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CHAPTER 9.

 HUNTING AND FISHING LICENSES

ARTICLE 1.

 GENERAL PROVISIONS

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

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

HISTORY: 1962 Code Section 28‑16; 1969 (56) 444; 1970 (56) 2085; 1972 (57) 2431; 1981 Act No. 94, Section 1; 1986 Act No. 502, Part I, Section 14; 1993 Act No. 181, Section 1261; 1996 Act No. 372, Section 2.

**SECTION 50‑9‑15.** Definitions.

 For the purposes of this title:

 (1) "License sales vendor" means a business, not for profit entity, or unit of state or local government that has entered into an agreement with the department to offer for sale hunting and fishing licenses.

 (2) "License year" means the period beginning July first and ending June thirtieth.

HISTORY: 2013 Act No. 94, Section 1, eff July 1, 2013.

**SECTION 50‑9‑20.** Duration of hunting and fishing licenses, permits, and tags for recreational purposes.

 (A) The duration for hunting and fishing licenses, permits, and tags for recreational purposes is as follows:

 (1) a temporary license, permit, or tag expires after the specified number of consecutive days inclusive of the start date and expiration date;

 (2) an annual license, permit, or tag expires on the last day of the license year for which the license was issued; provided, the department may issue an annual license, permit, or tag that expires the day before the anniversary of the date of its issuance;

 (3) a three year license or permit expires on the last day of the third license year of issue; provided, the department may issue a three year license or permit that expires the day before the third anniversary of the date of its issuance;

 (4) a three year disability license expires the day before the third anniversary of the date of its issuance; and

 (5) the Catawba Indian license expires October 27, 2092.

 (B) For commercial purposes, an annual license, permit, or tag expires on the last day of the license year for which the license, permit, or tag was issued.

 (C) This section does not alter the start date or expiration date of a permit which by law has other terms.

HISTORY: 1962 Code Section 28‑17; 1970 (56) 1955; 1993 Act No. 181, Section 1261; 1996 Act No. 372, Section 2; 2009 Act No. 15, Section 7, eff July 1, 2009; 2010 Act No. 233, Section 1, eff July 1, 2010; 2013 Act No. 94, Section 2, eff July 1, 2013.

**SECTION 50‑9‑30.** Residency requirements.

 (A) For the purposes of obtaining:

 (1) a recreational license, permit, or tag with a duration of three years or less, "resident", unless otherwise specified, means a United States citizen or a citizen of a foreign country lawfully in the United States who:

 (a) has been domiciled in this State for thirty consecutive days or more immediately preceding the date of application;

 (b) is a regularly enrolled full‑time student in a high school, technical school, college, or university within this State; or

 (c) is an active member of the United States Armed Forces, or the member's dependent, stationed in this State for thirty consecutive days or more immediately preceding the date of application;

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

 (3) a disability recreational license, "resident" means a United States citizen who has been domiciled in this State for three hundred sixty‑five consecutive days or more immediately preceding the date of application;

 (4)(a) a commercial license, permit, or tag, "resident" means a United States citizen who has been domiciled in this State for three hundred sixty‑five consecutive days or more immediately preceding the date of application; and

 (b) a commercial license or permit issued for a business, "resident" means a business that has been incorporated and operating in this State for three hundred sixty‑five days or more immediately preceding the date of application.

 (B) An applicant for a resident license must furnish proof of residency as may be required by the department.

 (C) "Nonresident" means an individual or business that is not a resident under subitem (A).

HISTORY: 1962 Code Section 28‑18; 1976 Act No. 742, Section 1; 1989 Act No. 101, Section 5; 1991 Act No. 57, Section 1; 1993 Act No. 181, Section 1261; 1996 Act No. 372, Section 2; 2010 Act No. 183, Section 2, eff May 28, 2010; 2010 Act No. 200, Section 6, eff May 28, 2010; 2010 Act No. 233, Section 2, eff July 1, 2010; 2013 Act No. 94, Section 3, eff July 1, 2013.

**SECTION 50‑9‑35.** Persons licensed by another state; transfer of residency.

 Any person licensed by another state as a resident for any purpose is not eligible to apply for, obtain, or hold any South Carolina resident license, permit, stamp, or tag required by this title. It is unlawful to obtain, attempt to obtain, or possess a license, permit, stamp, or tag required by this title while licensed as a resident of another state for any purpose.

 Any person who lawfully acquires a resident South Carolina license, permit, stamp, or tag and who during the term of that instrument transfers their domicile outside of this State, may continue the privileges until expiration of that license, permit, stamp, or tag.

HISTORY: 2010 Act No. 233, Section 3, eff July 1, 2010; 2013 Act No. 94, Section 17, eff July 1, 2013.

**SECTION 50‑9‑40.** License procedures and fees.

 (A) The department shall prescribe the form of the license and method by which licenses, permits, and tags must be distributed and sold.

 (B) The department shall establish procedures and agreements for allowing license sales vendors to sell and distribute certain department licenses and permits.

 (C) License and permit fees collected by a license sales vendor, except for any sales vendor's retained fee, must be remitted to the department in the time and manner prescribed by the department.

HISTORY: 1996 Act No. 372, Section 2; 2009 Act No. 15, Section 8, eff July 1, 2009; 2010 Act No. 233, Section 4, eff July 1, 2010.

**SECTION 50‑9‑45.** Licenses for South Carolinians in the Armed Services.

 An active duty member of the Armed Forces of the United States whose home of record is South Carolina and who is stationed outside of the State, shall, upon presentation of his leave and earnings statement, be allowed to fish and hunt without purchasing a fishing or hunting license.

HISTORY: 2010 Act No. 233, Section 5, eff July 1, 2010.

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

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

HISTORY: 1996 Act No. 372, Section 2.

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

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

HISTORY: 1996 Act No. 372, Section 2.

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

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

HISTORY: 1993 Act No. 94, Section 1; 1996 Act No. 372, Section 2.

**SECTION 50‑9‑75.** Surrender of combination licenses.

 (A) It is unlawful to purchase, acquire, or possess or attempt to purchase, acquire, or possess a license, permit, stamp, or tag while privileges allowed by the license, permit, stamp, or tag are suspended.

 (B) A combination license holder who has a portion of his privileges suspended must surrender the combination license. To engage in those activities from which he has not been suspended he must obtain a separate license.

 (C) A person who violates this section is guilty of a misdemeanor and, upon conviction, must be fined not less than two hundred dollars and not more than five hundred dollars or imprisoned for not more than thirty days. A person convicted pursuant to this section forfeits all hunting and fishing privileges for an additional two years.

HISTORY: 2003 Act No. 10, Section 1; 2010 Act No. 233, Section 6, eff July 1, 2010.

**SECTION 50‑9‑80.** Replacement licenses, permits, or tags.

 A license, permit, or tag issued pursuant to this title may be replaced only upon affidavit from the licensee that the original was lost or destroyed and upon payment of the fee:

 (1) for a duplicate license or permit the fee is three dollars, one dollar of which the issuing sales vendor may retain;

 (2) for a duplicate disability or lifetime license issued by the department, there is no fee;

 (3) for a replacement nongame fish tag, the fee is one dollar per tag for residents and five dollars per tag for nonresidents;

 (4) for a duplicate individual antlerless deer tag, the fee is one dollar per tag.

HISTORY: 1993 Act No. 94, Section 1; 1996 Act No. 372, Section 2; 2010 Act No. 200, Section 7, eff May 28, 2010.

ARTICLE 3.

 HUNTER EDUCATION PROGRAM

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

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

HISTORY: 1996 Act No. 372, Section 2.

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

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

HISTORY: 1996 Act No. 372, Section 2.

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

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

HISTORY: 1996 Act No. 372, Section 2.

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

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

HISTORY: 1996 Act No. 372, Section 2.

**SECTION 50‑9‑350.** Apprentice hunting license.

 To encourage the recruitment of persons as responsible hunters:

 (1) The certificate of completion requirement may be waived for one license year if a person obtains an apprentice hunting license, and a person may receive such a waiver only one time. An apprentice hunting license may be issued if the applicant:

 (a) is at least sixteen years of age and otherwise required to obtain a certificate of completion to obtain a hunting license;

 (b) has not been convicted of or received deferred adjudication for violation of the hunter education requirement in this State; and

 (c) has not been convicted of a hunting violation.

 (2) While afield, the apprentice hunter must be accompanied by a licensed hunter who:

 (a) has attained the age of twenty‑one years;

 (b) is not licensed as an apprentice hunter; and

 (c) stays within a distance that enables uninterrupted, unaided, visual, and oral communication with the apprentice hunter and provides adequate direction to the apprentice.

 (3) If the holder of an apprentice hunting license obtains a certificate of completion prior to the expiration date of his apprentice hunting license, his apprentice hunting license will be used as his statewide hunting license; provided, the licensee must have the certificate of completion in his possession while hunting.

 (4) In addition to obtaining the apprentice hunting license, an apprentice license holder must obtain any other license, permit, receipt, stamp, and tag required to participate in a specific hunting activity.

HISTORY: 2010 Act No. 233, Section 7, eff July 1, 2010; 2012 Act No. 257, Section 11, eff June 18, 2012; 2013 Act No. 94, Section 4, eff July 1, 2013.

ARTICLE 4.

 COMMERCIAL LICENSES

**SECTION 50‑9‑410.** Freshwater commercial fishing license.

 (A) For the privilege of taking nongame freshwater fish for a commercial purpose, a resident must purchase an annual freshwater commercial fishing license for fifty dollars, one dollar of which the issuing sales vendor may retain.

 (B) For the privilege of taking nongame freshwater fish for a commercial purpose, a nonresident must purchase an annual freshwater commercial fishing license for one thousand dollars, twenty dollars of which the issuing sales vendor may retain.

 (C) A commercial freshwater license is required to:

 (1) fish six or more crayfish traps;

 (2) fish three or more eel pots;

 (3) fish an Elver fyke net;

 (4) fish four or more gill nets or a total of more than one hundred yards of net;

 (5) fish two or more hoop nets;

 (6) fish three or more traps;

 (7) fish two or more trotlines;

 (8) acquire more than one trotline tag or fish a trotline with more than fifty hooks;

 (9) take freshwater fish for commercial purposes.

HISTORY: 2010 Act No. 200, Section 8, eff May 28, 2010; 2012 Act No. 245, Section 3, eff July 1, 2012.

**SECTION 50‑9‑420.** Requirements for taking shad, herring, or eels for commercial purposes.

 A person taking shad, herring, or eels for commercial purposes:

 (1) in the salt waters of this State, must obtain a commercial saltwater fishing license and a commercial saltwater equipment license and related permits;

 (2) in the freshwaters of this State, must obtain a commercial freshwater license and a commercial saltwater equipment license and related permits. Section 50‑9‑430. The cost for a scientific collection permit is ten dollars.

HISTORY: 2010 Act No. 200, Section 8, eff May 28, 2010.

**SECTION 50‑9‑430.** Cost of scientific collection permit.

 The cost for a scientific collection permit is ten dollars.

HISTORY: 2010 Act No. 200, Section 8, eff May 28, 2010.

**SECTION 50‑9‑450.** Commercial fur license required; exceptions.

 (A) In addition to a valid state hunting license, an annual commercial fur license is required of all persons who sell or take by any means, for commercial purposes, and all persons who trap or who attempt to trap any fur bearing animals. The license is issued by the department at a cost of twenty‑five dollars for residents and two hundred dollars for nonresidents. Any person having in his possession more than five fur bearing animals or raw or green pelts shall have a valid commercial fur license. The provisions of this section do not apply to a processor, manufacturer, or retailer.

 (B) A person under the age of sixteen may purchase a commercial fur license without having to purchase a state hunting license after completing the "Trappers Education Course".

 (C) A person under the age of sixteen is exempt from the licensing requirements of this section while in the presence of a commercial fur licensee, but may not sell any fur bearing animals or raw or green pelts unless licensed.

HISTORY: 2012 Act No. 257, Section 1, eff June 18, 2012.

ARTICLE 5.

 HUNTING AND FISHING LICENSES

**SECTION 50‑9‑510.** Hunting and fishing licenses.

 (A) For the privilege of hunting:

 (1) a resident must purchase:

 (a) an annual statewide hunting license for twelve dollars, one dollar of which the issuing sales vendor may retain;

 (b) a three year statewide hunting license for thirty‑six dollars, three dollars of which the issuing sales vendor may retain;

 (c) a lifetime statewide hunting license for three hundred dollars at designated licensing locations; or

 (d) any other license which grants statewide hunting privileges;

 (2) a resident who meets the qualifications as an apprentice hunter must purchase an annual statewide apprentice hunting license for twelve dollars, one dollar of which the issuing sales vendor may retain;

 (3) a nonresident must purchase:

 (a) a three day temporary statewide hunting license for forty dollars, one dollar of which the issuing sales vendor may retain;

 (b) a ten day temporary statewide hunting license for seventy‑five dollars, two dollars of which the issuing sales vendor may retain;

 (c) an annual statewide hunting license for one hundred twenty‑five dollars, two dollars of which the issuing sales vendor may retain; or

 (d) any other license which grants statewide hunting privileges;

 (4) a nonresident who meets the qualifications as an apprentice hunter must purchase an annual statewide apprentice hunting license for one hundred twenty‑five dollars, two dollars of which the issuing sales vendor may retain.

 (B) For the privilege of hunting big game:

 (1) a resident must purchase in addition to the required hunting license:

 (a) an annual big game permit for six dollars, one dollar of which the issuing sales vendor may retain;

 (b) a three year big game permit for eighteen dollars, three dollars of which the issuing sales vendor may retain; or

 (c) any other license which grants big game privileges;

 (2) a nonresident must purchase in addition to the required hunting license:

 (a) an annual big game permit for one hundred dollars, two dollars of which the issuing sales vendor may retain; or

 (b) any other license which grants big game privileges.

 (C) For the privilege of hunting on wildlife management areas:

 (1) a resident must purchase in addition to the required hunting license:

 (a) an annual wildlife management area permit for thirty dollars and fifty cents, one dollar of which the issuing sales vendor may retain;

 (b) a three year wildlife management area permit for ninety‑one dollars and fifty cents, three dollars of which the issuing sales vendor may retain; or

 (c) any other license which grants wildlife management area privileges;

 (2) the department may issue residents temporary wildlife management area permits from the department's designated licensing locations for department specified hunting events for five dollars and fifty cents, fifty cents of which the issuing sales vendor may retain;

 (3) a nonresident must purchase in addition to the required hunting license:

 (a) a wildlife management area permit for seventy‑six dollars, one dollar of which the issuing sales vendor may retain; or

 (b) any other license which grants wildlife management area privileges.

 (D) For the privilege of hunting migratory game birds, in addition to the required hunting license:

 (1) a resident must obtain an annual migratory game bird permit at no cost;

 (2) a nonresident must obtain an annual migratory game bird permit at no cost.

 (E) For the privilege of hunting migratory waterfowl, in addition to the required hunting license and permits and any required federal stamp or permit:

 (1) a resident must purchase a migratory waterfowl permit for five dollars and fifty cents, fifty cents of which the issuing sales vendor may retain;

 (2) a nonresident must purchase a migratory waterfowl permit for five dollars and fifty cents, fifty cents of which the issuing sales vendor may retain.

 (F) For the privilege of hunting only the authorized released species on a licensed shooting preserve, in lieu of a hunting license, an individual may purchase an annual statewide shooting preserve license for eight dollars and fifty cents, one dollar of which the issuing sales vendor may retain.

HISTORY: 2010 Act No. 233, Section 8, eff July 1, 2010; 2013 Act No. 94, Section 5, eff July 1, 2013.

**SECTION 50‑9‑515.** Combination licenses; sportsman's licenses.

 For the combined statewide privilege of:

 (1) hunting, including the privilege of hunting big game and freshwater fishing, a resident may purchase:

 (a) an annual combination license for twenty‑five dollars, two dollars of which the issuing sales vendor may retain; or

 (b) a three year combination license for seventy‑five dollars, six dollars of which the issuing sales vendor may retain.

 (2) hunting, including the privilege of hunting big game and hunting on wildlife management area lands and freshwater fishing:

 (a) a resident may purchase:

 (i) an annual sportsman's license for fifty dollars, two dollars of which the issuing sales vendor may retain; or

 (ii) a three year sportsman's license for one hundred fifty dollars, six dollars of which the issuing sales vendor may retain.

 (b) a resident who is at least sixteen years of age but who has not reached eighteen years of age may purchase an annual junior sportsman license for sixteen dollars, one dollar of which the issuing sales vendor may retain.

HISTORY: 2010 Act No. 233, Section 8, eff July 1, 2010.

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

 (A) A resident may obtain a lifetime statewide combination license from the department at its designated licensing locations, which grants the same privileges as an annual combination license. The license fee is based on the age of the applicant. If at the time of application the individual is:

 (1) under two years of age, the fee is three hundred dollars;

 (2) at least two years of age, but less than sixteen years of age, the fee is four hundred dollars;

 (3) at least sixteen years of age but less than sixty‑four years of age, the fee is five hundred dollars.

 (B) A resident who holds a lifetime combination license may obtain the privilege of statewide saltwater recreational fishing from the department at its designated licensing locations. The license fee is based on the age of the applicant. If at the time of application the individual is:

 (1) under two years of age, the fee is one hundred twenty dollars;

 (2) at least two years of age but less than sixteen years of age, the fee is one hundred sixty dollars;

 (3) at least sixteen years of age but less than sixty‑four years of age, the fee is two hundred dollars.

 (C) A resident who holds a lifetime combination license may obtain the privilege of hunting migratory waterfowl from the department at its designated licensing locations. The permit fee is based on the age of the applicant. If at the time of application the individual is:

 (1) under two years of age, the fee is sixty‑six dollars;

 (2) at least two years of age but less than sixteen years of age, the fee is eighty‑eight dollars;

 (3) at least sixteen years of age but less than sixty‑four years of age, the fee is one hundred ten dollars.

 (D) Privileges in subsections (B) and (C) also may be obtained simultaneously when application is made for licenses in subsection (A).

HISTORY: 2010 Act No. 233, Section 8, eff July 1, 2010.

**SECTION 50‑9‑525.** Licenses for disabled residents.

 (A) A resident who is determined to be disabled and receiving benefits under a Social Security program, the Civil Service Retirement System, the South Carolina State Retirement System, the Railroad Retirement Board, the Veterans Administration, or Medicaid, or their successor agencies or programs, may obtain a three year disability combination license or a three year disability fishing license at no cost. The license must be issued by the department from its designated offices and is valid for three years from the date of issue. Disability recertification is required for renewal. To recertify, an applicant must furnish proof, in the manner prescribed by the department, that he or she is currently receiving disability benefits and is a domiciled resident of this State. The department may waive the proof of disability benefit requirement for renewals where the resident is at least sixty‑five years of age.

 (B) A resident on the date of application for a disability license, with quadriplegia or paraplegia, who is certified as totally disabled, must be issued a lifetime disability combination license or a lifetime disability fishing license at no cost. Disability recertification or renewal of this license is not required.

 (C) A resident born after June 30, 1979, who has not completed the required hunter education certification only may obtain a disability fishing license at no cost. Upon completion of the hunter education certification, the licensee may apply to the department for the additional disability hunting privileges at no cost.

 (D) A disability license issued to a person who is no longer domiciled in this State is void and the person must obtain the required nonresident licenses, permits, stamps, and tags to hunt and fish in this State.

 (E)(1) A disability combination license includes the statewide privileges of hunting big game, hunting migratory waterfowl, hunting on wildlife management area lands, freshwater fishing, and saltwater fishing.

 (2) A disability fishing license includes the privileges of freshwater fishing and saltwater fishing.

HISTORY: 2010 Act No. 233, Section 8, eff July 1, 2010; 2013 Act No. 94, Section 6, eff July 1, 2013.

**SECTION 50‑9‑530.** Gratis, senior, and Catawba licenses.

 (A) A resident born before July 1, 1940, may obtain from the department at its designated licensing locations a gratis lifetime hunting and fishing license at no cost.

 (B) A resident born after June 30, 1940, who has attained the age of sixty‑four years may obtain from the department at its designated licensing locations a senior lifetime hunting and fishing license for nine dollars, one dollar of which the issuing sales vendor may retain.

 (C) A resident born after June 30, 1979, who has attained the age of sixty‑four years and who has not completed the required hunter education certification, may obtain a senior lifetime fishing license for nine dollars, one dollar of which the issuing sales vendor may retain. Upon completion of the hunter education certification the licensee may apply to the department for the additional senior lifetime hunting privileges at no cost.

 (D) A member of the Catawba Indian Tribe, who is a resident of this State, upon application to the department at its designated licensing locations may obtain a Catawba hunting and fishing license at no cost. A certification must be included with the application from the Chief of the Catawba Indian Tribe stating the applicant is a bona fide member of the tribe.

 (E) A member of the Catawba Indian Tribe, who is a resident of this State born after June 30, 1979, and who has not completed the required hunter education certification, may obtain a Catawba fishing license at no cost. Upon completion of the hunter education certification the licensee may apply to the department for the additional Catawba hunting privileges at no cost.

 (F) Gratis, senior, and Catawba licenses hunting privileges include statewide hunting, hunting big game, hunting on wildlife management area lands, and hunting migratory waterfowl. The fishing privileges of these licenses include freshwater fishing, freshwater fishing using a set hook, and saltwater fishing.

 (G) There is no cost to a Catawba hunting and fishing licensee for any other tags required by law for recreational hunting and fishing except for those department hunting and fishing activities controlled by lottery.

HISTORY: 2010 Act No. 233, Section 8, eff July 1, 2010; 2013 Act No. 94, Section 7, eff July 1, 2013.

**SECTION 50‑9‑535.** Conversion of lifetime licenses to senior lifetime license.

 A resident who holds a lifetime hunting, lifetime combination, lifetime freshwater fishing, or lifetime saltwater recreational fishing license, upon attaining the age of sixty‑four, may convert that license to a senior lifetime license for a fee of nine dollars, one dollar of which the issuing sales vendor may retain.

HISTORY: 2010 Act No. 233, Section 8, eff July 1, 2010.

**SECTION 50‑9‑540.** Recreational statewide saltwater fishing licenses; recreational statewide freshwater fishing licenses; annual saltwater public fishing pier licenses; annual charter vessel licenses.

 (A) For the privilege of recreational statewide fishing in saltwater:

 (1) a resident must purchase:

 (a) a fourteen day temporary saltwater fishing license for five dollars, one dollar of which the issuing sales vendor may retain;

 (b) an annual saltwater fishing license for ten dollars, one dollar of which the issuing sales vendor may retain;

 (c) a three year saltwater fishing license for thirty dollars, one dollar of which the issuing sales vendor may retain;

 (d) a lifetime statewide saltwater fishing license for three hundred dollars at designated licensing locations; or

 (e) any other license which grants saltwater fishing privileges;

 (2) a nonresident must purchase:

 (a) a fourteen day temporary saltwater fishing license for eleven dollars, one dollar of which the issuing sales vendor may retain;

 (b) an annual saltwater fishing license for thirty‑five dollars, one dollar of which the issuing sales vendor may retain;

 (c) a three year saltwater fishing license for one hundred five dollars, three dollars of which the issuing sales vendor may retain; or

 (d) any other license which grants saltwater fishing privileges.

 (B) For the privilege of recreational statewide fishing in freshwater:

 (1) a resident must purchase:

 (a) a fourteen day temporary freshwater fishing license for five dollars, one dollar of which the issuing sales vendor may retain;

 (b) an annual freshwater fishing license for ten dollars, one dollar of which the issuing sales vendor may retain;

 (c) a three year freshwater fishing license for thirty dollars, three dollars of which the issuing sales vendor may retain;

 (d) a lifetime statewide freshwater fishing license for three hundred dollars at designated licensing locations; or

 (e) any other license which grants freshwater fishing privileges;

 (2) a nonresident must purchase:

 (a) a fourteen day temporary freshwater fishing license for eleven dollars, one dollar of which the issuing sales vendor may retain;

 (b) an annual freshwater fishing license for thirty‑five dollars, one dollar of which the issuing sales vendor may retain;

 (c) a three year freshwater fishing license for one hundred five dollars, three dollars of which the issuing sales vendor may retain; or

 (d) any other license which grants freshwater fishing privileges.

 (C) For the privilege of operating a public fishing pier in the salt waters of this State, the owner or operator must purchase an annual saltwater public fishing pier license. For a pier with a total length:

 (1) of one hundred feet or less, the fee is one hundred fifty dollars;

 (2) greater than one hundred feet, the fee is three hundred fifty dollars.

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

 (1) to carry six or fewer passengers, the fee is one hundred fifty dollars;

 (2) to carry seven but no more than forty‑nine passengers, the fee is two hundred fifty dollars;

 (3) to carry fifty or more passengers, the fee is three hundred fifty dollars.

HISTORY: 2010 Act No. 233, Section 8, eff July 1, 2010; 2013 Act No. 94, Section 8, eff July 1, 2013.

**SECTION 50‑9‑545.** Type of license required for taking shad, herring, or eels.

 A person taking shad, herring, or eels for recreation:

 (1) in the saltwaters of this State must have a recreational saltwater fishing license; if using a gill net or eel pot, must have an annual recreational saltwater license and a saltwater commercial equipment license and related permits;

 (2) in the freshwaters of this State must have a recreational freshwater fishing license; if using a gill net or eel pot, must have an annual recreational freshwater fishing license and a saltwater commercial equipment license and related permits.

HISTORY: 2010 Act No. 200, Section 9, eff May 28, 2010.

**SECTIONS 50‑9‑550, 50‑9‑560.** Omitted by 2010 Act No. 233, Section 8, eff July, 1, 2010.

**SECTIONS 50‑9‑550, 50‑9‑560.** Omitted by 2010 Act No. 233, Section 8, eff July, 1, 2010.

**SECTION 50‑9‑570.** Unlawful to hunt migratory game birds without permit; exception.

 (A) It is unlawful to hunt, take, or possess migratory game birds without first obtaining a migratory game bird permit. Migratory game birds include mourning dove, Wilson snipe, woodcock, the Anatidae (commonly known as goose, brant, and duck), and the Rallidae (commonly known as marsh hen, coot, gallinule, and rail).

 (B) Residents who have attained the age of sixty‑four and hold a lifetime statewide hunting license, lifetime statewide combination license, gratis lifetime hunting and fishing license, senior lifetime hunting and fishing license, or Catawba hunting and fishing license are not required to obtain a migratory game bird permit.

HISTORY: 2010 Act No. 233, Section 8, eff July 1, 2010.

ARTICLE 6.

 PERMITS AND TAGS

**SECTION 50‑9‑610.** Additional requirements for attempting to take nongame freshwater fish.

 (A) In addition to the licenses required for freshwater fishing, each licensee attempting to take nongame freshwater fish must obtain:

 (1) a tag for each eel pot, at five dollars a tag for residents and fifty dollars a tag for nonresidents;

 (2) a tag for each fyke net, at ten dollars for residents and fifty dollars for nonresidents;

 (3) a tag for each gill net, at five dollars a tag for residents and fifty dollars a tag for nonresidents;

 (4) a tag for each hoop net, at ten dollars a tag for residents and fifty dollars a tag for nonresidents;

 (5) a tag for each trap, at five dollars a tag for residents and fifty dollars a tag for nonresidents;

 (6) a tag for each trotline, not to exceed fifty hooks each, at two dollars fifty cents a tag for residents and fifty dollars a tag for nonresidents;

 (7) a permit for using up to fifty jugs, at five dollars a permit for residents and fifty dollars for nonresidents;

 (8) a permit for using up to fifty set hooks, at five dollars a permit for residents and fifty dollars for nonresidents.

 (B) Permits for jugs and set hooks are not required for residents assisting permit holders.

 (C) The licensee must affix the tag or identification information to the respective device.

HISTORY: 2010 Act No. 200, Section 10, eff May 28, 2010; 2013 Act No. 94, Section 9, eff July 1, 2013.

**SECTION 50‑9‑650.** Annual individual antlerless deer tags.

 (A) For the privilege of taking antlerless deer, in addition to the required hunting license and big game permit, a hunter shall obtain an annual individual antlerless deer tag issued in his name, and the fee:

 (1) for a resident is five dollars per tag;

 (2) for a nonresident is five dollars per tag.

 (B) A landowner or lessee may apply to the Antlerless Deer Quota Program for an antlerless deer quota permit at a cost of fifty dollars per land tract. The department shall determine an appropriate quota of tags to be issued under each permit, and there is no cost for these tags.

CREDIT(S)

 HISTORY: 2010 Act No. 233, Section 9, eff July 1, 2010.

**SECTION 50‑9‑655.** Pig transport and release permit; pig enclosure permit.

 (A) For the privilege of taking, transporting, and releasing a pig from a free roaming population, a person must obtain an annual pig transport and release permit from the department for fifty dollars.

 (B) For the privilege of maintaining a pig hunting enclosure, a pig hunting enclosure owner must obtain an annual pig enclosure permit from the department for fifty dollars.

HISTORY: 2010 Act No. 211, Section 4, eff upon approval (became law without the Governor's signature on June 8, 2010).

**SECTION 50‑9‑660.** Alligator Draw Hunt Program; Private Lands Alligator Program; nonresident alligator hunting fee; fees nonrefundable.

 Except pursuant to a person operating under a depredation permit:

 (1) For the privilege of taking an alligator, in addition to the required hunting license, a person first must apply to the department's Alligator Draw Hunt Program. The application fee is ten dollars. Successful selection provides the applicant an opportunity to obtain one alligator tag at a cost of one hundred dollars.

 (2) The property permit fee for participation in the Private Lands Alligator Program is ten dollars. The cost for each tag issued under the permit is ten dollars.

 (3) A nonresident sixteen years of age or older who hunts alligators under any alligator management program must pay a nonresident alligator hunting fee of two hundred dollars, four dollars of which may be retained by the issuing sales vendor.

 (4) Application, permit, and tag fees are nonrefundable.

HISTORY: 2010 Act No. 183, Section 4, eff May 28, 2010.

**SECTION 50‑9‑665.** Bear tags.

 (A) For the privilege of hunting bear, in addition to the required hunting license and big game permit the licensee must obtain a bear tag issued in his name, and the fee:

 (1) for a resident is twenty‑five dollars per tag, one dollar of which may be retained by the license sales vendor;

 (2) for a nonresident is one hundred dollars per tag, two dollars of which may be retained by the license sales vendor.

 (B) In game zones other than Game Zone 1, applicants for bear tags must be chosen by a random drawing. The application fee is ten dollars per applicant and is nonrefundable. Tags are only valid for the specified game zone.

 (C) Youth under the age of sixteen are required to obtain youth tags for bear from the department at its designated licensing locations at no cost.

HISTORY: 2010 Act No. 286, Section 1, eff June 29, 2010; 2013 Act No. 94, Section 10, eff July 1, 2013.

**SECTION 50‑9‑670.** Migratory waterfowl permits; commemorative stamps.

 (A) For purposes of this chapter "migratory waterfowl" means members of the family Anatidae, including brants, ducks, geese, and swans. For the privilege of hunting or taking migratory waterfowl in this State, in addition to a hunting license, a person shall purchase a migratory waterfowl permit.

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

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

HISTORY: 2010 Act No. 233, Section 9, eff July 1, 2010.

ARTICLE 7.

 HUNTING AND FISHING LICENSE EXEMPTIONS

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

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

 (B) A person is not required to possess a recreational freshwater fishing license if fishing in a private pond. However, if the pond is used for commercial purposes, it is not considered a private pond.

 (C) Resident and nonresident patrons of commercial fishing lakes or pay‑to‑fish commercial businesses are exempt from the requirement to purchase a recreational freshwater fishing license if the commercial fishing lake or pay‑to‑fish commercial business has a valid aquaculture permit or registration issued by the department.

HISTORY: 1962 Code Section 28‑475; 1956 (49) 2151; 1958 (50) 1613, 1931; 1964 (53) 2154; Repealed by 1977 Act No. 183, Section 21; 1996 Act No. 372, Section 2; 2003 Act No. 60, Section 2; 2010 Act No. 233, Section 10, eff July 1, 2010.

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

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

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

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

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

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

 (5) fisherman taking shrimp with bait.

HISTORY: 2009 Act No. 15, Section 2, eff July 1, 2009.

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

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

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

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

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

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

HISTORY: 1975 (59) 205; Repealed by 1977 Act No. 183, Section 21; 1996 Act No. 372, Section 2.

**SECTION 50‑9‑730.** July fourth and National Memorial Day exempt from freshwater recreational fishing license and permit requirements; exceptions; free hunting days must be established.

 (A) A resident is not required to possess a license or permit for recreational fishing in the freshwaters of this State on the following days:

 (1) the fourth day of July; and

 (2) the date observed by the State for National Memorial Day.

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

 (C) This section does not apply to individuals fishing for a commercial purpose or when a commercial fishing license is required to use certain nongame fishing devices.

 (D) The department must designate two days a year as "free hunting days" during which state residents may hunt without procuring the necessary licenses and permits. These days need not be consecutive.

HISTORY: 1996 Act No. 372, Section 2; 2012 Act No. 245, Section 1, eff July 1, 2012.

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

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

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

HISTORY: 2000 Act No. 299, Section 1; 2007 Act No. 23, Section 1, eff May 14, 2007.

ARTICLE 9.

 REVENUE

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

 (A) Revenue from fines and forfeitures for violations of Chapters 1 through 16 must be transmitted to the treasurer of the county where the revenue was collected. The treasurer shall transmit the revenue to the department accompanied by a statement showing the names of persons fined, the amount of each fine, the summons or warrant number, and the court in which each fine was collected. The revenue must be remitted to the State Treasurer and credited to the County Game and Fish Fund subaccount for the county from which the revenue was collected.

 (B) Revenue from fines and forfeitures for violations on wildlife management area lands must be used for the management and the procurement of wildlife management area lands.

 (C) Unless otherwise specified, revenue from the fines and forfeitures for violations of other sections of this title and for all other offenses investigated or prosecuted by the department must be used exclusively for law enforcement operations and any remaining balances must be retained and carried forward by the department and used for the same purposes.

HISTORY: 2010 Act No. 233, Section 11, eff July 1, 2010.

**SECTION 50‑9‑920.** Revenues from the sale of privileges, licenses, permits, and tags.

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

 (B) Revenue generated from the sale of other hunting and freshwater fishing licenses, permits, and tags shall be remitted to the State Treasurer and unless otherwise required by law credited to the Fish and Wildlife Protection Fund. Revenue from each:

 (1) wildlife management area permit shall be used for the management and the procurement of wildlife management area lands;

 (2) nonresident annual statewide hunting license shall be used as follows:

 (a) one dollar for the propagation, management, and protection of ducks and geese in this State;

 (b) one dollar contributed by the department to proper agencies along the Atlantic Flyway for the propagation, management, and protection of ducks and geese; and

 (c) the balance to the Fish and Wildlife Protection Fund;

 (3) nonresident temporary statewide hunting license shall be used as follows:

 (a) fifty cents for the propagation, management, and protection of ducks and geese in this State;

 (b) fifty cents contributed by the department to proper agencies along the Atlantic Flyway for the propagation, management, and protection of ducks and geese; and

 (c) the balance to the Fish and Wildlife Protection Fund;

 (4) nonresident annual freshwater fishing license shall be distributed as follows:

 (a) twenty=five percent to the County Game and Fish Fund account for the respective county in which the license was sold, except that these licenses sold through a central point such as online, call centers, and department mass mailings shall be equally allocated to the counties;

 (b) twenty‑five percent for the operation and management of department freshwater fish hatcheries; and

 (c) the balance to the Fish and Wildlife Protection Fund;

 (5) application fee, permit, tag, and nonresident hunting fee for the privilege of hunting alligators shall be used to administer the alligator management program;

 (6) antlerless deer quota permit (ADQP) shall be exclusively used to administer the ADQP program and for deer management and research;

 (7) individual antlerless deer tags shall be used as follows:

 (a) eighty percent to administer the tag program, deer management, and research; and

 (b) the remaining twenty percent for law enforcement;

 (8) application fee, permit, and tag for the privilege of hunting bear shall be used to administer the tag program, protect bear habitats, and support bear research and management;

 (9) field trial permit and shooting preserve operation permit shall be used to support the management of small game programs;

 (10) lottery hunt application fee shall be used to administer the lottery hunt program and support management of lands on which the lottery hunts take place;

 (11) falconry permit shall be used to support the falconry permitting program.

 (C) Revenue generated from the sale of recreational and commercial marine licenses, permits, and tags shall be deposited to the Marine Resources Fund unless otherwise required by law. Revenue shall be distributed as follows, from each:

 (1) annual or temporary recreational saltwater fishing license:

 (a) twenty‑five cents to saltwater administration;

 (b) one dollar to law enforcement; and

 (c) the balance to recreational saltwater programs;

 (2) charter vessel license:

 (a) five percent to saltwater administration;

 (b) twenty percent to law enforcement; and

 (c) the balance to recreational saltwater programs;

 (3) saltwater fishing pier license:

 (a) five percent to saltwater administration;

 (b) twenty percent to law enforcement; and

 (c) the balance to recreational saltwater programs;

 (4) shrimp baiting license:

 (a) seventy percent for additional enforcement efforts during the established shrimp baiting period to assist existing law enforcement personnel in monitoring and enforcement of the shrimp baiting laws; and

 (b) the balance to the Marine Resources Fund;

 (5) sale of stamps, prints, and related articles:

 (a) five percent to saltwater administration;

 (b) twenty percent to saltwater enforcement; and

 (c) the balance to recreational saltwater programs.

 (D) Two‑thirds of the revenue generated from the sale of three year recreational saltwater licenses shall be allocated to the Marine Resources Deferred License Fund.

 (E) Two‑thirds of the revenue generated from the sale of three year recreational freshwater fishing and hunting licenses shall be allocated to the Fish and Wildlife Deferred License Fund.

 (F) Revenue generated from the sale of duplicate or replacement licenses, permits, and tags shall be credited to the Fish and Wildlife Protection Fund.

HISTORY: 2010 Act No. 233, Section 11, eff July 1, 2010; 2010 Act No. 286, Section 3, eff June 29, 2010; 2013 Act No. 94, Section 11, eff July 1, 2013.

**SECTIONS 50‑9‑925, 50‑9‑940.** Omitted by 2010 Act No. 233, Section 11, eff July 1, 2010.

**SECTIONS 50‑9‑925, 50‑9‑940.** Omitted by 2010 Act No. 233, Section 11, eff July 1, 2010.

**SECTION 50‑9‑950.** Fish and Wildlife Protection Fund.

 (A) The Fish and Wildlife Protection Fund is created for the purpose of supporting the department and its effort to conserve freshwater fisheries and wildlife. The assets of the fund are derived from the following sources:

 (1) revenue from the sale of freshwater fisheries and wildlife licenses, permits, stamps, and tags;

 (2) application fees for recreational events and charges for room and board on state property where the property was procured with proceeds from the fund and its predecessor funds;

 (3) revenue generated from the sale of timber and property procured with proceeds from the fund and its predecessor funds;

 (4) revenue transmitted to the department from the Department of Motor Vehicles for specialty license plates to support department operations;

 (5) restricted interest income, contributions, and donations;

 (6) indirect cost recoveries where the department matched a grant using the fund; and

 (7) any other source of revenue recognized by the United States Fish and Wildlife Service, where the disposition of such revenue to any other fund could be interpreted as a loss of control or misdirection of funds by the department.

 These funds shall be remitted to the State Treasurer and credited to a special account separate and distinct from the general fund.

 (B) Revenue shall be expended by the department for the protection, propagation, and management of freshwater fisheries and wildlife, the enforcement of related laws, the administration of the department, and the dissemination of information, facts, and findings the department considers necessary. Revenue may be expended on permanent improvement or deferred maintenance projects consistent with the purposes of the fund.

 (C) Interest earned on balances in the fund shall be credited to the fund and expended for those same purposes.

 (D) Balances in the fund shall be retained and carried forward annually and may be used to match available federal funds.

HISTORY: 2010 Act No. 233, Section 11, eff July 1, 2010; 2013 Act No. 94, Section 12, eff July 1, 2013.

**SECTION 50‑9‑955.** Fish and Wildlife Deferred License Fund.

 (A) The Fish and Wildlife Deferred License Fund is created for the purpose of receiving revenue generated from the sale of three year hunting and freshwater fishing licenses, permits, stamps, and tags.

 (B) Receipts from each license year shall be transferred to the Fish and Wildlife Protection Fund as follows:

 (1) fifty percent during the first fiscal year after receipt; and

 (2) the balance during the second fiscal year after receipt.

Where applicable, each transfer shall distribute the receipts based on the allocations specified in Section 50‑9‑920(B).

 (C) Interest earned on balances in the fund shall be credited to the fund and transferred to the Fish and Wildlife Protection Fund in the same manner.

 (D) Balances in the fund shall be retained and carried forward annually.

HISTORY: 2010 Act No. 233, Section 11, eff July 1, 2010; 2013 Act No. 94, Section 13, eff July 1, 2013.

**SECTION 50‑9‑960.** Marine Resources Fund.

 (A) The Marine Resources Fund is created for the purpose of supporting the department and its effort to conserve marine fisheries. The assets of the fund are derived from the following sources:

 (1) revenue from the sale of saltwater licenses, permits, stamps, and tags;

 (2) revenue generated from the sale of posters, prints, and related articles;

 (3) revenue generated from the sale of property procured with proceeds from the fund and its predecessor funds;

 (4) revenue transmitted to the department from the Department of Motor Vehicles for specialty license plates;

 (5) restricted interest income, contributions, and donations;

 (6) indirect cost recoveries where the department matched a grant using the fund; and

 (7) any other source of revenue recognized by the United States Fish and Wildlife Service, where the disposition of such revenue to any other fund could be interpreted as a loss of control or misdirection of funds by the department.

 (B) Revenue generated from the sale of:

 (1) recreational saltwater privileges shall be expended by the department for purposes authorized pursuant to the South Carolina Marine Resources Act of 2000. The Saltwater Recreational Fishing Advisory Committee shall assist in prioritizing the expenditure of saltwater license funds for:

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

 (b) development of recreational saltwater fishing facilities;

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

 (d) permanent improvement or deferred maintenance projects consistent with the purposes described herein;

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

 (f) an annual report made available on the department website indicating how the previous year's funds were expended;

 (2) commercial saltwater privileges, culture and mariculture permits, and marine permits shall be expended for the administration and implementation of programs in the Marine Resources Division and may be expended on permanent improvement or deferred maintenance projects consistent with the purposes of the fund.

 (C) Funds generated pursuant to this section shall be remitted to the State Treasurer and credited to a special account separate and distinct from the general fund.

 (D) Interest earned on balances in the fund shall be credited to the fund and expended for the same purposes.

 (E) Balances in the fund shall be retained and carried forward annually and may be used to match available federal funds.

HISTORY: 2010 Act No. 233, Section 11, eff July 1, 2010; 2013 Act No. 94, Section 14, eff July 1, 2013.

**SECTION 50‑9‑965.** Marine Resources Deferred License Fund.

 (A) The Marine Resources Deferred License Fund is created for the purpose of receiving revenue generated from the sale of three year saltwater licenses, permits, stamps, and tags.

 (B) Receipts from each license year shall be transferred to the Marine Resources Fund as follows:

 (1) fifty percent during the first fiscal year after receipt; and

 (2) the balance during the second fiscal year after receipt. Where applicable, each transfer shall distribute the receipts based on the allocations specified in Section 50‑9‑920(C).

 (C) Interest earned on balances in the fund shall be credited to the fund and transferred to the Marine Resources Fund in the same manner.

 (D) Balances in the fund shall be retained and carried forward annually.

HISTORY: 2010 Act No. 233, Section 11, eff July 1, 2010; 2013 Act No. 94, Section 15, eff July 1, 2013.

**SECTION 50‑9‑970.** County Game and Fish Fund created.

 (A) The County Game and Fish Fund is created for the purpose of receiving revenue generated from the following sources:

 (1) the designated portion of each annual nonresident freshwater fishing license;

 (2) revenue from fines, fees, and forfeitures for violations of Chapters 1 through 16;

 (3) unexpended revenue from prior years;

 (4) restricted interest income;

 (5) revenue generated from the disposal of surplus equipment.

 These funds must be remitted to the State Treasurer and credited to a special account separate and distinct from the general fund. The funds only may be used for the purposes set forth in this section.

 (B) Revenue must be expended by the department for the protection, promotion, propagation, and management of fisheries and wildlife, the enforcement of related laws, the administration of the department, and the dissemination of information, facts, and findings the department considers necessary.

 (C) The fund must be further separated into forty‑six subaccounts, one for each county. A report must be made annually to each member of the forty‑six county delegations as to the balances in these accounts. Following the annual report distribution, the most recent report of balances available must be furnished to a delegation member making a request. Each county delegation may make recommendations to the department regarding the expenditure of funds from the County Game and Fish Fund for the protection, promotion, propagation, and management of fisheries and wildlife. The department must give these recommendations primary consideration over any other projects.

 (D) If any equipment purchased by the department with these funds is sold, the proceeds of the sale retained by the department must be credited to the county fund from which the original purchase was made.

 (E) Expenditures from this fund that have the approval of the county delegation are exempt from Act 651 of 1978, as amended.

 (F) Interest earned on revenues deposited to the County Game and Fish Fund must be credited to the fund and expended for those same purposes.

 (G) Balances must be retained and carried forward annually and may be used to match available federal funds.

HISTORY: 2010 Act No. 233, Section 11, eff July 1, 2010.

ARTICLE 11.

 SUSPENSION OF HUNTING AND FISHING PRIVILEGES

**SECTION 50‑9‑1110.** "Conviction" defined.

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

HISTORY: 1978 Act No. 401, Section 10; 1993 Act No. 181, Section 1261; 1996 Act No. 372, Section 2.

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

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

 (1) Common violations:

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

 (b) attempting escape after lawful arrest: 14;

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

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

 (e) selling game or game fish: 14;

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

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

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

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

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

 (k) violating game management area regulations: 8;

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

 (2) Hunting violations:

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

 (b) night hunting deer or bear: 18;

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

 (d) trapping quail or wild turkeys: 10;

 (e) hunting over bait: 8;

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

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

 (h) possessing buckshot illegally: 5;

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

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

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

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

 (k) shooting wild turkeys over bait: 18;

 (l) hunting wild turkeys over bait: 10;

 (m) trespassing to hunt waterfowl: 18;

 (n) hunting waterfowl over bait: 10;

 (o) shooting waterfowl over bait: 10;

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

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

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

 (3) Fishing violations:

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

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

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

HISTORY: 1996 Act No. 372, Section 2; 2008 Act No. 237, Section 3, eff May 21, 2008.

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

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

 (B) The department shall deduct four accumulated points from a person's record upon a showing that the person successfully completed a department program of instruction established pursuant to Section 50‑9‑310.

 (C) A person is not eligible for a reduction in points under the provisions of subsection (B) if at the time he accumulated eighteen or more points:

 (1) he had any hunting, trapping, or fishing suspension within the previous five years; or

 (2) he had a previous point reduction under the provisions of subsection (B) within the previous five years.

 (D) The department is authorized to promulgate appropriate regulations to effectuate the provisions of this section.

HISTORY: 1996 Act No. 372, Section 2; 2010 Act No. 209, Section 1, eff upon approval (became law without the Governor's signature on June 1, 2010); 2010 Act No. 174, Section 3, eff July 1, 2010.

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

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

HISTORY: 1996 Act No. 372, Section 2.

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

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

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

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

HISTORY: 1996 Act No. 372, Section 2.

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

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

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

HISTORY: 1996 Act No. 372, Section 2.

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

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

HISTORY: 1996 Act No. 372, Section 2.

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

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

HISTORY: 1996 Act No. 372, Section 2.

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

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

HISTORY: 1996 Act No. 372, Section 2.

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

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

HISTORY: 1996 Act No. 372, Section 2.

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

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

HISTORY: 1996 Act No. 372, Section 2.