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CHAPTER 13.

 PROTECTION OF FISH

ARTICLE 1.

 RESTRICTIONS ON FISHING GENERALLY

**SECTION 50‑13‑5.** Definitions.

 For the purposes of this chapter:

 (1) "Day" means the period from official sunrise of one day, to official sunrise of the next day.

 (2) "Landed" means to take and bring a fish ashore.

 (3) "Striped bass" or "rockfish" is the species Morone saxatilis.

 (4) The "Lower Santee River system" includes all waters and tributaries seaward of the Lake Murray Dam, the Columbia Canal Diversion Dam, and the Lake Wateree Dam to the freshwater/saltwater dividing line on the North Santee River and the South Santee River.

 (5) The "Cooper River system" includes all waters and tributaries, including the Tailrace Canal, of the Cooper River from its point of origin seaward to the freshwater/saltwater dividing line.

HISTORY: 2008 Act No. 237, Section 1, eff May 21, 2008.

**SECTION 50‑13‑10.** Lawful methods of catching game fish.

 The catching of game fish in all waters of the State shall be only with hook and line, fly rod, casting rod, pole and line and hand line. Not more than two of the above‑mentioned devices may be used by any one individual while fishing.

HISTORY: 1962 Code Section 28‑571; 1952 Code Section 28‑571; 1942 Code Section 1768; 1932 Code Section 1751; 1952 (47) 2179; 1977 Act No. 190, Section 1; 1978 Act No. 559, Section 2; 1993 Act No. 181, Section 1263.

**SECTION 50‑13‑11.** Use of unlimited number of fishing devices.

 Notwithstanding the provisions of Section 50‑13‑10, any person fishing in a boat may use an unlimited number of lawful fishing devices so long as every other occupant of the boat who, if fishing would be required by law to have a fishing license, has in his possession a valid fishing license.

HISTORY: 1981 Act No. 83, Section 1; 1993 Act No. 181, Section 1263.

**SECTION 50‑13‑12.** Taking fish by snagging.

 It is unlawful to take fish by snagging, pulling, or jerking a device equipped with one or more hooks through the water for the purpose of impaling fish within one thousand feet downstream of a hydroelectric dam. Nothing in this section prohibits the use of lures or baited hooks for the purpose of catching fish.

HISTORY: 2007 Act No. 87, Section 1, eff June 14, 2007.

**SECTION 50‑13‑20.** Repealed by 2008 Act No. 286, Section 11, eff June 11, 2008.

**SECTION 50‑13‑25.** Catch and size limits for bass and other fish in Slade Lake; fishing season; equipment and other restrictions; penalties.

 (A) Notwithstanding any other provision of law, it is unlawful to catch and carry away from Slade Lake in Edgefield County any bass not meeting the minimum size limitation of twelve inches in length. The lawful catch limit for bass in Slade Lake is two per day, and the lawful catch limit for all other fish is fifteen per day.

 (B) There is hereby established an open season for fishing on Slade Lake, beginning on the first day of April and terminating on the first day of November. During the open season, fishing is only allowed on Wednesdays, Saturdays, and Sundays, opening one‑half hour before sunrise and closing one‑half hour after sundown. A valid fishing license is required for a person sixteen years of age or older.

 (C) It is unlawful to take any fish of any kind from Slade Lake except by hook and line, which includes poles, rod and reel, and natural or artificial bait, excluding minnows, and no person may use more than two poles at the same time. Nongame fishing devices may not be used including, but not limited to, traps, trotlines, or jugs.

 (D) It is unlawful on Slade Lake or the recreational area of Slade Lake to:

 (1) use watercraft of any kind on Slade Lake unless the watercraft is operated using oars or an electric trolling motor;

 (2) have rifles, shotguns, or other firearms in one's possession;

 (3) litter, as defined in Section 44‑96‑40;

 (4) have a glass container in one's possession;

 (5) have beer, wine, or other alcoholic beverages in one's possession;

 (6) operate a motor vehicle off designated roadways or park a vehicle outside of designated parking areas.

 (E) A person violating a provision of this section is guilty of a misdemeanor and, upon conviction, must be fined not less than ten dollars or more than one hundred dollars or imprisoned not less than ten days or more than thirty days, or both.

HISTORY: 2000 Act No. 244, Section 1; 2004 Act No. 178, Section 1.

**SECTION 50‑13‑60.** Department to declare closed season in streams on recommendation of county legislative delegations.

 The department shall declare a closed season for a period of not more than sixty days at any one time on fish in any stream in this State on the written recommendation of the Senator and at least one half of the representatives from any county in which such stream may be situated. Any person who shall take fish from any such stream in this State during any such closed season shall, upon conviction, be fined not less than fifty dollars nor more than one hundred dollars or imprisoned for not less than thirty days.

HISTORY: 1962 Code Section 28‑577; 1952 Code Section 28‑577; 1942 Code Section 1769‑1; 1932 Code Section 1807; 1931 (37) 340; 1952 (47) 2179; 1955 (49) 463; 1993 Act No. 181, Section 1263.

**SECTION 50‑13‑65.** Closed season authorized on streams in Game Zone No. 1.

 Notwithstanding the provisions of Section 50‑13‑60, in Game Zone 1 only, a stream may be closed for a period of one hundred fifty days under the same procedure as provided in Section 50‑13‑60 and any person convicted of unlawfully fishing during such closed season shall be fined as provided in Section 50‑13‑60.

HISTORY: 1981 Act No. 121, Section 1; 1993 Act No. 181, Section 1263.

**SECTION 50‑13‑70.** Notice of season closed on recommendation of county legislative delegation.

 The department shall give notice of the closed season so declared by publication in at least two daily newspapers, including a newspaper in the county or counties in which the closed season is declared, if such counties have newspapers therein, stating the length of the period of such closed season.

HISTORY: 1962 Code Section 28‑578; 1952 Code Section 28‑578; 1942 Code Section 1769‑1; 1932 Code Section 1807; 1931 (37) 340; 1952 (47) 2179; 1993 Act No. 181, Section 1263.

**SECTION 50‑13‑80.** Conduct which is prima facie evidence of violating season closed on recommendation of county legislative delegation.

 Any person found fishing with hook and line or in any other manner whatsoever within the restricted territory during a closed season so declared shall be prima facie guilty of violating the provisions of Section 50‑13‑60, regardless of whether he shall have caught any fish or not.

HISTORY: 1962 Code Section 28‑579; 1952 Code Section 28‑579; 1942 Code Section 1769‑1; 1932 Code Section 1807; 1931 (37) 340; 1952 (47) 2179; 1993 Act No. 181, Section 1263.

**SECTION 50‑13‑90.** Repealed by 2008 Act No. 286, Section 11, eff June 11, 2008.

**SECTION 50‑13‑100.** Unlawful to possess trout during season closed on recommendation of county legislative delegation.

 It shall be unlawful for any person during a closed season declared pursuant to Section 50‑13‑60 to have in his possession any trout taken from the fresh waters of this State. Any person found in possession of fresh‑water trout during a closed season shall be presumed to have taken such trout from the fresh‑water streams of this State.

HISTORY: 1962 Code Section 28‑581; 1961 (52) 136; 1966 (54) 2248; 1993 Act No. 181, Section 1263.

**SECTION 50‑13‑110.** Lawful fishing for trout in Game Zone No. 1.

 It shall be lawful for any person to fish for and catch trout in Game Zone No. 1 at any time except during the closed season therefor.

HISTORY: 1962 Code Section 28‑582; 1952 (47) 2179; 1993 Act No. 181, Section 1263.

**SECTION 50‑13‑120.** Black bass (largemouth) catch limits and requirements for Lake Marion, Lake Moultrie, and The Upper Santee River.

 (A) As used in this section:

 (1) "Lake Marion" means all waters of the Santee River and its tributaries impounded by the Lake Marion Dam, including the flooded backwater areas in Calhoun and Sumter Counties.

 (2) "Lake Moultrie" means all waters impounded by the Pinopolis Dam and the Saint Stephen Dam, including the diversion canal and those waters of the rediversion canal upstream of the Saint Stephen Dam.

 (3) "Upper reach of the Santee River" means all waters of the Santee River from the backwaters of Lake Marion at the railroad trestle bridge near Rimini upstream to the confluence of the Congaree and Wateree Rivers.

 (B) It is unlawful to possess any black bass (largemouth) in Lakes Marion or Moultrie or the upper Santee River less than fourteen inches in total length. It is unlawful to land black bass without the head and tail fin intact.

 (C) The lawful catch limit for black bass (largemouth) or a combination of them in Lakes Marion or Moultrie or the upper Santee River is five per day.

HISTORY: 2010 Act No. 144, Section 1, eff March 31, 2010.

**SECTION 50‑13‑200.** Night fishing in Bridge Lake in Dorchester County prohibited; exception.

 Fishing in the nighttime is hereby prohibited in that portion of Four‑Hole Swamp known as Bridge Lake, in Dorchester County, except during the season fixed by law for shad fishing. Anyone violating the provisions of this section shall be subject to a fine of not more than one hundred dollars or to a term of imprisonment of not more than thirty days.

HISTORY: 1962 Code Section 28‑586; 1952 Code Section 28‑586; 1942 Code Section 1808; 1938 (40) 1549; 1942 (42) 1482; 1993 Act No. 181, Section 1263.

**SECTION 50‑13‑210.** Daily creel limits on game fish.

 It is unlawful for a person in any one day to catch more than forty game fish; however, of the total creel limit:

 (1) not more than ten of the total may be striped bass (rockfish) or hybrid bass (striped bass‑white bass) or a combination of them unless regulations promulgated by the department and adopted by the General Assembly by authority of Section 50‑13‑236 reflect otherwise;

 (2) not more than ten of the total may be black bass (large mouth, small mouth, coosae) or a combination of them unless regulations promulgated by the department and adopted by the General Assembly by authority of Section 50‑13‑236 reflect otherwise;

 (3) not more than ten of the total may be trout; provided, not more than five trout may be taken in any one day from that portion of the lower Saluda River between the Lake Murray Dam and the confluence of the Broad River;

 (4) not more than eight of the total may be walleye or sauger or a combination of them;

 (5) not more than thirty of the total may be any game fish not specified.

HISTORY: 1962 Code Section 28‑590; 1952 Code Section 28‑590; 1948 (45) 1756; 1952 (47) 2179; 1961 (52) 152; 1978 Act No. 625, Section 3; 1989 Act No. 192, Section 3; 1993 Act No. 181, Section 1263; 2003 Act No. 56, Section 1.

**SECTION 50‑13‑220.** Repealed by 2008 Act No. 237, Section 5, eff May 21, 2008.

**SECTION 50‑13‑221.** Striped bass size and limits in certain freshwater bodies.

 (A) In the following freshwater bodies: the Ashepoo River; Ashley River; Back River in Jasper County and the Back River in Berkeley County; Black River; Black Mingo Creek; Bull Creek and Little Bull Creek; Combahee River; Cooper River system; Coosawhatchie River; Cuckholds Creek; Edisto River; Horseshoe Creek; Lumber River; Lynches River; Great Pee Dee and Little Pee Dee Rivers; Pocotaligo in Beaufort, Jasper, and Hampton Counties; Salkehatchie and Little Salkehatchie Rivers; Sampit River; Lower Santee River system; Tulifinny; Thoroughfare Creek; and Waccamaw River from June first to September thirtieth, it is unlawful to take, attempt to take, or to possess any striped bass. Any striped bass taken must be returned immediately to the waters from where it came.

 (B) In the following freshwater bodies: the Ashepoo River; Ashley River; Back River in Jasper County and the Back River in Berkeley County; Black River; Black Mingo Creek; Bull Creek and Little Bull Creek; Combahee River; Cooper River system; Coosawhatchie River; Cuckholds Creek; Edisto River; Horseshoe Creek; Lumber River; Lynches River; Great Pee Dee and Little Pee Dee Rivers; Pocotaligo in Beaufort, Jasper, and Hampton Counties; Salkehatchie and Little Salkehatchie Rivers; Sampit River; Lower Santee River system; Tulifinny; Thoroughfare Creek; and Waccamaw River from October first through May thirty‑first, it is unlawful to take or possess more than three striped bass per day.

 (C) In the following freshwater bodies: the Ashepoo River; Ashley River; Back River in Jasper County and the Back River in Berkeley County; Black River; Black Mingo Creek; Bull Creek and Little Bull Creek; Combahee River; Cooper River system; Coosawhatchie River; Cuckholds Creek; Edisto River; Horseshoe Creek; Lumber River; Lynches River; Great Pee Dee and Little Pee Dee Rivers; Pocotaligo in Beaufort, Jasper, and Hampton Counties; Salkehatchie and Little Salkehatchie Rivers; Sampit River; Lower Santee River system; Tulifinny; Thoroughfare Creek; and Waccamaw River from October first through May thirty‑first, it is unlawful to take or possess a striped bass less than twenty‑six inches in total length.

 (D) Striped bass must be landed with head and tail fin intact.

 (E) The Department of Natural Resources for the Lower Santee and Cooper River systems shall make recommendations, after study, on any needed modification to the restrictions in this section before January 1, 2015.

HISTORY: 2008 Act No. 237, Section 2, eff May 21, 2008; 2010 Act No. 193, Section 2, eff May 28, 2010.

**SECTION 50‑13‑222.** Striped bass size and limits in Lake Russell.

 (A) It is unlawful to take or possess more than two striped bass on all waters of Lake Russell from Lake Hartwell Dam and Lake Secession Dam, including all tributaries of Lake Russell.

 (B) It is unlawful to take and retain from all waters of Lake Russell from Lake Hartwell Dam and Lake Secession Dam, including its tributaries, more than one striped bass greater than thirty‑four inches in length.

HISTORY: 2010 Act No. 193, Section 3, eff May 28, 2010.

**SECTIONS 50‑13‑230, 50‑13‑235.** Repealed by 2008 Act No. 237, Section 5, eff May 21, 2008.

**SECTIONS 50‑13‑230, 50‑13‑235.** Repealed by 2008 Act No. 237, Section 5, eff May 21, 2008.

**SECTION 50‑13‑236.** Creel and size limits on striped bass and black bass from Lake Murray.

 (A) The department may establish the daily creel limits and size limits on Lake Murray and on all waters of the Saluda River lying between the Lake Greenwood Dam (Buzzard's Roost Dam) and Lake Murray for striped bass (rockfish) and black bass by regulations promulgated and adopted in accordance with Article 1, Chapter 23 of Title 1. No creel or size limits may be set by emergency regulations. A person taking striped bass or black bass exceeding the limits set by the department is guilty of a misdemeanor and, upon conviction, must be punished as provided in Section 50‑13‑285.

 (B) Notwithstanding the provisions of subsection (A), during July and August it is lawful to take and retain from Lake Murray not more than two striped bass (rockfish) per day that are less than the legal size limit.

HISTORY: 1989 Act No. 192, Section 2; 1990 Act No. 396, Section 1; 1993 Act No. 181,Section 1263; 2000 Act No. 401, Section 2; 2002 Act No. 214, Section 1; 2008 Act No. 237, Section 6, eff May 21, 2008.

**SECTION 50‑13‑237.** Possession of striped bass in portion of Savannah River.

 It is unlawful to possess more than two striped bass, striped bass hybrids, white bass, or any combination of these species in the Savannah River and its tributaries and distributaries and the lands immediately adjacent to them from the J. Strom Thurmond Lake dam downstream to the mouth of the Savannah River defined by a line from Jones Island, S.C. (also known as Oysterbed Island) point at N. 32° 02" W. 80° 53"; across Cockspur Island, Georgia, point at N. 32° 01" W. 80° 52" to Lazaretto Creek, Georgia, point at 32° 01" W. 80° 52". Any lawfully possessed fish of each of these species must be a minimum of twenty‑seven inches in total length.

HISTORY: 2001 Act No. 71, Section 1; 2005 Act No. 86, Section 1.

**SECTION 50‑13‑240.** Effect on daily creel limits of reciprocal agreements with other states.

 Whenever the limits provided in Section 50‑13‑210 is in conflict with a reciprocal agreement with another state, such limits shall not apply.

HISTORY: 1962 Code Section 28‑594; 1961 (52) 152; 1993 Act No. 181, Section 1263.

**SECTION 50‑13‑250.** Daily creel limit on trout.

 Not more than ten trout may be taken from the freshwater streams of the State in any one day except for that portion of Matthews Creek and Middle Saluda River which lies in Greenville County, Eastatoe River in Pickens County, Whitewater River in Oconee County, and Lake Jocassee in Oconee and Pickens Counties. The department may promulgate regulations to establish creel and possession limits, bait limitations, and for any other purposes to protect the trout fishery. As used in this section the word "trout" means rainbow, brook, brown, or other species of cold‑water trout and does not mean freshwater bass.

HISTORY: 1962 Code Section 28‑594.1; 1961 (52) 136; 1983 Act No. 125, Section 1; 1993 Act No. 181, Section 1263.

**SECTION 50‑13‑260.** Creels may be searched.

 It shall be lawful for any enforcement officer to search any creel.

HISTORY: 1962 Code Section 28‑594.2; 1961 (52) 136; 1993 Act No. 181, Section 1263.

**SECTION 50‑13‑270.** Creel limits not applicable to private ponds.

 When fishing in private ponds entirely segregated from other waters, creel limits shall not apply, if permission shall have been given by the owner of such pond to exceed statutory limits.

HISTORY: 1962 Code Section 28‑594.3; 1959 (51) 296; 1993 Act No. 181, Section 1263.

**SECTION 50‑13‑280.** Limit on possession of game fish; exceptions.

 It is unlawful for any person to have in his immediate possession or control more than the number of game fish authorized to be caught by one person in any one day; provided, that the provisions of this section do not apply to a person traveling in a vehicle with not more than the number of game fish authorized to be caught by one person in any two days nor to a person who has fish stored in a freezer in a residence which is not used as or connected with a store, service station, eating establishment, or any such similar commercial establishment. This section does not apply to aquaculture produced fish as permitted in this title.

HISTORY: 1962 Code Section 28‑594.4; 1961 (52) 152; 1978 Act No. 625, Section 4; 1993 Act No. 181, Section 1263; 2003 Act No. 60, Section 3.

**SECTION 50‑13‑285.** Penalties for exceeding limits.

 Unless otherwise provided, a person violating the provisions of this article, upon conviction for a first offense, must be fined not less than thirty dollars nor more than two hundred dollars or imprisoned for not more than thirty days and for a subsequent offense of any of the sections be fined not less than three hundred dollars nor more than five hundred dollars or imprisoned for not more than sixty days, or both.

HISTORY: 1985 Act No. 197, Section 1; 1993 Act No. 181, Section 1263; 2008 Act No. 237, Section 4, eff May 21, 2008.

**SECTION 50‑13‑350.** Unlawful to fish or trespass in private artificial ponds used to breed fish or oysters.

 A person who makes or creates an artificial pond on his land for the purpose of breeding and cultivating fish or oysters, shall place a written or printed notice of the breeding or cultivating fish or oysters in public places near the pond. It is unlawful for a person to enter in or about the pond to fish, catch, or take away any fish or oysters, or destroy or injure the fish or oysters or break the dam for the purpose of permitting the fish or oysters to escape.

 A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars or imprisoned not more than three years.

 A fine, if imposed, shall go one‑half to the informer and the other half to the person whose property has been injured. Nothing in this section applies to ponds used as water power for manufacturing purposes.

HISTORY: 1962 Code Section 28‑601; 1952 Code Section 28‑601; 1942 Code Section 1771‑1; 1932 Code Section 1811; Cr. C. '22 Section 781; Cr. C. '12 Section 764; Cr. C. '02 Section 534; G. S. 1680; R. S. 414; 1872 (15) 161; 1993 Act No. 184, Section 246; 1993 Act No. 181, Section 1263.

**SECTION 50‑13‑370.** Fishing restrictions not applicable to United States Commissioner of Fish and Wildlife and agents.

 Nothing contained in the laws of this State for the protection of fish or which provide for a closed time in the creeks, streams and inland waters shall be construed to restrict or interfere in any manner with the United States Commissioner of Fish and Wildlife or his agents when fishing for fish of any kind in connection with the operations of any fish hatcheries, but the United States Commissioner of Fish and Wildlife and his duly authorized agents are accorded full and free right to conduct fish cultural operations and scientific investigations in the waters of this State and all fishing and other operations necessary therefor, in such manner and at such times as are considered necessary and proper by such Commissioner or his agents.

HISTORY: 1962 Code Section 28‑602; 1952 Code Section 28‑602; 1942 Code Section 1776; 1932 Code Sections 3424, 3425; Civ. C. '22 Sections 1040, 1041; 1917 (30) 192; 1931 (37) 328; 1952 (47) 2179; 1993 Act No. 181, Section 1263.

**SECTION 50‑13‑385.** Minimum size for large mouth bass in Lake Wylie; penalties.

 It is unlawful to take or possess largemouth bass less than twelve inches in length in Lake Wylie. A person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined an amount not to exceed one hundred dollars or imprisoned for a term not to exceed thirty days.

HISTORY: 2001 Act No. 3, Section 1; 2008 Act No. 286, Section 6, eff June 11, 2008; 2010 Act No. 144, Section 2, eff March 31, 2010.

**SECTION 50‑13‑390.** Daily limit on Arkansas blue catfish.

 Notwithstanding any other provision of law, no more than one Arkansas blue catfish over thirty‑six inches may be taken from the waters of Lakes Marion and Moultrie by any one person in one day. The provisions of this section apply to commercial, as well as, recreational fishermen.

HISTORY: 2007 Act No. 2, Section 1, eff March 27, 2007; 2010 Act No. 140, Section 2, eff March 31, 2010.

**SECTION 50‑13‑400.** Lake Murray crappie creel and size limits.

 (A) In Lake Murray it is unlawful to take or possess more than twenty crappie (Pomoxis spp.) per day.

 (B) In Lake Murray it is unlawful to take or possess crappie (Pomoxis spp. ) less than eight inches in total length.

HISTORY: 2009 Act No. 47, Section 2, eff June 2, 2009.

ARTICLE 3.

 USE OF NETS, SEINES, TRAPS, AND LIKE DEVICES

**SECTION 50‑13‑580.** Game fish caught with nets or similar devices must be returned to water.

 Should any game fish be taken by net or other nongame fishing device while fishing for fish other than game fish, they must be immediately returned to the water from whence they came. Any person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not less than fifty dollars nor more than two hundred dollars or imprisoned for not more than thirty days. Any equipment and devices used in committing the violation must be seized and disposed of as provided in Section 50‑13‑1196.

HISTORY: 1962 Code Section 28‑639; 1952 Code Section 28‑639; 1942 Code Sections 1770‑3, 1770‑6; 1932 Code Sections 1797, 1808; Cr. C. '22 Sections 771, 778; Cr. C. '12 Sections 756, 761; 1910 (26) 576; 1911 (27) 126; 1988 Act No. 477, Section 1; 1993 Act No. 181, Section 1263.

**SECTION 50‑13‑610.** Lawful taking of fish in Game Zone No. 1.

 Fish in Game Zone No. 1 shall be caught only with rod and reel, rod and line or pole and line, with single bait or lure in the hands of the operator, or by throwing when not more than one lure and line is used by the person throwing. But when a pole and line is used, the fisherman may use not exceeding three poles provided they all be used in his view, and he is not required to have them in his hands all of the time, and it shall not be unlawful for a person fishing with pole and line to have in his possession and use at intervals a rod and reel or rod and line.

HISTORY: 1962 Code Section 28‑614; 1952 Code Section 28‑614; 1942 Code Section 1789‑7; 1938 (40) 1657; 1939 (41) 318; 1941 (42) 225; 1952 (47) 2179; 1993 Act No. 181, Section 1263.

**SECTION 50‑13‑620.** Penalties applicable to violations in Game Zone No. 1.

 Any violation of any of the provisions of Sections 50‑13‑600 or 50‑13‑610 shall be punishable by a fine of not more than one hundred dollars nor less than ten dollars or by imprisonment for not more than thirty days.

HISTORY: 1962 Code Section 28‑615; 1952 Code Section 28‑615; 1942 Code Section 1789‑9; 1938 (40) 1657; 1952 (47) 2179; 1993 Act No. 181, Section 1263.

**SECTION 50‑13‑650.** Use of nets and seines in Savannah River.

 It is unlawful to use nets and seines in the Savannah River from the New Savannah Bluff Lock and Dam to a point where Spirit Creek empties into the Savannah River.

HISTORY: 1962 Code Section 28‑616.1; 1967 (55) 342; 1993 Act No. 181, Section 1263; 2000 Act No. 245, Section 17.

**SECTION 50‑13‑680.** Permit required for taking of fish in Red Bluff Pond in Marlboro County; use of nets to net nongame fish.

 It is unlawful to take fish by any method in Red Bluff Pond in Marlboro County without a permit issued by Marlboro County American Legion Post Sixty, which owns the pond. Fishing in the pond is subject to the same laws governing fishing in Lake Paul A. Wallace in Marlboro County except that minnows may be used for bait in Red Bluff Pond. It is lawful to net nongame fish in Red Bluff Pond in Marlboro County during the months of December, January, and February, from sunrise on Wednesday until sunset on Saturday, after registering with the caretaker of the pond. Each net used must be clearly marked and no person netting fish may have any other fishing equipment in his boat.

HISTORY: 1962 Code Section 28‑621.01; 1965 (54) 507; 1983 Act No. 120, Section 1; 1988 Act No. 383, Section 1; 1993 Act No. 181, Section 1263.

**SECTION 50‑13‑690.** Use of nets or other devices to take nongame fish from private ponds in Chesterfield County.

 The owner of any private pond or lake, or any person with the written permission of the owner, may, from November fifteenth to February fifteenth of each year, take nongame fish by means of net, seine, trap or other device within the perimeter of the private pond or lake in Chesterfield County without regard to whether or not the pond or lake is fed by a public stream.

HISTORY: 1962 Code Section 28‑596.1; 1963 (53) 156; 1993 Act No. 181, Section 1263.

**SECTION 50‑13‑730.** Use of nets to take nongame fish in fresh waters.

 Notwithstanding any other provision of law, the department is authorized to promulgate regulations establishing the open season for the taking of nongame fish with nets in the fresh waters of this State. Any regulations promulgated shall specify those waters in which nongame fish may be taken with nets, which species may be taken, the open season for such taking, any special schedules, and any necessary restrictions including specifications as to what types and mesh size nets shall be permissible.

 The provisions of this section shall not affect shad, herring, or sturgeon.

HISTORY: 1975 (59) 126; 1980 Act No. 324, Section 2; 1984 Act No. 322, Section 1; 1993 Act No. 181, Section 1263; 2000 Act No. 245, Section 18.

ARTICLE 5.

 SPECIAL PROVISIONS FOR GAME ZONE NO. 7 AND GEORGETOWN COUNTY [REPEALED]

**SECTIONS 50‑13‑980 to 50‑13‑1020.** Repealed by 2008 Act No. 286, Section 11, eff June 11, 2008.

**SECTIONS 50‑13‑980 to 50‑13‑1020.** Repealed by 2008 Act No. 286, Section 11, eff June 11, 2008.

**SECTIONS 50‑13‑980 to 50‑13‑1020.** Repealed by 2008 Act No. 286, Section 11, eff June 11, 2008.

ARTICLE 6.

 PROTECTION OF NONGAME FISH

**SECTION 50‑13‑1110.** Application of article.

 The provisions of this article shall apply to the use of nongame fishing devices and the taking of nongame fish in the freshwaters of this State, which shall include all waters inland of the saltwater‑freshwater dividing lines on the coastal rivers as established in Section 50‑17‑30.

 The provisions of this article shall not apply to shad or herring where otherwise provided by law.

HISTORY: 1981 Act No. 170, Section 1; 1982 Act No. 461, Section 1; 1993 Act No. 181,Section 1263.

**SECTION 50‑13‑1115.** Nongame fishing devices which may be used for taking nongame fish in freshwaters.

 (A) The following nongame fishing devices may be used for the taking of nongame fish in the freshwaters of this State in which such devices are authorized:

 (1) trotlines

 (2) set hooks

 (3) jug fishing devices

 (4) traps

 (5) eel pots

 (6) gill nets

 (7) hoop nets

 (8) skimbow nets

 (9) bows and arrows

 (10) gigs

 (11) spears

 (12) tires

 (13) minnow seines

 (14) cast nets

 (15) seines

 (16) pump nets.

 (B) The possession or use on the freshwaters of this State of any device or gear designed or used to catch nongame fish not authorized by this article is unlawful.

 Nothing in this article shall be construed to prohibit the taking of nongame fish with lawful game fishing devices designed to take game fish.

HISTORY: 1981 Act No. 170, Section 1; 1982 Act No. 461, Sections 2, 3; 1984 Act No. 367,Section 2; 1993 Act No. 181, Section 1263.

**SECTION 50‑13‑1116.** Certain nongame fishing devices to be marked with certain information; composition and color of devices.

 Notwithstanding other provisions of this title, nongame fishing devices specified in Section 50‑13‑1115(A)(1), (4), (5), and (6), must be marked with a floating marker with a minimum capacity of one pint and a maximum capacity of one gallon or equivalent size and must be made of solid, buoyant material which does not sink if punctured or cracked. The floating markers must be constructed of plastic, PVC spongex, plastic foam, or cork. No hollow buoys or floats including plastic, metal, or glass bottles or jugs may be used, except manufactured buoys or floats specifically designed for use with nongame fishing devices may be hollow if constructed of heavy duty plastic material and approved by the department. The floating markers must be colored white when used the first through the fifteenth each month and yellow when used the remainder of the month. The owner's name and address must be marked clearly on each floating marker.

 Nongame fishing devices specified in Section 50‑13‑1115(A)(2) must have an identification tag bearing the owner's name and address attached to it.

HISTORY: 1988 Act No. 477, Section 2; 1992 Act No. 316, Section 1; 1993 Act No. 181, Section 1263.

**SECTION 50‑13‑1120.** Definitions.

 For the purposes of this article:

 (a) "Set hook" is defined as a single hook and line set in or along any of the rivers, streams, lakes or waters of this State used to catch fish while attached to bushes, limbs, vines, undergrowth or other parts of vegetation, set poles, pegs, sticks or similar structures. "Set hooks" shall include all similar hook and line devices by whatever name called.

 (b) "Jug fishing" is defined as fishing by use of a single hook and line attached to a free floating device other than a flotation marker for trotlines, traps or other devices.

 (c) "Trap" is defined as any device in which fish are taken in an enclosed structure which conforms with the specifications contained in subsection (A) of Section 50‑13‑1165, except eel pots and shall include fish traps, baskets and like devices.

 (d) "Eel pot" is defined as an enclosed structure used to take eels only and which conforms to the specifications provided in subsection (B) of Section 50‑13‑1165.

 (e) "Trotline" is defined as two or more hooks attached to a common line which is rigged horizontally.

 (f) "Hoop net" is defined as a device in which fish are taken in an enclosed structure which conforms with the specifications contained in Section 50‑13‑1175.

 (g) "Skimbow net" is defined as a hand‑operated dip net with the bow constructed of wood or metal with wire or textile netting with a mesh size not greater than one and one‑half inches square. The bow shall not exceed six feet in any direction.

 (h) "Minnow seine" is defined as a seine of a size not greater than four feet in width by twenty feet in length with a mesh size of not more than one‑fourth inch square mesh.

 (i) "Gig" is defined as a device consisting of a long staff on which two or more hooks or similar type sharp points normally with barbs are attached.

 (j) "Spear" is defined as a device for thrusting or throwing consisting of a long staff to which a sharp head is fixed.

 (k) "Bows and arrows" are defined as a strip of wood or other material bent by a string stretched between its ends used for shooting arrows.

 (l) "Gill net" is defined as a device for the taking of nongame fish which conforms to the specifications provided in subsection (1) of Section 50‑13‑1170.

 (m) "Yoyo" is a device to which "set hooks" are attached which is activated by spring‑like devices.

 (n) "Tires" are defined as truck or automobile tires not exceeding twenty‑inch rim.

 (o) "Cast net" is a circular shaped net with a lead line running around the outside edge. A cord line extends through a ring or horn in the center of the net and from this end there radiates numerous smaller cords (tuck line) which are fastened at regular intervals to the lead line.

 (p) "Seine" is a net having a stretch mesh of not less than one inch and not more than one and one‑half inches which do not exceed seventy‑five feet in length or six feet in depth.

 (q) "Pump net" is a net suspended from a pole placed in a forked stick or device which may be lowered or raised manually in a seesaw type action.

HISTORY: 1981 Act No. 170, Section 1; 1982 Act No. 461, Section 4; 1984 Act No. 367, Section 1; 1993 Act No. 181, Section 1263.

**SECTION 50‑13‑1125.** Prohibition against fishing devices being used, placed, set, or fished constituting hazard to boating.

 No fishing device authorized by this article shall be used, placed, set or fished so as to constitute a hazard to boating.

HISTORY: 1981 Act No. 170, Section 1; 1993 Act No. 181, Section 1263.

**SECTION 50‑13‑1126.** Unlawful to anchor seine and leave unattended.

 It shall be unlawful to anchor a seine and leave it unattended.

HISTORY: 1982 Act No. 461, Section 8; 1993 Act No. 181, Section 1263.

**SECTIONS 50‑13‑1130, 50‑13‑1135.** Repealed by 2010 Act No. 200, Section 15, eff May 28, 2010.

**SECTIONS 50‑13‑1130, 50‑13‑1135.** Repealed by 2010 Act No. 200, Section 15, eff May 28, 2010.

**SECTION 50‑13‑1145.** Maximum number of certain devices allowable for freshwater fishing by one person.

 Exclusive of strictly private ponds, no person may fish in an individual freshwater lake or stream of this State with more than:

 (1) fifty jugs;

 (2) one skimbow net;

 (3) fifty set hooks;

 (4) fifty hoop nets;

 (5) fifty traps;

 (6) five hundred trotline hooks.

HISTORY: 1981 Act No. 170, Section 1; 1992 Act No. 316, Section 3; 1993 Act No. 181, Section 1263.

**SECTIONS 50‑13‑1150 to 50‑13‑1160.** Repealed by 2010 Act No. 200, Section 15, eff May 28, 2010.

**SECTIONS 50‑13‑1150 to 50‑13‑1160.** Repealed by 2010 Act No. 200, Section 15, eff May 28, 2010.

**SECTIONS 50‑13‑1150 to 50‑13‑1160.** Repealed by 2010 Act No. 200, Section 15, eff May 28, 2010.

**SECTION 50‑13‑1165.** Traps and eel pots; construction and placement.

 (A) Any trap used under authority of this article shall conform to one of the following specifications:

 (1) the trap shall be made of wire or textile material and be cylindrical in shape of a length of not more than six feet and a width of not more than three feet.

 (a) the mesh size shall not be smaller than one inch by one inch and there shall only be one application of exterior wire to the trap;

 (b) the muzzle shall have one of the following designs:

 (i) a trap door on the second muzzle or catch muzzle which remains in a closed position and which only opens for the entry of fish into the trap; the trap door shall be constructed of the same material as the trap;

 (ii) construction of a netting so that the opening of the small end of the second muzzle or catch muzzle is held in the shape of a slit and the trap configuration constructed such that as the trap rests on the bottom the slit shall be oriented horizontally with the greatest vertical opening being no greater than one inch.

 (2) the trap shall be made of wood strips or slats and be cylindrical or rectangular in shape. The length shall not exceed six feet and the width or diameter shall not exceed two feet.

 (a) the throat opening of the catch muzzle in a resting position shall not exceed three inches measured in any direction.

 (b) the sides, top and rear of the trap shall have a minimum of one inch openings between the slats to allow for the escape of small catfish. This shall apply only to the last twelve inches of the trap.

 (B) Any eel pot used under authority of this article shall conform to the following specifications:

 (1) pots shall be no larger than twenty‑four inches by forty‑eight inches;

 (2) all eel pots shall be constructed of wire so that:

 (a) the mesh size is no smaller than one‑half by one‑half inch, except for the throat or muzzle and the end opposite the throat or muzzle of cylindrical pots;

 (b) a throat opening not to exceed two inches measured in any direction.

 (C)(1) Traps and eel pots may be suspended above the bottom of the body of water in which they are used at a depth which does not create a hazard to watercraft passing over them.

 (2) There shall be no restriction on the type of bait permissible in traps or eel pots, except that no game fish or any part thereof shall be used for bait.

 (3) There shall be no closed season for fishing with traps or eel pots in the freshwaters of this State in which the use of traps or eel pots is permitted except temporarily by regulation of the Department if low water conditions or any emergency situation develops.

 (4) No trap or eel pot shall be placed within one hundred feet of the mouth of any tributary stream and no trap or pot shall be placed anywhere in the diversion canal connecting Lakes Marion and Moultrie nor placed within two hundred yards of permanent man‑made structure of Lakes Marion and Moultrie.

 (5) No crab pot or trap of like design shall be used in the freshwaters of this State.

HISTORY: 1981 Act No. 170, Section 1; 1987 Act No. 68, Section 1; 1993 Act No. 181, Section 1263.

**SECTION 50‑13‑1170.** Nongame gill nets; size and placement; season.

 The season for taking nongame fish other than shad and herring in the freshwaters of this State with gill nets shall be from November first to March first inclusive. They may be used or possessed in the freshwaters in which their use is authorized on Wednesdays, Thursdays, Fridays and Saturdays only. Nongame gill nets used in the freshwaters shall have a mesh size of not less than four and one‑half inches stretch mesh. No gill net measuring more than two hundred yards in length may be used in the freshwaters and no gill net, cable, line or any other device used for support of a gill net shall extend more than half way across any stream or body of water. Gill nets shall be placed in the freshwaters on a first come first served basis but no gill net shall be placed within two hundred yards of another gill net. Use or possession of gill nets at any place or time other than those prescribed above shall be unlawful.

 Nongame fish, including Atlantic sturgeon of legal size and caught during open season as established under Section 50‑17‑830, in licensed shad nets lawfully fished during the open season for taking shad may be kept by the fisherman. Any Atlantic sturgeon caught during the closed season for Atlantic sturgeon must be returned immediately to the waters from whence it was taken.

HISTORY: 1981 Act No. 170, Section 1; 1985 Act No. 51, Section 2; 1986 Act No. 505; 1990 Act No. 353, Section 1; 1993 Act No. 181, Section 1263.

**SECTION 50‑13‑1175.** Hoop nets; size, construction, and placement.

 Hoop nets may be used or possessed in the freshwaters in which their use is authorized by Section 50‑13‑1192. The maximum size of hoop nets shall be sixteen feet by five and one‑half feet. Hoop nets shall be made of a textile netting (no wire) of a mesh size not less than one inch square nor greater than two inches square enclosing a series of round hoops with two or more muzzle openings which shall be made of a netting material. One side of the hoop may be flat to hold the nets in place. Hoop nets shall rest on the bottom of the body of water in which they are used and shall not be suspended above the bottom. Hoop nets shall not be used within one hundred feet of the mouth of any tributary stream. The maximum number of hoop nets which may be used by one licensee shall be fifty. Use or possession of hoop nets at any place or time other than those prescribed above shall be unlawful.

HISTORY: 1981 Act No. 170, Section 1; 1993 Act No. 181, Section 1263.

**SECTION 50‑13‑1180.** Trotlines; prohibitions regarding.

 (A) No more than five hundred hooks may be attached to a single trotline. A trotline must not be attached to another trotline or to the support or float of another trotline.

 (B) April first to October first a trotline is not permitted in waters in this State one hour after official sunrise to one hour before official sunset unless the trotline is sunk to the bottom or to a minimum depth of four feet below the water surface. October second to March thirty‑first trotlines may be left in the water twenty‑four hours a day at any depth.

 (C) A trotline must not be placed within one hundred feet of the mouth of a tributary stream.

 (D) A trotline may not remain in the waters of this State more than twenty‑four hours without inspection and removal of the fish taken on it.

 (E) A trotline must not be placed within two hundred yards of a permanent man‑made structure on Lakes Marion and Moultrie nor placed in the diversion canal connecting Lakes Marion and Moultrie.

 (F) Trotline hooks used in Lakes Marion and Moultrie must have a gap or clearance between point and shank no greater than seven‑sixteenths inch.

 (G) Stainless steel hooks must not be used on a trotline.

HISTORY: 1981 Act No. 170, Section 1; 1992 Act No. 316, Section 6; 1993 Act No. 181, Section 1263.

**SECTION 50‑13‑1185.** Set hooks to be attached only during certain hours.

 All set hooks shall be removed from the water and the vegetation or structure to which they are attached not later than one hour after sunrise each day and shall not be reattached earlier than one hour before official sunset.

HISTORY: 1981 Act No. 170, Section 1; 1993 Act No. 181, Section 1263.

**SECTION 50‑13‑1186.** Jug fishing devices; allowable capacity and prohibitions regarding.

 All jugs used in fishing in freshwaters shall range between a minimum capacity of one pint and a maximum capacity of one gallon with the licensee's name and address clearly marked on each jug. All jugs shall be removed from the water one hour after sunrise each day and not replaced before one hour before official sunset.

 The attachment of more than one hook and line to a jug fishing device is prohibited.

HISTORY: 1981 Act No. 170, Section 1; 1993 Act No. 181, Section 1263.

**SECTION 50‑13‑1187.** Bait which may be used with trotlines, set hooks, and jugs; violations; penalties.

 (A) Except as provided in subsections (B) and (C), no game fish, live bait, or other bait other than bait listed below may be used with trotlines, set hooks, and jugs:

 (1) soap;

 (2) dough balls;

 (3) cut fish which must be nongame fish cut into at least three equal parts;

 (4) shrimp;

 (5) meat scraps which may not include insects, worms, or other invertebrates;

 (6) grapes.

 (B) Notwithstanding any other provisions of law, on the Edisto, Black, Sampit, Big Pee Dee, Little Pee Dee, Lumber, and Waccamaw Rivers, live nongame fish and bream may be used with single‑barbed set hooks that have a shank‑to‑point gap of one and three‑sixteenths inches or greater. However, it is unlawful for any person to have in his possession more than thirty bream while fishing with nongame tackle on these rivers.

 (C) Live nongame fish and bream may be used on trotlines having not more than twenty hooks that have a shank‑to‑point gap of one and three‑sixteenths inches or greater on the Black, Big Pee Dee, Little Pee Dee, Lumber, and Waccamaw Rivers. However, it is unlawful for any person to have in his possession more than thirty bream while fishing with nongame tackle on these rivers.

 (D) Any person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars or imprisoned for not more than thirty days.

HISTORY: 1981 Act No. 170, Section 1; 1982 Act No. 461, Section 7; 1993 Act No. 181,Section 1263; 1995 Act No. 24, Section 1; 1998 Act No. 314, Section 1; 1999 Act No. 53, Section 1; 2001 Act No. 31, Section 1.

**SECTION 50‑13‑1188.** Minnow seines prohibited during certain hours.

 It shall be unlawful to use or have in possession a minnow seine, as defined by item (h) of Section 50‑13‑1120, in the freshwaters of this State from ten p.m. to official sunrise.

HISTORY: 1981 Act No. 170, Section 1; 1993 Act No. 181, Section 1263.

**SECTION 50‑13‑1189.** Possession of game fish or game fish tackle while fishing for nongame fish prohibited.

 It is unlawful for any person to have in his possession game fish or fishing tackle capable of catching game fish while fishing for nongame fish with nongame tackle authorized for use by this chapter. The provisions of this section do not apply to a person whose nongame tackle consists of bows and arrows or cast nets.

HISTORY: 1981 Act No. 170, Section 1; 1986 Act No. 333, Section 1; 1993 Act No. 181,Section 1263.

**SECTION 50‑13‑1190.** Yoyos prohibited.

 It shall be unlawful to use yoyos as defined in item (m) of Section 50‑13‑1120 in the freshwaters of this State.

HISTORY: 1981 Act No. 170, Section 1; 1993 Act No. 181, Section 1263.

**SECTION 50‑13‑1191.** Unlawful to use or to take fish from nongame fishing device or gear owned by another.

 It shall be unlawful for any person to check, fish or use in any manner the nongame fishing device or gear owned and tagged by another person or to take from any such device or gear any fish caught thereon.

HISTORY: 1981 Act No. 170, Section 1; 1993 Act No. 181, Section 1263.

**SECTION 50‑13‑1192.** Type and number of nongame fishing devices which may be used in certain bodies of freshwater.

 Bows and arrows, gigs, spears, tires, cast nets, and minnow seines may be used in freshwaters except in lakes owned or managed by the department. Notwithstanding other provisions of this article, it is unlawful to use or possess a nongame fishing device or gear or the number not authorized by this section for a particular body of water. Nongame fishing devices, except as provided in this section, must not be used in freshwater including tributaries of rivers or creeks unless listed and regulated as indicated below:

 (1) Ashepoo River:

 (a) set hooks: fifty maximum for each license holder;

 (b) eel pots: no limit;

 (2) Ashley River:

 (a) set hooks: fifty maximum for each license holder;

 (b) eel pots: no limit;

 (3) Black Creek; Darlington, Florence, and Chesterfield counties including Lakes Robinson and Prestwood:

 (a) trotlines: one hundred fifty hooks maximum and three‑line maximum for each license holder;

 (b) gill nets: nongame nets in season;

 (c) set hooks: fifty maximum for each license holder;

 (4) Black River:

 (a) gill nets: nongame nets in season;

 (b) set hooks: fifty maximum for each license holder;

 (c) trotlines: one hundred fifty hooks maximum and three‑line maximum for each license holder;

 (5) Broad River, includes the waters from the North Carolina line to the confluence of the Broad and Saluda Rivers:

 (a) traps: five for each license holder;

 (b) trotlines: one hundred fifty hooks maximum and three‑line maximum for each license holder;

 (c) set hooks: fifty maximum for each license holder;

 (d) seines from Highway 34 Bridge up: one for each license holder;

 (6) Bull Creek; Horry and Georgetown counties:

 (a) trotlines: one hundred fifty hooks maximum and three‑line maximum for each license holder;

 (b) gill nets: nongame nets in season;

 (c) eel pots: no limit;

 (d) traps: fifty maximum with commercial license;

 (7) Buffalo Creek: seines: one for each license holder;

 (8) Bush River, Laurens County: seines: one for each license holder;

 (9) Combahee River:

 (a) set hooks: maximum fifty for each license holder;

 (b) eel pots: no limit;

 (10) Congaree River, includes the waters from the Gervais Street Bridge in Columbia to the Interstate 77 bridge in Columbia:

 (a) traps: fifty maximum with commercial license;

 (b) trotlines: two thousand hooks maximum with commercial license;

 (c) hoop nets: fifty maximum with commercial license;

 (11) Cooper River:

 (a) traps: fifty maximum with commercial license and not allowed upstream from Wadboo Creek;

 (b) trotlines: one hundred fifty hooks maximum and three‑line maximum for each license holder. No trotlines permitted upstream from Wadboo Creek;

 (c) fyke nets: as allowed for eel fishing by regulation;

 (d) set hooks: fifty maximum for each license holder, and no set hooks permitted upstream from Wadboo Creek;

 (e) eel pots: no limit and not allowed upstream from Wadboo Creek;

 (f) pump nets: no limit;

 (12) Coosawhatchie and Tullifinny Rivers: set hooks: fifty maximum for each license holder;

 (13) Mallard's Lake, Dorchester County waters:

 (a) gill nets: nongame nets in season;

 (b) set hooks: fifty maximum for each license holder;

 (14) Mims Lake, Dorchester County waters:

 (a) gill nets: nongame nets in season;

 (b) set hooks: fifty maximum for each license holder;

 (15) Shuler Lake, Dorchester County waters:

 (a) gill nets: nongame nets in season;

 (b) set hooks: fifty maximum for each license holder;

 (16) Woods Lake, Dorchester County waters:

 (a) gill nets: nongame nets in season;

 (b) set hooks: fifty maximum for each license holder;

 (17) Bridge Lake, Dorchester County waters:

 (a) gill nets: nongame nets in season;

 (b) set hooks: fifty maximum for each license holder;

 (18) Little Pond Lake, Dorchester County waters;

 (a) gill nets: nongame nets in season;

 (b) set hooks: fifty maximum for each license holder;

 (19) Steed's Lake, Dorchester County waters:

 (a) gill nets: nongame nets in season;

 (b) set hooks: fifty maximum for each license holder;

 (20) John's Hole Lake, Dorchester County waters:

 (a) gill nets: nongame nets in season;

 (b) set hooks: fifty maximum for each license holder;

 (21) Rock's Lake, Dorchester County waters:

 (a) gill nets: nongame nets in season;

 (b) set hooks: fifty maximum for each license holder;

 (22) Mouth of Four Holes Lake, Dorchester County waters:

 (a) gill nets: nongame nets in season;

 (b) set hooks: fifty maximum for each license holder;

 (23) Durbin Creek: seines: one for each license holder;

 (24) Edisto River:

 (a) set hooks: fifty maximum for each license holder;

 (b) eel pots: no limit;

 (25) Enoree River:

 (a) traps: two for each license holder;

 (b) trotlines: one hundred fifty hooks maximum and three‑line maximum for each license holder;

 (c) set hooks: fifty for each license holder;

 (d) seines: one for each license holder from Southern Railroad in Greenville County down;

 (26) Great Pee Dee River, includes the waters from I‑95 to the North Carolina line;

 (a) traps: fifty maximum allowed with commercial license;

 (b) trotlines: two thousand maximum hooks with commercial license;

 (c) gill nets: nongame nets allowed in season;

 (d) set hooks: fifty maximum for each license holder;

 (e) hoop nets: fifty maximum with commercial license north of S.C. 34 only;

 (27) Great Pee Dee River, includes the water from I‑95 to the saltwater‑freshwater line:

 (a) gill nets: nongame nets in season;

 (b) trotlines: one hundred fifty hooks maximum and three‑line maximum for each license holder;

 (c) set hooks: fifty maximum for each license holder;

 (d) eel pots: below Highway 701 bridge only, no limit;

 (e) traps: fifty maximum allowed with commercial license;

 (28) Jefferies Creek, Florence County:

 (a) gill nets: nongame nets in season;

 (b) trotlines: one hundred fifty hooks maximum and three‑lines maximum for each license holder;

 (29) Lake J. Strom Thurmond and Stevens Creek:

 (a) traps: five maximum for each license holder;

 (b) trotlines: one hundred fifty hooks maximum and three‑line maximum for each license holder;

 (c) jugs: fifty maximum for each license holder;

 (30) Lake Greenwood:

 (a) traps: five maximum for each license holder;

 (b) trotlines: one hundred fifty hooks maximum and three‑line maximum for each license holder;

 (c) jugs: fifty maximum for each license holder;

 (31) Lake Hartwell:

 (a) traps: five maximum for each license holder;

 (b) trotlines: one hundred fifty hooks maximum and three‑line maximum for each license holder;

 (32) Lake Jocassee: nongame devices prohibited;

 (33) Lake Keowee:

 (a) traps: five maximum for each license holder;

 (b) trotlines: one hundred fifty hooks maximum and three‑line maximum for each license holder;

 (34) Lakes Marion and Moultrie, the waters lying between the confluence of the Wateree and Congaree Rivers, and the backwaters of Lake Marion are considered a part of Lake Marion:

 (a) traps: fifty maximum with commercial license;

 (b) trotlines: two thousand hooks maximum with commercial license. Hooks must have a gap or clearance between point and shank no greater than seven‑sixteenths inch;

 (35) Lake Murray:

 (a) traps: five maximum for each license holder;

 (b) trotlines: one hundred fifty hooks maximum and three‑line maximum for each license holder;

 (36) Lake Richard B. Russell:

 (a) traps: five maximum for each license holder;

 (b) trotlines: one hundred fifty hooks maximum and three‑line maximum for each license holder;

 (c) jugs: fifty maximum for each license holder;

 (37) Lake Secession:

 (a) traps: two maximum for each license holder;

 (b) trotlines: one hundred fifty hooks maximum and three‑line maximum for each license holder;

 (c) jugs: fifty maximum for each license holder;

 (38) Lake Wateree:

 (a) traps: five maximum for each license holder;

 (b) trotlines: one hundred fifty hooks maximum and three‑line maximum for each license holder;

 (39) Catawba River, includes the waters from the Lake Wylie Dam to the backwaters of Lake Wateree, including reservoirs:

 (a) traps: two maximum for each license holder;

 (b) trotlines: one hundred fifty hooks maximum and three‑line maximum for each license holder;

 (c) set hooks: fifty maximum for each license holder;

 (d) seines: one for each license holder, York County only;

 (40) Lake Wylie:

 (a) traps: five maximum for each license holder;

 (b) trotlines: one hundred fifty hooks maximum and three‑line maximum for each license holder;

 (41) Little River: seines: one for each license holder from Mars Bridge in McCormick County up;

 (42) Little Pee Dee River:

 (a) trotlines: one hundred fifty hooks maximum and three‑line maximum for each license holder;

 (b) gill nets: nongame nets allowed in season;

 (c) set hooks: fifty maximum for each license holder;

 (43) Log Creek, Edgefield County: seines: one for each license holder;

 (44) Long Cane Creek, above Patterson Bridge: seines: one for each license holder;

 (45) Louder's Lake, Darlington County:

 (a) gill nets: nongame nets in season;

 (b) set hooks: fifty maximum for each license holder;

 (46) Lumber River:

 (a) trotlines: one hundred fifty hooks maximum and three‑line maximum for each license holder;

 (b) gill nets: nongame nets in season;

 (c) set hooks: fifty maximum for each license holder;

 (47) Lynches River:

 (a) trotlines: one hundred fifty hooks maximum and three‑line maximum for each license holder;

 (b) gill nets: nongame nets allowed in season;

 (c) set hooks: fifty maximum for each license holder;

 (48) Mulberry Creek, Greenwood County: seines: one for each license holder;

 (49) New River: set hooks: fifty maximum for each license holder;

 (50) Old River:

 (a) set hooks: fifty maximum for each license holder;

 (b) trotlines: one hundred fifty hooks maximum and three‑line maximum for each license holder;

 (51) Pacolet River:

 (a) traps: two for each license holder;

 (b) trotlines: one hundred fifty hooks maximum and three‑line maximum for each license holder;

 (c) set hooks: fifty maximum for each license holder;

 (d) seines: one for each license holder;

 (52) Rabon Creek, Laurens County: seines: one for each license holder;

 (53) Redbank Creek, Saluda County west of Highway 121: seines: one for each license holder;

 (54) Reedy River:

 (a) traps: two for each license holder;

 (b) trotlines: one hundred fifty hooks maximum and three‑line maximum for each license holder;

 (c) set hooks: fifty maximum for each license holder;

 (d) seines: one for each license holder from Southern Railroad in Greenville County down;

 (55) Rocky River, Anderson County: seines: one for each license holder;

 (56) Salkehatchie River: set hooks: fifty maximum for each license holder;

 (57) Saluda River, includes the waters from the Southern Railroad Trestle in Greenville County to the backwaters of Lake Greenwood and the waters from the Lake Greenwood Dam to the backwaters of Lake Murray:

 (a) traps: two for each license holder;

 (b) trotlines: one hundred fifty hooks maximum and three‑line maximum for each license holder;

 (c) set hooks: fifty maximum for each license holder;

 (d) seines: one for each license holder, in Anderson, Laurens, and Greenville counties only, except in Anderson County seines may be used in the river tributaries;

 (58) Saluda River, includes the waters from the Lake Murray Dam to the Gervais Street Bridge in Columbia:

 (a) traps: two for each license holder;

 (b) trotlines: one hundred fifty hooks maximum and three‑line maximum for each license holder;

 (59) Sampit River:

 (a) gill nets: nongame nets in season;

 (b) traps: fifty maximum with commercial license;

 (c) set hooks: fifty maximum for each license holder;

 (60) Santee River, downstream from Wilson Dam on Lake Marion, and the waters lying between the confluence of the Wateree and Congaree Rivers and Lake Marion are considered a part of Lake Marion:

 (a) traps: fifty maximum with commercial license;

 (b) trotlines: one hundred fifty hooks maximum and three‑line maximum for each license holder;

 (c) nongame gear: not allowed, except skimbow nets allowed upstream of U.S. Geological Survey Gauging Station No. 1715 which is approximately 2.4 miles below Santee Dam;

 (d) eel pots: no limit;

 (61) Savannah River below Stevens Creek Dam:

 (a) traps: fifty maximum with commercial license;

 (b) hoop nets: fifty maximum with commercial license;

 (c) set hooks: fifty maximum for each license holder;

 (d) gill nets: nongame nets in season;

 (e) trotlines: two thousand maximum hooks with commercial license;

 (f) eel pots: no limit;

 (62) Stevens Creek, above Clark's Hill Bridge: seines: one for each license holder;

 (63) Thickly Creek, Cherokee County: seines: one for each license holder;

 (64) Turkey Creek, Edgefield and Greenwood counties: seines: one for each license holder;

 (65) Twelve Mile Creek:

 (a) traps: two maximum for each license holder;

 (b) trotlines: one hundred fifty hooks maximum and three‑line maximum for each license holder;

 (c) set hooks: fifty maximum for each license holder;

 (66) Tyger River:

 (a) traps: two maximum for each license holder;

 (b) trotlines: one hundred fifty hooks maximum and three‑line maximum for each license holder;

 (c) set hooks: fifty maximum for each license holder;

 (d) seines: one for each license holder;

 (67) Waccamaw River:

 (a) trotlines: one hundred fifty hooks maximum and three‑line maximum for each license holder;

 (b) gill nets: nongame nets in season;

 (c) set hooks: fifty maximum for each license holder;

 (d) eel pots, below the junction of Big Bull Creek: no limit;

 (68) Warrior Creek, Laurens County: seines: one for each license holder;

 (69) Wateree River:

 (a) traps: fifty maximum with commercial license;

 (b) trotlines: two thousand hooks maximum with commercial license;

 (c) set hooks: fifty maximum for each license holder;

 (d) hoop nets: fifty maximum with commercial license;

 (70) Wilson Creek, Greenwood County: seines: one for each license holder one mile above the backwaters of Greenwood up.

 (71) Congaree River, includes the waters from the Interstate 77 bridge in Columbia to the confluence of the Congaree and Wateree Rivers:

 (a) set hooks: fifty maximum for each license holder;

 (b) trotline: two thousand hooks maximum with commercial license;

 (c) traps: ten maximum with commercial license;

 (d) hoop nets: ten maximum with commercial license;

 (e) Notwithstanding other provisions of this title, for the Congaree River from I‑77 bridge in Columbia to the confluence of the Wateree and Congaree Rivers where the number of hoop nets used is restricted to ten, these devices must be marked with a floating marker with a minimum capacity of one pint and a maximum capacity of one gallon or equivalent size and must be made of solid, buoyant material which does not sink if punctured or cracked. The floating markers must be constructed of plastic, PVC spongex, plastic foam, or cork. No hollow buoys or floats including plastic, metal, or glass bottles or jugs may be used, except manufactured buoys or floats specifically designed for use with nongame fishing devices may be hollow if constructed of heavy duty plastic material and approved by the department. The floating markers must be colored white when used the first through the fifteenth of each month and yellow when used the remainder of the month. The owner's name and address must be marked clearly on each floating marker.

HISTORY: 1981 Act No. 170, Section 1; 1982 Act No. 461, Section 9; 1983 Act No. 107, Section 1; 1983 Act No. 131, Section 2; 1984 Act No. 320, Section 1; 1984 Act No. 364, Section 1; 1984 Act No. 367, Section 3; 1984 Act No. 430, Section 1; 1985 Act No. 61, Section 1; 1986 Act No. 454, Section 1; 1992 Act No. 316, Section 7; 1993 Act No. 181, Section 1263; 1994 Act No. 350, Section 2; 2000 Act No. 350, Sections 1, 2.

**SECTION 50‑13‑1193.** Inspection of vehicles, boats, processing houses, and wholesale businesses connected with nongame commercial fishing; reports of sales volume.

 All enforcement officers and any other employee of the department designated by the board may, at any and all reasonable hours, inspect the vehicles, boats, processing houses and wholesale businesses which are connected with nongame commercial fishing activity and the records of any person required to be licensed by this article to ensure compliance. Upon request of the department the buyers (fish houses) of nongame fish shall report quarterly the volume of sales.

HISTORY: 1981 Act No. 170, Section 1; 1993 Act No. 181, Section 1263.

**SECTION 50‑13‑1194.** Promulgation of regulations.

 The department may adopt and promulgate regulations for the management, control and enforcement of nongame fishing in the freshwaters of the State, not contrary to or inconsistent with the laws of the State.

HISTORY: 1981 Act No. 170, Section 1; 1993 Act No. 181, Section 1263.

**SECTION 50‑13‑1195.** Penalties for violation of article or regulation; forfeiture of tags and permits.

 A person violating this article or regulations adopted and promulgated under its authority is guilty of a misdemeanor and, upon conviction, must be fined not less than fifty nor more than two hundred dollars or imprisoned not more than thirty days. In addition to that penalty, the court may require the person to forfeit for one year tags and permits purchased pursuant to law and may provide for his ineligibility for other tags and permits for that year.

HISTORY: 1981 Act No. 170, Section 1; 1992 Act No. 316, Section 8; 1993 Act No. 181, Section 1263.

**SECTION 50‑13‑1196.** Confiscation and sale of fish, fishing devices, boats, motors, and fishing gear used in violation of article; disposition of proceeds; suspension of licenses.

 (A) In addition to any specific penalty provided in this article, any fish or fishing device taken or found to be in possession of any person charged with a violation of this article shall be confiscated. The fish shall be sold in the same manner as provided by law for the sale of perishable items. If the person charged is convicted, the money received from such sale shall be forwarded to the Department and placed to the account of the Fish and Wildlife Protection Fund of the State Treasury. After conviction the fishing devices shall be sold at public auction. The sale of the fish and fishing devices shall be conducted using the procedures as provided by law. If such person is acquitted the devices shall be returned to him along with any money that may have come from the sale of the confiscated fish.

 (B) In addition to the specific penalties provided in this article and the penalties provided in subsection (A) of this section, the boat, motor and fishing gear of any person who is charged with unlawfully using or having in possession a gill net or hoop net on any freshwater lake or reservoir of the State shall be confiscated and sold at auction within the State after conviction using the procedure as provided by law. The money received from such sale shall be forwarded to the Department and placed to the account of the Fish and Wildlife Protection Fund of the State Treasury. If such person is acquitted the boat, motor and fishing gear shall be returned to him. Upon conviction, the Department shall suspend such person's license or privilege to fish in this State for a period of one year from the date of conviction.

 (C) In addition to the specific penalties provided in this article or the general provisions of Sections 50‑13‑1610 and 50‑13‑1650, upon the conviction of any commercial freshwater fisherman of illegal possession of game fish or the sale or traffic in game fish, the Department shall suspend such person's license or privilege to fish in this State for a period of one year from the date of conviction.

HISTORY: 1981 Act No. 170, Section 1; 1982 Act No. 461, Sections 10, 11; 1993 Act No. 181, Section 1263.

**SECTION 50‑13‑1197.** Penalties for stealing or tampering with nongame fishing device.

 Any person who shall take and carry away any nongame fishing device or any fish caught and being in such device with intent to steal the device or the fish, or any person who shall tamper with a nongame fishing device with intent to damage or to make it ineffective for the purpose of taking fish, is guilty of a misdemeanor and, upon conviction, (1) for tampering with a device be fined not less than one hundred dollars nor more than two hundred dollars or imprisoned for not more than thirty days, and (2) for stealing a device or fish caught in the device be fined not less than five hundred dollars nor more than one thousand dollars or imprisoned for not more than six months or both.

HISTORY: 1981 Act No. 170, Section 1; 1993 Act No. 181, Section 1263.

**SECTION 50‑13‑1198.** Limitations on herring fishing at St. Stevens Powerhouse.

 Herring fishing is prohibited within one hundred feet of the fish lift exit channel at St. Stevens Powerhouse except with hook and line from March first through April fifteenth.

HISTORY: 1984 Act No. 323, Section 1; 1993 Act No. 181, Section 1263.

**SECTION 50‑13‑1199.** Releasing confiscated property to innocent owner or lienholder; failure to recover property.

 (A) Notwithstanding another provision of law, the Department of Natural Resources may administratively release any vehicle, boat, motor, or fishing device confiscated from a person charged with a violation of this chapter to an innocent owner or lienholder of the property.

 (B) Notwithstanding another provision of law, if an innocent owner or lienholder of property contained in subsection (A) fails to recover property contained in that subsection, then the Department of Natural Resources may maintain or dispose of the property.

 (C) Before confiscated property is released to an innocent owner or lienholder, he shall provide the department with:

 (1) proof of ownership or a lienholder interest in the confiscated property;

 (2) certification that he will not release the property to a person who has been charged with a violation of this chapter which resulted in the confiscation of the property to be released.

HISTORY: 1997 Act No. 18, Section 2.

ARTICLE 7.

 PERMANENT OBSTRUCTIONS IN WATERS; FISHWAYS AND FISH SLUICES

**SECTION 50‑13‑1210.** Permanent obstruction to migration of fish prohibited; destruction of obstruction.

 No permanent obstruction of any kind or nature whatever, other than a dam for manufacturing purposes, shall be placed in any of the inland creeks, streams or waters of the State so as to obstruct the free migration of fish. Any person violating the provisions of this section is guilty of a misdemeanor and, upon conviction thereof before any court of competent jurisdiction, shall be fined in the sum of two hundred dollars or be imprisoned for a period of not less than three nor more than six months, or both, in the discretion of the court trying the case. Whenever any such permanent obstruction shall be found, any enforcement officer or any law enforcement officer may, in the name of the State, destroy or take down such obstruction or so much of it as is necessary to again permit the free migration of fish.

HISTORY: 1962 Code Section 28‑647; 1952 (47) 2179; 1993 Act No. 181, Section 1263.

**SECTION 50‑13‑1220.** Fishways in dams.

 No navigable stream of this State shall be obstructed by a dam or otherwise unless there be provided a fishway in such dam or other obstruction. For violation of this section a person shall be fined not less than twenty‑five dollars for each day that such obstruction shall exist without such fishway after such person shall have been notified in writing by any person that such obstruction exists.

HISTORY: 1962 Code Section 28‑648; 1952 Code Section 28‑648; 1942 Code Section 1770‑2; 1932 Code Section 1805; Cr. C. '22 Section 776; Cr. C. '12 Section 759; 1910 (26) 576; 1993 Act No. 181, Section 1263.

**SECTION 50‑13‑1230.** Construction of certain fishways or ladders.

 All persons who have erected or may hereafter erect artificial dams across the inland creeks, rivers, streams or waterways of this State which prevent migratory fish from ascending the same, unless excused by the governing body of the county, shall construct proper fishways or ladders over the same, to be approved by the governing body of the county in which such dam is situated and should such persons refuse or fail so to do within thirty days after notice from the governing body of the county they shall be liable to a fine or penalty of five thousand dollars, recoverable by the county in which such dam has been or may be erected in a court of competent jurisdiction.

HISTORY: 1962 Code Section 28‑653; 1952 Code Section 28‑653; 1942 Code Section 1772‑6; 1932 Code Sections 1818, 3415; Civ. C. '22 Section 1031; Cr. C. '22 Section 788; Civ. C. '12 Section 3433; Cr. C. '12 Section 771; Civ. C. '02 Section 2347; Cr. C. '02 Section 518; G. S. 1670; R. S. 404, 1848; 1871 (15) 661; 1908 (25) 1036; 1993 Act No. 181, Section 1263.

**SECTION 50‑13‑1240.** Designation of fish sluices; obstruction of sluices constitutes public nuisance.

 It shall be the duty of the governing body of the county to designate the fish sluices on the several rivers so as to leave one or more passages for fish up such rivers. Such sluices shall be sixty feet wide or, where there are two or more such sluices, they shall be, together, sixty feet wide. When they shall be so designated, it shall be lawful for any person to open such sluices. If any person shall obstruct any such sluice, when once opened, so as to prevent the free passage of fish up such sluice, and every part thereof, he shall be guilty of a public nuisance and, on conviction thereof in the court of general sessions, shall be fined one hundred dollars and shall stand committed until such fine be paid for a time not exceeding ten days, at the discretion of the court before which such conviction may take place. Whenever a fish sluice in any of such rivers shall have been designated as provided in this section, any stoppage of such sluice shall be regarded as a public nuisance and may be abated as such.

HISTORY: 1962 Code Section 28‑654; 1952 Code Section 28‑654; 1942 Code Section 1772‑8; 1932 Code Sections 1821, 3416; Civ. C. '22 Section 1032; Cr. C. '22 Section 790; Civ. C. '12 Section 3434; Cr. C. '12 Section 773; Civ. C. '02 Section 2348; Cr. C. '02 Section 520; G. S. 1672; R. S. 406, 1849; 1827 (6) 340; 1837 (6) 569; 1879 (17) 74; 1890 (20) 705; 1934 (38) 1415; 1952 (47) 2179; 1993 Act No. 181, Section 1263.

**SECTION 50‑13‑1250.** Fish sluices designated not more than once yearly.

 The governing bodies of the several counties shall designate and lay out the fish sluices but once a year and shall execute this duty on or before the first day of October whenever they shall determine to change them in any year.

HISTORY: 1962 Code Section 28‑655; 1952 Code Section 28‑655; 1942 Code Section 1772‑9; 1932 Code Section 3417; Civ. C. '22 Section 1033; Civ. C. '12 Section 3435; Civ. C. '02 Section 2349; G. S. 1673; R. S. 1850; 1838 (15) 599; 1993 Act No. 181, Section 1263.

**SECTION 50‑13‑1260.** Fish sluices not to be designated through certain dams.

 Nothing herein contained shall be construed to give authority to the governing bodies of the several counties to designate any fish sluice through any dam erected by public authority for the improvement of the navigation of any of the rivers or to designate any fish sluice through any dam erected by individuals for the purpose of propelling any machinery when the owner of such dam shall leave open a part of the river sixty feet wide or, where the dam extends entirely across the river, shall construct therein a sufficient fish sluice sixty feet wide and shall keep the same open for and during the months of February, March and April in each year.

HISTORY: 1962 Code Section 28‑656; 1952 Code Section 28‑656; 1942 Code Section 1772‑10; 1932 Code Section 3418; Civ. C. '22 Section 1034; Civ. C. '12 Section 3436; Civ. C. '02 Section 2350; G. S. 1674; R. S. 1851; 1827 (6) 341; 1993 Act No. 181, Section 1263.

ARTICLE 9.

 POLLUTION AND POISONING OF WATERS; USE OF EXPLOSIVES

**SECTION 50‑13‑1410.** Pollution of waters injuring fish and shellfish unlawful; enforcement.

 It shall be unlawful for any person to throw, run, drain or deposit any dyestuffs, coal tar, oil, sawdust, poison or other deleterious substance in any of the waters, either fresh or salt, which are frequented by game fish within the territorial jurisdiction of this State in quantities sufficient to injure, stupefy or kill any fish or shellfish or be destructive to their spawn which may inhabit such waters, and the master or captain in charge of any boat, ship or vessel shall be responsible for the discharge of any of such substances from his vessel. Any person convicted of violating this section shall be fined not less than three hundred dollars nor more than one thousand dollars or imprisoned not less than three months nor more than one year, or both fined and imprisoned in the discretion of the court. The department shall diligently enforce this section.

HISTORY: 1962 Code Section 28‑671; 1952 Code Section 28‑671; 1942 Code Section 1769‑5; 1932 Code Section 1820; 1925 (34) 92; 1952 (47) 2890; 1972 (57) 2431; 1993 Act No. 181, Section 1263.

**SECTION 50‑13‑1415.** Importation, possession, or placing water hyacinth and hydrilla in waters of State.

 No person shall possess, sell, offer for sale, import, bring, or cause to be brought or imported into this State, or release or place into any waters of this State any of the following plants:

 (1) Water Hyacinth

 (2) Hydrilla Provided, however, that the department may issue special import permits to qualified persons for research purposes only.

 The department shall prescribe the methods, control, and restrictions which are to be adhered to by any person or his agent to whom a special permit under the provisions of this section is issued. The department is authorized to promulgate such regulations as may be necessary to effectuate the provisions of this section and the department, by regulation, is specifically authorized to prohibit additional species of plants from being imported, possessed, or sold in this State when, in the discretion of the department, such species of plants are potentially dangerous.

HISTORY: 1983 Act No. 10, Section 1; 1993 Act No. 181, Section 1263.

**SECTION 50‑13‑1420.** Poisoning waters, or producing electric currents or physical shocks to catch fish unlawful.

 It is unlawful to poison the streams or waters of the State in any manner whatsoever for the purpose of taking fish or to introduce, produce or set up electrical currents or physical shocks, pressures or disturbances therein for the purpose of taking fish. The muddying of streams or ponds or the introduction of any substance which results in making the fish sick, so that they may be caught, is hereby declared to be "poisoning" in the sense of this section. No sawdust, acid or other injurious substance shall be discharged into any of the streams of the State where fish breed or abound. For a violation of this section the person so violating it shall be fined not less than twenty‑five dollars nor more than three hundred dollars or be imprisoned for not less than one day nor more than thirty days.

HISTORY: 1962 Code Section 28‑672; 1952 Code Section 28‑672; 1951 (47) 408; 1952 (47) 2179; 1993 Act No. 181, Section 1263.

**SECTION 50‑13‑1430.** Casting impurities in waters prohibited.

 Should any person cause to flow into or be cast into any of the creeks, streams or inland waters of this State any impurities that are poisonous to fish or destructive to their spawn, such person shall, upon conviction thereof, be punished with a fine of not less than five hundred dollars or imprisonment of not less than six months in the county jail.

HISTORY: 1962 Code Section 28‑673; 1952 Code Section 28‑673; 1942 Code Section 1772‑7; 1932 Code Section 1819; Cr. C. '22 Section 789; Cr. C. '12 Section 772; Cr. C. '02 Section 519; G. S. 1671; R. S. 405; 1726 (3) 270; 1871 (15) 661; 1934 (38) 1415; 1952 (47) 2179; 1993 Act No. 181, Section 1263.

**SECTION 50‑13‑1440.** Using explosives to take fish unlawful.

 It shall be unlawful for any person to use dynamite, gun powder, lime or any other explosive in or about any of the streams or waters in this State to take or secure fish, to cause or to procure the same to be done, to aid, assist or abet anyone in so doing or to have in his possession dynamite or any other explosive or explosive device in any paddling boat, sailboat, motorboat, raft or barge usually used for fresh‑water fishing in any of the rivers, lakes, streams or waters within this State. Any person using explosives for the taking of fish or having in his possession explosives in a paddling boat, motorboat, sailboat, raft or barge commonly used for fresh‑water fishing in any of the rivers, lakes, streams or waters within this State shall be guilty of a misdemeanor and, upon his conviction, shall be sentenced to serve a term at hard labor on the chain gang or in the Penitentiary or to pay a fine as follows, to wit: For the first offense a period of not more than three months or a fine of not more than five hundred dollars; for the second offense a period of one year or a fine of one thousand dollars; and for the third offense a period of two years or a fine of two thousand five hundred dollars.

HISTORY: 1962 Code Section 28‑674; 1952 Code Section 28‑674; 1951 (47) 251; 1952 (47) 2179; 1993 Act No. 181, Section 1263.

**SECTION 50‑13‑1450.** Prima facie evidence of using explosives to take fish.

 If any person is found picking up fish within two hours after they have been killed, stunned or disabled by an explosive, it shall be deemed prima facie evidence that he used explosives to take fish from such waters.

HISTORY: 1962 Code Section 28‑674.1; 1952 Code Section 28‑674.1; 1951 (47) 251; 1952 (47) 2179; 1993 Act No. 181, Section 1263.

**SECTION 50‑13‑1460.** Penalty for conviction of use of explosives to take fish.

 A person convicted of violating any of the provisions of Section 50‑13‑1440 is prohibited from hunting or fishing within the State for five years, and both his hunting and fishing license, if either has been issued to him, must be immediately revoked upon his conviction. A person who fishes or hunts within the State after he has been convicted of violating the provisions of Section 50‑13‑1440 within the five‑year period is guilty of a misdemeanor and, upon conviction, must be fined in the discretion of the court or imprisoned not more than three years.

HISTORY: 1962 Code Section 28‑675; 1952 Code Section 28‑675; 1951 (47) 251; 1952 (47) 2179; 1993 Act No. 184, Section 247; 1993 Act No. 181, Section 1263.

**SECTION 50‑13‑1470.** Failure to report use of explosives to take fish.

 A person who sees another person violating the provisions of Section 50‑13‑1440 and fails, within two weeks, to report the violation to an enforcement officer, sheriff, or some other law enforcement officer within the county in which the violation occurred is guilty of a misdemeanor and, upon conviction, must be fined in the discretion of the court or imprisoned not more than three years.

HISTORY: 1962 Code Section 28‑676; 1952 Code Section 28‑676; 1948 (45) 1759; 1951 (47) 251; 1952 (47) 2179; 1993 Act No. 184, Section 248; 1993 Act No. 181, Section 1263.

**SECTION 50‑13‑1480.** Informers not subject to criminal prosecution or civil suit.

 Any person who shall swear out a warrant, give information or testify as a witness against anyone for violating Section 50‑13‑1440 shall not be subject to a criminal prosecution for slander or malicious prosecution, neither shall he be subject to a civil action for damages in any court of competent jurisdiction for any alleged damages to the person so accused growing out of or in connection with such use of explosives.

HISTORY: 1962 Code Section 28‑677; 1952 Code Section 28‑677; 1948 (45) 1759; 1951 (47) 21; 1952 (47) 2179; 1993 Act No. 181, Section 1263.

ARTICLE 11.

 SALE AND TRAFFIC IN FISH

**SECTION 50‑13‑1610.** Sale or traffic in certain game fish unlawful; penalties.

 It is unlawful to sell, offer for sale, barter, traffic in, or purchase any fish classified as a game fish under the provisions of this title except as allowed by this title regardless of where caught. A person violating this section is guilty of a misdemeanor and, upon conviction, must be punished as follows:

 (1) for a first offense, by a fine of not more than five hundred dollars or imprisonment for not more than thirty days;

 (2) for a second offense within three years of a first offense, by a fine of not less than three hundred dollars nor more than five hundred dollars or imprisonment for not more than thirty days;

 (3) for a third or subsequent offense within three years of a second or subsequent offense, by a fine of not more than one thousand dollars or imprisonment for not more than thirty days;

 (4) for a fourth and subsequent offense within five years of the date of conviction for the first offense must be punished as provided for a third offense.

HISTORY: 1962 Code Section 28‑691; 1952 Code Section 28‑691; 1942 Code Section 1773‑2; 1939 (41) 353; 1952 (47) 2179; 1955 (49) 478; 1959 (51) 346; 1974 (58) 2800; 1993 Act No. 181, Section 1263; 2003 Act No. 60, Section 5.

**SECTION 50‑13‑1615.** Freshwater nongame fish sale requirements.

 A person selling, offering for sale, or possessing for sale freshwater nongame fish must have in possession dated invoices, bills of sale, or other documentation verifying the origin of the fish and from whom procured.

HISTORY: 2010 Act No. 200, Section 11, eff May 28, 2010.

**SECTION 50‑13‑1630.** Importing, possessing, or selling certain fish unlawful; special permits for research; Department to issue rules and regulations.

 (A) A person may not possess, sell, offer for sale, import, bring, or cause to be brought or imported into this State or release into the waters of this State the following fish or eggs of the fish:

 (1) carnero or candiru catfish (Vandellia cirrhosa);

 (2) freshwater electric eel (Electrophorus electricus);

 (3) white amur or grass carp (Ctenopharyngodon idella);

 (4) walking catfish or a member of the clariidae family (Clarias, Heteropneustea, Gymnallabes, Channallabes, or Heterobranchus genera);

 (5) piranha (all members of Serrasalmus, Rooseveltiella, and Pygocentrus genera);

 (6) stickleback;

 (7) Mexican banded tetra;

 (8) sea lamprey;

 (9) rudd (Scardinius erythrophtalmu‑Linneaus); and

 (10) snakehead (all members of family Channidae).

 (B) The department may issue special import permits to qualified persons for research and education only.

 (C)(1) The department may issue special permits for the stocking of sterile white amur or grass carp hybrids in the waters of this State. The special permits must certify that the permitee's white amur or grass carp hybrids have been tested and determined to be sterile. The department may charge a fee of one dollar for each white amur or grass carp hybrid that measures five inches or longer or twenty‑five cents for each white amur or grass carp hybrid that measures less than five inches. The fee collected for sterility testing must be retained by the department and used to offset the costs of the testing.

 (2) The department is authorized to promulgate regulations to establish a fee schedule to replace the fee schedule contained in item (1) of this subsection. Upon these regulations taking effect, the fee schedule contained in item (1) of this subsection no longer applies.

 (D) The department may issue special permits for the importation, breeding, and possession of nonsterile white amur or grass carp hybrids. The permits must be issued pursuant to the requirements contained in Chapter 18 of this title. Provided, however, that no white amur or grass carp hybrids imported, bred, or possessed pursuant to a special permit issued pursuant to this section may be stocked in the waters of this State except as provided in subsection (C) of this section.

 (E) It is unlawful to take grass carp from waters stocked as permitted by this section. Grass carp caught must be returned to the water from which it was taken immediately.

 (F) The department must prescribe the qualifications, methods, controls, and restrictions required of a person or his agent to whom a special permit is issued. The department must condition all permits issued under this section to safeguard public safety and welfare and prevent the introduction into the wild or release of nonnative species of fish or other organisms into the waters of this State. The department may promulgate regulations necessary to effectuate this section and specifically to prohibit additional species of fish from being imported, possessed, or sold in this State when the department determines the species of fish are potentially dangerous.

HISTORY: 1962 Code Section 28‑704; 1970 (56) 1999; 1973 (58) 403; 1984 Act No. 365, Section 1; 1988 Act No. 481, Section 1; 1990 Act No. 462, Section 1; 1993 Act No. 54,Section 1; 1993 Act No. 181, Section 1263; 2001 Act No. 42, Section 1; 2003 Act No. 15, Section 1; 2008 Act No. 301, Section 1, eff June 11, 2008.

**SECTION 50‑13‑1660.** Searches, seizures, and forfeitures.

 It shall be lawful for any enforcement officer or other officer of the law to search, upon reasonable information, any package or container containing fish and to seize and hold such fish as evidence and declare such fish forfeited, upon conviction of the offender, and sell them to the highest bidder.

HISTORY: 1962 Code Section 28‑695; 1952 Code Section 28‑695; 1942 Code Section 1773‑5; 1932 (37) 1480; 1952 (47) 2179; 1993 Act No. 181, Section 1263.

**SECTION 50‑13‑1670.** Shipments of certain fish and fish eggs originating and terminating outside of the State.

 Nothing in Section 50‑13‑1630 shall be construed to prevent the shipment in interstate commerce of live fish and fish eggs for breeding or stocking purposes when such shipment shall originate outside of this State and terminate outside of this State.

HISTORY: 1962 Code Section 28‑696; 1952 Code Section 28‑696; 1942 Code Section 1773‑5; 1932 (37) 1480; 1952 (47) 2179; 1993 Act No. 181, Section 1263.

**SECTION 50‑13‑1760.** Sale of white perch; invoice required for imported fish; penalties.

 (A) It is illegal to sell white perch (Marone Americana) caught in this State. Only those fish imported into the State from another state may be sold, and documentation which indicates the date of purchase and where the fish were purchased showing the origin and the number or poundage must accompany the transporting vehicle. This documentation must be retained at the market or place of retail sale.

 (B) If a shipment of fish or portion of a shipment is sold to another dealer within a state, a copy of the original documentation must accompany the fish during the transportation and at the market place. In addition a new documentation notice must accompany the fish showing them as a portion of the fish bought under the original sale from out‑of‑state with the original documentation included.

 (C) A person violating this section is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars or imprisoned not more than thirty days.

HISTORY: 1981 Act No. 161, Section 1; 1982 Act No. 362, Section 1; 1991 Act No. 57, Section 3; 1993 Act No. 181, Section 1263; 1996 Act No. 236, Section 1.

ARTICLE 13.

 FISH HATCHERIES AND SANCTUARIES; PROPAGATION

**SECTION 50‑13‑1910.** State assent to act of Congress providing aid in fish restoration and management projects; funding.

 The State hereby assents to the provisions of the act of Congress entitled "An Act to Provide that the United States Shall Aid the States in Fish Restoration and Management Projects, and for Other Purposes," approved August 9, 1950 (Public Law No. 681, 81st Congress), and the department shall perform such acts as may be necessary to the conduct and establishment of cooperative fish restoration projects, as defined in such act of Congress, in compliance with the act and rules and regulations promulgated by the Secretary of the Interior thereunder. The amounts necessary for the State to provide, in order to receive the benefits of such act, shall be paid from the fees collected by the Department from the sale of resident fishing licenses and a separate fund for this purpose shall be set up.

HISTORY: 1962 Code Section 28‑710; 1952 Code Section 28‑710; 1951 (47) 81; 1952 (47) 2890; 1972 (57) 2431; 1993 Act No. 181, Section 1263.

**SECTION 50‑13‑1920.** Acquisition of land for fish hatcheries or nurseries, generally.

 The department may acquire a sufficient number of acres of land in close proximity to any dam, artificial lake, impounded water, or stream for the purpose of establishing fish hatcheries or fish nurseries. The board may exercise the power of eminent domain if necessary to accomplish this purpose.

HISTORY: 1962 Code Section 28‑711; 1952 Code Section 28‑711; 1942 Code Section 1774; 1934 (38) 1348; 1952 (47) 2179; 1972 (57) 2431; 1987 Act No. 173, Section 31; 1993 Act No. 181, Section 1263.

**SECTION 50‑13‑1930.** Acquisition of land for United States fish hatcheries.

 The department may lease or purchase a suitable number of acres of land in this State for the purpose of allowing the United States Fish and Wildlife Service to establish thereon fish hatcheries. The expense of leasing or buying such lands and the protection and distribution shall be paid out of the Fish and Wildlife Protection Fund.

HISTORY: 1962 Code Section 28‑712; 1952 Code Section 28‑712; 1942 Code Section 1774‑2; 1932 Code Section 3294; 1930 (36) 1116; 1952 (47) 2179; 1993 Act No. 181, Section 1263.

**SECTION 50‑13‑1935.** Fees for stocking of fish in private ponds, lakes, or other nonnavigable waters.

 The department shall charge fees to applicants for the stocking of fish in private ponds, lakes, or other nonnavigable waters sufficient to cover all costs of operating the Cheraw Fish Hatchery Private Pond Fish Stocking Programs.

HISTORY: 1983 Act No. 151, Part II, Section 13; 1986 Act No. 375, Section 1; 1993 Act No. 181, Section 1263.

**SECTION 50‑13‑1936.** Fees for operation of Walhalla Fish Hatchery.

 In the event the federal government ceases to operate the Walhalla Fish Hatchery, the department may accept and maintain operations of the facility by charging a fee that is sufficient to cover the cost of operating the facility.

HISTORY: 1987 Act No. 170, Part II, Section 19; 1993 Act No. 181, Section 1263.

**SECTION 50‑13‑1940.** Distribution of fish raised in hatchery in Greenville County.

 The distribution of fish raised in the hatchery on the lands donated in Greenville County by J. Harvey Cleveland shall be under the direction and supervision of the department.

HISTORY: 1962 Code Section 28‑715; 1952 Code Section 28‑715; 1942 Code Section 1812; 1932 Code Section 3295; 1931 (37) 309; 1952 (47) 2890; 1993 Act No. 181, Section 1263.

**SECTION 50‑13‑1950.** Establishment of fish sanctuaries.

 The department shall, without any cost to the State whatsoever, designate and establish sanctuaries where fish may breed unmolested, in the manner and subject to the provisions in this article.

HISTORY: 1962 Code Section 28‑716; 1952 Code Section 28‑716; 1942 Code Section 1774‑1; 1938 (40) 1598; 1952 (47) 2179; 1993 Act No. 181, Section 1263.

**SECTION 50‑13‑1960.** Designation and marking of fish sanctuaries in rivers and streams.

 The department may select any place upon any river or stream within this State as a fish sanctuary. Upon making such selection the board, upon approval in writing of a majority of the members of the county legislative delegation from the county in which such proposed fish sanctuary is to be located, may designate and set apart such place as a fish sanctuary. No one sanctuary shall exceed two miles in length along any river or stream. When such sanctuary shall be so designated and set apart, the board shall have it adequately and conspicuously marked and shall designate the limits thereof in all directions.

HISTORY: 1962 Code Section 28‑717; 1952 Code Section 28‑717; 1942 Code Section 1774‑1; 1938 (40) 1598; 1952 (47) 2179; 1993 Act No. 181, Section 1263.

**SECTION 50‑13‑1970.** Designation of fish sanctuaries in lakes and ponds.

 Such sanctuaries may be set apart in any lake or pond upon condition that the landowner shall enter into an agreement with the department to set aside and turn over to the State for such purpose any such lake or pond.

HISTORY: 1962 Code Section 28‑718; 1952 Code Section 28‑718; 1942 Code Section 1774‑1; 1938 (40) 1598; 1952 (47) 2179; 1993 Act No. 181, Section 1263.

**SECTION 50‑13‑1980.** Operation and posting of fish sanctuaries.

 When a fish sanctuary is established it continues as a fish sanctuary until it is directed to be closed by the owner of the land in the case of private property or in the case of public property by a majority of the legislative delegation of the county in which it is located and there may be no fishing or trespassing upon any waters established as a sanctuary. The department may post signs within the sanctuary to identify it as a sanctuary and may prosecute a person fishing or trespassing on the sanctuary.

HISTORY: 1962 Code Section 28‑719; 1952 Code Section 28‑719; 1942 Code Section 1774‑1; 1938 (40) 1598; 1952 (47) 2179; 1990 Act No. 468, Section 1; 1993 Act No. 181,Section 1263.

**SECTION 50‑13‑1990.** Penalties for fishing or trespassing upon fish sanctuaries; jurisdiction of magistrates.

 Any person fishing or trespassing upon any property or waters so established as a sanctuary by the department is guilty of a misdemeanor and, upon conviction, shall be punished by a fine not exceeding two hundred dollars or imprisonment not more than thirty days. In cases where magistrates have countywide territorial jurisdiction, the magistrate closest to the sanctuary where the offense occurred shall have jurisdiction of the case. In counties where magistrates are given separate and exclusive territorial jurisdiction the case shall be tried as provided in Section 22‑3‑530.

HISTORY: 1962 Code Section 28‑720; 1952 Code Section 28‑720; 1942 Code Section 1774‑1; 1938 (40) 1598; 1952 (47) 2179; 1979 Act No. 69, Section 1; 1993 Act No. 181, Section 1263.

**SECTION 50‑13‑2010.** Sanctuary in Marion County; Shelley Lake.

 There is created a fish sanctuary in Marion County to be known as Shelley Lake.

 It is unlawful for any person to fish, seine, net, or otherwise enter upon Shelley Lake in Marion County, located one‑half mile south of Red Bluff Landing on the west side of the Little Pee Dee River and surrounded by land owned by the Palmetto Hardwood Company. 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 twenty‑five dollars nor more than one hundred dollars or imprisonment of not less than fifteen nor more than thirty days.

HISTORY: 1984 Act No. 462, Section 1; 1993 Act No. 181, Section 1263.

**SECTION 50‑13‑2015.** Fish sanctuary in St. Stephen Rediversion Canal.

 (A) A fish sanctuary is established in the St. Stephen Rediversion Canal between the Corps of Engineers' powerhouse and the Atlantic Coastline Railroad Bridge. It is unlawful for a person to fish in the sanctuary except as provided in this section.

 (B) From March first to May first each year, fishing for nongame fish is allowed from the Atlantic Coastline Bridge upstream to a point marked by signs or buoys, or both. This location must be marked by the department after consultation with and with the permission of the United States Army Corps of Engineers. Fishing is allowed from six p.m. to twelve midnight. The area otherwise is closed to all fishing and boating activities.

 (C) The catch limit is five hundred pounds of fish or one hundred dozen fish a boat a day. Game fish taken must be returned immediately to the water. All fish, except those used for live bait, must be packed in boxes with a one hundred pound capacity before crossing back under the railroad bridge.

 (D) No fishing devices may be used except cast nets, dip nets, or drop nets. The diameter of the dip or drop nets used may not exceed six feet. No nets may be operated by the use of mechanical devices such as winches, cranes, or pulleys.

 (E) A person violating this section is guilty of a misdemeanor and, upon conviction, must be fined not less than twenty‑five nor more than one hundred dollars or imprisoned not less than fifteen nor more than thirty days.

HISTORY: 1992 Act No. 390, Section 1; 1993 Act No. 181, Section 1263.

**SECTION 50‑13‑2020.** Management control of department with respect to lakes and ponds it owns or leases; approval and publication of terms and conditions; violations and penalties.

 The department has management control over the lakes and ponds which it owns or leases. It may establish the terms and conditions under which the public may use the lakes and ponds for fishing, boating, picnicking, and other related activities. Before taking effect, the conditions and terms must be approved by the board and a majority of the county legislative delegation of the county where the lake or pond is located and published in a newspaper of general circulation in the county.

 Any person violating the terms and conditions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars or imprisoned for not more than thirty days.

HISTORY: 1986 Act No. 496, Section 1; 1993 Act No. 181, Section 1263.