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CHAPTER 9.

 HUNTING AND FISHING LICENSES

ARTICLE 1.

 GENERAL PROVISIONS

**SECTION 50‑9‑10.** Unlicensed activities; violations; penalties.

It is unlawful to hunt, fish, or take fish or wildlife without obtaining a license and applicable permits, tags, or stamps which allow these activities. A person convicted of violating this section is guilty of a misdemeanor and, upon conviction, must be fined not less than fifty nor more than five hundred dollars or imprisoned not more than thirty days.

**SECTION 50‑9‑20.** Duration of hunting and fishing licenses.

Annual licenses, permits, stamps, and tags issued by the department are valid July first through June thirtieth of the following year. Temporary licenses and permits are valid for the consecutive days of issue.

**SECTION 50‑9‑30.** “Resident” and “nonresident” defined; proof of residency.

(A) For the purposes of obtaining:

(1) an annual or a lesser short‑term resident license, “resident” means a United States citizen who has been domiciled in this State for thirty consecutive days or more immediately preceding the date of application for a license, permit, or stamp issued pursuant to this title. The following are considered residents pursuant to this section:

(a) regularly enrolled full‑time students in high schools, technical schools, colleges, or universities within South Carolina;

(b) members of the United States Armed Forces and their dependents stationed in South Carolina for sixty days or longer or who are domiciled in this State;

(2) a lifetime license, “resident” means a United States citizen who has been domiciled in this State for one hundred eighty consecutive days or more immediately preceding the date of the application for the lifetime license;

(3) an annual or lesser short‑term nonresident license. “Nonresident” means a citizen of a foreign country or a United States citizen who is not domiciled in this State or who maintains a permanent residence in another state.

(B) Applicants for resident licenses shall furnish proof of residency to sales agents.

**SECTION 50‑9‑40.** Regulation of recreational freshwater fishing.

Licenses for fishing privileges regulated by this chapter, unless otherwise specified, apply to recreational freshwater fishing.

**SECTION 50‑9‑50.** Possession on person of license, permit, tag, or stamp; violations.

Licenses, permits, tags, and stamps issued pursuant to this title must be carried on the person while exercising the privileges of the license, permit, tag, or stamp, and the person shall produce the license, permit, tag, or stamp to a law enforcement officer upon demand. A person who has been issued a license, permit, tag, or stamp but who fails to keep it in possession while exercising the privileges granted under it is guilty of a misdemeanor and, upon conviction, must be fined not less than fifty nor more than five hundred dollars or imprisoned not more than thirty days.

**SECTION 50‑9‑60.** Borrowing or lending of license, permit, tag, or stamp; violations.

It is unlawful for a person to borrow or lend a license, permit, tag, or stamp issued pursuant to this title. A person violating this section is guilty of a misdemeanor and, upon conviction, must be fined not less than two hundred nor more than five hundred dollars or imprisoned not more than thirty days. A person convicted pursuant to this section forfeits his hunting and fishing privileges for one year.

**SECTION 50‑9‑70.** Alteration or fraudulent issuance or obtainment of license, permit, tag, or stamp; violations.

It is unlawful to alter a license, permit, tag, or stamp issued pursuant to this title or issue, obtain, or attempt to obtain a license, permit, tag, or stamp by fraud. A person violating this section is guilty of a misdemeanor and, upon conviction, must be fined not less than two hundred nor more than five hundred dollars or imprisoned not more than thirty days. A person convicted pursuant to this section forfeits his hunting and fishing privileges for one year.

**SECTION 50‑9‑75.** Possession of license while privileges suspended; penalty.

It shall be unlawful to purchase, acquire, or possess or attempt to purchase, acquire, or possess any license, permit, stamp, or tag while privileges allowed by the license, permit, stamp, or tag are suspended. A person who violates this section is guilty of a misdemeanor and, upon conviction, must be fined not less than two hundred dollars nor more than five hundred dollars or imprisoned for not more than thirty days. A person convicted pursuant to this section forfeits all hunting and fishing privileges for an additional two years.

**SECTION 50‑9‑80.** Duplicate licenses.

Duplicate licenses may be issued by the department only upon affidavit from the licensee that the original license was lost or destroyed and upon payment of the cost of the duplicate.

ARTICLE 3.

 HUNTER EDUCATION PROGRAM

**SECTION 50‑9‑310.** Program contents.

The department shall establish programs in instruction on the safe use of firearms and archery tackle for hunting and hunter responsibility. The programs must include, but are not limited to, the selection, training, and certification of instructors, appropriate course materials and content, and criteria for successful course completion. The department shall authorize the issuance of a certificate of completion to persons successfully completing the course.

**SECTION 50‑9‑320.** Certificate of completion required for license.

No resident or nonresident born after June 30, 1979, may obtain a hunting license in this State unless he first exhibits the certificate of completion he receives pursuant to Section 50‑9‑310 to the authorized hunting license agent from whom he desires to buy a license. A certificate of successful completion of a hunter’s education program issued by other states or territories of the United States, Canadian provinces, or other nations is valid for purposes of this article if the department approves the course as comparable to the program required by this article. A license issued in violation of this section is invalid.

**SECTION 50‑9‑330.** Lifetime hunting and fishing combination licenses.

Lifetime hunting and lifetime combination licenses may be issued to persons required to be certified who have not completed the hunter education program pursuant to Section 50‑9‑310. However, a license issued under this section does not authorize the person to hunt until the program is completed. The requirements of this section do not apply to persons who purchased a lifetime hunting or lifetime combination license before its effective date.

**SECTION 50‑9‑340.** Shooting preserves.

A certificate of completion is not required for a hunting license to be used solely for hunting game on a specific shooting preserve of over ten thousand contiguous acres and including onsite hunting instruction and supervision provided for in Article 7, Chapter 11 of Title 50. A license issued under this section must be marked clearly by the authorized hunting license agent from whom it is bought as being valid only on that specific preserve.

ARTICLE 5.

 HUNTING AND FISHING LICENSES

**SECTION 50‑9‑510.** Licenses authorized for sale.

The following licenses are authorized for sale and, unless otherwise indicated, are for the privilege of hunting small game only:

(1) For the privilege of hunting throughout South Carolina, a resident of the State shall purchase an annual statewide license for twelve dollars, of which one dollar may be retained by the issuing agent.

(2) For the privilege of hunting only in the county in which the applicant is a resident, a resident of the State shall purchase a county hunting license for five dollars, of which one dollar may be retained by the issuing agent. County licenses are only valid when issued to residents of that county.

(3) For the privilege of hunting and fishing, including the privilege of hunting big game throughout South Carolina, a resident of the State shall purchase a combination fishing and hunting license for twenty‑five dollars, of which two dollars may be retained by the issuing agent.

(4) For the privilege of hunting and fishing throughout South Carolina, including the privileges of hunting big game and hunting on wildlife management area land, a resident of the State shall purchase a sportsman license for fifty dollars, of which two dollars may be retained by the issuing agent.

(5) For the privilege of hunting throughout South Carolina, a resident of the State may obtain a lifetime statewide license from the department at its designated licensing locations for three hundred dollars.

(6) For the privilege of hunting throughout South Carolina July first through June thirtieth, a nonresident shall purchase an annual statewide license for one hundred twenty‑five dollars, of which two dollars may be retained by the issuing agent.

(7) For the privilege of hunting throughout South Carolina during the regular hunting season for any ten consecutive days, a nonresident shall purchase a ten‑day temporary license for seventy‑five dollars, of which two dollars may be retained by the issuing agent.

(8) For the privilege of hunting throughout South Carolina during the regular hunting season for any three consecutive days, a nonresident may purchase a statewide three‑day temporary license for forty dollars, of which one dollar may be retained by the issuing agent.

(9) For the privilege of hunting big game including deer, bear, and turkey throughout South Carolina, a resident shall purchase a big game permit in addition to the required resident hunter’s license for six dollars, of which one dollar may be retained by the issuing agent.

(10) For the privilege of hunting big game including deer, bear, and turkey throughout South Carolina, a nonresident shall purchase a big game permit in addition to the required nonresident hunters license for one hundred dollars, of which two dollars may be retained by the issuing agent.

(11) For the privilege of hunting on wildlife management area lands throughout South Carolina, a resident shall purchase a wildlife management area permit in addition to the required resident hunter’s license for thirty dollars and fifty cents, of which one dollar may be retained by the issuing agent.

(12) For the privilege of hunting on wildlife management area lands throughout South Carolina, a nonresident shall purchase a wildlife management area permit in addition to the required nonresident hunter’s license for seventy‑six dollars, of which one dollar may be retained by the issuing agent.

(13) The department may issue resident wildlife management area permits from the Columbia office for five dollars and fifty cents, each of which are valid only for department‑specified events.

(14) For the privilege of hunting and fishing throughout South Carolina, including the privilege of hunting big game and hunting on wildlife management area lands, a resident who is at least sixteen years of age but who has not reached his eighteenth year may purchase a junior sportsman’s license for sixteen dollars, of which one dollar may be retained by the issuing agent. This license must be countersigned by the parent or guardian as certification of the age and residence of the individual.

(15) A resident of South Carolina who has attained the age of sixty‑four years may obtain a statewide lifetime hunting and fishing license for nine dollars; provided, that those persons who have attained the age of sixty‑ five on or before July 1, 2005, may obtain this license at no cost. This license includes the privilege of hunting big game, hunting on wildlife management area lands, and state migratory waterfowl and of saltwater fishing.

(16) A person who has been a domiciled resident of South Carolina for at least one year preceding the date of application and who is determined to be totally disabled under a program for Social Security, federal civil service, the South Carolina State Retirement System, the Railroad Retirement Board, the Veterans Administration, or Medicaid assistance, or their successor agencies or programs, may obtain a three‑year disability license for either statewide fishing and hunting or statewide fishing at no cost. It must be issued by the department from its designated offices and is valid for three years from the date of issue. Disability recertification is required for renewal. To recertify, applicant must furnish proof, in the manner determined by the department, that he or she is currently receiving disability benefits, and is a domiciled resident of South Carolina. A person on the date of application, with quadriplegia or paraplegia, who is certified as totally disabled, must be issued a lifetime disability license and disability recertification or renewal of this license is not required. Statewide fishing privileges include freshwater fishing and saltwater fishing. Statewide hunting privileges include small game, big game, state migratory waterfowl, and wildlife management area lands.

(17) For the privilege of hunting on licensed shooting preserves, a person may purchase a statewide shooting preserve license for specified released species only for not more than eight dollars and fifty cents in lieu of a hunting license.

(18) Persons certified as disabled before July 1, 1996, and who are licensed to hunt or fish pursuant to that disability before July 1, 1996, upon recertification as required herein, may continue to exercise privileges of a disability licensee as provided herein at no cost.

**SECTION 50‑9‑515.** South Carolina residents who are members of armed forces of United States stationed outside State.

Any member of the armed forces of the United States who is a resident of South Carolina stationed outside of the State, shall upon presentation of his official furlough or leave papers, be allowed to fish and hunt without purchasing a fishing or hunting license.

**SECTION 50‑9‑520.** Lifetime combination licenses; fees; senior licenses.

(A) A resident of this State may obtain a lifetime combination license which grants the same privileges as a statewide combination license from the department at its designated licensing locations. The licensing fees are:

(1) for a Type 3 if at the time of application the individual is under two years of age: three hundred dollars;

(2) for a Type 4 if at the time of application the individual is at least two years of age but under sixteen years of age: four hundred dollars;

(3) for a Type 5 if at the time of application the individual is at least sixteen years of age but under sixty‑four years of age: five hundred dollars.

(B) A resident holder of a lifetime combination license may add the privilege of statewide saltwater recreational fishing for the following fees:

(1) for a Type 13 if at the time of application the individual is under two years of age: one hundred twenty dollars;

(2) for a Type 14 if at the time of application the individual is at least two years of age but under sixteen years of age: one hundred sixty dollars;

(3) for a Type 15 if at the time of application the individual is at least sixteen years of age but under sixty‑four years of age: two hundred dollars.

(C) A resident age sixty‑three who holds either a lifetime combination, lifetime hunting, lifetime freshwater fishing, or lifetime saltwater recreational fisheries license upon attaining the age of sixty‑four, may convert that license to a senior lifetime license which grants the following privileges: statewide hunting, hunting big game, hunting on wildlife management area lands, state migratory waterfowl permit, freshwater fishing, and saltwater recreational fishing for nine dollars upon obtaining the required hunter education certificates.

**SECTION 50‑9‑530.** Migratory waterfowl permits; commemorative stamps.

For purposes of this chapter:

(1) “Migratory waterfowl” means members of the family Anatidae, including brants, ducks, geese, and swans. For the privilege of hunting or taking migratory waterfowl in this State, in addition to a hunting license, a person must purchase a migratory waterfowl permit for five dollars and fifty cents. Evidence of purchase must be endorsed on the hunting license. Fifty cents of the cost may be retained by the issuing sales agent, and the balance must be paid to the department. Permits expire June thirtieth of each year.

(2) The department shall produce commemorative stamps as collector’s items which must be sold at a price of not less than five dollars and fifty cents. Commemorative stamps are not valid for hunting. These proceeds must be retained by the department. Anyone who purchases a migratory waterfowl permit may obtain a commemorative stamp at no additional cost.

(3) Revenue derived from the sale of the permit and commemorative stamp may be used only for the cost of printing, promoting, and producing the stamp and for those migratory waterfowl projects specified by the board for the development, protection, and propagation of waterfowl in this State. None of the funds may be expended for administrative salaries. All balances must be carried forward from year to year so none of the funds revert to the general fund.

**SECTION 50‑9‑535.** Migratory game bird permits; fees; integration with other hunting licenses; when not required.

It is unlawful to hunt, take, or possess migratory game birds without first obtaining a migratory game bird permit. The department may not charge a fee for this permit unless approved by the General Assembly. The permit required by this section must be integrated into and made a part of all hunting licenses after final implementation of the Department of the Interior Fish and Wildlife Service 50 C.F.R. Part 20, Migratory Bird Harvest Information Program. Migratory game birds include doves, ducks, geese, woodcock, marsh hens, rails, common snipe, common moorhens, and purple gallinules (families: Columbidae, Anatidae, Rallidae, and Scolopacidae).

South Carolina residents who have attained the age of sixty‑four and hold a statewide lifetime hunting and fishing license are not required to have a state migratory game bird permit.

**SECTION 50‑9‑540.** Recreational freshwater and saltwater fishing licenses; fees.

(A) For the privilege of recreational freshwater fishing throughout South Carolina, a resident of this State shall purchase an annual statewide recreational freshwater fishing license for ten dollars, of which one dollar may be retained by the issuing agent.

(B) In lieu of obtaining an annual, statewide resident recreational freshwater fishing license, a resident may purchase a temporary statewide recreational freshwater fishing license valid for fourteen specified consecutive days for five dollars, of which one dollar may be retained by the issuing agent.

(C) For the privilege of recreational freshwater fishing throughout South Carolina, a resident of this State may obtain a lifetime statewide recreational freshwater fishing license from the department at its designated licensing locations for three hundred dollars.

(D) For the privilege of recreational freshwater fishing throughout South Carolina, a nonresident of this State shall purchase an annual statewide recreational freshwater fishing license for thirty‑five dollars, of which one dollar may be retained by the issuing agent.

(E) In lieu of obtaining a regular annual statewide nonresident freshwater fishing license, a nonresident may purchase a temporary statewide recreational freshwater fishing license valid for seven specified consecutive days for eleven dollars, of which one dollar may be retained by the issuing agent.

(F) For the privilege of recreational saltwater fishing, a resident of this State may obtain a lifetime recreational saltwater fishing license from the department for three hundred dollars at its designated licensing locations.

**SECTION 50‑9‑550.** Reservoirs, lakes, and streams freshwater permit; fee.

In lieu of obtaining a regular annual statewide resident fishing license, a resident of the State may purchase a special reservoir, lakes, and streams freshwater permit to fish with nonmanufactured tackle or natural bait in the waters described in this section. It is unlawful for any resident to fish in the waters of this State described in this section with nonmanufactured tackle or natural bait unless he has either the required fishing license or the required permit. No person licensed under the provisions of Section 50‑9‑510(3), 50‑9‑510(4), or 50‑9‑540(A) is required to purchase a permit.

The permits must be obtained from the department at a fee of three dollars. One dollar of the fee must be retained by the agent issuing the permit, and the remaining portion of the proceeds of the sale of the permit must be remitted to the department and held in a separate fund for use in the protection and propagation of game and other fish within the waters described in this section in the counties adjacent to them. The provisions of this section apply to the following bodies of water within this State:

(1) the waters or backwaters of the Catawba and Wateree rivers within Chester, Fairfield, Kershaw, and Lancaster counties, except waters lying more than one hundred yards south of the Wateree Dam in Kershaw County;

(2) Lake Marion;

(3) Lake Moultrie, the Diversion Canal, and the Tail Canal;

(4) Lake Murray;

(5) all of the waters of the Savannah River between the Stevens Creek Dam and the highway bridge between Calhoun Falls, South Carolina, and Elberton, Georgia, including the waters impounded between Stevens Creek Dam and Clark Hill Dam;

(6) Keowee‑Toxaway Lake in Oconee and Pickens Counties;

(7) Lake Jocassee;

(8) Lake Greenwood;

(9) Hartwell Reservoir;

(10) Lake Richard B. Russell;

(11) Lake Wiley;

(12) the Parr Hydroelectric Project Fish and Game Management Area:

(a) Parr Reservoir;

(b) Monticello Reservoir;

(c) Monticello Reservoir Sub‑Impoundment;

(13) Lake Ashwood in Lee County.

The provisions of this section do not affect in any way any reciprocal agreement with the State of Georgia as to recognition of residents’ fishing licenses or permits. Any person exempt from licensing requirements under Article 7 of this chapter is exempt from the requirement to purchase a permit as provided in this section.

Any person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, must be punished by a fine of not less than fifty dollars nor more than two hundred dollars or by imprisonment for not more than thirty days.

**SECTION 50‑9‑560.** Recreational saltwater fishing licenses; fees.

(A) For the privilege of recreational fishing in the saltwaters of this State:

(1) a resident shall purchase an annual recreational saltwater fishing license for ten dollars, of which one dollar may be retained by the issuing agent;

(2) in lieu of obtaining an annual recreational saltwater fishing license, a resident may purchase a temporary recreational saltwater fishing license valid for fourteen specified consecutive days for five dollars, of which one dollar may be retained by the issuing agent;

(3) a nonresident shall purchase an annual recreational saltwater fishing license for thirty‑five dollars, of which one dollar may be retained by the issuing agent; and

(4) in lieu of obtaining an annual recreational saltwater fishing license, a nonresident may purchase a temporary recreational saltwater fishing license valid for fourteen specified consecutive days for eleven dollars, of which one dollar may be retained by the issuing agent.

(B) For the privilege of operating a public fishing pier in the salt waters of this State, the owner or operator must purchase an annual saltwater public fishing pier license for:

(1) one hundred fifty dollars for a pier one hundred feet or less in total length; or

(2) three hundred fifty dollars for a pier greater than one hundred feet in total length.

(C) For the privilege of operating a charter fishing vessel in the salt waters of this State, the owner or operator must purchase an annual charter vessel license for each vessel for the following fee to:

(1) carry six or fewer passengers, one hundred fifty dollars;

(2) carry seven to forty‑nine passengers, two hundred fifty dollars; and

(3) carry fifty or more passengers, three hundred fifty dollars.

ARTICLE 7.

 HUNTING AND FISHING LICENSE EXEMPTIONS

**SECTION 50‑9‑710.** Children under sixteen years of age; private ponds; pay‑to‑fish businesses.

(A) Children under sixteen years of age are not required to procure or possess a hunting or fishing license or any other permit or license required for hunting or fishing unless that child engages in the taking of wildlife or fish for commercial purposes.

(B) No person is required to possess a fishing license if fishing in a private pond. However, if the pond is used for commercial purposes, it is not considered a private pond.

(C) Resident and nonresident patrons of commercial fishing lakes or pay‑ to‑fish commercial businesses are exempt from the requirement to purchase an individual annual license; provided, the commercial fishing lake or pay‑to‑ fish commercial business has a valid aquaculture permit or registration issued by the Department of Natural Resources.

**SECTION 50‑9‑715.** Exemptions from recreational saltwater fishing license requirements.

The following are exempt from purchasing the recreational saltwater fishing license a:

(1) fisherman fishing from a licensed charter fishing vessel or from a licensed public fishing pier;

(2) drop net fisherman using no more than three drop nets;

(3) fold up fisherman using no more than three fold up traps;

(4) hand line fisherman using no more than three hand lines with a single bait each and no hooks; and

(5) fisherman taking shrimp with bait.

**SECTION 50‑9‑720.** Physically or mentally disabled persons; residents of eleemosynary institutions; Boy or Girl Scouts.

(A) The department may permit physically or mentally disabled persons, residents of an orphanage or another eleemosynary institution of this State, or a Boy or Girl Scout to hunt or fish for up to three consecutive days within a county of this State without obtaining a license to do so if:

(1) The person or the institution receives a permit from the department.

(2) The name of each person to whom the permit applies is furnished to the department.

(B) The residents of institutions must be accompanied on the hunting or fishing trip for which the permit is granted by a representative of the institution.

(C) No blind or mentally disabled person may carry or use a weapon while hunting or fishing pursuant to this section.

**SECTION 50‑9‑730.** Free fishing days.

(A) The department may designate up to two days a year as ‘free fishing days’ during which state residents may fish without procuring the necessary licenses and permits. These days need not be consecutive. This subsection does not apply to commercial fishing privileges.

(B) The department also may designate department‑sanctioned fishing events as exempt from fishing license requirements. However, the events may not exceed one for each county a year.

**SECTION 50‑9‑740.** Designation of youth hunting days; requirements.

(A) The department may select one or more days to designate as a “South Carolina Youth Hunting Day”, in addition to the regular seasons for a species of wild game. A youth hunting day must be held outside a regular season on a weekend, holiday, or other nonschool day when a youth hunter may have the maximum opportunity to participate. The day may be held up to fourteen days before or after a regular season framework or within a split of a regular season, or within another open season.

(B) A person who is less than eighteen years of age may be a youth hunter. A licensed adult at least twenty‑one years of age must accompany a youth hunter in the field and may not harvest or attempt to harvest game during this special hunting event. A license requirement specified in this chapter is waived on a youth hunting day under this section for a youth hunter. A daily harvest limit remains the same as allowed during regular seasons for each species of game.

ARTICLE 9.

 REVENUE

**SECTION 50‑9‑910.** Revenue from fines and forfeitures.

(A) Revenue from fines and forfeitures for violations of Chapters 1 through 16, except for violations of marine resources laws, must be transmitted to the treasurer of the county where the revenue was collected. The treasurer shall transmit the revenue to the director of the department accompanied by a statement showing the names of persons fined, the amount of each fine, the summons or warrant number, and the court in which each fine was collected.

(B) The revenue provided for in subsection (A) and one‑half of the revenue generated from the sale of annual nonresident freshwater fishing licenses must be credited to the county game fund of the county in which the licenses were sold or revenue was collected. These licenses when sold through nontraditional means such as the Internet, call centers, and department mass mailings must be equally allocated to each county.

(C) The funds provided for in subsection (B) must be expended in the respective counties for the protection, promotion, propagation, and management of wildlife and fish and the enforcement of related laws.

**SECTION 50‑9‑920.** Revenue from sale of lifetime licenses.

(A) Revenue generated from the sale of lifetime licenses must be deposited in the Wildlife Endowment Fund.

(B) All wildlife management area revenue must be retained by the department and used exclusively for the management and the procurement of wildlife management area lands.

(C) Revenue generated from the sale of other licenses and permits, except wildlife management area revenue, and revenue from the fines and forfeitures for violations of other sections of this title and for all other offenses investigated or prosecuted by the department, must be deposited with the State Treasury to the credit of the Fish and WildLife Protection Fund. This revenue must be expended by the department for the protection, promotion, propagation, and management of wildlife and fish, the enforcement of related laws, and the dissemination of information, facts, and findings the department considers necessary.

**SECTION 50‑9‑925.** Recreational saltwater license fee and related article sale revenue distribution.

(A) Revenue from the sale of the stamps, recreational saltwater licenses, prints, and related articles must be paid into a special account separate from the general fund. Revenues in the account are carried forward each year and may be used to match available federal funds. The revenue must be distributed as follows:

(1) from the sale of an annual or temporary recreational saltwater fishing license; twenty‑five cents to saltwater administration, one dollar to saltwater enforcement, and the balance to recreational saltwater programs;

(2) from the sale of a charter vessel license; five percent to saltwater administration, twenty percent to saltwater enforcement, and the balance to recreational saltwater programs; and

(3) from the sale of stamps, prints, and related articles; five percent to saltwater administration, twenty percent to saltwater enforcement, and the balance to recreational saltwater programs.

(B) Revenues distributed for recreational saltwater programs may be used only for the following programs which directly benefit recreational saltwater fisheries:

(1) development of recreational saltwater fishing facilities;

(2) scientific research and management of recreational saltwater fisheries;

(3) protection, maintenance, or enhancement of saltwater habitat important to the continued production of fish stocks and their food sources of significance to recreational saltwater fisheries;

(4) other programs directly benefiting recreational saltwater fisheries recommended by the Saltwater Recreational Fisheries Advisory Committee; and

(5) publish an annual report to be made available to stamp and license holders to indicate how the previous year’s funds were utilized.

(C) Revenue distributed for saltwater administrative activities must be used in support of activities authorized pursuant to the South Carolina Marine Resources Act of 2000.

(D) Revenue distributed for saltwater enforcement activities must be expended for enforcement of the laws and fishery management regulations relating to recreational saltwater fisheries, including habitat protection and other activities authorized pursuant to this chapter.

**SECTION 50‑9‑940.** Balances to be carried forward.

Balances in the funds provided for in this article, less amounts paid to the Training and Continuing Education Division of the Department of Public Safety, must be carried forward annually.

ARTICLE 11.

 SUSPENSION OF HUNTING AND FISHING PRIVILEGES

**SECTION 50‑9‑1110.** “Conviction” defined.

“Conviction” as used in this article includes the entry of a plea of guilty, the entry of a plea of nolo contendere, and the forfeiture of bail or collateral deposited to secure a defendant’s appearance in court.

**SECTION 50‑9‑1120.** Point system for violations.

There is established the following point system for violations of certain provisions of law:

(1) Common violations:

(a) resisting arrest by the use of force, violence, or weapons against an employee of the department while engaged in his duties, a law enforcement officer aiding in the work of the department, or a federally commissioned employee engaged in like or similar employment: 18;

(b) attempting escape after lawful arrest: 14;

(c) hunting or fishing in a state sanctuary at any time: 14;

(d) hunting, fishing, or trapping out of season, except in a state sanctuary: 10;

(e) selling game or game fish: 14;

(f) taking game or fish in an illegal manner not mentioned specifically elsewhere in this section. However, no points may be assessed pursuant to this subitem for fish taken on the seaward side of the saltwater‑freshwater dividing lines as provided in Section 50‑17‑30: 8;

(g) using a borrowed or altered hunting or fishing license: 10;

(h) taking more than the legal limit of game or fish: 8;

(i) hunting or fishing without a license in possession: 6;

(j) trespassing to hunt, fish, or trap: 10;

(k) violating game management area regulations: 8;

(l) hunting, taking, possessing, or selling alligators in violation of law or department regulations: 14.

(2) Hunting violations:

(a) killing or attempting to kill or molest deer from a motorboat: 14;

(b) night hunting deer or bear: 18;

(c) illegally transporting furs or hides and possessing untagged hides: 10;

(d) trapping quail or wild turkeys: 10;

(e) hunting over bait: 8;

(f) killing or possessing antlerless deer, except as expressly provided by law: 14;

(g) illegally night hunting other game, except deer, or hunting game in prohibited hours: 8;

(h) possessing buckshot illegally: 5;

(i) possessing unplugged gun while hunting, violation of Section 50‑11‑10: 4;

1. killing or possessing a wild turkey during the closed season: 18;

2. killing or possessing a wild turkey hen during the spring gobbler season: 14;

(j) roost shooting wild turkeys between official sunset and official sunrise: 18;

(k) shooting wild turkeys over bait: 18;

(l) hunting wild turkeys over bait: 10;

(m) trespassing to hunt waterfowl: 18;

(n) hunting waterfowl over bait: 10;

(o) shooting waterfowl over bait: 10;

(p) hunting waterfowl out of posted season: 15;

(q) taking more than one waterfowl over the legal limit: 15;

(r) illegally possessing, taking, or attempting to take raccoons during the season for hunting without weapons: 14.

(3) Fishing violations:

(a) trapping, netting, or seining game fish illegally: 10;

(b) taking or possessing more than the legal limit of striped bass: 14;

(c) taking or possessing an undersized striped bass: 14.

**SECTION 50‑9‑1130.** Deduction of accumulated points.

Each time a person is convicted of a violation enumerated in Section 50‑9‑1120, the number of points assigned to the violation must be charged against the person. For each calendar year that passes after assignment in which the person received no points, the department shall deduct one‑half of the accumulated points if the total number of points is greater than three. If a person has three or less points at the end of a calendar year in which no points were received, the department shall reduce his point total to zero; however, a person’s record must not be less then zero points.

**SECTION 50‑9‑1140.** Suspension of hunting and fishing privileges.

The department shall suspend for one year the hunting and fishing privileges of a person who has eighteen or more points. The suspension begins the eleventh day after the person receives written notice by mail, return receipt requested, of the suspension, and ends the same day the following year.

**SECTION 50‑9‑1150.** Notice of suspension; review by department.

(A) Upon determination that a licensee has accumulated sufficient points to warrant suspension of privileges, the department shall notify him in writing that his privileges are suspended and the licensee shall return the license to the department within ten days.

(B) The person may, within ten days after notice of suspension, request in writing a review, and upon receipt of the request, the department shall afford him a review. The department shall notify him of the date, time, and place of the review and the person shall have the right to have his attorney present with him if he so desires.

(C) If the person requests a review, the suspension shall be held in abeyance until the day of the final disposition of his review by the department and if the suspension is upheld, the suspension shall commence on the eleventh day thereafter and end on the same day of the following year. The review by the department shall be limited to a determination of the validity of the violations and points assessed. No probationary authority is given to the department by discretion or otherwise.

**SECTION 50‑9‑1160.** Review by circuit judge.

(A) A person whose privileges have been suspended under the provisions of this article may, within ten days after notice of the result of the review, apply to the resident or presiding circuit judge of the circuit in which the applicant resides for a review upon the record certified to by the board to determine if the action taken by the department is lawful and in accordance with the provisions of this article. The person shall have the right to have his counsel present with him if he so desires.

(B) If the person requests a review upon the record the suspension shall be held in abeyance until the day of the final disposition of the review upon the record and if the suspension is upheld, the suspension shall commence on that day and end on the same day of the following year.

**SECTION 50‑9‑1170.** Expiration of suspension period.

After the expiration of the period of suspension, the person’s record shall be cleared of points and the person starts anew with no points.

**SECTION 50‑9‑1180.** Administration; promulgation of regulations.

The department shall administer and enforce this article and may promulgate regulations necessary for its administration not inconsistent with the article. The department shall print and distribute at the time of selling hunting or fishing licenses a card or brochure explaining the point system.

**SECTION 50‑9‑1190.** Other laws of the State.

Nothing contained in this article affects the action of the department in suspending, revoking, or canceling a license when the action is mandatory under the provisions of another law of this State.

**SECTION 50‑9‑1200.** Hunting or fishing while under suspension; violations; penalties.

A person who hunts or fishes while under suspension is guilty of a misdemeanor and, upon conviction, must be fined not less than two hundred fifty dollars nor more than five hundred dollars or imprisoned not more than one year, or both, and must have his hunting and fishing privileges suspended for an additional three years.

**SECTION 50‑9‑1210.** Effect of points and penalties.

The points and penalties assessed under this article are in addition to and not in lieu of any other civil remedies or criminal penalties which may be assessed.