**South Carolina General Assembly**

118th Session, 2009-2010

**A233, R287, S974**

**STATUS INFORMATION**

General Bill

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Summary: Hunting and fishing license

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/9/2009 Senate Prefiled

12/9/2009 Senate Referred to Committee on **Fish, Game and Forestry**

1/12/2010 Senate Introduced and read first time [SJ](file:///h:\SJ%20Archive\2010\01-12-10.docx)‑41

1/12/2010 Senate Referred to Committee on **Fish, Game and Forestry** [SJ](file:///h:\SJ%20Archive\2010\01-12-10.docx)‑41

2/11/2010 Senate Committee report: Favorable with amendment **Fish, Game and Forestry** [SJ](file:///h:\SJ%20Archive\2010\02-11-10.docx)‑7

2/25/2010 Senate Committee Amendment Amended and Adopted [SJ](file:///h:\SJ%20Archive\2010\02-25-10.docx)‑16

2/25/2010 Senate Read second time [SJ](file:///h:\SJ%20Archive\2010\02-25-10.docx)‑16

3/3/2010 Senate Read third time and sent to House [SJ](file:///h:\SJ%20Archive\2010\03-03-10.docx)‑21

3/3/2010 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2010\03-03-10.docx)‑89

3/3/2010 House Referred to Committee on **Agriculture, Natural Resources and Environmental Affairs** [HJ](file:///h:\HJ%20Archive\2010\03-03-10.docx)‑89

5/6/2010 House Committee report: Favorable with amendment **Agriculture, Natural Resources and Environmental Affairs** [HJ](file:///h:\HJ%20Archive\2010\05-06-10.docx)‑11

5/18/2010 House Amended [HJ](file:///h:\HJ%20Archive\2010\05-18-10.docx)‑160

5/18/2010 House Read second time [HJ](file:///h:\HJ%20Archive\2010\05-18-10.docx)‑160

5/18/2010 House Roll call Yeas‑97 Nays‑0 [HJ](file:///h:\HJ%20Archive\2010\05-18-10.docx)‑164

5/19/2010 House Read third time and returned to Senate with amendments [HJ](file:///h:\HJ%20Archive\2010\05-19-10.docx)‑10

5/20/2010 Senate Concurred in House amendment and enrolled [SJ](file:///h:\SJ%20Archive\2010\05-20-10.docx)‑79

6/2/2010 Ratified R 287

6/8/2010 Signed By Governor

6/16/2010 Effective date 07/01/10

6/23/2010 Act No. 233

**VERSIONS OF THIS BILL**

[12/9/2009](file:///p:\pprever\2009-10\974_20091209.docx)

[2/11/2010](file:///p:\pprever\2009-10\974_20100211.docx)

[2/25/2010](file:///p:\pprever\2009-10\974_20100225.docx)

[5/6/2010](file:///p:\pprever\2009-10\974_20100506.docx)

[5/18/2010](file:///p:\pprever\2009-10\974_20100518.docx)

(A233, R287, S974)

**AN ACT TO AMEND SECTION 50‑9‑20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DURATION OF HUNTING AND FISHING LICENSES, SO AS TO FURTHER SPECIFY THE DURATION OF TEMPORARY, ANNUAL, THREE‑YEAR, THREE‑YEAR DISABILITY, AND CATAWBA INDIAN LICENSES; TO AMEND SECTION 50‑9‑30, RELATING TO RESIDENCY REQUIREMENTS FOR HUNTING AND FISHING LICENSES, SO AS TO FURTHER SPECIFY THESE REQUIREMENTS FOR RECREATIONAL AND COMMERCIAL LICENSES; BY ADDING SECTION 50‑9‑35 SO AS TO PROVIDE THAT THE DURATION OF A RESIDENT LICENSE CONTINUES UNTIL ITS EXPIRATION IF THE LICENSEE BECOMES A NONRESIDENT; TO AMEND SECTION 50‑9‑40, AS AMENDED, RELATING TO THE APPLICATION OF FISHING LICENSE REGULATIONS TO RECREATIONAL FRESHWATER FISHING, SO AS TO PROVIDE THAT THE DEPARTMENT OF NATURAL RESOURCES SHALL PRESCRIBE THE FORM AND TYPE OF LICENSES, THE PROCEDURES AND AGREEMENTS ALLOWING VENDORS TO SELL LICENSES AND PROCEDURES FOR REMITTING FEES COLLECTED TO THE DEPARTMENT; BY ADDING SECTION 50‑9‑45 SO AS TO PROVIDE THAT SOUTH CAROLINA MEMBERS OF THE ARMED FORCES, UPON PRESENTATION OF PROPER DOCUMENTATION, MAY FISH AND HUNT WITHOUT OBTAINING A LICENSE; TO AMEND SECTION 50‑9‑75, RELATING TO CRIMINAL PENALTIES FOR ATTEMPTING TO OBTAIN A LICENSE WHEN THE PERSON’S LICENSE IS SUSPENDED, SO AS TO PROVIDE THAT WHEN A PORTION OF A COMBINATION LICENSE IS SUSPENDED, THE HOLDER MUST SURRENDER THE LICENSE AND OBTAIN SEPARATE LICENSES FOR THE UNSUSPENDED ACTIVITIES; BY ADDING SECTION 50‑9‑350 SO AS TO PROVIDE ACTIONS THE DEPARTMENT MAY TAKE TO ENCOURAGE THE RECRUITMENT OF PERSONS TO BE APPRENTICE HUNTERS WHILE ALSO LEARNING TO BE RESPONSIBLE HUNTERS; TO AMEND ARTICLE 5 OF CHAPTER 9, TITLE 50, RELATING TO HUNTING AND FISHING LICENSES, SO AS TO FURTHER SPECIFY RESIDENT AND NONRESIDENT LICENSE AND PERMIT REQUIREMENTS AND FEES FOR HUNTING, HUNTING BIG GAME, HUNTING ON WILDLIFE MANAGEMENT AREAS, HUNTING MIGRATORY GAME BIRDS AND MIGRATORY WATERFOWL, AND HUNTING AUTHORIZED RELEASED SPECIES ON A LICENSED SHOOTING PRESERVE; TO FURTHER SPECIFY REQUIREMENTS TO OBTAIN A COMBINED STATEWIDE LICENSE FOR HUNTING AND FISHING; TO FURTHER SPECIFY REQUIREMENTS TO OBTAIN A STATEWIDE COMBINATION HUNTING AND FISHING LICENSE; TO FURTHER SPECIFY REQUIREMENTS TO OBTAIN HUNTING AND FISHING LICENSES AT NO COST BY PERSONS WHO ARE DISABLED, PERSONS BASED ON THEIR SENIOR AGE STATUS, AND CATAWBA INDIANS; TO PROVIDE RESIDENT AND NONRESIDENT REQUIREMENTS TO OBTAIN RECREATIONAL STATEWIDE SALTWATER AND FRESHWATER FISHING LICENSES AND TO OBTAIN A LAKES AND RESERVOIRS FISHING PERMIT; TO PROVIDE REQUIREMENTS FOR THE PRIVILEGE OF OPERATING A FISHING PIER OR A CHARTER FISHING VESSEL; AND TO PROVIDE THAT IT IS UNLAWFUL TO HUNT MIGRATORY GAME BIRDS WITHOUT A MIGRATORY GAME BIRD PERMIT; BY ADDING ARTICLE 6 TO CHAPTER 9, TITLE 50 SO AS TO PROVIDE LICENSURE AND PERMIT REQUIREMENTS FOR HUNTING ANTLERLESS DEER AND MIGRATORY WATERFOWL AND TO PROVIDE THAT THE DEPARTMENT SHALL PRODUCE FOR SALE COMMEMORATIVE STAMPS AND TO PROVIDE FOR THE USE OF FUNDS GENERATED FROM THESE SALES; TO AMEND SECTION 50‑9‑710, RELATING TO HUNTING AND FISHING LICENSES FOR CHILDREN UNDER SIXTEEN, FISHING IN A PRIVATE POND AND PAY‑TO‑FISH COMMERCIAL BUSINESSES, SO AS TO FURTHER SPECIFY REQUIREMENTS TO ENGAGE IN THESE ACTIVITIES WITHOUT A LICENSE; TO AMEND ARTICLE 9, CHAPTER 9, TITLE 50, RELATING TO THE DISPOSITION OF FINES AND FORFEITURES FOR VIOLATIONS OF VARIOUS PROVISIONS IN TITLE 50 AND FOR THE DISTRIBUTION OF LICENSE AND PERMIT FEES, SO AS TO FURTHER SPECIFY THE REVENUE SOURCES AND AUTHORIZED USES OF THIS REVENUE FOR THE FISH AND WILDLIFE PROTECTION FUND, FISH AND WILDLIFE DEFERRED LICENSE FUND, MARINE RESOURCES FUND, MARINE RESOURCES DEFERRED LICENSE FUND, AND COUNTY GAME AND FISH FUND; TO AMEND SECTION 50‑11‑390, RELATING TO THE DEPARTMENT’S REGULATION OF HUNTING ANTLERLESS DEER, SO AS TO DELETE PROVISIONS ENACTED IN OTHER SECTIONS OF THIS ACT; AND TO REPEAL SECTIONS 50‑1‑160, 50‑3‑790, 50‑3‑800, AND 50‑11‑1240, ALL RELATING TO HUNTING AND FISHING LICENSES, LICENSE FEES, AND DISTRIBUTION OF CERTAIN FEES.**

Be it enacted by the General Assembly of the State of South Carolina:

**Duration of hunting and fishing licenses**

SECTION 1. Section 50‑9‑20 of the 1976 Code, as last amended by Act 15 of 2009, is further amended to read:

“Section 50‑9‑20. (A) The duration for hunting and fishing licenses, permits, stamps, and tags is as follows:

(1) A temporary privilege expires after the specified number of consecutive days from the start date inclusive of the start date and expiration date.

(2) An annual privilege expires on the last day of the license year for which the license was issued.

(3) A three year privilege expires on the last day of the third license year of issue.

(4) A three year disability license expires three years from the date of issue.

(5) The Catawba Indian license ends October 27, 2092.

(B) License year means: period beginning July first and ending June thirtieth.

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

**Residency requirements for licenses**

SECTION 2. Section 50‑9‑30 of the 1976 Code is amended to read:

“Section 50‑9‑30. (A) For the purposes of obtaining:

(1) a recreational license, permit, or tag with a duration of three hundred sixty‑five days or less, ‘resident’ means a United States citizen who has been domiciled in this State for thirty consecutive days or more immediately preceding the date of application;

(2) a multiyear 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 recreational license, permit, or tag in item (1) or (2), the following are considered residents:

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

(b) an active member of the United States Armed Forces, and the member’s dependents, stationed in this State for sixty days or longer or who is domiciled in this State;

(4) 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;

(5) 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;

(6)(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;

(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)(1) ‘Nonresident’ means a citizen of a foreign country or a United States citizen who is not domiciled in this State or who maintains a permanent residence in another state or who does not otherwise meet the definition of a resident.

(2) For a business, a ‘nonresident’ means a business that is not incorporated in this State or that does not otherwise meet the definition of resident in subitem(A)(6)(b).”

**Transfer of residency**

SECTION 3. Article 1, Chapter 9, Title 50 of the 1976 Code is amended by adding:

“Section 50‑9‑35. A person who obtains a license, permit, stamp, or tag as a resident and subsequently transfers their domiciled residency outside of this State, does not lose the privileges for the duration of the license. However, a privilege required to engage in hunting and fishing activities not authorized by the license must be obtained as a nonresident.”

**License procedures and fees**

SECTION 4. Section 50‑9‑40 of the 1976 Code, as last amended by Act 15 of 2009, is further amended to read:

“Section 50‑9‑40. (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.”

**Licenses for South Carolinians in the Armed Services**

SECTION 5. Chapter 9, Title 50 of the 1976 Code is amended by adding:

“Section 50‑9‑45. 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.”

**Surrender of combination licenses**

SECTION 6. Section 50‑9‑75 of the 1976 Code is amended to read:

“Section 50‑9‑75. (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.”

**Apprentice hunting licenses**

SECTION 7. Article 3, Chapter 9, Title 50 of the 1976 Code is amended by adding:

“Section 50‑9‑350. To encourage the recruitment of persons as responsible hunters:

(1) The certificate of completion requirement may be waived for one license year, and a person only may receive such a waiver 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) In addition to obtaining the apprentice hunting license, the applicant must obtain any other license, permit, receipt, stamp, and tag required to participate in a specific hunting activity.

(3) 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;

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

(4) The apprentice license is valid only during the license year in which it is issued, and the duration of any other hunting permits obtained with this license may not exceed that of the apprentice license.”

**Hunting and fishing licenses**

SECTION 8. Chapter 9, Title 50 of the 1976 Code is amended to read:

“Article 5

Hunting and Fishing Licenses

Section 50‑9‑510. (A) For the privilege of hunting:

(1) a resident shall purchase:

(a) an annual county hunting license, which is valid only in the licensee’s county of residence, for five dollars, one dollar of which the issuing sales vendor may retain;

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

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

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

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

(3) a nonresident shall 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; or

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

(4) a nonresident who meets the qualifications as an apprentice hunter shall 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 including bear, deer, and wild turkey:

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

(a) an annual big game permit, in addition to the required hunting license, for six dollars, one dollar of which the issuing sales vendor may retain; or

(b) a three year big game permit for eighteen dollars, three dollars of which the issuing sales vendor may retain; however, the three year permit is only available to a person:

(i) purchasing a three year hunting license;

(ii) holding a three year hunting license in the first year of issue; or

(iii) holding a lifetime hunting license;

(2) a nonresident shall purchase in addition to the required hunting license, a big game permit for one hundred dollars, two dollars of which the issuing sales vendor may retain.

(C)(1) On wildlife management areas, in addition to the required hunting license, a resident shall purchase:

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

(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; however, the three year permit is only available to a person:

(i) purchasing a three year hunting license;

(ii) holding a three year hunting license in its first year;

(iii) holding a lifetime hunting license;or

(iv) holding a lifetime combination license.

(2) On wildlife management areas, 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.

(3) On wildlife management area lands, in addition to the required hunting license, a nonresident shall purchase a wildlife management area permit for seventy‑six dollars, one dollar of which the issuing sales vendor may retain.

(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:

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

(2) a nonresident shall purchase a migratory waterfowl permit for five dollars and fifty cents, one dollar 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.

Section 50‑9‑515. 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.

Section 50‑9‑520. (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).

Section 50‑9‑525. (A) A resident who is determined to be totally disabled 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.

(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.

Section 50‑9‑530. (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.

Section 50‑9‑535. 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.

Section 50‑9‑540. (A) For the privilege of recreational statewide fishing in saltwater:

(1) a resident shall 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; or

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

(2) a nonresident shall 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; or

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

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

(1) a resident shall 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; or

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

(2) a nonresident shall purchase:

(a) a seven 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; or

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

(C) In lieu of obtaining an annual freshwater fishing license, a resident may purchase a lakes and reservoirs permit for three dollars, one dollar of which the issuing sales vendor may retain. The permit is only valid when used with nonmanufactured tackle or natural bait in the following waters:

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

(2) Savannah River between the Stevens Creek Dam and the S.C. State Highway 72 bridge, including the waters impounded between Stevens Creek Dam and J. Strom Thurmond Dam;

(3) Lake Ashwood in Lee County;

(4) Lake Greenwood;

(5) Lake Hartwell;

(6) Lake Jocassee;

(7) Lake Keowee;

(8) Lake Marion;

(9) Lake Moultrie, the Diversion Canal, and the Tailrace Canal;

(10) Lake Murray;

(11) Lake Richard B. Russell;

(12) Lake Wiley;

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

(a) Parr Reservoir;

(b) Monticello Reservoir;

(c) Monticello Reservoir Sub Impoundment.

The provisions of this subsection do not affect in any way any reciprocal agreement with the State of Georgia as to recognition of residents’ fishing licenses or permits.

(D) 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.

(E) For the privilege of operating a charter fishing vessel in the salt waters of this State, the owner or operator shall 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.

Section 50‑9‑570. (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.”

**Permits and tags**

SECTION 9. Chapter 9, Title 50 of the 1976 Code is amended by adding:

“Article 6

Permits and Tags

Section 50‑9‑650. (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.

Section 50‑9‑670. (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.”

**Hunting and fishing licenses for children; private pond fishing; pay‑to‑fish businesses**

SECTION 10. Section 50‑9‑710 of the 1976 Code is amended to read:

“Section 50‑9‑710. (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.”

**Revenue; sources; disposition**

SECTION 11. Article 9, Chapter 9, Title 50 of the 1976 Code is amended to read:

“Article 9

Revenue

Section 50‑9‑910. (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.

Section 50‑9‑920. (A) Revenue generated from the sale of lifetime privileges must be deposited in the Wildlife Endowment Fund.

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

(1) Wildlife management area permit only must be used for the management and the procurement of wildlife management area lands.

(2) A nonresident annual statewide hunting license must 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) A nonresident temporary statewide hunting license must 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 in Canada for the propagation, management, and protection of ducks and geese; and

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

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

(a) fifty 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 must be equally allocated to the counties; and

(b) the balance to the Fish and Wildlife Protection Fund.

(5) Application and other fees, permits, and tags for the privilege of taking alligators must be used by the department to support the alligator management program.

(6) Antlerless deer quota permit (ADQP) must be exclusively used to administer the ADQP program and for deer management and research.

(7) Individual antlerless deer tags must 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) A nonresident annual freshwater fishing license must be distributed as follows:

(a) fifty 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 must be equally allocated to each county; and

(b) the balance to the Fish and Wildlife Protection Fund.

(9) Lakes and reservoirs permits must be equally distributed to the County Game and Fish Fund of those counties in which the specified bodies of water are found in whole or in part.

(C) Revenue generated from the sale of recreational and commercial marine licenses, permits, and tags must be deposited to the Marine Resources Fund. Revenue must 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 multiyear recreational saltwater licenses must be allocated to the Marine Resources Deferred License Fund.

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

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

Section 50‑9‑950. (A) The Fish and Wildlife Protection Fund is created for the purpose of receiving revenue generated 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;

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

(6) 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 must be remitted to the State Treasurer and credited to a special account separate and distinct from the general fund.

(B) Revenue must be expended by the department for the protection, promotion, 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.

(C) Interest earned on balances in the Fish and Wildlife Protection Fund must be credited to the fund and expended for those same purposes.

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

Section 50‑9‑955. (A) The Fish and Wildlife Deferred License Fund is created for the purpose of receiving revenue generated from the sale of multiyear hunting and freshwater fishing licenses, permits, stamps, and tags.

(B) Revenue generated in prior years for each new license year must be transferred to the Fish and Wildlife Protection Fund the first month of each license year. Not more than one transfer may be made each license year. When transferred, the revenue must be allocated as specified in Section 50‑9‑920(B).

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

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

Section 50‑9‑960. (A) The Marine Resources Fund is created for the purpose of receiving revenue generated 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 transmitted to the department from the Department of Motor Vehicles for specialty license plates;

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

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

(e) 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 must be expended for the administration and implementation of programs in the Marine Resources Division.

(C) Funds generated pursuant to this section must 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 Marine Resources Fund must be credited to the fund and expended for the same purposes.

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

Section 50‑9‑965. (A) The Marine Resources Deferred License Fund is created for the purpose of receiving revenue generated from the sale of multiyear saltwater licenses, permits, stamps, and tags.

(B) Revenue generated in prior years for each new license year must be transferred to the Marine Resources Fund the first month of each license year. Not more than one transfer may be made each license year. When transferred, the revenue must be allocated as specified in Section 50‑9‑920(C).

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

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

Section 50‑9‑970. (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.”

**Regulation of antlerless deer**

SECTION 12. Section 50‑11‑390 of the 1976 Code is amended to read:

“Section 50‑11‑390. (A) The Department of Natural Resources may permit the taking of antlerless deer between September fifteenth and January first, inclusive. The department may set bag limits and methods for hunting and taking of antlerless deer and other restrictions for the proper control of hunting and taking of antlerless deer.

(B) In all game zones, the department may issue individual tags for antlerless deer which must be used as prescribed by the department. These tags are valid statewide, except on properties receiving antlerless deer quota permits pursuant to subsection (C), and must be possessed and used only by the individuals to whom they are issued.

(C) In all game zones, the department may issue antlerless deer quota permits to landowners or lessees.

(D) Antlerless deer taken pursuant to individual tags or quota permits must be tagged with a valid antlerless deer tag and reported to the department as prescribed. Each tag must be attached to the deer as prescribed by the department before the animal is moved from the point of kill. Antlerless deer taken pursuant to quota permits must be tagged, even if taken on designated either‑sex days.

(E) The department may suspend the taking of antlerless deer or revoke any quota permit or individual tags when environmental conditions or other factors warrant.

(F) It is unlawful to hunt or take, possess, or transport antlerless deer, except as permitted by this section. A person violating the provisions of this section or the provisions for taking antlerless deer established by the department is guilty of a misdemeanor and, upon conviction, must be fined not less than fifty and not more than five hundred dollars or imprisoned not more than thirty days.”

**Sections repealed**

SECTION 13. Sections 50‑1‑160, 50‑3‑790, 50‑3‑800, and 50‑11‑1240 of the 1976 Code are repealed.

**Severability clause**

SECTION 14. If any section, subsection, item, subitem, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, item, subitem, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

**Time effective**

SECTION 15. This act takes effect July 1, 2010.

Ratified the 2nd day of June, 2010.

Approved the 8th day of June, 2010.

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