

GENERAL 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 State Fish and Wildlife 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) As used in this section:

(a) “Active member of the Armed Forces of the United States” means officers and enlisted personnel of the Armed Forces of the United States who:

(A) Reside in this state while assigned to duty at any base, station, shore establishment or other facility in this state;

(B) Reside in this state while serving as members of the crew of a ship that has an Oregon port or shore establishment as its home port or permanent station; or

(C) Reside in another state or a foreign country and establish Oregon residency by filing Oregon state income taxes no later than 12 months before leaving active duty.

(b) “Armed Forces of the United States” means:

(A) The Army, Navy, Air Force, Marine Corps and Coast Guard of the United States;

(B) The reserves of the Army, Navy, Air Force, Marine Corps and Coast Guard of the United States; and

(C) The Oregon National Guard and the National Guard of any other state or territory.

(c) “Dependent children” includes any children of an active member of the Armed Forces of the United States who:

(A) Are under 18 years of age and not married, otherwise emancipated or self-supporting; or

(B) Are under 23 years of age, unmarried, enrolled in a full-time course of study in an institution of higher learning and dependent on the member for over one-half of their support.

(2) The following persons shall be considered resident persons for the purpose of

purchasing licenses, tags and permits issued by the State Fish and Wildlife Commission:

(a) Active 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.

(b) Any active 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 and the spouse and dependent children of such member.

(c) 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; 2003 c.242 §5; 2005 c.831 §10]

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 or Columbia River; rules. (1) A person may take fish or shellfish 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, or in the waters of the Columbia River where it forms the Oregon-Washington boundary, if the person holds either a valid Oregon or Washington license therefor in accordance with the laws and rules of the respective state. However, a person other than a Washington resident landing fish or taking shellfish by boat in Oregon must hold a valid Oregon angling or shellfish license. All persons landing fish by boat in Oregon are subject to all Oregon laws, rules and regulations relating to taking fish or shellfish, including bag and length requirements.

(2) Subsection (1) of this section applies only if the State Fish and Wildlife Commission by rule determines that laws, rules or regulations of the State of Washington, in substance or effect, contain provisions that make a valid Oregon 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, or in the waters of the Columbia River where it forms the Oregon-Washington boundary. [1983 c.173 §§2, 3; 1985 c.373 §1; 2003 c.656 §4; 2005 c.260 §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 State Fish and Wildlife 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 State Fish and Wildlife 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 \$5 for each resident annual sportsperson's license issued pursuant to ORS 497.132 (2)(a) and \$1.50 each for any other 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, but not less than \$2.50 for each resident annual sportsperson's license issued pursuant to ORS 497.132 (2)(a) or 75 cents for any other license, tag or permit, 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; 1993 c.103 §1; 1999 c.1006 §2; amendments by 1999 c.1006 §13 repealed by 2001 c.949 §1; 2001 c.104 §223]

497.026 Duty of license agents to remit funds; rules. (1) No agent appointed by the State Fish and Wildlife 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 State Fish and Wildlife 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, take, 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 State Fish and Wildlife 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 for, taking, hunting or trapping any wildlife. [1973 c.723 §48; 1981 c.445 §4; 1991 c.67 §149; 2003 c.656 §5]

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 hunting 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, take, hunt or trap, or assist another in angling for, taking, hunting or trapping, any wildlife unless the person has in possession such valid licenses, tags and permits therefor as the State Fish and Wildlife Commission issues.

(2) An angling or shellfish license is not required:

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

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

(c) Of a resident person to angle or take shellfish 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, steelhead trout, sturgeon or halibut must have in possession a valid annual tag to angle for salmon, steelhead trout, sturgeon and halibut while so angling.

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

(e) Of a person to take crayfish or freshwater clams.

(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; 1999 c.1006 §3; 2003 c.656 §6]

497.079 Open fishing and shellfish taking day. Notwithstanding ORS 497.075, 497.121 and 497.132, the State Fish and Wildlife Commission may issue an order that authorizes individuals to angle for fish or take shellfish in the waters of this state without the licenses or tags, or without the licenses and tags otherwise required by law, on any two consecutive days each year. [1989 c.344 §2; 1995 c.177 §1; 2003 c.656 §7]

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 State Fish and Wildlife 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, \$19.

(b) Nonresident annual hunting license to hunt wildlife, \$73.

(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, free.

(e) Resident annual 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, one-half the fee imposed under paragraph (a) of this subsection for a resident annual hunting license to hunt wildlife.

(f) Resident disabled war veteran hunting license to hunt wildlife for a person who files

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 resident private hunting preserve permit to hunt privately owned hunting preserve game birds, \$3.

(h) Annual nonresident private hunting preserve permit to hunt privately owned hunting preserve game birds, \$9.

(i) Nonresident hunting license to hunt migratory waterfowl and upland birds for three consecutive days, \$20.

(2) The hunting preserve permits referred to in subsection (1)(g) and (h) of this section are 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; 1993 c.659 §20; 1999 c.667 §2; 1999 c.1006 §4; amendments by 1999 c.1006 §14 repealed by 2001 c.949 §1; 2001 c.571 §§2,3; 2003 c.644 §1]

Note: See second note under 497.121.

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 State Fish and Wildlife 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, \$33.

(b) Nonresident annual elk tag to hunt elk, \$360.

(c) Special annual elk tag for holders of pioneer or disabled veteran hunting licenses to hunt elk, one-half the fee imposed under paragraph (a) of this subsection for a resident annual elk tag to hunt elk.

(d) Resident annual deer tag to hunt deer, \$18.

(e) Nonresident annual deer tag to hunt deer, \$263.

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

(g) Nonresident annual black bear tag to hunt black bear, \$150.

(h) Resident annual mountain sheep tag to hunt mountain sheep, \$100.

(i) Nonresident annual mountain sheep tag to hunt mountain sheep, \$1,082.

(j) Resident annual mountain goat tag to hunt mountain goat, \$100.

(k) Nonresident annual mountain goat tag to hunt mountain goat, \$1,082.

(L) Resident annual cougar tag to hunt cougar, \$10.

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

(n) Resident annual antelope tag to hunt antelope, \$35.

(o) Nonresident annual antelope tag to hunt antelope, \$276.

(p) Resident annual turkey tag to hunt turkeys, \$16.50.

(q) Nonresident annual turkey tag to hunt turkeys, \$62.50.

(r) Outfitter and guide annual deer tag to hunt deer, \$450.

(s) Outfitter and guide annual elk tag to hunt elk, \$665.

(2)(a) Notwithstanding ORS 496.146 (10), the commission is authorized to issue each year one special tag that is auctioned to the highest bidder in a manner prescribed by the commission for each of the following:

- (A) Mountain sheep;
- (B) Antelope; and
- (C) Mountain goat.

(b) In addition to the tags referred to in paragraph (a) of this subsection, the commission is authorized to issue each year one special tag that is raffled in a manner prescribed by the commission for each of the following:

- (A) Mountain sheep;
- (B) Antelope; and
- (C) Mountain goat.

(c) Moneys received under this subsection for:

(A) Mountain sheep tags shall be placed in the Mountain Sheep Subaccount established in ORS 496.303;

(B) Antelope tags shall be placed in the Antelope Subaccount established in ORS 496.303; and

(C) Mountain goat tags shall be placed in the Mountain Goat Subaccount established in ORS 496.303.

(d) Notwithstanding ORS 496.146 (10), the commission, upon the recommendation of the Access and Habitat Board to fulfill the board's charge of providing incentives to increase public access and habitat improvements to private land, is authorized to issue each year up to 10 elk and 10 deer tags to hunt deer or elk. The tags shall be auctioned or raffled to the highest bidder in a manner prescribed by the commission. The Access and Habitat Board, in recommending any tags, shall include a proposal as to the land on which each tag can be used and a percentage of funds received from the tags that may revert to the landowner if the tag is limited to private land. However, the percentage cannot be more than 50 percent and

the programs must, by written agreement, provide for public access and habitat improvements.

(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 is not authorized to take the game animal by any other means than the tag so indorsed.

(5) Except as provided in subsection (6) of this section, a person is not eligible to obtain, in a lifetime, more than one controlled hunt tag issued by the commission to hunt mountain sheep and one controlled hunt tag issued by the commission to hunt mountain goat.

(6) A person is eligible to obtain mountain sheep tags, antelope tags or mountain goat tags described in subsection (2)(a) and (b) of this section, regardless of whether the person has previously taken a mountain sheep, antelope or mountain goat or previously obtained a mountain sheep tag, antelope tag or mountain goat tag issued pursuant to subsection (1) or (2)(a) or (b) of this section.

(7) 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 may 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 may not be less than five percent nor more than 10 percent of all mountain sheep tags issued.

(8) The number of tags issued by drawing under subsection (1)(g), (m) and (o) of this section shall be decided by the commission, but for each class of tag so issued, the number may 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 subsection (1)(g) of this section for the general hunting season may be decided by the commission, but the number may not be more than three percent of all tags issued the previous year for hunting in a particular area.

(9) The number of tags issued by drawing under subsection (1)(b) and (e) of this section shall be decided by the commission, but for

each class of tag so issued, the number may not be more than five 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 fewer than 35. The commission shall set the percentage by rule each year after holding a public hearing.

(10) If a controlled hunt for game mammals is undersubscribed during the primary controlled hunt drawing, the commission may issue the unallocated tags to licensed hunters at up to four times the standard tag fee on a first-come, first-served basis. This controlled hunt tag program shall be in addition to and not replace any existing controlled hunt tag program. [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; 1993 c.336 §1; 1993 c.659 §21; 1997 c.225 §1; 1997 c.341 §1; 1999 c.624 §1; 1999 c.685 §1; 1999 c.1006 §5; amendments by 1999 c.1006 §15 repealed by 2001 c.949 §1; 2003 c.612 §1; 2003 c.644 §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 and shellfish licenses and tags; fees. (1) The State Fish and Wildlife Commission is authorized to issue, upon application, to persons desiring to angle for fish or take shellfish the following licenses and tags and shall charge therefor the following fees:

- (a) Resident annual angling license, \$21.
- (b) Nonresident annual angling license, \$54.75.
- (c) Nonresident angling license to angle for seven consecutive days, \$39.50.
- (d) Angling license to angle for one day, \$9.25.
- (e) Resident annual juvenile angling license for persons 14 through 17 years of age, \$4.
- (f) Resident annual shellfish license, \$5.
- (g) Nonresident annual shellfish license, \$15.
- (h) Nonresident three-day shellfish license, \$7.50.
- (i) 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, free.
- (j) Resident annual 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, one-half the fee imposed under paragraph (a) of this subsection for a resident annual angling license.
- (k) Resident disabled war veteran angling license for a person who files with the com-

mission 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.

(L) Annual tag to angle for salmon, steelhead trout, sturgeon and halibut, \$20.

(m) Annual tag for persons under 18 years of age to angle for salmon, steelhead trout, sturgeon and halibut, \$5.

(n) Renewable tag to angle for hatchery salmon and steelhead, \$10.50.

(2) Any person who holds a valid permanent angling license for persons who are blind or a permanent angling license for persons in a wheelchair issued by the commission before January 1, 2000, need not obtain a resident annual angling license under this section.

(3) The annual tags to angle for salmon, steelhead trout, sturgeon and halibut referred to in subsection (1)(L), (m) and (n) of this section are in addition to and not in lieu of the angling licenses required by the wildlife laws. However, an annual tag to angle for salmon, steelhead trout, sturgeon and halibut is not required of a person who holds a valid angling license referred to in subsection (1)(c) or (d) of this section. [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; 1993 c.619 §1; 1999 c.25 §5; 1999 c.1006 §6; amendments by 1999 c.1006 §16 repealed by 2001 c.949 §1; 2001 c.94 §2,3; 2001 c.571 §§4,5; 2003 c.644 §3; 2003 c.656 §8; 2007 c.70 §277]

Note: Section 4, chapter 512, Oregon Laws 1989, provides:

Sec. 4. Surcharges through 2009. 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, 1998, and ending December 31, 2009, 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)(e), \$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 seven consecutive days issued under ORS 497.121 (1)(c), \$2.50. [1989 c.512 §4; 1991 c.184 §1; 1993 c.619 §3; 1997 c.8 §9; 1999 c.1006 §11; 2003 c.643 §1]

Note: Section 19, chapter 659, Oregon Laws 1993, provides:

Sec. 19. Surcharges through 2009. (1) 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, 1994, and ending December 31, 2009, the following surcharges:

(a) Resident annual combination license issued under ORS 497.132, \$2.

(b) Resident annual hunting license issued under ORS 497.102 (1)(a), \$2.

(c) Nonresident annual hunting license issued under ORS 497.102 (1)(b), \$2.

(d) Resident annual juvenile hunting license issued under ORS 497.102 (1)(c), \$1.

(2) Payment of the surcharges required by this section does not entitle the license holder to special access to any property or to any other privilege. Notice to this effect shall be printed in materials distributed by the State Department of Fish and Wildlife to licensees. [1993 c.659 §19; 1997 c.246 §1; 1999 c.1006 §12; 2003 c.203 §1]

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

497.123 Hatchery harvest tag rules. The State Fish and Wildlife Commission shall adopt rules for the issuance of hatchery harvest tags to persons holding an annual angling license and an annual tag to angle for salmon and steelhead. The rules shall allow persons holding a hatchery harvest tag to angle for 10 fin clipped or otherwise marked returning hatchery salmon and steelhead. [2001 c.94 §1]

Note: 497.123 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 497 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

497.124 Angling license surcharges. 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 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)(e).

(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 seven consecutive days issued under ORS 497.121 (1)(c). [1991 c.858 §15; 1993 c.619 §4; 1995 c.426 §4; 1999 c.25 §6]

Note: 497.124 was added to and made a part of ORS chapter 497 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

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 Combined licenses for residents; fee. (1) In lieu of issuing to resident persons separate licenses for angling and hunting, the State Fish and Wildlife Commission is authorized to issue resident an-

nual combination angling and hunting licenses, and charge therefor a fee of \$38.

(2)(a) In lieu of issuing to resident persons separate licenses and tags for various hunting and angling activities, the commission is authorized to issue resident annual sportsperson's licenses and shall charge therefor a fee of \$125. The purchaser of each such license is authorized to engage in those hunting and angling activities for which the following licenses and tags are required:

- (A) Combination license;
- (B) Black bear tag;
- (C) Cougar tag;
- (D) General season elk tag;
- (E) General season deer tag;
- (F) Upland bird stamp;
- (G) Oregon migratory waterfowl stamp;
- (H) Turkey tag; and
- (I) Annual tag to angle for salmon, steelhead trout, sturgeon and halibut.

(b) The holder of each sportsperson's license who wishes to engage in hunting or angling activities for which permits are required that are limited by quota must participate in the process for allocation of the permits in the same manner as all other permit applicants. However, if the holder of a sportsperson's license is unsuccessful in obtaining a permit limited by quota for a particular activity, the holder will be issued a tag valid for any general season for that species.

(c) Notwithstanding any other provision of the wildlife laws, of the moneys received from the sale of sportsperson's licenses:

(A) Two dollars from each such license shall be credited to the subaccount referred to in ORS 496.242.

(B) Two dollars from each such license shall be credited to the subaccount referred to in ORS 496.283.

(C) Twenty-five cents from each such license shall be credited to the Fish Screening Subaccount established under ORS 496.303. [1973 c.723 §52; 1975 c.454 §5; 1981 c.445 §8; 1987 c.255 §3; 1991 c.661 §3; 1993 c.619 §2; 1997 c.341 §2; 1999 c.59 §161; 1999 c.1006 §7; amendments by 1999 c.1006 §17 repealed by 2001 c.949 §1; 2001 c.822 §§8,8a; 2003 c.644 §4]

Note: See notes under 497.121.

497.134 Voluntary contributions. (1) The State Fish and Wildlife 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). 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; 1999 c.25 §7; 1999 c.1006 §8]

497.136 Uses of certain fee increases.

The moneys received from the fee increases prescribed in the amendments to ORS 497.121 and 497.132 and section 4, chapter 512, Oregon Laws 1989, and section 15, chapter 858, Oregon Laws 1991, by sections 1 to 4, chapter 619, Oregon Laws 1993, shall be used by the State Department of Fish and Wildlife for recreational fishing activities, including fish hatchery production, freshwater fish programs, groundfish sampling, fish research projects, Oregon State Police Game Bureau enforcement, a name and address database, and the Hatchery Maintenance Information System. [1993 c.619 §6]

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 State Fish and Wildlife 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) Furbearer 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 subsection (1)(e) of this section are in addition to and not in lieu of the licenses referred to in subsection (1)(c) and (d) 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 State Fish and Wildlife 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 Annual migratory waterfowl stamp; fee; effect of purchase by nonresident.

(1) The State Fish and Wildlife Commission is authorized to issue, upon application, to resident persons desiring to hunt migratory waterfowl an annual migratory waterfowl stamp and shall charge therefor a fee of \$7.50.

(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.

(5) Nothing in this section is intended to prevent nonresident persons from purchasing resident migratory waterfowl stamps for stamp collecting or other purposes. However, possession of a resident migratory waterfowl stamp does not authorize a nonresident to hunt migratory waterfowl. [1983 c.801 §2; 1993 c.659 §22; 1999 c.1006 §9; amendments by 1999 c.1006 §18 repealed by 2001 c.949 §1]

497.153 Annual resident upland bird stamp; fee; effect of purchase by nonresident. (1) The State Fish and Wildlife Commission is authorized to issue, upon application, to resident 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.

(5) Nothing in this section is intended to prevent nonresident persons from purchasing resident upland bird stamps for stamp collecting or other purposes. However, possession of a resident upland bird stamp does not authorize a nonresident to hunt upland birds. [1989 c.406 §4; 1993 c.659 §23]

497.156 Annual nonresident bird-waterfowl stamp; fee. (1) The State Fish and Wildlife Commission is authorized to issue, upon application, to nonresident persons desiring to hunt either migratory waterfowl or upland birds an annual bird-waterfowl stamp and shall charge therefor a fee of \$30.

(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 bird-waterfowl stamp is not required of:

(a) A person younger than 14 years of age; or

(b) A nonresident hunter on a private hunting preserve who holds an annual private hunting preserve permit issued under ORS 497.102.

(4) ORS 497.016 to 497.026 and 497.036 apply to the stamp referred to in subsection (1) of this section. [1993 c.659 §25; 1999 c.667 §3; 1999 c.1006 §10; amendments by 1999 c.1006 §19 repealed by 2001 c.949 §1]

497.158 Mail and Internet license renewal. The State Fish and Wildlife Commission shall adopt a system for renewing licenses issued under ORS 497.102 and 497.121 through the mail and the World Wide Web. [2001 c.559 §2]

Note: 497.158 was added to and made a part of the wildlife laws by legislative action but was not added to ORS chapter 497 or any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

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 and shellfish licenses for persons in state care. (1) Upon application of the Oregon Youth Authority or the Department of Human Services, the State Fish and Wildlife Commission shall issue, without fee, a license to angle for the temporary use of any person in a state institution as defined in ORS 179.610, any student in a youth correction facility or related camps or programs operated by the Oregon Youth Authority, any child placed by the department and under the care of a foster home or a private nonprofit child-caring agency certified by the department, or any person in a department 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 authority or department directs.

(2) Upon application of the Department of Human Services, the commission shall issue, without fee, a license to take shellfish for the temporary use of any child placed by the department and under the care of a foster home or a private nonprofit child-caring agency certified by the department. The licenses issued under this subsection shall be in bearer form and, subject to applicable laws and regulations relating to taking shellfish, shall be used as the department directs.

(3) 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 or to take shellfish 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 and to taking shellfish, shall be used as the director of the hospital or domiciliary provides. [Formerly 497.840; 1977 c.492 §1; 1979 c.70 §1; 1997 c.249 §178; 1999 c.59 §162; 2001 c.900 §207; 2003 c.656 §16]

497.170 Columbia River Indians; free hunting and fishing licenses. The State Fish and Wildlife 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]

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]

OCCUPATIONAL LICENSES, REQUIREMENTS AND FEES

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 State Fish and Wildlife 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; rules. (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 State Fish and Wildlife 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 State Fish and Wildlife 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; requirements for preserve; rules; 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 State Fish and Wildlife 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 is on one continuous tract of land owned by the applicant or leased by the applicant and contains:

(A) Not more than 640 acres, if the preserve is located in the area west of the summit of the Cascade Mountains; or

(B) Not more than 1,280 acres, if the preserve is located in the area east of the summit of the Cascade Mountains.

(b) The preserve is located at least one-half mile 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 defined and posted with signs erected around the extremity at intervals of 1,320 feet or less. The signs shall comply with requirements prescribed by the State Department of Fish and Wildlife.

(e) The applicant 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)(a) 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.

(b) Pursuant to paragraph (a) of this subsection, the commission shall:

(A) Allow private hunting preserve operators to use plastic poultry leg bands for marking wildlife species to be released for hunting.

(B) Allow the transportation of game birds killed on a private hunting preserve if the birds are cleaned, wrapped, packaged and accompanied by a transportation form from the preserve that states the number and sex of the birds being transported.

(C) Require private hunting preserve operators to have at least 10 resident private hunting preserve permits, 10 nonresident private hunting preserve permits and 10 wild bird seals. This requirement shall apply to each operator, regardless of the number of preserves operated by that person.

(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; 1999 c.667 §4; 2001 c.151 §1; 2001 c.161 §1; 2003 c.616 §1]

497.249 Revocation or refusal to renew private hunting preserve license. (1) In addition to the penalties provided in ORS 496.992, the State Department of Fish and Wildlife may revoke or refuse to renew a license issued under ORS 497.248 if the operator fails to comply with any provision of ORS 497.248 or any rule adopted by the State Fish and Wildlife Commission in relation to the operation of private hunting preserves.

(2) A new license may not be issued to a person whose license has been revoked unless it appears to the satisfaction of the department that the person will comply with the provisions of ORS 497.248 and the rules adopted by the commission in relation to the operation of private hunting preserves.

(3) Notwithstanding subsection (1) of this section, the department may not revoke a license for a first violation.

(4) Prior to revoking or refusing to renew a license, the department shall serve written notice, in the manner prescribed for con-

tested case proceedings pursuant to ORS 183.415, on the operator of the private hunting preserve, ordering the operator to:

(a) Notify the department within 30 days of the service of the notice if the operator seeks a review of the proposed revocation or refusal to renew the license in the manner provided for contested case proceedings in ORS 183.413 to 183.470; and

(b) Set forth in any notification under paragraph (a) of this subsection the operator's reasons why the license should be renewed or not be revoked.

(5) At the conclusion of a contested case proceeding conducted by the department pursuant to subsection (4) of this section, an operator may petition the commission for a review of the determination by the department. [2001 c.151 §3]

Note: 497.249 was added to and made a part of the wildlife laws by legislative action but was not added to ORS chapter 497 or any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

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

497.252 Fish propagation license; terms and conditions; rules; 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 State Fish and Wildlife 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; rules.

(1) Any person desiring to take wildlife for scientific purposes shall first obtain from the State Fish and Wildlife 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; rules. (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 State Fish and Wildlife 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 State Fish and Wildlife 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 609.135 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 chapter 183, the State Fish and Wildlife 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 hatchery operation permits; conditions; permit restrictions; rules; fees. (1) A person may not operate a fish hatchery for those members of the family Acipenseridae, commonly known as green sturgeon or white sturgeon, without holding a permit therefor from the State Fish and Wildlife Commission.

(2) 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.

(3) The commission by rule shall specify:

(a) The number of permits under this section that may be issued each calendar year;

(b) The method for allocating the permits; and

(c) The standards and criteria under which a permit must be exercised.

(4) When issuing a permit under this section, the commission may impose any additional conditions that the commission deems necessary to ensure compliance with this section.

(5)(a) A permit issued under this section for a fish hatchery operated for commercial purposes may not authorize the use of green sturgeon or white sturgeon broodstock taken from the wild.

(b) The commission shall collect an annual fee of \$3,000 for any permit issued under this section that allows the artificial propagation of green sturgeon or white sturgeon for commercial purposes. Payment of a fee under this subsection satisfies the payment of the fee required for a fish propagation license under ORS 497.252. [1989 c.1038 §2; 2007 c.342 §1]

Note: Sections 3 and 4, chapter 342, Oregon Laws 2007, provide:

Sec. 3. The State Fish and Wildlife Commission may issue to any person through calendar year 2010 a special permit for the collection of male white sturgeon and eggs from oversize female white sturgeon for commercial aquaculture in accordance with rules adopted by the commission, provided that the person possessed such a special permit from the commission in calendar year 2006. [2007 c.342 §3]

Sec. 4. Section 3 of this 2007 Act is repealed on January 1, 2011. [2007 c.342 §4]

497.327 Priority for certain applications for permit for sturgeon hatchery operation. When considering an application for a permit under ORS 497.325, the State Fish and Wildlife Commission shall, to the greatest extent practicable, give priority to any person who holds a permit on December 31, 2007, unless the commission finds good cause not to give such priority. [2007 c.342 §2]

Note: 497.327 was enacted into law by the Legislature but was not added to or made a part of ORS chapter 497 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

497.330 [1989 c.1038 §3; repealed by 2007 c.342 §5]

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; youth hunter mentoring program; rules.

(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:

(a) Has in possession a certificate, issued by the State Fish and Wildlife 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; or

(b) Is participating in a supervised hunt as provided in subsection (3) of this section.

(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.

(3)(a) The commission, by rule, shall prescribe and administer a youth hunter mentoring program that allows a person who is between nine and 14 years of age to hunt while in the presence of a supervisory hunter who is 21 years of age or older and who holds the appropriate licenses, tags and permits issued pursuant to the wildlife laws. Only one lawful hunting weapon may be carried during a supervised hunt under this subsection. A person participating in a supervised hunt under this subsection may hunt wildlife under the same conditions applicable to the supervisory hunter's licenses, tags and permits.

(b) The commission, by rule, may prescribe any relevant safety and ethical standards for participation in a supervised hunt under this subsection. [1973 c.723 §69; 2007 c.352 §1]

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 State Fish and Wildlife 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 State Department of Fish and Wildlife 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 or 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 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 State Fish and Wildlife 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, or who otherwise fails to comply with the requirements of a citation in connection with any such offense when the base fine amount for the offense is \$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, taking shellfish, hunting or trapping or who otherwise fails to comply with the requirements of a citation in connection with any such offense when the base fine amount for the offense is \$50 or more.

(c) Any person who is convicted of a violation of ORS 166.630 or 166.638 committed while hunting or who otherwise fails to comply with the requirements of a citation in connection with any such offense when the base fine amount for the offense is \$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:

(a) The commission shall suspend a violator's license as defined in ORS 496.750 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 author-

ity of the issuing state shall be conclusive evidence. Suspension under this paragraph commences on the date the commission issues a final order pursuant to the provisions of ORS chapter 183 to suspend the license in this state. The period of suspension under this paragraph is the period provided by Oregon law or such longer period as provided by commission rule based on the period of suspension imposed by the party state.

(b) The commission shall revoke a violator's license as defined in ORS 496.750 for a conviction in a party state. A report of conviction from the licensing authority of the issuing state shall be conclusive evidence. Revocation under this paragraph commences on the date the commission issues a final order pursuant to the provisions of ORS chapter 183 to revoke the license in this state. The period of revocation under this paragraph is the period provided by Oregon law or such longer period as provided by commission rule based on the period of revocation imposed by the party state.

(5)(a) 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 or commission ordered the revocation.

(b) 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.

(c) 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)(a) 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.

(b) 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.

(c) 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; 1999 c.1051 §273; 2003 c.656 §9; 2007 c.257 §1]

Note: Section 2, chapter 257, Oregon Laws 2007, provides:

Sec. 2. The amendments to ORS 497.415 by section 1 of this 2007 Act apply only to the suspension or revocation of a violator's license by a party state made on or after the effective date of this 2007 Act [January 1, 2008]. [2007 c.257 §2]

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 State Fish and Wildlife 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; repealed by 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]