

By: Representative Zuber

To: Marine Resources

## HOUSE BILL NO. 394

1 AN ACT TO AMEND SECTIONS 49-15-313 AND 49-7-21, MISSISSIPPI  
2 CODE OF 1972, TO PROVIDE THAT RESIDENT AND NONRESIDENT SALTWATER  
3 SPORT FISHING LICENSES SHALL BE VALID FOR A PERIOD OF TWELVE  
4 MONTHS FROM THE DATE OF ISSUANCE; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 49-15-313, Mississippi Code of 1972, is  
7 amended as follows:

8 49-15-313. (1) Any resident between the ages of sixteen  
9 (16) and sixty-five (65) years, as defined in Section 49-7-3,  
10 fishing in the marine waters of the state, shall obtain a  
11 saltwater sport fishing license for a fee of Four Dollars (\$4.00).  
12 This license shall be valid in any waters south of Interstate 10.  
13 Any resident citizen who is blind, paraplegic or a multiple  
14 amputee, or who has been adjudged by the Veterans Administration  
15 as having a total service-connected disability, or has been  
16 adjudged totally disabled by the Social Security Administration  
17 shall not be required to purchase or have in his possession a  
18 saltwater sport fishing license while engaged in such activities.  
19 Any resident exempt under this section shall have on his person  
20 while fishing proof of residency and age or disability.

21 (2) The commission shall prescribe the forms, types and fees  
22 for nonresident saltwater sport fishing licenses except that the  
23 fee for a nonresident saltwater sport fishing license shall not be  
24 less than Twenty Dollars (\$20.00). The commission shall require a  
25 nonresident to purchase a nonresident freshwater fishing license  
26 and a nonresident saltwater sport fishing license if the  
27 nonresident's state requires both licenses for a nonresident to  
28 fish in its marine waters.

29           (3) All resident vessels engaged in charter boat fishing,  
30 party boat fishing, head boat and guide boat fishing shall be  
31 issued a separate annual license by the commission at a fee of Two  
32 Hundred Dollars (\$200.00). All nonresident vessels engaged in  
33 charter boat fishing, party boat fishing, head boat and guide boat  
34 fishing shall be issued a separate annual license by the  
35 commission. In addition to other requirements for charter license  
36 eligibility, captains must show proof of participation in a  
37 Department of Transportation approved random drug testing program  
38 and proof of liability insurance as a charter boat captain. Crew  
39 members and customers of the licensed vessels shall not be  
40 required to purchase an individual resident or nonresident  
41 saltwater fishing license while sponsored by the licensed vessels.  
42 An operator of a licensed vessel shall be required to report the  
43 number of customers to the department as required by the  
44 commission and the information shall be kept confidential and  
45 shall not be released, except to other fisheries management  
46 agencies or as statistical data. All nonresident vessels engaged  
47 in saltwater sport fishing tournaments, not to exceed an aggregate  
48 of twenty (20) days per calendar year, shall not be required to  
49 purchase an annual license as provided under this subsection.

50           (4) The saltwater sport fishing license is required for all  
51 recreational methods of finfish harvest.

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

56           (6) Any person authorized to issue a license may collect and  
57 retain, for each saltwater fishing license issued, the additional  
58 fee authorized under Section 49-7-17. Resident and nonresident  
59 saltwater sport fishing licenses shall be valid for a period of  
60 twelve (12) months from the date of issuance.

61 (7) The fees collected from the sale of resident and  
62 nonresident saltwater sport fishing licenses shall be deposited  
63 into the Seafood Fund and shall be used solely for the management  
64 of marine resources.

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

67 (9) July 4 of each year is designated as "Free Saltwater  
68 Sport Fishing Day." Any person may saltwater sport fish without a  
69 license on the "Free Saltwater Sport Fishing Day."

70 (10) The department may exempt participants in an organized  
71 fishing event conducted by a qualified nonprofit charitable,  
72 governmental or civic organization from the requirements of this  
73 section for one (1) day per year if the organization files an  
74 exemption application with the department and the application is  
75 approved by the department.

76 **SECTION 2.** Section 49-7-21, Mississippi Code of 1972, is  
77 amended as follows:

78 49-7-21. (1) (a) The licenses for hunting, trapping or  
79 fishing shall be issued on a form prepared by the executive  
80 director and supplied to the bonded agents authorized to issue  
81 licenses. The forms shall bear the name and social security  
82 number or driver's license number of the applicant. All licenses,  
83 except saltwater sport fishing licenses, shall be valid from the  
84 date of their issuance to the following June 30 \* \* \*. Resident  
85 and nonresident saltwater sport fishing licenses shall be valid  
86 for a period of twelve (12) months from the date of issuance. The  
87 licenses shall be issued in the name of the commission and be  
88 countersigned by the bonded agent issuing same. The application  
89 for a license under this chapter shall be subscribed and sworn to  
90 by the applicant before an officer authorized to administer oaths  
91 in this state, and for this purpose the members of the commission,  
92 the executive director, sheriffs, conservation officers and bonded  
93 agents are hereby authorized to administer oaths, but no charge

94 shall be made by any officer employed by the commission or sheriff  
95 for the administration of the oath.

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

98 (c) The commission may design, establish, and  
99 administer a program to provide for the purchase, by electronic  
100 means, of any license, permit, registration or reservation issued  
101 by the commission or department.

102 (2) Any person authorized to issue licenses for hunting,  
103 trapping or fishing in this state who attempts to issue a license  
104 on a form other than one as prescribed by this section, or  
105 attempts to prepare a license certificate in any manner other than  
106 on the form prescribed by this section, and furnished by the  
107 executive director, is guilty of a Class II violation, and shall  
108 be punished as provided in Section 49-7-143, Mississippi Code of  
109 1972, and the person convicted shall be forever barred from  
110 issuing licenses in the State of Mississippi.

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

115 (4) Any nonresident, who hunts or traps without the required  
116 license is guilty of a misdemeanor and upon conviction thereof  
117 shall be fined in an amount not less than Five Hundred Dollars  
118 (\$500.00) nor more than One Thousand Dollars (\$1,000.00) for the  
119 first offense and shall forfeit hunting and trapping privileges  
120 for a period of one (1) year. The nonresident shall also be  
121 assessed by the court an administrative fee as prescribed under  
122 subsection (6) of this section. For the second or any subsequent  
123 offense a nonresident shall be fined in an amount of not less than  
124 One Thousand Dollars (\$1,000.00) nor more than One Thousand Five  
125 Hundred Dollars (\$1,500.00) or imprisoned in the county jail for  
126 not more than thirty (30) days, or both such fine and imprisonment

127 and shall forfeit hunting and trapping privileges for a period of  
128 two (2) years. The nonresident shall also be assessed by the  
129 court an administrative fee as prescribed under subsection (6) of  
130 this section.

131 (5) Any nonresident who fishes without the required license  
132 is guilty of a misdemeanor and upon conviction shall be fined in  
133 an amount not less than One Hundred Dollars (\$100.00) nor more  
134 than Two Hundred Fifty Dollars (\$250.00) for the first offense.  
135 For the second or any subsequent offense a nonresident shall be  
136 fined in an amount not less than Two Hundred Fifty Dollars  
137 (\$250.00) nor more than Five Hundred Dollars (\$500.00) and that  
138 nonresident shall also be assessed by the court an administrative  
139 fee as prescribed under subsection (6) of this section.

140 (6) In addition to any other fines or penalties imposed  
141 under subsection (4) or (5) of this section, any person convicted  
142 for a violation of subsection (3) of this section shall be  
143 assessed by the court an administrative fee equal in amount to the  
144 cost of the hunting, trapping or fishing license fee that such  
145 person unlawfully failed to possess at the time of the violation,  
146 the amount of which license fee shall be entered upon the ticket  
147 or citation by the charging officer at the time the ticket or  
148 citation is issued. The clerk of the court in which conviction  
149 for a violation of subsection (3) of this section takes place,  
150 promptly shall collect all administrative fees imposed under this  
151 subsection and deposit them monthly with the State Treasurer, in  
152 the same manner and in accordance with the same procedure, as  
153 nearly as practicable, as required for the collection, receipt and  
154 deposit of state assessments under Section 99-19-73. However, all  
155 administrative fees collected under the provisions of this  
156 subsection shall be credited by the State Treasurer to the account  
157 of the Department of Wildlife, Fisheries and Parks, and may be  
158 expended by the department upon appropriation by the Legislature.

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

164           **SECTION 3.** This act shall take effect and be in force from  
165 and after July 1, 2006.