

As Introduced

**130th General Assembly
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H. B. No. 199

Representatives Burkley, Hackett

**Cosponsors: Representatives Adams, J., Buchy, Beck, Brenner, Brown,
Derickson, Hayes, Hill, Johnson, Smith, Stebelton, Thompson, Wachtmann,
Bishoff, Cera**

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A B I L L

To amend sections 1531.01 and 1533.121 of the Revised Code to add feral hogs to the game list and to allow the possession of any wild turkey, wild boar, or feral hog that is struck and killed by the driver of a motor vehicle.

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

Section 1. That sections 1531.01 and 1533.121 of the Revised Code be amended to read as follows:

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

(A) "Person" means a person as defined in section 1.59 of the Revised Code or a company; an employee, agent, or officer of such a person or company; a combination of individuals; the state; a political subdivision of the state; an interstate body created by a compact; or the federal government or a department, agency, or instrumentality of it.

(B) "Resident" means any individual who has resided in this

state for not less than six months next preceding the date of 17
making application for a license. 18

(C) "Nonresident" means any individual who does not qualify 19
as a resident. 20

(D) "Division rule" or "rule" means any rule adopted by the 21
chief of the division of wildlife under section 1531.10 of the 22
Revised Code unless the context indicates otherwise. 23

(E) "Closed season" means that period of time during which 24
the taking of wild animals protected by this chapter and Chapter 25
1533. of the Revised Code is prohibited. 26

(F) "Open season" means that period of time during which the 27
taking of wild animals protected by this chapter and Chapter 1533. 28
of the Revised Code is permitted. 29

(G) "Take or taking" includes pursuing, shooting, hunting, 30
killing, trapping, angling, fishing with a trotline, or netting 31
any clam, mussel, crayfish, aquatic insect, fish, frog, turtle, 32
wild bird, or wild quadruped, and any lesser act, such as 33
wounding, or placing, setting, drawing, or using any other device 34
for killing or capturing any wild animal, whether it results in 35
killing or capturing the animal or not. "Take or taking" includes 36
every attempt to kill or capture and every act of assistance to 37
any other person in killing or capturing or attempting to kill or 38
capture a wild animal. 39

(H) "Possession" means both actual and constructive 40
possession and any control of things referred to. 41

(I) "Bag limit" means the number, measurement, or weight of 42
any kind of crayfish, aquatic insects, fish, frogs, turtles, wild 43
birds, and wild quadrupeds permitted to be taken. 44

(J) "Transport and transportation" means carrying or moving 45
or causing to be carried or moved. 46

(K) "Sell and sale" means barter, exchange, or offer or
expose for sale. 47
48

(L) "Whole to include part" means that every provision 49
relating to any wild animal protected by this chapter and Chapter 50
1533. of the Revised Code applies to any part of the wild animal 51
with the same effect as it applies to the whole. 52

(M) "Angling" means fishing with not more than two hand 53
lines, not more than two units of rod and line, or a combination 54
of not more than one hand line and one rod and line, either in 55
hand or under control at any time while fishing. The hand line or 56
rod and line shall have attached to it not more than three baited 57
hooks, not more than three artificial fly rod lures, or one 58
artificial bait casting lure equipped with not more than three 59
sets of three hooks each. 60

(N) "Trotline" means a device for catching fish that consists 61
of a line having suspended from it, at frequent intervals, 62
vertical lines with hooks attached. 63

(O) "Fish" means a cold-blooded vertebrate having fins. 64

(P) "Measurement of fish" means length from the end of the 65
nose to the longest tip or end of the tail. 66

(Q) "Wild birds" includes game birds and nongame birds. 67

(R) "Game" includes game birds, game quadrupeds, and 68
fur-bearing animals. 69

(S) "Game birds" includes mourning doves, ringneck pheasants, 70
bobwhite quail, ruffed grouse, sharp-tailed grouse, pinnated 71
grouse, wild turkey, Hungarian partridge, Chukar partridge, 72
woodcocks, black-breasted plover, golden plover, Wilson's snipe or 73
jacksnipe, greater and lesser yellowlegs, rail, coots, gallinules, 74
duck, geese, brant, and crows. 75

(T) "Nongame birds" includes all other wild birds not 76

included and defined as game birds or migratory game birds.	77
(U) "Wild quadrupeds" includes game quadrupeds and fur-bearing animals.	78 79
(V) "Game quadrupeds" includes cottontail rabbits, gray squirrels, black squirrels, fox squirrels, red squirrels, flying squirrels, chipmunks, groundhogs or woodchucks, white-tailed deer, wild boar, <u>feral hogs</u> , and black bears.	80 81 82 83
(W) "Fur-bearing animals" includes minks, weasels, raccoons, skunks, opossums, muskrats, fox, beavers, badgers, otters, coyotes, and bobcats.	84 85 86
(X) "Wild animals" includes mollusks, crustaceans, aquatic insects, fish, reptiles, amphibians, wild birds, wild quadrupeds, and all other wild mammals, but does not include domestic deer.	87 88 89
(Y) "Hunting" means pursuing, shooting, killing, following after or on the trail of, lying in wait for, shooting at, or wounding wild birds or wild quadrupeds while employing any device commonly used to kill or wound wild birds or wild quadrupeds whether or not the acts result in killing or wounding. "Hunting" includes every attempt to kill or wound and every act of assistance to any other person in killing or wounding or attempting to kill or wound wild birds or wild quadrupeds.	90 91 92 93 94 95 96 97
(Z) "Trapping" means securing or attempting to secure possession of a wild bird or wild quadruped by means of setting, placing, drawing, or using any device that is designed to close upon, hold fast, confine, or otherwise capture a wild bird or wild quadruped whether or not the means results in capture. "Trapping" includes every act of assistance to any other person in capturing wild birds or wild quadrupeds by means of the device whether or not the means results in capture.	98 99 100 101 102 103 104 105
(AA) "Muskrat spear" means any device used in spearing muskrats.	106 107

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

(CC) "Island" means a rock or land elevation above the waters of Lake Erie having an area of five or more acres above water.

(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.

(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.

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

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

(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 139
catfish (Ictalurus punctatus), flathead catfish (Pylodictis 140
olivaris), whitefish (Coregonus sp.), cisco (Coregonus sp.), 141
freshwater drum or sheepshead (Aplodinotus grunniens), gar 142
(Lepisosteus sp.), gizzard shad (Dorosoma cepedianum), goldfish 143
(Carassius auratus), lake trout (Salvelinus namaycush), mooneye 144
(Hiodon tergisus), quillback (Carpionodes cyprinus), smelt 145
(Allosmerus elongatus, Hypomesus sp., Osmerus sp., Spirinchus 146
sp.), sturgeon (Acipenser sp., Scaphirhynchus sp.), sucker other 147
than buffalo and quillback (Carpionodes sp., Catostomus sp., 148
Hypentelium sp., Minytrema sp., Moxostoma sp.), white bass (Morone 149
chrysops), white perch (Roccus americanus), and yellow perch 150
(Perca flavescens). When the common name of a fish is used in this 151
chapter or Chapter 1533. of the Revised Code, it refers to the 152
fish designated by the scientific name in this definition. 153

(II) "Fishing" means taking or attempting to take fish by any 154
method, and all other acts such as placing, setting, drawing, or 155
using any device commonly used to take fish whether resulting in a 156
taking or not. 157

(JJ) "Fillet" means the pieces of flesh taken or cut from 158
both sides of a fish, joined to form one piece of flesh. 159

(KK) "Part fillet" means a piece of flesh taken or cut from 160
one side of a fish. 161

(LL) "Round" when used in describing fish means with head and 162
tail intact. 163

(MM) "Migrate" means the transit or movement of fish to or 164
from one place to another as a result of natural forces or 165
instinct and includes, but is not limited to, movement of fish 166
induced or caused by changes in the water flow. 167

(NN) "Spreader bar" means a brail or rigid bar placed across 168
the entire width of the back, at the top and bottom of the cars in 169

all trap, crib, and fyke nets for the purpose of keeping the 170
meshes hanging squarely while the nets are fishing. 171

(OO) "Fishing guide" means any person who, for consideration 172
or hire, operates a boat, rents, leases, or otherwise furnishes 173
angling devices, ice fishing shanties or shelters of any kind, or 174
other fishing equipment, and accompanies, guides, directs, or 175
assists any other person in order for the other person to engage 176
in fishing. 177

(PP) "Net" means fishing devices with meshes composed of 178
twine or synthetic material and includes, but is not limited to, 179
trap nets, fyke nets, crib nets, carp aprons, dip nets, and 180
seines, except minnow seines and minnow dip nets. 181

(QQ) "Commercial fishing gear" means seines, trap nets, fyke 182
nets, dip nets, carp aprons, trotlines, other similar gear, and 183
any boat used in conjunction with that gear, but does not include 184
gill nets. 185

(RR) "Native wildlife" means any species of the animal 186
kingdom indigenous to this state. 187

(SS) "Gill net" means a single section of fabric or netting 188
seamed to a float line at the top and a lead line at the bottom, 189
which is designed to entangle fish in the net openings as they 190
swim into it. 191

(TT) "Tag fishing tournament" means a contest in which a 192
participant pays a fee, or gives other valuable consideration, for 193
a chance to win a prize by virtue of catching a tagged or 194
otherwise specifically marked fish within a limited period of 195
time. 196

(UU) "Tenant" means an individual who resides on land for 197
which the individual pays rent and whose annual income is 198
primarily derived from agricultural production conducted on that 199
land, as "agricultural production" is defined in section 929.01 of 200

the Revised Code.	201
(VV) "Nonnative wildlife" means any wild animal not indigenous to this state, but does not include domestic deer.	202 203
(WW) "Reptiles" includes common musk turtle (<i>sternotherus odoratus</i>), common snapping turtle (<i>Chelydra serpentina serpentina</i>), spotted turtle (<i>Clemmys guttata</i>), eastern box turtle (<i>Terrapene carolina carolina</i>), Blanding's turtle (<i>Emydoidea blandingii</i>), common map turtle (<i>Graptemys geographica</i>), ouachita map turtle (<i>Graptemys pseudogeographica ouachitensis</i>), midland painted turtle (<i>Chrysemys picta marginata</i>), red-eared slider (<i>Trachemys scripta elegans</i>), eastern spiny softshell turtle (<i>Apalone spinifera spinifera</i>), midland smooth softshell turtle (<i>Apalone mutica mutica</i>), northern fence lizard (<i>Sceloporus undulatus hyacinthinus</i>), ground skink (<i>Scincella lateralis</i>), five-lined skink (<i>Eumeces fasciatus</i>), broadhead skink (<i>Eumeces laticeps</i>), northern coal skink (<i>Eumeces anthracinus anthracinus</i>), European wall lizard (<i>Podarcis muralis</i>), queen snake (<i>Regina septemvittata</i>), Kirtland's snake (<i>Clonophis kirtlandii</i>), northern water snake (<i>Nerodia sipedon sipedon</i>), Lake Erie watersnake (<i>Nerodia sipedon insularum</i>), copperbelly water snake (<i>Nerodia erythrogaster neglecta</i>), northern brown snake (<i>Storeria dekayi dekayi</i>), midland brown snake (<i>Storeria dekayi wrightorum</i>), northern redbelly snake (<i>Storeria occipitomaculata occipitomaculata</i>), eastern garter snake (<i>Thamnophis sirtalis sirtalis</i>), eastern plains garter snake (<i>Thamnophis radix radix</i>), Butler's garter snake (<i>Thamnophis butleri</i>), shorthead garter snake (<i>Thamnophis brachystoma</i>), eastern ribbon snake (<i>Thamnophis sauritus sauritus</i>), northern ribbon snake (<i>Thamnophis sauritus septentrionalis</i>), eastern hognose snake (<i>Heterodon platirhinos</i>), eastern smooth earth snake (<i>Virginia valeriae valeriae</i>), northern ringneck snake (<i>Diadophis punctatus edwardsii</i>), midwest worm snake (<i>Carphophis amoenus helenae</i>), eastern worm snake (<i>Carphophis</i>	204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232

amoenus amoenus), black racer (<i>Coluber constrictor constrictor</i>),	233
blue racer (<i>Coluber constrictor foxii</i>), rough green snake	234
(<i>Opheodrys aestivus</i>), smooth green snake (<i>Opheodrys vernalis</i>	235
<i>vernalis</i>), black rat snake (<i>Elaphe obsoleta obsoleta</i>), eastern fox	236
snake (<i>Elaphe vulpina gloydi</i>), black kingsnake (<i>Lampropeltis</i>	237
<i>getula nigra</i>), eastern milk snake (<i>Lampropeltis triangulum</i>	238
<i>triangulum</i>), northern copperhead (<i>Agkistrodon contortrix mokasen</i>),	239
eastern massasauga (<i>Sistrurus catenatus catenatus</i>), and timber	240
rattlesnake (<i>Crotalus horridus horridus</i>).	241
(XX) "Amphibians" includes eastern hellbender (<i>Cryptobranchus</i>	242
<i>alleganiensis alleganiensis</i>), mudpuppy (<i>Necturus maculosus</i>	243
<i>maculosus</i>), red-spotted newt (<i>Notophthalmus viridescens</i>	244
<i>viridescens</i>), Jefferson salamander (<i>Ambystoma jeffersonianum</i>),	245
spotted salamander (<i>Ambystoma maculatum</i>), blue-spotted salamander	246
(<i>Ambystoma laterale</i>), smallmouth salamander (<i>Ambystoma texanum</i>),	247
streamside salamander (<i>Ambystoma barbouri</i>), marbled salamander	248
(<i>Ambystoma opacum</i>), eastern tiger salamander (<i>Ambystoma tigrinum</i>	249
<i>tigrinum</i>), northern dusky salamander (<i>Desmognathus fuscus fuscus</i>),	250
mountain dusky salamander (<i>Desmognathus ochrophaeus</i>), redback	251
salamander (<i>Plethodon cinereus</i>), ravine salamander (<i>Plethodon</i>	252
<i>richmondi</i>), northern slimy salamander (<i>Plethodon glutinosus</i>),	253
Wehrle's salamander (<i>Plethodon wehrlei</i>), four-toed salamander	254
(<i>Hemidactylium scutatum</i>), Kentucky spring salamander (<i>Gyrinophilus</i>	255
<i>porphyriticus duryi</i>), northern spring salamander (<i>Gyrinophilus</i>	256
<i>porphyriticus porphyriticus</i>), mud salamander (<i>Pseudotriton</i>	257
<i>montanus</i>), northern red salamander (<i>Pseudotriton ruber ruber</i>),	258
green salamander (<i>Aneides aeneus</i>), northern two-lined salamander	259
(<i>Eurycea bislineata</i>), longtail salamander (<i>Eurycea longicauda</i>	260
<i>longicauda</i>), cave salamander (<i>Eurycea lucifuga</i>), southern	261
two-lined salamander (<i>Eurycea cirrigera</i>), Fowler's toad (<i>Bufo</i>	262
<i>woodhousii fowleri</i>), American toad (<i>Bufo americanus</i>), eastern	263
spadefoot (<i>Scaphiopus holbrookii</i>), Blanchard's cricket frog (<i>Acris</i>	264
<i>crepitans blanchardi</i>), northern spring peeper (<i>Pseudacris crucifer</i>	265

crucifer), gray treefrog (<i>Hyla versicolor</i>), Cope's gray treefrog	266
(<i>Hyla chrysoscelis</i>), western chorus frog (<i>Pseudacris triseriata</i>	267
<i>triseriata</i>), mountain chorus frog (<i>Pseudacris brachyphona</i>),	268
bullfrog (<i>Rana catesbeiana</i>), green frog (<i>Rana clamitans melanota</i>),	269
northern leopard frog (<i>Rana pipiens</i>), pickerel frog (<i>Rana</i>	270
<i>palustris</i>), southern leopard frog (<i>Rana utricularia</i>), and wood	271
frog (<i>Rana sylvatica</i>).	272
(YY) "Deer" means white-tailed deer (<i>Odocoileus</i>	273
<i>virginianus</i>).	274
(ZZ) "Domestic deer" means nonnative deer that have been	275
legally acquired or their offspring and that are held in private	276
ownership for primarily agricultural purposes.	277
(AAA) "Migratory game bird" includes waterfowl (<i>Anatidae</i>);	278
doves (<i>Columbidae</i>); cranes (<i>Gruidae</i>); cormorants	279
(<i>Phalacrocoracidae</i>); rails, coots, and gallinules (<i>Rallidae</i>); and	280
woodcock and snipe (<i>Scolopacidae</i>).	281
(BBB) "Accompany" means to go along with another person while	282
staying within a distance from the person that enables	283
uninterrupted, unaided visual and auditory communication.	284
(CCC) "Electric-powered all-purpose vehicle" means any	285
battery-powered self-propelled electric vehicle that is designed	286
primarily for cross-country travel on land, water, or land and	287
water and that is steered by wheels, caterpillar treads, or a	288
combination of wheels and caterpillar treads and includes vehicles	289
that operate on a cushion of air, vehicles commonly known as	290
all-terrain vehicles, all-season vehicles, mini-bikes, and trail	291
bikes. "Electric-powered all-purpose vehicle" does not include a	292
utility vehicle as defined in section 4501.01 of the Revised Code,	293
any vehicle that is principally used in playing golf, any motor	294
vehicle or aircraft that is required to be registered under	295
Chapter 4503. or 4561. of the Revised Code, or any vehicle that is	296

excluded from the definition of "motor vehicle" as provided in 297
division (B) of section 4501.01 of the Revised Code. 298

(DDD) "Wholly enclosed preserve" means an area of land that 299
is surrounded by a fence that is at least six feet in height, 300
unless otherwise specified in division rule, and is constructed of 301
a woven wire mesh, or another enclosure that the division of 302
wildlife may approve, where game birds, game quadrupeds, reptiles, 303
amphibians, or fur-bearing animals are raised and may be sold 304
under the authority of a commercial propagating license or captive 305
white-tailed deer propagation license obtained under section 306
1533.71 of the Revised Code. 307

(EEE) "Commercial bird shooting preserve" means an area of 308
land where game birds are released and hunted by shooting as 309
authorized by a commercial bird shooting preserve license obtained 310
under section 1533.72 of the Revised Code. 311

(FFF) "Wild animal hunting preserve" means an area of land 312
where game, captive white-tailed deer, and nonnative wildlife, 313
other than game birds, are released and hunted as authorized by a 314
wild animal hunting preserve license obtained under section 315
1533.721 of the Revised Code. 316

(GGG) "Captive white-tailed deer" means legally acquired deer 317
that are held in private ownership at a facility licensed under 318
section 943.03 or 943.031 of the Revised Code and under section 319
1533.71 or 1533.721 of the Revised Code. 320

Sec. 1533.121. Except as otherwise provided by division rule, 321
the driver of every motor vehicle that has caused the death of a 322
deer, wild turkey, wild boar, or feral hog by striking the deer, 323
wild turkey, wild boar, or feral hog on a highway may take 324
possession of the deer, wild turkey, wild boar, or feral hog, 325
provided that within twenty-four hours thereafter, the driver 326
reports the accident to a wildlife officer or other law 327

enforcement officer. The officer shall investigate, and, if the 328
officer finds the death has been caused as alleged, the officer 329
shall give a certificate for legal ownership of the deer, wild 330
turkey, wild boar, or feral hog to the driver. If ~~the~~ such a deer 331
or wild turkey is unclaimed, the certificate for legal ownership 332
may be given to a private or public institution or charity or to 333
another person. 334

Section 2. That existing sections 1531.01 and 1533.121 of the 335
Revised Code are hereby repealed. 336