

1 HB335  
2 196281-2  
3 By Representatives Wadsworth, South, Ellis, Rowe, Kiel,  
4 Whorton and Estes  
5 RFD: Agriculture and Forestry  
6 First Read: 03-APR-19

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8 SYNOPSIS: Under existing law, members of a high school  
9 fishing team are not exempt from fishing license  
10 requirements.

11 This bill would provide an exception for  
12 members of a public or private high school fishing  
13 team fishing under the direct supervision of the  
14 fishing coach. This exception would apply to both  
15 freshwater and saltwater fishing licenses.

16  
17 A BILL  
18 TO BE ENTITLED  
19 AN ACT

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21 To amend Sections 9-11-53 and 9-11-53.1 of the Code  
22 of Alabama 1975, relating to fishing licenses; to provide that  
23 members of a high school fishing team are exempt from  
24 freshwater or saltwater fishing license requirements if under  
25 the direct supervision of the fishing coach.

26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1           Section 1. Sections 9-11-53 and 9-11-53.1 of the  
2 Code of Alabama 1975, are amended to read as follows:

3           "§9-11-53.

4           "(a) Any person who has been a bona fide resident of  
5 this state for a period of not less than 90 days next  
6 preceding and who is age 16 or older, but who has not yet  
7 reached the age of 65, shall not take, catch, kill or attempt  
8 to take, catch, or kill any fish in any of the waters of this  
9 state above that line defined in Rule 220-2-.42 (1) of the  
10 Department of Conservation and Natural Resources as published  
11 in the Alabama Administrative Code, as well as below that line  
12 in any of the ponds or lakes containing freshwater fish,  
13 subject to the exceptions contained herein, by any means,  
14 except designated commercial fishing gear and wire baskets,  
15 expressly allowed by law or regulation without first procuring  
16 an annual resident freshwater fishing license and paying  
17 therefor the sum of eleven dollars (\$11), plus a one dollar  
18 (\$1) issuance fee, which fees shall be subject to adjustment  
19 as provided for in Section 9-11-68; provided, however, that  
20 U.S. military veterans otherwise meeting the requirements of  
21 this section who are certified by the U.S. Veterans  
22 Administration as 20 percent or more disabled shall be  
23 entitled to purchase an alternative license to the annual  
24 resident freshwater fishing license to be known as the  
25 disabled military veterans appreciation fishing license for a  
26 license fee of two dollars (\$2) plus a one dollar (\$1)  
27 issuance fee. All persons making application for the license

1 provided for in this section shall present a valid Alabama  
2 driver license, or in the case of nondrivers, proof of  
3 permanent residence. All licenses required by this section  
4 shall bear the Alabama driver license number of the licensee,  
5 except in the case of nondrivers and active duty military  
6 personnel stationed in Alabama and their spouses and  
7 dependents who reside with them, and all licenses shall bear  
8 proof of residence as required by the Commissioner of  
9 Conservation and Natural Resources. Notwithstanding the  
10 foregoing, a member of the United States military stationed in  
11 Alabama on active duty, and his or her spouse and their  
12 dependents who reside with them, shall be deemed Alabama  
13 residents for the purpose of procuring this license. Active  
14 duty military personnel stationed in Alabama and their spouses  
15 and dependents who reside with them shall provide military  
16 orders that assign them to Alabama. These licenses shall be  
17 issued in the manner and under the conditions, limitations,  
18 and exemptions as expressly provided for in this section.  
19 Persons obtaining the annual resident freshwater fishing  
20 license shall also be entitled to all of the privileges of the  
21 wildlife heritage license.

22 "(b) Notwithstanding any other provision of law, any  
23 resident 64 years of age procuring a resident freshwater  
24 fishing license pursuant to this section shall be issued the  
25 license on a lifetime basis. License fees from the sale of a  
26 lifetime license pursuant to this subsection to a resident age

1 64 years shall be deposited to the credit of the Alabama Game  
2 and Fish Endowment Fund within the Game and Fish Fund.

3 "(c) A fishing license shall not be transferable,  
4 and it shall be unlawful to borrow, lend, or alter any fishing  
5 license, or for any license-issuing officer to falsify any  
6 license at the time of issuing the license. A violation of  
7 this subsection shall constitute a Class B misdemeanor  
8 punishable as provided by law.

9 "(d) Any citizen of this state who is entitled to  
10 purchase a fishing license as provided for in this section may  
11 procure a license by applying to any judge of probate, license  
12 commissioner, or other persons authorized and designated to  
13 issue fishing licenses, stating his or her name, age, place of  
14 residence, and post office address, and paying to the issuing  
15 officer the amount required in this section for the license.  
16 Judges of probate, license commissioners, or other persons  
17 authorized and designated to issue fishing licenses shall be  
18 entitled to the issuance fee set out herein for each license  
19 so issued, which fee shall be in addition to the amount  
20 designated in this section as the cost of the license. All  
21 fees collected by any judge of probate or license commissioner  
22 who is paid a salary for the performance of his or her duties  
23 shall be paid into the county treasury to the credit of the  
24 appropriate fund.

25 "(e) All persons under the age of 16 years shall be  
26 exempted from the requirement of procuring a license. Any  
27 resident of this state 65 years of age and older shall be

1 exempted from the requirement of procuring a fishing license  
2 as provided for in this section, provided that the resident  
3 has on his or her person while fishing, a valid Alabama driver  
4 license, or, in the case of nondrivers, proof of permanent  
5 Alabama residence and age.

6 "(f) Every person who obtains an annual resident  
7 freshwater fishing license without presenting a valid Alabama  
8 driver license, or in the case of nondrivers, proof of  
9 permanent residence, or who provides any false information in  
10 the process of procuring the license, shall be guilty of a  
11 Class B misdemeanor punishable as provided by law.

12 "(g) The licenses required by this section shall not  
13 apply to a resident of this state on active military duty who  
14 is in this state on leave and who has proof of that status in  
15 his or her possession, nor to any person who fishes in a  
16 private pond. The license required by this section shall not  
17 apply to any person fishing from the bank with an ordinary  
18 hook and line in his or her county of residence. A person who  
19 fishes from the bank with ordinary hook and line in his or her  
20 own county of residence shall be required to have on his or  
21 her person, while so fishing, a reasonable proof of residency  
22 in the county. In addition, the licenses required by this  
23 section shall not apply to persons exempt from fishing license  
24 requirements while fishing at commercial fee fishing ponds  
25 pursuant to the provisions of Article 17 of this chapter.

26 "(h) The licenses required by this section do not  
27 apply to a member of a public or private high school fishing

1 team fishing under the direct supervision of the school's  
2 fishing coach.

3 ~~"(h)~~ (i) The revenue derived from the sale of the  
4 license provided for in this section shall be remitted to the  
5 Department of Conservation and Natural Resources on the first  
6 day of each month by the issuing officer and shall be  
7 deposited into the State Treasury to the credit of the Game  
8 and Fish Fund and shall be used in the construction,  
9 maintenance, development, and supervision of public fishing  
10 lakes, for the purchase of lands to be used for public  
11 landings on public streams and for the development,  
12 protection, propagation, and distribution of fish and wildlife  
13 of this state.

14 ~~"(i)~~ (j) Except as otherwise provided in this  
15 section, any person who violates this section shall be guilty  
16 of a misdemeanor and, upon conviction thereof, shall be  
17 punished by a fine of not less than fifty dollars (\$50) nor  
18 more than two hundred fifty dollars (\$250) for each offense.

19 ~~"(j)~~ (k) There shall be provided on the license form  
20 for the licenses provided for in this section a check-off  
21 option whereby the licensee may voluntarily choose to donate  
22 an additional one dollar (\$1) to the Division of Wildlife and  
23 Freshwater Fisheries for the purpose of research on fisheries  
24 and aquatic habitat as approved by the Advisory Board of  
25 Conservation and Natural Resources.

26 "§9-11-53.1.

1           "(a) Any person who has been a bona fide resident of  
2 this state for a period of not less than 90 days next  
3 preceding and who is age 16 or older, but has not yet reached  
4 the age of 65, shall not take, catch, kill, possess, or  
5 attempt to take, catch, kill, or possess, any fish in any of  
6 the waters of this state (except those waters for which a  
7 license is required by Section 9-11-53) below that line  
8 defined in Rule 220-2-.42(1) of the Department of Conservation  
9 and Natural Resources as published in the Alabama  
10 Administrative Code, by angling with rod and reel or by use of  
11 any artificial bait, fly, lure, gig, cast net, bow, crab traps  
12 that are not required to be licensed by Section 9-12-124, or  
13 by spear fishing, as defined by Section 9-11-170, without  
14 first procuring an annual resident saltwater fishing license  
15 for twenty dollars (\$20), plus a one dollar (\$1) issuance fee,  
16 which fees shall be subject to adjustment as provided for in  
17 Section 9-11-69. All persons making application for the  
18 license provided for in this section shall present an Alabama  
19 driver license or, in the case of nondrivers, proof of  
20 permanent residence. All licenses required by this section  
21 shall bear the driver license number of the licensee, except  
22 in the case of nondrivers, and all licenses shall bear proof  
23 of residence as required by the Commissioner of Conservation  
24 and Natural Resources. Notwithstanding the foregoing, a member  
25 of the United States military stationed in Alabama on active  
26 duty, and his or her spouse and their dependents who reside  
27 with them, shall be deemed to be Alabama residents for the

1 purposes of procuring this license. This license shall not be  
2 required of any person who has been issued and is the holder  
3 of any valid lifetime fishing license that is provided for in  
4 Section 9-11-65, provided that such license was issued on or  
5 before March 31, 1992, or any valid lifetime saltwater fishing  
6 license that is provided for in Section 9-11-65.2. This  
7 saltwater fishing license shall not be required of permanent  
8 Alabama residents under 16 years of age or age 65 years or  
9 over, provided, however, that residents age 65 years or older  
10 shall be required to have in their actual possession, while  
11 fishing, an Alabama driver license, or in the case of  
12 nondrivers, proof of permanent Alabama residence and age. The  
13 revenue derived from the sale of the license provided for in  
14 this section shall be remitted to the Department of  
15 Conservation and Natural Resources on the first day of each  
16 month by the issuing officer and shall be covered into the  
17 State Treasury to the credit of the Marine Resources Fund and  
18 shall be used in the research, management, and development of  
19 saltwater fisheries. It shall be unlawful to provide false  
20 information in the process of obtaining the license.

21 "(b) The licenses required by this section do not  
22 apply to a member of a public or private high school fishing  
23 team fishing under the direct supervision of the school's  
24 fishing coach.

25 ~~"(b)~~ (c) Notwithstanding any other provision of law,  
26 any resident 64 years of age who procures a resident saltwater  
27 fishing license pursuant to this section shall be issued the

1 license on a lifetime basis. The license fees from the sale of  
2 a lifetime license pursuant to this subsection shall be  
3 deposited to the credit of the Alabama Marine Resources  
4 Endowment Fund within the Marine Resources Fund.

5 ~~"(c)~~ (d) Any person who violates any of the  
6 provisions of this section shall be guilty of a misdemeanor  
7 and, upon conviction thereof, shall be punished by a fine of  
8 not less than fifty dollars (\$50) nor more than two hundred  
9 fifty dollars (\$250) for each offense."

10 Section 2. This act shall become effective on the  
11 first day of the third month following its passage and  
12 approval by the Governor, or its otherwise becoming law.