

# As Passed by the House

124th General Assembly

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Sub. H. B. No. 493

REPRESENTATIVES Latta, Aslanides, Carey, Gilb, Seitz, Niehaus, Hagan, Husted, Sullivan, Webster, Roman, Kearns, Wilson, Rhine, Hollister, Collier, Evans, Bocchieri, Faber, Buehrer, Schaffer, Reidelbach, Blasdel, Carmichael, Sulzer, Brinkman, Distel, Seaver, Redfern, Grendell, Core, Wolpert, Clancy, Schmidt, Ogg, Flannery, Sferra, Carano, Peterson, Widowfield, McGregor, Fessler, Schneider, Hughes, Manning, Barrett, Flowers, Coates, Setzer, Raga, Cates, Latell, Driehaus, Jolivette

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## A B I L L

To amend sections 1531.01, 1533.05, 1533.07, 1533.121, 1533.73, and 1533.731, to enact section 1531.101, and to repeal sections 1531.021 and 1531.022 of the Revised Code to eliminate the special requirements governing Sunday hunting, to authorize the adoption of rules governing the hunting of migratory game birds, and to revise the law governing the disposition of deer killed by motor vehicles.

### BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

**Section 1.** That sections 1531.01, 1533.05, 1533.07, 1533.121, 1533.73, and 1533.731 be amended and section 1531.101 of the Revised Code be enacted to read as follows:

**Sec. 1531.01.** As used in this chapter and Chapter 1533. of the Revised Code:

(A) "Person" means individual, company, partnership,

corporation, municipal corporation, association, or any 15  
combination of individuals, or any employee, agent, or officer 16  
thereof. 17

(B) "Resident" means any individual who has resided in this 18  
state for not less than six months next preceding the date of 19  
making application for a license. 20

(C) "Nonresident" means any individual who does not qualify 21  
as a resident. 22

(D) "Division rule" or "rule" means any rule adopted by the 23  
chief of the division of wildlife under section 1531.10 of the 24  
Revised Code unless the context indicates otherwise. 25

(E) "Closed season" means that period of time during which 26  
the taking of wild animals protected by this chapter and Chapter 27  
1533. of the Revised Code is prohibited. 28

(F) "Open season" means that period of time during which the 29  
taking of wild animals protected by this chapter and Chapter 1533. 30  
of the Revised Code is permitted. 31

(G) "Take or taking" includes pursuing, shooting, hunting, 32  
killing, trapping, angling, fishing with a trotline, or netting 33  
any clam, mussel, crayfish, aquatic insect, fish, frog, turtle, 34  
wild bird, or wild quadruped, and any lesser act, such as 35  
wounding, or placing, setting, drawing, or using any other device 36  
for killing or capturing any wild animal, whether it results in 37  
killing or capturing the animal or not. "Take or taking" includes 38  
every attempt to kill or capture and every act of assistance to 39  
any other person in killing or capturing or attempting to kill or 40  
capture a wild animal. 41

(H) "Possession" means both actual and constructive 42  
possession and any control of things referred to. 43

(I) "Bag limit" means the number, measurement, or weight of 44

any kind of crayfish, aquatic insects, fish, frogs, turtles, wild  
birds, and wild quadrupeds permitted to be taken.

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(J) "Transport and transportation" means carrying or moving  
or causing to be carried or moved.

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(K) "Sell and sale" means barter, exchange, or offer or  
expose for sale.

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(L) "Whole to include part" means that every provision  
relating to any wild animal protected by this chapter and Chapter  
1533. of the Revised Code applies to any part of the wild animal  
with the same effect as it applies to the whole.

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(M) "Angling" means fishing with not more than two hand  
lines, not more than two units of rod and line, or a combination  
of not more than one hand line and one rod and line, either in  
hand or under control at any time while fishing. The hand line or  
rod and line shall have attached to it not more than three baited  
hooks, not more than three artificial fly rod lures, or one  
artificial bait casting lure equipped with not more than three  
sets of three hooks each.

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(N) "Trotline" means a device for catching fish that consists  
of a line having suspended from it, at frequent intervals,  
vertical lines with hooks attached.

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(O) "Fish" means a cold-blooded vertebrate having fins.

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(P) "Measurement of fish" means length from the end of the  
nose to the longest tip or end of the tail.

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(Q) "Wild birds" includes game birds and nongame birds.

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(R) "Game" includes game birds, game quadrupeds, and  
fur-bearing animals.

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(S) "Game birds" includes mourning doves, ringneck pheasants,  
bobwhite quail, ruffed grouse, sharp-tailed grouse, pinnated  
grouse, wild turkey, Hungarian partridge, Chukar partridge,

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woodcocks, black-breasted plover, golden plover, Wilson's snipe or 75  
jacksnipe, greater and lesser yellowlegs, rail, coots, gallinules, 76  
duck, geese, brant, and crows. 77

(T) "Nongame birds" includes all other wild birds not 78  
included and defined as game birds. 79

(U) "Wild quadrupeds" includes game quadrupeds and 80  
fur-bearing animals. 81

(V) "Game quadrupeds" includes cottontail rabbits, gray 82  
squirrels, black squirrels, fox squirrels, red squirrels, flying 83  
squirrels, chipmunks, groundhogs or woodchucks, white-tailed deer, 84  
wild boar, and black bears. 85

(W) "Fur-bearing animals" includes minks, weasels, raccoons, 86  
skunks, opossums, muskrats, fox, beavers, badgers, otters, 87  
coyotes, and bobcats. 88

(X) "Wild animals" includes mollusks, crustaceans, aquatic 89  
insects, fish, reptiles, amphibians, wild birds, wild quadrupeds, 90  
and all other wild mammals, but does not include domestic deer. 91

(Y) "Hunting" means pursuing, shooting, killing, following 92  
after or on the trail of, lying in wait for, shooting at, or 93  
wounding wild birds or wild quadrupeds while employing any device 94  
commonly used to kill or wound wild birds or wild quadrupeds 95  
whether or not the acts result in killing or wounding. "Hunting" 96  
includes every attempt to kill or wound and every act of 97  
assistance to any other person in killing or wounding or 98  
attempting to kill or wound wild birds or wild quadrupeds. 99

(Z) "Trapping" means securing or attempting to secure 100  
possession of a wild bird or wild quadruped by means of setting, 101  
placing, drawing, or using any device that is designed to close 102  
upon, hold fast, confine, or otherwise capture a wild bird or wild 103  
quadruped whether or not the means results in capture. "Trapping" 104  
includes every act of assistance to any other person in capturing 105

wild birds or wild quadrupeds by means of the device whether or not the means results in capture.	106 107
(AA) "Muskrat spear" means any device used in spearing muskrats.	108 109
(BB) "Channels and passages" means those narrow bodies of water lying between islands or between an island and the mainland in Lake Erie.	110 111 112
(CC) "Island" means a rock or land elevation above the waters of Lake Erie having an area of five or more acres above water.	113 114 115
(DD) "Reef" means an elevation of rock, either broken or in place, or gravel shown by the latest United States chart to be above the common level of the surrounding bottom of the lake, other than the rock bottom, or in place forming the base or foundation rock of an island or mainland and sloping from the shore of it. "Reef" also means all elevations shown by that chart to be above the common level of the sloping base or foundation rock of an island or mainland, whether running from the shore of an island or parallel with the contour of the shore of an island or in any other way and whether formed by rock, broken or in place, or from gravel.	116 117 118 119 120 121 122 123 124 125 126
(EE) "Fur farm" means any area used exclusively for raising fur-bearing animals or in addition thereto used for hunting game, the boundaries of which are plainly marked as such.	127 128 129
(FF) "Waters" includes any lake, pond, reservoir, stream, channel, lagoon, or other body of water, or any part thereof, whether natural or artificial.	130 131 132
(GG) "Crib" or "car" refers to that particular compartment of the net from which the fish are taken when the net is lifted.	133 134
(HH) "Commercial fish" means those species of fish permitted	135

to be taken, possessed, bought, or sold unless otherwise 136  
restricted by the Revised Code or division rule and are alewife 137  
(*Alosa pseudoharengus*), American eel (*Anguilla rostrata*), bowfin 138  
(*Amia calva*), burbot (*Lota lota*), carp (*Cyprinus carpio*), 139  
smallmouth buffalo (*Ictiobus bubalus*), bigmouth buffalo (*Ictiobus*  
*cyprinellus*), black bullhead (*Ictalurus melas*), yellow bullhead 140  
(*Ictalurus natalis*), brown bullhead (*Ictalurus nebulosus*), channel 141  
catfish (*Ictalurus punctatus*), flathead catfish (*Pylodictis*  
*olivaris*), whitefish (*Coregonus* sp.), cisco (*Coregonus* sp.), 142  
freshwater drum or sheepshead (*Aplodinotus grunniens*), gar 143  
(*Lepisosteus* sp.), gizzard shad (*Dorosoma cepedianum*), goldfish 144  
(*Carassius auratus*), lake trout (*Salvelinus namaycush*), mooneye 145  
(*Hiodon tergisus*), quillback (*Carpiodes cyprinus*), smelt 146  
(*Allosmerus elongatus*, *Hypomesus* sp., *Osmerus* sp., *Spirinchus*  
sp.), sturgeon (*Acipenser* sp., *Scaphirhynchus* sp.), sucker other 147  
than buffalo and quillback (*Carpiodes* sp., *Catostomus* sp., 148  
*Hypentelium* sp., *Minytrema* sp., *Moxostoma* sp.), white bass (*Morone*  
*chrysops*), white perch (*Roccus americanus*), and yellow perch 149  
(*Perca flavescens*). When the common name of a fish is used in this 150  
chapter or Chapter 1533. of the Revised Code, it refers to the 151  
fish designated by the scientific name in this definition. 152  
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(II) "Fishing" means taking or attempting to take fish by any 157  
method, and all other acts such as placing, setting, drawing, or 158  
using any device commonly used to take fish whether resulting in a 159  
taking or not. 160

(JJ) "Fillet" means the pieces of flesh taken or cut from 161  
both sides of a fish, joined to form one piece of flesh. 162

(KK) "Part fillet" means a piece of flesh taken or cut from 163  
one side of a fish. 164

(LL) "Round" when used in describing fish means with head and 165  
tail intact. 166

(MM) "Migrate" means the transit or movement of fish to or from one place to another as a result of natural forces or instinct and includes, but is not limited to, movement of fish induced or caused by changes in the water flow.

(NN) "Spreader bar" means a brail or rigid bar placed across the entire width of the back, at the top and bottom of the cars in all trap, crib, and fyke nets for the purpose of keeping the meshes hanging squarely while the nets are fishing.

(OO) "Fishing guide" means any person who, for consideration or hire, operates a boat, rents, leases, or otherwise furnishes angling devices, ice fishing shanties or shelters of any kind, or other fishing equipment, and accompanies, guides, directs, or assists any other person in order for the other person to engage in fishing.

(PP) "Net" means fishing devices with meshes composed of twine or synthetic material and includes, but is not limited to, trap nets, fyke nets, crib nets, carp aprons, dip nets, and seines, except minnow seines and minnow dip nets.

(QQ) "Commercial fishing gear" means seines, trap nets, fyke nets, dip nets, carp aprons, trotlines, other similar gear, and any boat used in conjunction with that gear, but does not include gill nets.

(RR) "Native wildlife" means any species of the animal kingdom indigenous to this state.

(SS) "Gill net" means a single section of fabric or netting seamed to a float line at the top and a lead line at the bottom, which is designed to entangle fish in the net openings as they swim into it.

(TT) "Tag fishing tournament" means a contest in which a participant pays a fee, or gives other valuable consideration, for a chance to win a prize by virtue of catching a tagged or

otherwise specifically marked fish within a limited period of 198  
time, but does not include a scheme of chance conducted under 199  
division (D)(1) of section 2915.02 of the Revised Code. 200

(UU) "Tenant" means an individual who resides on land for 201  
which the individual pays rent and whose annual income is 202  
primarily derived from agricultural production conducted on that 203  
land, as "agricultural production" is defined in section 929.01 of 204  
the Revised Code. 205

(VV) "Nonnative wildlife" means any wild animal not 206  
indigenous to this state, but does not include domestic deer. 207

(WW) "Reptiles" includes common musk turtle (*sternotherus* 208  
*odoratus*), common snapping turtle (*Chelydra serpentina* 209  
*serpentina*), spotted turtle (*Clemmys guttata*), eastern box turtle 210  
(*Terrapene carolina carolina*), Blanding's turtle (*Emydoidea* 211  
*blandingii*), common map turtle (*Graptemys geographica*), ouachita 212  
map turtle (*Graptemys pseudogeographica ouachitensis*), midland 213  
painted turtle (*Chrysemys picta marginata*), red-eared slider 214  
(*Trachemys scripta elegans*), eastern spiny softshell turtle 215  
(*Apalone spinifera spinifera*), midland smooth softshell turtle 216  
(*Apalone mutica mutica*), northern fence lizard (*Sceloporus* 217  
*undulatus hyacinthinus*), ground skink (*Scincella lateralis*), 218  
five-lined skink (*Eumeces fasciatus*), broadhead skink (*Eumeces* 219  
*laticeps*), northern coal skink (*Eumeces anthracinus anthracinus*), 220  
European wall lizard (*Podarcis muralis*), queen snake (*Regina* 221  
*septemvittata*), Kirtland's snake (*Clonophis kirtlandii*), northern 222  
water snake (*Nerodia sipedon sipedon*), Lake Erie watersnake 223  
(*Nerodia sipedon insularum*), copperbelly water snake (*Nerodia* 224  
*erythrogaster neglecta*), northern brown snake (*Storeria dekayi* 225  
*dekayi*), midland brown snake (*Storeria dekayi wrightorum*), 226  
northern redbelly snake (*Storeria occipitomaculata* 227  
*occipitomaculata*), eastern garter snake (*Thamnophis sirtalis* 228  
*sirtalis*), eastern plains garter snake (*Thamnophis radix radix*), 229



Butler's garter snake ( <i>Thamnophis butleri</i> ), shorthead garter snake	230
( <i>Thamnophis brachystoma</i> ), eastern ribbon snake ( <i>Thamnophis</i>	231
<i>sauritus sauritus</i> ), northern ribbon snake ( <i>Thamnophis sauritus</i>	232
<i>septentrionalis</i> ), eastern hognose snake ( <i>Heterodon platirhinos</i> ),	233
eastern smooth earth snake ( <i>Virginia valeriae valeriae</i> ), northern	234
ringneck snake ( <i>Diadophis punctatus edwardsii</i> ), midwest worm snake	235
( <i>Carphophis amoenus helenae</i> ), eastern worm snake ( <i>Carphophis</i>	236
<i>amoenus amoenus</i> ), black racer ( <i>Coluber constrictor constrictor</i> ),	237
blue racer ( <i>Coluber constrictor foxii</i> ), rough green snake	238
( <i>Opheodrys aestivus</i> ), smooth green snake ( <i>Opheodrys vernalis</i>	239
<i>vernalis</i> ), black rat snake ( <i>Elaphe obsoleta obsoleta</i> ), eastern fox	240
snake ( <i>Elaphe vulpina gloydi</i> ), black kingsnake ( <i>Lampropeltis</i>	241
<i>getula nigra</i> ), eastern milk snake ( <i>Lampropeltis triangulum</i>	242
<i>triangulum</i> ), northern copperhead ( <i>Agkistrodon contortrix mokasen</i> ),	243
eastern massasauga ( <i>Sistrurus catenatus catenatus</i> ), and timber	244
rattlesnake ( <i>Crotalus horridus horridus</i> ).	245
(XX) "Amphibians" includes eastern hellbender ( <i>Cryptobranchus</i>	246
<i>alleganiensis alleganiensis</i> ), mudpuppy ( <i>Necturus maculosus</i>	247
<i>maculosus</i> ), red-spotted newt ( <i>Notophthalmus viridescens</i>	248
<i>viridescens</i> ), Jefferson salamander ( <i>Ambystoma jeffersonianum</i> ),	249
spotted salamander ( <i>Ambystoma maculatum</i> ), blue-spotted salamander	250
( <i>Ambystoma laterale</i> ), smallmouth salamander ( <i>Ambystoma texanum</i> ),	251
streamside salamander ( <i>Ambystoma barbouri</i> ), marbled salamander	252
( <i>Ambystoma opacum</i> ), eastern tiger salamander ( <i>Ambystoma tigrinum</i>	253
<i>tigrinum</i> ), northern dusky salamander ( <i>Desmognathus fuscus fuscus</i> ),	254
mountain dusky salamander ( <i>Desmognathus ochrophaeus</i> ), redback	255
salamander ( <i>Plethodon cinereus</i> ), ravine salamander ( <i>Plethodon</i>	256
<i>richmondi</i> ), northern slimy salamander ( <i>Plethodon glutinosus</i> ),	257
Wehrle's salamander ( <i>Plethodon wehrlei</i> ), four-toed salamander	258
( <i>Hemidactylium scutatum</i> ), Kentucky spring salamander ( <i>Gyrinophilus</i>	259
<i>porphyriticus duryi</i> ), northern spring salamander ( <i>Gyrinophilus</i>	260
<i>porphyriticus porphyriticus</i> ), mud salamander ( <i>Pseudotriton</i>	261

montanus), northern red salamander (*Pseudotriton ruber ruber*), 262  
green salamander (*Aneides aeneus*), northern two-lined salamander 263  
(*Eurycea bislineata*), longtail salamander (*Eurycea longicauda* 264  
*longicauda*), cave salamander (*Eurycea lucifuga*), southern 265  
two-lined salamander (*Eurycea cirrigera*), Fowler's toad (*Bufo* 266  
*woodhousii fowleri*), American toad (*Bufo americanus*), eastern 267  
spadefoot (*Scaphiopus holbrookii*), Blanchard's cricket frog (*Acris* 268  
*crepitans blanchardi*), northern spring peeper (*Pseudacris crucifer* 269  
*crucifer*), gray treefrog (*Hyla versicolor*), Cope's gray treefrog 270  
(*Hyla chrysoscelis*), western chorus frog (*Pseudacris triseriata* 271  
*triseriata*), mountain chorus frog (*Pseudacris brachyphona*), 272  
bullfrog (*Rana catesbeiana*), green frog (*Rana clamitans melanota*), 273  
northern leopard frog (*Rana pipiens*), pickerel frog (*Rana* 274  
*palustris*), southern leopard frog (*Rana utricularia*), and wood 275  
frog (*Rana sylvatica*). 276

(YY) "Deer" means white-tailed deer (*Odocoileus* 277  
*virginianus*). 278

(ZZ) "Domestic deer" means nonnative deer that have been 279  
legally acquired or their offspring and that are held in private 280  
ownership for primarily agricultural purposes. 281

(AAA) "Migratory game bird" includes waterfowl (Anatidae); 282  
doves (Columbidae); cranes (Gruidae); rails, coots, and gallinules 283  
(Rallidae); and woodcock and snipe (Scolopacidae). 284

**Sec. 1531.101.** In addition to any other authority conferred 285  
on the chief of the division of wildlife, the chief may adopt 286  
rules under section 111.15 of the Revised Code that are necessary 287  
to establish acceptable methods of taking migratory game birds 288  
together with bag limits and designated seasons, areas, and hours 289  
for hunting them. 290

**Sec. 1533.05.** (A) As used in this section and section 291

1533.051 of the Revised Code, "raptor" means a live migratory bird 292  
of the family Falconidae or of the family Accipitridae other than 293  
a bald eagle (*Haliaeetus leucocephalus*). 294

(B) The chief of the division of wildlife may authorize the 295  
taking, possession, and transportation of raptors for use in the 296  
sport of falconry by rules adopted pursuant to section 1531.08 of 297  
the Revised Code. The rules shall be consistent with federal 298  
regulations governing raptors and may authorize the taking of game 299  
by the use of raptors, including taking with a trained raptor and 300  
a dog. 301

The chief, by rules adopted pursuant to section 1531.08 of 302  
the Revised Code, may do all of the following: 303

(1) Notwithstanding any other rule governing the taking of 304  
quail, authorize a person engaged in the sport of falconry to 305  
permit the person's raptor to take quail; 306

~~(2) Authorize a person engaged in the sport of falconry to 307  
permit the person's raptor to take game on Sunday within legal 308  
seasons; 309~~

~~(3) Authorize special falconry seasons; 310~~

~~(4)~~(3) Authorize a person engaged in the sport of falconry to 311  
possess and to permit the person's raptor to take European 312  
starlings, English sparrows, and common pigeons, other than homing 313  
pigeons, at any time. 314

(C) No person shall take, possess, or transport a raptor for 315  
use in the sport of falconry or shall practice falconry without a 316  
permit to do so issued by the chief. The duration of the permit 317  
shall be consistent with applicable federal requirements. The 318  
chief may require a separate permit for the taking of raptors. 319

The fees for permits shall be set by the chief in amounts 320  
sufficient to cover the expenses of the division of wildlife in 321  
exercising its authority under this section and may vary according 322

to class and type of permit. Moneys received from the sale of  
permits shall be paid into the state treasury to the credit of the  
fund established in section 1533.15 of the Revised Code.

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An applicant for a permit shall present a valid hunting  
license issued to the applicant for the current license year under  
section 1533.13 of the Revised Code and shall maintain a valid and  
current hunting license thereafter while taking or attempting to  
take game or raptors to be used for falconry purposes. A permit  
issued under this section is not transferable. No person shall  
carry a permit issued in the name of another person.

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(D) Every person, while engaged in falconry on the lands of  
another, shall carry the permit issued to the person under this  
section together with a valid hunting license issued to the person  
for the current license year under section 1533.13 of the Revised  
Code and shall exhibit the permit and license to any law  
enforcement officer requesting to see them.

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(E) Notwithstanding any other provision of this section, of  
any rule adopted by the chief governing falconry, or of any  
federal regulation governing raptors, no person shall take or  
disturb for the purpose of falconry the nest of a wild raptor or  
any young raptor in the wild that is not yet capable of flight  
except in such situations, and under the direct supervision of a  
wildlife officer, where the nest otherwise would be destroyed or  
the raptor would not survive.

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**Sec. 1533.07.** No person shall catch, kill, injure, pursue, or  
have in the person's possession, either dead or alive, or  
purchase, expose for sale, transport, or ship to a point within or  
without the state, or receive or deliver for transportation any  
bird other than a game bird, or have in the person's possession  
any part of the plumage, skin, or body of any bird other than a  
game bird, except as permitted in Chapter 1531. and this chapter

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of the Revised Code, or disturb or destroy the eggs, nest, or 354  
young of such a bird. 355

This section does not prohibit the lawful taking, killing, 356  
pursuing, or possession of any game bird during the open season 357  
for the bird. Hawks or owls causing damage to domestic animals or 358  
fowl may be killed by the owner of the domestic animal or fowl 359  
while the damage is occurring. Bald or golden eagles and ospreys 360  
shall not be killed or possessed at any time, except that eagles 361  
or ospreys may be possessed for educational purposes by 362  
governmental or municipal zoological parks, museums, and 363  
scientific or educational institutions. European starlings, 364  
English sparrows, and common pigeons, other than homing pigeons, 365  
may be killed at any time, ~~except as provided in section 1531.021~~ 366  
~~of the Revised Code,~~ and their nests or eggs may be destroyed, at 367  
any time. Blackbirds may be killed at any time, ~~except as provided~~ 368  
~~in section 1531.021 of the Revised Code,~~ when doing damage to 369  
grain or other property or when they become a nuisance. 370

Each bird or any part thereof taken or had in possession 371  
contrary to this section constitutes a separate offense. 372

**Sec. 1533.121.** Except as otherwise provided by division rule, 373  
the ~~resident~~ driver of every motor vehicle that has caused the 374  
death of a deer by striking the deer on a highway may take 375  
possession of the deer, provided that within twenty-four hours 376  
thereafter, ~~he~~ the driver reports the accident to a wildlife 377  
officer or other law enforcement officer. The officer shall 378  
investigate, and, if ~~he~~ the officer finds the death has been 379  
caused as alleged, ~~he~~ the officer shall give a certificate for 380  
legal ownership of the deer to the ~~person entitling the person to~~ 381  
~~the ownership of the carcass to be possessed and consumed by the~~ 382  
~~driver and the immediate family of the driver of the vehicle or by~~ 383  
~~giving the carcass.~~ If the deer is unclaimed, the certificate for 384  
legal ownership may be given to a private or public institution or 385

charity or to another person. 386

**Sec. 1533.73.** (A) Except as otherwise provided in this 387  
division or by division rule, licensed commercial bird shooting 388  
preserves may be established in any county of the state, but no 389  
such preserve shall be less than eighty acres or more than six 390  
hundred forty acres in area. A commercial bird shooting preserve 391  
shall be in one continuous block of land, except that the block of 392  
land may be intersected by highways or roads. No commercial bird 393  
shooting preserve shall be located within fifteen hundred feet of 394  
any other such preserve. 395

A licensed commercial bird shooting preserve operated by a 396  
municipal corporation on lands located within its corporate limits 397  
is not subject to this division. 398

(B) The boundaries of each licensed commercial bird shooting 399  
preserve shall be clearly defined by posting, at intervals of not 400  
more than two hundred feet, with signs prescribed by the division 401  
of wildlife. 402

(C) Mallard or black ducks and other game birds upon which 403  
there is an open season in this state, which the chief of the 404  
division may approve for such use, and that have been legally 405  
acquired or propagated under the authority of a propagating 406  
license issued under section 1533.71 of the Revised Code and 407  
marked and banded as provided in division (D) of this section may 408  
be released and harvested by shooting within the confines of any 409  
licensed commercial bird shooting preserve between sunrise and 410  
sunset, without regard to sex, daily bag limit, or open season, 411  
~~and including Sundays,~~ by licensed hunters authorized by the 412  
holder of the commercial bird shooting preserve license to hunt on 413  
those lands. 414

(D) All game birds released on a licensed commercial bird 415  
shooting preserve shall first be banded with a leg band that shall 416

bear upon it a symbol identifying the commercial bird shooting  
preserve. No game birds shall be possessed or transported outside  
the licensed area unless each such bird is tagged with a suitable  
tag or seal supplied by the division.

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(E) The holder of a commercial bird shooting preserve license  
shall raise, or purchase, and release on the licensed commercial  
bird shooting preserve at least five hundred pheasants annually.  
With the approval of the chief, the license holder may raise, or  
purchase, and release, in lieu of pheasants, a like number of  
other game birds. No person shall fail to release the required  
number of game birds on a licensed commercial bird shooting  
preserve as required by this division.

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(F) The holder of a commercial bird shooting preserve license  
is not liable for any damage to or destruction of growing crops on  
land adjacent to the preserve caused by game birds released on the  
preserve.

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(G) No holder of a commercial bird shooting preserve license  
shall violate this chapter or Chapter 1531. of the Revised Code or  
any division rule.

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**Sec. 1533.731.** (A) No wild animal hunting preserve shall be  
less than eighty acres in area. Each such preserve shall be in one  
continuous block of land, except that the block of land may be  
intersected by highways or roads. No wild animal hunting preserve  
shall be located within three thousand feet of another such  
preserve or of a commercial bird shooting preserve licensed under  
section 1533.72 of the Revised Code.

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The boundaries of each wild animal hunting preserve shall be  
clearly defined by posting, at intervals of not more than two  
hundred feet, with signs prescribed by the division of wildlife.  
Each wild animal hunting preserve shall be surrounded by a fence  
at least six feet in height that is constructed of a woven wire

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mesh, or such other enclosure approved by the chief of the  
division of wildlife.

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(B)(1) Except as provided in divisions (B)(2) and (3) of this  
section, game and nonnative wildlife that have been approved by  
the chief for such use, that have been legally acquired or  
propagated under the authority of a propagating license issued  
under section 1533.71 of the Revised Code, and that are marked and  
tagged as provided in division (C) of this section may be released  
and hunted within the confines of the licensed wild animal hunting  
preserve between sunrise and sunset, without regard to sex, bag  
limit, or open season, ~~and including Sundays,~~ by licensed hunters  
authorized by the holder of the wild animal hunting preserve  
license to hunt on those lands. The chief shall establish, by  
rule, the allowable methods of taking game and nonnative wildlife  
in a wild animal hunting preserve.

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(2) No game or nonnative wildlife on the federal endangered  
species list established in accordance with the "Endangered  
Species Act of 1973," 87 Stat. 884, 16 U.S.C.A. 1531, as amended,  
or the state endangered species list established in rules adopted  
under section 1531.25 of the Revised Code, no bears native to  
North America, and no large carnivores of the family Felidae shall  
be released for hunting or hunted in any wild animal hunting  
preserve in this state.

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(3) No person shall release for hunting or hunt within a wild  
animal hunting preserve any game or nonnative wildlife not listed  
in the application for a license for that preserve.

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(C) All game and nonnative wildlife released on a wild animal  
hunting preserve shall be identified with a tag that shall bear  
upon it a symbol identifying the preserve.

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(D) For the purposes of division (B) of section 1533.02 of  
the Revised Code, the owner or operator of a wild animal hunting

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preserve shall furnish each person who takes any game or nonnative  
wildlife from the preserve a certificate bearing a description of  
the animal, the date the animal was taken, and the name of the  
preserve.

(E) The chief shall adopt rules under section 1531.10 of the  
Revised Code that provide for the safety of the public and for the  
protection of the game and nonnative wildlife to be hunted in a  
wild animal hunting preserve prior to their release in the  
preserve.

(F) No holder of a wild animal hunting preserve license shall  
violate Chapter 1531. or this chapter of the Revised Code or any  
division rule.

(G) This section does not authorize the hunting of game birds  
in a licensed wild animal hunting preserve.

**Section 2.** That existing sections 1531.01, 1533.05, 1533.07,  
1533.121, 1533.73, and 1533.731 and sections 1531.021 and 1531.022  
of the Revised Code are hereby repealed.