

1 SECTION 1. Chapter 13, Title 50 of the 1976 Code is amended to read:

2  
3 ARTICLE 1.

4  
5 ~~RESTRICTIONS ON FISHING GENERALLY~~

6  
7 **SECTION 50-13-5.** For the purposes of this chapter:

8 (1) ~~“Day” means the period from official sunrise of one day, to official sunrise~~  
9 ~~of the next day.~~

10 (2) ~~“Landed” means to take and bring a fish ashore.~~

11 (3) ~~“Striped bass” or “rockfish” is the species *Morone saxatilis*.~~

12 (4) ~~The “Lower Santee River system” includes all waters and tributaries~~  
13 ~~seaward of the Lake Murray Dam, the Columbia Canal Diversion Dam, and the~~  
14 ~~Lake Wateree Dam to the freshwater/saltwater dividing line on the North~~  
15 ~~Santee River and the South Santee River.~~

16 (5) ~~The “Cooper River system” includes all waters and tributaries, including the~~  
17 ~~Tailrace Canal, of the Cooper River from its point of origin seaward to the~~  
18 ~~freshwater/saltwater dividing line.~~ *[Covered in 50-1-50 and new 50-13-10]*

19  
20 **SECTION 50-13-10.** ~~The catching of game fish in all waters of the State shall~~  
21 ~~be only with hook and line, fly rod, casting rod, pole and line and hand line.~~  
22 ~~Not more than two of the above mentioned devices may be used by any one~~  
23 ~~individual while fishing.~~ *[Covered in new 50-13-50]*

24  
25 **SECTION 50-13-11.** ~~Notwithstanding the provisions of Section 50-13-10, any~~  
26 ~~person fishing in a boat may use an unlimited number of lawful fishing devices~~  
27 ~~so long as every other occupant of the boat who, if fishing would be required by~~  
28 ~~law to have a fishing license, has in his possession a valid fishing license.~~  
29 *[Covered in new 50-13-50]*

30  
31 **SECTION 50-13-12.** ~~It is unlawful to take fish by snagging, pulling, or jerking~~  
32 ~~a device equipped with one or more hooks through the water for the purpose of~~  
33 ~~impaling fish within one thousand feet downstream of a hydroelectric dam.~~  
34 ~~Nothing in this section prohibits the use of lures or baited hooks for the purpose~~  
35 ~~of catching fish.~~ *[Covered in new 50-13-170]*

36  
37 **SECTION 50-13-25.** (A) ~~Notwithstanding any other provision of law, it is~~  
38 ~~unlawful to catch and carry away from Slade Lake in Edgefield County any~~  
39 ~~bass not meeting the minimum size limitation of twelve inches in length. The~~  
40 ~~lawful catch limit for bass in Slade Lake is two per day, and the lawful catch~~  
41 ~~limit for all other fish is fifteen per day.~~

42 (B) ~~There is hereby established an open season for fishing on Slade Lake,~~  
43 ~~beginning on the first day of April and terminating on the first day of~~  
44 ~~November. During the open season, fishing is only allowed on Wednesdays,~~  
45 ~~Saturdays, and Sundays, opening one half hour before sunrise and closing~~  
46 ~~one half hour after sundown. A valid fishing license is required for a person~~  
47 ~~sixteen years of age or older.~~

48 (C) ~~It is unlawful to take any fish of any kind from Slade Lake except by hook~~  
49 ~~and line, which includes poles, rod and reel, and natural or artificial bait,~~  
50 ~~excluding minnows, and no person may use more than two poles at the same~~

1 ~~time. Nongame fishing devices may not be used including, but not limited to,~~  
2 ~~traps, trotlines, or jugs.~~

3 ~~(D) It is unlawful on Slade Lake or the recreational area of Slade Lake to:~~

4 ~~(1) use watercraft of any kind on Slade Lake unless the watercraft is operated~~  
5 ~~using oars or an electric trolling motor;~~

6 ~~(2) have rifles, shotguns, or other firearms in one's possession;~~

7 ~~(3) litter, as defined in Section 44-96-40;~~

8 ~~(4) have a glass container in one's possession;~~

9 ~~(5) have beer, wine, or other alcoholic beverages in one's possession;~~

10 ~~(6) operate a motor vehicle off designated roadways or park a vehicle outside of~~  
11 ~~designated parking areas.~~

12 ~~(E) A person violating a provision of this section is guilty of a misdemeanor~~  
13 ~~and, upon conviction, must be fined not less than ten dollars or more than one~~  
14 ~~hundred dollars or imprisoned not less than ten days or more than thirty days,~~  
15 ~~or both. [S.1340 Moved to 50-19-251]~~

16  
17 ~~**SECTION 50-13-60.** The department shall declare a closed season for a period~~  
18 ~~of not more than sixty days at any one time on fish in any stream in this State~~  
19 ~~on the written recommendation of the Senator and at least one half of the~~  
20 ~~representatives from any county in which such stream may be situated. Any~~  
21 ~~person who shall take fish from any such stream in this State during any such~~  
22 ~~closed season shall, upon conviction, be fined not less than fifty dollars nor~~  
23 ~~more than one hundred dollars or imprisoned for not less than thirty days.~~  
24 ~~[Covered in new 50-13-190]~~

25  
26 ~~**SECTION 50-13-65.** Notwithstanding the provisions of Section 50-13-60, in~~  
27 ~~Game Zone 1 only, a stream may be closed for a period of one hundred fifty~~  
28 ~~days under the same procedure as provided in Section 50-13-60 and any person~~  
29 ~~convicted of unlawfully fishing during such closed season shall be fined as~~  
30 ~~provided in Section 50-13-60. [No longer needed]~~

31  
32 ~~**SECTION 50-13-70.** The department shall give notice of the closed season so~~  
33 ~~declared by publication in at least two daily newspapers, including a newspaper~~  
34 ~~in the county or counties in which the closed season is declared, if such~~  
35 ~~counties have newspapers therein, stating the length of the period of such~~  
36 ~~closed season. [Covered in new 50-13-190]~~

37  
38 ~~**SECTION 50-13-80.** Any person found fishing with hook and line or in any~~  
39 ~~other manner whatsoever within the restricted territory during a closed season~~  
40 ~~so declared shall be prima facie guilty of violating the provisions of Section~~  
41 ~~50-13-60, regardless of whether he shall have caught any fish or not.~~  
42 ~~[unconstitutional]~~

43  
44 ~~**SECTION 50-13-100.** It shall be unlawful for any person during a closed~~  
45 ~~season declared pursuant to Section 50-13-60 to have in his possession any~~  
46 ~~trout taken from the fresh waters of this State. Any person found in possession~~  
47 ~~of fresh water trout during a closed season shall be presumed to have taken~~  
48 ~~such trout from the fresh water streams of this State.~~  
49 ~~[Covered in new 50-13-140]~~

1 ~~**SECTION 50-13-110.** It shall be lawful for any person to fish for and catch~~  
2 ~~trout in Game Zone No. 1 at any time except during the closed season therefor.~~  
3 ~~*[Covered in new 50-13-140]*~~

4  
5 ~~**SECTION 50-13-200.** Fishing in the nighttime is hereby prohibited in that~~  
6 ~~portion of Four Hole Swamp known as Bridge Lake, in Dorchester County,~~  
7 ~~except during the season fixed by law for shad fishing. Anyone violating the~~  
8 ~~provisions of this section shall be subject to a fine of not more than one~~  
9 ~~hundred dollars or to a term of imprisonment of not more than thirty days.~~

10 ~~*[S.1340 moved to 50-19-250]*~~

11  
12 ~~**SECTION 50-13-210.** It is unlawful for a person in any one day to catch more~~  
13 ~~than forty game fish; however, of the total creel limit:~~

14 ~~(1) not more than ten of the total may be striped bass (rockfish) or hybrid bass~~  
15 ~~(striped bass white bass) or a combination of them unless regulations~~  
16 ~~promulgated by the department and adopted by the General Assembly by~~  
17 ~~authority of Section 50-13-236 reflect otherwise;~~

18 ~~(2) not more than ten of the total may be black bass (large mouth, small mouth,~~  
19 ~~coosac) or a combination of them unless regulations promulgated by the~~  
20 ~~department and adopted by the General Assembly by authority of Section~~  
21 ~~50-13-236 reflect otherwise;~~

22 ~~(3) not more than ten of the total may be trout; provided, not more than five~~  
23 ~~trout may be taken in any one day from that portion of the lower Saluda River~~  
24 ~~between the Lake Murray Dam and the confluence of the Broad River;~~

25 ~~(4) not more than eight of the total may be walleye or sauger or a combination~~  
26 ~~of them;~~

27 ~~(5) not more than thirty of the total may be any game fish not specified.~~

28 ~~*[Covered in new 50-13-80]*~~

29  
30 ~~**SECTION 50-13-221.**(A) In the following freshwater bodies: the Ashepoo~~  
31 ~~River; Ashley River; Back River in Jasper County and the Back River in~~  
32 ~~Berkeley County; Black River; Black Mingo Creek; Bull Creek and Little Bull~~  
33 ~~Creek; Combahee River; Cooper River system; Coosawhatchie River;~~  
34 ~~Cuckholds Creek; Edisto River; Horseshoe Creek; Lumber River; Lynches~~  
35 ~~River; Great Pee Dee and Little Pee Dee Rivers; Pocotaligo in Beaufort, Jasper,~~  
36 ~~and Hampton Counties; Salkehatchie and Little Salkehatchie Rivers; Sampit~~  
37 ~~River; Lower Santee River system; Tulifinny; Thoroughfare Creek; and~~  
38 ~~Waccamaw River from June first to September thirtieth, it is unlawful to take,~~  
39 ~~attempt to take, or to possess any striped bass. Any striped bass taken must be~~  
40 ~~returned immediately to the waters from where it came.~~

41 ~~—(B) In the following freshwater bodies: the Ashepoo River; Ashley River;~~  
42 ~~Back River in Jasper County and the Back River in Berkeley County; Black~~  
43 ~~River; Black Mingo Creek; Bull Creek and Little Bull Creek; Combahee River;~~  
44 ~~Cooper River system; Coosawhatchie River; Cuckholds Creek; Edisto River;~~  
45 ~~Horseshoe Creek; Lumber River; Lynches River; Great Pee Dee and Little Pee~~  
46 ~~Dee Rivers; Pocotaligo in Beaufort, Jasper, and Hampton Counties;~~  
47 ~~Salkehatchie and Little Salkehatchie Rivers; Sampit River; Lower Santee River~~  
48 ~~system; Tulifinny; Thoroughfare Creek; and Waccamaw River from October~~  
49 ~~first through May thirty first, it is unlawful to take or possess more than three~~  
50 ~~striped bass per day.~~

1 ~~—(C) In the following freshwater bodies: the Ashepoo River; Ashley River;~~  
 2 ~~Back River in Jasper County and the Back River in Berkeley County; Black~~  
 3 ~~River; Black Mingo Creek; Bull Creek and Little Bull Creek; Combahee River;~~  
 4 ~~Cooper River system; Coosawhatchie River; Cuckholds Creek; Edisto River;~~  
 5 ~~Horseshoe Creek; Lumber River; Lynches River; Great Pee Dee and Little Pee~~  
 6 ~~Dee Rivers; Pocotaligo in Beaufort, Jasper, and Hampton Counties;~~  
 7 ~~Salkehatchie and Little Salkehatchie Rivers; Sampit River; Lower Santee River~~  
 8 ~~system; Tulifinny; Thoroughfare Creek; and Waccamaw River from October~~  
 9 ~~first through May thirty first, it is unlawful to take or possess a striped bass less~~  
 10 ~~than twenty six inches in total length.~~

11 ~~—(D) Striped bass must be landed with head and tail fin intact.~~

12 ~~—(E) The Department of Natural Resources for the Lower Santee and Cooper~~  
 13 ~~River systems shall make recommendations, after study, on any needed~~  
 14 ~~modification to the restrictions in this section before January 1, 2015.~~

15 *[Covered in new 50-13-110]*

16  
 17 **SECTION 50-13-222.** (A) ~~It is unlawful to take or possess more than two~~  
 18 ~~striped bass on all waters of Lake Russell from Lake Hartwell Dam and Lake~~  
 19 ~~Secession Dam, including all tributaries of Lake Russell.~~

20 ~~—(B) It is unlawful to take and retain from all waters of Lake Russell from~~  
 21 ~~Lake Hartwell Dam and Lake Secession Dam, including its tributaries, more~~  
 22 ~~than one striped bass greater than thirty four inches in length.~~

23 *[Covered in new 50-13-110]*

24  
 25 **SECTION 50-13-236** (A) ~~The department may establish the daily creel limits~~  
 26 ~~and size limits on Lake Murray and on all waters of the Saluda River lying~~  
 27 ~~between the Lake Greenwood Dam (Buzzard's Roost Dam) and Lake Murray~~  
 28 ~~for striped bass (rockfish) and black bass by regulations promulgated and~~  
 29 ~~adopted in accordance with Article 1, Chapter 23 of Title 1. No creel or size~~  
 30 ~~limits may be set by emergency regulations. A person taking striped bass or~~  
 31 ~~black bass exceeding the limits set by the department is guilty of a~~  
 32 ~~misdemeanor and, upon conviction, must be punished as provided in Section~~  
 33 ~~50-13-285.~~

34 ~~(B) Notwithstanding the provisions of subsection (A), during July and August it~~  
 35 ~~is lawful to take and retain from Lake Murray not more than two striped bass~~  
 36 ~~(rockfish) per day that are less than the legal size limit.~~

37 *[Covered in new 50-13-110; 50-13-120]*

38  
 39 **SECTION 50-13-237.** ~~It is unlawful to possess more than two striped bass,~~  
 40 ~~striped bass hybrids, white bass, or any combination of these species in the~~  
 41 ~~Savannah River and its tributaries and distributaries and the lands immediately~~  
 42 ~~adjacent to them from the J. Strom Thurmond Lake dam downstream to the~~  
 43 ~~mouth of the Savannah River defined by a line from Jones Island, S.C. (also~~  
 44 ~~known as Oysterbed Island) point at N. 32° 02' W. 80° 53'; across Coekspur~~  
 45 ~~Island, Georgia, point at N. 32° 01' W. 80° 52" to Lazaretto Creek, Georgia,~~  
 46 ~~point at 32° 01' W. 80° 52". Any lawfully possessed fish of each of these~~  
 47 ~~species must be a minimum of twenty seven inches in total length.~~

48 *[Covered in new 50-13-110; 50-1-50 Lower Reach Savannah]*

1 ~~SECTION 50-13-240. Whenever the limits provided in Section 50-13-210 is in~~  
2 ~~conflict with a reciprocal agreement with another state, such limits shall not~~  
3 ~~apply. *[Changed limits on Savannah Lakes;]*~~  
4

5 ~~SECTION 50-13-250. Not more than ten trout may be taken from the~~  
6 ~~freshwater streams of the State in any one day except for that portion of~~  
7 ~~Matthews Creek and Middle Saluda River which lies in Greenville County,~~  
8 ~~Eastatoe River in Pickens County, Whitewater River in Oconee County, and~~  
9 ~~Lake Jocassee in Oconee and Pickens Counties. The department may~~  
10 ~~promulgate regulations to establish creel and possession limits, bait limitations,~~  
11 ~~and for any other purposes to protect the trout fishery. As used in this section~~  
12 ~~the word "trout" means rainbow, brook, brown, or other species of cold water~~  
13 ~~trout and does not mean freshwater bass. *[Covered in new 50-13-80]*~~  
14

15 ~~SECTION 50-13-260 It shall be lawful for any enforcement officer to search~~  
16 ~~any creel. *[Covered in new 50-13-40]*~~  
17

18 ~~SECTION 50-13-270 When fishing in private ponds entirely segregated from~~  
19 ~~other waters, creel limits shall not apply, if permission shall have been given by~~  
20 ~~the owner of such pond to exceed statutory limits. *[Covered in new 50-13-20]*~~  
21

22 ~~SECTION 50-13-280. It is unlawful for any person to have in his immediate~~  
23 ~~possession or control more than the number of game fish authorized to be~~  
24 ~~caught by one person in any one day; provided, that the provisions of this~~  
25 ~~section do not apply to a person traveling in a vehicle with not more than the~~  
26 ~~number of game fish authorized to be caught by one person in any two days nor~~  
27 ~~to a person who has fish stored in a freezer in a residence which is not used as~~  
28 ~~or connected with a store, service station, eating establishment, or any such~~  
29 ~~similar commercial establishment. This section does not apply to aquaculture~~  
30 ~~produced fish as permitted in this title.~~

31 ~~*[ Allows more than the daily limit while traveling-not clear]*~~  
32

33 ~~SECTION 50-13-285. Unless otherwise provided, a person violating the~~  
34 ~~provisions of this article, upon conviction for a first offense, must be fined not~~  
35 ~~less than thirty dollars nor more than two hundred dollars or imprisoned for not~~  
36 ~~more than thirty days and for a subsequent offense of any of the sections be~~  
37 ~~fined not less than three hundred dollars nor more than five hundred dollars or~~  
38 ~~imprisoned for not more than sixty days, or both. *[Covered in new 50-13-30]*~~  
39

40 ~~SECTION 50-13-350. A person who makes or creates an artificial pond on his~~  
41 ~~land for the purpose of breeding and cultivating fish or oysters, shall place a~~  
42 ~~written or printed notice of the breeding or cultivating fish or oysters in public~~  
43 ~~places near the pond. It is unlawful for a person to enter in or about the pond to~~  
44 ~~fish, catch, or take away any fish or oysters, or destroy or injure the fish or~~  
45 ~~oysters or break the dam for the purpose of permitting the fish or oysters to~~  
46 ~~escape.~~

47 ~~A person who violates the provisions of this section is guilty of a misdemeanor~~  
48 ~~and, upon conviction, must be fined not more than one hundred dollars or~~  
49 ~~imprisoned not more than three years.~~

~~A fine, if imposed, shall go one half to the informer and the other half to the person whose property has been injured. Nothing in this section applies to ponds used as water power for manufacturing purposes. [Not needed]~~

~~**SECTION 50-13-370** Nothing contained in the laws of this State for the protection of fish or which provide for a closed time in the creeks, streams and inland waters shall be construed to restrict or interfere in any manner with the United States Commissioner of Fish and Wildlife or his agents when fishing for fish of any kind in connection with the operations of any fish hatcheries, but the United States Commissioner of Fish and Wildlife and his duly authorized agents are accorded full and free right to conduct fish cultural operations and scientific investigations in the waters of this State and all fishing and other operations necessary therefor, in such manner and at such times as are considered necessary and proper by such Commissioner or his agents.~~

~~[Covered in new 50-13-1995]~~

~~**SECTION 50-13-385.** It is unlawful to take or possess largemouth bass less than twelve inches in length in Lake Marion, Lake Moultrie, and Lake Wylie. A person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined an amount not to exceed one hundred dollars or imprisoned for a term not to exceed thirty days. [Covered in new 50-13-120]~~

~~**SECTION 50-13-390.** Notwithstanding any other provision of law, no more than one Arkansas blue catfish over thirty six inches may be taken from the waters of Lakes Marion and Moultrie by any one person in one day. The provisions of this section apply to commercial, as well as, recreational fishermen. [Covered in new 50-13-1146]~~

~~**SECTION 50-13-400.** (A) In Lake Murray it is unlawful to take or possess more than twenty crappie (*Pomoxis spp.*) per day.~~

~~(B) In Lake Murray it is unlawful to take or possess crappie (*Pomoxis spp.*) less than eight inches in total length. [Covered in new 50-13-85]~~

## “Article 1

### General Restrictions on Freshwater Fishing

**SECTION 50-13-10.** (A) Equipment definitions;

(1) “Archery equipment” means a bow and arrow, long bow, recurve bow, compound bow or crossbow.

(2) “Artificial Lure” includes manufactured or handmade flies, spinners, plugs, spoons, and reproductions of live animals, which are made completely of natural or colored wood, cork, feathers, hair, rubber, metal, plastic, tinsel, styrofoam, sponge, or string, or any combination of such materials, in imitation of or as substitute for natural bait. Manufactured lures and manufactured fish eggs enhanced with organic material are not artificial lures. Artificially produced organic baits are not artificial lures.

(3) “Cast net” a non baited circular webbing having a weighted peripheral line; that is thrown by hand and retrieved by a central line connected to radiating tuck lines attached to the peripheral line.

Definitions
-------------

- 1 (4) "Crayfish trap" any device constructed of coated wire with the opening of  
2 the throat or flues not exceeding two and one-quarter inches with a minimum  
3 mesh size of one-quarter inch bar mesh.
- 4 (5) "Creel" anything used to hold or keep fish while afloat or afield.
- 5 (6) "Device" any appliance or equipment or combination designed or used for  
6 taking or attempting to take fish.
- 7 (7) "Eel pot" is an enclosed structure used to take eels only and which conforms  
8 to the following specifications:
- 9 (a) no larger than twenty-four inches by forty-eight inches;
- 10 (b) must be constructed of wire so that:
- 11 (i) the mesh size is no smaller than one-half by one-half inch, except for the  
12 throat or muzzle and the end opposite the throat or muzzle of cylindrical pots;
- 13 (ii) a throat opening not to exceed two inches measured in any direction.
- 14 (8) "Elver fyke net" means a net with wings not exceeding ten feet in length  
15 and fourteen feet in depth; the distance from throat to cod end does not exceed  
16 twenty feet. The maximum bar mesh for any part of the net does not exceed one  
17 eighth inch square.
- 18 (9) "Game Fishing device" means hook and line, pole, rod, reel, and any **bait**.
- 19 (10) "Gig" is a device consisting of a staff with a sharp point or points designed  
20 for thrusting and used to take fish by hand; to take fish by hand by use of a  
21 spear, prong or similar device.
- 22 (11) "Gill net" is a net designed to hang vertically and capture fish by  
23 entanglement usually of the head, gill covers, or preopercles.
- 24 (12) "Hoop net" is a device in which fish are taken in an enclosed structure  
25 which conforms to the following specifications: the maximum size of hoop nets  
26 shall be sixteen feet in length by five and one-half feet in diameter. Hoop nets  
27 shall be made of a textile netting (no wire) of a mesh size not less than one inch  
28 square nor greater than two inches square enclosing a series of round hoops  
29 with two or more muzzle openings which shall be made of a netting material.  
30 One side of the hoop may be flat to hold the nets in place.
- 31 (13) "Jug fishing" is defined as fishing by use of a single hook and line attached  
32 to a free floating device other than a flotation marker for trotlines, traps or other  
33 devices.
- 34 (14) "Minnow seine" is defined as a seine of a size not greater than four feet in  
35 depth by twenty feet in length with a mesh size of not more than one- fourth  
36 inch square mesh.
- 37 (15) "Minnow trap" is a cylindrical device not longer than twenty four inches  
38 and no more than thirty inches in circumference or a rectangular device not  
39 larger than twenty four inches long, eight inches high, and nine inches wide.  
40 The mesh shall be no smaller than one-quarter inch bar mesh. The throat  
41 opening of the funnel of the trap must not exceed one inch in diameter.
- 42 (16) "Net" means an open work fabric or fiber woven or knotted at regular  
43 intervals; to catch or ensnare
- 44 (17) "Pump net" is a manually operated dip-type net with webbing hung from  
45 rigid cross members that form an "X" which are attached to a pole. The pole  
46 utilizes a fulcrum to raise and lower the net. The "X" cross members must not  
47 exceed twenty feet. The net must be no smaller than one inch stretched mesh.
- 48 (18) "Seine" is a net having a stretch mesh of not less than one inch and not  
49 more than one and one-half inches which do not exceed seventy-five feet in  
50 length or six feet in depth.

1 (19)“Set hook” is defined as a single hook and line set in or along any of the  
2 rivers, streams, lakes or waters of this State used to catch fish while attached to  
3 bushes, limbs, vines, undergrowth or other parts of vegetation, set poles, pegs,  
4 sticks or similar structures. “Set hooks” include all similar hook and line  
5 devices by whatever name called.

6 (20) “Skim bow net” is defined as a hand operated dip net constructed of wood  
7 with wire or textile netting with a mesh size not greater than one and one-half  
8 inches square hung within a frame formed by a length of wood looped and  
9 attached to itself to form a bow. The bow shall not exceed fourteen feet in any  
10 direction

11 (21) “Single-hook artificial lure” means any artificial lure with a single point.  
12 A multiple number of single-hook lures (such as dropper flies) fished in a series  
13 is considered a single hook artificial lure.

14 (22) “Spear” is defined as a device for thrusting or throwing consisting of a  
15 long staff with a sharpened point or to which a sharp head is fixed.

16 (23) “Tires” are defined as truck or automobile tires not exceeding twenty  
17 inches in rim diameter.

18 (24)“Trap” is defined as any device in which fish are taken in an enclosed  
19 structure which conforms to the following specifications and includes fish  
20 traps, baskets and like devices:

21 (a) A trap must be made of:

22 (i) wire or textile material and be cylindrical in shape not more than six feet  
23 in length and not more than three feet in diameter or width.

24 (ii) the mesh size must not be smaller than one inch by one inch and there  
25 must only be one application of exterior wire to the trap;

26 (iii) the muzzle must have one of the following designs:

27 (1) a trap door on the second muzzle or catch muzzle which remains in a  
28 closed position and which only opens for the entry of fish into the trap; the  
29 trap door must be constructed of the same material as the trap;

30 (2) construction of a netting so that the opening of the small end of the  
31 second muzzle or catch muzzle is held in the shape of a slit and the trap  
32 configuration constructed such that as the trap rests on the bottom the slit  
33 shall be oriented horizontally with the greatest vertical opening being no  
34 greater than one inch; or

35 (b) a trap must be made of:

36 (i) wood strips or slats and be cylindrical or rectangular in shape. The length  
37 must not exceed six feet and the width or diameter shall not exceed two feet.

38 (ii) the throat opening of the catch muzzle in a resting position must not  
39 exceed three inches measured in any direction.

40 (iii) the sides, top and rear of the trap shall have a minimum of one inch  
41 openings between the slats.

42 (c) Eel pots, minnow traps and crayfish traps are not included in this definition.

43 (25) “Trotline” is defined as two or more hooks attached to a common line  
44 which is rigged horizontally.

45 (26) “Yoyo” is a device to which “set hooks” are attached which is activated by  
46 spring-like devices.

47 *[This section defines those devices which are regulated by SC law for taking*  
48 *both game and non-game fish; formerly found in 50-13-10 and 50-13-1120;*  
49 *adds new definitions of: “archery equipment” to replace “bows and arrows”;*  
50 *“artificial lure,” “minnow trap,” “crayfish trap” and “single hook artificial*  
51 *lure” “skim bow net” and “pump net” ]*



1

2 (B) Miscellaneous definitions:

3 (1) "Bait fish" means any fish allowed to be used as bait in the freshwaters  
4 including: Asian clams (*Corbicula* spp.), crayfish, eels, herring, shad and  
5 fathead minnows (*Pimephales promelas*), golden shiners (*Notemigonus*  
6 *crissoleucas*), goldfish including "black salties" (*Carassius auratus*).

7 (2) "Commercial purpose" means;

8 (a) being engaged in selling fish;

9 (b) taking or attempting to take fish in order to derive income or other  
10 consideration;

11 (c) fishing more devices than allowed for recreation;

12 (3) "Day" means the twenty-four hour period from one-half hour before official  
13 sunrise of one day to one-half hour before official sunrise the following day.14 (4) "Freshwaters" or "freshwaters of the state" means all waters of the state from  
15 the saltwater/freshwater dividing line inland to the jurisdictional limits of the  
16 state and those naturally occurring freshwaters seaward of the  
17 saltwater/freshwater line but does not include private lakes or ponds which are  
18 entirely segregated from other freshwaters.

19 (5) "Fish" means finfish, shellfish including, mollusks and crustaceans,

20 (6) "Fishing" means all activity and effort involved in taking or attempting to  
21 take fish.22 (7) "Hand grabbing" (noodling) is taking non-game fish by hand without the  
23 aid of hook, snare or artificial breathing device. A stick, pole, rod, or PVC pipe  
24 may be used to dislodge the fish.25 (8) "Land" means take and retain possession while afloat or take and bring  
26 ashore.27 (9) "Limit" means the number or size of fish one person may lawfully possess  
28 in any one day while afloat or afield.29 (10) "Night" begins one-half hour after official sunset of one day to one-half  
30 hour before official sunrise the following day.

31 (11) "Possess" or "possession" means to take and retain.

32 (12) "Snagging" means pulling a device equipped with one or more hooks  
33 through the water in an attempt to impale fish. Snagging does not include using  
34 lures or baited hooks designed to catch fish in or about the mouth..35 (13) "Take" means to catch, capture, gather, wound, kill, harvest or remove but  
36 does not include a catch and immediate release.37 (14) "Total Length" means the length of a fish laid flat and measured from the  
38 closed mouth (snout) to the tip of the tail fin when pinched together. It is a  
39 straight line measure, not over the curvature of the body.

40 (15) "Unattended" means the device operator is not in the immediate vicinity.

41 ***[Defines terms used in this Chapter to regulate taking fish, some from***  
42 ***existing 50-13-10]***

43

44 (C) Species definitions

45 (1) "Black Bass" means largemouth (*Micropterus salmoides*), smallmouth  
46 (*Micropterus dolomieu*), redeye (*Micropterus coosae*) and spotted bass  
47 (*Micropterus punctulatus*).48 (2) "Hybrid bass" means those fish produced in a hatchery by crossing Striped  
49 Bass (*Morone saxatilis*) with White Bass (*Morone chrysops*).50 (3) "Striped Bass" or rockfish means the species *Morone saxatilis*

1 (4) "Trout" means rainbow, brook, brown or other species of cold-water trout of  
 2 the family Salmonidae.

3 *[Defines specific species of fish regulated by this chapter]*  
 4

5 **SECTION 50-13-20.** This chapter governs the freshwaters of the state.  
 6 *[From existing 50-13-270]*

Applicability of this chapter

8 **SECTION 50-13-30.** Unless otherwise provided, any person convicted of a  
 9 violation of this chapter is guilty of a misdemeanor and upon conviction must  
 10 be fined not less than twenty five dollars nor more than five hundred dollars or  
 11 imprisoned for up to thirty days or both. The Magistrate's court retains  
 12 jurisdiction of offenses in this chapter.

General penalty

14 **SECTION 50-13-40.** Fishing in the freshwaters constitutes consent to  
 15 inspection of creels at any time by any law enforcement officer.  
 16 *[From existing 50-13-260]*

Consent to inspect creels

18 **SECTION 50-13-50.** It is unlawful to take freshwater game fish except by  
 19 game fish devices. A fisherman fishing from the bank or a structure or wading  
 20 may use only four game fishing devices. A fisherman fishing from a boat may  
 21 use an unlimited number of game fishing devices if all persons in the boat older  
 22 than sixteen years have valid fishing licenses.

Lawful methods and number of devices for taking freshwater game fish

23 *[Renumbers and adds two more devices for bank fishing taking game fish*  
 24 *and two more for boat fishermen; from existing 50-13-10; 50-13-11]*

26 **SECTION 50-13-60.** (A)The possession or use on the freshwaters of this  
 27 State of any device or gear designed or used to take fish not authorized by this  
 28 chapter is unlawful.

Unauthorized devices or gear, taking and methods; unlawful

29 (B)Taking species not authorized by this chapter is unlawful.  
 30 (C)Taking by any method not authorized by this chapter is unlawful.  
 31 (D) It is unlawful to leave a game fishing device unattended. Any game fishing  
 32 device left unattended is contraband.  
 33 (E) It is unlawful to use, place or set any fishing device so as to constitute a  
 34 hazard to boating or public safety.  
 35 (F) It is unlawful to anchor a seine and leave it unattended  
 36 *[From existing 50-13-1115(B);50-13-1125;50-13-1126)]*

38 **SECTION 50-13-70.** (A)It is unlawful for any one person to possess more than  
 39 the legal limit of fish in any one day on or about the freshwaters of the state.

Unlawful to possess more than the legal limit; unlawful to possess fish not of legal size

40 (B) It is unlawful to possess any fish not of legal size.  
 41 (C) It is unlawful to land any game fish without head and tail fin intact and  
 42 where a length limit is imposed on any species it is unlawful to land that  
 43 species without head and tail fin intact.  
 44 (D) Any person violating the provisions of this section is guilty of a  
 45 misdemeanor and upon conviction must be fined not less than fifty dollars nor  
 46 more than five hundred dollars or imprisoned for up to thirty days or both. Each  
 47 fish illegally possessed is a separate offense.

48 *[Consolidates several existing penalty sections]*  
 49

1 **SECTION 50-13-80.** Except as otherwise provided, the daily possession limit  
2 for game fish is an aggregate of forty of which:

- 3 (1) Not more than five may be largemouth, redeye (coosae), or smallmouth
- 4 bass or any combination.
- 5 (2) Not more than ten may be spotted bass.
- 6 (3) Not more than ten may be hybrid bass or striped bass or a combination.
- 7 (4) Not more than eight may be walleye or sauger or a combination.
- 8 (5) Not more than five may be trout except on Lake Jocassee not more than
- 9 three trout,
- 10 (6) Not more than twenty may be crappie.
- 11 (7) Not more than fifteen may be redbreast.
- 12 (8) Not more than thirty may be other freshwater game fish species not listed
- 13 in this section.

14 *[From existing 50-13-210; 50-13-220; 50-13-250 Creates a statewide limit of*  
15 *5 for largemouth, red eye and smallmouth; Renumbers provisions dealing*  
16 *with game fish AND reduces the limit on crappie to twenty statewide to*  
17 *conform to the limits on Lake Murray; makes the trout limit uniform at five*  
18 *except at Lake Jocassee where the limit is reduced from 5 to 3.Reduces the*  
19 *limit on Redbreast to 15;]*  
20

21 **SECTION 50-13-90.** It is unlawful to possess crappie less than eight inches  
22 in total length except Lake Greenwood where it is unlawful to possess crappie  
23 less than ten inches in total length.

24 *[From existing 50-13-400. This adds an eight inch possession limit statewide*  
25 *except on Lake Greenwood]*  
26  
27  
28

29 **SECTION 50-13-110.**(A) In the following freshwater bodies: the Ashepoo  
30 River; Ashley River; Back River in Jasper County and the Back River in  
31 Berkeley County; Black River; Black Mingo Creek; Bull Creek and Little Bull  
32 Creek; Combahee River; Cooper River system; Coosawhatchie River;  
33 Cuckholds Creek; Edisto River; Horseshoe Creek; Lumber River; Lynches  
34 River; Great Pee Dee and Little Pee Dee Rivers; Pocotaligo in Beaufort, Jasper,  
35 and Hampton Counties; Salkehatchie and Little Salkehatchie Rivers; Sampit  
36 River; ~~Lower~~ Santee River system except the lower reach of the Saluda River;  
37 Tulifinny; Thoroughfare Creek; and Waccamaw River from June first to  
38 September thirtieth, it is unlawful to take, attempt to take, or to possess any  
39 striped bass. Any striped bass taken must be returned immediately to the waters  
40 from where it came.

41 (B) On the lower reach of the Saluda River from June first to September  
42 thirtieth it is unlawful to take or possess any striped bass. Any striped bass  
43 taken must be returned immediately to the waters from where it came.

44 (C) In the following freshwater bodies: the Ashepoo River; Ashley River;  
45 Back River in Jasper County and the Back River in Berkeley County; Black  
46 River; Black Mingo Creek; Bull Creek and Little Bull Creek; Combahee River;  
47 Cooper River system; Coosawhatchie River; Cuckholds Creek; Edisto River;  
48 Horseshoe Creek; Lumber River; Lynches River; Great Pee Dee and Little Pee  
49 Dee Rivers; Pocotaligo in Beaufort, Jasper, and Hampton Counties;  
50 Salkehatchie and Little Salkehatchie Rivers; Sampit River; ~~Lower~~ Santee River  
51 system; Tulifinny; Thoroughfare Creek; and Waccamaw River from October

Daily possession limits on game fish

Crappie size limit

From H.3913 Effective 7/1/2010

1 first through May thirty-first, it is unlawful to take or possess more than three  
2 striped bass per day.

3 (D) In the following freshwater bodies: the Ashepoo River; Ashley River;  
4 Back River in Jasper County and the Back River in Berkeley County; Black  
5 River; Black Mingo Creek; Bull Creek and Little Bull Creek; Combahee River;  
6 Cooper River system; Coosawhatchie River; Cuckholds Creek; Edisto River;  
7 Horseshoe Creek; Lumber River; Lynches River; Great Pee Dee and Little Pee  
8 Dee Rivers; Pocotaligo in Beaufort, Jasper, and Hampton Counties;  
9 Salkehatchie and Little Salkehatchie Rivers; Sampit River; ~~Lower~~-Santee River  
10 system; Tulifinny; Thoroughfare Creek; and Waccamaw River from October  
11 first through May thirty-first, it is unlawful to take or possess a striped bass less  
12 than twenty-six inches in total length.

13 (E)On Lake Murray and the middle reach of the Saluda River it is unlawful to  
14 possess more than five striped bass per day. From July first through September  
15 thirtieth it is unlawful to take, attempt to take, or possess more than five striped  
16 bass per day.

17 (F)On Lake Murray and the middle reach of the Saluda River from October  
18 first through June thirtieth it is unlawful to possess a striped bass less than  
19 twenty one inches in total length. From July first to September thirtieth there is  
20 no minimum length.

21 (G)On Lakes Hartwell and Thurmond it is unlawful to possess more than ten  
22 striped bass or hybrid bass or a combination of those per day and only three  
23 may be over twenty six inches in total length.

24 (H)On Lake Richard B Russell and the Lake Hartwell tailwater it is unlawful to  
25 possess more than two striped bass per day, only one of which may be over  
26 thirty-four inches total length.

27 (I) On the lower reach of the Savannah River it is unlawful to possess more  
28 than two striped bass, hybrid bass, white bass or any combination of these. Any  
29 of these fish taken from the lower reach of the Savannah River must be at least  
30 twenty seven inches in total length.

31 (J) It is unlawful to land striped bass unless the head and tail fin are intact.

32 (K)The department may establish the daily possession and size limits for  
33 striped bass on all other waters of the state, provided, no limits may be set by  
34 emergency regulation.

35 (L)The department must make a study of the striped bass fishery on the Santee  
36 and Cooper River systems and make recommendations on any needed  
37 modifications of this section before January 2015.

38  
39 *[Renumbers and consolidates sections dealing with striped bass; Establishes*  
40 *a size and possession limit on Lakes Hartwell, Thurmond and Russell.*  
41 *Suspends the length limit on L Murray for 3 months; prohibits catch and*  
42 *release on Murray, Marion, Moultrie, and upper Santee July-Sept;allows*  
43 *catch and release on Lower Saluda June-September 30 from existing 50-13-*  
44 *221 50-13-222 [H3913]; 50-13-237; R123-124; R123-130]*  
45  
46  
47  
48

49 **SECTION 50-13-120.** (A)It is unlawful to possess largemouth bass on Lakes  
50 Blalock, Greenwood, Jocassee, Marion, Monticello, Moultrie, Murray,

Largemouth possession limits	Bass,
---------------------------------	-------

1 Secession, Wateree, Wylie and the middle reach of the Saluda River and the  
 2 upper reach of the Santee River less than fourteen inches in total length.

3 (B) It is unlawful to possess largemouth bass on Lakes Hartwell, Keowee,  
 4 Russell (including the Lake Hartwell tailwater), and Thurmond less than twelve  
 5 inches in total length.

6 *[Establishes uniform size limits for bass on major lakes and the river*  
 7 *segments that feed L Murray and L Marion;14 and 12 inches; from existing*  
 8 *50-13-385; 50-13-120]*

9  
 10 **SECTION 50-13-130** It is unlawful to possess smallmouth bass less than  
 11 twelve inches in total length.

Smallmouth possession limits	Bass,
---------------------------------	-------

12 *[Establishes a size limit for smallmouth of 12 inches]*

13  
 14 **SECTION 50-13-140.** (A) In order to establish a “catch and release” fishery  
 15 for trout it is unlawful to possess (catch and retain) trout from November 1 of  
 16 each year through May 14 of the following year inclusive on the following  
 17 waters:

18 (1) That portion of the Chattooga River beginning at S.C. Highway 28  
 19 upstream to its confluence with Reed Creek (Rabun County GA).

20 (2) That portion of Cheohee Creek that runs through the Piedmont Forestry  
 21 Center.

22 (3) Devils Fork Creek; Howard Creek from its confluence with Corbin Creek  
 23 upstream to its confluence with Limberpole Creek; and Corbin Creek  
 24 upstream from its confluence with Howard Creek to S.C. State Highway S-  
 25 37-130 (Whitewater Road) in Oconee County.

26 (4) Chauga River from S.C. State Highway S-37-290 (Cassidy Bridge Road)  
 27 upstream to its confluence with Bone Camp Creek in Oconee County.

28 (5) Eastatoe River from the backwaters of Lake Keowee upstream to S.C.  
 29 State Highway S-39-143 (Roy Jones Road) in Pickens County.

30 (B) Any trout taken must be released immediately.

31 *[From existing; 50-13-90; 50-13-100;50-13-110; and R123-126;R123-131]*

32  
 33 **SECTION 50-13-150.** (A) From November first through May fourteenth  
 34 inclusive it is unlawful to use or possess any lure or bait except single hook  
 35 artificial lures in the following waters;

Bait restrictions for taking trout
---------------------------------------

36 (1) that portion of the Chattooga River beginning at S.C. State Highway 28  
 37 upstream to its confluence with Reed Creek (Rabun County GA );

38 (2) that portion of Cheohee Creek that runs through the Piedmont Forestry  
 39 Center.

40 (3) Devils Fork Creek; Howard Creek from its confluence with Corbin Creek  
 41 upstream to its confluence with Limberpole Creek; and Corbin Creek upstream  
 42 from its confluence with Howard Creek to State Road S-37-130 (Whitewater  
 43 Road) in Oconee County;

44 (4) Chauga River from S.C. State Highway S-37-290 (Cassidy Bridge Road)  
 45 upstream to its confluence with Bone Camp Creek in Oconee County; and

46 (5) Eastatoe River from the backwaters of Lake Keowee upstream to S.C. State  
 47 Highway S-39-143 (Roy Jones Road) in Pickens County.

48 (B) It is unlawful to use or possess any lure or bait except artificial lures in the  
 49 following waters:

50 (1) Whitewater River;

(2) Matthews Creek from Asbury Drive Bridge at Asbury Methodist Camp upstream including all tributaries and headwaters;

(3) Middle Saluda River from the foot bridge at Jones Gap Natural Area Office upstream to U.S. Highway 176 in Greenville County; and

(4) Eastatoe River on Eastatoe Heritage Preserve in Pickens County.

(C) It is unlawful to use or possess corn, cheese, fish eggs, Powerbait or imitations of them on Lake Jocassee. *[From existing R123-131]*

**SECTION 50-13-160.** On Lake Jocassee, it is unlawful to possess more than three trout. It is unlawful to possess trout less than fifteen inches in total length or possess more than one trout greater than twenty inches in total length. Provided, from June first through September thirtieth there is no length limit but it is unlawful to take, attempt to take or possess more than three trout. *[From existing R123-123(A)]*

Size Limit on Trout; Lake Jocassee

**SECTION 50-13-180.** The Department may promulgate regulations for the protection and management of the trout fishery. *[From existing 50-13-250]*

Regulation of trout.

**SECTION 50-13-190.** Except as otherwise provided there is no closed season for taking fish, however, when because of natural or other conditions fish are vulnerable to predation or are in distress and in the professional judgment of the department need further temporary protection the department may declare a closed season for taking any species until the condition has abated. The department shall give notice of the closure by the most expeditious means. It is unlawful to take or possess the affected species during the closed season.

Closed seasons for taking fish.

*[Renumbers and consolidates sections dealing with emergency closing of fishing, from existing 50-13-60; 50-13-70]*

**SECTION 50-13-200.** (A) It is unlawful to take fish by snagging within one thousand feet downstream of a hydroelectric facility. Nothing in this section prohibits the use of lures or baited hooks.

Snagging fish

(B) It is unlawful to take trout by snagging.”

*[From existing 50-13-12]*

SECTION 2. Chapter 13, Title 50 of the 1976 Code is amended by adding:

**“SECTION 50-13-1146.** It is unlawful to possess more than one blue catfish (*Ictalurus furcatus*) greater than thirty six inches in length in any one day in Lake Marion, Lake Moultrie or the upper Santee, Congaree and Wateree Rivers. Any person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined in an amount not to exceed three hundred dollars or imprisoned for a term not to exceed thirty days.

*[From existing 50-13-390]*

**SECTION 50-13-1995.** The Department may permit the federal government to conduct fish culture and scientific investigations in the waters of the state in

Federal Government,  
Permit to Investigate  
*\*\*Moved from Part III*

1 connection with hatchery operations or management of those species under  
2 federal jurisdiction.”

3 *[From existing 50-13-370]*

4

5

6 SECTION 3. Sections 50-13-610, 50-13-620, 50-13-680, 50-13-690, and 50-  
7 13-730, of the 1976 Code are repealed.

8

9 SECTION 4. This act takes effect July 1, 2011.

10

---XX---

11

DRAFT