Chapter 497

1991 EDITION

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. The following persons shall be considered resident persons for the purpose of purchasing licenses, tags and permits issued by the commission:

(1) 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 and the spouses and dependent children of such members.

(2) Any member of the Armed Forces of the United States who furnishes to the commission evidence satisfactory to the commission that the person is a member of the Armed Forces of the United States described in ORS 174.103 and the spouse and dependent children of such member.

(3) 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. [1973 c.723 §42; 1987 c.158 §112; 1987 c.162 §8; 1989 c.264 §4]

497.010 [Repealed by 1973 c.723 §130]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]

497.014 Validity of licenses in Pacific Ocean. (1) Angling in the waters of the Pacific Ocean within three miles of the coast of the State of Oregon or the State of Washington, between the Oregon-Washington boundary and Cape Falcon, by the holder of either a valid Oregon or Washington angling license therefor in accordance with the laws and rules of the respective states is lawful. However, a person other than a Washington resident landing fish by boat in Oregon must hold a valid Oregon angling license. All persons landing fish by boat in Oregon are subject to all Oregon angling laws, including bag and length requirements.

(2) This section does not become operative until laws, rules or regulations of the State of Washington become operative that, in substance or effect, contain provisions which make angling with a valid Oregon angling license lawful in the waters of the Pacific Ocean within three miles of the coast of the State of Oregon or the State of Washington between the Oregon-Washington boundary and Leadbetter Point. This section remains operative only while such laws, rules or regulations remain operative. [1983 c.173 §§2, 3; 1985 c.373 §1]

497.015 [1971 c.530 §2; repealed by 1973 c.723 §130]

497.016 Term of licenses, tags and permits. 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. [1973 c.723 §44; 1981 c.445 §1]

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. However, agents of the commission may elect whether or not to issue licenses, tags or permits by use of a state computerized licensing system.

(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 50 cents for each license, tag or permit. If the agent is a county clerk, the agent shall deposit such additional fees in the general fund of the county for which the agent is the clerk. If the agent is an employee of the State Department of Fish and Wildlife, the

moneys shall be deposited in the State Wildlife Fund. Agents other than county clerks or department employees who issue licenses without the use of a state computerized licensing system may retain such additional fees for their license tag or permit issuance services. Agents other than county clerks or department employees who issue licenses, tags or permits using a state computerized licensing system may retain such portion of the additional fees as may be specified by contract between the department and the agent for license, tag or permit issuance service performed by the agent.

(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; 1981 c.445 §2; 1987 c.345 §1; 1989 c.573 §1]

497.026 Duty of license agents to remit funds. (1) 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.

(2) The commission shall, by rule, prescribe the method in which license agents shall remit all moneys belonging to the state accruing from the issuance of licenses, tags and permits.

(3) Notwithstanding subsection (2) of this section, the commission shall not require a license agent to remit moneys from the issuance of licenses, tags and permits more often than once each month if:

(a) The license agent issues licenses, tags and permits in the amount of $12,500 or less each year; and

(b) The license agent does not use a state computerized licensing system to issue licenses, tags and permits. [1973 c.723 §46; 1975 c.85 §1; 1987 c.345 §2; 1989 c.573 §2]

497.030 [Repealed by 1973 c.723 §130]

497.032 Duplicate licenses, tags and permits; fee. If a license, tag or permit issued by the commission is lost, destroyed or stolen, the holder thereof may submit to the commission a certificate stating that the license, tag or permit has been lost, stolen or destroyed, together with a fee of $5 for each such license, tag or permit. Upon receipt of the certificate and appropriate fees, the commission shall issue to the person a duplicate license, tag or permit that may be used in lieu of the lost, destroyed or stolen licenses, tags or permits. [1973 c.723 §47; 1981 c.445 §3; 1985 c.60 §6]

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

(1) By any employee of the commission or any person authorized to enforce the wildlife laws.

(2) By the owner, or the agent of the owner, of any land upon which the license, tag or permit holder is angling, hunting or trapping. [1973 c.723 §48; 1981 c.445 §4; 1991 c.67 §149]

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 497.134 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 the person has in possession such valid licenses, tags and permits therefor as the commission issues.

(2) An angling license is not required:

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

(b) Of a resident person to angle on land owned by that person. However, each such person who angles for salmon or steelhead trout must have in possession a valid salmon-steelhead tag, and each such person who angles for sturgeon must have in possession a valid sturgeon tag while so angling.

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

(d) Of a person to angle for or otherwise take smelt.

(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 the person resides and is owned by the person or a member of the person's 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 the person resides and is owned by the person or a member of the person's 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; 1985 c.60 §3]

Note: Sections 2 and 3, chapter 344, Oregon Laws 1989, provide:

Sec. 2. Open Fishing Day. Notwithstanding ORS 497.075, 497.121 and 497.132, the commission may issue an order that authorizes individuals to angle for fish in the waters of this state without the licenses or tags, or without the licenses and tags otherwise required by law, on one particular day each year. [1989 c.344 §2]

Sec. 3. This Act is repealed January 1, 1996. [1989 c.344 §3]

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, $12.

(b) Nonresident annual hunting license to hunt wildlife, $125.

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

(d) Resident pioneer hunting license to hunt wildlife 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.

(e) Resident senior citizen hunting license to hunt wildlife 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.

(f) Resident disabled war veteran hunting license to hunt wildlife 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 Department of Veterans' Affairs or any branch of the Armed Forces of the United States shows the person to be at least 25 percent disabled, free.

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

(2) The hunting preserve permit referred to in paragraph (g) of subsection (1) of this section is in lieu of the 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; 1981 c.445 §5; 1987 c.255 §1; 1991 c 67 §150; 1991 c.661 §1]

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

(a) Resident annual elk tag to hunt elk, $25.

(b) Nonresident annual elk tag to hunt elk, $200.

(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, $10.

(e) Nonresident annual deer tag to hunt deer, $100.

(f) Resident annual black bear tag to hunt black bear, $10.

(g) Nonresident annual black bear tag to hunt black bear, $75.

(h) Resident annual mountain sheep tag to hunt mountain sheep, $90.

(i) Nonresident annual mountain sheep tag to hunt mountain sheep, $900.

(j) Resident annual mountain goat tag to hunt mountain goat, $90.

(k) Nonresident annual mountain goat tag to hunt mountain goat, $900.

(L) Resident annual cougar tag to hunt cougar, $50.

(m) Nonresident annual cougar tag to hunt cougar, $150.

(n) Resident annual antelope tag to hunt antelope, $25.

(o) Nonresident annual antelope tag to hunt antelope, $125.

(p) Resident annual turkey tag to hunt turkeys, $10.

(q) Nonresident annual turkey tag to hunt turkeys, $25.

(2)(a) Notwithstanding ORS 496.146 (10), the commission is authorized to issue each year one special mountain sheep tag to hunt mountain sheep. The tag shall be auctioned to the highest bidder in a manner prescribed by the commission.

(b) In addition to the tag referred to in paragraph (a) of this subsection, the commission is authorized to issue each year one special mountain sheep tag to hunt mountain sheep that is raffled in a manner prescribed by the commission.

(3) 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.

(4) 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 authorized to take the game animal by any other means than the tag so indorsed.

(5) 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.

(6) The number of nonresident mountain goat tags and nonresident mountain sheep tags shall be decided by the commission, but:

(a) The number of nonresident mountain goat tags shall not be less than five percent nor more than 10 percent of all mountain goat tags issued.

(b) The number of nonresident mountain sheep tags shall not be less than five percent nor more than 10 percent of all mountain sheep tags issued.

(7) The number of tags issued by drawing under paragraphs (b), (e), (g), (m) and (o) of subsection (1) of this section shall be decided by the commission, but for each class of tag so issued, the number shall not be more than three percent of all tags of that class issued for hunting in a particular area except one nonresident tag may be issued for each hunt when the number of authorized tags is less than 35. The number of tags issued under paragraph (g) of subsection (1) of this section for the general hunting season shall be decided by the commission, but the number shall not be more than three percent of all tags issued the previous year for hunting in a particular area. [1973 c.723 §53; 1975 c.454 §3; 1975 c.487 §1a; 1979 c.715 §1; 1981 c.445 §6; 1985 c.60 §1; 1987 c.255 §2; 1991 c.364 §1; 1991 c.661 §2]

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 fish the following licenses and tags and shall charge therefor the following fees:

(a) Resident annual angling license, $12.

(b) Nonresident annual angling license, $30.

(c) Nonresident angling license to angle for 10 consecutive days, $18.

(d) Angling license to angle for one day, $3.50.

(e) Angling license for blind persons, free.

(f) Resident annual juvenile angling license for persons 14 through 17 years of age, $4.

(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 Department of Veterans' Affairs or by any branch of the Armed Forces of the United States shows the person to be at least 25 percent disabled, free.

(j) Resident disabled person angling license for persons who have resided in this state for not less than one year immediately prior to the date of application and who files with the commission a certificate by a licensed physician to the commission that the applicant has the required permanent disability, $5.

(k) Annual salmon-steelhead tag to angle for salmon or steelhead trout, $5.

(L) Annual sturgeon tag to angle for sturgeon, $5.

(m) Annual halibut tag to angle for halibut, $5.

(2) The salmon-steelhead tag, sturgeon tag and halibut tag referred to in paragraphs (k) to (m), respectively, of subsection (1) of this section are in addition to and not in lieu of the angling licenses required by the wildlife laws. However, a salmon-steelhead tag, sturgeon tag or halibut tag is not required of a person who holds a valid angling license referred to in paragraph (d) of subsection (1) of this section.

(3) Each salmon-steelhead tag issued pursuant to paragraph (k) of subsection (1) of this section authorizes the holder thereof to take 10 fish. No person shall apply for or obtain, and the commission shall not issue to any person, more than four salmon-steelhead tags in any one calendar year. However, the commission may authorize the issuance to a person of all four tags at the same time.

(4) The commission may issue salmon-steelhead tags, sturgeon tags and halibut tags in combination form, charging the appropriate fee therefor, if the commission determines that a combination tag is administratively convenient or appropriate.

(5) As used in paragraph (j) of subsection (1) of this section, "disabled person" means a person who is permanently unable to be mobile without the assistance of a wheelchair. [1973 c.723 §51; 1975 c.34 §1; 1975 c.454 §4; 1979 c.377 §2; 1981 c.445 §7; 1983 c.740 §202; 1985 c.60 §2; 1985 c.390 §1; 1991 c.67 §151; 1991 c.435 §1]

Note: Section 4, chapter 512, Oregon Laws 1989, as amended by section 1, chapter 184, Oregon Laws 1991, provides:

Sec. 4. In addition to the fees otherwise prescribed by law, the issuer of each of the following licenses shall charge and collect each time the license is issued, during the period beginning January 1, 1990, and ending December 31, 1997, the following surcharges:

(1) Resident combination license issued under ORS 497.132, $2.

(2) Resident annual angling license issued under ORS 497.121 (1)(a), $2.

(3) Resident juvenile angling license issued under ORS 497.121 (1)(f), $1.

(4) Angling license to angle for one day issued under ORS 497.121 (1)(d), $1.

(5) Nonresident annual angling license issued under ORS 497.121 (1)(b), $5.

(6) Nonresident angling license to angle for 10 consecutive days issued under ORS 497.121 (1)(c), $2.50. [1989 c.512 §4; 1991 c. 184 §1]

Note: Section 15, chapter 858, Oregon Laws 1991, provides:

Sec. 15. In addition to the fees otherwise prescribed by law, the issuer of each of the following licenses shall charge and collect each time the license is issued, during the period beginning January 1, 1992, and ending December 31, 1995, a surcharge of 25 cents for each of the following licenses:

(1) Resident combination license issued under ORS 497.132.

(2) Resident annual angling license issued under ORS 497.121 (1)(a).

(3) Resident annual juvenile angling license issued under ORS 497.121 (1)(f).

(4) Angling license to angle for one day issued under ORS 497.121 (1)(d).

(5) Nonresident annual angling license issued under ORS 497.121 (1)(b).

(6) Nonresident angling license to angle for 10 consecutive days issued under ORS 497.121 (1)(c). [1991 c.858 §15]

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 $22. [1973 c.723 §52; 1975 c.454 §5; 1981 c.445 §8; 1987 c.255 §3; 1991 c.661 §3]

Note: See notes under 497.121.

497.134 Voluntary contributions. (1) The commission may provide a means for persons to make voluntary contributions to be used for special fish and wildlife management programs, including programs to improve access for recreational angling. The commission may seek voluntary contributions in conjunction with the sale of hunting and angling licenses and tags or by such other means as the commission considers appropriate.

(2) If the commission implements an electronic licensing system, the commission shall provide a means for persons to make voluntary contributions in conjunction with the sale of licenses and tags referred to in ORS 497.121 (1)(a) to (k). All such voluntary contributions received by the commission may be expended only for projects for which applications are made pursuant to ORS 496.450. [1985 c.391 §2; 1989 c.204 §1]

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

497.142 Furbearer trapping or hunting license and tag; fees. (1) The commission is authorized to issue, upon application, to persons desiring to take fur-bearing mammals the following licenses and tags and shall charge therefor the following fees:

(a) Resident annual license to trap or hunt fur-bearing mammals, $30.

(b) Juvenile annual license to trap or hunt fur-bearing mammals, $15.

(c) Resident annual license to hunt fur-bearing mammals, $11.

(d) Nonresident annual fur-takers license to trap or hunt fur-bearing mammals, $175.

(e) Fur-bearer annual tags to take 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 (e) of subsection (1) of this section are in addition to and not in lieu of the licenses referred to in paragraphs (c) and (d) of subsection (1) of this section. [1973 c.723 §55; 1979 c.774 §1; 1987 c.255 §4]

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

497.146 Trapper education program; when certificate required; exceptions. (1) The commission, by rule, shall prescribe and administer a trapper education program to provide instruction in the proper use of trapping equipment. The program may also include instruction on wildlife and natural resource conservation, firearms safety, 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) Except as provided in subsection (3) of this section, no person shall trap mammals with commercial fur value unless the person has in possession a certificate issued by the commission indicating that the person has satisfactorily completed a course in trapper education prescribed or approved by the commission. However, the commission shall issue the certificate automatically, without the necessity of completing the course, to any person who has previously held a valid trapping license issued by the commission and who is 18 years of age or older on July 1, 1986.

(3) The certificate referred to in subsection (2) of this section is not required of a person to trap mammals with commercial fur value on land owned or leased by that person or a member of that person's immediate family.

(4) Nothing in this section is intended to prevent any person or the persons' agent from taking mammals with commercial fur value that are damaging livestock or agricultural crops on lands the person owns or leases.

(5) As used in this section, "mammals with commercial fur value" means badger, beaver, bobcat, coyote, red fox, gray fox, marten, mink, muskrat, nutria, opossums, raccoon, river otter, striped skunk, spotted skunk and weasel. [1979 c.774 §4; 1985 c.467 §1]

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]

497.151 Migratory waterfowl stamp; fee. (1) The commission is authorized to issue, upon application, to persons desiring to hunt migratory waterfowl an annual migratory waterfowl stamp and shall charge therefor a fee of $5.

(2) The stamp referred to in subsection (1) of this section is in addition to and not in

lieu of the hunting licenses required by ORS 497.102.

(3) Notwithstanding subsection (1) of this section, a migratory waterfowl stamp is not required of a person younger than 14 years of age.

(4) ORS 497.016 to 497.026 and 497.036 apply to the stamp referred to in subsection (1) of this section. [1983 c.801 §2]

Note: Section 4, chapter 406, Oregon Laws 1989, is repealed January 1, 1994, and provides:

Sec. 4. Annual upland bird stamp. (1) The commission is authorized to issue, upon application, to persons desiring to hunt upland birds an annual upland bird stamp and shall charge therefor a fee of $5.

(2) The stamp referred to in subsection (1) of this section is in addition to and not in lieu of the hunting licenses required by ORS 497.102.

(3) Notwithstanding subsection (1) of this section, an upland bird stamp is not required of a person younger than 14 years of age.

(4) ORS 497.016 to 497.026 and 497.036 apply to the stamp referred to in subsection (1) of this section. [1989 c.406 §4]

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 and Developmental Disability Services 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 and Developmental Disability Services Division alternatives to state hospitalization program as defined in ORS 430.630 (2)(b) or (c). 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 [1973 c.723 §58; 1979 c.615 §2; repealed by 1979 c.615 §4]

497.208 [Formerly 497.760; repealed by 1979 c.615 §4]

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 the person has first obtained from the commission a fur dealer license.

(2) Every fur dealer shall maintain a record of 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 or game mammals for sale unless a wildlife propagation license is first obtained from the State Department of Fish and Wildlife.

(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 or game mammals 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; 1987 c.139 §1]

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 the person first obtains from the commission a taxidermist license.

(2) Every licensed taxidermist shall maintain a record of the taxidermy work the person 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 the person 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 the applicant 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 the person 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]

497.252 Fish propagation license; terms and conditions; applicability of other licensing laws. (1) Except as provided in ORS 508.700 to 508.745 and 622.220, no person shall engage in the business of propagating game fish or food fish for sale unless a fish propagation license is first obtained from the State Department of Fish and Wildlife.

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

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

(4) Persons propagating the following food fish under the license prescribed in subsection (1) of this section are exempt from the licensing provisions of ORS 508.025 and 508.035:

(a) Food fish raised entirely in, then harvested from facilities which are enclosed or designed to prevent escape and from which the fish are not released for natural rearing.

(b) Food fish harvested from the wild under licenses prescribed in ORS 508.025 and 508.035 and on which the appropriate fee has been paid at the time holding or rearing commences in the licensed fish propagation facility.

(5) As used in this section, food fish has the meaning as defined in ORS 506.011. [1987 c.139 §3; 1991 c.701 §16]

497.258 Fees. The State Department of Fish and Wildlife is authorized to issue, upon application, to persons desiring to engage in the following 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 fish propagation license, $25.

(5) Resident annual private hunting preserve license, $100. [1973 c.723 §54; 1979 c.615 §3; 1985 c. 565 §79; 1987 c.139 §4]

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 the holder 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 183.550, 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]

497.325 Sturgeon egg removal and hatchery operation permits; conditions. (1) No person shall remove the eggs from those members of the family Acipenseridae, commonly known as green sturgeon or white sturgeon, for use in artificial propagation without first obtaining a permit therefor from the commission.

(2) No person shall operate a fish hatchery for those members of the family Acipenseridae, commonly known as green sturgeon or white sturgeon, without first obtaining a permit therefor from the commission.

(3) The commission shall not issue any permit required by subsection (1) or (2) of this section unless the commission determines that activities conducted under the permit will be solely for educational and scientific purposes. Any permit issued pursuant to this section shall be subject to such terms and conditions as the commission considers appropriate to protect, perpetuate and enhance the sturgeon population of the Columbia River and other waters of this state. [1989 c.1038 §2]

497.330 Restrictions on issuance of permits required by ORS 497.325. Notwithstanding any other provision of this chapter:

(1) The commission shall not issue any new permit required by ORS 497.325 until after January 1, 1992.

(2) All permits issued prior to October 3, 1989, for sturgeon hatchery operation or sturgeon egg propagation under which no activity has taken place prior to October 3, 1989 are cancelled.

(3) Existing permits may be continued under existing conditions. [1989 c.1038 §3]

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 the person is accompanied by an adult, or is hunting on land owned by the parent or legal guardian of the person. [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 the person's own land or land owned by the parent or legal guardian of the person, unless the person has in 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 Prohibited conduct. No person shall:

(1) Apply for, obtain or possess for personal use or for the use of 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.

(5) Apply for or obtain any license, tag or permit issued by the commission when civil damages due pursuant to ORS 496.705 or when moneys due the department from court ordered restitutions for violations of the wildlife laws have not been paid. [1973 c.723 §70; 1981 c.108 §2; 1987 c.213 §3]

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 or permits for wildlife law violations, bail forfeitures and failure to comply with citation. (1) Except as provided in ORS 497.435, when any person is convicted of a violation of law or any rule

adopted pursuant thereto, forfeits bail or otherwise fails to comply with the requirements of a citation in connection with such violation as provided in subsection (2) of this section, the court 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 adopted pursuant thereto, who forfeits bail or otherwise fails to comply with the requirements of a citation 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, who forfeits bail or otherwise fails to comply with the requirements of a citation 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 a violation of ORS 166.630 or 166.638 committed while hunting, who forfeits bail or otherwise fails to comply with the requirements of a citation 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 or ORS 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) For purposes of the Wildlife Violator Compact, the commission shall:

(a) Suspend a violator's license for failure to comply with the terms of a citation from a party state. A copy of a report of failure to comply from the licensing authority of the issuing state shall be conclusive evidence.

(b) Revoke a violator's license for a conviction in a party state. A report of conviction from the licensing authority of the issuing state shall be conclusive evidence.

(5) No person who has had a license, tag or permit revoked pursuant to this section 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, 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, no person shall apply for or obtain another such license, tag or permit for the period of five years.

(6) 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; 1981 c.900 §2; 1981 c.901 §3; 1983 c.740 §203; 1989 c.1056 §3]

497.420 [Repealed by 1973 c.723 §130]

497.425 [1973 c.723 §71a; repealed by 1979 c.615 §4]

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 ORS 497.415 (1), (2) or (5), 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; 1989 c.1056 §4]

497.440 [Repealed by 1973 c.723 §130]

497.441 Prohibited activities by those whose license, tag or permit has been revoked. No person who has had a license, tag or permit revoked pursuant to ORS 497.415 or 497.435 shall engage in the activity for which the license, tag or permit is required:

(1) During the remainder of the period for which the license, tag or permit was issued; or

(2) During the period for which the person is prohibited by law from applying for or obtaining another such license, tag or permit. [1981 c.86 §2]

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]