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Indicates New Matter

AMENDED

April 18, 2012

**H. 3730**

Introduced by Reps. Munnerlyn, Sabb, Vick, Hayes, Tribble and McLeod

S. Printed 4/18/12--S. [SEC 4/19/12 4:11 PM]

Read the first time April 28, 2011.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50‑9‑450 SO AS TO PROVIDE THAT A COMMERCIAL FUR LICENSE, IN ADDITION TO A STATE HUNTING LICENSE IS REQUIRED OF ALL PERSONS WHO SELL OR TAKE FURBEARING ANIMALS BY ANY MEANS, EXCEPT A PROCESSOR, MANUFACTURER, OR RETAILER, AND TO PROVIDE THAT A PERSON UNDER THE AGE OF SIXTEEN MAY PURCHASE A COMMERCIAL FUR LICENSE WITHOUT HAVING TO PURCHASE A STATE HUNTING LICENSE AFTER COMPLETING THE TRAPPERS EDUCATION COURSE; TO AMEND SECTION 50‑11‑40, RELATING TO THE UNLAWFUL USE OF RECORDED SOUNDS OR AMPLIFIED IMITATIONS OF CALLS OR SOUNDS BY A PERSON TO HUNT, CATCH, TAKE, OR KILL A GAME BIRD OR GAME ANIMAL OR ATTEMPT TO HUNT, CATCH, TAKE, OR KILL A GAME BIRD OR GAME ANIMAL BY USE OF THESE MEANS, SO AS TO DELETE THE PROVISION THAT MAKES IT UNLAWFUL TO CATCH OR KILL A GAME BIRD OR GAME ANIMAL OR ATTEMPT TO CATCH OR KILL A GAME BIRD OR GAME ANIMAL BY USE OF THESE MEANS AND TO PROVIDE THAT THIS SECTION DOES NOT APPLY TO THE HUNTING AND TAKING OF COYOTES; TO AMEND SECTION 50‑11‑1080, RELATING TO THE DEPARTMENT OF NATURAL RESOURCES DECLARING OPEN SEASON ON COYOTES, SO AS TO PROVIDE THAT THERE IS NO CLOSED SEASON FOR HUNTING OR TAKING COYOTES WITH WEAPONS; TO AMEND SECTION 50‑11‑2400, RELATING TO DEFINITIONS OF CERTAIN TERMS THAT PERTAIN TO THE TRAPPING OF FURBEARING ANIMALS, SO AS TO REVISE THE DEFINITION OF THE TERMS “FURBEARING ANIMAL” AND “COMMERCIAL PURPOSES”, AND TO PROVIDE DEFINITIONS FOR THE TERMS “OWNER” AND “AGENT”; TO AMEND SECTION 50‑11‑2430, RELATING TO REQUIRING A FUR TRAPPER TO CARRY PROOF THAT HE IS THE OWNER OF THE PROPERTY ON WHICH HE SETS HIS TRAPS, OR HAS PERMISSION FROM THE OWNER OF THE PROPERTY UPON WHICH HIS TRAPS ARE SET, SO AS TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 50‑11‑2440, RELATING TO REQUIRING A TRAPPER TO VISIT HIS TRAPS DAILY, SO AS TO MODIFY THE FREQUENCY THAT A TRAPPER MUST VISIT HIS TRAPS; TO AMEND SECTION 50‑11‑2445, RELATING TO THE REMOVAL OF TRAPPED WILDLIFE BY THE OWNERS OF TRAPS, SO AS TO ALLOW A TRAP OWNER’S DESIGNEE TO REMOVE WILDLIFE FROM HIS TRAPS, AND TO PROVIDE THAT A DESIGNEE MUST POSSESS WRITTEN PERMISSION FROM THE TRAP’S OWNER TO ACT ON HIS BEHALF AND MUST MEET ALL COMMERCIAL FUR LICENSING REQUIREMENTS OR BE LISTED ON A VALID DEPREDATION PERMIT; TO AMEND SECTION 50‑11‑2460, RELATING TO CERTAIN TRAPS THAT ARE ALLOWED FOR TRAPPING, SO AS TO MAKE TECHNICAL CHANGES, TO DELETE THE PROVISION THAT RESTRICTS THE TYPES OF TRAPS THAT ARE ALLOWED TO THOSE THAT ARE IN ACCORDANCE WITH APPROVED COMMERCIAL FUR LICENSES, TO ALLOW FOR THE USE OF LIVE TRAPS TO CAPTURE CERTAIN FERAL ANIMALS, TO REVISE THE SIZE OF FOOT‑HOLD TRAPS THAT ARE ALLOWABLE, TO PROVIDE THAT SMALL SNAP, BOX, AND OTHER TRAPS ARE ALLOWED FOR TRAPPING; TO AMEND SECTION 50‑11‑2475, RELATING TO THE ISSUANCE OF A FUR PROCESSOR’S LICENSE, SO AS TO REVISE THE COST OF THE LICENSE, TO REQUIRE A TAXIDERMIST TO KEEP A DAILY REGISTER OF THE NAME AND ADDRESS OF EACH PERSON FROM WHOM A FURBEARING ANIMAL IS RECEIVED ALONG WITH OTHER INFORMATION ABOUT THE ANIMAL, AND TO MAKE TECHNICAL CHANGES; AND TO REPEAL SECTIONS 50‑11‑1060, 50‑11‑1070, AND 50-11-2420 RELATING TO THE ISSUANCE OF A COMMERCIAL FUR LICENSE, THE ISSUANCE OF A PERMIT TO POISON PREDATORY ANIMALS, AND THE KILLING OF BOBCATS.

Amend Title To Conform

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Article 1, Chapter 9, Title 50 of the 1976 Code is amended by adding:

“Section 50‑9‑450. (A) In addition to a valid state hunting license, an annual commercial fur license is required of all persons who sell or take by any means, for commercial purposes, and all persons who trap or who attempt to trap any furbearing animals. The license is issued by the department at a cost of twenty‑five dollars for residents and two hundred dollars for nonresidents. Any person having in his possession more than five furbearing animals or raw or green pelts shall have a valid commercial fur license. The provisions of this section do not apply to a processor, manufacturer, or retailer.

(B) A person under the age of sixteen may purchase a commercial fur license without having to purchase a state hunting license after completing the ‘Trappers Education Course’.

(C) A person under the age of sixteen is exempt from the licensing requirements of this section while in the presence of a commercial fur licensee, but may not sell any furbearing animals or raw or green pelts unless licensed.”

SECTION 2. Section 50‑11‑40 of the 1976 Code is amended to read:

“Section 50‑11‑40. (A) It is unlawful for ~~any~~ a person to hunt, ~~catch,~~ take, ~~kill,~~ or attempt to hunt, ~~catch,~~ or take, ~~or kill any~~ a game bird or game animal by the use or aid of recorded calls or sounds or recorded or electronically amplified imitations of calls or sounds. This section does not apply to the hunting and taking of coyotes.

(B) ~~Any~~ A person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not less than fifty dollars nor more than one hundred dollars.”

SECTION 3. Section 50‑11‑1080 of the 1976 Code is amended to read:

“Section 50‑11‑1080. ~~Whenever it appears that coyotes are destroying birds, poultry, pigs, lambs, or other property in any county in this State or there is an apparent epidemic of rabies in any county, the department, upon the written request of a majority of the legislative delegation of any such county, shall declare an open season on coyotes, with the use of firearms, in the county suffering from the destruction and for such time as the delegation may consider desirable.~~ There is no closed season for hunting or taking coyotes with weapons.”

SECTION 4. Section 50‑11‑2400 of the 1976 Code is amended to read:

“Section 50‑11‑2400. For the purpose of this article:

(a) ‘furbearing animal’ includes red and gray fox, coyote, raccoon, opossum, muskrat, mink, skunk, otter, bobcat, weasel, or beaver;

(b) ‘fur buyer’ means any person who purchases any whole furbearing animal, raw or green furs, pelts, or hides;

(c) ‘take’ means to shoot, wound, kill, trap, capture, or collect, or attempt to shoot, wound, kill, trap, capture, or collect;

(d) ‘commercial purposes’ means taking or possessing any fur, pelt, hide, or whole animal for exchange, sale, trade, or barter and taking or possessing more than five furs, pelts, hides, or whole animals ~~is taking for commercial purposes~~;

(e) ‘trapper’ means any person who takes or attempts to take animals by trapping;

(f) ‘trap’ means any device, other than a weapon, designed or constructed for taking animals;

(g) ‘foot‑hold trap’ means a steel‑jawed, spring‑loaded device designed to capture the animal by the foot;

(h) ‘live trap’ means any box or cage designed for capturing and holding any animal unharmed;

(i) ‘processor’ means any person engaged in tanning or dressing furs, pelts, or hides of furbearing animals for commercial purposes;

(j) ‘transfer’ includes selling, bartering, exchanging, and transporting~~.~~;

(k) ‘owner’ means an individual or entity that owns property or equipment; and

(l) ‘agent’ means an individual or entity appointed by the owner to act in his place.”

SECTION 5. Section 50‑11‑2430 of the 1976 Code is amended to read:

“Section 50‑11‑2430. Any person engaged in the act of trapping ~~shall have proof that he is~~ must be the owner of the property on which the traps or devices are set or ~~carry on his person~~ have written permission from the landowner or his agent in possession to use the property for trapping.”

SECTION 6. Section 50‑11‑2440 of the 1976 Code is amended to read:

“Section 50‑11‑2440. A trapper ~~shall~~ must visit his traps ~~daily~~ at least once each day from two hours before sunrise to two hours after sunset and remove any animal caught ~~but no trapper may visit any trap at night and no trap may be set “in the open” or in paths, roadways, or runways commonly used by persons or domestic animals~~ with the exception that a trapper must visit body gripping traps when used in water sets and other traps when used in ‘submersion sets’ at least once every forty‑eight hours.”

SECTION 7. Section 50‑11‑2445 of the 1976 Code is amended to read:

“Section 50‑11‑2445. It is unlawful for ~~any~~ a person, other than the owner of the trap, or the owner’s designee, to remove any lawfully trapped wildlife from any legally set trap. A designee must have in his possession written permission from the owner of the trap or the owner’s agent, and must meet all commercial fur licensing requirements or be listed on a valid depredation permit. ~~Any~~ A person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not less than fifty dollars nor more than two hundred dollars, or imprisoned for no more than thirty days.”

SECTION 8. Section 50‑11‑2460 of the 1976 Code is amended to read:

“Section 50‑11‑2460. ~~The~~ (A) Only the following traps are allowed for trapping ~~in accordance with an approved commercial fur license~~ unless otherwise provided in this title:

(1) body gripping traps (generally known by the brand name ‘Conibear’) when used without bait ~~or scents~~ for vertical water sets and vertical slide sets only;

(2) live traps, which also may be used to capture feral animals at any time without a license or permit from the department;

(3) foot‑hold traps having an inside jaw spread of 5.75 inches or smaller when measured perpendicular to the pivot points when the trap is in the set position for land sets and ~~6.50~~ 7.25 inches or smaller when measured perpendicular to the pivot points when the trap is in the set position for water sets;

(4) enclosed foot‑hold traps such as the ‘Duffer’, ‘egg’, ‘coon‑ cuff’, and similarly designed dog‑proof style traps designed for raccoons;

(5) snares may be used ~~in~~ for water sets only~~.~~ ; small snap, box, and other commonly used traps to capture commensal rodents or snakes in homes and businesses may be used by property owners, occupants, or their designees, at any time to capture snakes, rats, and mice.

(B) All other traps, including ‘deadfall’ traps, are unlawful unless expressly authorized by the department by regulation.

(C) All traps must bear the owner’s name and address either directly thereon or by an attached identification tag.”

SECTION 9. Section 50‑11‑2475 of the 1976 Code is amended to read:

“Section 50‑11‑2475. A person engaged in processing hides of furbearing animals is required to obtain a fur processor’s license. The license is issued by the department at a cost of ~~five~~ two hundred dollars. The license is valid for the state fiscal year in which it is issued. A taxidermist who possesses any fur, pelt, hide, or whole furbearing animal legally owned by another person, which he is temporarily holding for the purpose of processing, is not required to obtain this license. A commercial fur licensee who only processes furs, hides, or pelts taken by him is not required to have a processor’s license. All processors ~~shall~~ and taxidermists must keep a daily register showing the name and address of each person from whom the fur, pelt, hide, or whole furbearing animal is received, the number of each species, and the date and place of origin. All processors ~~shall~~ must report the information to the department not later than June thirtieth of each year.”

SECTION 10. Section 50‑11‑2640 of the 1976 Code is amended by adding at the end:

“(D) Each animal taken or possessed in violation of this section constitutes a separate offense.”

SECTION 11. Section 50‑11‑2650 of the 1976 Code is amended to read:

“Section 50‑11‑2650. (A) Except as otherwise provided, a person who violates a provision of this article is guilty of a misdemeanor and, upon conviction, must be:

(1) for a first offense, fined not less than fifty dollars nor more than five hundred dollars or imprisoned not more than thirty days;

(2) for a second offense within two years of a conviction for the first offense, fined five hundred dollars or imprisoned not more than thirty days; and

(3) for a third or subsequent offense within two years of a conviction for the second offense, fined not less than one thousand dollars nor more than five thousand dollars or imprisoned for not more than six months.

(B) Each animal taken or possessed in violation of this article constitutes a separate offense.”

SECTION 12. Section 50‑9‑350(4) of the 1976 Code, as added by Act 233 of 2010, is amended to read:

“(4) ~~The apprentice license is valid only during the license year in which it is issued, and the duration of any other hunting permits obtained with this license may not exceed that of the apprentice license~~ An apprentice license holder may obtain other hunting permits and tags which are required for specific hunting activities.”

SECTION 13. Section 50‑11‑2570(A) of the 1976 Code is amended to read:

“(A) The department may issue special permits, at no cost to the applicant, for the taking, capturing, or transportation of ~~a furbearing animal or another game animal~~ wildlife which is destroying or damaging private or public property, wildlife habitat, game species, timber, ~~or growing~~ crops, or other agriculture so as to be a nuisance or for scientific, ~~or~~ research, or wildlife management purposes.”

SECTION 14. (A) Notwithstanding any other provision of law, a nonresident may obtain a lifetime combination license which grants the same privileges as a statewide combination license from the Department of Natural Resources at its Columbia office if:

(1) the applicant was born in this State and provides a notarized birth certificate from the South Carolina Department of Health and Environmental Control;

(2) the applicant has held title in fee simple, either in whole or in part, to real property located within this State for at least five years immediately preceding the date of application, and the applicant provides a notarized record of ownership from the appropriate county official in the county where the real property is located;

(3) the applicant, if born after June 30, 1979, and having attained the age of sixteen or older, complies with all hunter education requirements of this State and provides a certificate of completion for the course; and

(4) the applicant has not been charged for natural resource violations which could result in the suspension of hunting or fishing privileges.

(B) This license is available for purchase from July 1, 2012, through September 30, 2012. The fee is seven hundred dollars.

SECTION 15. Sections 50‑11‑1060, 50‑11‑1070, 50‑11‑2420, and 50‑11‑2575 of the 1976 Code are repealed.

SECTION 16. This act takes effect upon approval by the Governor.

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