

AMENDED IN ASSEMBLY JULY 5, 2012

AMENDED IN ASSEMBLY JUNE 15, 2012

AMENDED IN SENATE MAY 29, 2012

AMENDED IN SENATE MAY 2, 2012

AMENDED IN SENATE APRIL 9, 2012

SENATE BILL

No. 1480

Introduced by Senator Corbett

(Principal coauthor: Assembly Member Hill)

(Coauthors: Senators Hancock and Lieu)

February 24, 2012

An act to amend Sections 4004, 4005, 4006, 4007, and 4008 of, and to add Sections 4013~~and~~, 4014, *and* 4155 to, the Fish and Game Code, relating to trapping.

LEGISLATIVE COUNSEL'S DIGEST

SB 1480, as amended, Corbett. Trapping.

(1) Existing law, except as specified, requires every person, other than a fur dealer, who traps fur-bearing mammals or nongame mammals, designated by the Fish and Game Commission, or who sells raw furs of those mammals, to have a trapping license from the Department of Fish and Game. Certain persons taking mammals injurious to growing crops or other property are exempted from the trapping license requirement, except those persons providing trapping services for profit are required to obtain a trapping license from the department.

This bill would establish 2 classes of trapping licenses. The bill would authorize a person who has complied with all applicable licensing and license renewal requirements to trap wildlife for recreation or fur to be

issued a class I trapping license. The bill would authorize specified persons trapping wildlife for a profit be issued a class II trapping license. The bill would require the department to publish a list of class II trapping licensees on its Internet Web site. The bill would authorize the commission to issue a formal warning or suspend a license when a licensee is found, after a duly noticed hearing, to have published inconsistent information on wildlife diseases, as specified.

The bill would require the commission to establish a base fee for a class II trapping license, in an amount sufficient to recover all reasonable administrative and implementation costs of the department and commission relating to the license. Revenues of those class II trapping license fees would be available, upon appropriation by the Legislature, to fund reimbursement of the department and commission for the reasonable costs of the administration, implementation, and enforcement of provisions of law relating to class II trapping licenses and of regulations adopted pursuant to those provisions.

The bill would require a class II trapping licensee to make a reasonable effort, as defined, to determine whether dependent young are present within a home or business premise and to prevent orphaning young animals as a consequence of trapping and killing the mother. The bill would further require class II trapping licensees to provide clients with a written contract, containing prescribed information, prior to setting traps.

(2) Existing law, except as expressly provided, makes any violation of the Fish and Game Code, or any rule, regulation, or order made or adopted under that code, a misdemeanor. Existing law makes certain actions relating to trapping unlawful.

The bill also would make it unlawful to kill any trapped mammal by listed methods or to solicit trapping services business from the public for reasons of health or safety pursuant to specified laws. The bill also would prohibit the trapping of bats, as specified. By specifying these new Fish and Game Code violations, thereby defining new crimes, this bill would impose a state-mandated local program.

(3) *Existing law, except as specified, prohibits the taking or possession of nongame mammals, as defined. Existing law authorizes the department to enter into cooperative agreements with any state agency, United States agency, and the United States Fish and Wildlife Service in the Department of the Interior for the purpose of controlling harmful nongame mammals.*

This bill would authorize the department to enter into cooperative agreements with a special district or levee maintenance agency for the purpose of controlling nongame mammals to maintain irrigation, water supply, drainage, and flood control works.

(3)

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 4004 of the Fish and Game Code is
- 2 amended to read:
- 3 4004. It is unlawful to do any of the following:
- 4 (a) Use a trap with saw-toothed or spiked jaws.
- 5 (b) Use or sell leghold steel-jawed traps with a spread of 5 ½
- 6 inches or larger without offset jaws.
- 7 (c) Use steel-jawed traps larger than size 1 ½ or with a spread
- 8 larger than 4 ⅞ inches for taking muskrat.
- 9 (d) Set or maintain traps which do not bear a number or other
- 10 identifying mark registered to the department or, in the case of a
- 11 federal, state, county, or city agency, bear the name of that agency,
- 12 except that traps set pursuant to Section 4152 or 4180 shall bear
- 13 an identifying mark in a manner specified by the department. No
- 14 registration fee shall be charged pursuant to this subdivision.
- 15 (e) Fail to visit and remove all animals from traps at least once
- 16 daily. If the trapping is done pursuant to Section 4152 or 4180, the
- 17 inspection and removal shall be done by the person who sets the
- 18 trap or the owner of the land where the trap is set or an agent of
- 19 either.
- 20 (f) Use a steel leghold trap with a spread exceeding 7 ½ inches
- 21 or killer-type trap of the conibear type that is larger than 6 inches
- 22 by 6 inches, unless partially or wholly submerged in water.
- 23 (g) Set or maintain steel leghold traps within 30 feet of bait
- 24 placed in a manner or position so that it may be seen by any soaring

1 bird. As used in this subdivision, “bait” includes any bait composed
2 of mammal, bird, or fish flesh, fur, hide, entrails, or feathers.

3 (h) Set or maintain steel leghold traps with a spread of 5 ½
4 inches or larger without a tension device.

5 (i) Kill any trapped mammal in accordance with this section by
6 intentional drowning, injection with any chemical not sold for the
7 purpose of euthanizing animals, or thoracic compression,
8 commonly known as chest crushing. This subdivision shall not be
9 construed to prohibit the use of lawfully set conibear traps set in
10 water for beaver or muskrat or the use of lawfully set colony traps
11 set in water for muskrat.

12 (j) Solicit trapping business from the public for reasons of health
13 or safety or any reason other than damage to crops or property
14 under a class II license, pursuant to Section 4152, 4180, or 4011.

15 (k) (1) Trap bats, except that nets may be used for nonlethal
16 control of property damage or for protection of human health or
17 safety. Nets and exclusion are the only lawful methods of removing
18 bats from a structure. Except as provided for in paragraph (2), bats
19 may be excluded only outside of the periods during which
20 nonflying young are present and when bats are in torpor or
21 hibernation. This subdivision shall not affect a person possessing
22 a scientific collector’s permit, pursuant to Section 1002 or 2081.

23 (2) Bats may be excluded to protect human health or safety at
24 any time when in accordance with subparagraphs (A) and (B).

25 (A) If there are holes or cracks in a structure that allow bats to
26 enter the interior area of a structure that humans occupy, it is the
27 responsibility of a property owner or a designated agent or licensee
28 to seal or screen or otherwise close these holes to prevent bats
29 from entering the structure. If the property owner or a designated
30 agent or licensee is unable to seal, screen, or otherwise close the
31 holes or cracks that allow bats to enter the structure, the property
32 owner or a designated agent or licensee shall contact the nearest
33 regional office of the department prior to taking any action to
34 exclude the bats.

35 (B) If a property owner or a designated agent or licensee contacts
36 a regional office of the department to report that bats are entering
37 the interior of a structure that is occupied by humans and is unable
38 to seal those access points that allow bats entry, the department
39 shall assist the property owner or a designated agent or licensee
40 in addressing this risk to human health or safety. The department

1 may assist by recommending the appropriate course of action and
2 may request that the property owner or a designated agent or
3 licensee grant permission for a department warden or biologist to
4 enter the affected structure to further assist the property owner or
5 a designated agent or licensee. The department may want to
6 identify the species of bat, the protected status of the bat, the size
7 of the colony, or other factors in providing an effective remedy to
8 protect the health or safety of all occupants of the structure and
9 the protection of bats. The department shall not prohibit any person
10 from excluding bats for the protection of human health or safety.

11 (3) For purposes of this subdivision, the following terms have
12 the following meanings:

13 (A) “Exclusion” means a method of allowing an animal to leave
14 an area but not return.

15 (B) “Protection of human health or safety” means preventing
16 direct human contact with bats within any structure.

17 (C) “Torpor or hibernation” means a period in which the
18 consistent weekday temperature remains consistently under 50
19 degrees Fahrenheit for seven consecutive days except as otherwise
20 authorized by the department.

21 SEC. 2. Section 4005 of the Fish and Game Code is amended
22 to read:

23 4005. (a) Except as otherwise provided in this section, every
24 person, other than a fur dealer, who traps fur-bearing mammals or
25 nongame mammals, designated by the commission or who sells
26 raw furs of those mammals, shall procure a trapping license. “Raw
27 fur” means any fur, pelt, or skin that has not been tanned or cured,
28 except that salt-cured or sun-cured pelts are raw furs.

29 (b) The department shall develop standards that are necessary
30 to ensure the competence and proficiency of applicants for a
31 trapping license. A person shall not be issued a license until he or
32 she has passed a test of his or her knowledge and skill in this field.

33 (c) Persons trapping mammals in accordance with Section 4152
34 or 4180 are not required to procure a trapping license except when
35 providing trapping services for profit.

36 (d) (1) A person who has complied with all applicable licensing
37 and license renewal requirements to trap wildlife for recreation or
38 fur may be issued a class I trapping license.

39 (2) A person who has passed the trapping license application
40 test established by the department pursuant to subdivision (b) for

1 persons trapping wildlife for a profit in accordance with Section
2 4152 or 4180 may be issued a class II trapping license. The
3 department shall publish on the Internet Web site of the department
4 a list of class II licensees authorized to provide trapping services
5 to the public for a profit in accordance with Section 4152 or 4180
6 and the registered business name under which the licensee operates.

7 (3) A license shall be renewed only for the category of license
8 that is currently possessed.

9 (e) Raw furs taken by persons providing trapping services for
10 profit shall not be sold.

11 (f) The license requirement imposed by this section does not
12 apply to any of the following:

13 (1) Officers or employees of federal, county, or city agencies
14 or the department, when acting in their official capacities, or
15 officers or employees of the Department of Food and Agriculture
16 when acting pursuant to the Food and Agricultural Code pertaining
17 to pests or pursuant to Article 6 (commencing with Section 6021)
18 of Chapter 9 of Part 1 of Division 4 of the Food and Agricultural
19 Code.

20 (2) Structural pest control operators licensed pursuant to Chapter
21 14 (commencing with Section 8500) of Division 3 of the Business
22 and Professions Code, when trapping rats, mice, voles, moles, or
23 gophers.

24 (3) Persons and businesses licensed or certified by the
25 Department of Pesticide Regulation pursuant to Chapter 4
26 (commencing with Section 11701) and Chapter 8 (commencing
27 with Section 12201) of Division 6 of, and Chapter 3.6,
28 (commencing with Section 14151) of Division 7 of, the Food and
29 Agricultural Code, when trapping rats, mice, voles, moles, or
30 gophers.

31 (g) Except for species that are listed pursuant to Chapter 1.5
32 (commencing with Section 2050) of Division 3 or Chapter 8
33 (commencing with Section 4700), nothing in this code or
34 regulations adopted pursuant thereto shall prevent or prohibit a
35 person from trapping any of the following animals:

36 (1) Gophers.

37 (2) House mice.

38 (3) Moles.

39 (4) Rats.

40 (5) Voles.

(h) Notwithstanding Section 12156, the commission may issue a formal warning or suspend a license when a licensee is found, after a duly noticed public hearing, to have published information about wildlife diseases that is inconsistent with the information about wildlife diseases published by the federal Centers for Disease Control and Prevention or by the department. The commission may consider other sources of information as appropriate.

SEC. 3. Section 4006 of the Fish and Game Code is amended to read:

4006. (a) A class I trapping license shall be issued as follows:

(1) To any resident of this state over the age of 16 years upon payment of a base fee of forty-five dollars (\$45), as adjusted under Section 713.

(2) To any resident of this state under the age of 16 years upon payment of a base fee of fifteen dollars (\$15), as adjusted under Section 713.

(3) To any person not a resident of this state upon payment of a base fee of two hundred twenty-five dollars (\$225), as adjusted under Section 713.

A license shall not be issued to a nonresident if the state in which he or she resides does not provide for issuance of a nonresident trapping license to California residents. Also, a nonresident issued a license under this subdivision may take only those species, and may take or possess only that quantity of a species that a resident of California may take or possess under a nonresident trapping license or permit in the state of residence of that nonresident.

(b) (1) The commission shall establish a base fee for a class II trapping license, in an amount sufficient to recover all reasonable administrative ~~and~~, implementation, *and enforcement* costs of the department and commission relating to the license. The fee imposed pursuant to this subdivision shall be adjusted pursuant to Section 713.

(2) Revenues of the license fees imposed pursuant to paragraph (1) shall be available, upon appropriation by the Legislature, to fund reimbursement of the department and commission for the reasonable costs of the administration, *implementation*, and enforcement of the provisions of this code relating to class II trapping licenses and of regulations adopted pursuant to those provisions.

SEC. 4. Section 4007 of the Fish and Game Code is amended to read:

4007. A class I trapping license authorizes the person to whom it is issued to take, during the open season, fur-bearing mammals and nongame mammals for a term of one year from July 1st, or if issued after the beginning of that term, for the remainder of the term and to sell the raw fur of these mammals.

SEC. 5. Section 4008 of the Fish and Game Code is amended to read:

4008. A trapping license shall not be issued to any applicant within one year following the expiration of any trapping license previously issued to that applicant unless the applicant has submitted to the department a sworn statement showing the number of each kind of fur-bearing mammals and nongame mammals taken under the previous license. A class I trapping licensee shall provide the names and addresses of the persons to whom furs were shipped or sold.

SEC. 6. Section 4013 is added to the Fish and Game Code, to read:

4013. (a) A class II trapping licensee shall make a reasonable effort to determine whether dependent young are present within a home or business premise and to prevent orphaning young animals as a consequence of trapping and killing the mother. "Reasonable effort" is defined as taking steps to ascertain whether dependent young animals are present, including, but not limited to, any of the following:

(1) Using the natural history information that is included in the class II trapping license application examination, including consideration of the time of year.

(2) Requesting information from the potential client that would indicate whether dependent young animals are present, such as infant vocalization, sounds in the early morning or daytime in a localized area, and other sounds and activity commonly associated with young being present.

(3) Conducting a visual inspection of the area where sounds or activity have been reported when areas that may have well-hidden young can be thoroughly inspected visually.

(4) Monitoring an entry point with a paper block, tracking powder, surveillance, or recording device to determine whether

1 the entry is disturbed on a daily basis, indicating a mother returning
2 to her young.

3 (5) Using a heat sensor, portable motion-activated camera, or
4 other monitoring, recording, surveillance, or other technology.

5 (6) Affixing a holding cage across an entry point of a structure
6 to visually confirm whether a lactating female is present. Holding
7 cages should be checked on a priority basis within the lawful 24
8 hour trap check requirement period pursuant to subdivision (e) of
9 Section 4004. When feasible, double-opening holding cages should
10 be set to identify whether a lactating female, sleeping separately
11 from her young during weaning, is returning to her young during
12 her natural foraging period. A single-opening holding cage should
13 be removed if it is observed that a struggle to enter has occurred.

14 (7) Other methods of identifying whether young dependent
15 animals are present.

16 (b) A lactating female animal shall not be killed, and traps shall
17 not be set, except as provided in paragraph (6) of subdivision (a),
18 if young animal sounds have been reported or it is known or
19 suspected that dependent young animals exist on the premises and
20 the young are inaccessible within the structure.

21 (c) If a licensee determines that young dependent animals are
22 present, the licensee shall use lawful and humane methods that
23 encourage the mother to relocate the young from the area from
24 which the licensee is trying to remove the animals. One-way doors
25 may be installed when the young are confirmed to be leaving and
26 returning to the natal den, and the entry points may be sealed when
27 monitoring confirms that the mother and young have left the natal
28 den and no further activity is occurring.

29 SEC. 7. Section 4014 is added to the Fish and Game Code, to
30 read:

31 4014. (a) Class II trapping licensees that provide trapping
32 services for profit pursuant to Section 4152 or 4180 shall provide
33 each client with a written contract prior to setting traps.

34 (b) The written contract shall contain the following information
35 and disclosures and shall be printed in at least 12-point typeface
36 beginning on and continuing from the upper half of the first page
37 of the contract:
38

1 California law requires consumers to be provided with the
2 following information and disclosures prior to traps being set,
3 when hiring wildlife trapping services.

4 • Name and current contact information of the person setting
5 a trap.

6 • The current year's trapping license number of the individual
7 setting a trap and the business name under which the services are
8 provided.

9 • "It is only lawful to trap wildlife for a profit in California
10 if damage to crops or property has occurred. Animals posing a risk
11 to human health or safety may only be taken by specified
12 government officials (Sections 4011, 4152, and 4180 of the Fish
13 and Game Code)."

14 • "This is a description of the property damage as confirmed
15 by the licensed trapper through visual inspection:
16 _____."

17 • "This is the target animal or species responsible for the
18 damage:
19 _____."

20 • "All furbearing and nongame mammals that are legal to
21 trap must be immediately killed or released. Unless released,
22 trapped animals shall be killed by shooting where local ordinances,
23 landowners, and safety permit (Section 465.5(g)(1) of Title 14 of
24 the California Code of Regulations)."

25 • "Nontarget animals are defined as those animals that
26 become accidentally trapped, but are not responsible for the
27 documented property damage. These animals must be immediately
28 released."

29 • "Traps must be inspected and all animals removed at least
30 once each day by the licensed trapper, the person hiring the trapper,
31 or an agent thereof, pursuant to Sections 4152 and 4180 of the Fish
32 and Game Code."

33 • "This is the name and telephone number of the person
34 charged with checking the traps each day:
35 _____."

36 • "A reasonable effort must be made to prevent orphaning
37 dependent animal young. It is prohibited to set traps for an animal
38 when young are inaccessible or to kill a lactating female animal
39 if young are inaccessible within a structure such as a home or
40 business as a consequence of trapping and killing the mother

(Section 4013 of the Fish and Game Code). A reasonable effort includes, but is not limited to, (a) requesting information about sounds and activity that would indicate young animals are present, (b) inspecting the area where sounds or activity is occurring, and (c) monitoring an access point for evidence of a mother returning daily to her young (Section 4013 of the Fish and Game Code).”

- “The following methods of dispatching trapped mammals are prohibited: drowning, chest crushing, or injection with any chemical not sold for the purpose of animal euthanasia (Section 4004 of the Fish and Game Code).”

- An identifying tag issued by the Department of Fish and Game is required to be affixed to every trap that is set (Section 465.5(g)(1) of Title 14 of the California Code of Regulations).

- A person shall not trap a bat. Bats may be excluded, pursuant to Section 4004(k) of the Fish and Game Code, during certain time periods, as specified in Section 4004(k) of the Fish and Game Code. Where necessary to protect human health or safety, the department may exclude bats, as specified in Section 4004(k) of the Fish and Game Code.

- Address and signature of client:

_____.

- Signature of licensed trapper who will be placing traps:

_____.

- The following is a true and accurate list of each animal (by species) trapped at this address, the date each animal was removed, and the final disposition of the removed animal.

Species Trapped: _____

Date: _____

Final disposition: _____

SEC. 8. Section 4155 is added to the Fish and Game Code, to read:

4155. The department may enter into cooperative agreements with a special district or levee maintenance agency for the purpose of controlling harmful nongame mammals to maintain irrigation, water supply, drainage, and flood control works.

~~SEC. 8.~~

SEC. 9. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school

1 district will be incurred because this act creates a new crime or
2 infraction, eliminates a crime or infraction, or changes the penalty
3 for a crime or infraction, within the meaning of Section 17556 of
4 the Government Code, or changes the definition of a crime within
5 the meaning of Section 6 of Article XIII B of the California
6 Constitution.

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