

1982 WL 189078 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 22, 1982

***1 Interpretation of Section 50-13-1135**

Requirements for commercial or noncommercial fishing licenses for taking nongame fish in freshwaters with certain fishing devices.

Pat Ryan

You have inquired as to whether or not a commercial catfish grower is required to have a commercial fishing license pursuant to Section 50-13-1135. Generally any person who takes nongame fish in the freshwaters of this State with the devices listed in 50-13-1135 must obtain and have in his possession a valid South Carolina State fishing license and any person who takes nongame fish in the freshwaters of this State by using those devices as set forth in subsection 2 of 50-13-1135 would be required to have a commercial freshwater fishing license. However, Section 50-9-420 and 50-9-430 exempts certain persons from the requirement of having a fishing license. A landowner or a lease holder is not required to possess a license to fish with traps or nets in waters located on lands owned or leased by him or members of his family. No one is required to possess a fishing license while fishing in strictly private ponds with nongame fish at this owners expense. Section 50-9-430 Reading these two provisions together with Section 50-13-1135 it appears that the legislature would exempt a commercial catfish grower from having a commercial fishing license if he was fishing with a trap or net in lands owned by him or leased by him or members of his family or in a private pond which was stocked with nongame fish at the pond owners expense.

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