

MEMO



Connecting People to Policy

DATE: November 27, 2024
TO: Senator Robin L. Titus
FROM: Alberto Quintero, Senior Policy Analyst, Research Division
SUBJECT: **Harvesting Roadkill**

This memorandum responds to your request related to harvesting roadkill laws in other states.

SUMMARY OF ROADKILL LAWS IN OTHER STATES

The following table provides a summary of roadkill legislation in other states. Currently, it appears there are 35 states that explicitly allow for the salvage and possession of certain animals killed or severely injured by a motor vehicle collision. Please note, states vary in addressing this issue in statute or regulation. Some states not listed in the table below do allow for the possession of certain animals killed or severely injured by a motor vehicle collision; however, it does not explicitly state it in statute or regulation. In these scenarios, discretion is authorized to wildlife game departments or law enforcement agencies on how to properly dispose of such animals, which allows these entities to permit individuals to salvage and possess roadkill.

Legislation	Summary of Legislation
<u>Alaska Administrative Code 92.220</u>	Establishes a big game animal killed or injured by a vehicle as state property. The law requires the operator of the vehicle to notify State Troopers or the Department of Public Safety of the collision and allows the person to salvage for human consumption all edible meat. Additionally, the law allows organizations and volunteer groups to salvage big game animals via its <u>roadkill program</u> .
<u>Arizona Revised Statutes 17-319</u>	Allows an individual with a big game salvage permit to salvage a big game animal that has been killed or euthanized due to a collision with a motor vehicle. The law provides that a big game salvage permit does not guarantee that a carcass is edible and removes liability from the issuing peace officer, their agency, and the Arizona Game and Fish Department for any use of the carcass.
<u>Arkansas Regulations 05.18</u>	Requires any big game injured or killed by incidental contact, which includes a vehicle accident, to be reported to the Arkansas Game and Fish Commission (AGFC). An official salvage tag number must be obtained via the AGFC before the animal and its parts can be salvaged by an individual.
<u>California Code 2000.6</u>	Establishes a pilot program for the issuance of wildlife salvage permits to individuals wanting to recover, possess, use, or transport wild game that has been accidentally killed due to a vehicle collision. The law requires the California Fish and Game Commission to consult with certain entities to ensure the program does not facilitate poaching and limits the program only to certain counties and regions within the state. Lastly, the law does not allow for the taking of protected wildlife species and makes the permitting process free to the public.

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<u>Colorado Regulations 406-0 (#016)</u>	Allows an individual to possess edible portions of road-killed wildlife if they obtain an authorization letter from Colorado Parks and Wildlife. This law does not apply to state or federally threatened or endangered species.
<u>Connecticut General Statutes 26-86</u>	Allows an individual to possess any deer, moose, or black bear killed or seriously wounded by a motor vehicle collision after inspection by local authorities, state police, or conservation officers. The operator of the motor vehicle has first priority of possession.
<u>Delaware Code Title 7. Conservation Section 794</u>	Allows an individual to possess a deer accidentally killed by a motor vehicle on a public highway during and after open season of the animal. Evidence of the collision must be presented to State Police or Wildlife Agents.
<u>Georgia Code 27-3-28</u>	Allows an individual to lawfully possess native wildlife that has been accidentally killed by a motor vehicle. If the animal is a bear, a person must notify the Georgia Department of Natural Resources or a law enforcement officer of the location of the event and provide their name and address within 48 hours of taking possession of the bear. The law does not apply to state or federally protected species.
<u>Idaho Statutes 36-506</u>	Allows an individual to dispatch or salvage an animal that has been killed or severely injured on a roadway by a vehicle. The individual must report the incident within 24 hours to the Idaho Department of Fish and Game and obtain a salvage permit from the Department at no cost within 72 hours. Additionally, certain wildlife is required to be presented to the nearest Department office and the law does not apply to protected nongame wildlife.
<u>Illinois Compiled Statutes 520 5/2.30</u>	Allows an individual to take and possess a fur-bearing mammal found dead or unintentionally killed by a vehicle on a roadway during that animal's open season. The individual who possesses the animal must have all appropriate licenses, stamps, or permits.
<u>Indiana Code 14-22-10-5</u>	Vests a wild animal accidentally killed with the State. The Indiana Department of Natural Resources (DNR) has a <u>program</u> that allows an individual to keep the animal via a permit obtained from a local or state police officer, a DNR conservation officer, a DNR district biologist, or a DNR property manager.
<u>Iowa Administrative Code 571-80.2</u>	Allows an individual to possess a game animal that has been accidentally killed by a motor vehicle. The individual must notify and request a salvage tag from a conservation officer, a state trooper, or the sheriff's department. The order of priority of possession goes to the individual involved in the accident, a public institution, a nonprofit organization, and then others. The law prohibits the sale or trade of the carcass, except as allowed by law.
<u>Kansas Administrative Regulations 115-4-2</u>	Allows an individual to obtain a salvage tag from the Kansas Department of Wildlife and Parks for any big game or wild turkey meat. Salvage tags may be <u>issued</u> by state troopers, sheriff's deputies, or Department game wardens to remove deer carcasses from a crash site.
<u>Maine Revised Statutes 12403</u>	Entitles an individual who hits a deer, moose, bear, or wild turkey with a motor vehicle to the entire carcass. An investigation and a certificate from an officer are required.
<u>Massachusetts Code of</u>	Allows a resident of the state to possess a deer killed or seriously injured by a collision with a motor vehicle. The individual must notify law enforcement and provide their contact information, date, location, and time of the incident. The

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<u>Regulations 2.04</u>	individual must transport the carcass to a required facility for tagging and obtain a permit, at no charge. Salvaged deer parts may not be sold or bartered.
<u>Michigan Compiled Laws 324.40115</u>	Allows an individual to possess certain game killed or injured and euthanized due to a collision with a motor vehicle. The individual must obtain a salvage tag, notify the appropriate agency of possession, and document certain details of the incident.
<u>Minnesota Statutes 97A.502</u>	Allows the driver of a motor vehicle that has killed a deer on a public road to possess the animal if the proper road authority determines the animal was not taken illegally and provides the driver a permit for possession.
<u>Montana Code Annotated 87-3-145</u>	Allows a peace officer to issue a permit to an applicant who wishes to salvage an antelope, deer, elk, or moose that has been accidentally killed in a vehicle collision.
<u>Nebraska Administrative Code Title 163, Chapter 4, Section 013.01 – 013.01E</u>	Allows an individual who accidentally kills a deer, antelope, or elk with a motor vehicle to take possession of the animal. The individual must notify the Nebraska Game and Parks Commission within 24 hours of removing the carcass and must get the animal tagged by a conservation officer within 48 hours of notification. Additionally, public institutions may be exempt from the permit requirement at the discretion of the Commission. Lastly, it is unlawful to sell or trade meat from the carcass, possess more than one roadkill carcass at any one time, and possess a roadkill carcass that bears evidence of being shot.
<u>New Hampshire Administrative Code Fis 1102.02</u>	Allows a resident of the state to apply for a permit to possess wildlife accidentally killed by a motor vehicle. The permit must be obtained from a New Hampshire Fish and Game Department conservation officer or a law enforcement officer. The permit is valid for six months.
<u>New Jersey Administrative Code 7:25-17.4 and 7:25-17.6</u>	Allows individuals to obtain a permit from State or municipal police for dead deer found on or along state highways.
<u>North Carolina 15A Administrative Code 10B.0127</u>	Allows an individual to obtain a permit from law enforcement to possess a deer killed accidentally on the road by a motor vehicle. The North Carolina Wildlife Resources Commission may authorize possession of turkeys, black bears, and elk killed on the road as well. Additionally, an individual is allowed to possess certain endangered or threatened species if they have an endangered species permit. Lastly, the sale of wildlife resources or parts from an animal accidentally killed by a motor vehicle is prohibited, unless the individual is a licensed trapper.
<u>North Dakota Century Code 20.1-01-27</u>	Allows an individual to possess a big game animal killed by a motor vehicle if they obtain a permit to possess or dispose of the animal. The individual must notify a game warden or another authorized person for the permit and there must be no fee for the inspection and validation of the permit.
<u>Ohio Revised Code 1533.121</u>	Allows the driver of a motor vehicle who kills a deer on a highway to possess the deer if the driver reports the accident to a wildlife officer or other law enforcement officer within 24 hours. A certificate from the officer is required. If the deer is unclaimed, the certificate for legal ownership may be given to a private or public institution, a charity, or another person.
<u>Oregon Administrative</u>	Allows an individual to obtain a roadkill salvage permit. The permit allows a person to recover, possess, transport, and use the carcass of a deer or elk that has been killed in a vehicle accident. The permit must be obtained from the Oregon

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<u>Rules 635-043-1075</u>	Department of Fish and Wildlife within 24 hours of taking possession of the carcass. Furthermore, the head of any antlered deer or elk must be surrendered to the Department within five business days. The law does not allow the salvage of white-tailed deer west of the Cascade Mountains, except within Douglas County. Lastly, no portion of the salvaged animal may be sold, bartered, or exchanged and no deer or elk from reservation lands may be salvaged.
<u>Pennsylvania Code 147.142</u>	Allows an individual to take immediate possession of deer or turkey accidentally killed by a motor vehicle. The individual must contact the Pennsylvania Game Commission to obtain a permit for possession of the carcass within 24 hours. An individual with a furtaker's license is allowed to take possession of any furbearer, except river otters, bobcats, and fishers. Possession of a furbearer during closed season requires contacting the Commission.
<u>Rhode Island General Laws 20-15-7</u>	Provides the owner of a vehicle that has been substantially damaged by a collision with wildlife the right of first refusal to possess the carcass. The law requires the driver to contact and report the incident to the Rhode Island Department of Environmental Management. The Department is responsible for determining the rules and regulations governing possession and use of the animal carcass. Currently, the Department is in the processes of seeking approval on <u>proposed regulations</u> .
<u>South Dakota Codified Law 41-1-5.7</u>	Allows an individual to obtain permission from a conservation officer, for no fee, to possess a deer or antelope killed by a motor vehicle on a public highway. No part of the animal may be sold, bartered, or traded.
<u>Tennessee Code Annotated 70-4-115</u>	Allows an individual to possess a wild animal accidentally killed by a motor vehicle for use and consumption. Personal possession of a deer accidentally killed by a motor vehicle requires a tag and permission from an officer of the wildlife resources agency. The law does not allow for possession of state or federally protected wildlife.
<u>Utah Administrative Rule R657-3a-3</u>	Allows an individual to collect a dead animal for personal, commercial, or scientific use via a certificate of registration from the Utah Division of Wildlife Resources.
<u>Virginia Code 29.1-539</u>	Allows an individual driving a motor vehicle who collides with a deer, bear, turkey, or elk to claim the animal if the animal is killed during that animal's hunting season. An individual who discovers the animal may also claim the animal for their own use. The incident must be reported to a conservation officer or other law enforcement officer to confirm the animal was killed by a motor vehicle incident.
<u>Washington Administrative Code 220-400-040</u>	Allows an individual to salvage and transport deer or elk that was accidentally killed by a motor vehicle, except for those killed in Clark, Cowlitz, and Wahkiakum counties. A salvage permit must be obtained from the Washington Department of Fish and Wildlife within 24 hours of taking possession of the animal. The law also does not allow an individual to kill an injured animal for the purpose of salvaging. This can only be done by a law enforcement officer or an authorized entity.
<u>West Virginia Code 20-2-4</u>	Allows an individual to possess wildlife accidentally killed or mortally wounded by a motor vehicle. The law does not apply to protected birds, elk, spotted fawn, and bear cubs. The individual must notify the appropriate law enforcement agency within 12 hours of claiming the animal and obtain a nonhunting game tag.
<u>Wisconsin Statutes 29.349</u>	Allows an individual who accidentally kills a bear, deer, or wild turkey with a motor vehicle to take possession of the carcass. If the person who hit the animal does

Legislation	Summary of Legislation
	not want the carcass, the carcass may be taken by any other person. Notification of law enforcement and tagging of the animal is required. The taking of small game is allowed if the small game animal is killed during its open season and the small game animal is not a bobcat, fisher, or otter. The law requires no fees for possession of the animal carcass.
<u>Wyoming Chapter 70 Regulation</u>	An individual may possess road killed wildlife, except for those located by certain highways and other designated areas, with authorization from the Wyoming Game and Fish Department. The carcass may only be taken from a public road or highway between sunrise and sunset and certain road directions must be followed. The road killed wildlife also must be inspected by the Department and properly disposed.

ADDITIONAL INFORMATION

For additional information relevant to this topic, you may be interested in the following:

- [Assembly Bill 299 \(2021\) Neutral Testimony from Nevada's Department of Wildlife;](#)
- [Assembly Bill 378 \(2011\)](#): A bill that requires regulations to allow a charitable organization to take possession of a carcass of a game animal that has been killed or severely injured by a vehicle accident. This bill did not receive a hearing; and
- [Vermont](#) and [Wyoming](#) are two examples of states that have developed an app to report roadkill or animal collision incidents.

CONCLUDING REMARKS

I trust you will find this information relevant and helpful. If you have any questions or would like additional information on this topic, please contact me at alberto.quintero@lcb.state.nv.us or (702) 486-3968.

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