

SENATE BILL NO. 364—SENATORS PARKS, SEGERBLOM,
MANENDO, SPEARMAN; RATTI AND WOODHOUSE

MARCH 20, 2017

Referred to Committee on Natural Resources

SUMMARY—Revises provisions governing the trapping of certain animals. (BDR 45-107)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to wildlife; amending the definition of “trap” to exclude certain devices; requiring the Department of Wildlife to develop standard language for certain signs required to be posted in areas in which trapping may occur; requiring, with limited exception, each trap, snare or similar device used by a person in the taking of wild animals which is not registered with the Department, to bear the name and address of the owner; revising the fee to register a trap, snare or similar device; authorizing a person to remove or disturb a trap, snare or similar device under certain circumstances; expanding the requirement that a person who takes or causes to be taken any wild mammals by means of certain traps, snares or similar devices must visit such trap, snare or similar device at a certain frequency to include all traps, snares or similar devices; revising the circumstances under which a person is prohibited from placing or setting a trap, snare or similar device within 200 feet of any public road or highway; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

- 1 Existing law defines the term “trap” for purposes of title 45 of NRS governing
- 2 wildlife to mean a device that is designed, built or made to close upon or hold fast
- 3 any portion of an animal. (NRS 501.089) **Section 1** of this bill specifies that the
- 4 term does not include any device that is designed, built or made to close upon or
- 5 hold fast certain vertebrate pests, such as mice and rats.



Existing law defines the terms "to trap," "trapping" and "trapped" for purposes of title 45 of NRS governing wildlife to mean to set or operate any device, mechanism or contraption that is designed, built or made to close upon or hold fast any wildlife and every act of assistance to any person in so doing. (NRS 501.090) Existing law defines the term "wildlife" to mean any wild mammal, wild bird, fish, reptile, amphibian, mollusk or crustacean found naturally in a wild state, whether indigenous to Nevada or not and whether raised in captivity or not. (NRS 501.097) **Section 2** of this bill amends the definition of the words "to trap," "trapping" and "trapped" to delete the term "wildlife" and substitute the term "animal."

Section 3 of this bill requires the Department of Wildlife to develop standard language for inclusion in any sign that is used to warn a person that trapping may occur in any area of this State. **Section 3** also requires each state agency which manages any public land in this State in which trapping may occur to ensure that each sign: (1) includes any standard language developed by the Department; and (2) is posted in certain locations specified by the Department.

Existing law authorizes each trap, snare or similar device used by a person in the taking of wild mammals to be registered with the Department of Wildlife before it is used. Existing law also requires each registered trap, snare or similar device to bear a number which is assigned by the Department. A registration fee of \$10 for each registrant is payable only once by each person who registers a trap, snare or similar device. (NRS 503.452) **Section 5** of this bill requires, with limited exception, that a trap, snare or similar device used by a person in the taking of wild mammals that is not registered with the Department must bear the name and address of the person who owns the trap, snare or similar device. **Section 5** also requires the number assigned by the Department for a registered trap, snare or similar device or the name and address of the person who owns an unregistered trap, snare or similar device to be clearly stamped on the trap, snare or similar device or on a metal tag which is attached to the trap, snare or similar device. **Section 5** further revises the fee to register a trap, snare or similar device from \$10 per person who registers a trap to \$5 per trap, snare or similar device.

Existing law makes it unlawful to remove or disturb the trap, snare or similar device of a holder of a trapping license while the trap, snare or similar device is being legally used by the holder. (NRS 503.454) **Section 6** of this bill authorizes a person to: (1) remove or disturb the trap, snare or similar device if it creates an immediate risk of physical injury or death to a person or animal; and (2) release any person or animal accompanying the person from a trap, snare or similar device in which the person or animal is caught. **Section 4** of this bill makes a conforming change.

Existing law requires a person who takes or causes to be taken any wild mammal by means of a trap, snare or similar device which does not, or is not designed to, cause immediate death to the mammal to visit the trap, snare or similar device at a frequency specified in regulation by the Board of Wildlife Commissioners. (NRS 503.570) **Section 7.2** of this bill expands this visitation requirement to require a person who takes or causes to be taken any wild mammal by means of a trap, snare or similar device to visit any trap, snare or similar device at the frequency specified in regulation, not just a trap, snare or similar device that does not, or is not designed to, cause immediate death to the mammal.

Existing law prohibits a person, company or corporation from placing or setting a certain type of large steel trap within 200 feet of any public road or highway, unless the trap is placed or set inside, along or near a fence upon privately owned land. (NRS 503.580) **Section 7.5** of this bill expands this prohibition to include any trap, snare or similar device used for the purpose of trapping mammals.



THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 501.089 is hereby amended to read as follows:
501.089 "Trap" means a device that is designed, built or made to close upon or hold fast any portion of an animal. *The term does not include any device that is designed, built or made to close upon or hold fast any vertebrate pest as defined in NRS 555.005.*

Sec. 2. NRS 501.090 is hereby amended to read as follows:
501.090 The words "to trap" and their derivatives, "trapping" and "trapped," mean to set or operate any device, mechanism or contraption that is designed, built or made to close upon or hold fast any ~~[wildlife]~~ *animal* and every act of assistance to any person in so doing.

Sec. 3. Chapter 503 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each state agency which manages any public land in this State in which trapping may occur shall ensure that each sign for which the Department develops standard language pursuant to subsection 2 includes that language and is posted:

(a) At each visitor center, kiosk, trailhead or other location specified by the Department; and

(b) In a place in which the sign is readily observable by members of the public at the visitor center, kiosk, trailhead or other location.

2. The Department shall:

(a) Develop standard language for inclusion in any sign that is used to warn a person that trapping may occur in any area in this State; and

(b) Develop the standard language specified in paragraph (a) in cooperation with each federal or state agency which manages any public land in this State in which trapping may occur.

Sec. 4. NRS 503.015 is hereby amended to read as follows:

503.015 1. ~~##~~ *Except as otherwise provided in NRS 503.454, it* is unlawful for a person, or a group of people acting together, to intentionally interfere with another person who is lawfully hunting or trapping. For the purpose of this subsection, hunting or trapping is "lawful" only if permitted by the owner or person in possession of the land, other than the government, in addition to any requirement of license or permit from a public authority.

2. The provisions of subsection 1 do not apply to any incidental interference arising from lawful activity by users of the public land, including without limitation ranchers, miners or persons seeking lawful recreation.



1 **Sec. 5.** NRS 503.452 is hereby amended to read as follows:

2 503.452 1. Except as otherwise provided in ~~subsection 2,~~
3 **subsections 2 and 3,** each trap, snare or similar device used by a
4 person in the taking of wild mammals ~~may~~ **must** be registered with
5 the Department before it is used. Each registered trap, snare or
6 similar device must bear a number which is assigned by the
7 Department and is ~~affixed to or marked~~ **clearly stamped** on the
8 trap, snare or similar device ~~in the manner specified by regulations~~
9 ~~adopted by the Commission.~~ **or on a metal tag that is attached to**
10 **the trap, snare or similar device.** The registration of a trap, snare or
11 similar device is valid until the trap, snare or similar device is sold
12 or ownership of the trap, snare or similar device is otherwise
13 transferred. **For each trap, snare or similar device registered with**
14 **the Department, the person registering the trap, snare or similar**
15 **device must pay a registration fee of \$5.**

16 2. **Except as otherwise provided in subsection 3, if a trap,**
17 **snare or similar device is not registered with the Department**
18 **pursuant to subsection 1, before it can be used in the taking of**
19 **wild animals, it must have the name and address of the person**
20 **who owns the trap, snare or similar device:**

21 (a) **Clearly stamped upon the trap, snare or similar device; or**

22 (b) **On a metal tag that is attached to the trap, snare or similar**
23 **device.**

24 3. The provisions of ~~subsection~~ **subsections 1 and 2** do not
25 apply to a trap, snare or similar device used:

26 (a) Exclusively on private property which is posted or fenced in
27 accordance with the provisions of NRS 207.200 by the owner or
28 occupant of the property or with the permission of the owner or
29 occupant;

30 (b) For the control of rodents by an institution of the Nevada
31 System of Higher Education;

32 (c) By any federal, state or local governmental agency; or

33 (d) For the taking of wild mammals for scientific or educational
34 purposes under a permit issued by the Department pursuant to
35 NRS 503.650.

36 ~~[3. —A registration fee of \$10 for each registrant is payable only~~
37 ~~once by each person who registers a trap, snare or similar device.~~
38 ~~The fee must be paid at the time the first trap, snare or similar~~
39 ~~device is registered.]~~

40 4. It is unlawful:

41 (a) For a person to whom a trap, snare or similar device is
42 registered to allow another person to possess or use the trap, snare or
43 similar device without providing to that person written authorization
44 to possess or use the trap, snare or similar device.



(b) For a person to possess or use a trap, snare or similar device registered to another person without obtaining the written authorization required pursuant to paragraph (a). If a person obtains written authorization to possess or use a trap, snare or similar device pursuant to paragraph (a), the person shall ensure that the written authorization, together with his or her trapping license, is in his or her possession during any period in which he or she uses the trap, snare or similar device to take fur-bearing mammals.

5. A person to whom a trap, snare or similar device is registered pursuant to this section shall report any theft of the trap, snare or similar device to the Department as soon as it is practical to do so after the person discovers the theft.

6. Any information in the possession of the Department concerning the registration of a trap, snare or similar device is confidential and the Department shall not disclose that information unless required to do so by law or court order.

7. If a trap, snare or similar device has been used exclusively on private property pursuant to paragraph (a) of subsection 3, before the trap, snare or similar device is used on any public land in this State, the owner of the trap, snare or similar device must:

(a) Register the trap, snare or similar device pursuant to subsection 1; or

(b) Pursuant to subsection 2, have his or her name and address:

(1) Clearly stamped on the trap, snare or similar device; or

(2) On a metal tag that is attached to the trap, snare or similar device.

Sec. 6. NRS 503.454 is hereby amended to read as follows:

503.454 1. Every person who takes fur-bearing mammals by trap, snare or similar device or unprotected mammals by trapping or sells raw furs for profit shall procure a trapping license.

2. ~~HH~~ *Except as otherwise provided in subsection 3, it is unlawful to remove or disturb the trap, snare or similar device of any holder of a trapping license while the trap, snare or similar device is being legally used by the holder on public land or on land where the holder has permission to trap.*

3. A person may:

(a) Remove or disturb a trap, snare or similar device if the trap, snare or similar device creates an immediate risk of physical injury or death to any person or animal accompanying a person.

(b) Release any person or animal accompanying a person from a trap, snare or similar device in which the person or animal is caught.

Sec. 7. (Deleted by amendment.)



Sec. 7.2. NRS 503.570 is hereby amended to read as follows:

503.570 1. A person taking or causing to be taken wild mammals by means of traps, snares or similar devices ~~{which do not, or are not designed to, cause immediate death to the mammals,}~~ shall, if the traps, snares or similar devices are placed or set to take mammals, visit or cause to be visited each trap, snare or similar device at a frequency specified in regulations adopted by the Commission pursuant to subsection 3 during all of the time the trap, snare or similar device is placed, set or used to take wild mammals, and remove therefrom any ~~{mammals}~~ *animals* caught therein.

2. The provisions of subsection 1 do not apply to employees of the State Department of Agriculture or the United States Department of Agriculture when acting in their official capacities.

3. The Commission shall adopt regulations setting forth the frequency at which a person who takes or causes to be taken wild mammals by means of traps, snares or similar devices ~~{which do not, or are not designed to, cause immediate death to the mammals,}~~ must visit a trap, snare or similar device. The regulations must require the person to visit a trap, snare or similar device at least once each 96 hours. In adopting the regulations, the Commission shall consider requiring a trap, snare or similar device placed in close proximity to a populated or heavily used area by persons to be visited more frequently than a trap, snare or similar device which is not placed in close proximity to such an area.

Sec. 7.5. NRS 503.580 is hereby amended to read as follows:

503.580 1. For the purposes of this section, "public road or highway" means:

(a) A highway designated as a United States highway.

(b) A highway designated as a state highway pursuant to the provisions of NRS 408.285.

(c) A main or general county road as defined by NRS 403.170.

2. It is unlawful for any person, company or corporation to place or set any ~~{steel}~~ trap, *snare or similar device* used for the purpose of trapping mammals ~~{, larger than a No. 1 Newhouse trap,}~~ within 200 feet of any public road or highway within this State.

3. This section does not prevent the placing or setting of any ~~{steel}~~ trap, *snare or similar device* inside, along or near a fence which may be situated less than 200 feet from any public road or highway upon privately owned lands.

Sec. 8. (Deleted by amendment.)

Sec. 8.5. (Deleted by amendment.)

Sec. 9. This act becomes effective on July 1, 2017.

