific institution for safekeeping, with costs assessable to the defendant. The Board is authorized to issue regulations to implement this section.

1972, c. 329, § 29-235; 1987, c. 488; 1990, c. 123; 1994, c. 848.

§ 29.1-568. When Board may permit taking of endangered or threatened species; designated experimental populations.

A. The Board may permit the taking, exportation, transportation, or possession of any fish or wildlife which is listed by the provisions of this article, for zoological, educational, or scientific purposes and for propagation of such fish or wildlife in captivity for preservation purposes. Any person may, in accordance with all applicable federal and state laws, possess, breed, sell, and transport any nonnative wildlife included on any list of threatened or endangered species published by the United States Secretary of the Interior pursuant to provisions of the federal Endangered Species Act of 1973 (P.L. 93-205), as amended, when (i) the federal designation does not specifically prohibit such possession, breeding, selling, or transporting and (ii) the nonnative wildlife is not included on the list of predatory or undesirable animals specified by regulations of the Board adopted pursuant to § 29.1-542.

B. The Board may adopt regulations that:

1. Allow the taking, possession, exportation, transportation, or release of fish or wildlife within or among designated experimental populations of a specific species, within the context of an approved conservation plan for the species. Any regulation designating an experimental population shall (i) specify the circumstances under which taking of an individual member of an experimental population will

be exempt from the prohibitions and penalties authorized under this article and (ii) describe the geographic extent of the experimental population, which shall be distinct from naturally occurring populations continuing to be subject to the prohibitions and penalties authorized under this article.

2. Allow incidental take provided such regulations shall (i) describe the allowable circumstances; (ii) include provisions that ensure offsets through the implementation of conservation actions specified by the Department to enhance the long-term survival of the species or population; and (iii) require any actual taking to be at a minimum.

1972, c. 329, § 29-236; 1987, c. 488; 2011, c. 47; 2014, c. 481.

§ 29.1-569. Keeping of reptiles generally; penalty.

It shall be unlawful for the owner or keeper of any exotic reptile or type of reptile not native to the Commonwealth of Virginia, including but not limited to the American alligator, to keep the reptile in any manner that will permit its escape or to knowingly permit the reptile to run at large. Any violation of this section shall constitute a Class 2 misdemeanor.

1980, c. 202, § 29-213.35; 1987, c. 488; 1999, c. 85.

§ 29.1-570. Cooperation of state agencies.

All departments, commissions, boards, authorities, agencies, offices and institutions within any branch of the state government shall cooperate with the Board in carrying out the purposes of this article.

1978, c. 835, § 29-248; 1987, c. 488.

Article 7 - NONINDIGENOUS AQUATIC NUISANCE SPECIES ACT

§ 29.1-571. Definition.

"Nonindigenous aquatic nuisance species" means a nonindigenous aquatic freshwater animal species whose presence in state waters poses or is likely to pose a significant threat of harm to (i) the diversity or abundance of any species indigenous to state waters; (ii) the ecological stability of state waters; or (iii) the commercial, industrial, agricultural, municipal, recreational, aquacultural, or other beneficial uses of state waters. Nonindigenous aquatic nuisance species shall include the zebra mussel, quagga mussel, and all species of snakehead fishes of the family Channidae.

2003, c. 446.

§ 29.1-572. Authority of Board; regulations.

The Board may promulgate regulations necessary to carry out the provisions of this article including, but not limited to, the designation of other nonindigenous aquatic nuisance species.

2003, c. 446.

§ 29.1-573. Department; powers.

A. The Department may conduct operations and measures to suppress, control, eradicate, prevent, or retard the spread of any nonindigenous aquatic nuisance species. The maximum effort shall be made

to utilize the best available scientific technology that is specific to the targeted nonindigenous aquatic nuisance species, environmentally sound, practical, and cost effective.

B. Such operations and measures shall be conducted subject to the appropriation of general funds authorized for the purpose of suppressing, controlling, eradicating, preventing, or retarding the spread of any nonindigenous aquatic nuisance species, or the receipt of funds designated for this purpose from private entities, local governments, political subdivisions, or federal grants. If such funds are not available to carry out the purposes of this chapter, then the Secretary of Natural Resources shall seek and accept all possible funds from other sources, including federal, state, local, and private grants, loans, and donations.

C. In carrying out its powers, the Department may cooperate with any federal agencies, any agency of an adjacent state, any other state agencies, local governments, political subdivisions, and authorities within the Commonwealth. Other state agencies shall cooperate and provide assistance as requested by the Director in carrying out the purposes of this article.

2003, c. 446; 2004, c. 467.

§ 29.1-574. Prohibitions.

A. No person shall knowingly import, possess, transport, sell, purchase, give, receive, or introduce into the Commonwealth any member of a species designated as a nonindigenous aquatic nuisance species without a permit from the Director issued pursuant to § 29.1-575.

B. Subsection A shall not apply to any person who (i) lawfully catches a snakehead fish of the family Channidae, (ii) subsequently kills such fish, and (iii) notifies the Department, as soon as practicable, of his actions.

C. Subsection A shall not apply to any Hazard Analysis and Critical Control Point (HACCP) plan (21 C.F.R. 120 et seq.) certified restaurant or retail market that purchases from an HACCP certified dealer or sells processed snakehead fish of the family Channidae.

2003, c. 446; 2005, c. 916; 2018, c. 559.

§ 29.1-575. Permits.

The Director shall permit the importation, possession, purchase, receipt, or transportation of a nonindigenous aquatic nuisance species for purposes of research by recognized academic institutions or government agencies upon receiving satisfactory assurance that adequate safeguards will be maintained to prevent the escape or introduction of any such species into the Commonwealth.

2003, c. 446.

§ 29.1-576. Authority for inspection; warrants.

To carry out the purposes of this article, the Director may obtain a warrant pursuant to § 19.2-52, or with the consent of the owner enter upon and conduct reasonable inspections of any property in the Commonwealth to determine if a nonindigenous aquatic nuisance species is present and to seize or eradicate any nonindigenous aquatic nuisance species found on such property.

2003, c. 446.

§ 29.1-576.1. Zebra mussels; education program.

The Director shall establish an education program that instructs boaters and other members of the public in methods of preventing or slowing the infestation of the waters of the Commonwealth by zebra mussels, quagga mussels, or other nonindigenous aquatic nuisance species as defined in § 29.1-571. The education program may be delivered through the boating safety education program required by § 29.1-735.2, by posting on the Department's website, or by other means, and shall include cleaning and draining guidelines, designated dry times for watercraft and other recreational equipment, and public outreach, including published instructions and training videos.

2016, c. 540.

§ 29.1-577. Penalties.

Any person who violates any provision of this article or who knowingly obstructs the Director or his designee in carrying out his lawful duties under this article shall upon such finding by a court of proper jurisdiction (i) be subject to a civil penalty of not more than $25,000, which shall be paid into the Game Protection Fund established pursuant to § 29.1-101, and (ii) be liable for the costs of investigation, control, and eradication incurred by any state agency, local government, political subdivision, or authority as a result of such unlawful conduct.

2003, c. 446.

Article 8 - Wildlife Corridors

§ 29.1-578. Definitions.

As used in this article, unless the context requires a different meaning:

"Human-caused barrier" means a road, culvert, fence, wall, commercial or residential development, or other human-made structure that has the potential to affect the natural movement of fish or wildlife across a landscape.

"Plan" means the Wildlife Corridor Action Plan established pursuant to this article.

"Wildlife corridor" means an area connecting fragmented wildlife habitats separated by human activities or infrastructure.

2020, cc. 323, 672.

§ 29.1-579. Wildlife Corridor Action Plan; adoption.

A. The Department, in collaboration with the Department of Transportation and the Department of Conservation and Recreation, shall create a Wildlife Corridor Action Plan.

B. The Plan shall:

1. Identify wildlife corridors, existing or planned barriers to movement along such corridors, and areas with a high risk of wildlife-vehicle collisions. The Plan shall list habitat that is identified as of high quality for priority species and ecosystem health; migration routes of native, game, and migratory species

using the best available science and Department surveys, including landscape-scale data from the ConserveVirginia database or a similar land conservation strategy database maintained by the Department of Conservation and Recreation; lands containing a high prevalence of existing human barriers, including roads, dams, power lines, and pipelines; areas identified as of high risk of wildlife-vehicle collisions; habitat identified by the Department as being occupied by rare or at-risk species; and habitat identified as Critical Habitat under the federal Endangered Species Act of 1973, P.L. 93-205, as amended.

2. Prioritize and recommend wildlife crossing projects intended to promote driver safety and wildlife connectivity. The Plan shall describe each such project and include descriptions of wildlife crossing infrastructure or other mitigation techniques recommended to meet Plan goals.

3. Contain maps utilizing the ConserveVirginia public portal, or a similar land conservation strategy public portal maintained by the Department of Conservation and Recreation, and other relevant state databases that detail high-priority areas for wildlife corridor infrastructure and any other information necessary to meet the goals of the Plan.

C. The Secretary of Natural Resources and the Secretary of Transportation shall jointly submit the Plan to the Chairs of the House Committee on Agriculture, Chesapeake and Natural Resources and the Senate Committee on Agriculture, Conservation and Natural Resources no later than September 1, 2022, and shall jointly submit an updated version of the Plan every four years thereafter.

2020, cc. 323, 672.

Chapter 6 - PRESERVES AND SANCTUARIES

§ 29.1-600. Licenses for shooting preserves.

A. The Director shall issue licenses for all shooting preserves when such preserves meet the requirements established pursuant to regulations. Commercially operated preserves initially licensed on and after July 1, 1994 shall meet local zoning and land use requirements. A fee of fifty dollars shall be collected for each such license issued to any preserve open to the public. A fee of fifty cents per acre for the first 300 acres and two dollars for each additional acre shall be collected for each license issued for other preserves. In no instance shall the license fee for a private preserve be less than fifty dollars. All license fees collected under this section shall be credited to the game protection fund. All such licenses shall expire on June 30 of each year.

B. Fees collected from such preserves shall only be used to administer this chapter.

Code 1950, § 29-38; 1974, c. 102; 1987, c. 488; 1989, c. 424; 1994, c. 753.

§ 29.1-600.1. Board to promulgate regulations.

The Board shall promulgate regulations necessary to carry out the provisions of this chapter, including, but not limited to, requirements for the licensing and operation of all shooting preserves located within this Commonwealth. In promulgating such regulations the Board shall follow the procedure established in §§ 29.1-501 through 29.1-504. The Department may recover from the licensee actual

costs incurred by the Department for investigating or disposing of shooting preserve animals that exhibit disease or are not properly confined in violation of Board regulations.

1994, c. 753.

§ 29.1-601. Applicant to own or have land under lease; boundaries.
No shooting preserve license shall be granted unless the applicant owns or leases the areas for which the shooting preserve license is desired. Boundaries of the area licensed shall be clearly defined by posting as shall be prescribed by the Board.

Code 1950, § 29-39; 1987, c. 488; 1992, c. 254.

§ 29.1-602. Applicant to develop land, release game and comply with other provisions.
The applicant shall (i) develop the lands to be licensed as a shooting preserve so as to meet such requirements as the Board may make, (ii) release game birds and animals as may be designated by the Board, and (iii) comply with such other provisions as the Board deems advisable.

Code 1950, § 29-40; 1987, c. 488.

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

A violation of this section shall be punishable as a Class 3 misdemeanor.

Code 1950, § 29-41; 1987, c. 488; 1989, c. 421.

§ 29.1-604. Hunting, etc., after compliance with requirements.
When the requirements specified by the Board have been certified and accepted by the Board, and when such persons are otherwise lawfully entitled to hunt game, the licensee and such other persons as he may designate, because of payment of fees or otherwise, may hunt on the licensed premises, and shoot, possess, transport and dispose of by gift any game birds or animals of the species licensed. Game birds or animals not covered by the shooting preserve license may be taken and possessed by the licensee or his guests as otherwise provided by state law or regulation.

Code 1950, § 29-42; 1987, c. 488.

§ 29.1-605. Reserved.
Reserved.

§ 29.1-606. Seals to be attached to shot game; penalty.
No shot game of the species named in the license shall be removed from the licensed premises until there has been securely attached to the game or package of game a seal, the type and design of which shall be designated by the Board. The seal shall remain attached to the game or package of game until it is finally prepared for consumption.

A violation of this section shall be punishable as a Class 3 misdemeanor.

Code 1950, § 29-44; 1958, c. 492; 1987, c. 488; 1989, c. 421; 1990, c. 408.

§ 29.1-607. Hunting season and bag limit.

The length of the hunting season on such preserves and the size of the bag limit shall be in accordance with rules of the Board.

Code 1950, § 29-45; 1958, c. 491; 1987, c. 488.

§ 29.1-608. Repealed.

Repealed by Acts 1994, c. 753.

§ 29.1-609. Revocation of license.

Any shooting preserve license may be revoked by the Director upon evidence that the provisions of the contract entered into by the license holder are being violated.

Code 1950, § 29-47; 1987, c. 488.

§ 29.1-610. Portion of James River declared a no hunting area [Not set out].

Not set out. (1987, c. 488.)

§ 29.1-611. Penalty for violations.

Any person violating any of the provisions of this chapter shall be guilty of a Class 2 misdemeanor.

Code 1950, § 29-48; 1987, c. 488.

§ 29.1-612. Preserves, private clubs, associations.

Nothing in this title shall be construed as permitting any person to hunt, trap or fish in or on the lands or waters of any public or private club, association or preserve of any description as landowner or in any other capacity unless the person has a proper license.

Code 1950, § 29-78; 1987, c. 488.

Chapter 7 - BOATING LAWS

Article 1 - BOAT REGISTRATION AND IDENTIFICATION

§ 29.1-700. Definitions.

As used in this chapter, unless the context clearly requires a different meaning:

"Motorboat" means any vessel propelled by machinery whether or not the machinery is the principal source of propulsion.

"No wake" means operation of a motorboat at the slowest possible speed required to maintain steerage and headway.

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

"Owner" means a person, other than a lien holder, having the property in or title to a motorboat. The term includes a person entitled to the use or possession of a motorboat subject to an interest in

another person, reserved or created by agreement and securing payment of performance of an obligation, but the term excludes a lessee under a lease not intended as security.

"Personal watercraft" means a motorboat less than sixteen feet in length which uses an inboard motor powering a jet pump, as its primary motive power and which is designed to be operated by a person sitting, standing, or kneeling on, rather than in the conventional manner of sitting or standing inside, the vessel.

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

"Waters of the Commonwealth" means any public waters within the territorial limits of the Commonwealth, the adjacent marginal sea and the high seas when navigated as a part of a journey or ride to or from the Virginia shore.

Code 1960, c. 500, § 62-174.2; 1962, c. 626; 1968, c. 659, § 62.1-167; 1972, c. 412; 1987, c. 488; 1998, cc. 84, 443, 512, 514, 515, 533, 537, 563.

§ 29.1-701. Department to administer chapter; Motorboat Committee; funds for administration; records; rules and regulations.

A. It shall be the duty of the Department to enforce and administer the provisions of this chapter.

B. The chairman of the Board shall designate from among the members of the Board three members who shall serve as the Motorboat Committee. This committee shall place special emphasis on the administration and enforcement of this chapter.

C. All expenses required for administration and enforcement of this chapter shall be paid from the funds collected pursuant to the numbering and certificate of title provisions of this chapter. All moneys collected pursuant to the numbering and certificate of title provisions of this chapter shall be deposited into the state treasury credited to a special fund, known as the game protection fund, and accounted for as a separate part to be designated as the motorboat and water safety fund. Such moneys shall be made available to the Department solely for the administration and enforcement of this chapter, for educational activities relating to boating safety and for other activities and purposes of direct benefit to the boating public. Moneys from the motorboat and water safety fund shall not be diverted to any other state agency. The motorboat and water safety fund and moneys otherwise provided for in this chapter shall be made available to carry out the intent and purposes as set forth in this chapter in accordance with plans approved by the Board. All such funds are hereby reserved until expended for the enforcement, administration and other provisions of this chapter. However, the Board is authorized to adopt a plan or formula for the use of these moneys for employing and equipping any additional personnel necessary to carry out the provisions of this chapter and for paying a proportionate share of the salaries, expense, and operational costs of existing personnel according to the time and effort expended by them in carrying out the provisions of this chapter. Such plan or formula may be altered or amended from time to time by the Board as existing conditions may warrant. No funds derived from the sale of

hunting licenses or fishing licenses shall be expended or diverted for carrying out the provisions of this chapter.

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

E. The Board shall make such rules and regulations as it deems necessary and proper for the effective administration of this chapter. The proposal and adoption of rules and regulations shall take place as prescribed in Article 1 (§ 29.1-500 et seq.) of Chapter 5 of this title and all rules and regulations shall be published by the Board in a convenient form. The Board shall cooperate with the Department of Taxation in issuing titles and collecting tax thereon.

1960, c. 500, § 62-174.3; 1968, c. 659, § 62.1-168; 1972, c. 412; 1981, c. 405; 1987, cc. 101, 488.

§ 29.1-701.1. Authority of Board to set fees.

Notwithstanding any other provision of this title, the Board may by regulation adopt revisions in the fees, as it deems appropriate, charged for motorboat registration certificates and certificates of title under this chapter. Such license fees may be increased or decreased beginning July 1, 2004; however, no fee shall be increased or decreased more frequently than once every three years thereafter and no fee shall be increased or decreased more than $5 during such period.

2004, c. 1027.

§ 29.1-702. Registration requirements; display of numbers; cancellation of certificate; exemption.

A. 1. The owner of each motorboat requiring numbering by the Commonwealth shall file an application for a number with the Department on forms approved by it. The owner of the motorboat or the owner's agent shall sign the application and pay the following boat registration fee:

a. For a motorboat under 16 feet, $18;

b. For a motorboat 16 feet to less than 20 feet, $22;

c. For a motorboat 20 feet to less than 40 feet, $28;

d. For a motorboat 40 feet and over, $36.

2. Owners, other than manufacturers or dealers, of more than 10 motorboats numbered by the Commonwealth, shall pay $18 each for the first 10 such boats and $12 for each additional boat.

3. Upon receipt of the application in approved form, the Department shall have the application entered upon the records of its office and issue to the applicant a certificate of number stating the identification number awarded to the motorboat and the name, address and a social security number or numbers, or federal tax identification number of the owner or owners. Any certificate issued in accordance with this chapter shall expire three years from the last day of the month in which it was issued. Upon proper application and payment of fee, and in the discretion of the Director, the certificate may be renewed.

B. The owner shall paint on or attach to each side of the bow of the motorboat the identification number in the manner prescribed by rules and regulations of the Board. The number shall be maintained in legible condition. The certificate of number shall be pocket-size and shall be available for inspection on the motorboat for which issued whenever such motorboat is in operation. However, the certificate of number for any vessel less than 26 feet in length, and leased or rented to another for the lessee's noncommercial use for less than 24 hours, may be retained on shore by the vessel's owner or his representative at the place at which the vessel departs and returns to the possession of the owner or his representative, provided the vessel is appropriately identified as to its owner while in use under such lease or rental.

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

D. The Department is authorized to cancel and recall any certificate of number issued by the Department when it appears proper payment has not been made for the certificate of number or when the certificate has been improperly or erroneously issued.

E. Any motorboat purchased and used by a nonprofit volunteer emergency medical services agency or volunteer fire department shall be exempt from the registration fees imposed by subsection A.

1960, c. 500, § 62-174.5; 1962, c. 626; 1964, c. 654; 1968, c. 659, § 62.1-170; 1970, c. 240; 1972, c. 412; 1980, c. 256; 1983, c. 126; 1986, c. 125; 1987, c. 488; 1990, c. 321; 1991, c. 82; 1992, c. 250; 2012, c. 233; 2015, cc. 502, 503.

§ 29.1-702.1. Making false affidavit or swearing falsely, perjury; penalty.

Any person who knowingly makes any false affidavit or knowingly swears to or affirms falsely any matter or thing required by this chapter or Chapter 8 (§ 29.1-800 et seq.) of this title or by the Director incidental to his administration of the boating laws shall, upon conviction, be guilty of perjury.

1990, c. 321.

§ 29.1-703. Identification numbers required; decals.

Every motorboat on the waters of this Commonwealth shall be numbered except those specifically exempt in § 29.1-710. No person shall operate or give permission for the operation of any motorboat on such waters unless the motorboat is numbered in accordance with this chapter, federal law, or a federally approved numbering system of another state, or has been issued a temporary registration certificate pursuant to the provisions of § 29.1-703.1. In addition to the numbering requirements, (i) the certificate of number awarded or temporary registration certificate issued to the motorboat must be in effect, (ii) the identifying number set forth in the certificate of number must be displayed on each side of the bow of the motorboat, and (iii) decals signifying the last month and year during which the certificate of number is valid must be displayed on each side of the motorboat within six inches of the registration number so as to be visible while the motorboat is being operated. Decals will be furnished with each certificate of number issued or reissued by the Department. Expired decals must be removed from the vessel. Upon written request and for good cause, the Board may allow exceptions to

the requirement to display decals. If a decal becomes defaced, lost or destroyed, application for replacement shall be made to the Board within fifteen days. A fee of one dollar shall be charged for each decal or set of decals replaced. Decals must be displayed upon the watercraft for which they were purchased and are not transferable.

1960, c. 500, § 62-174.4; 1962, c. 626; 1968, c. 659, § 62.1-169; 1984, c. 3; 1987, c. 488; 1995, c. 241.

§ 29.1-703.1. Temporary registration certificate; fee; application.

A. An owner may obtain a temporary registration certificate from the Department or an authorized agent of the Department. The fee for the temporary registration certificate shall be ten dollars. Each temporary registration certificate issued shall be valid for a period of thirty days from the date of issuance. To qualify for a temporary registration certificate, the owner shall provide his name and address (including zip code), sufficient proof of ownership as determined by the Department and a description of the motorboat to include the: present number on the boat (if any); make and model; type of propulsion; year of manufacture; length as measured along the centerline; hull identification number; state of principal use; and required fee. Application for the permanent certificate of number and certificate of title (if applicable) with applicable fees shall be submitted to the Department immediately upon receipt of a temporary registration certificate.

B. A temporary registration certificate shall not be valid as proof of ownership for any vessel.

1995, c. 241.

§ 29.1-703.2. Designation of agents; compensation to agents; deposit of temporary registration certificate moneys.

A. The Director may authorize any person to act as an agent to issue temporary registration certificates. Persons accepting such authorization may be issued temporary registration certificates which upon issuance, in conformity with this chapter and with any rules and regulations of the Board, shall be valid as if issued directly by the Director.

B. Notwithstanding the provisions of § 2.2-1802, the money received for temporary registration certificates issued pursuant to § 29.1-703.1 shall be paid by each agent to the Department for payment into the state treasury. All moneys collected by the Department from the issuance of temporary registration certificates shall be deposited into the game protection fund and credited to the motorboat and water safety fund.

C. As compensation for such service, agents shall add and retain an amount equal to the fee provided to agents for the sale of hunting and fishing licenses as provided in § 29.1-332.

D. Remittance to the Department shall be made by each agent as required by the Department.

1995, c. 241.

§ 29.1-704. Recording previously awarded numbers.

The owner of any motorboat already covered by a number in effect which has been awarded to it pursuant to then operative federal law or pursuant to a federally approved numbering system of another

state shall record the number prior to operating the motorboat on the waters of this Commonwealth in excess of the ninety-day reciprocity period provided for in § 29.1-710. Such recordation shall be in the manner and pursuant to the procedure required for the award of a number under § 29.1-702, except that no additional or substitute number shall be issued.

1960, c. 500, § 62-174.5; 1962, c. 626; 1964, c. 654; 1968, c. 659, § 62.1-170; 1970, c. 240; 1972, c. 412; 1980, c. 256; 1983, c. 126; 1986, c. 125; 1987, c. 488.

§ 29.1-705. Change of ownership of motorboat; lost certificates.

Should the ownership of a numbered motorboat change, a new application form with the appropriate fee as provided in § 29.1-702 shall be filed with the Department, and a new certificate bearing the same number shall be awarded in the manner as provided for in an original award of number. If the registration of the former owner is valid and the new owner has in his possession the dated bill of sale and the valid registration card of the former owner, the new owner may operate the vessel for thirty days from the date of purchase. If a certificate is lost, a new certificate bearing the same number shall be issued upon payment of a fee of fifty cents. Possession of the certificate shall in cases involving prosecution for violation of any provision of this chapter be prima facie evidence that the person whose name appears thereon is the owner of the boat.

1960, c. 500, § 62-174.5; 1962, c. 626; 1964, c. 654; 1968, c. 659, § 62.1-170; 1970, c. 240; 1972, c. 412; 1980, c. 256; 1983, c. 126; 1986, c. 125; 1987, c. 488.

§ 29.1-706. Agents awarding numbers.

The Director may award any certificate of number directly or may authorize any person to act as an agent to make award. Persons accepting such authorization may be assigned a block of numbers and certificates which upon award, in conformity with this chapter and with any rules and regulations of the Board, shall be valid as if awarded directly by the Director.

1960, c. 500, § 62-174.5; 1962, c. 626; 1964, c. 654; 1968, c. 659, § 62.1-170; 1970, c. 240; 1972, c. 412; 1980, c. 256; 1983, c. 126; 1986, c. 125; 1987, c. 488.

§ 29.1-707. Records.

All records of the Department made or kept pursuant to this section shall be public records and shall be open for inspection subject to conditions the Board may prescribe. The Director shall furnish, without cost, the annual lists of boat registrations, as of January 1, to the commissioners of revenue of each county or city, except that the Director shall not send the lists to any commissioner who requests that he not receive them.

1960, c. 500, § 62-174.5; 1962, c. 626; 1964, c. 654; 1968, c. 659, § 62.1-170; 1970, c. 240; 1972, c. 412; 1980, c. 256; 1983, c. 126; 1986, c. 125; 1987, c. 488.

§ 29.1-708. Transfer, destruction or abandonment of motorboat.

The owner shall furnish the Department with notice of (i) the transfer of all or any part of his interest other than the creation of a security interest in a motorboat numbered in Virginia pursuant to § 29.1-702 or § 29.1-704 or (ii) the destruction or abandonment of such motorboat, within fifteen days thereof.

Such transfer, destruction, or abandonment shall terminate the certificate of number for the motorboat except that, in the case of a transfer of a part interest which does not affect the owner's right to operate such motorboat, the transfer shall not terminate the certificate of number.

1960, c. 500, § 62-174.5; 1962, c. 626; 1964, c. 654; 1968, c. 659, § 62.1-170; 1970, c. 240; 1972, c. 412; 1980, c. 256; 1983, c. 126; 1986, c. 125; 1987, c. 488.

§ 29.1-709. Change of address of certificate holder.

Any holder of a certificate of number shall notify the Department within fifteen days if his address appearing on the certificate changes, and he shall furnish the Department with his new address. The Board may provide in its rules and regulations for the surrender of the certificate bearing the former address and for certificate replacements or alterations bearing the new address.

1960, c. 500, § 62-174.5; 1962, c. 626; 1964, c. 654; 1968, c. 659, § 62.1-170; 1970, c. 240; 1972, c. 412; 1980, c. 256; 1983, c. 126; 1986, c. 125; 1987, c. 488.

§ 29.1-710. Exemption from numbering requirements.

A motorboat shall not be required to be numbered under this chapter if it is:

1. A motorboat which has been awarded a number pursuant to federal law or a federally approved numbering system of another state if the boat has been within the Commonwealth for less than ninety consecutive days.

2. A motorboat from a country other than the United States temporarily using the waters of the Commonwealth.

3. A motorboat which is used in a governmental function by the United States, a state or a subdivision of the state.

4. A ship's lifeboat.

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

6. A racing boat used during an authorized race and during a twenty-four-hour period before and after the race.

7. A motorboat belonging to a class of vessels which has been exempted from numbering by a regulation adopted by the Board after the Board has found that applicable federal law or federal regulation has exempted, or permitted the exemption of, such class of vessels.

8. A motorboat for which (i) a valid temporary registration certificate has been issued by the Department or an authorized agent of the Department, and (ii) an application has been made for a permanent registration and title (if applicable).

1960, c. 500, § 62-174.7; 1962, c. 626; 1964, c. 654; 1968, c. 659, § 62.1-173; 1972, c. 412; 1987, c. 488; 1995, c. 241.

§ 29.1-711. Dealers and manufacturers of motorboats.

The following shall apply to dealers and manufacturers:

1. The registering and numbering requirements of this chapter shall apply to dealers and manufacturers of motorboats.

2. Applications for certificates of number shall be made on the approved application form prescribed in this chapter. Dealers and manufacturers shall certify that they are dealers or manufacturers.

3. Applications shall be accompanied by a fee of twenty-five dollars for dealers and forty dollars for manufacturers, by check or money order, and shall be forwarded to the Department.

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

5. Additional dealer's or manufacturer's certificates of number may be obtained by applying in the same manner as prescribed for the initial certificate with payment of an additional fee of twelve dollars for each additional certificate.

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

1960, c. 500, § 62-174.5; 1962, c. 626; 1964, c. 654; 1968, c. 659, § 62.1-170; 1970, c. 240; 1972, c. 412; 1980, c. 256; 1983, c. 126; 1986, c. 125; 1987, c. 488; 1990, c. 321.

Article 2 - WATERCRAFT TITLING CERTIFICATES [Repealed]

§§ 29.1-712 through 29.1-733.1. Repealed.

Repealed by Acts 2013, c. 787, cl. 2, effective July 1, 2014.

Article 2.1 - VIRGINIA UNIFORM CERTIFICATE OF TITLE FOR WATERCRAFT ACT

§ 29.1-733.2. Definitions.

The definitions in this section do not apply to any Virginia or federal law governing licensing, numbering, or registration if the same term is used in that law. As used in this article, unless the context requires a different meaning:

"Abandoned watercraft" means a watercraft that is left unattended on private property for more than 10 days without the consent of the property's owner, regardless of whether it was brought onto the private property with the consent of the owner or person in control of the private property.

"Agreement" means the same as that term is defined in subdivision (b)(3) of § 8.1A-201.

"Barge" means a watercraft that is not self-propelled or fitted for propulsion by sail, paddle, oar, or similar device.

"Builder's certificate" means a certificate of the facts of the build of a vessel described in 46 C.F.R. § 67.99, as amended.

"Buyer" means a person that buys or contracts to buy a watercraft.

"Buyer in ordinary course of business" means the same as that term is defined in subdivision (b)(9) of § 8.1A-201.

"Cancel," with respect to a certificate of title, means to make the certificate ineffective.

"Certificate of origin" means a record created by a manufacturer or importer as the manufacturer's or importer's proof of identity of a watercraft. The term includes a manufacturer's certificate or statement of origin and an importer's certificate or statement of origin. The term does not include a builder's certificate.

"Certificate of title" means a record, created by the Department under this article or by a governmental agency of another jurisdiction under the law of that jurisdiction that is designated as a certificate of title by the Department or agency and is evidence of ownership of a watercraft.

"Conspicuous" means the same as that term is defined in subdivision (b)(10) of § 8.1A-201.

"Consumer goods" means the same as that term is defined in subdivision (a)(23) of § 8.9A-102.

"Dealer" means any watercraft dealer as defined in § 29.1-801.

"Debtor" means the same as that term is defined in subdivision (a)(28) of § 8.9A-102.

"Documented vessel" means a watercraft covered by a certificate of documentation issued pursuant to 46 U.S.C. § 12105, as amended. The term does not include a foreign-documented vessel.

"Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

"Electronic certificate of title" means a certificate of title consisting of information that is stored solely in an electronic medium and is retrievable in perceivable form.

"Foreign-documented vessel" means a watercraft whose ownership is recorded in a registry maintained by a country other than the United States that identifies each person that has an ownership interest in a watercraft and includes a unique alphanumeric designation for the watercraft.

"Good faith" means honesty in fact and the observance of reasonable commercial standards of fair dealing.

"Hull damaged" means compromised with respect to the integrity of a watercraft's hull by a collision, allision, lightning strike, fire, explosion, running aground, or similar occurrence, or the sinking of a watercraft in a manner that creates a significant risk to the integrity of the watercraft's hull.

"Hull identification number" means the alphanumeric designation assigned to a watercraft pursuant to 33 C.F.R. Part 181, as amended.

"Knowledge" means the same as that term is defined in § 8.1A-202.

"Lease" means the same as that term is defined in subdivision (1)(j) of § 8.2A-103.

"Lessor" means the same as that term is defined in subdivision (1)(p) of § 8.2A-103.

"Lien creditor," with respect to a watercraft, means:

1. A creditor that has acquired a lien on the watercraft by attachment, levy, or the like;

2. An assignee for benefit of creditors from the time of assignment;

3. A trustee in bankruptcy from the date of the filing of the petition; or

4. A receiver in equity from the time of appointment.

"Notice" means the same as that term is defined in § 8.1A-202.

"Owner" means a person that has legal title to a watercraft.

"Owner of record" means the owner indicated in the files of the Department or, if the files indicate more than one owner, the one first indicated.

"Person" means an individual, corporation, business trust, estate, trust, statutory trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency or instrumentality, or any other legal or commercial entity.

"Purchase" means to take by sale, lease, mortgage, pledge, consensual lien, security interest, gift, or any other voluntary transaction that creates an interest in a watercraft.

"Purchaser" means a person that takes by purchase.

"Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

"Registration number" means the alphanumeric designation for a vessel issued pursuant to 46 U.S.C. § 12301, as amended.

"Representative" means the same as that term is defined in subdivision (b)(33) of § 8.1A-201.

"Sale" means the same as that term is defined in § 8.2-106.

"Secured party," with respect to a watercraft, means a person:

1. In whose favor a security interest is created or provided for under a security agreement, whether or not any obligation to be secured is outstanding;

2. That is a consignor under Title 8.9A; or

3. That holds a security interest arising under § 8.2-401 or 8.2-505, subsection (3) of § 8.2-711, or subsection (5) of § 8.2A-508.

"Secured party of record" means the secured party whose name is indicated as the name of the secured party in the files of the Department or, if the files indicate more than one secured party, the one first indicated.

"Security agreement" means the same as that term is defined in subdivision (a)(74) of § 8.9A-102.

"Security interest" means an interest in a watercraft that secures payment or performance of an obligation if the interest is created by contract or arises under § 8.2-401 or 8.2-505, subsection (3) of § 8.2-711, or subsection (5) of § 8.2A-508. The term includes any interest of a consignor in a watercraft in a transaction that is subject to Title 8.9A. The term does not include the special property interest of a buyer of a watercraft on identification of that watercraft to a contract for sale under § 8.2-401, but a buyer also may acquire a security interest by complying with Title 8.9A. Except as otherwise provided in § 8.2-505, the right of a seller or lessor of a watercraft under Title 8.2 or Title 8.2A to retain or acquire possession of the watercraft is not a security interest, but a seller or lessor also may acquire a security interest by complying with Title 8.9A. The retention or reservation of title by a seller of a watercraft notwithstanding shipment or delivery to the buyer under § 8.2-401 is limited in effect to a reservation of a security interest. Whether a transaction in the form of a lease creates a security interest is determined by § 8.1A-304.

"Seller" means the same as that term is defined in subdivision (1)(o) of § 8.2A-103.

"Send" means the same as that term is defined in subdivision (b)(36) of § 8.1A-201.

"Sign" means, with present intent to authenticate or adopt a record, to:

1. Make or adopt a tangible symbol; or

2. Attach to or logically associate with the record an electronic symbol, sound, or process.

"State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

"State of principal use" means the state on whose waters a watercraft is or will be used, operated, navigated, or employed more than on the waters of any other state during a calendar year.

"Title brand" means a designation of previous damage, use, or condition that shall be indicated on a certificate of title.

"Transfer of ownership" means a voluntary or involuntary conveyance of an interest in a watercraft.

"Value" means the same as that term is defined in § 8.1A-204.

"Watercraft" means any vessel that is used or capable of being used as a means of transportation on water and is propelled by machinery, whether or not the machinery is the principal source of propulsion, except:

1. A seaplane;

2. An amphibious vehicle for which a certificate of title is issued pursuant to Chapter 6 (§ 46.2-600 et seq.) of Title 46.2 or a similar statute of another state;

3. A vessel that measures 18 feet or less in length along the centerline and is propelled by sail;

4. A vessel that operates only on a permanently fixed, manufactured course and whose movement is restricted to or guided by means of a mechanical device to which the vessel is attached or by which the vessel is controlled;

5. A stationary floating structure that:

a. Does not have and is not designed to have a mode of propulsion of its own;

b. Is dependent for utilities upon a continuous utility hookup to a source originating on shore; and

c. Has a permanent, continuous hookup to a shoreside sewage system;

6. A vessel owned by the United States, a state, or a foreign government or a political subdivision of any of them;

7. A vessel used solely as a lifeboat on another vessel; or

8. A vessel that has a valid marine document issued by the United States Coast Guard.

"Written certificate of title" means a certificate of title consisting of information inscribed on a tangible medium.

2013, c. 787; 2014, c. 371.

§ 29.1-733.3. Applicability.

Subject to § 29.1-733.29, this article applies to any transaction, certificate of title, or record relating to a watercraft, even if the transaction, certificate of title, or record was entered into or created before July 1, 2014.

2013, c. 787.

§ 29.1-733.4. Supplemental principles of law and equity.

Unless displaced by a provision of this article, the principles of law and equity supplement its provisions.

2013, c. 787.

§ 29.1-733.5. Law governing watercraft covered by certificate of title.

A. The law of the state or other jurisdiction under whose certificate of title a watercraft is covered governs all issues relating to the certificate from the time the watercraft becomes covered by the certificate until the watercraft becomes covered by another certificate or becomes a documented watercraft, even if no other relationship exists between the jurisdiction and the watercraft or its owner.

B. A watercraft becomes covered by a certificate of title when an application for the certificate and the applicable fee are delivered to the Department in accordance with this article or to the governmental agency that creates a certificate in another jurisdiction in accordance with the law of that jurisdiction.

2013, c. 787.

§ 29.1-733.6. Certificate of title required.

A. No person shall operate a watercraft subject to titling under this chapter unless the owner has applied to the Department for a certificate of title for the watercraft or has been issued a valid temporary registration certificate as provided for in § 29.1-703.1. Except as otherwise provided in subsections B through E, the owner of a watercraft for which Virginia is the state of principal use shall deliver to the Department an application for a certificate of title for the watercraft, with the applicable fee, not later than 20 days after the later of:

1. The date of a transfer of ownership; or

2. The date Virginia becomes the state of principal use.

B. An application for a certificate of title is not required for:

1. A documented vessel;

2. A foreign-documented vessel;

3. A barge;

4. A watercraft before delivery if the watercraft is under construction or completed pursuant to contract; or

5. A watercraft held by a dealer for sale or lease.

C. A dealer transferring a watercraft required to be titled under this article shall assign the title to the new owner or, in the case of a new watercraft, assign the certificate of origin. The dealer shall forward all fees and applications to the Department within 20 days of sale. Each dealer shall maintain a record for six years of any watercraft he bought, sold, exchanged, or received for sale or exchange. This record shall be available for inspection by Department representatives during reasonable business hours.

D. No dealer shall purchase or acquire a new watercraft without obtaining from the seller a certificate of origin. No manufacturer, importer, dealer, or other person shall sell or otherwise dispose of a new watercraft to a dealer for purposes of display and resale without delivering to the dealer a certificate of origin. The certificate of origin shall be a uniform or standardized form prescribed by the Department and shall contain:

1. On the front, a description of the watercraft including its trade name, if any, year, series or model, body type, and manufacturer's serial number; certification of date of transfer of watercraft and name and address of transferee; certification that this was the transfer of watercraft in ordinary trade and commerce; and the signature and address of a representative of the transferor; and

2. On the reverse side, an assignment form, including the name and address of the transferee, a certification that the watercraft is new, and a warranty that the title at the time of delivery is subject only to such liens and encumbrances as set forth and described in full in the assignment.

E. The Department shall not issue, transfer, or renew pursuant to the requirements of 46 U.S.C. § 12301, as amended, a certificate of number for a watercraft unless the Department has created a

certificate of title for the watercraft or an application for a certificate for the watercraft and the applicable fee have been delivered to the Department. Any owner of a watercraft that was not previously required to be titled and whose certificate of number expires after January 1, 1998, shall apply for a certificate of title at the time of renewal of the certificate of number.

2013, c. 787.

§ 29.1-733.7. Application for certificate of title.

A. Except as otherwise provided in § 29.1-733.10, 29.1-733.15, 29.1-733.19, 29.1-733.20, 29.1-733.21, or 29.1-733.22, only an owner may apply for a certificate of title.

B. An application for a certificate of title shall be signed by the applicant and contain:

1. The applicant's name, the street address of the applicant's principal residence, and, if different, the applicant's mailing address;

2. The name and mailing address of each other owner of the watercraft at the time of application;

3. The motor vehicle driver's license number, social security number, or taxpayer identification number of each owner;

4. The hull identification number for the watercraft or, if none, an application for the issuance of a hull identification number for the watercraft;

5. If numbering is required pursuant to § 29.1-703, the registration number for the watercraft or, if none has been issued by the Department, an application for a registration number pursuant to § 29.1-702;

6. A description of the watercraft as required by the Department, which shall include:

a. The official number for the watercraft, if any, assigned by the U.S. Coast Guard;

b. The name of the manufacturer, builder, or maker;

c. The model year or the year in which the manufacture or build of the watercraft was completed;

d. The overall length of the watercraft;

e. The watercraft type;

f. The hull material;

g. The propulsion type;

h. The engine drive type, if any;

i. The motor identification, including manufacturer's name and serial number, except on motors of 25 horsepower or less; and

j. The fuel type, if any;

7. An indication of all security interests in the watercraft known to the applicant and the name and mailing address of each secured party;

8. A statement that the watercraft is not a documented vessel or a foreign-documented vessel;

9. Any title brand known to the applicant and, if known, the jurisdiction under whose law the title brand was created;

10. If the applicant knows that the watercraft is hull damaged, a statement that the watercraft is hull damaged;

11. If the application is made in connection with a transfer of ownership, the transferor's name, street address and, if different, mailing address, the sales price, if any, and the date of the transfer; and

12. If the watercraft previously was registered or titled in another jurisdiction, a statement identifying each jurisdiction known to the applicant in which the watercraft was registered or titled.

C. In addition to the information required by subsection B, an application for a certificate of title may contain an electronic communication address of the owner, transferor, or secured party.

D. Except as otherwise provided in § 29.1-733.19, 29.1-733.20, 29.1-733.21, or 29.1-733.22, an application for a certificate of title shall be accompanied by:

1. A certificate of title that is signed by the owner shown on the certificate and that:

a. Identifies the applicant as the owner of the watercraft; or

b. Is accompanied by a record that identifies the applicant as the owner; or

2. If there is no certificate of title:

a. If the watercraft was a documented vessel, a record issued by the U.S. Coast Guard that shows that the watercraft is no longer a documented vessel and identifies the applicant as the owner;

b. If the watercraft was a foreign-documented vessel, a record issued by the foreign country that shows that the watercraft is no longer a foreign-documented vessel and identifies the applicant as the owner; or

c. In all other cases, a certificate of origin, bill of sale, or other record that to the satisfaction of the Department identifies the applicant as the owner. Issuance of registration under the provisions of § 29.1-702 is prima facie evidence of ownership of a watercraft and entitlement to a certificate of title under the provisions of this article.

E. A record submitted in connection with an application is part of the application. The Department shall maintain the record in its files.

F. The Department shall require that an application for a certificate of title be accompanied by payment or evidence of payment of all fees and taxes payable by the applicant under law of the Commonwealth other than this article in connection with the application or the acquisition or use of the watercraft. The Department shall charge $7 for issue of each certificate of title, transfer of title, or for the recording of a supplemental lien. The Department shall charge $2 for the issuance of each duplicate title or for changes to a previously issued certificate of title that are made necessary by a change of

the motor on the watercraft. Any watercraft purchased and used by a nonprofit volunteer emergency medical services agency shall be exempt from the fees imposed under this section.

G. The application shall be on forms prescribed and furnished by the Department and shall contain any other information required by the Director.

H. Whenever any person, after applying for or obtaining the certificate of title of a watercraft, moves from the address shown in the application or upon the certificate of title, he shall, within 30 days, notify the Department in writing of his change of address. A fee of $7 shall be imposed upon anyone failing to comply with this subsection within the time prescribed.

2013, c. 787; 2014, c. 371; 2015, cc. 502, 503.

§ 29.1-733.8. Creation and cancellation of certificate of title.

A. Unless an application for a certificate of title is rejected under subsection C or D, the Department shall create a certificate for the watercraft in accordance with subsection B not later than 20 days after delivery to it of an application that complies with § 29.1-733.7.

B. If the Department creates electronic certificates of title, the Department shall create an electronic certificate unless in the application the secured party of record or, if none, the owner of record, requests that the Department create a written certificate.

C. Except as otherwise provided in subsection D, the Department shall reject an application for a certificate of title only if:

1. The application does not comply with § 29.1-733.7;

2. The application does not contain documentation sufficient for the Department to determine whether the applicant is entitled to a certificate;

3. There is a reasonable basis for concluding that the application is fraudulent or issuance of a certificate would facilitate a fraudulent or illegal act; or

4. The application does not comply with the law of the Commonwealth other than this article.

D. The Department shall reject an application for a certificate of title for a watercraft that is a documented vessel or a foreign-documented vessel.

E. The Department shall cancel a certificate of title created by it only if the Department:

1. Could have rejected the application for the certificate under subsection C;

2. Is required to cancel the certificate under another provision of this article; or

3. Receives satisfactory evidence that the watercraft is a documented vessel or a foreign-documented vessel.

F. The Department shall provide an opportunity for an informal fact-finding proceeding at which the owner and any other interested party may present evidence in support of or opposition to cancellation of a certificate of title. The Department shall serve all owners and secured parties indicated in the files

of the Department with notice of the opportunity for an informal fact-finding proceeding. Service shall be made personally or by mail through the U.S. Postal Service, properly addressed, postage paid, return receipt requested. Service by mail is complete on deposit with the U.S. Postal Service. The Department by rule may authorize service by electronic transmission if a copy is sent on the same day by first-class mail or by a commercial delivery company. If not later than 30 days after the notice was served, the Department receives a request for an informal fact-finding proceeding from an interested party, the Department shall hold the proceeding not later than 20 days after receiving the request.

2013, c. 787.

§ 29.1-733.9. Content of certificate of title.

A. A certificate of title shall contain:

1. The date the certificate was created;

2. The name of the owner of record and, if not all owners are listed, an indication that there are additional owners indicated in the files of the Department;

3. The mailing address of the owner of record;

4. The hull identification number;

5. The information listed in subdivision B 6 of § 29.1-733.7;

6. Except as otherwise provided in subsection B of § 29.1-733.15, the name and mailing address of the secured party of record, if any, and if not all secured parties are listed, an indication that there are other security interests indicated in the files of the Department; and

7. All title brands indicated in the files of the Department covering the watercraft, including brands indicated on a certificate created by a governmental agency of another jurisdiction and delivered to the Department.

B. The Department may note on a certificate of title the name and mailing address of a secured party that is not a secured party of record.

C. For each title brand indicated on a certificate of title, the certificate shall identify the jurisdiction under whose law the title brand was created or the jurisdiction that created the certificate on which the title brand was indicated. If the meaning of a title brand is not easily ascertainable or cannot be accommodated on the certificate, the certificate may state: "Previously branded in (insert the jurisdiction under whose law the title brand was created or whose certificate of title previously indicated the title brand)."

D. If the files of the Department indicate that a watercraft previously was registered or titled in a foreign country, the Department shall indicate on the certificate of title that the watercraft was registered or titled in that country.

E. A written certificate of title shall contain a form that all owners indicated on the certificate may sign to evidence consent to a transfer of an ownership interest to another person. The form shall include a

certification, signed under penalty of perjury, that the statements made are true and correct to the best of each owner's knowledge, information, and belief.

F. A written certificate of title shall contain a form for the owner of record to indicate, in connection with a transfer of an ownership interest, that the watercraft is hull damaged.

2013, c. 787.

§ 29.1-733.10. Title brand.

A. Unless subsection C applies, at or before the time the owner of record transfers an ownership interest in a hull-damaged watercraft that is covered by a certificate of title created by the Department, if the damage occurred while that person was an owner of the watercraft and the person has notice of the damage at the time of the transfer, the owner shall:

1. Deliver to the Department an application for a new certificate that complies with § 29.1-733.7 and includes the title brand designation "Hull Damaged"; or

2. Indicate on the certificate in the place designated for that purpose that the watercraft is hull damaged and deliver the certificate to the transferee.

B. Not later than 20 days after delivery to the Department of the application under subdivision A 1 or the certificate of title under subdivision A 2, the Department shall create a new certificate that indicates that the watercraft is branded "Hull Damaged."

C. Before an insurer transfers an ownership interest in a hull-damaged watercraft that is covered by a certificate of title created by the Department, the insurer shall deliver to the Department an application for a new certificate that complies with § 29.1-733.7 and includes the title brand designation "Hull Damaged." Not later than 20 days after delivery of the application to the Department, the Department shall create a new certificate that indicates that the watercraft is branded "Hull Damaged."

D. An owner of record that fails to comply with subsection A, a person that solicits or colludes in a failure by an owner of record to comply with subsection A, or an insurer that fails to comply with subsection C is subject to a civil penalty of $1,000.

2013, c. 787.

§ 29.1-733.11. Maintenance of and access to files.

A. For each record relating to a certificate of title submitted to the Department, the Department shall:

1. Ascertain or assign the hull identification number for the watercraft;

2. Maintain the hull identification number and all the information submitted with the application pursuant to subsection B of § 29.1-733.7 to which the record relates, including the date and time the record was delivered to the Department;

3. Maintain the files for public inspection subject to subsection E; and

4. Index the files of the Department as required by subsection B.

B. The Department shall maintain in its files the information contained in all certificates of title created under this article. The information in the files of the Department shall be searchable by the hull identification number of the watercraft, the registration number, the name of the owner of record, and any other method used by the Department.

C. The Department shall maintain in its files, for each watercraft for which it has created a certificate of title, all title brands known to the Department, the name of each secured party known to the Department, the name of each person known to the Department to be claiming an ownership interest, and all stolen-property reports the Department has received.

D. Upon request, for safety, security, or law-enforcement purposes, the Department shall provide to federal, state, or local government the information in its files relating to any watercraft for which the Department has issued a certificate of title.

E. Except as otherwise provided by the law of the Commonwealth other than this article, the information required under § 29.1-733.9 is a public record. The information provided under subdivision B 3 of § 29.1-733.7 is not a public record.

2013, c. 787.

§ 29.1-733.12. Action required on creation of certificate of title.

A. On creation of a written certificate of title, the Department promptly shall send the certificate to the secured party of record or, if none, to the owner of record at the address indicated for that person in the files of the Department. On creation of an electronic certificate of title, the Department promptly shall send a record evidencing the certificate to the owner of record and, if there is one, to the secured party of record at the address indicated for that person in the files of the Department. The Department shall send the record to the person's mailing address or, if indicated in the files of the Department, an electronic address.

B. If the Department creates a written certificate of title, any electronic certificate of title for the watercraft is canceled and replaced by the written certificate. The Department shall maintain in the files of the Department the date and time of cancellation.

C. Before the Department creates an electronic certificate of title, any written certificate for the watercraft shall be surrendered to the Department. If the Department creates an electronic certificate, the Department shall destroy or otherwise cancel the written certificate for the watercraft that has been surrendered to the Department and maintain in the files of the Department the date and time of destruction or other cancellation. If a written certificate being canceled is not destroyed, the Department shall indicate on the face of the certificate that it has been canceled.

2013, c. 787.

§ 29.1-733.13. Effect of certificate of title.

A certificate of title is prima facie evidence of the accuracy of the information in the record that constitutes the certificate.

2013, c. 787.

§ 29.1-733.14. Effect of possession of certificate of title; judicial process; levy; penalty.

A. Possession of a certificate of title does not by itself provide a right to obtain possession of a watercraft. Garnishment, attachment, levy, replevin, or other judicial process against the certificate is not effective to determine possessory rights to the watercraft. This article does not prohibit enforcement under law of the Commonwealth other than this article of a security interest in, levy on, or foreclosure of a statutory or common-law lien on a watercraft. Absence of an indication of a statutory or common-law lien on a certificate does not invalidate the lien.

B. A levy made by virtue of an execution, fieri facias, or other proper court order, upon a watercraft for which a certificate of title has been issued by the Department, shall constitute a lien, when the officer making the levy reports to the Department at its principal office, on forms provided by the Department, that the levy has been made and that the vessel levied upon is in the custody of the officer. Should the lien thereafter be satisfied or should the vessel levied upon and seized thereafter be released by the officer, he shall immediately report that fact to the Department at its principal office. Any owner who, after such levy and seizure by an officer and before the report is made by the officer to the Department, fraudulently assigns or transfers his title to or interest in the watercraft, or causes the certificate of title to be assigned or transferred, or causes a security interest to be shown upon such certificate of title, is guilty of a Class 1 misdemeanor.

2013, c. 787.

§ 29.1-733.15. Perfection of security interest.

A. Except as otherwise provided in this section or § 29.1-733.29, a security interest in a watercraft shall be perfected only by delivery to the Department of an application for a certificate of title that identifies the secured party and otherwise complies with § 29.1-733.7. The security interest is perfected on the later of delivery to the Department of the application and the applicable fee or attachment of the security interest under § 8.9A-203.

B. If the interest of a person named as owner, lessor, consignor, or bailor in an application for a certificate of title delivered to the Department is a security interest, the application sufficiently identifies the person as a secured party. Identification on the application for a certificate of a person as owner, lessor, consignor, or bailor is not by itself a factor in determining whether the person's interest is a security interest.

C. If the Department has created a certificate of title for a watercraft, a security interest in the watercraft shall be perfected by delivery to the Department of an application, on a form the Department shall require, to have the security interest added to the certificate. The application shall be signed by an owner of the watercraft or by the secured party and shall include:

1. The name of the owner of record;

2. The name and mailing address of the secured party;

3. The hull identification number for the watercraft; and

4. If the Department has created a written certificate of title for the watercraft, the certificate.

D. A security interest perfected under subsection C is perfected on the later of delivery to the Department of the application and all applicable fees or attachment of the security interest under § 8.9A-203.

E. On delivery of an application that complies with subsection C and payment of all applicable fees, the Department shall create a new certificate of title pursuant to § 29.1-733.8 and deliver the new certificate or a record evidencing an electronic certificate pursuant to subsection A of § 29.1-733.12. The Department shall maintain in the files of the Department the date and time of delivery of the application to the Department.

F. If a secured party assigns a perfected security interest in a watercraft, the receipt by the Department of a statement providing the name of the assignee as secured party is not required to continue the perfected status of the security interest against creditors of and transferees from the original debtor. A purchaser of a watercraft subject to a security interest that obtains a release from the secured party indicated in the files of the Department or on the certificate takes free of the security interest and of the rights of a transferee unless the transfer is indicated in the files of the Department or on the certificate.

G. This section does not apply to a security interest:

1. In a watercraft by a person during any period in which the watercraft is inventory held for sale or lease by the person or is leased by the person as lessor if the person is in the business of selling watercraft;

2. In a barge for which no application for a certificate of title has been delivered to the Department; or

3. In a watercraft before delivery if the watercraft is under construction, or completed, pursuant to contract and for which no application for a certificate has been delivered to the Department.

H. This subsection applies if a certificate of documentation for a documented vessel is deleted or canceled. If a security interest in the watercraft was valid immediately before deletion or cancellation against a third party as a result of compliance with 46 U.S.C. § 31321, the security interest is and remains perfected until the earlier of four months after cancellation of the certificate or the time the security interest becomes perfected under this article.

I. A security interest in a watercraft arising under § 8.2-401 or 8.2-505, subsection (3) of § 8.2-711, or subsection (5) of § 8.2A-508 is perfected when it attaches but becomes unperfected when the debtor obtains possession of the watercraft, unless before the debtor obtains possession the security interest is perfected pursuant to subsection A or C.

J. A security interest in a watercraft as proceeds of other collateral is perfected to the extent provided in § 8.9A-315.

K. A security interest in a watercraft perfected under the law of another jurisdiction is perfected to the extent provided in subsection (d) of § 8.9A-316.

2013, c. 787.

§ 29.1-733.16. Termination statement; delivery of certificate of title; penalty.

A. A secured party indicated in the files of the Department as having a security interest in a watercraft shall deliver a termination statement to the Department and, on the debtor's request, to the debtor by the earlier of:

1. Twenty days after the secured party receives a signed demand from an owner for a termination statement and there is no obligation secured by the watercraft subject to the security interest and no commitment to make an advance, incur an obligation, or otherwise give value secured by the watercraft; or

2. If the watercraft is consumer goods, 30 days after there is no obligation secured by the watercraft and no commitment to make an advance, incur an obligation, or otherwise give value secured by the watercraft.

B. If a written certificate of title has been created and delivered to a secured party and a termination statement is required under subsection A, the secured party, not later than the date required by subsection A, shall deliver the certificate to the debtor or to the Department with the statement. An owner, upon securing the release of any security interest upon a vessel shown upon the certificate of title issued for the watercraft, may exhibit the documents evidencing the release, signed by the person or persons making such release, and the certificate of title to the Department. If the certificate is lost, stolen, mutilated, destroyed, or is otherwise unavailable or illegible, the secured party shall deliver with the statement, not later than the date required by subsection A, an application for a replacement certificate meeting the requirements of § 29.1-733.22.

C. On delivery to the Department of a termination statement authorized by the secured party, the security interest to which the statement relates ceases to be perfected. If the security interest to which the statement relates was indicated on the certificate of title, the Department shall create a new certificate and deliver the new certificate or a record evidencing an electronic certificate. The Department shall maintain in its files the date and time of delivery to the Department of the statement.

D. A secured party that fails to deliver a required termination statement is liable for any loss that the secured party had reason to know might result from its failure to comply and that could not reasonably have been prevented and for the cost of an application for a certificate of title under § 29.1-733.7 or 29.1-733.22.

E. It shall constitute a Class 1 misdemeanor for a secured party who holds a certificate of title to refuse or fail to surrender the certificate to the owner or his agent within 10 days after the security interest has been paid and satisfied.

2013, c. 787.

§ 29.1-733.17. Transfer of ownership.

A. On voluntary transfer of an ownership interest in a watercraft covered by a certificate of title, the following rules apply:

1. If the certificate is a written certificate of title and the transferor's interest is noted on the certificate, the transferor promptly shall sign the certificate and deliver it to the transferee. If the transferor does not have possession of the certificate, the person in possession of the certificate has a duty to facilitate the transferor's compliance with this subdivision. A secured party does not have a duty to facilitate the transferor's compliance with this subdivision if the proposed transfer is prohibited by the security agreement.

2. If the certificate of title is an electronic certificate of title, the transferor promptly shall sign and deliver to the transferee a record evidencing the transfer of ownership to the transferee.

3. The transferee has a right enforceable by specific performance to require the transferor comply with subdivision 1 or 2.

B. The creation of a certificate of title identifying the transferee as owner of record satisfies subsection A.

C. A failure to comply with subsection A or to apply for a new certificate of title does not render a transfer of ownership of a watercraft ineffective between the parties. Except as otherwise provided in § 29.1-733.18, 29.1-733.19, 29.1-733.23, or 29.1-733.24, a transfer of ownership without compliance with subsection A is not effective against another person claiming an interest in the watercraft.

D. A transferor that complies with subsection A is not liable as owner of the watercraft for an event occurring after the transfer, regardless of whether the transferee applies for a new certificate of title.

2013, c. 787.

§ 29.1-733.18. Effect of missing or incorrect information.

Except as otherwise provided in § 8.9A-337, a certificate of title or other record required or authorized by this article is effective even if it contains incorrect information or does not contain required information.

2013, c. 787.

§ 29.1-733.19. Transfer of ownership by secured party's transfer statement.

A. For the purpose of this section, "secured party's transfer statement" means a record signed by the secured party of record stating:

1. A default on an obligation secured by the watercraft has occurred;

2. The secured party of record is exercising or has exercised post-default remedies with respect to the watercraft;

3. By reason of the exercise, the secured party of record has the right to transfer the ownership interest of an owner, and the name of the owner;

4. The name and last-known mailing address of the owner of record and the secured party of record;

5. The name of the transferee;

6. All other information required by subsection B of § 29.1-733.7; and

7. One of the following:

a. The certificate of title is an electronic certificate;

b. The secured party does not have possession of the written certificate of title created in the name of the owner of record; or

c. The secured party is delivering the written certificate of title to the Department with the secured party's transfer statement.

B. Unless the Department rejects a secured party's transfer statement for a reason stated in subsection C of § 29.1-733.8, not later than 20 days after delivery to the Department of the statement and payment of fees and taxes payable under the law of the Commonwealth other than this article in connection with the statement or the acquisition or use of the watercraft, the Department shall:

1. Accept the statement;

2. Amend the files of the Department to reflect the transfer; and

3. If the name of the owner whose ownership interest is being transferred is indicated on the certificate of title:

a. Cancel the certificate even if the certificate has not been delivered to the Department;

b. Create a new certificate indicating the transferee as owner; and

c. Deliver the new certificate or a record evidencing an electronic certificate.

C. An application under subsection A or the creation of a certificate of title under subsection B is not by itself a disposition of the watercraft and does not by itself relieve the secured party of its duties under Title 8.9A.

2013, c. 787.

§ 29.1-733.20. Transfer by operation of law.

A. As used in this section, unless the context requires a different meaning:

"By operation of law" means pursuant to a law or judicial order affecting ownership of a watercraft:

1. Because of death, such as in the case of a legatee, distributee, or surviving joint owner;

2. Because of divorce or other family law proceeding;

3. Because of any written agreement ratified or incorporated in a decree or order of a court of record;

4. Because of merger, consolidation, dissolution, insolvency, or bankruptcy;

5. Because of an execution sale;

6. Through the exercise of the rights of a lien creditor or a person having a lien created by statute or rule of law, including a lien provided for in § 43-34;

7. Through the execution of a statement of transfer on death; or

8. Through other legal process.

"Transfer-by-law statement" means a record signed by a transferee stating that by operation of law the transferee has acquired or has the right to acquire an ownership interest in a watercraft.

B. A transfer-by-law statement shall contain:

1. The name and last-known mailing address of the owner of record and the transferee and the other information required by subsection B of § 29.1-733.7;

2. Documentation sufficient to establish the transferee's ownership interest or right to acquire the ownership interest;

3. A statement that:

a. The certificate of title is an electronic certificate of title;

b. The transferee does not have possession of the written certificate of title created in the name of the owner of record; or

c. The transferee is delivering the written certificate to the Department with the transfer-by-law statement;

4. Except for a transfer described in subdivision 1 of the definition of "by operation of law," evidence that notification of the transfer and the intent to file the transfer-by-law statement has been sent to all persons indicated in the files of the Department as having an interest, including a security interest, in the watercraft; and

5. If the owner is dead and no fiduciary has qualified for his estate, an estate statement to the effect that no qualification for the estate has been made, that no qualification is expected, and that the decedent's debts have been paid or that the proceeds from the sale of the watercraft will be applied against his debts. The estate statement shall contain the name, residence at the time of death, and date of death of the decedent and the names of any other persons having an interest in the watercraft for which the transfer of title is sought. If these persons are of legal age, they shall signify in writing their consent to the transfer.

C. Unless the Department rejects a transfer-by-law statement for a reason stated in subsection C of § 29.1-733.8 or because the statement does not include documentation or an estate statement satisfactory to the Department as to the transferee's ownership interest or right to acquire the ownership interest, not later than 20 days after delivery to the Department of the transfer-by-law statement and payment of fees and taxes payable under the law of the Commonwealth other than this article in connection with the statement or with the acquisition or use of the watercraft, the Department shall:

1. Accept the statement;

2. Amend the files of the Department to reflect the transfer; and

3. If the name of the owner whose ownership interest is being transferred is indicated on the certificate of title:

a. Cancel the certificate even if the certificate has not been delivered to the Department;

b. Create a new certificate indicating the transferee as owner;

c. Indicate on the new certificate any security interest indicated on the canceled certificate, unless a court order provides otherwise; and

d. Deliver the new certificate or a record evidencing an electronic certificate.

D. This section does not apply to a transfer of an interest in a watercraft by a secured party under Part 6 (§ 8.9A-601 et seq.) of Title 8.9A.

2013, c. 787; 2019, c. 236.

§ 29.1-733.21. Application for transfer of ownership or termination of security interest without certificate of title.

A. Except as otherwise provided in § 29.1-733.19 or 29.1-733.20, if the Department receives, unaccompanied by a signed certificate of title, an application for a new certificate that includes an indication of a transfer of ownership or a termination statement, the Department shall create a new certificate under this section only if:

1. All other requirements under §§ 29.1-733.7 and 29.1-733.8 are met;

2. The applicant provides an affidavit stating facts showing the applicant is entitled to a transfer of ownership or termination statement;

3. The applicant provides the Department with satisfactory evidence that notification of the application has been sent to the owner of record and all persons indicated in the files of the Department as having an interest, including a security interest, in the watercraft, at least 45 days have passed since the notification was sent, and the Department has not received an objection from any of those persons; and

4. The applicant submits any other information required by the Department as evidence of the applicant's ownership or right to terminate the security interest, and the Department has no credible information indicating theft, fraud, or an undisclosed or unsatisfied security interest, lien, or other claim to an interest in the watercraft.

B. The Department shall indicate in a certificate of title created under subsection A that the certificate was created without submission of a signed certificate or termination statement. Unless credible information indicating theft, fraud, or an undisclosed or unsatisfied security interest, lien, or other claim to an interest in the watercraft is delivered to the Department not later than one year after creation of the certificate, on request in a form and manner required by the Department, the Department shall remove the indication from the certificate.

C. Unless the Department determines that the value of a watercraft is less than $5,000, before the Department creates a certificate of title under subsection A, the Department shall require the applicant

to post a bond or provide an equivalent source of indemnity or security. The bond, indemnity, or other security shall not exceed twice the value of the watercraft as determined by the Department. The bond, indemnity, or other security shall be in a form required by the Department and provide for indemnification of any owner, purchaser, or other claimant for any expense, loss, delay, or damage, including reasonable attorney fees and costs, but not including incidental or consequential damages, resulting from creation or amendment of the certificate.

D. Unless the Department receives a claim for indemnity not later than one year after creation of a certificate of title under subsection A, on request in a form and manner required by the Department, the Department shall release any bond, indemnity, or other security.

2013, c. 787.

§ 29.1-733.22. Replacement certificate of title.

A. If a written certificate of title is lost, stolen, mutilated, destroyed, or otherwise becomes unavailable or illegible, the secured party of record or, if no secured party is indicated in the files of the Department, the owner of record may apply for and, by furnishing information satisfactory to the Department, obtain a replacement certificate in the name of the owner of record.

B. An applicant for a replacement certificate of title shall sign the application and, except as otherwise permitted by the Department, the application shall comply with § 29.1-733.7. The application shall include the existing certificate unless the certificate is lost, stolen, mutilated, destroyed, or otherwise unavailable.

C. A replacement certificate of title created by the Department shall comply with § 29.1-733.9 and indicate on the face of the certificate that it is a replacement certificate.

D. If a person receiving a replacement certificate of title subsequently obtains possession of the original written certificate, the person promptly shall destroy the original certificate of title.

2013, c. 787.

§ 29.1-733.23. Rights of purchaser other than secured party.

A. A buyer in ordinary course of business has the protections afforded by subsection (2) of § 8.2-403 and subsection (a) of § 8.9A-320 even if an existing certificate of title was not signed and delivered to the buyer or a new certificate listing the buyer as owner of record was not created.

B. Except as otherwise provided in §§ 29.1-733.17 and 29.1-733.24, the rights of a purchaser of a watercraft that is not a buyer in ordinary course of business or a lien creditor are governed by the Uniform Commercial Code.

2013, c. 787.

§ 29.1-733.24. Rights of secured party.

A. Subject to subsection B or C, the effect of perfection and nonperfection of a security interest and the priority of a perfected or unperfected security interest with respect to the rights of a purchaser or creditor, including a lien creditor, is governed by Titles 8.1A through 8.10.

B. A security interest perfected under this article has priority over any statutory lien on the watercraft, except for a mechanics lien for repairs to the extent of $150 given by § 43-33 if the requirements are met, provided the mechanic furnishes the holder of any such recorded lien who requests it with an itemized sworn statement of the work done and materials supplied for which the lien is claimed.

C. If, while a security interest in a watercraft is perfected by any method under this article, the Department creates a certificate of title that does not indicate that the watercraft is subject to the security interest or contain a statement that it may be subject to security interests not indicated on the certificate:

1. A buyer of the watercraft, other than a person in the business of selling or leasing watercraft of that kind, takes free of the security interest if the buyer, acting in good faith and without knowledge of the security interest, gives value and receives possession of the watercraft; and

2. The security interest is subordinate to a conflicting security interest in the watercraft that is perfected under § 29.1-733.15 after creation of the certificate and without the conflicting secured party's knowledge of the security interest.

2013, c. 787.

§ 29.1-733.25. Acquiring title to an abandoned watercraft.

A. Any watercraft abandoned for a period exceeding 60 days is subject to the provisions of this section.

B. A landowner, his lessee, or his agent may acquire title to any watercraft abandoned on his land or the water immediately adjacent to his land. Acquisition of title, under the provisions of this section, divests any other person of any interest in the watercraft.

C. If a watercraft has a registration number assigned by the Commonwealth or any other state, or if there are other means of identifying the owner, the person desiring to acquire title shall make a good faith effort to secure the last-known address of all owners and lien holders. He shall notify each owner and lien holder by registered letter that if ownership is not claimed and the watercraft not removed within 30 days, he will apply for title to the watercraft in his name.

D. The person desiring to acquire title also shall place a notice, to appear for three consecutive issues, in a newspaper of general circulation in the county or city where the watercraft is located. The notice shall describe the watercraft, its location, and any identifying number or numbers. The notice shall state that if the watercraft is not claimed and removed within 30 days after the first day the notice was published, the person who has placed the notice shall apply to the Department for title to the watercraft.

E. At the end of the 30-day period, the person seeking to acquire the watercraft shall apply to the Department for title. The application shall be accompanied by the following: (i) an affidavit stating that to the best of the applicant's knowledge the watercraft has been abandoned for a period of at least 60 days; (ii) proof that the registered letter required by the Department was mailed at least 30 days prior

to application or a detailed explanation of the steps taken to identify the owner and lien holder; and (iii) proof that a notice was printed in a newspaper as required in subsection D.

F. Upon receipt by the Department of all items required by subsection E, and after all fees and taxes due have been paid, the Department shall then issue title to the watercraft to the applicant.

G. All costs incurred in obtaining title to a watercraft under this section shall be borne by the applicant.

2013, c. 787.

§ 29.1-733.26. Duties and operation of the Department.

A. The Department shall retain the evidence used to establish the accuracy of the information in its files relating to the current ownership of a watercraft and the information on the certificate of title.

B. The Department shall retain in its files all information regarding a security interest in a watercraft for at least 10 years after the Department receives a termination statement regarding the security interest. The information shall be accessible by the hull identification number for the watercraft and any other methods provided by the Department.

C. If a person submits a record to the Department, or submits information that is accepted by the Department, and requests an acknowledgment of the filing or submission, the Department shall send to the person an acknowledgment showing the hull identification number of the watercraft to which the record or submission relates, the information in the filed record or submission, and the date and time the record was received or the submission accepted. A request under this section shall contain the hull identification number and be delivered by means authorized by the Department.

D. The Department shall send or otherwise make available in a record the following information to any person that requests it and pays the applicable fee:

1. Whether the files of the Department indicate, as of a date and time specified by the Department, but not a date earlier than three days before the Department received the request, any certificate of title, security interest, termination statement, or title brand that relates to a watercraft:

a. Identified by a hull identification number designated in the request;

b. Identified by a registration number designated in the request; or

c. Owned by a person designated in the request;

2. With respect to the watercraft:

a. The name and address of any owner as indicated in the files of the Department or on the certificate of title;

b. The name and address of any secured party as indicated in the files of the Department or on the certificate, and the effective date of the information; and

c. A copy of any termination statement indicated in the files of the Department and the effective date of the termination statement; and

3. With respect to the watercraft, a copy of any certificate of origin, secured party transfer statement, transfer by law statement under § 29.1-733.20, and other evidence of previous or current transfers of ownership.

E. In responding to a request under this section, the Department shall provide the requested information in any medium. On request, the Department shall send the requested information in a record that is self-authenticating.

F. Employees of the Department are authorized to administer oaths and take acknowledgments and affidavits incidental to the administration and enforcement of this article. They shall receive no compensation for these services.

2013, c. 787.

§ 29.1-733.27. Uniformity of application and construction.

In applying and construing this uniform act, consideration shall be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

2013, c. 787.

§ 29.1-733.28. Relationship to Electronic Signatures in Global and National Commerce Act.

This article modifies, limits, and supersedes the federal Electronic Signatures in Global and National Commerce Act, 15 U.S.C. § 7001, et seq., but does not modify, limit, or supersede § 101(c) of that act (15 U.S.C. § 7001(c)), or authorize electronic delivery of any of the notices described in § 103(b) of that act (15 U.S.C. § 7003 (b)).

2013, c. 787.

§ 29.1-733.29. Savings clause.

A. The rights, duties, and interests flowing from a transaction, certificate of title, or record shall remain valid on and after July 1, 2014, if the transaction, certificate of title, or record:

1. Relates to a watercraft;

2. Was validly entered into or created before July 1, 2014; and

3. Would be subject to this article if it had been entered into or created on or after July 1, 2014.

B. This article does not affect an action or proceeding commenced before July 1, 2014.

C. Except as otherwise provided in subsection D, a security interest that is enforceable immediately before July 1, 2014, and would have priority over the rights of a person that becomes a lien creditor at that time is a perfected security interest under this article.

D. A security interest perfected immediately before July 1, 2014, remains perfected until the earlier of:

1. The time perfection would have ceased under the law under which the security interest was perfected; or

2. Three years after July 1, 2014.

E. This article does not affect the priority of a security interest in a watercraft if immediately before July 1, 2014, the security interest is enforceable and perfected, and that priority is established.

2013, c. 787.

Article 3 - BOATING SAFETY

§ 29.1-734. Authorization for and placing of markers in waters of the Commonwealth used for public swimming areas; no motorboating, waterskiing in marked area.

A. Any owner of real estate which touches any of the waters of this Commonwealth or the agent of the owner may petition the Board to authorize the placing of markers approved by the Board around a public swimming or bathing area.

B. The Department, upon receiving the petition and sufficient proof that the water adjacent to the real estate is used in whole or in part as a public swimming or bathing area, may authorize the placement of the markers to designate the area as a swimming or bathing area.

C. The cost of the purchase and placement of the markers shall be borne by the party requesting the placement of the markers.

D. No person shall operate a motorboat or manipulate skis within the area of the waters of the Commonwealth marked under this section. Persons violating this subsection shall be guilty of a Class 4 misdemeanor.

1964, c. 654, § 62-174.5:1; 1968, c. 659, § 62.1-171; 1983, c. 475; 1987, c. 488.

§ 29.1-734.1. Skin and scuba divers.

A. No person shall engage in skin diving or scuba diving from a boat in the waters of this Commonwealth which are open to boating, or assist in such diving, without displaying a diver's flag from a mast, buoy, or other structure at the place of diving; and no person shall display such flag except when diving operations are under way or in preparation or display a diver's flag in a location which will unreasonably obstruct vessels from making legitimate navigational use of the water.

B. The diver's flag shall be square, not less than twelve inches on a side, and shall be of red background with a diagonal white stripe, of a width equal to one fifth of the flag's height, running from the upper corner adjacent to the mast downward to the opposite outside corner.

C. No operator of a vessel under way in the waters of this Commonwealth shall permit such vessel to approach closer than twenty-five yards to any structure from which a diver's flag is then being displayed.

1987, c. 488.

§ 29.1-735. Regulations for vessel operation and equipment.

A. The Board shall adopt such regulations as it deems appropriate: (i) to provide rules for the safe and reasonable operation of vessels so as to reduce the risks of collision, personal injury and property damage as a result of such operation; and (ii) to govern the number, type, condition, performance

capabilities, use, and stowage on board, of lifesaving (personal flotation) devices and other safety equipment to be carried on vessels or classes of vessels operated on waters within the territorial limits of this Commonwealth.

B. The Board is hereby authorized to make regulations to the extent necessary to keep these requirements generally in conformity with the provisions of the federal navigation laws, or with the rules promulgated by the United States Coast Guard or the United States Secretary of Transportation.

C. No person shall operate or give permission for the operation of a vessel which is not equipped as required by Board regulations.

1984, c. 417, § 62.1-172.1; 1987, c. 488.

§ 29.1-735.1. Board authorized to promulgate regulations for seaplanes.

The Board may promulgate regulations governing the takeoff, landing and taxi of seaplanes on impoundments located in the inland waters of the Commonwealth, so as to reduce the risks of collision, personal injury and property damage as a result of such operation. Such regulations shall not be inconsistent with regulations of the Federal Aviation Administration. Conservation police officers shall report any alleged violations of federal or state regulations regarding the operation of seaplanes or aircraft to the appropriate federal authorities responsible for regulating the operation of seaplanes and aircraft.

1994, c. 414.

§ 29.1-735.2. Boating safety education required; Board to promulgate regulations.

A. No person shall operate a motorboat with a motor of 10 horsepower or greater or personal watercraft on the public waters of the Commonwealth, unless the operator has met the requirements for boating safety education in accordance with the age provisions established in subsection D.

B. A person shall be considered in compliance with the requirements for boating safety education if the person meets one of the following:

1. Completes and passes a boating safety course approved by the National Association of State Boating Law Administrators (NASBLA) and accepted by the Department;

2. Passes a proctored equivalency examination that tests the knowledge of information included in the curriculum of an approved course;

3. Possesses a valid license to operate a vessel issued to maritime personnel by the United States Coast Guard or a marine certificate issued by the Canadian government;

4. Possesses a state-approved nonrenewable temporary operator's certificate to operate a motorboat for 90 days that was issued with the certificate of number for the motorboat, if the boat is new or was sold with a transfer of ownership;

5. Possesses a rental or lease agreement from a motorboat rental or leasing business, which lists the person as the authorized operator of the motorboat;

6. Operates the motorboat under onboard direct supervision of a person who meets the requirements of this section;

7. Demonstrates that he is not a resident, is temporarily using the waters of Virginia for a period not to exceed 90 days, and meets any applicable boating safety education requirements of the state of residency, or possesses a Canadian Pleasure Craft Operator's Card;

8. Has assumed operation of the motorboat due to the illness or physical impairment of the initial operator, and is returning the motorboat to shore in order to provide assistance or care for the operator;

9. Is registered as a commercial fisherman pursuant to § 28.2-241 or a person who is under the onboard direct supervision of the commercial fisherman while operating the commercial fisherman's boat;

10. Provides documentation that he is serving or has qualified as a surface warfare officer or enlisted surface warfare specialist in the United States Navy; or

11. Provides documentation that he is serving or has qualified as an Officer of the Deck Underway, boat coxswain, boat officer, boat operator, watercraft operator, or Marine Deck Officer in any branch of the Armed Forces of the United States, United States Coast Guard, or Merchant Marine.

C. The Board shall promulgate regulations by July 1, 2008, to implement a boating safety education program for all motorboat and personal watercraft operators to meet boating safety education requirements.

D. Such regulations shall include provisions that phase-in the requirements for boating safety education according to the following:

1. Personal watercraft operators 20 years of age or younger to meet the requirements by July 1, 2009;

2. Personal watercraft operators 35 years of age or younger to meet the requirements by July 1, 2010;

3. Personal watercraft operators 50 years of age or younger to meet the requirements by July 1, 2011;

4. All personal watercraft operators, regardless of age, to meet the requirements by July 1, 2012;

5. Motorboat operators 20 years of age or younger to meet the requirements by July 1, 2011;

6. Motorboat operators 30 years of age or younger to meet the requirements by July 1, 2012;

7. Motorboat operators 40 years of age or younger to meet the requirements by July 1, 2013;

8. Motorboat operators 45 years of age or younger to meet the requirements by July 1, 2014;

9. Motorboat operators 50 years of age or younger to meet the requirements by July 1, 2015; and

10. All motorboat operators, regardless of age, to meet the requirements by July 1, 2016.

E. Such regulations may include, but not be limited to, provisions for compliance, statewide availability of NASBLA-approved courses including through the Internet, the issuance of certificates to document successful course completion, duplicate certificates, recordkeeping, requirements for course

providers, instructor certification, student name and address changes, equivalency exam criteria, provisions for an open-book test for classroom based courses, requirements for motorboat rental and leasing businesses, issuance of a temporary operator's certificate, and the establishment of fees (not to exceed the cost of giving such instruction for each person participating in and receiving the instruction) for boating safety courses and certificates.

F. The Board shall consult and coordinate with the boating public, professional organizations for recreational boating safety, and the boating retail, leasing, and dealer business community in the promulgation of such regulations.

G. The Department shall, by July 1, 2018, establish and thereafter shall maintain a database listing every person who, at any time prior to that date, has completed and passed a boating safety course pursuant to subdivision B 1. The database shall list each person's full name and date of birth and the date on which he passed the safety course, and it shall allow any person who completes and passes the course after July 1, 2018, to add his own information. The Department shall make the database available to law-enforcement officers and, to the extent possible or appropriate, shall maintain the confidentiality of information in the database.

H. Any person who operates a motorboat on the waters of the Commonwealth shall, upon the request of a law-enforcement officer, present to the officer evidence in physical or electronic form that he has complied with subsection B. The law-enforcement officer shall not issue a citation until he has checked the boating safety course passage database created pursuant to subsection G. The listing of the operator in such database shall constitute satisfactory evidence that he has complied with subsection B.

I. Any person who violates any provision of this section or any regulation promulgated hereunder shall be subject to a civil penalty of $100. All civil penalties assessed under this section shall be deposited in the Motorboat and Water Safety Fund of the Game Protection Fund and used as provided for in § 29.1-701.

J. The provisions of this section shall not apply to law-enforcement officers while they are engaged in the performance of their official duties.

2007, cc. 615, 732; 2013, c. 48; 2015, c. 160; 2017, c. 360.

§ 29.1-735.3. Regulation of parasail operators.

The Board shall promulgate regulations applicable to the commercial operations of parasail operators on waters of the Commonwealth. Such regulations shall take into consideration the operating standards and guidelines of the Professional Association of Parasail Operators.

2007, c. 625; 2020, c. 958.

§ 29.1-736. Boat rentals; equipment; safety course.

A. It shall be unlawful to rent a motorboat to any person unless the provisions of this chapter have been complied with. It shall be the duty of persons renting motorboats to equip them as required by this chapter.

B. It shall be unlawful for any person to regularly offer a boat or boats, other than a motorboat, for rent for use on the public waters of the Commonwealth unless such person provides, for the use of each passenger in the boat, a life preserver of the sort prescribed by the regulations of the Board.

C. It shall be unlawful for any person, without first successfully completing a basic boating safety education course approved by the Director, to rent a personal watercraft to another person.

1960, c. 500, § 62-174.8; 1962, c. 626; 1968, c. 659, § 62.1-174; 1987, c. 488; 1998, c. 515.

§ 29.1-737. Muffling devices.

The exhaust of every internal combustion engine used on any motorboat shall be effectively muffled by equipment so constructed and used as to muffle the noise of the exhaust in a reasonable manner. The muffling device shall exhaust at or below the water line or it shall be equipped with mechanical baffles. The use of cutouts is prohibited, except as approved by the Department or the U.S. Coast Guard.

1960, c. 500, § 62-174.9; 1968, c. 659, § 62.1-175; 1987, c. 488; 1997, c. 108.

§ 29.1-738. Operating boat or manipulating water skis, etc., in reckless manner or while intoxicated, etc.

A. No person shall operate any motorboat or vessel, or manipulate any skis, surfboard, or similar device, or engage in any spearfishing while skin diving or scuba diving in a reckless manner so as to endanger the life, limb, or property of any person.

B. No person shall operate any watercraft, as defined in § 29.1-733.2, or motorboat which is underway (i) while such person has a blood alcohol concentration at or greater than the blood alcohol concentration at which it is unlawful to drive or operate a motor vehicle as provided in § 18.2-266 as indicated by a chemical test administered in accordance with § 29.1-738.2, (ii) while such person is under the influence of alcohol, (iii) while such person is under the influence of any narcotic drug or any other self-administered intoxicant or drug of whatsoever nature, or any combination of such drugs, to a degree which impairs his ability to operate the watercraft or motorboat safely, (iv) while such person is under the combined influence of alcohol and any drug or drugs to a degree which impairs his ability to operate the watercraft or motorboat safely, or (v) while such person has a blood concentration of any of the following substances at a level that is equal to or greater than (a) 0.02 milligrams of cocaine per liter of blood, (b) 0.1 milligrams of methamphetamine per liter of blood, (c) 0.01 milligrams of phencyclidine per liter of blood, or (d) 0.1 milligrams of 3,4-methylenedioxymethamphetamine per liter of blood.

C. For purposes of this article, the word "operate" includes being in actual physical control of a watercraft or motorboat and "underway" means that a vessel is not at anchor, or made fast to the shore, or aground.

Any person who violates any provision of this section is guilty of a Class 1 misdemeanor.

1960, c. 500, § 62-174.10; 1962, c. 626; 1968, c. 659, § 62.1-176; 1987, c. 488; 1988, c. 176; 1989, c. 726; 1994, c. 587; 1996, cc. 929, 1015; 1997, c. 703; 2005, c. 616; 2013, c. 787.

§ 29.1-738.01. Operating boat in an improper manner; penalty.

Notwithstanding the provisions of § 29.1-738, upon the trial of any person charged with reckless boating where the degree of culpability is slight, the court in its discretion may find the accused not guilty of reckless boating but guilty of improper boating. Improper boating shall be punishable as a Class 3 misdemeanor.

1991, c. 404.

§ 29.1-738.02. Persons under age twenty-one operating watercraft after illegally consuming alcohol; penalty.

A. It shall be unlawful for any person under the age of twenty-one to operate any watercraft or motorboat upon the waters of the Commonwealth after consuming alcohol. Any such person with a blood alcohol concentration of 0.02 percent or more by weight by volume or 0.02 grams or more per 210 liters of breath but less than 0.08 by weight by volume or less than 0.08 grams per 210 liters of breath as indicated by a chemical test administered as provided in Article 2 (§ 18.2-266 et seq.) of Chapter 7 of Title 18.2 shall be in violation of this section.

B. A violation of this section shall be punishable by denial by the court of such person's privilege to operate a watercraft or motorboat for a period of six months from the date of conviction and by a fine of not more than $500. Any person convicted of a violation of this section shall be eligible to attend an Alcohol Safety Action Program under the provisions of § 29.1-738.5.

1996, c. 631.

§ 29.1-738.03. Reckless operation of a personal watercraft.

A person shall be guilty of reckless operation of a motorboat or vessel who operates any personal watercraft recklessly or at a speed or in such a manner so as to endanger the life, limb or property of any person, which shall include, but not be limited to:

1. Weaving through vessels which are underway, stopped, moored or at anchor while exceeding a reasonable speed under the circumstances and traffic conditions existing at the time;

2. Following another vessel or person on water skis or other similar device, crossing the path of another vessel, or jumping the wake of another vessel more closely than is reasonable and prudent, having due regard to the speed of both vessels and the traffic on and the condition of the waters at the time;

3. Crossing between the towing vessel and a person on water skis or other device; or

4. Steering toward an object or person and turning sharply in close proximity to such object or person in order to spray or attempt to spray the object or person with the wash or jet spray of the personal watercraft.

A person who violates this section shall be guilty of a Class 1 misdemeanor, and for a second or subsequent offense, the court shall order the person not to operate a personal watercraft which is underway upon the waters of the Commonwealth for a period of twelve months.

1998, c. 514.

§ 29.1-738.1. Analysis of breath to determine alcohol content of blood.

Any person who is suspected of a violation of subsection B of § 29.1-738 or § 29.1-738.02 shall be entitled, if such equipment is available, to have a preliminary breath analysis for the purpose of obtaining an analysis of the probable alcohol content of his blood. The procedures and requirements of § 18.2-267 shall apply, mutatis mutandis.

1989, c. 726; 1996, c. 631.

§ 29.1-738.2. Consent to blood or breath test.

A. Any person who operates a watercraft or motorboat which is underway upon waters of the Commonwealth shall be deemed thereby, as a condition of such operation, to have consented to have samples of his blood, breath, or both blood and breath taken for a chemical test to determine the alcohol, drug, or both alcohol and drug content of his blood, if such person is arrested for operating a watercraft or motorboat which is underway in violation of subsection B of § 29.1-738, § 29.1-738.02, or of a similar ordinance of any county, city or town, within three hours of the alleged offense. Any person so arrested for a violation of clause (i) or (ii), or both, of subsection B of § 29.1-738, § 29.1-738.02, or of a similar ordinance, shall submit to a breath test. If the breath test is not available, or the person is physically unable to submit to the breath test, a blood test shall be given. The accused shall, prior to administration of the test, be advised by the person administering the test that he has the right to observe the process of analysis and to see the blood-alcohol reading on the equipment used to perform the breath test. If such equipment automatically produces a written printout of the breath test result, this written printout, or a copy thereof, shall be given to the accused in each case.

B. Any person, after having been arrested for a violation of clause (iii), (iv), or (v) of subsection B of § 29.1-738, § 29.1-738.02, or of a similar ordinance, may be required to submit to a blood test to determine the drug or both drug and alcohol content of his blood. When a person, after having been arrested for a violation of clause (i) or (ii), or both, of subsection B of § 29.1-738, submits to a breath test, in accordance with subsection A of this section, or refuses to take or is incapable of taking such a breath test, he may be required to submit to tests to determine the drug or both drug and alcohol content of his blood if the law-enforcement officer has reasonable cause to believe the person was operating a watercraft or motorboat under the influence of any drug or combination of drugs, or the combined influence of alcohol and drugs.

C. If a person, after being arrested for a violation of subsection B of § 29.1-738, § 29.1-738.02, or of a similar ordinance of any county, city or town and after having been advised by the arresting officer that a person who operates a watercraft or motorboat which is underway upon the waters of the Commonwealth shall be deemed thereby, as a condition of such operation, to have consented to have a

sample of his blood and breath taken for a chemical test to determine the alcohol or drug content of his blood, and that the unreasonable refusal to do so constitutes grounds for a court to order him not to operate a watercraft or motorboat which is underway upon the waters of the Commonwealth, then refuses to permit the taking of a sample of his blood or breath or both blood and breath samples for such tests, the arresting officer shall take the person arrested before a committing magistrate. If the person is unable to be taken before a magistrate because the person is taken to a medical facility for treatment or evaluation of his medical condition, the arresting officer at a medical facility, in the presence of a witness other than a law-enforcement officer, shall again advise the person, at the medical facility, of the law requiring blood or breath samples to be taken and the penalty for refusal. If he again so refuses after having been further advised by such magistrate or by the arresting officer at a medical facility of the law requiring a blood or breath sample to be taken and the penalty for refusal, and so declares again his refusal in writing upon a form provided by the Supreme Court of Virginia, or refuses or fails to so declare in writing and such fact is certified as prescribed in § 18.2-268.3, then no blood or breath sample shall be taken even though he may thereafter request same.

D. When any person is arrested for operating a watercraft or motorboat which is underway in violation of subsection B of § 29.1-738 or § 29.1-738.02, the procedures and requirements of §§ 18.2-268.1 through 18.2-268.11 shall apply, mutatis mutandis, to this section.

E. If the court or jury finds the defendant guilty of unreasonably refusing to permit a blood or breath sample to be taken, the court shall order such person not to operate a watercraft or motorboat which is underway for a period of 12 months for a first offense and for 24 months for a second or subsequent offense of refusal within five years of the first or other such refusal. However, if the defendant pleads guilty to a violation of subsection B of § 29.1-738, the court may dismiss the refusal warrant.

1989, c. 726; 1990, cc. 825, 929; 1992, c. 830; 1995, c. 130; 1996, c. 631; 2001, c. 779; 2005, c. 616; 2007, c. 168.

§ 29.1-738.3. Presumptions from alcohol or drug content.

In any prosecution for operating a watercraft or motorboat that is underway in violation of clause (ii), (iii), or (iv) of subsection B of § 29.1-738, or of a similar ordinance of any county, city or town, the amount of alcohol or drugs in the blood of the accused at the time of the alleged offense as indicated by a chemical analysis of a sample of the accused's blood or breath to determine the alcohol or drug content of his blood (i) in accordance with the provisions of § 29.1-738.2 or (ii) performed by the Department of Forensic Science in accordance with the provisions of §§ 18.2-268.5, 18.2-268.6, and 18.2-268.7 on the suspect's whole blood drawn pursuant to a search warrant shall give rise to the rebuttable presumptions of subdivisions A 1 through 4 of § 18.2-269.

1989, c. 726; 1995, c. 130; 2005, c. 616; 2017, c. 623.

§ 29.1-738.4. Additional penalty for reckless or intoxicated operation of a watercraft or motorboat.

In addition to any other penalties authorized by law, upon conviction of any person for violation of any provision of § 29.1-738, the court shall order such person not to operate a watercraft or motorboat

which is underway upon the waters of the Commonwealth for a period of twelve months from the date of a first conviction or for a period of three years from the date of a second or subsequent conviction within ten years of a first conviction. The period specified in any such order prohibiting operation of a watercraft or motorboat which is underway imposed pursuant to this section shall run consecutively with any such order imposed for refusal to permit a blood or breath sample to be taken.

A first offense of violating this section shall constitute a Class 2 misdemeanor. A second or subsequent offense shall constitute a Class 1 misdemeanor. In addition, the court shall suspend the person's privilege to operate a motorboat or watercraft for the same period for which it had been suspended or revoked when such person violated this section.

The period specified in any such order prohibiting operation of a watercraft or motorboat which is underway imposed pursuant to this section may be suspended by the court only as authorized in § 29.1-738.5.

1989, c. 726; 1996, cc. 929, 1015.

§ 29.1-738.5. Participation in rehabilitation program.

A. Any person convicted of a violation of subsection B of § 29.1-738, or any ordinance of a county, city or town similar to the provisions thereof, or any second offense thereunder, shall, with leave of court or upon court order, enter into an alcohol safety action program certified by the Commission on the Virginia Alcohol Safety Action Program (VASAP) in the judicial district in which the charge is brought or in any other judicial district upon such terms and conditions as the court may set forth. In the determination of the eligibility of such person to enter a program, the court shall consider his prior record of participation in any other rehabilitation program. Suspension of the penalties imposed pursuant to § 29.1-738.4 shall be conditioned upon successful completion of such a program.

B. The court shall require the person entering such program under the provisions of subsection A to pay a fee of no less than $250 but no more than $300. A reasonable portion of such fee, as may be determined by the Commission on VASAP, but not to exceed ten percent, shall be forwarded quarterly to be deposited with the State Treasurer for expenditure by the Commission on VASAP, and the balance shall be held in a separate fund for local administration of alcohol rehabilitation programs. Upon a finding that the defendant is indigent, the court may reduce or waive the fee. In addition to the costs of the proceeding, fees as may reasonably be required of defendants referred for extended treatment under such program may be charged.

C. Upon such conviction, the court shall impose the sentence authorized. Upon a finding that a person so convicted is eligible for participation in an alcohol rehabilitation program, the court shall enter the conviction on the warrant, and shall note that the person so convicted has been referred to a program. If the court finds that a person is not eligible for a program or subsequently that the person has violated, without good cause, any of the conditions set forth by the court in entering the program, the court shall dispose of the case as if no program had been entered. Appeals from any such disposition shall be allowed as provided by law.

The court shall have jurisdiction over any person entering a program under the provisions of this section until such time as the case has been disposed of by either successful completion of the program, or final imposition of sentence upon ineligibility or violation of a condition imposed by the court, whichever occurs first.

D. The Commission on VASAP shall establish standards and criteria for the implementation and operation of water safety alcohol rehabilitation programs. The Commission on VASAP shall also establish criteria for the modalities of administration of such programs, as well as public information, accounting procedures and allocation of funds.

1989, c. 726.

§ 29.1-738.6. When arrested person operating a vessel; how vessel removed from scene of arrest.
In any case in which a law-enforcement officer arrests the operator of a vessel, and there is no legal cause for the retention of the vessel by the officer, the officer shall allow the person arrested to designate another person who is present at the scene of the arrest to operate the vessel from the scene to a place designated by the person arrested. If such a designation is not made, the officer may cause the vessel to be taken to the nearest appropriate place for safekeeping.

1997, c. 152.

§ 29.1-739. Duty of operator involved in collision, accident or other casualty; immunity from liability; report of collision, etc.; summons in lieu of arrest.
A. It shall be the duty of the operator of a vessel involved in a collision, accident, or other casualty, so far as he can do so without serious danger to his own vessel, crew, and passengers (if any), to render persons affected by the collision, accident, or other casualty such assistance as may be practicable and as may be necessary in order to minimize any danger caused by the collision, accident, or other casualty, and also give his name, address, and identification of his vessel in writing to any person injured and to the owner of any property damaged in the collision, accident, or other casualty. Any person who complies with this subsection or who gratuitously and in good faith renders assistance at the scene of a vessel collision, accident, or other casualty without objection of any person assisted, shall not be held liable for any civil damages as a result of the rendering of assistance or for any act or omission in providing or arranging salvage, towage, medical treatment or other assistance where the assisting person acts as an ordinary, reasonably prudent person would have acted under the same or similar circumstances.

B. In case of collision, accident, or other casualty involving a vessel, the operator of the vessel, if the collision, accident, or other casualty is of such a nature as to be reportable pursuant to regulations adopted by the Board, shall notify within a reasonable time a law-enforcement officer of the Commonwealth, conservation police officer, or Marine Resources Commission inspector.

The operator shall file with the Department a full report of the collision, accident, or other casualty, as the regulations of the Board may require. The report shall be without prejudice, shall be for the information of the Department only, and shall not be open to public inspection. The fact that such a report

has been made shall be admissible in evidence solely to show compliance with this section and applicable regulations, but no such report nor any statement contained in the report shall be admissible as evidence for any other purpose in any trial.

C. Any officer investigating any collision, accident or other casualty shall have authority, in lieu of arresting any person charged with violating any of the provisions of this chapter, to issue a written summons to the person (stating name, address, boat number, offense charged, etc.) to appear in court as in § 46.2-936.

1960, c. 500, § 62-174.11; 1962, c. 626; 1968, c. 659, § 62.1-177; 1972, c. 412; 1973, c. 381; 1987, c. 488; 1991, c. 336; 2007, c. 87.

§ 29.1-739.1. Disregarding signal by law-enforcement officer to stop; attempts to elude; penalty.
A. Any person who, having received a visible or audible signal of a flashing light or siren from any conservation police officer or other law-enforcement officer to bring his motorboat or other vessel, or seaplane to a stop, fails to do so promptly shall be guilty of a Class 3 misdemeanor.

B. Any person who, having received a visible or audible signal of a flashing light or siren from any conservation police officer or other law-enforcement officer to bring his motorboat or other vessel, or seaplane to a stop, (i) operates or navigates such motorboat or other vessel, or seaplane in willful or wanton disregard of such signal so as to endanger the life of the law-enforcement officer or other persons or to interfere with the operation of a law-enforcement vessel, or (ii) increases his speed and attempts to escape or elude a law-enforcement officer shall be guilty of a Class 1 misdemeanor.

1993, c. 243; 1994, c. 414; 2007, c. 87.

§ 29.1-739.2. Conservation police officers to patrol lakes.
The Department shall have an enhanced enforcement effort that is commensurate with the level of boating activity from Memorial Day through Labor Day in the waters of those Virginia lakes that (i) are of a size comparable to or greater than Smith Mountain Lake and (ii) have a comparable number of reported boating accidents during the last five years as Smith Mountain Lake.

2005, c. 233; 2007, c. 87; 2008, c. 535.

§ 29.1-740. Duty to stop and render assistance; penalties for violations.
It shall be the duty of every operator of a vessel involved in a collision to stop and render assistance as required by § 29.1-739. If any person knowingly fails to comply with the provisions of § 29.1-739 when the collision, accident or other casualty results in serious bodily injury to, or the death of, any person, he shall be guilty of a Class 6 felony. If any person knowingly fails to comply with the provisions of § 29.1-739, when the collision, accident or other casualty results only in damage to property, he shall be guilty of a Class 1 misdemeanor. However, if the vessel struck is unattended and the damage is less than fifty dollars, such person shall be punished only by a fine not exceeding fifty dollars.

1975, c. 429, § 62.1-177.1; 1987, c. 488.

§ 29.1-741. Furnishing information to agency of United States.

In accordance with any request duly made by an authorized official or agency of the United States, any information compiled or otherwise available to the Department pursuant to subsection B of § 29.1-739 shall be transmitted to the official or agency of the United States.

1960, c. 500, § 62-174.12; 1968, c. 659, § 62.1-178; 1987, c. 488.

§ 29.1-742. Towing water skis, surfboards, etc.

A. No person shall operate a vessel on any waters of the Commonwealth for towing a person or persons on water skis, a surfboard, or a similar device unless there is in the vessel a person, in addition to the operator, in a position to observe the progress of the person or persons being towed or unless the skier or skiers wear life preservers.

B. No person shall operate a vessel on any water of the Commonwealth towing a person or persons on water skis, a surfboard, or a similar device, nor shall any person engage in water skiing or a similar activity at any time between the hours from one-half hour after sunset to one-half hour before sunrise. The provisions of this subsection shall not constitute a defense to any provision of § 29.1-738.

C. The provisions of subsections A and B of this section do not apply to a performer engaged in a professional exhibition.

D. No person shall operate or manipulate any vessel, towrope, or other device by which the direction or location of water skis, a surfboard, or a similar device may be affected or controlled in such a way as to cause the water skis, surfboard, or similar device, or any person upon the device to collide with any object or person.

1960, c. 500, § 62-174.13; 1962, c. 626; 1968, c. 659, § 62.1-179; 1982, c. 236; 1987, c. 488; 1988, c. 265; 1993, c. 275; 1997, c. 108.

§ 29.1-743. Repealed.

Repealed by Acts 1997, c. 108.

§ 29.1-744. Local regulation; application for placement or removal of "no wake" buoys, etc.

A. Any political subdivision of this Commonwealth may, at any time, but only after public notice, formally apply to the Board for special rules and regulations with reference to the safe and reasonable operation of vessels on any water within its territorial limits and shall specify in the application the reasons which make the special rules or regulations necessary or appropriate.

B. The Board is authorized upon application by a political subdivision or its own motion to make special or general rules and regulations with reference to the safe and reasonable operation of vessels on any waters within the territorial limits of any political subdivision of this Commonwealth. Without limiting the generality of the grant of such power, a system of regulatory or navigational markers may be adopted by the Board. Nothing in this section shall be construed to affect the application of any general law concerning the tidal waters of this Commonwealth.

C. Any county, city or town of this Commonwealth may enact ordinances which parallel general law regulating the operation of vessels on any waters within its territorial limits, including the marginal

adjacent ocean, and the conduct and activity of any person using such waters. The locality may also provide for enforcement and penalties for the violation of the ordinances, provided the penalties do not exceed the penalties provided in this chapter for similar offenses.

D. After notice to the Department, any county, city or town may, by ordinance, establish "no wake" zones along the waterways within the locality in order to protect public safety and prevent erosion damage to adjacent property. However, any county that is adjacent to an inland lake (i) more than 500 feet above sea level and (ii) of 20,000 acres or more and wholly located within the Commonwealth may, by ordinance, establish "no wake" zones along such lake within the locality in order to protect public safety or prevent erosion damage to adjacent property. The markers and buoys designating a no wake zone shall conform to the requirements established by the Board. Any marker or buoy which is not placed in conformance with the regulations of the Board or which is not properly maintained shall be removed by the locality. The locality may provide for enforcement and penalties for the violation of the ordinance.

E. Any person who desires to place or remove "no wake" buoys or other markers relating to the safe and efficient operation of vessels pursuant to any local ordinance shall apply to the local governing body. The local governing body shall approve, disapprove or approve with modifications the application and forward it to the Director, who shall approve, disapprove or approve with modifications within thirty days the placement and type of marker to be used or the removal of "no wake" buoys or other markers. The cost of the purchase and placement or the removal of the buoys or markers shall be borne by the person requesting the placement or removal of the buoys or markers. Any marker or buoy which is not placed in conformance with the regulations of the Board or which is not properly maintained may be removed by the Department. "No wake" buoys or other markers placed prior to July 1, 2001, shall only be removed when no longer required for the safe and efficient operation of vessels pursuant to any local ordinance.

1960, c. 500, § 62-174.15; 1964, cc. 346, 654; 1968, c. 659, § 62.1-182; 1978, c. 598; 1982, c. 232; 1987, c. 488; 1997, c. 522; 1999, c. 489; 2001, c. 649.

§ 29.1-744.1. Repealed.

Repealed by Acts 1998, c. 537, effective January 1, 1999.

§ 29.1-744.2. Repealed.

Repealed by Acts 1998, c. 857, effective January 1, 1999.

§ 29.1-744.3. Slacken speed and control wakes near structures.

It shall be unlawful to operate any motorboat, except a personal watercraft, at a speed greater than the slowest possible speed required to maintain steerage and headway when within 50 feet or less of docks, piers, boathouses, boat ramps, or a person in the water, unless such person in the water (i) is being towed by the motorboat or (ii) is accompanying the motorboat, provided that such motorboat is propelled by an inboard motor or a means of propulsion that is below the water line and forward of (a) the transom or (b) an integrated swim platform.

1998, c. 857; 2012, c. 700; 2018, cc. 117, 637.

§ 29.1-744.4. "Pass-through" zones; local ordinances; penalties.

After providing notice to the Department, any locality may, by ordinance, establish "pass-through" zones in any portion of a waterway within its territorial limits where congestion of watercraft traffic routinely poses a significant safety risk to persons in such designated area. The ordinance shall provide that while in a pass-through zone, operators of watercraft shall maintain a reasonable and safe speed and shall be prohibited from stopping, anchoring, loitering, or otherwise engaging in recreational activity. The locality shall clearly identify pass-through zones by buoys or other markers that conform to the general requirements as established by the Board for similar buoys or markers. The locality may provide for enforcement and penalties, not to exceed a Class 4 misdemeanor, for the violation of the ordinance.

2003, c. 780.

§ 29.1-745. Enforcement of chapter; vessels displaying Coast Guard inspection decal.

A. Every conservation police officer, officer of the Virginia Marine Police, and other law-enforcement officer of the Commonwealth and its subdivisions shall have the authority to enforce the provisions of this chapter and shall have authority to stop, board, and inspect any vessel subject to this chapter after having identified himself in his official capacity. Except for enforcement of § 29.1-738 and the requirement of having the registration certificate on board, the provisions of this subsection shall not apply to any vessel of 26 feet or more in length on which is displayed a current valid United States Coast Guard or United States Coast Guard Auxiliary inspection decal.

B. Notwithstanding the provisions of subsection A, no conservation police officer, officer of the Virginia Marine Police, or other law-enforcement officer shall, without the consent of the owner, stop, board, or inspect any noncommercial vessel subject to this chapter unless such officer has reasonable suspicion that a violation of law or regulation exists, except that conservation police officers and officers of the Virginia Marine Police may conduct lawful stops or boardings to inspect hunting, fishing, and trapping licenses pursuant to §§ 28.2-231 and 29.1-337 or to inspect creel and bag limits pursuant to § 29.1-209 and may conduct lawful boating safety checkpoints in accordance with established agency policy.

1960, c. 500, § 62-174.17; 1964, c. 654; 1968, c. 659, § 62.1-184; 1980, c. 567; 1987, c. 488; 2007, c. 87; 2015, c. 484.

§ 29.1-746. Penalties.

A. Unless specified otherwise, any person who violates any provision of this chapter or any regulation adopted under this chapter shall be guilty of a Class 4 misdemeanor for each such violation.

B. Upon the conviction of any person for the violation of any provision of this chapter or any regulation adopted thereunder for which the criminal penalty is a Class 3 misdemeanor or greater, the court shall order the person to complete and pass a boating safety course approved by the National Association of State Boating Law Administrators and accepted by the Department. A list of such courses shall be

made available by the Department. Any person who has been ordered by the court to complete and pass a boating safety course shall submit to the court, in a form approved by the Department, proof of completion and passage of the course within six months of the time of his conviction. If the person who has been required to complete and pass a boating safety course is under 18 years of age, the court may require the person to obtain parental consent to enroll in the course. If the person does not complete and pass the boating safety course within the prescribed time period, the court may, for good cause, extend the period for completion; however, absent good cause, the court shall impose a fine not to exceed $250.

1960, c. 500, § 62-174.18; 1962, c. 626; 1964, c. 654; 1968, c. 659, § 62.1-185; 1984, c. 417; 1987, c. 488; 2006, c. 23.

Article 4 - PERSONAL WATERCRAFT

§ 29.1-747. Repealed.

Repealed by Acts 1998, cc. 84 and 563, and repealed by Acts 1998, cc. 443, 512, 514, 515, 537, effective January 1, 1999.

§ 29.1-748. Restrictions on operation; penalty.

A. It is unlawful for any person to:

1. Operate a personal watercraft unless he is at least sixteen years of age, except any person fourteen or fifteen years of age shall be allowed to operate a personal watercraft if he (i) has successfully completed a boating safety education course approved by the Director and (ii) carries on his person, while operating a personal watercraft, proof of successful completion of such course. Upon the request of a law-enforcement officer, such person shall provide proof of having successfully completed an approved course;

2. Operate a personal watercraft unless he has complied with the provisions of § 29.1-735.2, regarding board regulations for boating safety education;

3. Operate a personal watercraft unless each person riding on the personal watercraft is wearing a type I, type II, type III, or type V personal flotation device approved by the United States Coast Guard;

4. Fail to attach the lanyard to his person, clothing, or personal flotation device, if the personal watercraft is equipped with a lanyard-type engine cut-off switch;

5. Operate a personal watercraft on the waters of the Commonwealth between sunset and sunrise;

6. Operate a personal watercraft while carrying a number of passengers in excess of the number for which the craft was designed by the manufacturer; or

7. Operate a personal watercraft in excess of the slowest possible speed required to maintain steerage and headway within fifty feet of docks, piers, boathouses, boat ramps, people in the water, and vessels other than personal watercraft. Nothing in this section shall prohibit a personal watercraft from towing a person with a rope less than fifty feet in length.

B. A violation of any provision of this section shall constitute a Class 4 misdemeanor, except that any person who violates subdivision A 2 shall be subject to the penalty provided in § 29.1-735.2.

C. A violation of this section shall not constitute negligence, be considered in mitigation of damages of whatever nature, be admissible in evidence or be the subject of comment by counsel in any action for the recovery of damages arising out of the operation, ownership, or maintenance of a personal watercraft, nor shall anything in this section change any existing law, rule, or procedure pertaining to any such civil action, nor shall this section bar any claim which otherwise exists.

1991, c. 320; 1998, cc. 443, 537; 2007, cc. 615, 732.

§ 29.1-748.1. Local ordinances; operation on lakes; minimum distance from shoreline; penalty.

A. Any locality in Planning District 23 may, by ordinance, prohibit the operation of a personal watercraft on a public lake measuring less than 50 acres in extent. Such ordinance shall provide that a violation of the prohibition constitutes a Class 4 misdemeanor. Any violation of such an ordinance shall be subject to the provisions of subsection C of § 29.1-748.

B. The City of Virginia Beach may, by ordinance, regulate in any portion of a waterway located solely within its territorial limits, the minimum distance that personal watercraft may be operated from the shoreline in excess of the slowest possible speed required to maintain steerage and headway. Such ordinance shall provide for distances of 100 feet from the shoreline and 200 feet from swimmers in ocean waters, and shall provide for local enforcement and penalties not exceeding those applicable to Class 4 misdemeanors. Nothing in this subsection prohibits access to and from waters where operation is not otherwise restricted.

2003, c. 117; 2007, c. 813; 2018, c. 426.

§ 29.1-749. Owner of personal watercraft permitting violation; penalty.

A. It shall be unlawful for the owner of or any person having control of a personal watercraft to authorize or knowingly permit a person under the age of sixteen to operate the personal watercraft, unless the person fourteen or fifteen years of age has successfully completed a boating safety education course as required under subdivision A 1 of § 29.1-748.

B. A violation of any provision of this section shall constitute a Class 4 misdemeanor.

1991, c. 320; 1998, c. 443.

§ 29.1-749.1. Identification of personal watercraft rentals.

Every business located in a city with a population greater than 390,000 that provides personal watercraft for rent shall place the letter "R," at least eleven inches in height and eight and one-half inches in width, on both sides of each personal watercraft rental, in either red or black, whichever color represents the clearest contrast from the basic color of the rental unit.

1998, c. 84.

§ 29.1-749.2. Local regulation of personal watercraft rentals; penalty.

A. The City of Virginia Beach may by ordinance regulate personal watercraft as provided in this section. Any ordinance enacted pursuant to this section may include any of the following provisions:

1. Any business which offers personal watercraft for rent shall (i) require any person to whom a personal watercraft is rented to present, prior to such rental, a government-issued identification card containing his photograph and (ii) retain such identification card, or a copy thereof, during the time the personal watercraft is being rented.

2. No person who rents or leases a personal watercraft shall knowingly misrepresent any material fact or falsify any information requested on the rental agreement or application.

3. Any business which offers personal watercraft for hourly short-term rental shall have at least one motorboat of at least fifty horsepower operated by an employee or agent of the business, in order to monitor and ensure the safe operation of the personal watercraft.

4. No business which offers personal watercraft for rent shall rent a personal watercraft that has an engine displacement which exceeds 800 cubic centimeters.

5. Any business which offers personal watercraft for rent shall have at least two marine VHF radios in operation during the time that a personal watercraft rental is being operated. The radios shall monitor channel 16 whenever they are not being actively used on a working channel.

B. Any locality may by ordinance establish standards for insurance coverage for any business which offers personal watercraft for rent.

C. Any ordinance adopted by a locality pursuant to this section may provide for a penalty for violation of the ordinance not to exceed the penalty applicable to a Class 3 misdemeanor.

1998, c. 563; 1999, c. 536; 2007, c. 813.

§ 29.1-749.3. Personal watercraft instruction; rental agents.

Any person who is in the business of renting personal watercraft to the public shall provide to any person who rents a personal watercraft instruction on the laws of the Commonwealth governing motorboat operation, specific operating requirements of the personal watercraft being rented, motorboat safety equipment requirements, requirements in the case of a reportable accident, and such other information as the Director may require. The content and methods of instruction shall be approved by the Director.

Any attorney for the county, city or town in which an alleged violation of this section occurred may enforce this section by a civil action to recover a civil penalty not to exceed $250. The civil penalty shall be paid into the local treasury. No filing fee or other fee or cost shall be charged to the county, city or town which instituted the action.

The fact of a violation of this section shall not constitute negligence per se, be considered in mitigation of damages of whatever nature, be admissible in evidence or be the subject of comment by counsel in any action for the recovery of damages arising out of the operation, ownership or maintenance of a

personal watercraft. This section shall not change any existing law, rule or procedure pertaining to any such civil action, nor shall this section bar any claim which otherwise exists.

1998, c. 512.

§ 29.1-750. Exemptions.

The provisions of this article shall not apply to participants in regattas, races, marine parades, tournaments, or exhibitions approved by the Board or United States Coast Guard.

1991, c. 320.

Chapter 8 - Watercraft Dealer Licensing Act

Article 1 - GENERAL PROVISIONS

§ 29.1-800. Short title.

The short title of this chapter is "Virginia Watercraft Dealer Licensing Act."

1988, c. 592.

§ 29.1-801. Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Used watercraft" means any watercraft other than a new watercraft as defined in this section.

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

"Watercraft" means the same as that term is defined in § 29.1-733.2 except that (i) United States naval watercraft, (ii) watercraft that have a valid marine document issued by the United States Coast Guard other than recreational watercraft under 70 feet in length, and (iii) watercraft documented outside the United States are not included in such definition for purposes of this chapter.

"Watercraft dealer" means any person that:

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

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

3. Sells, offers to sell, displays, or permits the display for sale of two or more watercraft within any 12 consecutive months.

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

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

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

3. Persons, other than corporations or other business entities primarily engaged in the leasing or renting of watercraft to others, (i) when selling or offering such watercraft for sale at retail or (ii) disposing of watercraft acquired for their own use and actually so used, when the same shall have been so acquired and used in good faith and not for the purpose of avoiding the provisions of this chapter;

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

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

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

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

"Watercraft demonstrator" means any person who is employed or contracted by a watercraft dealer to demonstrate watercraft to prospective buyers.

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

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

1988, c. 592; 1989, c. 140; 1997, c. 801; 1998, c. 515; 2013, c. 787; 2020, c. 958.

§ 29.1-802. General powers of Board.

The Board shall promote the interest of the retail buyers of watercraft.

The Board may prevent unfair methods of competition and unfair or deceptive acts or practices.

1988, c. 592.

§ 29.1-803. Powers with respect to hearings, legal proceedings, witnesses, etc.

The Director may, in hearings arising under this chapter, determine the place in the Commonwealth where they shall be held; subpoena witnesses; take depositions of witnesses residing without the Commonwealth in the manner provided for in civil actions in courts of record; pay such witnesses the fees and mileage for their attendance as is provided for witnesses in civil actions in courts of record; and administer oaths.

1988, c. 592.

§ 29.1-804. Suit to enjoin violations.

The Director may, whenever he shall believe from evidence submitted to him that any person has been or is violating any provision of this chapter, in addition to any other remedy, bring action in the name of the Commonwealth against such person and any other persons concerned or in any other way participating in, or about to participate in, practices or acts so in violation, to enjoin such person and such other persons from continuing the same.

1988, c. 592.

§ 29.1-805. Regulations.

The Board may make such regulations requiring persons licensed under this chapter to keep and maintain records reasonably required for the enforcement of this chapter, and such other regulations, not inconsistent with the provisions of this chapter, as it shall deem necessary or proper for the effective administration and enforcement of this chapter. A copy of such regulations shall be mailed to each watercraft dealer licensee not less than ten days prior to the effective date of such regulations.

1988, c. 592.

§ 29.1-806. Examination or audit of licensee; complaints; costs.

A. The Director may inspect the pertinent books, records, letters and contracts of a licensee relating to any written complaint for a violation of this chapter made to him against such licensee. If such licensee is found to have violated this chapter or any lawful order of the Director, the actual cost of such examination shall be paid by such licensee so examined within thirty days after demand therefor by the Director. The Director may maintain an action for the recovery of such costs in any court of competent jurisdiction.

B. No licensee shall be subject to examination or audit by the Director except as provided in this section.

1988, c. 592.

§ 29.1-807. Penalties.

Any person violating any of the provisions of this chapter shall be guilty of a Class 3 misdemeanor.

1988, c. 592.

Article 2 - APPLICATION, ISSUANCE, FEES, RENEWAL, REVOCATION

§ 29.1-808. Licenses required.

It is unlawful for any person to engage in business in this Commonwealth as a new watercraft dealer, used watercraft dealer, watercraft salesman, watercraft demonstrator, manufacturer, factory branch, distributor, distributor branch, or factory or distributor representative without first obtaining a license as provided in this chapter. If any watercraft dealer acts as a watercraft salesman, he shall obtain a watercraft salesman's license in addition to a watercraft dealer's license. Any watercraft salesman who acts as a watercraft demonstrator shall not be required to obtain an additional license as a watercraft demonstrator. The offering or granting of a watercraft dealer franchise in this Commonwealth shall be deemed the engaging in business in this Commonwealth for purposes of this section, and no new watercraft may be sold or offered for sale in this Commonwealth unless the franchisor of watercraft dealer franchises for that line-make in this Commonwealth (whether such franchisor be a manufacturer, factory branch, distributor, distributor branch, or otherwise) is licensed under this chapter. In the event a license issued under this chapter to a franchisor of watercraft dealer franchises shall be suspended or revoked or shall not be renewed, nothing in this section shall be deemed to prevent the sale of any new watercraft of such franchisor's line-make, manufactured in or brought into this Commonwealth for sale prior to the suspension, revocation or expiration of the license.

1988, c. 592; 1998, c. 515.

§ 29.1-808.1. Boating safety education required.

It shall be unlawful for any watercraft salesman or watercraft demonstrator to engage in business in this Commonwealth as a watercraft salesman or watercraft demonstrator without first (i) completing successfully a basic boating safety education course approved by the Director or (ii) by December 31, 1998, passing a test approved by the Director; however, any watercraft salesman or demonstrator

licensed after December 31, 1998, shall have a period of sixty days from the issuance of his license in which to complete the approved course.

1998, c. 515.

§ 29.1-809. Application for license.

A. Application for license shall be made to the Director at such time and in such form and shall contain such information as the Director shall require. The application shall be accompanied by the required fee. The application shall be accompanied by evidence, that the Director deems proper, showing that the applicant currently holds a valid watercraft titling tax collection certificate, a federal business identification number, a local business license and a dealer certificate of numbers issued by the Department.

B. The Director shall require in such application, or otherwise, information relating to the matters set forth in § 29.1-819 as grounds for the refusing of licenses and to other pertinent matters requisite for the safeguarding of the public interest in the locality in which the applicant proposes to engage in business. If the applicant is a dealer in new watercraft with factory warranties, he shall also include with his application a copy of a current service agreement with the manufacturer or with the distributor, requiring the applicant to perform within a reasonable distance of his established place of business, the service, repair and replacement work required of the manufacturer or distributor by such watercraft warranty. All of this information shall be considered by the Director in determining the fitness of the applicant to engage in the business for which he seeks a license.

1988, c. 592.

§ 29.1-810. Bond of dealer; right of action for fraudulent acts.

A. Before any watercraft dealer's license shall be issued by the Director to any applicant, such applicant shall procure and file with the Director a good and sufficient bond in the amount of $5,000 with corporate surety duly licensed to do business within the Commonwealth, in such form as approved by the Attorney General and conditioned that the applicant shall not practice fraud, make any fraudulent representation or violate any of the provisions of this chapter in the conduct of the business for which he is licensed. The Director may suspend the dealer's license without a hearing for such period as the dealer does not have a good and sufficient bond on file with the Director. Such suspension shall end when the bond is delivered to the Department.

B. If any person shall suffer any loss or damage by reason of any fraud practiced on him or fraudulent representation made to him by a licensed watercraft dealer or one of such dealer's salesmen acting for the dealer or within the scope of the employment of such salesman, or shall suffer any loss or damage by reason of the violation by such dealer or salesman of any of the provisions of this chapter, such person shall have a right of action against such dealer and the sureties upon his bond. Such person may recover such damages, as a court or jury may assess against such dealer as a proximate result of such fraud or fraudulent misrepresentation, from such surety who shall be subrogated to the rights of such person against such dealer.

1988, c. 592.

§ 29.1-811. Issuance, expiration and renewal of dealers' certificates of license.

All dealer certificates of license shall be issued for a period of twelve consecutive months except, at the discretion of the Director, the periods may be adjusted as is necessary to distribute the certificates as equally as practicable on a monthly basis. The expiration date shall be the last day of the twelfth month of validity or the last day of the designated month. Every dealer certificate of license shall be renewed annually upon application by the owner and by payment of fees required by law, and such renewal shall take effect on the first day of the succeeding month.

1988, c. 592.

§ 29.1-812. Supplemental licenses.

A. Subject to the provisions of § 29.1-808, each place of business, operated or proposed to be operated by the licensee, that is not contiguous to other premises for which a license is issued, shall be required to obtain a supplemental license.

B. A permanent supplemental license shall be required for premises more than twenty-five yards from a principal place of business.

C. A temporary supplemental license shall be required to display for sale or sell watercraft at a show, and may be issued for a period not to exceed fourteen days. The temporary supplemental license shall be conspicuously displayed at all premises.

D. An application for a permanent or temporary supplemental license shall specify the location to be occupied by the licensee in conducting such business.

1988, c. 592; 1989, c. 206; 1992, c. 26.

§ 29.1-813. License fees; additional to other licenses and fees required by law.

A. The fee for each license year or part thereof shall be as follows:

1. For watercraft dealers, manufacturers, factory branches, distributors, distributor branches and wholesalers, seventy-five dollars for each principal place of business, plus twenty-five dollars for a supplemental license for each lot more than twenty-five yards distant from a principal place of business.

2. For each temporary supplemental license, twenty-five dollars.

3. For watercraft salesmen or watercraft demonstrators, fifteen dollars.

4. For factory representatives, distributor representatives, or distributor branch representatives, fifteen dollars.

B. The licenses and fees required by this chapter are in addition to licenses, taxes and fees imposed by other provisions of law. Nothing contained in this section or in any other section of this chapter shall be construed as exempting any person, firm or corporation from any license, tax or fee imposed by any other provision of law.

1988, c. 592; 1989, c. 206; 1998, c. 515.

§ 29.1-814. Collection of license fees; appropriation; payments from fund.

All licensing fees shall be collected by the Director as provided in this chapter and by him shall be paid into the state treasury and credited to the Game Protection Fund and accounted for as a separate part known as the Motorboat and Water Safety Fund for the purpose of administering, enforcing and effectuating the purposes of this chapter.

1988, c. 592.

§ 29.1-815. Locations to be specified, etc.; display of license; change of location.

The licenses of new watercraft dealers, used watercraft dealers, manufacturers, factory branches, distributors and distributor branches shall specify the location of each place of business or branch or other location occupied or to be occupied by the licensee in conducting his business as such. The license or supplemental license issued shall be conspicuously displayed on each of such premises. In the event any such location is changed, the Director shall endorse the change of location on the license, without charge if the new location is within the same political subdivision. A change in location to another political subdivision shall require a new license.

1988, c. 592.

§ 29.1-816. Advertisement.

Unless the watercraft dealer is clearly identified by name, whenever any licensee places an advertisement in any newspaper or publication, the abbreviations "VA DLR," denoting a Virginia licensed dealer, shall appear therein.

1988, c. 592; 1995, c. 376.

§ 29.1-817. Lists of licensed salesmen.

Each dealer shall keep a current list of his licensed salesmen, showing names, addresses and serial numbers of their licenses, posted in a conspicuous place in each place of business.

1988, c. 592.

§ 29.1-818. Licenses of salesmen, etc., to be carried, etc.; change of employer.

Every watercraft dealer, watercraft salesman, watercraft demonstrator, factory representative and distributor representative shall carry his license when engaged in his business and shall display the same upon request. The license shall name his employer and, in the event of a change of employer, he shall immediately mail his license to the Director, who shall endorse such change on the license without a charge.

1988, c. 592; 1998, c. 515.

§ 29.1-819. Grounds for denying, suspending or revoking licenses.

A license may be denied, suspended or revoked on any one or more of the following grounds:

1. Material misstatement in application for license.

2. Willful failure to comply with any provision of this chapter or any lawful regulation promulgated by the Board under this chapter.

3. Being a watercraft dealer, failure to have an established place of business as defined in § 29.1-801.

4. Willfully defrauding any retail buyer, to the buyer's damage, or any other person in the conduct of the licensee's business.

5. Employment of fraudulent devices, methods or practices in connection with compliance with the requirements under the statutes of this Commonwealth with respect to the retaking of watercraft under retail installment contracts and the redemption and resale of such watercraft.

6. Having used unfair methods of competition or unfair deceptive acts or practices.

7. Knowingly advertising by any means any assertion, representation or statement of fact which is untrue, misleading or deceptive in any particular relating to the conduct of the business licensed or for which a license is sought.

8. Having been convicted of any fraudulent act in connection with the business of selling watercraft.

9. Having been convicted of a crime involving the acquisition or transference of title to a watercraft.

10. Willfully retaining title to a watercraft that has not been completely and legally assigned.

11. Failure to submit to the Director any application or fees collected for the Department on behalf of the buyer within thirty days of receipt.

1988, c. 592.

§ 29.1-820. Action upon applications; hearing upon denial; denial for failure to have established place of business.

A. The Director shall act upon all applications for a license within thirty days after receipt of all required applications, documents and fees by either granting or refusing the same. Any applicant denied a license shall, upon his written request filed within thirty days, be given a hearing at such time and place as determined by the Director or person designated by him. All such hearings shall be public and shall be held with reasonable promptness. The applicant may be represented by counsel.

B. Any applicant denied a license for failure to comply with the definition of an established place of business may not, nor shall anyone, apply for a license for such premises, for which a license was denied, until the expiration of sixty days from the date of the rejection of such application.

1988, c. 592.

§ 29.1-821. Suspension, revocation and refusal to renew licenses; notice and hearing.

Except as provided in § 29.1-810, no license shall be suspended or revoked, or renewal refused, until a written copy of the complaint made has been furnished to the licensee against whom the same is directed and a public hearing thereon has been had before the Director. At least ten days' written notice of the time and place of such hearing shall be given to the licensee by registered mail addressed to his last known post office address or as shown on his license or other record of information in

possession of the Director. At any such hearing the licensee shall have the right to be heard personally or by counsel. After the hearing, the Director shall have power to suspend, revoke or refuse to renew, the license in question. Immediate notice of any such action shall be given to the licensee in the manner herein provided in the case of notices of hearing.

1988, c. 592.

§ 29.1-822. Acts of officers, directors, partners and salesmen.

If a licensee is a partnership or corporation, it shall be sufficient cause for the denial, suspension or revocation of a license that any officer, director or trustee of the partnership or corporation, or any member in the case of a partnership, has committed any act or omitted any duty which would be cause for refusing, suspending or revoking a license to such party as an individual. Each licensee shall be responsible for the acts of any or all of his salesmen while acting as his agent, if such licensee approved of or had knowledge of such acts or other similar acts and after such approval or knowledge retained the benefit, proceeds, profits or advantages accruing from such acts or otherwise ratified the acts.

1988, c. 592.

§ 29.1-823. Appeals from actions of the Director; generally.

Any person aggrieved by the action of the Director in refusing to grant or renew a license or in suspending or revoking a license, or by any other action of the Director which is alleged to be improper, unreasonable or unlawful under the provisions of this chapter is entitled to judicial review in accordance with the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

1988, c. 592.

§ 29.1-824. Appeals to Court of Appeals; bond.

Either party may appeal from the decision of the court to the Court of Appeals. Such appeals shall be taken and prosecuted in the same manner and with like effect as is provided by law in other cases appealed as a matter of right to the Court of Appeals.

1988, c. 592; 1996, c. 573.

§ 29.1-825. Equitable remedies not impaired.

The remedy at law provided by §§ 29.1-823 and 29.1-824 shall not in any manner impair the right to applicable equitable relief. Such right to equitable relief is hereby preserved, notwithstanding the provisions of such sections.

1988, c. 592.

Article 3 - INSTALLMENT SALES, PROHIBITED COMPENSATION

§ 29.1-826. Installment sales.

A. Every retail installment sale shall be evidenced by an instrument in writing, which shall contain all the agreements of the parties, including a provision stating whether or not such sale is contingent

upon financing on terms which are satisfactory to the parties and shall be signed by the buyer. The purchaser of an installment sales contract shall not be charged with notice of the agreement of the parties relative to financing upon the purchase of a retail installment sales contract signed by the borrower which states no such contingency.

B. Prior to or at the time of delivery of the watercraft the seller shall deliver to the buyer a written statement describing clearly the watercraft sold to the buyer. Whenever any charge for a summary of insurance coverage appears on such statement, and the insurance coverage effected or to be effected thereunder does not include a policy of watercraft liability insurance, the seller or his assignee shall stamp or mark upon the face of such writing in red letters no smaller than eighteen point type the following words: "No Liability Insurance Included." The Director may determine the form of such statement to be included therein. In the event that a policy of insurance of any kind is purchased at the time of the sale of a watercraft the seller shall deliver to the purchaser the policy of insurance, or a copy of the policy, within a reasonable time.

1988, c. 592.

§ 29.1-827. Prohibited solicitation and compensation.

It shall be unlawful for any watercraft dealer or salesman licensed under the provisions of this chapter, directly or indirectly, to solicit the sale of a watercraft through a pecuniarily interested person. It shall be unlawful for such dealer or salesman to pay, or cause to be paid, any commission or compensation in any form whatsoever to any person in connection with the sale of a watercraft, unless such person is duly licensed as a salesman in the employ of such dealer.

1988, c. 592.

Article 4 - COMPENSATION FOR WATERCRAFT, MOTOR, AND WARRANTY WORK

§ 29.1-828. Definitions.

As used in this article, unless the context requires a different meaning:

"Dealer" means any person who (i) sells, solicits, or advertises the sale of new watercraft or engines for watercraft and (ii) is authorized by a manufacturer to provide warranty services.

"Manufacturer" means any person, partnership, firm, association, or corporation that manufactures or assembles new watercraft or engines for watercraft, or imports for distribution new watercraft or engines for watercraft.

"Reasonable attorney's fees" includes the costs directly incurred in or in connection with litigation instituted under this section. Such fees shall not be determined by the amount of the recovery on behalf of the manufacturer or dealer.

"Watercraft" means any vessel used or capable of being used for navigation or flotation on or through the water.

1997, c. 13.

§ 29.1-829. Warranty work; dealers' requirements; performance of warranty work; disapproval of claims; indemnification.

A. If a manufacturer requires or permits a dealer to provide parts or to perform labor to satisfy a warranty created by the manufacturer, the manufacturer shall:

1. Properly and promptly fulfill its warranty obligations; and

2. Fairly compensate the dealer for the work and services the dealer is required to perform and for other expenses incurred to comply with a manufacturer's warranty. A manufacturer may not pay a dealer a labor rate for warranty work that is less than the lower amount that is charged by the dealer and that is charged in the relevant marketplace to retail customers for non-warranty work of the same kind by similar technicians. However, if the manufacturer or the distributor has in effect a warranty program in which the dealer can comply with reasonable and objective criteria and, as a result, obtain 100 percent of the dealer's retail labor rate or the prevailing retail labor rate in the relevant marketplace, the labor rate for warranty work shall be as the terms of the program require, but shall not be less than seventy percent of the dealer's labor rate or the prevailing retail labor rate in the relevant marketplace.

B. To be entitled to compensation from a manufacturer under this subsection, the dealer shall:

1. Employ watercraft and engine parts expressly authorized by the manufacturer for warranty work;

2. Retain a copy of the manufacturer's then current service literature, if any;

3. Record the warranty work with the manufacturer within forty-five days of completing the warranty work;

4. Complete and maintain for inspection by the manufacturer, a manufacturer's delivery checklist signed by the customer for each watercraft or watercraft engine sold by the dealer;

5. Promptly handle all warranty work in accordance with industry standards regardless of the location where the watercraft or watercraft engine was sold; and

6. Submit warranty registration cards to the manufacturers on a timely basis.

C. To ensure that warranty work is performed in accordance with industry standards, the dealer shall:

1. Take reasonable steps to ensure that the warranty work is completed by technicians who have received training in servicing the watercraft or engines for watercraft manufactured, imported, or distributed by the manufacturer; and

2. Maintain technician training and development programs authorized or provided by the manufacturer as provided in the dealer's agreement with the manufacturer.

D. A dealer shall not charge a consumer for labor or parts on warranty work when the warranty claim has been paid by the manufacturer.

E. All claims by a dealer for warranty work shall be approved or disapproved and paid, if due, within a reasonable time, but no longer than forty-five days from the date on which the manufacturer receives a properly completed claim form containing all required information.

F. If a manufacturer disapproves a claim, the manufacturer shall provide the dealer with written notice of disapproval within forty-five days from the date on which the manufacturer receives a properly completed claim form containing all required information. The notice of disapproval shall contain the specific reasons for disapproval.

G. A dealer shall hold harmless the manufacturer for any financial injuries or other damages suffered by the manufacturer and solely as a result of the negligence of the dealer in performing warranty work, including reasonable attorney's fees. A manufacturer shall hold harmless the dealer for any financial injuries or other damages suffered by the dealer solely as a result of the negligence of the manufacturer related to the manufacture or design of the watercraft, including reasonable attorney's fees.

H. If a dealer brings a legal action to collect a disapproved claim and is successful in the action, the court shall award the dealer the cost of the action and reasonable attorney's fees.

I. The manufacturer shall compensate the dealer for the cost of parts used in the warranty repair and shipping of the parts to and from the manufacturer, plus a reasonable profit, not less than fifteen percent, on authorized parts stocked by the dealer.

J. Nothing in this article shall inhibit or restrain any manufacturer or dealer from exceeding the minimum requirements of this article.

1997, c. 13.