

## *Freshwater Fishing – Resident*

Code of Alabama

[www.legislature.state.al.us](http://www.legislature.state.al.us)**Section 9-11-53****Resident license - Freshwater fishing**

- (a) Any person who has been a bona fide resident of this state for a period of not less than 90 days next preceding and who is age 16 or older, but who has not yet reached the age of 65, shall not take, catch, kill or attempt to take, catch, or kill any fish in any of the waters of this state above that line defined in Rule 220-2-.42 (1) of the Department of Conservation and Natural Resources as published in the Alabama Administrative Code, as well as below that line in any of the ponds or lakes containing freshwater fish, subject to the exceptions contained herein, by any means, except designated commercial fishing gear and wire baskets, expressly allowed by law or regulation without first procuring an Annual Resident Freshwater Fishing License and paying therefor the sum of eleven dollars (\$11), plus a one dollar (\$1) issuance fee, which fees shall be subject to adjustment as provided for in Section 2 of the act adding this language; provided, however, that U.S. military veterans otherwise meeting the requirements of this section who are certified by the U.S. Veterans Administration as 20 percent or more disabled shall be entitled to purchase an alternative license to the annual resident freshwater fishing license to be known as the Disabled Military Veterans Appreciation Fishing License for a license fee of two dollars (\$2) plus a one dollar (\$1) issuance fee. All persons making application for the license provided for in this section shall present a valid Alabama driver's license or in the case of nondrivers proof of permanent residence. All licenses required by this section shall bear the Alabama driver's license number of the licensee, except in the case of nondrivers and active duty military personnel stationed in Alabama and their spouses and dependents who reside with them, and all licenses shall bear proof of residence as required by the Commissioner of Conservation and Natural Resources. Notwithstanding the foregoing, a member of the United States military stationed in Alabama on active duty, and his or her spouse and their dependents who reside with them, shall be deemed an Alabama resident for the purpose of procuring this license. Active duty military personnel stationed in Alabama and their spouses and dependents who reside with them shall provide military orders that assign them to Alabama. These licenses shall be issued in the manner and under the conditions, limitations, and exemptions as expressly provided for in this section. Persons obtaining the annual resident freshwater fishing license shall also be entitled to all of the privileges of the wildlife heritage license.
- (b) Notwithstanding any other provision of law, any resident 64 years of age procuring a resident freshwater fishing license pursuant to this section shall be issued the license on a lifetime basis. License fees from the sale of a lifetime license pursuant to this subsection to a resident age 64 shall be deposited to the credit of the Alabama Game and Fish Endowment Fund within the Game and Fish Fund.
- (c) A fishing license shall not be transferable, and it shall be unlawful to borrow, lend, or alter any fishing license, or for any license-issuing officer to falsify any license at the time of issuing the license. A violation of this subsection shall constitute a Class B misdemeanor punishable as provided by law.
- (d) Any citizen of this state who is entitled to purchase a fishing license as provided for in this section may procure a license by applying to any judge of probate, license commissioner, or other persons authorized and designated to issue fishing licenses, stating his or her name, age, place of residence, and post office address, and paying to the issuing officer the amount required in this section for the license. Judges of probate, license commissioners, or other persons authorized and designated to issue fishing licenses shall be entitled to the issuance fee set out herein for each license so issued, which fee shall be in addition to the amount designated in this section as the cost of the license. All fees collected by any judge of probate or license commissioner who is paid a salary for the performance of his or her duties shall be paid into the county treasury to the credit of the appropriate fund.
- (e) All persons under the age of 16 years shall be exempted from the requirement of procuring a license. Any resident of this state 65 years of age and older shall be exempted from the requirement of procuring a fishing license as provided for in this section, provided that the resident has on his or her person while fishing, a valid Alabama driver's license, or, in the case of nondrivers, proof of permanent Alabama residence and age.
- (f) Every person who obtains an annual resident freshwater fishing license without presenting a valid Alabama driver's license or in the case of nondrivers proof of permanent residence, or who provides any false information in the process of procuring the license, shall be guilty of a Class B misdemeanor punishable as provided by law.
- (g) The licenses required by this section shall not apply to a resident of this state on active military duty who is in this state on leave and who has proof of that status in his or her possession, nor to any person who fishes in a private pond. The license required by this section shall not apply to any person fishing from the bank with an ordinary hook and line in his or her county of residence. A person who fishes from the bank with ordinary hook and line in his or her own county of residence shall be required to have on his or her person, while so fishing, a reasonable proof of residency in the county. In addition, the licenses required by this section shall not apply to persons exempt from fishing license requirements while fishing at commercial fee fishing ponds pursuant to the provisions of Article 17 of this chapter.
- (h) The revenue derived from the sale of the license provided for in this section shall be remitted to the Department of Conservation and Natural Resources on the first day of each month by the issuing officer and shall be deposited into the State Treasury to the credit of the Game and Fish Fund and shall be used in the construction, maintenance, development, and supervision of public fishing lakes, for the purchase of lands to be used for public landings on public streams and for the development, protection, propagation, and distribution of fish and wildlife of this state.
- (i) Except as otherwise provided in this section, any person who violates this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than fifty dollars (\$50) nor more than two hundred fifty dollars (\$250) for each offense.

- (j) There shall be provided on the license form for the licenses provided for in this section a check-off option whereby the licensee may voluntarily choose to donate an additional one dollar (\$1) to the Division of Wildlife and Freshwater Fisheries for the purposes of research on fisheries and aquatic habitat as approved by the Conservation Advisory Board.

### **Section 9-11-68 Cost adjustments - Hunting and fishing licenses.**

Beginning with the license year October 1, 2010, and each license year thereafter, those license fees and issuance fees specified in Act 2007-418 shall be subject to a possible cost adjustment based on the following procedure: By the end of November of 2009, and each November thereafter, the Director of the Division of Wildlife and Freshwater Fisheries of the Department of Conservation and Natural Resources, with the approval of the Commissioner of the Department of Conservation and Natural Resources, may submit to the Chair of the Advisory Board of Conservation and Natural Resources, a recommendation of an increase in both the license fees and issuance fees for the licenses, based on the percentage increase in the Consumer Price Index for All Urban Consumers (CPI-U) (All Items - U.S. City Average) maintained by the U.S. Department of Labor, Bureau of Labor Statistics, for the immediately preceding yearly period of October to October, rounded down to the nearest nickel. The recommendation shall be subject to the approval of the Advisory Board of Conservation and Natural Resources on or before the end of March of each year. If the increase is approved by the Advisory Board of Conservation and Natural Resources, the board through its secretary, by the end of March of each year, shall submit the board's recommendation to the Chair of the Legislative Council, for the Legislative Council's review and approval. In the event the recommendation is not disapproved by the Legislative Council by the end of April of each year, the recommendation of the board shall be deemed to be approved. In the event one or more years elapses during which there is no adjustment as provided for herein, the same procedure may be followed to obtain a net cumulative increase since the previous increase.

### **Section 9-11-87 MEANS OF CATCHING GAME FISH GENERALLY.**

It shall be unlawful for any person to take, catch or kill or attempt to take, catch or kill any game fish by any other means than ordinary hook and line, artificial lure, troll or spinner in any of the public waters of this state. Any person who violates the provisions of this section shall be guilty of a misdemeanor and, on conviction, shall be punished by a fine of not less than \$25.00 no more than \$100.00.

### **Regulation 220-2-.34 Game Fish Designated.**

The following shall be named and designated as game fish: All members of the sunfish family (Centrarchidae) to include: Black Bass - largemouth, smallmouth, spotted, Alabama, shoal, and those species formerly known as "redeye" bass, which are now known separately as Coosa, Warrior, Cahaba, Tallapoosa, and Chattahoochee bass, based on their respective drainages. The Alabama bass was formerly known as spotted bass in the Mobile drainage. Bream - rock bass, flier, shadow bass, warmouth, redbreast, bluegill, longear, and redear (shellcracker). Crappie - black and white crappie. All members of the temperate bass family (Moronidae) to include: Temperate Bass - saltwater striped, white, and yellow bass and any hybrids thereof. All members of the pike family (Esocidae) to include: Pickerel - chain, redfin, and grass pickerel. The following members of the perch family (Percidae): Perch – sauger (jack), walleye, and yellow perch. The following members of the trout family (Salmonidae): Trout - rainbow trout.

### **Regulation 220-2-.46(1) Legal Methods and Equipment for the Taking of Commercial or Non-Game Fish**

The following are hereby designated as legal fishing equipment and methods for the taking of commercial or non-game fish or other unprotected fish in the fresh waters of this State. Any other equipment or methods used in the taking of commercial or non-game fish or other unprotected fish is a violation of this regulation:

- 1) By Licensed or License-Exempt Sport Fishermen
  - a. Rod and Reel
  - b. Hook and Line
  - c. Trot Line
  - d. Set Line, including limb lines and jug lines
  - e. Snag Line or Snare Line
    1. It shall be unlawful to fish any trotline, snag or snare line without plastic or metal tag attached containing the owners name and either their address or fishing license number or phone number.
    2. It shall be unlawful for any fisherman other than a licensed commercial fisherman to fish one or more trotline, snag or snare line or combination thereof containing more than 100 hooks.
  - f. Bowfishing with any longbow, recurve bow, compound bow or crossbow using barbed arrows attached by line to the bow, float, vessel, or shooter.
  - g. Spearfishing or Similar Instruments (underwater) by Special License
  - h. Gigs or Grabbling It shall be unlawful to set and leave unattended in the public waters of the State of Alabama for more than seven consecutive days all fishing gear provided, however, that any set line or bush hook left unattended for 48 hours may be removed by Game and Fish Division personnel and destroyed
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