

AMENDED IN ASSEMBLY AUGUST 20, 2012

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~~, and 4006, ~~4007~~, and ~~4008~~ of, *to amend, repeal, and add Sections 4005, 4007, and 4008 of*, and to add Sections 4013, 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, *commencing July 1, 2013*, 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, *commencing July 1, 2013*, would authorize specified persons trapping wildlife for a profit be issued a class II trapping license. The bill, *commencing July 1, 2013*, 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, *and enforcement* costs of the department and commission relating to the license, *and would require the commission to implement this fee structure on or before July 1, 2013.* ~~Revenues~~ *The bill, commencing July 1, 2013, would make available, upon appropriation by the Legislature, 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, *commencing July 1, 2013*, 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, *commencing July 1, 2013*, 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~~ *except where expressly authorized under specified circumstances*. 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~~ and federal agencies 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 a state or local agency having responsibility for levee maintenance~~ for the purpose of controlling nongame mammals to maintain irrigation, water supply, drainage, and flood control works.

(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 7/8 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

1 trap or the owner of the land where the trap is set or an agent of
2 either.

3 (f) (1) Use a steel leghold trap with a spread exceeding 7½
4 inches or ~~conibear~~ killer-type trap ~~of the conibear type~~ that is larger
5 than 6 inches by 6 inches, unless partially or wholly submerged
6 in water. *Unless prohibited by the department as a permit*
7 *condition, a lawfully set conibear killer-type trap that is 10 inches*
8 *by 10 inches or less may be set in a managed wetland area.*

9 (2) *Any killer-type trap set on publicly owned land or land*
10 *expressly open to public use shall be posted with a sign containing*
11 *the following language in lettering that is a minimum of three*
12 *inches high and visible from a distance of 100 feet: Danger! Keep*
13 *Dogs Out! Lethal Traps Set for Wildlife.*

14 (g) Set or maintain steel leghold traps within 30 feet of bait
15 placed in a manner or position so that it may be seen by any soaring
16 bird. As used in this subdivision, “bait” includes any bait composed
17 of mammal, bird, or fish flesh, fur, hide, entrails, or feathers.

18 (h) Set or maintain steel leghold traps with a spread of 5½
19 inches or larger without a tension device.

20 (i) Kill any trapped mammal in accordance with this section by
21 intentional drowning, injection with any chemical not sold for the
22 purpose of euthanizing animals, or thoracic compression,
23 commonly known as chest crushing. This subdivision shall not be
24 construed to prohibit the use of lawfully set conibear traps set
25 *partially or wholly submerged in water or set in a managed wetland*
26 *habitat area* for beaver or muskrat or the use of lawfully set colony
27 traps set in water for muskrat.

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

31 (k) (1) Trap bats, except that nets may be used *when necessary*
32 ~~for nonlethal control~~ *protection* of property damage or for
33 protection of human health or safety. Nets and exclusion are the
34 only lawful methods of removing bats from a structure. Except as
35 provided for in paragraph (2), bats may be excluded only outside
36 of the periods during which nonflying young are present and when
37 bats are in torpor or hibernation. This subdivision shall not affect
38 a person possessing a scientific collector’s permit, pursuant to
39 Section 1002 or 2081.

1 (2) Bats may be excluded to protect human health or safety at
2 any time when in accordance with subparagraphs (A) and (B). If
3 nonflying young bats will die within the structure as a result of
4 exclusion, or if the bats are in torpor or hibernation, then the
5 owner may only exclude those bats in accordance with both of the
6 following:

7 (A) If there are holes or cracks in a structure that allow bats to
8 enter the interior area of a structure that humans occupy
9 human-occupied interior area of the structure, it is the
10 responsibility of a property owner or a, designated agent, or
11 licensee to seal or screen or otherwise close these holes to prevent
12 bats from entering the human-occupied interior area of the
13 structure. If the property owner or a, designated agent, or licensee
14 is unable to seal, screen, or otherwise close the holes or cracks that
15 allow bats to enter the human-occupied interior area of the
16 structure, the property owner or a, designated agent, or licensee
17 shall contact the nearest regional office of the department prior to
18 taking any action to exclude the bats.

19 (B) If a property owner or a, designated agent, or licensee
20 contacts a regional office of the department to report that bats are
21 entering the human-occupied interior area of a the structure that
22 is occupied by humans and is unable to seal those access points
23 that allow bats entry, the department shall assist the property owner
24 or a designated agent or licensee in addressing this risk to human
25 health or safety may refer the party that contacts the department
26 to an employee with specialized knowledge of bats. The department
27 may assist by recommending the appropriate course of action
28 and may request that the property owner or a, designated agent, or
29 licensee grant permission for a department warden or biologist
30 employee to enter the affected structure to further assist the property
31 owner or a designated agent or licensee. The department may want
32 to identify the species of bat, whether the bat has protected status
33 of the bat, the size of the colony, or and other factors in providing
34 an effective remedy to protect the health or safety of all occupants
35 of the structure and the protection of bats that may help the
36 department reduce the threat of death to a protected species of bat
37 as a result of the exclusion. The department shall not prohibit any
38 person from excluding bats for the protection of human health or
39 safety allow the exclusion of bats when preventing bats from
40 entering the human-occupied interior area of the structure would

1 *impose a significant burden on the owner of the structure. The*
2 *department may prohibit the exclusion of bats if preventing bats*
3 *from entering the human-occupied interior area of the structure*
4 *would not impose a significant burden on the owner of the*
5 *structure.*

6 (3) For purposes of this subdivision, the following terms have
7 the following meanings:

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

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

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

16 ~~SEC. 2. Section 4005 of the Fish and Game Code is amended~~
17 ~~to read:~~

18 ~~4005. (a) Except as otherwise provided in this section, every~~
19 ~~person, other than a fur dealer, who traps fur-bearing mammals or~~
20 ~~nongame mammals, designated by the commission or who sells~~
21 ~~raw furs of those mammals, shall procure a trapping license. “Raw~~
22 ~~fur” means any fur, pelt, or skin that has not been tanned or cured,~~
23 ~~except that salt-cured or sun-cured pelts are raw furs.~~

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

28 ~~(c) Persons trapping mammals in accordance with Section 4152~~
29 ~~or 4180 are not required to procure a trapping license except when~~
30 ~~providing trapping services for profit.~~

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

34 ~~(2) A person who has passed the trapping license application~~
35 ~~test established by the department pursuant to subdivision (b) for~~
36 ~~persons trapping wildlife for a profit in accordance with Section~~
37 ~~4152 or 4180 may be issued a class II trapping license. The~~
38 ~~department shall publish on the Internet Web site of the department~~
39 ~~a list of class II licensees authorized to provide trapping services~~

1 to the public for a profit in accordance with Section 4152 or 4180
2 and the registered business name under which the licensee operates.

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

5 ~~(e) Raw furs taken by persons providing trapping services for
6 profit shall not be sold.~~

7 ~~(f) The license requirement imposed by this section does not
8 apply to any of the following:~~

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

16 ~~(2) Structural pest control operators licensed pursuant to Chapter
17 14 (commencing with Section 8500) of Division 3 of the Business
18 and Professions Code, when trapping rats, mice, voles, moles, or
19 gophers.~~

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

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

32 ~~(1) Gophers.~~

33 ~~(2) House mice.~~

34 ~~(3) Moles.~~

35 ~~(4) Rats.~~

36 ~~(5) Voles.~~

37 ~~(h) Notwithstanding Section 12156, the commission may issue
38 a formal warning or suspend a license when a licensee is found,
39 after a duly noticed public hearing, to have published information
40 about wildlife diseases that is inconsistent with the information~~

1 ~~about wildlife diseases published by the federal Centers for Disease~~
2 ~~Control and Prevention or by the department. The commission~~
3 ~~may consider other sources of information as appropriate.~~

4 *SEC. 2. Section 4005 of the Fish and Game Code is amended*
5 *to read:*

6 4005. (a) Except as otherwise provided in this section, every
7 person, other than a fur dealer, who traps fur-bearing mammals or
8 nongame mammals, designated by the commission or who sells
9 raw furs of those mammals, shall procure a trapping license. “Raw
10 fur” means any fur, pelt, or skin that has not been tanned or cured,
11 except that salt-cured or sun-cured pelts are raw furs.

12 (b) The department shall develop standards that are necessary
13 to ensure the competence and proficiency of applicants for a
14 trapping license. No person shall be issued a license until he or
15 she has passed a test of his or her knowledge and skill in this field.

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

19 (d) ~~No raw~~ Raw furs taken by persons providing trapping
20 services for profit ~~may~~ shall not be sold.

21 (e) The license requirement imposed by this section does not
22 apply to any of the following:

23 (1) Officers or employees of federal, county, or city agencies
24 or the department, when acting in their official capacities, or
25 officers or employees of the Department of Food and Agriculture
26 when acting pursuant to the Food and Agricultural Code pertaining
27 to pests or pursuant to Article 6 (commencing with Section 6021)
28 of Chapter 9 of Part 1 of Division 4 of the Food and Agricultural
29 Code.

30 (2) Structural pest control operators licensed pursuant to Chapter
31 14 (commencing with Section 8500) of Division 3 of the Business
32 and Professions Code, when trapping rats, mice, voles, moles, or
33 gophers.

34 (3) Persons and businesses licensed or certified by the
35 Department of Pesticide Regulation pursuant to Chapter 4
36 (commencing with Section 11701) and Chapter 8 (commencing
37 with Section 12201) of Division 6 of, and Chapter 3.6,
38 (commencing with Section 14151) of Division 7 of, the Food and
39 Agricultural Code, when trapping rats, mice, voles, moles, or
40 gophers.

1 (f) Except for species that are listed pursuant to Chapter 1.5
2 (commencing with Section 2050) of Division 3 or Chapter 8
3 (commencing with Section 4700), nothing in this code or
4 regulations adopted pursuant thereto shall prevent or prohibit a
5 person from trapping any of the following animals:

- 6 (1) Gophers.
- 7 (2) House mice.
- 8 (3) Moles.
- 9 (4) Rats.
- 10 (5) Voles.

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

18 (h) *This section shall become inoperative on July 1, 2013, and,*
19 *as of January 1, 2014, is repealed, unless a later enacted statute,*
20 *that becomes operative on or before January 1, 2014, deletes or*
21 *extends the dates on which it becomes inoperative and is repealed.*

22 SEC. 3. *Section 4005 is added to the Fish and Game Code, to*
23 *read:*

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

30 (b) *The department shall develop standards that are necessary*
31 *to ensure the competence and proficiency of applicants for a*
32 *trapping license. No person shall be issued a license until he or*
33 *she has passed a test of his or her knowledge and skill in this field.*

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

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

1 (2) A person who has passed the trapping license test established
2 by the department in 2004, or the most recent test developed for
3 persons trapping depredate wildlife for a profit in accordance
4 with Section 4152 or 4180 and complied with all applicable license
5 renewal requirements, may be issued a class II trapping license.
6 The department shall publish at least annually on the Internet Web
7 site of the department, in the manner it deems appropriate, a list
8 of class II licensee that includes each licensees' name, permanent
9 trap number, and business name.

10 (3) A trapping license shall be renewed only for the category
11 of license that is currently possessed.

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

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

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

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

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

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

39 (1) Gophers.

40 (2) House mice.

1 (3) *Moles.*

2 (4) *Rats.*

3 (5) *Voles.*

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

11 (i) *This section shall become operative on July 1, 2013.*

12 ~~SEC. 3.~~

13 SEC. 4. Section 4006 of the Fish and Game Code is amended
14 to read:

15 4006. (a) A class I trapping license shall be issued as follows:

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

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

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

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

32 (b) (1) The commission shall establish a base fee for a class II
33 trapping license, in an amount sufficient to recover all reasonable
34 administrative, implementation, and enforcement costs of the
35 department and commission relating to the license *and shall*
36 *implement this fee structure on or before July 1, 2013.* The fee
37 imposed pursuant to this subdivision shall be adjusted pursuant to
38 Section 713. *A fee for a class II license issued prior to the*
39 *implementation of the class II fee structure required by this*

1 *subdivision shall be governed by the fee structure of subdivision*
2 *(a).*

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

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

12 ~~4007. A class I trapping license authorizes the person to whom~~
13 ~~it is issued to take, during the open season, fur-bearing mammals~~
14 ~~and nongame mammals for a term of one year from July 1st, or if~~
15 ~~issued after the beginning of that term, for the remainder of the~~
16 ~~term and to sell the raw fur of these mammals.~~

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

19 ~~4008. A trapping license shall not be issued to any applicant~~
20 ~~within one year following the expiration of any trapping license~~
21 ~~previously issued to that applicant unless the applicant has~~
22 ~~submitted to the department a sworn statement showing the number~~
23 ~~of each kind of fur-bearing mammals and nongame mammals taken~~
24 ~~under the previous license. A class I trapping licensee shall provide~~
25 ~~the names and addresses of the persons to whom furs were shipped~~
26 ~~or sold.~~

27 *SEC. 5. Section 4007 of the Fish and Game Code is amended*
28 *to read:*

29 4007. (a) A trapping license authorizes the person to whom
30 it is issued to take, during the open season, fur-bearing mammals
31 and nongame mammals for a term of one year from July 1st, or if
32 issued after the beginning of ~~such~~ *that* term, for the remainder
33 ~~thereof of the term~~ and to sell the raw fur of ~~any such animal~~ *these*
34 *mammals.*

35 (b) *This section shall become inoperative on July 1, 2013, and,*
36 *as of January 1, 2014, is repealed, unless a later enacted statute,*
37 *that becomes operative on or before January 1, 2014, deletes or*
38 *extends the dates on which it becomes inoperative and is repealed.*

39 *SEC. 6. Section 4007 is added to the Fish and Game Code, to*
40 *read:*

1 4007. (a) A class I trapping license authorizes the person to
2 whom it is issued to take, during the open season, fur-bearing
3 mammals and nongame mammals for a term of one year from July
4 1st, or if issued after the beginning of that term, for the remainder
5 of the term and to sell the raw fur of these mammals.

6 (b) This section shall become operative on July 1, 2013.

7 SEC. 7. Section 4008 of the Fish and Game Code is amended
8 to read:

9 4008. ~~No~~(a) A trapping license shall not be issued to any
10 applicant within one year following the expiration of any trapping
11 license previously issued to such applicant renewed unless he the
12 applicant has submitted to the department a sworn statement
13 showing the number of each kind of fur-bearing mammals and
14 nongame mammals taken under the previous license and the names
15 and addresses of the persons to whom ~~they~~ the furs were shipped
16 or sold.

17 (b) This section shall become inoperative on July 1, 2013, and,
18 as of January 1, 2014, is repealed, unless a later enacted statute,
19 that becomes operative on or before January 1, 2014, deletes or
20 extends the dates on which it becomes inoperative and is repealed.

21 SEC. 8. Section 4008 is added to the Fish and Game Code, to
22 read:

23 4008. (a) A trapping license shall not be renewed unless the
24 applicant has submitted to the department a sworn statement
25 showing the number of each kind of fur-bearing mammals and
26 nongame mammals taken under the previous license. A class I
27 trapping licensee shall provide the names and addresses of the
28 persons to whom furs were shipped or sold.

29 (b) This section shall become operative on July 1, 2013.

30 ~~SEC. 6.~~

31 SEC. 9. Section 4013 is added to the Fish and Game Code, to
32 read:

33 4013. (a) A class II trapping licensee shall make a reasonable
34 effort to determine whether dependent young are present within a
35 home or business premise and to prevent orphaning young animals
36 as a consequence of trapping and killing the mother. "Reasonable
37 effort" is defined as taking steps to ascertain whether dependent
38 young animals are present, including, but not limited to, any of
39 the following:

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

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

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

12 (4) Monitoring an entry point with a paper block, tracking
13 powder, surveillance, or recording device to determine whether
14 the entry is disturbed on a daily basis, indicating a mother returning
15 to her young.

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

18 (6) Affixing a holding cage across an entry point of a structure
19 to visually confirm whether a lactating female is present. Holding
20 cages should be checked on a priority basis within the lawful
21 24-hour trap check requirement period pursuant to subdivision (e)
22 of Section 4004. When feasible, double-opening holding cages
23 should be set to identify whether a lactating female, sleeping
24 separately from her young during weaning, is returning to her
25 young during her natural foraging period. A single-opening holding
26 cage should be removed if it is observed that a struggle to enter
27 has occurred.

28 (7) Other methods of identifying whether young dependent
29 animals are present.

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

35 (c) If a licensee determines that young dependent animals are
36 present, the licensee shall use lawful and humane methods that
37 encourage the mother to relocate the young from the area from
38 which the licensee is trying to remove the animals. One-way doors
39 may be installed when the young are confirmed to be leaving and
40 returning to the natal den, and the entry points may be sealed when

1 monitoring confirms that the mother and young have left the natal
2 den and no further activity is occurring.

3 (d) *This section shall become operative on July 1, 2013.*

4 ~~SEC. 7.~~

5 *SEC. 10.* Section 4014 is added to the Fish and Game Code,
6 to read:

7 4014. (a) Class II trapping licensees that provide trapping
8 services for profit pursuant to Section 4152 or 4180 shall provide
9 each client with a written contract prior to setting traps. *A copy of*
10 *each contract shall be retained for three years and made available*
11 *upon request by the department.*

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

16
17 California law requires consumers to be provided with the
18 following information and disclosures prior to traps being set;
19 when hiring wildlife trapping services.

20 • Name and current contact information of the person setting
21 a trap.

22 • The current year’s trapping license number of the individual
23 setting a trap and the business name under which the services are
24 provided.

25 • “It is only lawful to trap wildlife for a profit in California
26 if damage to crops or property has occurred. Animals posing a risk
27 to human health or safety may only be taken by specified
28 government officials (Sections 4011, 4152, and 4180 of the Fish
29 and Game Code).”

30 • “This is a description of the property damage as confirmed
31 by the licensed trapper through visual inspection:

32 _____.”

33 • “This is the target animal or species responsible for the
34 damage:

35 _____.”

36 • “All furbearing and nongame mammals that are legal to
37 trap must be immediately killed or released *on site*. Unless released,
38 trapped animals shall be killed by shooting where local ordinances,
39 landowners, and safety permit (Section 465.5(g)(1) of Title 14 of
40 the California Code of Regulations).”

- 1 • “Nontarget animals are defined as those animals that
- 2 become accidentally trapped, but are not responsible for the
- 3 documented property damage. These animals must be immediately
- 4 released.”
- 5 • “Traps must be inspected and all animals removed at least
- 6 once each day by the licensed trapper, the person hiring the trapper,
- 7 or an agent thereof, pursuant to Sections 4152 and 4180 of the Fish
- 8 and Game Code.”
- 9 • “This is the name and telephone number of the person
- 10 charged with checking the traps each day:
- 11 _____.”
- 12 • “A reasonable effort must be made to prevent orphaning
- 13 dependent animal young. It is prohibited to set traps for an animal
- 14 when young are inaccessible or to kill a lactating female animal
- 15 if young are inaccessible within a structure such as a home or
- 16 business as a consequence of trapping and killing the mother
- 17 (Section 4013 of the Fish and Game Code). A reasonable effort
- 18 includes, but is not limited to, (a) requesting information about
- 19 sounds and activity that would indicate young animals are present,
- 20 (b) inspecting the area where sounds or activity is occurring, and
- 21 (c) monitoring an access point for evidence of a mother returning
- 22 daily to her young (Section 4013 of the Fish and Game Code).”
- 23 • “The following methods of dispatching trapped mammals
- 24 are prohibited: drowning, chest crushing, or injection with any
- 25 chemical not sold for the purpose of animal euthanasia (Section
- 26 4004 of the Fish and Game Code).”
- 27 • An identifying tag issued by the Department of Fish and
- 28 Game is required to be affixed to every trap that is set (Section
- 29 465.5(g)(1) of Title 14 of the California Code of Regulations).
- 30 • A person shall not trap a bat. Bats may be excluded;
- 31 ~~pursuant to Section 4004(k) of the Fish and Game Code, during~~
- 32 ~~certain time periods, as specified in Section 4004(k) of the Fish~~
- 33 ~~and Game Code. Where necessary to protect human health or~~
- 34 ~~safety, the department may exclude bats, as specified in Section~~
- 35 ~~4004(k) of the Fish and Game Code to protect property except~~
- 36 ~~when nonflying young bats are present or when bats are in torpor~~
- 37 ~~or hibernation. Bats may be excluded when necessary to protect~~
- 38 ~~human health or safety when nonflying young bats are present or~~
- 39 ~~when bats are in torpor or hibernation if preventing bats from~~
- 40 ~~entering the human-occupied interior area of the structure would~~

1 *impose a significant burden on the owner of the structure, and*
2 *when the exclusion is otherwise in compliance with the provisions*
3 *of subdivision (k) of Section 4004 of the Fish and Game Code.*

- 4 ● ~~Address~~ Printed name, address, and signature of client:
5 _____.
- 6 ● ~~Signature~~ Printed name and signature of licensed trapper
7 who will be placing traps:
8 _____.

9 ● *The signed contract must be amended after the work is*
10 *completed with the following language:* The following is a true
11 and accurate list of each animal (by species) trapped at this address,
12 the date each animal was removed, and the final disposition of the
13 removed animal.

14 Species Trapped: _____
15 Date: _____
16 Final disposition: _____

17
18 *(c) This section shall become operative on July 1, 2013.*

19 ~~SEC. 8.~~

20 *SEC. 11.* Section 4155 is added to the Fish and Game Code,
21 to read:

22 4155. The department may enter into cooperative agreements
23 with a special district or ~~levee maintenance~~ *a state or local agency*
24 *having responsibility for levee maintenance* for the purpose of
25 controlling harmful nongame mammals to maintain irrigation,
26 water supply, drainage, and flood control works.

27 ~~SEC. 9.~~

28 *SEC. 12.* No reimbursement is required by this act pursuant to
29 Section 6 of Article XIII B of the California Constitution because
30 the only costs that may be incurred by a local agency or school
31 district will be incurred because this act creates a new crime or
32 infraction, eliminates a crime or infraction, or changes the penalty
33 for a crime or infraction, within the meaning of Section 17556 of
34 the Government Code, or changes the definition of a crime within
35 the meaning of Section 6 of Article XIII B of the California
36 Constitution.