

ENROLLED HOUSE
BILL NO. 2177

By: Erwin of the House

and

Shurden of the Senate

An Act relating to game and fish; amending 29 O.S. 1991, Sections 4-111, 5-405, as amended by Section 7, Chapter 36, O.S.L. 1993, 5-411, and 7-503, as amended by Section 17, Chapter 318, O.S.L. 1994 (29 O.S. Supp. 1995, Sections 5-405 and 7-503), which relate to fur dealer's license, certain protected game, and prohibition on the sale or trade of certain wildlife; modifying fee for fur dealer's license; allowing retention of pelts after certain time period; requiring written notification; adding certain animals; allowing the sale or trade of certain antlers or horns; stating how antlers or horns are to be prepared for sale or trade; allowing the sale or trade of legally acquired coyote carcasses or parts; providing an effective date; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 29 O.S. 1991, Section 4-111, is amended to read as follows:

Section 4-111. A. No person may buy, barter or deal in any fur or pelt of furbearers in this state without having first procured a license for such from the Director.

B. Fur dealers must provide advance notice of each and every place where such business is transacted. Such notice shall be to the Director in the manner prescribed by the Commission.

C. It shall be illegal and punishable under the provisions of this section, for anyone not having a current fur dealer's license to sell, barter or deal in any fur or pelt of furbearers in this state for shipment of said fur or pelt out of state without having obtained a current license and without reporting said sale to the Director.

D. The fee for a license under this section shall be:
~~1. For residents, Sixty-eight Dollars (\$68.00); and~~
~~2. For nonresidents, Three Hundred Twenty-five Dollars (\$325.00)~~ for residents or nonresidents.

E. All licenses issued pursuant to this section shall expire on June 30 of each year.

F. Any person convicted of violating the provisions of this section shall be punished by a fine of not less than Two Hundred Fifty Dollars (\$250.00) nor more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail for a period not to exceed thirty (30) days, or by both such fine and imprisonment.

SECTION 2. AMENDATORY 29 O.S. 1991, Section 5-405, as amended by Section 7, Chapter 36, O.S.L. 1993 (29 O.S. Supp. 1995, Section 5-405), is amended to read as follows:

Section 5-405. A. Except as otherwise provided, no person may hunt, kill, capture or otherwise take or destroy any furbearer, except from December 1 to January 31, both dates inclusive.

B. No person may take otter at any time.

C. ~~Persons taking~~ Any person who takes a pelt or pelts during the season shall have until ten (10) working days after the close of said the season to sell or dispose of such the pelts or to provide written notification to the Department of Wildlife Conservation that the person intends to hold the pelts for later sale. Written notification shall be made on a form prescribed by the Department.

D. Nothing contained in these provisions shall prevent the killing of furbearers actually found destroying livestock, poultry or exotic livestock, nor the running or chasing of fox, bobcat and raccoon with dogs for sport only. For purposes of this section the term "exotic livestock" means commercially raised exotic livestock including animals of the families bovidae, cervidae and antilocapridae or birds of the ratite group.

SECTION 3. AMENDATORY 29 O.S. 1991, Section 5-411, is amended to read as follows:

Section 5-411. A. 1. No person, including but not limited to persons licensed for commercial hunting or wildlife breeders, may hunt, chase, capture, shoot, shoot at, wound, attempt to take or take, attempt to kill or kill, or slaughter an antelope, moose, whitetail or mule deer, bear, elk, mountain lion, rocky mountain bighorn sheep, wild turkey, or any subspecies except in open season under Section 5-401 of this Code.

2. No person shall sell, offer for sale or buy or offer to buy an antelope, moose, whitetail or mule deer, bear, elk, mountain lion, rocky mountain bighorn sheep, wild turkey, or any subspecies or any parts thereof, except as otherwise provided by rules ~~and regulations~~ prescribed by the Oklahoma Wildlife Conservation Commission or by law.

3. The provisions of this subsection shall not be construed to prevent a hide, antlers or horns from a legally taken whitetail or mule deer to be, elk, moose, antelope or bighorn sheep from being sold or traded by a person who legally harvested or who legally possesses a deer the hide, antlers or horns. Any antlers or horns sold or traded shall have been removed from the skull of the deer in such a way as to leave no portion of the skull attached.

B. 1. It shall be unlawful for any person to have in his possession any meat, head, hide or any part of the carcass of any wildlife not legally taken.

2. Any meat, head, hide or any part of the carcass of any wildlife not legally taken shall be subject to immediate seizure by a game warden.

3. ~~Provided, the~~ The provisions of this subsection shall not apply to privately owned, domesticated animals so designated by the Oklahoma Wildlife Conservation Commission.

C. Persons excepted from the above are:

1. Department employees when in the performance of their duties.

2. Authorized agents when appointed under Section 3-202 of this title.

SECTION 4. AMENDATORY 29 O.S. 1991, Section 7-503, as amended by Section 17, Chapter 318, O.S.L. 1994 (29 O.S. Supp. 1995, Section 7-503), is amended to read as follows:

Section 7-503. A. Except as otherwise provided for by law, no person may buy, barter, trade, sell or offer, or expose for sale all or any part of any fish or wildlife or the nest or eggs of any bird, protected by law, ~~provided, the.~~ The carcasses or any parts thereof

of legally acquired furbearing animals or coyotes may be purchased, bartered, traded, sold or offered for sale.

B. Persons licensed to propagate or sell fish or wildlife pursuant to the provisions of the Oklahoma Wildlife Conservation Code and persons who have documentation of legally purchased fish or wildlife or parts thereof for resale are exempt from the provisions of this section.

C. All wildlife or parts thereof seized pursuant to the provisions of this section and determined to be unfit for release in a suitable locale shall be sold. The proceeds from said sale shall be deposited in the Wildlife Conservation Fund.

D. No person shall buy, barter, trade, or sell, within this state, any furbearing animal, game animal, or game fish, or any part thereof, acquired from a source within or outside of this state unless at the time and place of each such sale, the seller shall have in his possession an invoice signed by the person from whom said seller purchased said animals or fish, which shall contain a statement of the source from which said animals or fish were acquired, and the species and quantity of each species, or parts thereof, delivered to said seller.

E. The animal, bird, fish, or part thereof shall be confiscated by the arresting authority and forwarded to the Commission to be held until the matter is resolved. If a person violating the provisions of this section is convicted, the Commission shall retain and properly dispose of the confiscated animal, bird, fish, or part thereof. If a person accused of violating the provisions of this section is acquitted, the confiscated animal, bird, fish, or part thereof shall be returned to the possession of the person from whom it was confiscated.

F. The first violation of any of the provisions of this section shall be punishable by a fine of not less than One Hundred Dollars (\$100.00), nor more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail for a period not less than ten (10) days nor more than sixty (60) days, or by both said fine and imprisonment.

Subsequent violations of the provisions of this section shall be punishable by a fine of not less than One Thousand Dollars (\$1,000.00), or by imprisonment in the county jail for a period not less than ten (10) days nor more than sixty (60) days, or by both said fine and imprisonment.

SECTION 5. This act shall become effective July 1, 1996.

SECTION 6. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 24th day of April, 1996.

Speaker of the House of
Representatives

Passed the Senate the 8th day of April, 1996.

President

of the Senate