**South Carolina General Assembly**

119th Session, 2011-2012

**A257, R290, H3730**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Munnerlyn, Sabb, Vick, Hayes, Tribble and McLeod

Document Path: l:\council\bills\swb\6007cm11.docx

Introduced in the House on February 23, 2011

Introduced in the Senate on April 28, 2011

Last Amended on June 6, 2012

Passed by the General Assembly on June 6, 2012

Governor's Action: June 18, 2012, Signed

Summary: Commercial fur license

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/23/2011 House Introduced and read first time ([House Journal‑page 9](file:///h:\hj%20archive\2011\02-23-11.docx))

2/23/2011 House Referred to Committee on **Agriculture, Natural Resources and Environmental Affairs** ([House Journal‑page 9](file:///h:\hj%20archive\2011\02-23-11.docx))

3/29/2011 House Member(s) request name added as sponsor: Tribble

3/30/2011 House Member(s) request name added as sponsor: McLeod

4/13/2011 House Committee report: Favorable with amendment **Agriculture, Natural Resources and Environmental Affairs** ([House Journal‑page 5](file:///h:\hj%20archive\2011\04-13-11.docx))

4/19/2011 Scrivener's error corrected

4/26/2011 House Amended ([House Journal‑page 61](file:///h:\hj%20archive\2011\04-26-11.docx))

4/26/2011 House Read second time ([House Journal‑page 61](file:///h:\hj%20archive\2011\04-26-11.docx))

4/26/2011 House Roll call Yeas‑109 Nays‑0 ([House Journal‑page 61](file:///h:\hj%20archive\2011\04-26-11.docx))

4/27/2011 House Read third time and sent to Senate ([House Journal‑page 9](file:///h:\hj%20archive\2011\04-27-11.docx))

4/28/2011 Senate Introduced and read first time ([Senate Journal‑page 8](file:///h:\sj%20archive\2011\04-28-11.docx))

4/28/2011 Senate Referred to Committee on **Fish, Game and Forestry** ([Senate Journal‑page 8](file:///h:\sj%20archive\2011\04-28-11.docx))

3/6/2012 Senate Committee report: Favorable with amendment **Fish, Game and Forestry** ([Senate Journal‑page 17](file:///h:\sj%20archive\2012\03-06-12.docx))

3/7/2012 Scrivener's error corrected

3/22/2012 Senate Committee Amendment Adopted ([Senate Journal‑page 21](file:///h:\sj%20archive\2012\03-22-12.docx))

3/22/2012 Senate Amended ([Senate Journal‑page 21](file:///h:\sj%20archive\2012\03-22-12.docx))

4/18/2012 Senate Amended ([Senate Journal‑page 22](file:///h:\sj%20archive\2012\04-18-12.docx))

4/18/2012 Senate Read second time ([Senate Journal‑page 22](file:///h:\sj%20archive\2012\04-18-12.docx))

4/18/2012 Senate Roll call Ayes‑42 Nays‑0 ([Senate Journal‑page 22](file:///h:\sj%20archive\2012\04-18-12.docx))

4/19/2012 Senate Read third time and returned to House with amendments ([Senate Journal‑page 15](file:///h:\sj%20archive\2012\04-19-12.docx))

4/19/2012 Scrivener's error corrected

4/25/2012 House Debate adjourned until Thur., 04‑26‑12 ([House Journal‑page 41](file:///h:\hj%20archive\2012\04-25-12.docx))

4/26/2012 House Debate adjourned until Tues., 05‑01‑12 ([House Journal‑page 71](file:///h:\hj%20archive\2012\04-26-12.docx))

5/1/2012 House Debate adjourned until Wed., 05‑02‑12 ([House Journal‑page 64](file:///h:\hj%20archive\2012\05-01-12.docx))

5/2/2012 House Debate adjourned until Tues., 05‑08‑12 ([House Journal‑page 49](file:///h:\hj%20archive\2012\05-02-12.docx))

5/8/2012 House Debate adjourned until Tues., 05‑15‑12 ([House Journal‑page 25](file:///h:\hj%20archive\2012\05-08-12.docx))

5/15/2012 House Non‑concurrence in Senate amendment ([House Journal‑page 20](file:///h:\hj%20archive\2012\05-15-12.docx))

5/15/2012 House Roll call Yeas‑0 Nays‑100 ([House Journal‑page 22](file:///h:\hj%20archive\2012\05-15-12.docx))

5/16/2012 Senate Senate insists upon amendment and conference committee appointed Hutto, Campsen, and S. Martin ([Senate Journal‑page 10](file:///h:\sj%20archive\2012\05-16-12.docx))

5/17/2012 House Conference committee appointed Frye, Hodges, Hixon ([House Journal‑page 2](file:///h:\hj%20archive\2012\05-17-12.docx))

5/31/2012 Senate Conference report adopted ([Senate Journal‑page 79](file:///h:\sj%20archive\2012\05-31-12.docx))

5/31/2012 Senate Roll call Ayes‑37 Nays‑0 ([Senate Journal‑page 79](file:///h:\sj%20archive\2012\05-31-12.docx))

6/6/2012 House Conference report received and adopted ([House Journal‑page 93](file:///h:\hj%20archive\2012\06-06-12.docx))

6/6/2012 House Roll call Yeas‑102 Nays‑0 ([House Journal‑page 100](file:///h:\hj%20archive\2012\06-06-12.docx))

6/6/2012 House Ordered enrolled for ratification ([House Journal‑page 101](file:///h:\hj%20archive\2012\06-06-12.docx))

6/12/2012 Ratified R 290

6/18/2012 Signed By Governor

6/25/2012 Effective date 06/18/12

6/27/2012 Act No. 257

**VERSIONS OF THIS BILL**

[2/23/2011](file:///p:\pprever\2011-12\3730_20110223.docx)

[4/13/2011](file:///p:\pprever\2011-12\3730_20110413.docx)

[4/19/2011](file:///p:\pprever\2011-12\3730_20110419.docx)

[4/26/2011](file:///p:\pprever\2011-12\3730_20110426.docx)

[3/6/2012](file:///p:\pprever\2011-12\3730_20120306.docx)

[3/7/2012](file:///p:\pprever\2011-12\3730_20120307.docx)

[3/22/2012](file:///p:\pprever\2011-12\3730_20120322.docx)

[4/18/2012](file:///p:\pprever\2011-12\3730_20120418.docx)

[4/19/2012](file:///p:\pprever\2011-12\3730_20120419.docx)

[6/6/2012](file:///p:\pprever\2011-12\3730_20120606.docx)

(A257, R290, H3730)

**AN ACT** **TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50‑9‑450 SO AS TO PROVIDE THAT A COMMERCIAL FUR LICENSE, IN ADDITION TO A STATE HUNTING LICENSE IS REQUIRED OF ALL PERSONS WHO, FOR A COMMERCIAL PURPOSE, SELL OR TAKE FUR BEARING ANIMALS BY ANY MEANS AND OF ALL PERSONS WHO TRAP SUCH ANIMALS, TO PROVIDE EXCEPTIONS, AND TO PROVIDE THAT A PERSON UNDER THE AGE OF SIXTEEN MAY PURCHASE A COMMERCIAL FUR LICENSE WITHOUT HAVING TO PURCHASE A STATE HUNTING LICENSE AFTER COMPLETING THE TRAPPERS EDUCATION COURSE; TO AMEND SECTION 50‑11‑40, RELATING TO THE UNLAWFUL USE OF RECORDED SOUNDS OR AMPLIFIED IMITATIONS OF CALLS OR SOUNDS BY A PERSON TO HUNT, CATCH, TAKE, OR KILL A GAME BIRD OR GAME ANIMAL OR ATTEMPT TO HUNT, CATCH, TAKE, OR KILL A GAME BIRD OR GAME ANIMAL BY USE OF THESE MEANS, SO AS TO PROVIDE THAT THIS SECTION DOES NOT APPLY TO THE HUNTING AND TAKING OF COYOTES; TO AMEND SECTION 50‑11‑1080, RELATING TO THE DEPARTMENT OF NATURAL RESOURCES DECLARING OPEN SEASON ON COYOTES, SO AS TO PROVIDE THAT THERE IS NO CLOSED SEASON FOR HUNTING OR TAKING COYOTES WITH WEAPONS; TO AMEND SECTION 50‑11‑2400, RELATING TO DEFINITIONS OF CERTAIN TERMS THAT PERTAIN TO THE TRAPPING OF FUR BEARING ANIMALS, SO AS TO REVISE THE DEFINITION OF THE TERMS “FUR BEARING ANIMAL” AND “COMMERCIAL PURPOSES”, AND TO PROVIDE DEFINITIONS FOR THE TERMS “OWNER” AND “AGENT”; TO AMEND SECTION 50‑11‑2430, RELATING TO REQUIRING A FUR TRAPPER TO CARRY PROOF THAT HE IS THE OWNER OF THE PROPERTY ON WHICH HE SETS HIS TRAPS, OR HAS PERMISSION FROM THE OWNER OF THE PROPERTY UPON WHICH HIS TRAPS ARE SET, SO AS TO MAKE TECHNICAL CHANGES OR CLARIFY CERTAIN REQUIREMENTS; TO AMEND SECTION 50‑11‑2440, RELATING TO REQUIRING A TRAPPER TO VISIT HIS TRAPS DAILY, SO AS TO MODIFY THE FREQUENCY THAT A TRAPPER MUST VISIT HIS TRAPS, INCLUDING CERTAIN BODY GRIPPING TRAPS; TO AMEND SECTION 50‑11‑2445, RELATING TO THE REMOVAL OF TRAPPED WILDLIFE BY THE OWNERS OF TRAPS, SO AS TO ALLOW A TRAP OWNER’S DESIGNEE TO REMOVE WILDLIFE FROM HIS TRAPS UNDER CERTAIN CONDITIONS; TO AMEND SECTION 50‑11‑2460, RELATING TO CERTAIN TRAPS THAT ARE ALLOWED FOR TRAPPING, SO AS TO FURTHER PROVIDE FOR THE TYPES OF TRAPS THAT ARE ALLOWED AND THEIR USES; TO AMEND SECTION 50‑11‑2475, RELATING TO THE ISSUANCE OF A FUR PROCESSOR’S LICENSE, SO AS TO REVISE THE COST OF THE LICENSE, TO REQUIRE A TAXIDERMIST TO KEEP A DAILY REGISTER OF THE NAME AND ADDRESS OF EACH PERSON FROM WHOM A FUR BEARING ANIMAL IS RECEIVED ALONG WITH OTHER INFORMATION ABOUT THE ANIMAL, AND TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 50‑11‑2640, RELATING TO PENALTIES FOR IMPORTING FOXES AND COYOTES, SO AS TO PROVIDE THAT EACH ANIMAL TAKEN OR POSSESSED IN VIOLATION OF THE SECTION IS A SEPARATE OFFENSE; TO AMEND SECTION 50‑9‑350, RELATING TO APPRENTICE LICENSES, SO AS TO PERMIT APPRENTICE LICENSE HOLDERS TO OBTAIN OTHER HUNTING PERMITS AND TAGS; TO AMEND SECTION 50‑11‑2570, RELATING TO THE ISSUANCE OF SPECIAL PERMITS TO CAPTURE DESTRUCTIVE ANIMALS, SO AS TO FURTHER PROVIDE FOR THE PURPOSE AND REASONS FOR THE PERMITS; TO PROVIDE THE CIRCUMSTANCES WHEN A NONRESIDENT MAY OBTAIN A LIFETIME COMBINATION LICENSE; AND TO REPEAL SECTIONS 50‑11‑1060, 50‑11‑1070, 50‑11‑2420, AND 50‑11‑2575 RELATING TO, RESPECTIVELY, THE ISSUANCE OF A COMMERCIAL FUR LICENSE, THE ISSUANCE OF A PERMIT TO POISON PREDATORY ANIMALS, THE KILLING OF BOBCATS, AND THE SPECIAL PERMITS FOR USE OF BEAVER SNARES.**

Be it enacted by the General Assembly of the State of South Carolina:

**Commercial fur license required, exceptions**

SECTION 1. Article 4, Chapter 9, Title 50 of the 1976 Code is amended by adding:

“Section 50‑9‑450. (A) In addition to a valid state hunting license, an annual commercial fur license is required of all persons who sell or take by any means, for commercial purposes, and all persons who trap or who attempt to trap any fur bearing animals. The license is issued by the department at a cost of twenty‑five dollars for residents and two hundred dollars for nonresidents. Any person having in his possession more than five fur bearing animals or raw or green pelts shall have a valid commercial fur license. The provisions of this section do not apply to a processor, manufacturer, or retailer.

(B) A person under the age of sixteen may purchase a commercial fur license without having to purchase a state hunting license after completing the ‘Trappers Education Course’.

(C) A person under the age of sixteen is exempt from the licensing requirements of this section while in the presence of a commercial fur licensee, but may not sell any fur bearing animals or raw or green pelts unless licensed.”

**Applicability of section**

SECTION 2. Section 50‑11‑40 of the 1976 Code is amended to read:

“Section 50‑11‑40. (A) It is unlawful for a person to hunt, take, or attempt to hunt, or take a game bird or game animal by the use or aid of recorded calls or sounds or recorded or electronically amplified imitations of calls or sounds. This section does not apply to the hunting and taking of coyotes.

(B) A person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not less than fifty dollars nor more than one hundred dollars.”

**No closed season**

SECTION 3. Section 50‑11‑1080 of the 1976 Code is amended to read:

“Section 50‑11‑1080. There is no closed season for hunting or taking coyotes with weapons.”

**Definitions added and revised**

SECTION 4. Section 50‑11‑2400 of the 1976 Code is amended to read:

“Section 50‑11‑2400. For the purpose of this article:

(a) ‘Fur bearing animal’ includes red and gray fox, coyote, raccoon, opossum, muskrat, mink, skunk, otter, bobcat, weasel, or beaver.

(b) ‘Fur buyer’ means any person who purchases any whole fur bearing animal, raw or green furs, pelts, or hides.

(c) ‘Take’ means to shoot, wound, kill, trap, capture, or collect, or attempt to shoot, wound, kill, trap, capture, or collect.

(d) ‘Commercial purposes’ means taking or possessing any fur, pelt, hide, or whole animal for exchange, sale, trade, or barter and taking or possessing more than five furs, pelts, hides, or whole animals.

(e) ‘Trapper’ means any person who takes or attempts to take animals by trapping.

(f) ‘Trap’ means any device, other than a weapon, designed or constructed for taking animals.

(g) ‘Foot‑hold trap’ means a steel‑jawed, spring‑loaded device designed to capture the animal by the foot.

(h) ‘Live trap’ means any box or cage designed for capturing and holding any animal unharmed.

(i) ‘Processor’ means any person engaged in tanning or dressing furs, pelts, or hides of fur bearing animals for commercial purposes.

(j) ‘Transfer’ includes selling, bartering, exchanging, and transporting.

(k) ‘Owner’ means an individual or entity that owns property or equipment.

(l) ‘Agent’ means an individual or entity appointed by the owner to act in his place.”

**Proof of permission or ownership**

SECTION 5. Section 50‑11‑2430 of the 1976 Code is amended to read:

“Section 50‑11‑2430. A person engaged in the act of trapping must be the owner of the property on which the traps or devices are set or has written permission from the landowner or his agent in possession to use the property for trapping.”

**Frequency of visitations**

SECTION 6. Section 50‑11‑2440 of the 1976 Code is amended to read:

“Section 50‑11‑2440. A trapper must visit his traps at least once each day from two hours before sunrise to two hours after sunset and remove any animal caught with the exception that a trapper must visit body gripping traps when used in water sets and other traps when used in ‘submersion sets’ at least once every forty‑eight hours.”

**Designee may remove**

SECTION 7. Section 50‑11‑2445 of the 1976 Code is amended to read:

“Section 50‑11‑2445. It is unlawful for a person, other than the owner of the trap, or the owner’s designee, to remove any lawfully trapped wildlife from any legally set trap. A designee must have in his possession written permission from the owner of the trap or the owner’s agent, and must meet all commercial fur licensing requirements or be listed on a valid depredation permit. A person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not less than fifty dollars nor more than two hundred dollars, or imprisoned for no more than thirty days.”

**Types of traps allowed**

SECTION 8. Section 50‑11‑2460 of the 1976 Code is amended to read:

“Section 50‑11‑2460. (A) Only the following traps are allowed for trapping unless otherwise provided in this title:

(1) body gripping traps (generally known by the brand name ‘Conibear’) when used without bait for vertical water sets and vertical slide sets only;

(2) live traps, which also may be used to capture feral animals at any time without a license or permit from the department;

(3) foot‑hold traps having an inside jaw spread of 5.75 inches or smaller when measured perpendicular to the pivot points when the trap is in the set position for land sets and 7.25 inches or smaller when measured perpendicular to the pivot points when the trap is in the set position for water sets;

(4) enclosed foot‑hold traps such as the ‘Duffer’, ‘egg’, ‘coon‑ cuff’, and similarly designed dog‑proof style traps designed for raccoons;

(5) snares may be used for water sets only ; small snap, box, and other commonly used traps to capture commensal rodents or snakes in homes and businesses may be used by property owners, occupants, or their designees, at any time to capture snakes, rats, or mice.

(B) All other traps, including ‘deadfall’ traps, are unlawful unless expressly authorized by the department by regulation.

(C) All traps must bear the owner’s name and address either directly thereon or by an attached identification tag.”

**Cost revised, taxidermist requirements**

SECTION 9. Section 50‑11‑2475 of the 1976 Code is amended to read:

“Section 50‑11‑2475. A person engaged in processing hides of fur bearing animals is required to obtain a fur processor’s license. The license is issued by the department at a cost of two hundred dollars. The license is valid for the state fiscal year in which it is issued. A taxidermist who possesses any fur, pelt, hide, or whole fur bearing animal legally owned by another person, which he is temporarily holding for the purpose of processing, is not required to obtain this license. A commercial fur licensee who only processes furs, hides, or pelts taken by him is not required to have a processor’s license. All processors and taxidermists must keep a daily register showing the name and address of each person from whom the fur, pelt, hide, or whole fur bearing animal is received, the number of each species, and the date and place of origin. All processors must report the information to the department not later than June thirtieth of each year.”

**Each violation separate offense**

SECTION 10. Section 50‑11‑2640 of the 1976 Code is amended by adding at the end:

“(D) Each animal taken or possessed in violation of this section constitutes a separate offense.”

**Other hunting permits**

SECTION 11. Section 50‑9‑350(4) of the 1976 Code, as added by Act 233 of 2010, is amended to read:

“(4) An apprentice license holder may obtain other hunting permits and tags which are required for specific hunting activities.”

**Special permit purposes revised**

SECTION 12. Section 50‑11‑2570(A) of the 1976 Code is amended to read:

“(A) The department may issue special permits, at no cost to the applicant, for the taking, capturing, or transportation of wildlife which is destroying or damaging private or public property, wildlife habitat, game species, timber, crops, or other agriculture so as to be a nuisance or for scientific, research, or wildlife management purposes.”

**Nonresident lifetime combination license**

SECTION 13. (A) Notwithstanding any other provision of law, a nonresident may obtain a lifetime combination license which grants the same privileges as a statewide combination license from the Department of Natural Resources at its Columbia office if:

(1) the applicant was born in this State and provides a notarized birth certificate from the South Carolina Department of Health and Environmental Control;

(2) the applicant has held title in fee simple, either in whole or in part, to real property located within this State for at least five years immediately preceding the date of application, and the applicant provides a notarized record of ownership from the appropriate county official in the county where the real property is located;

(3) the applicant, if born after June 30, 1979, and having attained the age of sixteen or older, complies with all hunter education requirements of this State and provides a certificate of completion for the course; and

(4) the applicant has not been charged for natural resource violations which could result in the suspension of hunting or fishing privileges.

(B) This license is available for purchase from July 1, 2012, through September 30, 2012. The fee is seven hundred dollars.

**Repeal**

SECTION 14. Sections 50‑11‑1060, 50‑11‑1070, 50‑11‑2420, and 50‑11‑2575 of the 1976 Code are repealed.

**Time effective**

SECTION 15. This act takes effect upon approval by the Governor.

Ratified the 12th day of June, 2012.

Approved the 18th day of June, 2012.

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