

CHAPTER 115**(HB 313)**

AN ACT relating to fish and wildlife.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 150.010 is amended to read as follows:

As used in this chapter, unless the context otherwise requires:

- (1) "Angling" means the taking or attempting to take fish by hook and line in hand, rod in hand, jugging, setline, or sport fishing trotline;
- (2) "Buy" includes offering to buy, acquiring, or possessing through purchase, barter, exchange, or trade;
- (3) "Commercial trotline" means a line to which are attached more than fifty (50) single or multibarbed baited hooks, which shall not be placed closer than eighteen (18) inches;
- (4) "Commission" means the Department of Fish and Wildlife Resources Commission;
- (5) "Commissioner" means the commissioner of the Department of Fish and Wildlife Resources;
- (6) "Daylight hours" means the period from one-half (1/2) hour before sunrise to one-half (1/2) hour after sunset;
- (7) "Device" means any article, instrument, or equipment of whatever nature or kind which may be used to take wild animals, wild birds, or fishes;
- (8) "Department" means the Department of Fish and Wildlife Resources;
- (9) "Fishing" means to take or attempt to take in any manner, whether the fisherman has fish in possession or not;
- (10) "Gigging" means the taking of fish by spearing or impaling on any pronged or barbed instrument attached to the end of any rigid object;
- (11) "Grabbing" means the taking of fish, frogs, or turtles directly by hand or with the aid of a handled hook;
- (12) "Hunting" means to take or attempt to take in any manner, whether the hunter has game in possession or not;
- (13) "Identification tag" means a marker made of specified material upon which a name and address or number is placed and attached to unattended gear to designate ownership or responsible operator;
- (14) "Impounded waters" means any public waters backed up behind a dam and includes all water upstream from the dam to the first riffle or shoal;
- (15) "Jugging" means a means of fishing by which a single baited line is attached to any floating object;
- (16) "License" means any document issued by the department authorizing its holder to perform acts authorized by the license and includes any other form of authorization in addition to or in lieu of an actual document which may be authorized by the department by administrative regulation;
- (17) "*Light geese*" means *snow geese and Ross's geese*;
- (18) "*Light geese conservation order*" means *a wildlife management action needed to control populations of light geese for a period of time established pursuant to 50 C.F.R. sec. 21.60*;
- (19) "Livestock" means cattle, sheep, swine, goats, horses, alpacas, llamas, buffaloes, and any other animals of the bovine, ovine, porcine, caprine, equine, or camelid species;
- ~~(20)~~(18) "Migratory shore or upland game birds" means all species of migratory game birds except waterfowl;
- ~~(21)~~(19) "Minnows" means all fish under six (6) inches in length, except basses, either largemouth, smallmouth or Kentucky; rock bass or goggle-eye; trout; crappie; walleye; sauger; pike; members of the striped bass family; and muskellunge;
- ~~(22)~~(20) "Navigable waters" means any waters within this state under lock and dam;
- ~~(23)~~(24) "Nonresident" means a person who has not established a permanent domicile in this state and has not resided in this state for thirty (30) days immediately prior to his application for a license;

- (~~24~~~~22~~) "Permit" means any document issued by the department authorizing its holder to perform acts authorized by the permit and includes tags ~~[which shall be affixed to wildlife]~~ or devices as evidence of holding a permit and includes any other form of authorization in addition to or in lieu of an actual document authorized by the department by administrative regulation;
- (~~25~~~~23~~) "Possess" means the act of having or taking into control;
- (~~26~~~~24~~) "Prescribed by the department" means established by an administrative regulation;
- (~~27~~~~25~~) "Processed wildlife" means any wildlife specimen or parts thereof that have been rendered into a permanently preserved state;
- (~~28~~~~26~~) "Protected wildlife" means all wildlife except those species declared unprotected by administrative regulations promulgated by the department;
- (~~29~~~~27~~) "Public roadway" includes rural roads, highways, bridges, bridge approaches, city streets, viaducts, and bridges which are normally traveled by the general public and are under the jurisdiction of a state, federal, county, or municipal agency;
- (~~30~~~~28~~) "Public waters" means all waters within the state flowing in a natural stream channel or impounded on a natural stream;
- (~~31~~~~29~~) "Raw fur" means a hide, fur, or pelt of a fur-bearing animal which has not been processed. Skinning, stretching, oiling, or coloring of the pelt of the animal shall not be considered processing;
- (~~32~~~~30~~) "Administrative regulation" means a written regulation promulgated, pursuant to KRS Chapter 13A, by the commissioner with the approval of the commission;
- (~~33~~~~31~~) "Resident" means any person who has established permanent domicile and legal residence and has resided in this state for thirty (30) days immediately prior to his application for a license. All other persons shall be classed as nonresidents, except students enrolled for at least six (6) months in an educational institution as full-time students and military personnel of the United States who are under permanent assignment, shall be classified as residents while so enrolled or assigned in this state;
- (~~34~~~~32~~) "Resist" means to point a gun at, leave the scene, intimidate or attempt to intimidate in any manner, or further interfere in any manner with any officer in the discharge of his duties;
- (~~35~~~~33~~) "Rough fish" means all species of fishes other than those species designated by administrative regulation as sport fishes;
- (~~36~~~~34~~) "Sell" includes offering to sell, having or possessing for sale, barter, exchange, or trade;
- (~~37~~~~35~~) "Setline" means a line to which is attached one (1) single or multibarbed hook. This line may be attached to a tree limb, tree trunk, bank pole, or other stationary object, on the bank of a stream or impoundment;
- (~~38~~~~36~~) "Snagging" means the taking of fish or other aquatic animals through the use of a hand-held pole and attached line with single or multiple fish hooks in which the fish is hooked by a rapid drawing motion rather than enticement by bait;
- (~~39~~~~37~~) "Sports fishing trotline" means a line to which are attached no more than fifty (50) single or multibarbed baited hooks which shall not be placed closer together than eighteen (18) inches;
- (~~40~~~~38~~) "Take" includes pursue, shoot, hunt, wound, catch, kill, trap, snare, or capture wildlife in any way and any lesser act designed to lure, attract, or entice for these purposes; and to place, set, aim, or use any device, animal, substance, or agency which may reasonably be expected to accomplish these acts; or to attempt to do these acts or to assist any other person in the doing of or the attempt to do these acts;
- (~~41~~~~39~~) "Tenant" means any resident sharecropper, lessee, or any other person actually engaged in work upon a farm or lands and residing in a dwelling on the farms or lands including noncontiguous lands, but shall not include any other employee or tenant unless actually residing on the property and engaged or employed as above mentioned;
- (~~42~~~~40~~) "Transport" means to carry, move, or ship wildlife from one place to another;
- (~~43~~~~41~~) "Waterfowl" means all species of wild ducks, geese, swans, mergansers, and coots; and
- (~~44~~~~42~~) "Wildlife" means any normally undomesticated animal, alive or dead, including without limitations any wild mammal, bird, fish, reptile, amphibian, or other terrestrial or aquatic life, whether or not possessed in

controlled environment, bred, hatched, or born in captivity and including any part, product, egg, or offspring thereof, protected or unprotected by this chapter.

➔Section 2. KRS 150.023 is amended to read as follows:

- (1) The members of the commission shall meet in Frankfort, quarterly, upon a date to be determined and fixed by the commissioner, or as often as may be necessary for the transaction of business, upon reasonable notice to each member of such meetings. ***Committees created by the commission may meet as often as necessary to conduct their assigned business at locations throughout the Commonwealth. Committees must provide public notice of each meeting including date, time, and location information. Public notice shall be provided no less than seven (7) days before the meeting date.***
- (2) The commission shall at all times keep a watchful eye upon the Department of Fish and Wildlife Resources, and advise the commissioner to take such action as may be beneficial to the department and in the interest of wildlife and conservation of natural resources.
- (3) The commissioner, with the approval of the commission, shall authorize such scientific and other studies as he deems necessary, and shall collect, classify and disseminate such statistics, data and information as in his discretion will tend to promote the objects of this chapter.
- (4) The commissioner, with the approval of the commission, shall have the exclusive power to expend for the protection, conservation, propagation and restoration, and taking and harvesting of all wildlife all funds of the state acquired for the protection, conservation, propagation or restoration of all wildlife arising from licenses, gifts or otherwise.

➔Section 3. KRS 150.095 is amended to read as follows:

~~{(1)}~~ Conservation officers are authorized to keep and bear arms upon their person, concealed or otherwise, in the same manner as all other peace officers, and to exercise the use of such arms to such extent as the same may be necessary in the discharge of their duties.

~~{(2)}~~ The commissioner may authorize conservation officers and other departmental personnel to use sirens and suitable visible flashing lights on their vehicles in the performance of their duties.

➔Section 4. KRS 150.172 is amended to read as follows:

- (1) Any person who is not prohibited by state or federal law from possessing a firearm may carry a firearm and ammunition for that firearm for purposes of self-defense and defense of others while hunting, fishing, trapping, or engaging in any other activity not constituting a crime under KRS Chapter 218A or Chapters 500 to 534, and may do so on any public lands under the control of the department and on any private land under the control of the department, unless the owner of the private land has posted notice that concealed deadly weapons are not allowed in a building where they may be prohibited pursuant to KRS 237.110 or 237.115.

- (2) (a) A person may use a firearm, if he or she is not prohibited by state or federal law from possessing a firearm, or may use any other deadly weapon, at any time and during any season to:

1. Kill or attempt to kill an animal, whether protected or unprotected, in self-defense or defense of another person; or
2. Kill or attempt to kill an injured animal for humane purposes; ~~and~~

In either event, reports the kill or attempted kill to a conservation officer before midnight of the same day as the kill or attempted kill.

- (b) ***An investigation by the department shall be authorized to substantiate and provide evidence on whether the kill or attempted kill of the animal is in violation of paragraph (a) of this subsection or if the animal presents a threat to public health and safety. If no violation is shown to exist, and if there is no threat to public health and safety, then the animal or parts thereof shall:***

1. ***Remain the property and in the possession of the person taking the animal; or***
2. ***If the animal or parts thereof were surrendered to the department, be immediately returned to the person.***

- ~~(c)~~~~(b)~~ An arrest shall not be made, except upon a warrant issued by a judge of a court of competent jurisdiction, and a citation shall not be issued by a peace officer if an animal is killed under circumstances described in paragraph (a) of this subsection.

~~(d)(e)~~ A citation may be issued by a peace officer who witnesses the killing of an animal in violation of a statute or federal regulation under circumstances different from those described in paragraph (a) of this subsection.

~~(e)(d)~~ An arrest warrant or a summons may be issued by a judge of a court of competent jurisdiction, upon application of the appropriate county attorney, if the court believes that there is sufficient cause to doubt the claim that the animal was killed under circumstances described in paragraph (a) of this subsection.

- (3) In cases where an animal is killed and there is a claim that the animal was killed under circumstances described in paragraph (a) of subsection (2) of this section, the department shall provide ~~forensic evidence or other~~ competent evidence as to how the animal was killed and the circumstances surrounding the event.
- (4) The department shall not promulgate administrative regulations restricting any right provided by this section or the spirit thereof.
- (5) This section shall not apply to the killing, wounding, or other prohibited act relating to specific wildlife which are protected by the federal Endangered Species Act, 16 U.S.C. secs. 1531 to 1544; federal Migratory Bird Treaty Act, 16 U.S.C. secs. 703 to 712; or federal Bald and Golden Eagle Protection Act, 16 U.S.C. secs. 668 to 668d.
- (6) The principles contained in KRS Chapter 503 relating to the use of force and deadly force against human beings shall apply to acts where wildlife is involved.

➔Section 5. KRS 150.330 is amended to read as follows:

- (1) No person shall take, pursue, possess, transport, purchase or sell or attempt to do so, any migratory birds, except as authorized by the Migratory Bird Treaty Act (40 Stat. 755) as amended and regulations under it.
- (2) No person sixteen (16) years of age or older shall hunt any waterfowl unless, at the time, in addition to the appropriate state hunting license and **current migratory bird/waterfowl permit** ~~[Kentucky waterfowl stamp]~~, he has on his person a valid migratory bird hunting stamp of current issue as required by the Migratory Bird Hunting Stamp Act (48 Stat. 451) as amended.

➔Section 6. KRS 150.340 is amended to read as follows:

- (1) No person shall take more wildlife in any one (1) day than the bag or creel limit prescribed for the species by the department.
- (2) A person who has hunted two (2) or more days in succession may transport as personal baggage a total of not more than **three (3) times** ~~[twice]~~ the bag limit as set by the regulations for any one (1) day.
- (3) Federal and state regulations shall apply to all migratory birds and waterfowl.

➔Section 7. KRS 150.360 is amended to read as follows:

- (1) No person shall take any wildlife, whether protected by this chapter or not, except by trapping, snaring, gig, crossbow, bow and arrow, hook and line, nets, gun, and dog, dog, falconry, or as expressly prescribed by regulation.
- (2) Shotguns used in the taking of wildlife, protected or unprotected, shall not be larger than 10-gauge and shall be fired from the shoulder. No wildlife, except deer **or light geese during a light geese conservation order**, protected or unprotected, shall be taken with or by means of any automatic loading or hand-operated repeating shotgun capable of holding more than three (3) shells, the magazine of which has not been cut off or plugged with a one (1) piece filler incapable of removal through the loading end, in such manner as to reduce the capacity of the gun to not more than three (3) shells at one (1) time in the magazine and chamber combined.
- (3) No person shall take or attempt to take any wildlife, protected or unprotected, from an automobile, or other vehicle, unless prescribed by regulation. Boats may be used except as prohibited by state or federal regulation.
- (4) No person shall discharge any firearm, bow and arrow, crossbow or other similar device, upon, over, or across any public roadway.
- (5) No person shall take wildlife, except opossum, raccoon, fishes and frogs, with lights or other means designed to make wildlife visible at night.
- (6) Coyotes may be taken at night with or without the use of lights or other means designed to make wildlife visible at night, as established by administrative regulation.

➔Section 8. KRS 150.600 is amended to read as follows:

~~{(1)—}~~The commissioner, with the approval of the commission, shall have the authority to regulate the taking of waterfowl within the state and shall further have the power to establish waterfowl refuges and waterfowl shooting grounds, regulate distance of pits and shooting from refuges, either on public or private lands, where hunting or shooting is permitted; to build shooting pits or blinds and make charges for their use; and do anything else necessary to control or improve the conservation or hunting of waterfowl not contrary to federal regulations.

~~{(2)—}~~It shall be unlawful for any person for commercial purposes to hold or control land and water, or land and water used or intended to be used in whole or part, or in part for the taking of migratory waterfowl, or have the privilege of taking migratory waterfowl thereon, without first having made application to the department and paying an annual permit fee that will entitle the licensee to possess blinds or pits on said lands or water in conformance with the laws and regulations as set out by the department.

~~(3)—~~Any person holding or controlling land and water for commercial purposes used or intended to be used, in the whole or in part for the taking of migratory waterfowl, or for having the privilege of taking migratory waterfowl thereon shall make an application and pay an annual permit fee which entitles the holder thereof to build and construct blinds or pits on said land or water in conformance with the laws and regulations of this department.

~~(4)—~~All such permits shall expire each year on the next day after the last day of the season during which it shall be lawful to take migratory waterfowl.

~~(5)—~~The holder of such permits shall keep a daily register and kill survey as set out in the regulation.

~~(6)—~~No person actually residing on and owning any piece of land and water, or land, or water, shall be required to secure any such permit for the privilege of hunting migratory waterfowl thereon for himself, or his immediate family, or his resident tenants and their immediate families living on the premises, but this privilege cannot be extended to anyone else and all hunting shall conform with the laws and regulations.

➔Section 9. KRS 150.603 is amended to read as follows:

(1) Any person required to possess a hunting license under the provisions of KRS 150.170, except children under sixteen (16) years of age, taking or attempting to take waterfowl within the state shall, in addition to the appropriate hunting license, possess a **current migratory bird/waterfowl**~~{Kentucky migratory bird}~~ permit. The permit shall be carried while hunting waterfowl.

(2) Any person required to possess a hunting license under the provisions of KRS 150.170, except children under sixteen (16) years of age, taking or attempting to take migratory shore or upland game birds within the state shall, in addition to the appropriate hunting license, possess a **current migratory bird/waterfowl**~~{Kentucky migratory bird}~~ permit. The permit shall be carried while hunting migratory shore or upland game birds.

(3) The Fish and Wildlife Commission shall administer all revenues generated by the sale of the permits. The revenue from the sale of **current migratory bird/waterfowl**~~{Kentucky migratory bird}~~ permits shall be expended for waterfowl projects for the purpose of protecting and propagating migratory waterfowl and for the development, restoration, maintenance, and preservation of wetlands within the state. The intent of this section is to expand waterfowl research and management and increase waterfowl populations in the state without detracting from other programs. The expenditures of funds generated under the provisions of this section shall be included in the annual report provided for in KRS 150.061.

➔Section 10. KRS 189.910 is amended to read as follows:

(1) As used in KRS 189.920 to 189.950, "emergency vehicle" means any vehicle used for emergency purposes by:

- (a) The Department of Kentucky State Police;
- (b) A public police department;
- (c) The Department of Corrections;
- (d) A sheriff's office;
- (e) A rescue squad;
- (f) An emergency management agency if it is a publicly owned vehicle;

- (g) An ambulance service or medical first-response provider licensed by the Kentucky Board of Emergency Medical Services, for any vehicle used to respond to emergencies or to transport a patient with a critical medical condition;
 - (h) Any vehicle commandeered by a police officer;
 - (i) Any vehicle with the emergency lights required under KRS 189.920 used by a paid or volunteer fireman or paid or volunteer ambulance personnel, or a paid or local emergency management director while responding to an emergency or to a location where an emergency vehicle is on emergency call;
 - (j) An elected coroner granted permission to equip a publicly or privately owned motor vehicle with lights and siren pursuant to KRS 189.920;~~[-or]~~
 - (k) A deputy coroner granted permission to equip a publicly or privately owned motor vehicle with lights and siren pursuant to KRS 189.920; *or*
 - (l) *A conservation officer of the Kentucky Department of Fish and Wildlife Resources.*
- (2) As used in KRS 189.920 to 189.950, "public safety vehicle" means public utility repair vehicle; wreckers; state, county, or municipal service vehicles and equipment; highway equipment which performs work that requires stopping and standing or moving at slow speeds within the traveled portions of highways; and vehicles which are escorting wide-load or slow-moving trailers or trucks.

➔Section 11. KRS 186.675 is amended to read as follows:

- (1) The annual registration fee for trailers and semitrailers which are drawn by motor vehicles required to be licensed under KRS 186.050(1) shall be four dollars and fifty cents (\$4.50). The annual registration fee for trailers and semitrailers which are drawn by motor vehicles required to be licensed under KRS 186.050(3) to (13) shall be nineteen dollars and fifty cents (\$19.50).
- (2) The provisions of KRS 186.650 to 186.700 shall not apply to privately owned and operated trailers used for the transportation of:
 - (a) Boats;
 - (b) Luggage;
 - (c) Personal effects;
 - (d) Farm products, farm supplies, or farm equipment;
 - (e) All-terrain vehicles as defined in KRS 189.010(24);
 - (f) Wildlife as defined in KRS 150.010(~~44~~)(~~42~~) that the owner or operator of the trailer has obtained while hunting; and
 - (g) Firearms or other supplies used in conjunction with hunting wildlife.
- (3) The registration fee for mobile homes and recreational vehicles shall be nine dollars and fifty cents (\$9.50) except the registration fee for camping trailers, travel trailers, and truck campers shall be four dollars and fifty cents (\$4.50). The clerk shall issue the registration plate furnished by the cabinet and shall be paid for this service the sum of one dollar (\$1).
- (4) Beginning April 1, 1993, at the request of the owner, trailers and semitrailers which are drawn by motor vehicles required to be licensed under KRS 186.050(3) to (13) may be permanently registered, except the registration shall expire when the trailer or semitrailer is sold or when it is otherwise permanently removed from service by the owner. The registration fee for the period shall be ninety-eight dollars (\$98). The clerk shall issue the registration plate furnished by the cabinet and shall be paid for this service the sum of three dollars (\$3).

Signed by Governor March 26, 2019.