**South Carolina General Assembly**

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**H. 3433**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Bales

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Currently residing in the House Committee on **Agriculture, Natural Resources and Environmental Affairs**

Summary: Trappers

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/4/2009 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2009\02-04-09.docx)‑11

2/4/2009 House Referred to Committee on **Agriculture, Natural Resources and Environmental Affairs** [HJ](file:///h:\HJ%20Archive\2009\02-04-09.docx)‑12

**VERSIONS OF THIS BILL**

[2/4/2009](file:///p:\pprever\2009-10\3433_20090204.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50‑11‑2580 SO AS TO PROVIDE THAT YOUTH UNDER THE AGE OF SIXTEEN WHO HAVE SUCCESSFULLY COMPLETED A TRAPPER EDUCATION COURSE ARE EXEMPT FROM CERTAIN STATE LICENSING REQUIREMENTS; TO AMEND SECTION 50‑11‑2400, RELATING TO THE DEFINITIONS APPLICABLE TO ARTICLE 12, CHAPTER 11, TITLE 50, SO AS TO DEFINE COYOTE AS A “FURBEARING ANIMAL” AND TO DEFINE THE TERMS “OWNER” AND “AGENT”; TO AMEND SECTION 50‑11‑2420, RELATING TO COMMERCIAL FUR LICENSES, SO AS TO DELETE THE REQUIREMENT THAT THE LICENSEE MUST CARRY THE LICENSE ON HIS PERSON; TO AMEND SECTION 50‑11‑2430, RELATING TO TRAPPERS CARRYING PROOF OF OWNERSHIP OR PERMISSION, SO AS TO DELETE THE REQUIREMENT THAT A TRAPPER MUST CARRY PROOF OF OWNERSHIP OR PERMISSION ON HIS PERSON; TO AMEND SECTION 50‑11‑2440, RELATING TO THE PROHIBITION AGAINST VISITING TRAPS AT NIGHT, SO AS TO ALLOW A TRAPPER TO VISIT A TRAP AT NIGHT; TO AMEND SECTION 50‑11‑2445, RELATING TO THE REMOVAL OF TRAPPED WILDLIFE, SO AS TO ALLOW INDIVIDUALS TO REMOVE LAWFULLY TRAPPED WILDLIFE WITH THE WRITTEN CONSENT OF THE OWNER OR HIS AGENT; TO AMEND SECTION 50‑11‑2460, RELATING TO LAWFUL TRAPS, SO AS TO PERMIT BAITED OR SCENTED BODY‑GRIPPING TRAPS; TO AMEND SECTION 50‑11‑2470, RELATING TO A FUR DEALER, BUYER, AND PROCESSOR’S LICENSE, SO AS TO DELETE THE REQUIREMENT THAT THE LICENSEE MUST CARRY THE LICENSE ON HIS PERSON; TO AMEND SECTION 50‑11‑2475, RELATING TO THE FUR PROCESSOR’S LICENSE, SO AS TO EXEMPT QUALIFYING NATIVE AMERICANS; TO AMEND SECTION 50‑11‑2480, RELATING TO THOSE EXEMPT FROM OBTAINING A FUR BUYER’S LICENSE, SO AS TO INCLUDE QUALIFYING NATIVE AMERICANS; TO AMEND SECTION 50‑11‑2515, RELATING TO PROHIBITED ACTS, SO AS TO REMOVE THE PROHIBITION AGAINST POSSESSION, ACQUISITION, OR TRANSFER OF AN UNTAGGED FUR, PELT, HIDE, OR WHOLE ANIMAL THAT REQUIRES A TAG; TO AMEND SECTION 50‑11‑2540, RELATING TO THE TRAPPING SEASON, SO AS TO PROVIDE THAT THE TRAPPING SEASON MAY EXCEED SIXTY‑ONE DAYS; AND TO AMEND SECTION 50‑11‑2575, RELATING TO SPECIAL BEAVER DEPREDATION PERMITS, SO AS TO ALLOW THE USE OF BEAVER SNARES AT WATER SETS.

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

SECTION 1. Article 12, Chapter 11, Title 50 of the 1976 Code is amended by adding:

“Section 50‑11‑2580. (A) After successful completion of a Trapper Education Course given or approved by the department, a youth under the age of sixteen may apply for up to a total of ten fur tags, if required, and take furbearing animals for commercial purposes without first obtaining a commercial fur harvest license or hunting license.

(B) A youth under the age of sixteen who only accompanies and assists a commercial fur licensee is exempt from other licensing requirements of this article, but may not sell furbearing animals or raw or green pelts unless in possession of a Trapper Education Certificate.

(C) No person who currently has his commercial fur license revoked, denied, or suspended may accompany a youth engaged in trapping activities or attempt to benefit commercially from a youth taking furbearing animals under the authority of a Trapper Education Certificate.

(D) A person convicted pursuant to subsection (C) is guilty of a misdemeanor and, upon conviction, must be fined not less than three hundred dollars nor more than one thousand dollars, or imprisoned for not more than sixty days for each violation. In addition to any other penalty, the hunting and fishing privileges of a person convicted pursuant to this subsection must be suspended by the department for an additional year. The department must notify the person of the additional suspension by mail, to the last known address provided by the person. Proof of attempted mailing serves as notification pursuant to the provisions of this subsection. The person may appeal the suspension pursuant to the provisions of the Administrative Procedures Act.”

SECTION 2. 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, raccoon, opossum, muskrat, mink, skunk, otter, bobcat, weasel, coyote, or beaver;

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

(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~~a person who takes or attempts to take animals by trapping;

(f) ‘trap’ means ~~any~~a 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~~a box or cage designed for capturing and holding ~~any~~an animal unharmed;

(i) ‘processor’ means ~~any~~a 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 an owner to act in his place.”

SECTION 3. Section 50‑11‑2420 of the 1976 Code is amended to read:

“Section 50‑11‑2420. In addition to a valid state hunting license, a commercial fur license is required of all persons who sell or take by any means, except trapping, furbearing animals 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. The license is valid for the fiscal year for which issued. ~~Any person taking animals under authority of a commercial fur license shall carry the license on his person. Any~~A 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.”

SECTION 4. Section 50‑11‑2430 of the 1976 Code is amended to read:

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

SECTION 5. Section 50‑11‑2440 of the 1976 Code is amended to read:

“Section 50‑11‑2440. A trapper shall visit his traps once daily 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 without the landowner’s consent.”

SECTION 6. 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 to remove ~~any~~lawfully trapped wildlife from ~~any~~a legally set trap without the written consent of the owner or his agent. ~~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 7. Section 50‑11‑2460 of the 1976 Code is amended to read:

“Section 50‑11‑2460. The following traps are allowed for trapping in accordance with an approved commercial fur license:

(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;

(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; and

(5) snares may be used ~~in~~at water sets only.

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

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

SECTION 8. Section 50‑11‑2470 of the 1976 Code is amended to read:

“Section 50‑11‑2470. ~~Any~~A person other than a retailer of finished fur or manufacturer of finished furs, pelts, hides, similar articles, or parts of them who buys for commercial purposes furs, pelts, hides, whole furbearing animals, similar articles, or parts of them in this State is required to have a fur buyer’s license. The license is issued by the department at a cost of one hundred dollars for residents and two hundred dollars for nonresidents. The license is valid for the fiscal year in which issued.~~Any person transacting business under authority of such a license shall carry that license on his person.~~”

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 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 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 report the information to the department not later than June thirtieth of each year. This section does not apply to a Native American who satisfies the criteria of Section 50‑11‑515(A).”

SECTION 10. Section 50‑11‑2480 of the 1976 Code is amended to read:

“Section 50‑11‑2480. The following persons are not required to obtain a fur buyer’s license:

(1) a person who acquires not more than five furs, pelts, hides, or whole animals for his own personal use during one season and not for barter, exchange, or sale;

(2) a person licensed as a fur processor;

(3) a taxidermist~~who possesses a fur, pelt, hide, or whole furbearing animal legally owned by another person which he is holding temporarily solely for the purposes of processing~~;

(4) a person acquiring furbearing animal carcasses without hides;

(5) an owner or enclosure operator of a permitted fox and coyote hunting enclosure who purchases live foxes or coyotes for release into the enclosure~~.~~; and

(6) a Native American who satisfies the criteria of Section 50‑11‑515(A).”

SECTION 11. Section 50‑11‑2515 of the 1976 Code is amended to read:

“Section 50‑11‑2515. Except as otherwise permitted in this article, it is unlawful to possess, acquire, or transfer any raw or green fur, pelt, hide, or whole furbearing animal.~~It is also unlawful to possess, acquire, or transfer any untagged fur, pelt, hide, or whole animal that requires a tag.~~ ~~Any~~A person convicted of a violation of this section is guilty of a misdemeanor and must be punished as provided in Section 50‑11‑2560. Each fur, pelt, hide, or whole animal found in violation of this section constitutes a separate offense.”

SECTION 12. Section 50‑11‑2540 of the 1976 Code is amended to read:

“Section 50‑11‑2540. It is lawful to trap furbearing animals for commercial purposes from ~~January~~December first to March first of each year. ~~The trapping season may not exceed sixty‑one days each year under any circumstances.~~It is unlawful to trap at any other ~~times~~time unless authorized by the department. It is lawful to take furbearing animals by other lawful means during the general open hunting seasons established~~therefor~~.”

SECTION 13. Section 50‑11‑2575 of the 1976 Code is amended to read:

“Section 50‑11‑2575. The department may issue special depredation permits, at no cost to the applicant, to allow the use of snares for beavers ~~in~~at water sets.”

SECTION 14. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 15. This act takes effect upon approval by the Governor.

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