

By: Senator(s) Moffatt

To: Wildlife, Fisheries and
Parks

SENATE BILL NO. 2093

1 AN ACT TO AMEND SECTION 49-7-21, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT HUNTING AND FISHING LICENSES SHALL EXPIRE ONE YEAR
3 FROM THE DATE OF ISSUANCE; TO AMEND SECTION 49-15-313, MISSISSIPPI
4 CODE OF 1972, TO PROVIDE THAT SALTWATER SPORTS FISHING LICENSES
5 SHALL EXPIRE ONE YEAR FROM THE DATE OF ISSUANCE; AND FOR RELATED
6 PURPOSES.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

8 **SECTION 1.** Section 49-7-21, Mississippi Code of 1972, is
9 amended as follows:

10 49-7-21. (1) (a) The licenses for hunting, trapping or
11 fishing shall be issued on a form prepared by the executive
12 director and supplied to the bonded agents authorized to issue
13 licenses. The forms shall bear the name and social security
14 number or driver's license number of the applicant. All licenses
15 shall expire one (1) year from the date of its issuance * * *.
16 The licenses shall be issued in the name of the commission and be
17 countersigned by the bonded agent issuing same. The application
18 for a license under this chapter shall be subscribed and sworn to
19 by the applicant before an officer authorized to administer oaths
20 in this state, and for this purpose the members of the commission,
21 the executive director, sheriffs, conservation officers and bonded
22 agents are hereby authorized to administer oaths, but no charge
23 shall be made by any officer employed by the commission or sheriff
24 for the administration of the oath.

25 (b) A person may purchase a license from the office of
26 the department without appearing in person.

27 (c) The commission may design, establish, and
28 administer a program to provide for the purchase, by electronic

29 means, of any license, permit, registration or reservation issued
30 by the commission or department.

31 (2) Any person authorized to issue licenses for hunting,
32 trapping or fishing in this state who attempts to issue a license
33 on a form other than one as prescribed by this section, or
34 attempts to prepare a license certificate in any manner other than
35 on the form prescribed by this section, and furnished by the
36 executive director, is guilty of a Class II violation, and shall
37 be punished as provided in Section 49-7-143, Mississippi Code of
38 1972, and the person convicted shall be forever barred from
39 issuing licenses in the State of Mississippi.

40 (3) Any resident or nonresident who hunts, takes or traps
41 any wild animal, bird or fish must possess a valid license issued
42 by the commission, unless specifically exempted under this
43 chapter.

44 (4) Any nonresident, who hunts or traps without the required
45 license is guilty of a misdemeanor and upon conviction thereof
46 shall be fined in an amount not less than Five Hundred Dollars
47 (\$500.00) nor more than One Thousand Dollars (\$1,000.00) for the
48 first offense and shall forfeit hunting and trapping privileges
49 for a period of one (1) year. The nonresident shall also be
50 assessed by the court an administrative fee as prescribed under
51 subsection (6) of this section. For the second or any subsequent
52 offense a nonresident shall be fined in an amount of not less than
53 One Thousand Dollars (\$1,000.00) nor more than One Thousand Five
54 Hundred Dollars (\$1,500.00) or imprisoned in the county jail for
55 not more than thirty (30) days, or both such fine and imprisonment
56 and shall forfeit hunting and trapping privileges for a period of
57 two (2) years. The nonresident shall also be assessed by the
58 court an administrative fee as prescribed under subsection (6) of
59 this section.

60 (5) Any nonresident who fishes without the required license
61 is guilty of a misdemeanor and upon conviction shall be fined in

62 an amount not less than One Hundred Dollars (\$100.00) nor more
63 than Two Hundred Fifty Dollars (\$250.00) for the first offense.
64 For the second or any subsequent offense a nonresident shall be
65 fined in an amount not less than Two Hundred Fifty Dollars
66 (\$250.00) nor more than Five Hundred Dollars (\$500.00) and that
67 nonresident shall also be assessed by the court an administrative
68 fee as prescribed under subsection (6) of this section.

69 (6) In addition to any other fines or penalties imposed
70 under subsection (4) or (5) of this section, any person convicted
71 for a violation of subsection (3) of this section shall be
72 assessed by the court an administrative fee equal in amount to the
73 cost of the hunting, trapping or fishing license fee that such
74 person unlawfully failed to possess at the time of the violation,
75 the amount of which license fee shall be entered upon the ticket
76 or citation by the charging officer at the time the ticket or
77 citation is issued. The clerk of the court in which conviction
78 for a violation of subsection (3) of this section takes place,
79 promptly shall collect all administrative fees imposed under this
80 subsection and deposit them monthly with the State Treasurer, in
81 the same manner and in accordance with the same procedure, as
82 nearly as practicable, as required for the collection, receipt and
83 deposit of state assessments under Section 99-19-73. However, all
84 administrative fees collected under the provisions of this
85 subsection shall be credited by the State Treasurer to the account
86 of the Department of Wildlife, Fisheries and Parks, and may be
87 expended by the department upon appropriation by the Legislature.

88 (7) Any person who obtains a license under an assumed name
89 or makes a materially false statement to obtain a license is
90 guilty of a felony and shall be subject to a fine of Two Thousand
91 Dollars (\$2,000.00) or may be imprisoned for a term not to exceed
92 one (1) year or both.

93 **SECTION 2.** Section 49-15-313, Mississippi Code of 1972, is
94 amended as follows:

95 49-15-313. (1) Any resident between the ages of sixteen
96 (16) and sixty-five (65) years, as defined in Section 49-7-3,
97 fishing in the marine waters of the state, shall obtain a
98 saltwater sports fishing license for a fee of Four Dollars
99 (\$4.00). This license shall be valid in any waters south of
100 Interstate 10. The license shall expire one (1) year from the
101 date of its issuance. Any resident citizen who is blind,
102 paraplegic or a multiple amputee, or who has been adjudged by the
103 Veterans Administration as having a total service-connected
104 disability, or has been adjudged totally disabled by the Social
105 Security Administration shall not be required to purchase or have
106 in his possession a saltwater sports fishing license while engaged
107 in such activities. Any resident exempt under this section shall
108 have on his person while fishing proof of residency and age or
109 disability.

110 (2) The commission shall prescribe the forms, types and fees
111 for nonresident saltwater sports fishing licenses except that the
112 fee for a nonresident saltwater sports fishing license shall not
113 be less than Twenty Dollars (\$20.00). The commission shall
114 require a nonresident to purchase a nonresident freshwater fishing
115 license and a nonresident saltwater sports fishing license if the
116 nonresident's state requires both licenses for a nonresident to
117 fish in its marine waters.

118 (3) All resident vessels engaged in charter boat fishing,
119 party boat fishing, head boat and guide boat fishing shall be
120 issued a separate annual license by the commission at a fee of Two
121 Hundred Dollars (\$200.00). All nonresident vessels engaged in
122 charter boat fishing, party boat fishing, head boat and guide boat
123 fishing shall be issued a separate annual license by the
124 commission. In addition to other requirements for charter license
125 eligibility, captains must show proof of participation in a
126 Department of Transportation approved random drug testing program
127 and proof of liability insurance as a charter boat captain. Crew

128 members and customers of the licensed vessels shall not be
129 required to purchase an individual resident or nonresident
130 saltwater fishing license while sponsored by the licensed vessels.
131 An operator of a licensed vessel shall be required to report the
132 number of customers to the department as required by the
133 commission and the information shall be kept confidential and
134 shall not be released, except to other fisheries management
135 agencies or as statistical data. All nonresident vessels engaged
136 in saltwater sport fishing tournaments, not to exceed an aggregate
137 of twenty (20) days per calendar year, shall not be required to
138 purchase an annual license as provided under this subsection.

139 (4) The saltwater sports fishing license is required for all
140 recreational methods of finfish harvest.

141 (5) Any resident who purchases a lifetime sportsman's
142 license, in accordance with Section 49-7-153, shall be entitled to
143 fish in the marine salt waters of the state and shall be exempt
144 from the purchase of a sport saltwater fishing license.

145 (6) Any person authorized to issue a license may collect and
146 retain, for each saltwater fishing license issued, the additional
147 fee authorized under Section 49-7-17.

148 (7) The fees collected from the sale of resident and
149 nonresident saltwater sports fishing licenses shall be deposited
150 into the Seafood Fund and shall be used solely for the management
151 of marine resources.

152 (8) Participants in the Very Special Fishing Olympics are
153 exempt from this section.

154 (9) July 4 of each year is designated as "Free Saltwater
155 Sports Fishing Day." Any person may saltwater sport fish without
156 a license on the "Free Saltwater Sports Fishing Day."

157 (10) The department may exempt participants in an organized
158 fishing event conducted by a qualified nonprofit charitable,
159 governmental or civic organization from the requirements of this
160 section for one (1) day per year if the organization files an

161 exemption application with the department and the application is
162 approved by the department.

163 **SECTION 3.** This act shall take effect and be in force from
164 and after July 1, 2005.