

# Chapter 497

## 1979 REPLACEMENT PART

### Licenses and Permits

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**GENERAL ADMINISTRATIVE PROVISIONS**

**497.002 "Resident" and "nonresident" defined.** Except as provided in ORS 497.006, as used in this chapter:

(1) "Resident" means a person who has resided in this state at least six consecutive months immediately prior to the date of making application for a license, tag or permit issued by the commission. Temporary absence from the state for a purpose other than establishing residency outside the state shall not be considered in determining whether a person meets the residency requirements of this subsection.

(2) "Nonresident" means any person other than a resident. [1973 c.723 §41]

**497.006 Certain persons as residents for licensing purposes.** (1) The following persons shall be considered resident persons for the purpose of purchasing licenses, tags and permits issued by the commission:

(a) Members of the Armed Forces of the United States who furnish to the commission evidence satisfactory to the commission that the person is permanently assigned to active duty in this state.

(b) Aliens who furnish to the commission evidence satisfactory to the commission that the person is attending a school in this state pursuant to a foreign student exchange program.

(2) A person who furnishes to the commission evidence satisfactory to the commission that the person is enrolled in this state in the job corps or a work-training program under the Economic Opportunity Act of 1964 (42 USC §§2701 to 2749), shall be considered a resident for the purpose of obtaining an angling license. [1973 c.723 §42]

497.010 [Repealed by 1973 c.723 §130]

**497.012 Validity of licenses on Snake River.** (1) Angling, hunting or trapping in the waters of the Snake River or on the islands of the Snake River, where the river forms the boundary line between the State of Oregon and the State of Idaho, by a holder of either a valid Oregon or Idaho license therefor in accordance with the laws and rules of the respective states is lawful.

(2) Nothing in this section is intended to authorize:

(a) The holder of an Oregon license to angle, hunt or trap on the shoreline, sloughs or tributaries on the Idaho side of the Snake River.

(b) The holder of an Idaho license to angle, hunt or trap on the shoreline, sloughs or tributaries on the Oregon side of the Snake River. [1973 c.723 §43]

497.015 [1971 c.530 §2; repealed by 1973 c.723 §130]

**497.016 Term of licenses, tags and permits.** (1) Unless otherwise provided by law, all licenses, tags and permits issued by the commission shall be valid for such period of time as the commission prescribes.

(2) All annual angling and hunting licenses issued by the commission shall expire on December 31 next after issuance.

(3) All annual trapping licenses issued by the commission shall expire on June 30 next after issuance. [1973 c.723 §44]

497.020 [Repealed by 1973 c.723 §130]

**497.022 Issuance of licenses, tags or permits by commission agents; fees.** (1) The commission may appoint agents to issue any of the licenses, tags or permits the commission is authorized by law to issue. The commission shall prescribe the procedure for the issuance of such licenses, tags and permits. Agents of the commission shall issue licenses, tags and permits in accordance with the prescribed procedure and shall charge and collect the fees prescribed by law therefor.

(2) In addition to the fees prescribed by law for the issuance of a license, tag or permit, the issuing agent shall charge and collect 25 cents for each license, tag or permit. If the agent is a county clerk, he shall deposit such additional fees in the general fund of the county for which he is the clerk. Agents other than county clerks may retain such additional fees for their license, tag or permit issuance service.

(3) If the commission finds that an agent appointed pursuant to this section has violated any of the provisions of law or the procedures prescribed by the commission for the issuance of licenses, tags or permits or the collection and disposition of fees therefrom, the commission may revoke the authority of the agent to issue licenses, tags and permits, or may suspend such authority for such time as the commission considers appropriate. [1973 c.723 §45; 1975 c.183 §1]

**497.026 Disposition of funds by license agents.** (1) Any agent appointed by the commission to issue licenses, tags or permits shall forward to the commission, on or before the 10th day of each month, all moneys belonging to the state accruing from the issuance of licenses, tags and permits during the preceding month.

(2) No agent appointed by the commission to issue licenses, tags or permits shall fail to remit to the commission moneys received from the issuance of licenses, tags and permits in the manner required by this section. [1973 c.723 §46; 1975 c.85 §1]

**497.030** [Repealed by 1973 c.723 §130]

**497.032 Duplicate licenses and tags; fee.** If a license or a tag issued by the commission is lost, destroyed or stolen, the holder thereof may submit to the commission an affidavit stating that the license or tag has been lost, stolen or destroyed, together with a fee of \$1 for each such license or tag. Upon receipt of the affidavit and appropriate fees, the commission shall issue to the person a certificate that may be used in lieu of the lost, destroyed or stolen licenses or tags. [1973 c.723 §47]

**497.036 Inspection of licenses, tags and permits.** The holder of any license, tag or permit to guide, angle, hunt or trap must consent to the inspection of any such license, tag or permit:

(1) By any person authorized to enforce the wildlife laws.

(2) By the owner, or his agent, of any land upon which the license, tag or permit holder is guiding, angling, hunting or trapping. [1973 c.723 §48]

**497.040** [Amended by 1959 c.272 §1; repealed by 1973 c.723 §130]

**497.050** [Amended by 1967 c.523 §7; repealed by 1973 c.723 §130]

**497.060** [Repealed by 1973 c.723 §130]

**497.070** [Repealed by 1959 c.341 §2]

## LICENSE, TAG AND PERMIT REQUIREMENTS AND FEES

**497.071 Dedication of certain license, tag and permit fee increases.** The Legislative Assembly finds it imperative that the wildlife resources of the State of Oregon be augmented to a level sufficient to provide

Oregonians the recreational benefits of hunting and angling, an abundance of wildlife, and the reasonable expectation that their efforts will result in the taking of game or fish. The intent of this legislation is to provide adequate revenue to the State Fish and Wildlife Commission whereby game mammal herds and game fish populations may be increased for the benefit of Oregon hunters and anglers. Concomitant with the purposes for which the Legislative Assembly approves this legislation, the State Fish and Wildlife Commission is directed to expend the revenues created by this section and ORS 497.102 to 497.132 in achieving wildlife management objectives including, but not limited to the following:

- (1) Habitat management.
- (2) Predator control.
- (3) Replenishment of fish and game populations.
- (4) Reduction of the anadromous bag limit.
- (5) Adjustment of seasons and deadlines to protect returning anadromous adults.
- (6) Supplemental wildlife feeding.
- (7) Protection of game mammals and game birds with characteristics of high reproductive potential.
- (8) Enforcement of closings necessitated by herd or population depletion.
- (9) Expansion of the road and access closure program when necessary to reduce hunting pressure in specific areas. [1975 c.454 §1]

**497.072** [1955 c.216 §1; repealed by 1959 c.341 §2]

**497.075 General license, tag and permit requirements; exemptions.** (1) Except as provided in subsections (2), (3) and (4) of this section, no person shall angle for, hunt or trap, or assist another in angling for, hunting or trapping, any wildlife unless he has in his possession such valid licenses, tags and permits therefor as the commission issues.

(2) An angling license is not required:

(a) Of a person to angle for any fish that is not a game fish.

(b) Of a person younger than 14 years of age. However, each such person who angles for salmon or steelhead trout must have in his possession a valid salmon-steelhead tag while so angling.

(c) Of a resident person to angle on his own land. However, each such person who angles for salmon or steelhead trout must

have in his possession a valid salmon-steelhead tag while so angling.

(d) Of a resident person to angle on land owned by a member of his immediate family and upon which he resides. However, each such person who angles for salmon or steelhead trout must have in his possession a valid salmon-steelhead tag while so angling.

(3) A hunting license is not required:

(a) Of a person younger than 14 years of age to hunt wildlife, except those species for which a tag or permit is required by the wildlife laws or by any rule promulgated pursuant thereto.

(b) Of a resident person to hunt wildlife, except those species of wildlife for which a tag or permit is required by the wildlife laws or by any rule promulgated pursuant thereto, on land upon which he resides and is owned by him or a member of his immediate family.

(c) Of a person who holds a valid trapping license to take, by any means involving the use of a weapon, fur-bearing mammals during authorized trapping seasons or predators.

(d) Of a person to take wildlife pursuant to ORS 498.012, notwithstanding any other provision of this subsection.

(4) A trapping license is not required:

(a) Of a resident person to trap fur-bearing mammals or predators, except those species for which a tag or permit is required by the wildlife laws or any rule promulgated pursuant thereto, on land upon which he resides and is owned by him or a member of his immediate family.

(b) Of a person younger than 14 years of age to trap fur-bearing mammals or predators, except those species for which a tag or permit is required by the wildlife laws or by any rule promulgated pursuant thereto.

(c) Of a person to trap wildlife that is not protected by the wildlife laws or the laws of the United States. [1973 c.723 §49; 1975 c.214 §1]

497.080 [Repealed by 1973 c.723 §130]

497.090 [Repealed by 1965 c.295 §3]

497.100 [1959 c.692 §§2, 3(1), (3); 1961 c.536 §2; 1971 c.446 §5; repealed by 1973 c.723 §130]

**497.102 Hunting license and permit fees.** (1) The commission is authorized to issue, upon application, to persons desiring to hunt wildlife the following licenses and permits and shall charge therefor the following fees:

(a) Resident annual hunting license to hunt wildlife except fur-bearing mammals, \$7.

(b) Nonresident annual hunting license to hunt wildlife including game birds except fur-bearing mammals, \$75.

(c) Nonresident annual hunting license to hunt game birds only, \$50.

(d) Resident annual juvenile hunting license to hunt wildlife including fur-bearing mammals for persons 14 through 17 years of age to hunt wildlife except those species for which a tag or permit is required by the wildlife laws or by any rule promulgated pursuant thereto, \$2.

(e) Resident pioneer hunting license to hunt wildlife including fur-bearing mammals for persons 65 years of age or older who have resided in the state for not less than 50 years prior to the date of application, \$1.

(f) Resident senior citizen hunting license to hunt wildlife including fur-bearing mammals for persons 70 years of age or older who have resided in the state for not less than five years prior to the date of application, free.

(g) Resident disabled war veteran hunting license to hunt wildlife including fur-bearing mammals for persons who have resided in the state for not less than one year immediately prior to the date of application and who file with the commission written proof that the last official certification of record by the United States Veterans Administration or any branch of the Armed Forces of the United States shows the person to be at least 25 percent disabled, free.

(h) Annual bow-hunting license to hunt in any area or during any season designated exclusively for hunting with bow and arrow. The fee shall be:

(A) When purchased at the time of purchasing a hunting license or combination angling and hunting license, \$2.

(B) When purchased at any time other than that referred to in subparagraph (A) of this paragraph, \$5.

(i) Annual private hunting preserve permit to hunt privately owned hunting preserve game birds, \$3.

(j) Resident annual hunting license to hunt fur-bearing mammals, \$5.

(k) Nonresident annual hunting license to hunt fur-bearing mammals, \$75.

(2) The hunting preserve permit referred to in paragraph (i) of subsection (1) of this section is in lieu of the hunting licenses required by the wildlife laws.

(3) The license to hunt fur-bearing mammals referred to in paragraphs (j) and (k) of subsection (1) of this section is in addition to and not in lieu of other hunting licenses required by the wildlife laws. [1973 c.723 §50; 1975 c.454 §2; 1979 c.218 §1; 1979 c.377 §1a; 1979 c.774 §2c]

**497.110** [Amended by 1955 c.358 §1; 1967 c.278 §1; 1971 c.446 §6; repealed by 1973 c.723 §130]

**497.112 Hunting tag fees and restrictions.** (1) The commission is authorized to issue, upon application, to persons desiring to hunt wildlife the following tags and shall charge therefor the following fees:

- (a) Resident annual elk tag to hunt elk, \$15.
- (b) Nonresident annual elk tag to hunt elk, \$105.
- (c) Special annual elk tag for holders of pioneer or disabled veteran hunting licenses to hunt elk, \$2.50.
- (d) Resident annual deer tag to hunt deer, \$4.
- (e) Nonresident annual deer tag to hunt deer, \$50.
- (f) Resident annual black bear tag to hunt black bear, \$5.
- (g) Nonresident annual black bear tag to hunt black bear, \$75.
- (h) Resident annual mountain sheep tag to hunt mountain sheep, \$25.
- (i) Resident annual mountain goat tag to hunt mountain goat, \$35.
- (j) Resident annual cougar tag to hunt cougar, \$20.
- (k) Nonresident annual cougar tag to hunt cougar, \$150.
- (L) Nonresident annual antelope tag to hunt antelope, \$125.

(2) The tags referred to in subsection (1) of this section are in addition to and not in lieu of the hunting licenses required by law.

(3) The commission may, at the time of issue only, indorse upon the tags referred to in subsection (1) of this section an appropriate designation indicating whether it is for a game animal to be taken with bow and arrow or with firearms, at the choice of the applicant. The commission may prescribe by rule that the holder of such a tag shall not be au-

thorized to take the game animal by any other means than the tag so indorsed.

(4) A person who is a nonresident is not eligible to obtain a tag to hunt mountain sheep or mountain goat. A person is not eligible to obtain, in a lifetime, more than one tag issued by the commission to hunt mountain sheep and one tag issued by the commission to hunt mountain goat. [1973 c.723 §53; 1975 c.454 §3; 1975 c.487 §1a; 1979 c.715 §1]

**497.115** [1971 c.530 §3; repealed by 1973 c.723 §130]

**497.120** [Amended by 1955 c.358 §2; 1957 c.148 §1; 1959 c.221 §1; 1961 c.536 §1; 1967 c.278 §2; 1971 c.446 §7; repealed by 1973 c.723 §130]

**497.121 Angling license and tag fees.**

(1) The commission is authorized to issue, upon application, to persons desiring to angle for game fish the following licenses and tags and shall charge therefor the following fees:

- (a) Resident annual angling license, \$9.
- (b) Nonresident annual angling license, \$25.
- (c) Nonresident angling license to angle for 10 consecutive days, \$10.
- (d) Angling license to angle for one day, \$2.50.
- (e) Angling license for blind persons, free.
- (f) Resident annual juvenile angling license for persons 14 through 17 years of age, \$2.
- (g) Resident pioneer angling license for persons 65 years of age or older who have resided in the state for not less than 50 years prior to the date of application, \$1.
- (h) Resident senior citizen angling license for persons 70 years of age or older who have resided in the state for not less than five years prior to the date of application, free.
- (i) Resident disabled war veteran angling license for persons who have resided in the state for not less than one year immediately prior to the date of application and who file with the commission written proof that the last official certification of record by the United States Veterans Administration or by any branch of the Armed Forces of the United States shows the person to be at least 25 percent disabled, free.

(j) Annual salmon-steelhead tag to angle for salmon or steelhead trout, \$2.

(2) The salmon-steelhead tag referred to in paragraph (j) of subsection (1) of this section is in addition to and not in lieu of the

angling licenses required by the wildlife laws. However, a salmon-steelhead tag is not required of a person who holds a valid angling license referred to in paragraph (d) of subsection (1) of this section. [1973 c.723 §51; 1975 c.34 §1; 1975 c.454 §4; 1979 c.377 §2]

**497.122** [1955 c.474 §1; repealed by 1957 c.148 §2]

**497.125** [1959 c.692 §3(2); repealed by 1973 c.723 §130]

**497.130** [Amended by 1967 c.278 §3; repealed by 1973 c.723 §130]

**497.132 Combination resident license; fee.** In lieu of issuing to resident persons separate licenses for angling and hunting, the commission is authorized to issue resident annual combination angling and hunting licenses, and charge therefor a fee of \$15. [1973 c.723 §52; 1975 c.454 §5]

**497.140** [Amended by 1963 c.263 §1; repealed by 1973 c.723 §130]

**497.142 Trapping license and tag fees.** (1) The commission is authorized to issue, upon application, to persons desiring to trap fur-bearing mammals the following licenses and tags and shall charge therefor the following fees:

(a) Annual resident trapping license to trap fur-bearing mammals, \$10.

(b) Annual nonresident trapping license to trap fur-bearing mammals, \$75.

(c) Annual furbearer tags to trap fur-bearing mammals, such amount for each tag as the commission may prescribe, but not more than \$10.

(2) The tags referred to in paragraph (c) of subsection (1) of this section are in addition to and not in lieu of the licenses referred to in paragraphs (a) and (b) of subsection (1) of this section. [1973 c.723 §55; 1979 c.774 §1]

**497.145** [1965 c.295 §2; repealed by 1973 c.723 §130]

**497.146 Trapper training program.** (1) The commission, by rule, shall prescribe and administer a trapper training program to provide instruction in the proper use of trapping equipment. The program may also include instruction on wildlife and natural resource conservation, first aid and survival and such other subjects as the commission considers desirable to promote good outdoor conduct and respect for the rights and property of others. The commission may cooperate and enter into agreements with other public

or private agencies and individuals in carrying out the provisions of this section.

(2) The commission shall report to the Sixty-first Legislative Assembly on the status of the trapper training program referred to in subsection (1) of this section. The report shall include the commission's recommendations as to whether individuals engaged in trapping activities should be required to undergo the training program as a condition of obtaining a trapping license. [1979 c.774 §4]

**497.147** [1967 c.251 §2; repealed by 1973 c.723 §130]

**497.150** [Amended by 1955 c.153 §1; 1957 c.54 §1; 1969 c.382 §1; repealed by 1973 c.723 §130]

**497.160** [Amended by 1953 c.79 §2; 1955 c.295 §1; 1969 c.506 §1; repealed by 1973 c.723 §130]

### SPECIAL LICENSES

**497.162 Angling licenses for persons in state care.** (1) Upon application of the Children's Services Division or Mental Health Division, the commission shall issue without fee, licenses to angle for the temporary use of any person in a state institution as defined in ORS 179.610, or any student in a juvenile training school or related camps or programs operated by Children's Services Division, or any child placed by Children's Services Division and under the care of a foster home or a private nonprofit child-caring agency certified by the division or any person in a Mental Health Division alternatives to state hospitalization program as defined in paragraph (b) or (c) of subsection (2) of ORS 430.630. The licenses issued under this subsection shall be in bearer form and, subject to applicable laws and regulations relating to angling, shall be used as the division or board directs.

(2) Upon application of the director of any veteran's administration hospital or domiciliary within this state, the commission shall issue without fee to each hospital or domiciliary, 30 licenses to angle for the temporary use of any person who is a patient or resident in the hospital or domiciliary. The licenses issued under this subsection shall be in bearer form and, subject to applicable laws and regulations relating to angling, shall be used as the director of the hospital or domiciliary provides. [Formerly 497 840; 1977 c.492 §1; 1979 c.70 §1]

**497.170 Columbia River Indians; free hunting and fishing licenses.** The commission shall furnish a permanent hunting and

angling license, without payment of fee, to all Columbia River Indians who are eligible to hunt and angle under the terms of the Treaty of 1855 between the Columbia River Indians and the United States of America. The chief authority of the Columbia River Indians shall furnish from time to time to the commission a list of all Indians who have become eligible, and shall certify under oath that the Indians named in the list are included in the terms of the treaty. [Amended by 1973 c.723 §56]

497.175 [1969 c.506 §3; repealed by 1973 c.723 §130]

## OCCUPATIONAL LICENSES, REQUIREMENTS AND FEES

**497.200 Guide license; qualification; examination.** (1) No person shall act as a guide unless he first obtains from the commission a guide license. However, a person acting as an assistant to a licensed guide, who accompanies and is under the direct supervision and control of the guide need not obtain a guide license.

(2) The commission shall prescribe a guide license application form that requires the applicant to submit whatever information the commission considers necessary in order to determine whether the applicant possesses the qualifications required by this section. Before issuing a guide license to any person, or renewing a guide license, the commission shall first determine that the applicant is capable of properly performing the duties of a guide and providing for the safety of his clients. In determining whether to grant or renew a license, the commission shall consider the applicant's qualifications by reason of experience, knowledge, equipment, resources and history of compliance with the wildlife laws and rules promulgated pursuant thereto, and may require the applicant to pass an examination, prescribed by the commission, on the subjects of wildlife and outdoor lore, first aid, the contents of the wildlife laws, firearm safety and such other subjects as the commission considers will adequately demonstrate the applicant's capability to act as a guide. A determination not to renew shall include a statement as to when, or under what conditions, the licensee may reapply for renewal.

(3) The commission may suspend a license, indefinitely, for a specified period or until specified conditions are met, upon a finding relative to one or more of the criteria stated in subsection (2) of this section.

(4) Determinations and suspensions pursuant to subsections (2) and (3) of this section are subject to ORS 183.310 to 183.500. [1973 c.723 §58; 1979 c.615 §2]

**Note:** Section 4, chapter 615, Oregon Laws 1979, provides:

**Sec. 4.** Subject to review and possible reinstatement by the Legislative Assembly under ORS 182.605 to 182.635, ORS 497.200, 497.208 and 497.425 are repealed on July 1, 1982.

**Note:** Chapter 358, Oregon Laws 1979, provides:

**Sec. 1.** Sections 2 to 9 of this Act are added to and made a part of ORS 497.218 to 497.248.

**Sec. 2.** As used in sections 2 to 9 of this 1979 Act:

(1) "Ocean" means those waters of the Pacific Ocean within the jurisdiction of the State of Oregon that are west of U.S. Highway 101.

(2) "Ocean charter vessel" means a vessel used in the business of carrying individuals to angle in the ocean.

**Sec. 3.** (1) Notwithstanding any other provision of law, it is unlawful to engage in the business of carrying individuals to angle in the ocean without first obtaining an ocean charter vessel license from the commission.

(2) The license required by subsection (1) of this section is in lieu of the license required by ORS 497.200.

**Sec. 4.** (1) An individual who desires to obtain an ocean charter vessel license shall make written application therefor to the commission. The application shall include a full description of the vessel the applicant proposes to use for ocean charter activities and a copy of all licenses and other documentation required by the United States Coast Guard for ocean use of the vessel

(2) The fee for an ocean charter vessel license is:

(a) For vessels owned by residents of this state, \$25.

(b) For vessels owned by persons who reside in a state that requires Oregon residents to pay a license fee in excess of \$100 to operate an ocean charter vessel in that state, such fee in excess of \$100 as is charged Oregon residents to operate an ocean charter vessel in the state where the nonresident applicant resides

(c) For all vessels owned by nonresidents other than those described in paragraph (b) of this subsection, \$100.

(3) Notwithstanding ORS 497.400, a license issued pursuant to this section is transferable to a replacement vessel of the license holder and is transferable to the purchaser of the vessel when the vessel is sold.

**Sec. 5.** (1) There is established the Ocean Charter Vessel Advisory Committee. The committee shall consist of five members appointed by the commission after consultation with the ocean charter vessel industry. The term of a member of the committee is four years.

(2) A member of the committee shall receive no compensation for services as a member.

(3) The committee shall select such officers, for such terms and with such duties as the committee considers necessary for the performance of those offices.

(4) The committee shall meet at such times and places as may be determined by the chairperson or by a majority of the members of the committee.

**Sec. 6.** Notwithstanding the term of office specified in section 5 of this 1979 Act, of the members first appointed to the Ocean Charter Vessel Advisory Committee:

(1) Two members shall serve for terms of four years from the date of appointment.

(2) Two members shall serve for terms of three years from the date of appointment.

(3) One member shall serve for a term of two years from the date of appointment.

**Sec. 7.** The duty of the Ocean Charter Vessel Advisory Committee is to act in an advisory capacity to the commission on all matters affecting ocean charter vessel activities. Such matters include advice on the administration of any regulatory plan to limit the number of ocean charter vessels authorized to operate that may be required by or pursuant to the laws of this state or of the United States.

**Sec. 8.** (1) No ocean charter vessel operator shall take any person as a passenger without first determining that the person has the required licenses for ocean angling.

(2) Every ocean charter vessel operator shall make every reasonable effort to prevent passengers on the vessel from violating any of the provisions of the wildlife laws.

(3) No ocean charter vessel operator, or employe of the operator, shall angle for any vessel passenger. No person shall knowingly accept from an ocean charter vessel operator, or the operator's employe, any fish unlawfully taken by the operator, or the operator's employe.

(4) An ocean charter vessel operator is responsible for the acts or omissions of the operator's employes acting within the scope of their employment.

**Sec. 9.** When an individual who holds an ocean charter vessel license is convicted of a violation of any of the wildlife laws or rules or forfeits bail in connection with such a violation, committed while on the vessel, the commission may revoke the individual's ocean charter vessel license for the remainder of the license year and may refuse issuance of an ocean charter vessel license to that individual for a period not to exceed one year from the date of the conviction or bail forfeiture.

**Sec. 10.** This Act takes effect January 1, 1980.

**Sec. 11.** This Act is repealed January 1, 1988.

**497.208 Duties of guide and employe.**

(1) No person shall act as a guide for any person without first determining that such person has the proper licenses for the trapping, hunting or angling he expects to do.

(2) Every guide, or his employe, shall use every reasonable effort to prevent any guided person from violating any of the provisions of the wildlife laws.

(3) No guide, or his employe, shall angle for, hunt or trap any wildlife for any guided person or party, but any guide holding the licenses, tags and permits required by law may angle for, hunt or trap wildlife for his personal use in accordance with the provisions of the wildlife laws and rules promulgated pursuant thereto. No person shall knowingly accept from a guide, or his employe, any wildlife unlawfully taken by the guide, or his employe.

(4) No licensed guide shall fail to report to the commission any violations of the wildlife laws and rules promulgated pursuant thereto.

(5) A guide is responsible for the acts or omissions of his employes acting within the scope of their employment. [Formerly 497.760]

Note: See note under 497.200.

**497.210** [Amended by 1955 c.109 §2, repealed by 1973 c.723 §130]

**497.218 Fur dealer license; records.**

(1) No person shall engage in the business of buying the skins or pelts of any fur-bearing mammal unless he has first obtained from the commission a fur dealer license.

(2) Every fur dealer shall maintain a record of his transactions involving the skins or pelts of fur-bearing mammals. The record shall be in such form and contain such information as the commission, by rule, prescribes to accurately indicate the date, type and number of skins or pelts received and the name and address of the person with whom such transaction was made. [1973 c.723 §60]

**497.220** [Repealed by 1955 c.109 §1]

**497.228 Wildlife propagation license; grounds for license denial; records.** (1) No person shall engage in the business of propagating game birds, game mammals or game fish for sale unless he first obtains from the commission a wildlife propagation license.

(2) The commission may refuse to issue a license to an applicant if the commission finds that the conduct of the wildlife propagation business would tend to be harmful to existing wildlife populations.

(3) The commission, by rule, may prescribe requirements for the care, inspection, transportation and the sale, taking or other disposition of the game birds, game mammals

or game fish, and for such record keeping and reporting procedures as will insure that the propagation activities are conducted in such manner as will not be harmful to existing wildlife populations. [1973 c.723 §61]

**497.230** [Amended by 1967 c.431 §2; repealed by 1973 c.723 §130]

**497.238 Taxidermy license; records.**

(1) No person shall engage in the business of taxidermy unless he first obtains from the commission a taxidermist license.

(2) Every licensed taxidermist shall maintain a record of the taxidermy work he performs. The record shall be in such form and contain such information as the commission, by rule, prescribes to accurately indicate the date, type and number of wildlife species received for taxidermy work and the name and address of the persons from whom the wildlife species were received. [1973 c.723 §62]

**497.240** [Repealed by 1973 c.723 §130]

**497.248 Private hunting preserve license; qualifications of preserve; regulation of hunting activities; records.** (1) No person shall engage in the business of operating a private hunting preserve for the hunting of privately owned or propagated game birds unless he first obtains from the commission a private hunting preserve license.

(2) The commission shall issue a private hunting preserve license to an applicant therefor if the commission finds that the operation of the preserve will meet the following requirements:

(a) The preserve contains not more than 640 acres and is on one continuous tract of land owned by the applicant or leased by him for a period of at least five years.

(b) The preserve is located at least three miles from any other licensed private hunting preserve.

(c) No portion of the preserve is located closer than one-half mile to any park, wilderness area, refuge or wildlife management area operated by any agency of the state or Federal Government.

(d) The exterior boundaries of the preserve are clearly marked in such manner as the commission prescribes.

(e) The preserve has facilities to propagate or hold not less than 500 of each wildlife species to be released for hunting.

(f) The applicant will not prevent or attempt to prevent public hunting on lands adjacent to the preserve.

(3) The commission, by rule, shall prescribe the time, manner and place of hunting on private preserves, the wildlife species to be hunted, requirements for the care and marking of wildlife raised on the preserve, the release of wildlife received from another state, the procedures for marking indigenous wildlife incidentally taken on the preserve and the fees therefor, and record keeping and reporting procedures.

(4) No person shall hunt on a private hunting preserve unless he first obtains from the commission a hunting license or a private hunting preserve permit. [1973 c.723 §63]

**497.250** [Amended by 1959 c.692 §11; repealed by 1973 c.723 §130]

**497.258 Fees.** The commission is authorized to issue, upon application, to persons desiring to engage in the following wildlife-related occupations the following licenses and shall charge therefor the following fees:

(1) Resident annual fur dealer license, \$10.

(2) Resident annual taxidermist license, \$5.

(3) Resident annual wildlife propagation license, \$5.

(4) Resident annual private hunting preserve license, \$100.

(5) Resident annual guide license, \$25.

(6) Nonresident annual guide license:

(a) For nonresident persons who reside in a state that requires residents of the State of Oregon to pay a license fee in excess of \$100 to guide in that state, such fee in excess of \$100 as is charged residents of the State of Oregon to guide in the state where the nonresident applicant resides.

(b) For all nonresident persons other than those referred to in paragraph (a) of this subsection, \$100. [1973 c.723 §54; 1979 c.615 §3]

**497.260** [Amended by 1969 c.61 §1; repealed by 1973 c.723 §130]

**497.268 Inspection of occupational licenses.** The holder of any license issued pursuant to ORS 497.218 to 497.248 shall consent to the inspection by any person authorized to enforce the wildlife laws of any such license and any records the holder is

required to keep by the wildlife laws or any rule promulgated pursuant thereto. [1973 c.723 §64]

**497.270** [Amended by 1971 c.55 §1; repealed by 1973 c.723 §130]

**497.275** [1971 c.55 §2; repealed by 1973 c.723 §130]

**497.280** [Amended by 1971 c.658 §24; repealed by 1973 c.723 §130]

**497.285** [1961 c.335 §§2, 3, 4; 1969 c.501 §1; 1971 c.743 §397; repealed by 1973 c.723 §130]

**497.290** [Amended by 1971 c.658 §25; repealed by 1973 c.723 §130]

### SPECIAL PERMITS

**497.298 Scientific taking permit.** (1) Any person desiring to take wildlife for scientific purposes shall first obtain from the commission a scientific taking permit. The commission, by rule, shall prescribe a procedure for applying for permits and the form thereof, and shall prescribe the terms and conditions of taking wildlife under the permit to insure that wildlife taken pursuant to the permit will be used only for scientific purposes.

(2) No person who holds a scientific taking permit shall violate any of the terms or conditions of the permit.

(3) As used in this section, "scientific purposes" means the study or examination of wildlife for the acquisition of knowledge thereof. [1973 c.723 §65]

**497.308 Wildlife holding and habitat removal permits.** (1) No person shall remove from its natural habitat or acquire and hold in captivity any live wildlife in violation of the wildlife laws or of any rule promulgated pursuant thereto.

(2) The commission may promulgate rules to carry out the provisions of subsection (1) of this section that include but are not limited to:

(a) Providing for the issuance and form of permits for the holding or removal from habitat of wildlife.

(b) Prescribing the wildlife species for which holding or habitat removal permits are required.

(c) Prescribing the terms and conditions of holding wildlife and removing wildlife from habitat to insure the humane care and treatment of the wildlife.

(3) No person to whom a wildlife holding or removal from habitat permit has been

issued shall violate any of the terms or conditions thereof. [1973 c.723 §66]

**497.312 Special restrictions on holding coyotes.** (1) Any rules promulgated by the commission pursuant to ORS 497.308 that authorize the acquisition and holding in captivity of a coyote must require, among other matters:

(a) That the holder of the permit obtain for the animal rabies inoculations;

(b) That the animal must at all times wear an identification tag issued by the commission;

(c) That the holder of the permit notify the commission upon the death or the sale, transfer, removal from the state or other disposition of the animal;

(d) That the holder of the permit not abandon the animal; and

(e) That the holder of the permit cause the animal to be neutered.

(2) The holder of a permit referred to in subsection (1) of this section is subject to the same liability and other requirements of ORS 609.140 to 609.190 as provided for dogs.

(3) The holder of any permit referred to in subsection (1) of this section shall at all times be able to demonstrate to the satisfaction of the commission that he has physical custody of the animal or evidence of the death or other disposition of the animal in compliance with the provisions of this section and ORS 497.308.

(4) Nothing in this section or in ORS 497.308 authorizes the acquisition and holding in captivity of any coyote not held in captivity at the State Fish and Wildlife Facility at Pendleton before September 10, 1976, or held pursuant to a scientific taking permit issued pursuant to ORS 497.298. [1977 c.247 §2]

**497.318 Revocation of scientific taking or wildlife holding and habitat removal permits.** In accordance with any applicable provision of ORS 183.310 to 183.500, the commission may revoke a permit issued pursuant to ORS 497.298 or 497.308 if the commission determines that the holder of the permit has violated any of the terms or conditions thereof. Revocation of a permit is in addition to and not in lieu of any other penalty provided by law for violation of the terms or conditions of the permit. [1973 c.723 §67]

### JUVENILE RESTRICTIONS

**497.350 Hunting restriction, generally.** (1) No person younger than 12 years of age shall hunt antelope, black bear, cougar, deer, elk, mountain goat, mountain sheep or moose.

(2) No person younger than 14 years of age shall hunt with a firearm or bow and arrow unless he is accompanied by an adult, or is hunting on land owned by his parent or legal guardian. [1973 c.723 §68]

**497.360 Hunter safety certificate; training program.** (1) No person younger than 18 years of age shall hunt wildlife, except on his own land or land owned by his parent or legal guardian, unless he has in his possession a certificate, issued by the commission or by an agency of another state, stating that the person has satisfactorily completed a course prescribed or approved by the commission in the safe handling of lawful hunting weapons.

(2) The commission, by rule, shall prescribe and administer a hunter safety training program to provide instruction in the safe handling of lawful hunting weapons. The program may also include instruction on wildlife and natural resource conservation, first aid and survival and such other subjects as the commission considers desirable to promote good outdoor conduct and respect for the rights and property of others. The commission may cooperate and enter into agreements with other public or private agencies and individuals in carrying out the provisions of this subsection. The Department of State Police and the Department of Education are directed to cooperate with the commission in carrying out the provisions of this section. [1973 c.723 §69]

### LICENSE VIOLATIONS AND PENALTIES

**497.400 Alteration, false application and multiple possession prohibited.** No person shall:

(1) Apply for, obtain or possess for himself or any other person more licenses, tags or permits issued by the commission than are authorized for personal use during the current year by the wildlife laws and rules promulgated pursuant thereto.

(2) Alter, borrow, loan or transfer to another person any license, tag or permit issued by the commission.

(3) In applying for a license, tag or permit issued by the commission, knowingly make any false statement of any information required by the application regarding the person in whose name the license, tag or permit is to be issued.

(4) Possess any license, tag or permit that has been altered, borrowed, loaned or transferred or for which any false statements were knowingly made in applying therefor. [1973 c.723 §70]

**497.410** [Amended by 1959 c.692 §12; 1971 c.446 §8; repealed by 1973 c.723 §130]

**497.415 Revocation or denial of licenses, tags and permits for wildlife law violations or certain bail forfeitures in connection therewith.** (1) Except as provided in ORS 497.425 and 497.435, when any person is convicted of a violation of law or any rule promulgated pursuant thereto, or forfeits bail in connection with such violation as provided in subsection (2) of this section, the court in which such person is convicted or in which bail is forfeited may order the commission to revoke such of the licenses, tags and permits issued to that person pursuant to the wildlife laws as the court considers appropriate. Revocation of licenses, tags and permits is in addition to and not in lieu of other penalties provided by law.

(2) The license, tag and permit revocation provisions of subsection (1) of this section apply to the following persons:

(a) Any person who is convicted of a violation of the wildlife laws, or any rule promulgated pursuant thereto, or who forfeits bail in connection with any such offense when bail has been set in the amount of \$50 or more.

(b) Any person who is convicted of a violation of ORS 164.245, 164.255, 164.265, 164.345, 164.354 or 164.365 committed while the person was angling, hunting or trapping, or who forfeits bail in connection with any such offense when bail has been set in the amount of \$50 or more.

(c) Any person who is convicted of shooting upon or across a highway or other public road in violation of ORS 166.630 committed while hunting, or who forfeits bail in connection with any such offense when bail has been set in the amount of \$50 or more.

(3) When a court orders the revocation of a license, tag or permit pursuant to this section, ORS 497.425 or 497.435, the court shall take up any such licenses, tags and permits and

forward them, together with a copy of the revocation order, to the commission. Upon receipt thereof, the commission shall cause revocation of the appropriate licenses, tags and permits in accordance with the court order.

(4) No person who has had a license, tag or permit revoked pursuant to this section or ORS 497.425 for the first time shall apply for or obtain another such license, tag or permit for the period of 24 months from the date the court ordered the revocation. Upon having a license, tag or permit revoked for a second time pursuant to this section or ORS 497.425, no person shall apply for or obtain another such license, tag or permit for the period of three years. Upon having a license, tag or permit revoked for a third or subsequent time pursuant to this section or ORS 497.425, no person shall apply for or obtain another such license, tag or permit for the period of five years.

(5) If a person convicted of conduct described in subsection (2) of this section does not possess at the time of conviction those licenses, tags and permits issued pursuant to the wildlife laws that the court would have revoked pursuant to this section, the court shall specify by order those licenses, tags and permits that would have been revoked and shall forward a copy of the order to the commission. No person who is the subject of such a court order shall apply for, possess or obtain another such license, tag or permit for the period of 24 months from the date of the order. Upon being the subject of a court order under this subsection for a second time, no person shall apply for or obtain another such license, tag or permit for the period of three years. Upon being the subject of a court order under this subsection for a third or subsequent time, no person shall apply for or obtain another such license, tag or permit for the period of five years. [1973 c.723 §71; 1975 c.578 §4; 1977 c.350 §4; 1979 c.603 §3]

497.420 [Repealed by 1973 c.723 §130]

**497.425 Guide license revocation for wildlife law violations or certain bail forfeitures in connection therewith.** When a person who holds a guide license is convicted of a violation of the wildlife laws or any rule promulgated pursuant thereto, or forfeits bail in connection with any such violation when bail has been set in the amount of \$75 or more, the court shall revoke the guide license of that person. Revocation of a guide license is

in addition to and not in lieu of other penalties provided by law. [1973 c.723 §71a]

Note: See note under 497.200.

497.430 [Amended by 1959 c.692 §13; repealed by 1973 c.723 §130]

**497.435 Revocation of licenses, tags and permits for unlawful taking of game mammals.** (1) Notwithstanding subsection (1), (2) or (4) of ORS 497.415, when a person is convicted of taking any game mammal, in violation of the wildlife laws or any rule promulgated pursuant thereto, during a season or time of year other than as set forth in the finding of the commission provided in ORS 496.162, the court in which the conviction occurs shall order the commission to revoke all hunting licenses, tags and permits issued to that person pursuant to the wildlife laws. Revocation of licenses, tags and permits is in addition to and not in lieu of other penalties provided by law.

(2) No person who has been convicted of conduct described in subsection (1) of this section shall apply for, obtain or possess any hunting license, tag or permit issued pursuant to the wildlife laws within 24 months after the conviction. [1975 c.578 §2; 1977 c.350 §5]

497.440 [Repealed by 1973 c.723 §130]

497.450 [Amended by 1959 c.692 §14; repealed by 1973 c.723 §130]

497.460 [Amended by 1959 c.692 §15; repealed by 1973 c.723 §130]

497.470 [Repealed by 1973 c.723 §130]

497.505 [Amended by 1957 c.259 §1; renumbered 496.006]

497.510 [Amended by 1955 c.172 §1; 1959 c.329 §1; 1965 c.72 §1; repealed by 1973 c.723 §130]

497.520 [Amended by 1955 c.171 §1; 1957 c.50 §1; 1959 c.329 §2; repealed by 1973 c.723 §130]

497.530 [Amended by 1955 c.170 §1; 1959 c.329 §3; 1965 c.72 §2; repealed by 1973 c.723 §130]

497.540 [Amended by 1955 c.173 §1; 1965 c.72 §3; repealed by 1973 c.723 §130]

497.550 [Repealed by 1955 c.280 §2]

497.555 [1963 c.275 §1; repealed by 1973 c.723 §130]

497.560 [Amended by 1967 c.278 §4; 1973 c.723 §130]

497.570 [Repealed by 1973 c.723 §130]

497.580 [Repealed by 1955 c.280 §2]

497.590 [Repealed by 1973 c.723 §130]

497.600 [Repealed by 1973 c.723 §130]

**497.610** [Amended by 1967 c.278 §5; repealed by 1973 c.723 §130]

**497.620** [Repealed by 1973 c.723 §130]

**497.625** [1963 c.275 §2; repealed by 1973 c.723 §130]

**497.630** [Repealed by 1955 c.280 §2]

**497.640** [Repealed by 1973 c.723 §130]

**497.650** [1955 c.280 §1; 1973 c.95 §4; repealed by 1973 c.723 §130]

**497.710** [Repealed by 1973 c.723 §130]

**497.720** [Repealed by 1973 c.723 §130]

**497.730** [Amended by 1967 c.166 §1; 1971 c.517 §1; repealed by 1973 c.723 §130]

**497.740** [Amended by 1967 c.523 §8; repealed by 1973 c.723 §130]

**497.750** [Amended by 1959 c.204 §1; 1963 c.129 §1; 1967 c.523 §9; repealed by 1973 c.723 §130]

**497.760** [Amended by 1959 c.217 §1; 1967 c.501 §1; 1973 c.723 §59; renumbered 497.208]

**497.770** [Repealed by 1973 c.723 §130]

**497.780** [Amended by 1967 c.523 §10; repealed by 1973 c.723 §130]

**497.790** [Amended by 1967 c.523 §11; repealed by 1973 c.723 §130]

**497.800** [Repealed by 1973 c.723 §130]

**497.810** [Amended by 1953 c.365 §3; repealed by 1973 c.723 §130]

**497.820** [Amended by 1953 c.365 §3; repealed by 1973 c.723 §130]

**497.830** [Repealed by 1973 c.723 §130]

**497.840** [1965 c.224 §1; 1971 c.62 §1; 1973 c.723 §57; renumbered 497.162]

**497.990** [Subsection (7) of 1965 Replacement Part enacted as 1955 c.295 §2; 1959 c.352 §2; subsection (8) of 1965 Replacement Part enacted as 1961 c.335 §5; 1967 c.523 §2; repealed by 1973 c.723 §130]

#### CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Thomas G. Clifford, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.

Done at Salem, Oregon,  
October 1, 1979

Thomas G. Clifford  
Legislative Counsel