

By: Representatives Zuber, Palazzo, Janus,
Frierson, Guice, Patterson

To: Marine Resources

HOUSE BILL NO. 51

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, 2007.