

As Reported by the Senate Agriculture Committee

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

SENATORS Mumper, Carnes, Shoemaker, DiDonato, Harris

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, 14
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 any kind of crayfish, aquatic insects, fish, frogs, turtles, wild birds, and wild quadrupeds permitted to be taken.

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

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

(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.

(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.

(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.

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

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

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

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

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

grouse, wild turkey, Hungarian partridge, Chukar partridge, 74
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 106
not the means results in capture. 107

(AA) "Muskrat spear" means any device used in spearing 108
muskrats. 109

(BB) "Channels and passages" means those narrow bodies of 110
water lying between islands or between an island and the mainland 111
in Lake Erie. 112

(CC) "Island" means a rock or land elevation above the waters 113
of Lake Erie having an area of five or more acres above water. 114
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(DD) "Reef" means an elevation of rock, either broken or in 116
place, or gravel shown by the latest United States chart to be 117
above the common level of the surrounding bottom of the lake, 118
other than the rock bottom, or in place forming the base or 119
foundation rock of an island or mainland and sloping from the 120
shore of it. "Reef" also means all elevations shown by that chart 121
to be above the common level of the sloping base or foundation 122
rock of an island or mainland, whether running from the shore of 123
an island or parallel with the contour of the shore of an island 124
or in any other way and whether formed by rock, broken or in 125
place, or from gravel. 126

(EE) "Fur farm" means any area used exclusively for raising 127
fur-bearing animals or in addition thereto used for hunting game, 128
the boundaries of which are plainly marked as such. 129

(FF) "Waters" includes any lake, pond, reservoir, stream, 130
channel, lagoon, or other body of water, or any part thereof, 131
whether natural or artificial. 132

(GG) "Crib" or "car" refers to that particular compartment of 133
the net from which the fish are taken when the net is lifted. 134

(HH) "Commercial fish" means those species of fish permitted to be taken, possessed, bought, or sold unless otherwise restricted by the Revised Code or division rule and are alewife (Alosa pseudoharengus), American eel (Anguilla rostrata), bowfin (Amia calva), burbot (Lota lota), carp (Cyprinus carpio), smallmouth buffalo (Ictiobus bubalus), bigmouth buffalo (Ictiobus cyprinellus), black bullhead (Ictalurus melas), yellow bullhead (Ictalurus natalis), brown bullhead (Ictalurus nebulosus), channel catfish (Ictalurus punctatus), flathead catfish (Pylodictis olivaris), whitefish (Coregonus sp.), cisco (Coregonus sp.), freshwater drum or sheepshead (Aplodinotus grunniens), gar (Lepisosteus sp.), gizzard shad (Dorosoma cepedianum), goldfish (Carassius auratus), lake trout (Salvelinus namaycush), mooneye (Hiodon tergisus), quillback (Carpiodes cyprinus), smelt (Allosmerus elongatus, Hypomesus sp., Osmerus sp., Spirinchus sp.), sturgeon (Acipenser sp., Scaphirhynchus sp.), sucker other than buffalo and quillback (Carpiodes sp., Catostomus sp., Hypentelium sp., Minytrema sp., Moxostoma sp.), white bass (Morone chrysops), white perch (Roccus americanus), and yellow perch (Perca flavescens). When the common name of a fish is used in this chapter or Chapter 1533. of the Revised Code, it refers to the fish designated by the scientific name in this definition.

(II) "Fishing" means taking or attempting to take fish by any method, and all other acts such as placing, setting, drawing, or using any device commonly used to take fish whether resulting in a taking or not.

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

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

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

(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

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| 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.

(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.

(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.

(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.

(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.

(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.