

CHAPTER 97B

HUNTING

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**HUNTING RESTRICTIONS  
AND REQUIREMENTS**

**97B.001 TRESPASS.**

Subdivision 1. **Agricultural land definition.** For purposes of this section, "agricultural land" means land:

- (1) that is plowed or tilled;
- (2) that has standing crops or crop residues; or
- (3) within a maintained fence for enclosing domestic livestock.

Subd. 1a. **Outdoor recreation definition.** "Outdoor recreation" means any voluntary activity, including hunting, fishing, trapping, boating, hiking, camping, and engaging in winter sports, which is conducted primarily for the purposes of pleasure, rest, or relaxation and is dependent upon or derives its principal benefit from natural surroundings.

Subd. 2. **Permission required to enter agricultural land for outdoor recreation purposes.** Except as provided in subdivisions 5 and 6, a person may not enter agricultural land for outdoor recreation purposes, without first obtaining permission of the owner, occupant, or lessee.

Subd. 3. **Remaining on land prohibited after notice.** Except as provided in subdivision 6, a person may not remain on any land for outdoor recreation purposes after being orally told not to do so by the owner, occupant, or lessee.

Subd. 4. **Entering posted land prohibited; signs.** (a) Except as provided in subdivision 6, a person may not enter, for outdoor recreation purposes, any land that is posted under this subdivision without first obtaining permission of the owner, occupant, or lessee.

(b) The owner, occupant, or lessee of private land, or an authorized manager of public land may prohibit outdoor recreation on the land by posting signs once each year that:

- (1) state "no trespassing" or similar terms;
- (2) display letters at least two inches high;
- (3) either:
  - (i) are signed by the owner, occupant, lessee, or authorized manager; or
  - (ii) include the legible name and telephone number of the owner, occupant, lessee, or authorized manager; and
- (4) either:
  - (i) are at intervals of 1,000 feet or less along the boundary of the area, or in a wooded area where boundary lines are not clear, at intervals of 500 feet or less; or
  - (ii) mark the primary corners of each parcel of land and access roads and trails at the point of entrance to each parcel of land except that corners only accessible through agricultural land need not be posted.

(c) A person may not erect a sign that prohibits outdoor recreation or trespassing where the person does not have a property right, title, or interest to use the land.

Subd. 5. **Retrieving wounded game.** Except as provided in subdivision 3, a person on foot may, without permission of the owner, occupant, or lessee, enter land that is not posted under subdivision 4, to retrieve a wounded animal that was lawfully shot. The hunter must leave the land immediately after retrieving the wounded game.

Subd. 6. **Retrieving hunting dogs.** A person on foot may, without permission of the owner, occupant, or lessee, enter private land without a firearm to retrieve a hunting dog. After retrieving the dog, the person must immediately leave the premises.

Subd. 7. **Taking with firearms in certain areas.** (a) A person may not take a wild animal with a firearm within 500 feet of a building occupied by a human or livestock without the written permission of the owner, occupant, or lessee:

- (1) on another person's private land; or
- (2) on a public right-of-way.

(b) A person may not take a wild animal with a firearm without the permission of the owner, occupant, or lessee, within 500 feet of a stockade or corral containing livestock.

(c) A person may not take a wild animal on any land where the person is prohibited from entering by this section.

**Subd. 8. Destruction of property; gate closing.** A person may not:

- (1) wound or kill another person's domestic animal;
- (2) destroy, cut, or tear down another person's fence, building, grain, crops, live tree, or sign erected under subdivision 4; or
- (3) pass through another person's closed gate without returning the gate to its original position.

**History:** 1986 c 386 art 2 s 1; 1987 c 149 art 1 s 40-42; 1996 c 301 s 1-7

### 97B.002 CIVIL TRESPASS.

Subdivision 1. **Authority to issue.** Conservation officers, sheriffs, and deputies may issue citations to a person who trespasses in violation of section 97B.001 or removes a sign posted to prevent trespass without permission of the owner of the property.

Subd. 2. **Penalty amount.** The citation must impose the following penalty amounts:

- (1) \$50 for the first violation;
- (2) \$200 for the second violation in a three-year period;
- (3) for a third or subsequent violation in a three-year period, the penalty shall be \$500 and loss of every license or registration being used; and
- (4) \$50 for removal of a sign posted pursuant to this section.

Subd. 3. **Appeals.** Citations may be appealed under the procedures in section 116.072, subdivision 6, if the person requests a hearing by notifying the commissioner in writing within 15 days after receipt of the citation. If a hearing is not requested within the 15-day period, the citation becomes a final order not subject to further review.

Subd. 4. **Enforcement of field citations.** Field citations may be enforced under section 116.072, subdivisions 9 and 10.

Subd. 5. **Cumulative remedy.** The authority to issue field citations is in addition to other remedies available under statutory or common law, except that the state may not seek penalties under any other provision of law for the incident subject to the citation.

Subd. 6. **Payment of penalty.** Penalty amounts shall be remitted within 30 days of issuance of the penalty citation to the issuer.

Subd. 7. **Allocation of penalty amounts.** Penalty amounts are deposited to the county or the commissioner for deposit in the game and fish fund depending upon who issues the citation.

**History:** 1996 c 301 s 8

### 97B.005 TRAINING DOGS.

Subdivision 1. **Field training; permit required for certain period.** A person may not train hunting dogs afield from April 16 to July 14 except by special permit. The commissioner may issue a special permit, without a fee, to train hunting dogs afield on land owned by the trainer or on land that the owner provides written permission. The written permission must be carried in personal possession of the trainer while training the dogs.

Subd. 2. **Restriction on ammunition while training.** A person training a dog afield and carrying a firearm may only have blank cartridges and shells in personal possession when the season is not open for any game bird, except as provided in subdivision 3.

Subd. 3. **Permits for organizations and individuals to use game birds and firearms.** The commissioner may issue special permits, without a fee, to organizations and individuals to use firearms and live ammunition on domesticated birds or banded game birds from game farms for holding field trials and training hunting dogs.

Subd. 4. **Use of raccoons.** The commissioner may issue special permits, without a fee, to possess one raccoon to train dogs for raccoon hunting.

**History:** 1986 c 386 art 2 s 2; 1993 c 269 s 9,10

### 97B.011 DOGS PURSUING BIG GAME.

A person who observes a dog wounding, killing, or pursuing in a manner that endangers big game may kill the dog:

- (1) at any time, if the person is a peace officer or conservation officer; or
- (2) between January 1 and July 14, if the person is not a peace officer or conservation officer and the discharge of firearms is allowed.

The officer or person is not liable for damages for killing the dog.

**History:** 1986 c 386 art 2 s 3; 1994 c 575 s 1

### 97B.015 FIREARMS SAFETY AND WILDLIFE IDENTIFICATION COURSE.

Subdivision 1. **Establishment.** The commissioner shall make rules establishing a state-wide course in the safe use of firearms and identification of wild mammals and birds. At least one course must be held within the boundary of each school district. The courses must be conducted by the commissioner in cooperation with other organizations. The courses must instruct youths in commonly accepted principles of safety in hunting and handling common hunting firearms and identification of various species of wild mammals and birds by sight and other unique characteristics.

Subd. 2. **Administration, supervision, and enforcement.** (a) The commissioner shall appoint a qualified person from the enforcement division under civil service rules as supervisor of hunting safety and prescribe the duties and responsibilities of the position. The commissioner shall determine and provide the enforcement division with the necessary personnel for this section.

(b) The commissioner may appoint one or more county directors of hunting safety in each county. An appointed county director is responsible to the enforcement division. The enforcement division may appoint instructors necessary for this section. County directors and instructors shall serve on a voluntary basis without compensation. The enforcement division must supply the materials necessary for the course.

Subd. 3. **Liability insurance.** The commissioner shall obtain insurance to cover all liability incurred by the county directors and instructors for bodily injury, death, and property damage in the performance of their duties under this section.

Subd. 4. **Student fee.** To defray the expense of the course, the enforcement division shall collect a fee not to exceed \$5 from each person that takes the firearm safety course.

Subd. 5. **Firearms safety certificate.** The commissioner shall issue a firearms safety certificate to a person that satisfactorily completes the required course of instruction. A certificate may not be issued to a person under age 12. A person that is age 11 may take the firearms safety course and may receive a firearms safety certificate at age 12. The form and content of the firearms safety certificate shall be prescribed by the commissioner.

**History:** 1986 c 386 art 2 s 4; 1989 c 45 s 1

### 97B.020 FIREARMS SAFETY CERTIFICATE REQUIRED.

Except as provided in this section, a person born after December 31, 1979, may not obtain a license to take wild animals by firearms. A person may obtain a hunting license if the person has a firearms safety certificate or equivalent certificate, previous hunting license, or other evidence indicating that the person has completed in this state or in another state a hunter safety course recognized by the department under a reciprocity agreement. A person who is on active duty and has successfully completed basic training in the United States armed forces, reserve component, or national guard may obtain a hunting license or approval authorizing hunting regardless of whether the person is issued a firearms safety certificate

**History:** 1991 c 63 s 1

### 97B.021 POSSESSION OF FIREARMS BY PERSONS UNDER AGE 16.

Subdivision 1. **Restrictions.** (a) Except as provided in this subdivision, a person under the age of 16 may not possess a firearm, unless accompanied by a parent or guardian.

(b) A person under age 16 may possess a firearm without being accompanied by a parent or guardian:

- (1) on land owned by, or occupied as the principal residence of, the person or the person's parent or guardian;

- (2) while participating in an organized target shooting program with adult supervision;
- (3) while the person is participating in a firearms safety program or traveling to and from class; or
- (4) if the person is age 14 or 15 and has a firearms safety certificate.

Subd. 2. **Seizure of unlawfully possessed firearms.** A law enforcement officer shall seize a firearm used in violation of this section. The officer must tag the seized firearm with the name and address of the person from whom it was taken and give the person a receipt. The firearm shall be placed in the custody of the conservation officer in charge of the area where the seizure was made.

Subd. 3. **Return or forfeiture of seized firearms.** A firearm seized under this section must be returned to the person from whom it was seized when the person presents a firearms safety certificate to the conservation officer. The person must present the certificate within 90 days after the beginning of the first firearms training course in the county after the firearm was seized. If the person does not present a certificate, the firearm is contraband and forfeited to the state, and shall be disposed of as prescribed by the commissioner.

**History:** 1986 c 386 art 2 s 5; 1996 c 410 s 38

### 97B.025 ADVANCED HUNTER EDUCATION.

The commissioner may establish advanced education courses for hunters and trappers. The commissioner, with the approval of the commissioner of finance, may impose a fee not to exceed \$10 for each person attending an advanced education course. The commissioner shall establish the fee under section 16A.1285.

**History:** 1986 c 386 art 2 s 6; 1996 c 305 art 3 s 9

### 97B.031 USE AND POSSESSION OF FIREARMS.

Subdivision 1. **Firearms and ammunition that may be used to take big game.** (a) A person may take big game with a firearm only if:

- (1) the rifle, shotgun, and handgun used is a caliber of at least .23 inches;
  - (2) the firearm is loaded only with single projectile ammunition;
  - (3) a projectile used is a caliber of at least .23 inches and has a soft point or is an expanding bullet type;
  - (4) the ammunition has a case length of at least 1.285 inches;
  - (5) the muzzle-loader used is incapable of being loaded at the breech;
  - (6) the smooth-bore muzzle-loader used is a caliber of at least .45 inches; and
  - (7) the rifled muzzle-loader used is a caliber of at least .40 inches.
- (b) A person may not take big game with a .30 caliber M-1 carbine cartridge.
- (c) Notwithstanding paragraph (a), clause (4), a person may take big game with a ten millimeter cartridge that is at least 0.95 inches in length.

Subd. 2. **Handguns for small game.** A person may take small game with a handgun of any caliber in a manner prescribed by the commissioner.

Subd. 3. **Firearms larger than ten gauge prohibited.** A person may not use a firearm with a bore larger than a ten gauge to take a protected wild animal.

Subd. 4. **Silencers prohibited.** A person may not own or possess a silencer for a firearm or a firearm equipped to have a silencer attached.

**History:** 1986 c 386 art 2 s 7; 1989 c 153 s 1; 1989 c 287 s 7

### 97B.035 RESTRICTIONS ON ARCHERY EQUIPMENT.

Subdivision 1. **Hunting with bows released by mechanical devices.** (a) A person may not hunt with a bow drawn, held, or released by a mechanical device, except with a disabled hunter permit issued under section 97B.106 or as provided in paragraph (b).

(b) A person may use a mechanical device attached to the bowstring if the person's own strength draws, holds, and releases the bowstring.

Subd. 2. **Possession of crossbows.** A person may not possess a crossbow outdoors or in a motor vehicle during the open season for any game, unless the crossbow is unstrung, and in a case or in a closed trunk of a motor vehicle.

Subd. 3. **Poisoned and explosive arrows.** A person may not hunt with an arrow that is poisoned or has an explosive tip.

Subd. 4. **Authority of commissioner.** The commissioner may not impose restrictions on the possession, transportation, or use of archery equipment except as specifically authorized by law.

**History:** 1986 c 386 art 2 s 8; 1987 c 170 s 1; 1989 c 209 art 2 s 1; 1994 c 623 art 1 s 28

#### **97B.041 POSSESSION OF FIREARMS AND AMMUNITION RESTRICTED IN DEER ZONES.**

A person may not possess a firearm or ammunition outdoors during the period beginning the fifth day before the open firearms season and ending the second day after the close of the season within an area where deer may be taken by a firearm, except:

(1) during the open season and in an area where big game may be taken, a firearm and ammunition authorized for taking big game in that area may be used to take big game in that area if the person has a valid big game license in possession;

(2) an unloaded firearm that is in a case or in a closed trunk of a motor vehicle;

(3) a shotgun and shells containing No. 4 buckshot or smaller diameter lead shot or steel shot;

(4) a handgun or rifle and only short, long, and long rifle cartridges that are caliber of .22 inches;

(5) handguns possessed by a person authorized to carry a handgun under sections 624.714 and 624.715 for the purpose authorized; and

(6) on a target range operated under a permit from the commissioner.

This section does not apply during an open firearms season in an area where deer may be taken only by muzzleloader, except that muzzleloading firearms lawful for the taking of deer may be possessed only by persons with a valid license to take deer by muzzleloader during that season.

**History:** 1986 c 386 art 2 s 9; 1987 c 149 art 1 s 43; 1993 c 269 s 11; 1994 c 623 art 1 s 29

#### **97B.045 TRANSPORTATION OF FIREARMS.**

Subdivision 1. **Restrictions.** A person may not transport a firearm in a motor vehicle unless the firearm is:

(1) unloaded and in a gun case expressly made to contain a firearm, and the case fully encloses the firearm by being zipped, snapped, buckled, tied, or otherwise fastened, and without any portion of the firearm exposed;

(2) unloaded and in the closed trunk of a motor vehicle; or

(3) a handgun carried in compliance with sections 624.714 and 624.715.

Subd. 2. **Exception for disabled persons.** The restrictions in subdivision 1 do not apply to a disabled person if:

(1) the person possesses a permit under section 97B.055, subdivision 3;

(2) the person is participating in a hunt sponsored by a nonprofit organization under a permit from the commissioner or is hunting on property owned or leased by the person; and

(3) the firearm is not loaded in the chamber until the vehicle is stationary, or is a hinge action firearm with the action open until the vehicle is stationary.

**History:** 1986 c 386 art 2 s 10; 1993 c 269 s 12

#### **97B.051 TRANSPORTATION OF ARCHERY BOWS.**

A person may not transport an archery bow in a motor vehicle unless the bow is:

(1) unstrung;

(2) completely contained in a case; or

(3) in the closed trunk of a motor vehicle.

**History:** 1986 c 386 art 2 s 11

**97B.055 DISCHARGING FIREARMS AND BOWS AND ARROWS.**

Subdivision 1. **Restrictions related to highways.** (a) A person may not discharge a firearm or an arrow from a bow on, over, or across an improved public highway at a big game animal. A person may not discharge a firearm or bow and arrow within the right-of-way of an improved public highway at a big game animal. The commissioner may by rule extend the application of this subdivision to the taking of migratory waterfowl in designated locations.

(b) A person may not discharge a firearm or an arrow from a bow on, over, across, or within the right-of-way of an improved public highway at a decoy of a big game animal that has been set out by a licensed peace officer.

Subd. 2. **Restrictions related to motor vehicle.** A person may not take a wild animal with a firearm or by archery from a motor vehicle except as permitted in this section. An archer in a permitted bow fishing tournament may transport the bow uncased while in an electric motor-powered boat.

Subd. 3. **Hunting from vehicle by disabled hunters.** The commissioner may issue a special permit, without a fee, to discharge a firearm or bow and arrow from a stationary motor vehicle to a licensed hunter who has a temporary or permanent physical disability. The physical disability must be established by medical evidence verified in writing by a licensed physician. A person with a temporary disability may be issued an annual permit and a person with a permanent disability may be issued a permanent permit. A person issued a special permit under this subdivision and hunting deer may take a deer of either sex.

Subd. 4. **Taking bounty animals from airplanes and snowmobiles.** The commissioner may issue a special permit, without fee, to take animals that the state pays a bounty for, from an airplane or a snowmobile.

**History:** 1986 c 386 art 2 s 12; 1990 c 558 s 2; 1991 c 241 s 7; 1991 c 259 s 23; 1994 c 561 s 23; 1Sp1995 c 1 s 27; 1997 c 226 s 28

**97B.061 REPORTS AND RECORDS.**

The commissioner may request a person who has taken game to submit a report to the commissioner on a furnished form, stating the number or kind of each game animal taken during the preceding license year. There is no penalty for failure to comply with a request from the commissioner under this section, and information submitted to the commissioner under this section may not be used as evidence in a prosecution under this chapter, chapter 97A or 97C.

**History:** 1986 c 386 art 2 s 13; 1987 c 149 art 1 s 44; 1Sp1995 c 1 s 28

**97B.065 HUNTING WHILE UNDER THE INFLUENCE OF ALCOHOL OR A CONTROLLED SUBSTANCE.**

Subdivision 1. **Acts prohibited.** (a) A person may not take wild animals with a firearm or by archery:

- (1) when the person is under the influence of alcohol;
- (2) when the person is under the influence of a controlled substance, as defined in section 152.01, subdivision 4;
- (3) when the person is under the influence of a combination of any two or more of the elements in clauses (1) and (2);
- (4) when the person's alcohol concentration is 0.10 or more;
- (5) when the person's alcohol concentration as measured within two hours of the time of taking is 0.10 or more; or
- (6) when the person is knowingly under the influence of any chemical compound or combination of chemical compounds that is listed as a hazardous substance in rules adopted under section 182.655 and that affects the nervous system, brain, or muscles of the person so as to substantially impair the person's ability to operate a firearm or bow and arrow.

(b) An owner or other person having charge or control of a firearm or bow and arrow may not authorize or permit an individual the person knows or has reason to believe is under the influence of alcohol or a controlled substance, as provided under paragraph (a), to possess the firearm or bow and arrow in this state or on a boundary water of this state.

Subd. 2. **Arrest.** A peace officer may arrest a person for a violation under subdivision 1 without a warrant upon probable cause, without regard to whether the violation was committed in the officer's presence.

Subd. 3. **Preliminary screening test.** When an officer authorized under subdivision 2 to make arrests has reason to believe that the person may be violating or has violated subdivision 1, paragraph (a), the officer may require the person to provide a breath sample for a preliminary screening test using a device approved by the commissioner of public safety for this purpose. The results of the preliminary screening test must be used for the purpose of deciding whether an arrest should be made under this section and whether to require the chemical tests authorized in section 97B.066, but may not be used in any court action except: (1) to prove that a test was properly required of a person under section 97B.066, or (2) in a civil action arising out of the operation of a firearm or bow and arrow. Following the preliminary screening test, additional tests may be required of the person as provided under section 97B.066. A person who refuses a breath sample is subject to the provisions of section 97B.066 unless, in compliance with that section, the person submits to a blood, breath, or urine test to determine the presence of alcohol or a controlled substance.

Subd. 4. **Evidence.** In a prosecution for a violation of subdivision 1, paragraph (a), or an ordinance in conformity with it, the admission of evidence of the amount of alcohol or a controlled substance in the person's blood, breath, or urine is governed by section 169.121, subdivision 2.

Subd. 5. **Penalties.** (a) A person who violates a prohibition in subdivision 1, or an ordinance in conformity with it, is subject to the penalties provided in section 97A.331.

(b) A person who hunts during the period the person is prohibited from hunting under subdivision 6 is guilty of a misdemeanor.

Subd. 6. **Hunting privileges suspended.** Upon conviction, and in addition to any penalty imposed under subdivision 5, the person is subject to the limitations on hunting provided in section 97A.421.

Subd. 7. **Duties of commissioner.** The court shall promptly forward to the commissioner copies of all convictions and criminal and civil penalties imposed under subdivision 5 and section 97B.066, subdivision 2. The commissioner shall notify the convicted person of the period during which the person is prohibited from hunting under subdivision 6 and section 97A.421. The commissioner shall also periodically circulate to appropriate law enforcement agencies a list of all persons who are prohibited from hunting under subdivision 6 and section 97A.421.

Subd. 8. **Immunity from liability.** The state or political subdivision that employs an officer who is authorized under subdivision 2 to make an arrest for violations of subdivision 1 is immune from any liability, civil or criminal, for the care or custody of the hunting equipment in the physical control of the person arrested if the officer acts in good faith and exercises due care.

**History:** 1986 c 386 art 2 s 14; 1987 c 149 art 1 s 45; 1992 c 570 art 5 s 1; 1Sp1997 c 2 s 67

## 97B.066 CHEMICAL TESTING.

Subdivision 1. **Mandatory chemical testing.** A person who takes wild animals with a bow or firearm in this state or on a boundary water of this state is required, subject to the provisions of this section, to take or submit to a test of the person's blood, breath, or urine for the purpose of determining the presence and amount of alcohol or a controlled substance. The test shall be administered at the direction of an officer authorized to make arrests under section 97B.065, subdivision 2. Taking or submitting to the test is mandatory when requested by an officer who has probable cause to believe the person was hunting in violation of section 97B.065, subdivision 1, paragraph (a), and one of the following conditions exists:

(1) the person has been lawfully placed under arrest for violating section 97B.065, subdivision 1, paragraph (a);

(2) the person has been involved while hunting in an accident resulting in property damage, personal injury, or death;



(3) the person has refused to take the preliminary screening test provided for in section 97B.065, subdivision 3; or

(4) the screening test was administered and indicated an alcohol concentration of 0.10 or more.

**Subd. 2. Penalties; refusal; revocation of hunting privilege.** (a) If a person refuses to take a test required under subdivision 1, none must be given but the officer authorized to make arrests under section 97B.065, subdivision 2, shall report the refusal to the commissioner of natural resources and to the authority having responsibility for prosecution of misdemeanor offenses for the jurisdiction in which the incident occurred that gave rise to the test demand and refusal.

On certification by the officer that probable cause existed to believe the person had been hunting while under the influence of alcohol or a controlled substance, and that the person refused to submit to testing, the commissioner shall impose a civil penalty of \$500 and shall prohibit the person from hunting for one year.

On behalf of the commissioner, an officer requiring a test or directing the administration of a test shall serve on a person who refused to permit a test immediate notice of intention to prohibit the person from hunting, and to impose the civil penalty set forth in this subdivision. If the officer fails to serve a notice of intent to suspend hunting privileges, the commissioner may notify the person by certified mail to the address on the license of the person. The notice must advise the person of the right to obtain administrative and judicial review as provided in this section. The prohibition imposed by the commissioner takes effect ten days after receipt of the notice. The civil penalty is imposed 30 days after receipt of the notice or upon return of the certified mail to the commissioner, and must be paid within 30 days of imposition.

(b) A person who hunts during the period the person is prohibited from hunting as provided under paragraph (a) is guilty of a misdemeanor.

**Subd. 3. Rights and obligations.** At the time a test is requested, the person must be informed that:

(1) Minnesota law requires a person to take a test to determine if the person is under the influence of alcohol or a controlled substance;

(2) if the person refuses to take the test, the person is subject to a civil penalty of \$500 and is prohibited for a one-year period from hunting, as provided under subdivision 2; and

(3) that the person has the right to consult with an attorney, but that this right is limited to the extent it cannot unreasonably delay administration of the test or the person will be deemed to have refused the test.

**Subd. 4. Requirement of urine test.** Notwithstanding subdivision 1, if there is probable cause to believe there is impairment by a controlled substance that is not subject to testing by a breath test, a blood or urine test may be required even after a breath test has been administered.

**Subd. 5. Chemical tests.** Chemical tests administered under this section are governed by section 169.123, subdivisions 2b, 2c, and 3.

**Subd. 6.** [Repealed, 1Sp1997 c 2 s 69]

**Subd. 7. Administrative review.** (a) At any time during the period of prohibition or revocation imposed under this section, the person may request in writing a review of the order imposing sanctions under this section. If the person makes a request for administrative review within 30 days following receipt of a notice and order imposing sanctions, the request shall stay imposition of the civil penalty. Upon receiving the request for review, the commissioner or the commissioner's designee shall review the order, the evidence upon which the order was based, and other material information brought to the attention of the commissioner and determine whether sufficient cause exists to sustain the order.

(b) Within 15 days after receiving the request, the commissioner shall issue a written report ordering that the prohibition, revocation, or civil penalty be either sustained or rescinded. The review provided in this subdivision is not subject to the contested case provisions of the Administrative Procedure Act under chapter 14. The availability of administrative review does not have an effect upon the availability of judicial review under this section.

**Subd. 8. Judicial review.** (a) Within 30 days following receipt of a notice and order imposing sanctions under this section, a person may petition the court for review. The petition

must be filed with the district court administrator in the county where the incident occurred giving rise to the test demand and refusal, together with proof of service of a copy on the commissioner and the prosecuting authority for misdemeanor offenses for the jurisdiction in which the incident occurred. A responsive pleading is not required of the commissioner of natural resources, and court fees may not be charged for the appearance of the representative of the commissioner in the matter.

(b) The petition must be captioned in the name of the person making the petition as petitioner and the commissioner as respondent. The petition must state specifically the grounds upon which the petitioner seeks rescission of the order imposing sanctions.

(c) The filing of the petition does not stay the revocation or prohibition against hunting. However, the filing of a petition stays imposition of the civil penalty. The judicial review shall be conducted according to the rules of civil procedure.

Subd. 9. **Hearing.** (a) A hearing under this section must be before a district court judge in the county where the incident occurred which gave rise to the test demand and refusal. The hearing must be to the court and may be conducted at the same time as hearings upon pretrial motions in the criminal prosecution under section 97B.065. The hearing must be recorded. The commissioner must be represented by the prosecuting authority for misdemeanor offenses for the jurisdiction in which the incident occurred which gave rise to the test demand and refusal.

(b) The hearing must be held at the earliest practicable date and in any event no later than 60 days following the filing of the petition for review. The reviewing court may order a temporary stay of the balance of the prohibition or revocation if the hearing has not been conducted within 60 days after filing of the petition, upon the application of the petitioner and upon terms the court deems proper.

(c) The scope of the hearing must be limited to the issues of:

(1) whether the officer had probable cause to believe that the person violated section 97B.065;

(2) whether one of the conditions in subdivision 1 existed;

(3) whether the person was informed as prescribed in subdivision 3; and

(4) whether the person refused to submit to testing.

(d) It is an affirmative defense for the petitioner to prove that, at the time of the refusal, the petitioner's refusal to permit the test was based upon reasonable grounds.

(e) The court shall order that the prohibition or revocation be either sustained or rescinded and shall either sustain or rescind the civil penalty. The court shall forward a copy of the order to the commissioner.

Subd. 10. **Payment of civil penalty.** The civil penalty imposed under subdivision 2 must be paid to the political subdivision that represents the commissioner on the petition for judicial review or, in the event that a petition is not filed, to the political subdivision that would have represented the commissioner had a petition been filed. If a person does not pay the civil penalty, the prohibition against hunting is automatically extended until the political subdivision reports to the commissioner in writing that the penalty has been paid.

Subd. 11. **Enforcement of civil penalty.** (a) If a person does not pay the civil penalty imposed under subdivision 2 within 30 days of the date it was imposed, the prosecuting authority representing the commissioner may petition the district court in the county where the incident occurred to file the order imposing the civil penalty as an order of the court.

(b) Once entered, the order may be enforced in the same manner as a final judgment of the court. In addition to the penalty, attorney fees, costs, and interest may be assessed against any person who fails to pay the civil penalty.

**History:** 1992 c 570 art 5 s 2; 1Sp1997 c 2 s 8-13

### 97B.071 BLAZE ORANGE REQUIREMENTS.

(a) Except as provided in rules adopted under paragraph (c), a person may not hunt or trap during the open season where deer may be taken by firearms under applicable laws and ordinances, unless the visible portion of the person's cap and outer clothing above the waist, excluding sleeves and gloves, is blaze orange. Blaze orange includes a camouflage pattern of

at least 50 percent blaze orange within each foot square. This section does not apply to migratory waterfowl hunters on waters of this state or in a stationary shooting location.

(b) Except as provided in rules adopted under paragraph (c), and in addition to the requirement in paragraph (a), a person may not take small game other than turkey, migratory birds, raccoons, and predators, except when hunting with nontoxic shot, unless a visible portion of at least one article of the person's clothing above the waist is blaze orange.

(c) The commissioner may, by rule, prescribe an alternative color in cases where paragraph (a) or (b) would violate the Religious Freedom Restoration Act of 1993, Public Law Number 103-141.

(d) A violation of paragraph (b) shall not result in a penalty, but is punishable only by a safety warning.

**History:** 1986 c 386 art 2 s 15; 1993 c 196 s 1; 1993 c 269 s 13; 1994 c 623 art 1 s 30; 1994 c 632 art 2 s 26; 1996 c 410 s 39

### 97B.075 HUNTING RESTRICTED BETWEEN EVENING AND MORNING.

A person may not take protected wild animals, except raccoon and fox, with a firearm between the evening and morning times established by commissioner's rule, except big game may be taken from one-half hour before sunrise until one-half hour after sunset, and, except as otherwise prescribed by the commissioner during the first eight days of the season, until January 1, 2001, waterfowl may be taken from one-half hour before sunrise until sunset during the entire season prescribed by the commissioner.

**History:** 1986 c 386 art 2 s 16; 1991 c 259 s 23; 1994 c 623 art 1 s 31; 1Sp1995 c 1 s 29; 1997 c 226 s 29

### 97B.081 USING ARTIFICIAL LIGHTS TO LOCATE ANIMALS.

Subdivision 1. **With firearms and bows.** (a) A person may not cast the rays of a spotlight, headlight, or other artificial light on a highway, or in a field, woodland, or forest, to spot, locate, or take a wild animal, except while taking raccoons in accordance with section 97B.621, subdivision 3, or tending traps in accordance with section 97B.931, while having in possession, either individually or as one of a group of persons, a firearm, bow, or other implement that could be used to kill big game.

(b) This subdivision does not apply to a firearm that is:

(1) unloaded;

(2) in a gun case expressly made to contain a firearm that fully encloses the firearm by being zipped, snapped, buckled, tied, or otherwise fastened without any portion of the firearm exposed; and

(3) in the closed trunk of a motor vehicle.

(c) This subdivision does not apply to a bow that is:

(1) completely encased or unstrung; and

(2) in the closed trunk of a motor vehicle.

(d) If the motor vehicle under paragraph (b) or (c) does not have a trunk, the firearm or bow must be placed in the rearmost location of the vehicle.

(e) This subdivision does not apply to persons taking raccoons under section 97B.621, subdivision 3.

Subd. 2. **Without firearms.** Between the hours of 10:00 p.m. and 6:00 a.m. from September 1 to December 31, a person may not cast the rays of a spotlight, headlight, or other artificial light in a field, woodland, or forest to spot, locate, or take a wild animal except to take raccoons under section 97B.621, subdivision 3, or to tend traps under section 97B.931. It is not a violation of this subdivision for a person to carry out any agricultural, occupational, or recreational practice, including snowmobiling that is not related to spotting, locating, or taking a wild animal.

**History:** 1986 c 386 art 2 s 17; 1987 c 131 s 1; 1987 c 149 art 1 s 46

### 97B.085 USE OF RADIOS TO TAKE ANIMALS.

Subdivision 1. **Radio use in taking game prohibited.** A person may not use radio equipment to take big game or small game.

Subd. 2: **Taking unprotected wild animals; permit required.** A person may not use radio equipment to take unprotected wild animals without a permit. The commissioner may issue a permit to take unprotected animals with radio equipment. The commissioner shall cancel the permit upon receiving a valid complaint of misconduct regarding the permittee's hunting activities.

Subd. 3: **Communication excepted.** This section does not prohibit the use of one-way radio communication between a handler and a dog.

**History:** 1986 c 386 art 2 s 18; 1991 c 166 s 1; 1992 c 479 s 1

#### **97B.091 USE OF MOTOR VEHICLES TO CHASE WILD ANIMALS PROHIBITED.**

A person may not use a motor vehicle to intentionally drive, chase, run over, kill, or take a wild animal.

**History:** 1986 c 386 art 2 s 19

#### **97B.095 DISTURBING BURROWS AND DENS.**

A person may not disturb the burrow or den of a wild animal between November 1 and April 1 without a permit.

**History:** 1986 c 386 art 2 s 20

#### **97B.101 HUNTING WITH FERRETS PROHIBITED.**

A person may not take a protected wild animal with the aid of a ferret.

**History:** 1986 c 386 art 2 s 21

#### **97B.105 HUNTING BY FALCONRY.**

A person may take a protected wild animal by falconry under rules prescribed by the commissioner.

**History:** 1986 c 386 art 2 s 22

#### **97B.106 CROSSBOW PERMITS FOR HUNTING.**

The commissioner may issue a special permit, without a fee, to take big game or turkey with a crossbow to a person that is unable to hunt by archery because of a permanent or temporary physical disability. To qualify a person for a special permit under this section, a temporary disability must render the person unable to hunt by archery for a minimum of two years after application for the permit is made. The permanent or temporary disability, established by medical evidence, and the inability to hunt by archery for the required period of time must be verified in writing by a licensed physician. The person must obtain the appropriate license. The crossbow must:

- (1) be fired from the shoulder;
- (2) deliver at least 42 foot-pounds of energy at a distance of ten feet;
- (3) have a stock at least 30 inches long;
- (4) have a working safety; and
- (5) be used with arrows or bolts at least ten inches long with a broadhead.

**History:** 1988 c 588 s 6; 1991 c 241 s 8; 1993 c 69 s 1

#### **97B.111 SPECIAL FIREARM HUNTING SEASONS FOR PHYSICALLY DISABLED.**

Subdivision 1. **Establishment; requirements.** The commissioner may establish criteria, special seasons, and limits for persons who have a physical disability to take big game and small game with firearms and by archery in designated areas. A person hunting under this section who has a physical disability must have a verified statement of the disability by a licensed physician and must be participating in a program for physically disabled hunters sponsored by a nonprofit organization that is permitted under subdivision 2. A license is not

at least 50 percent blaze orange within each foot square. This section does not apply to migratory waterfowl hunters on waters of this state or in a stationary shooting location.

(b) Except as provided in rules adopted under paragraph (c), and in addition to the requirement in paragraph (a), a person may not take small game other than turkey, migratory birds, raccoons, and predators, except when hunting with nontoxic shot, unless a visible portion of at least one article of the person's clothing above the waist is blaze orange.

(c) The commissioner may, by rule, prescribe an alternative color in cases where paragraph (a) or (b) would violate the Religious Freedom Restoration Act of 1993, Public Law Number 103-141

(d) A violation of paragraph (b) shall not result in a penalty, but is punishable only by a safety warning.

**History:** 1986 c 386 art 2 s 15; 1993 c 196 s 1; 1993 c 269 s 13; 1994 c 623 art 1 s 30; 1994 c 632 art 2 s 26; 1996 c 410 s 39

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**History:** 1986 c 386 art 2 s 16; 1991 c 259 s 23; 1994 c 623 art 1 s 31; 1Sp1995 c 1 s 29; 1997 c 226 s 29

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(b) This subdivision does not apply to a firearm that is:

(1) unloaded;

(2) in a gun case expressly made to contain a firearm that fully encloses the firearm by being zipped, snapped, buckled, tied, or otherwise fastened without any portion of the firearm exposed; and

(3) in the closed trunk of a motor vehicle.

(c) This subdivision does not apply to a bow that is:

(1) completely encased or unstrung; and

(2) in the closed trunk of a motor vehicle.

(d) If the motor vehicle under paragraph (b) or (c) does not have a trunk, the firearm or bow must be placed in the rearmost location of the vehicle.

(e) This subdivision does not apply to persons taking raccoons under section 97B.621, subdivision 3.

Subd. 2. **Without firearms.** Between the hours of 10:00 p.m. and 6:00 a.m. from September 1 to December 31, a person may not cast the rays of a spotlight, headlight, or other artificial light in a field, woodland, or forest to spot, locate, or take a wild animal except to take raccoons under section 97B.621, subdivision 3, or to tend traps under section 97B.931. It is not a violation of this subdivision for a person to carry out any agricultural, occupational, or recreational practice, including snowmobiling that is not related to spotting, locating, or taking a wild animal.

**History:** 1986 c 386 art 2 s 17; 1987 c 131 s 1; 1987 c 149 art 1 s 46

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Subd. 2. **Taking unprotected wild animals; permit required.** A person may not use radio equipment to take unprotected wild animals without a permit. The commissioner may issue a permit to take unprotected animals with radio equipment. The commissioner shall cancel the permit upon receiving a valid complaint of misconduct regarding the permittee's hunting activities.

Subd. 3. **Communication excepted.** This section does not prohibit the use of one-way radio communication between a handler and a dog.

**History:** 1986 c 386 art 2 s 18; 1991 c 166 s 1; 1992 c 479 s 1

#### **97B.091 USE OF MOTOR VEHICLES TO CHASE WILD ANIMALS PROHIBITED.**

A person may not use a motor vehicle to intentionally drive, chase, run over, kill, or take a wild animal

**History:** 1986 c 386 art 2 s 19

#### **97B.095 DISTURBING BURROWS AND DENS.**

A person may not disturb the burrow or den of a wild animal between November 1 and April 1 without a permit

**History:** 1986 c 386 art 2 s 20

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**History:** 1986 c 386 art 2 s 21

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**History:** 1986 c 386 art 2 s 22

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- (1) be fired from the shoulder,
- (2) deliver at least 42 foot-pounds of energy at a distance of ten feet;
- (3) have a stock at least 30 inches long;
- (4) have a working safety; and
- (5) be used with arrows or bolts at least ten inches long with a broadhead.

**History:** 1988 c 588 s 6; 1991 c 241 s 8; 1993 c 69 s 1

#### **97B.111 SPECIAL FIREARM HUNTING SEASONS FOR PHYSICALLY DISABLED.**

Subdivision 1. **Establishment; requirements.** The commissioner may establish criteria, special seasons, and limits for persons who have a physical disability to take big game and small game with firearms and by archery in designated areas. A person hunting under this section who has a physical disability must have a verified statement of the disability by a licensed physician and must be participating in a program for physically disabled hunters sponsored by a nonprofit organization that is permitted under subdivision 2. A license is not

required for a person to assist a physically disabled person hunting during a special season under this section.

**Subd. 2. Permit for organization.** (a) The commissioner may issue a special permit without a fee to a nonprofit organization to provide an assisted hunting opportunity to physically disabled hunters. The assisted hunting opportunity may take place:

- (1) in areas designated by the commissioner under subdivision 1; or
- (2) on private property or a licensed shooting preserve.

(b) The sponsoring organization shall provide a physically capable person to assist each disabled hunter with safety-related aspects of hunting.

(c) The commissioner may impose reasonable permit conditions.

**History:** 1991 c 72 s 1; 1993 c 269 s 14

### 97B.112 SPECIAL HUNTS FOR YOUTH.

The commissioner may by rule establish criteria, special seasons, and limits for youth hunters to take big game and small game by firearms or archery in designated areas or times. The criteria may also include provisions for an unlicensed adult to assist a youth hunter during a special season or special hunt established under this section.

**History:** 1997 c 226 s 30

## BIG GAME

### 97B.201 NO OPEN SEASON FOR CARIBOU OR ANTELOPE.

There may not be an open season on caribou or antelope.

**History:** 1986 c 386 art 2 s 23; 1987 c 373 s 12

### 97B.205 USE OF DOGS AND HORSES TO TAKE BIG GAME PROHIBITED.

A person may not use a dog or horse to take big game.

**History:** 1986 c 386 art 2 s 24

### 97B.211 HUNTING BIG GAME BY ARCHERY.

**Subdivision 1. Possession of firearms prohibited.** Except when hunting bear, a person may not take big game by archery while in possession of a firearm.

**Subd. 2. Arrowhead requirements.** Arrowheads used for taking big game must be sharp, have a minimum of two metal cutting edges, be of a barbless broadhead design, and must have a diameter of at least seven-eighths inch. The commissioner may allow retractable broadhead arrowheads that meet the other requirements of this subdivision.

**History:** 1986 c 386 art 2 s 25; 1987 c 183 s 1; 1993 c 269 s 15; 1994 c 623 art 1 s 32; 1997 c 226 s 31

## DEER

### 97B.301 DEER LICENSES AND LIMITS.

**Subdivision 1. Licenses required.** A person may not take deer without a license. A person must have a firearms deer license to take deer with firearms and an archery deer license to take deer by archery except as provided in this section.

**Subd. 2. Limit of one deer.** Except as provided in subdivisions 3 and 4, a person may obtain one firearms deer license and one archery deer license in the same license year, but may take only one deer.

**Subd. 3. Party hunting.** If two or more persons with licenses to take deer by firearms, or two or more persons with licenses to take deer by archery, are hunting as a party, a member of the party may take more than one deer, but the total number of deer taken by the party may not exceed the number of persons licensed to take deer in the party.

Subd. 4. **Taking more than one deer.** The commissioner may, by rule, allow a person to take more than one deer. The commissioner shall prescribe the conditions for taking the additional deer including:

- (1) taking by firearm or archery;
- (2) obtaining additional licenses; and
- (3) payment of a fee not more than the fee for a firearms deer license; and
- (4) the total number of deer that an individual may take.

Subd. 5. [Repealed, 1995 c 220 s 141; 1Sp1995 c 1 s 48]

Subd. 6. **Residents under age 16 may take deer of either sex.** A resident under the age of 16 may take a deer of either sex except in those antlerless permit areas and seasons where no antlerless permits are offered. In antlerless permit areas where no antlerless permits are offered, the commissioner may provide a limited number of youth either sex permits to residents under age 16, under the procedures provided in section 97B.305, and may give preference to residents under the age of 16 that have not previously been selected. This subdivision does not authorize the taking of an antlerless deer by another member of a party under subdivision 3.

**History:** 1986 c 386 art 2 s 26; 1987 c 35 s 1; 1989 c 335 art 1 s 125; 1991 c 259 s 23; 1993 c 269 s 16,17; 1993 c 310 s 6; 1994 c 465 art 3 s 67; 1995 c 32 s 1; 1997 c 226 s 32

#### **97B.305 COMMISSIONER MAY LIMIT NUMBER OF DEER HUNTERS.**

The commissioner may limit the number of persons that may hunt deer in an area if it is necessary to prevent an overharvest or improve the distribution of hunters. The commissioner may, by rule, establish a method, including a drawing, to impartially select the hunters for an area. The commissioner shall give preference to hunters that have previously applied and have not been selected.

**History:** 1986 c 386 art 2 s 27; 1991 c 259 s 23

#### **97B.311 DEER SEASONS AND RESTRICTIONS.**

(a) The commissioner may, by rule, prescribe restrictions and designate areas where deer may be taken, including hunter selection criteria for special hunts established under section 97A.401, subdivision 4. The commissioner may, by rule, prescribe the open seasons for deer within the following periods:

- (1) taking with firearms, other than muzzle-loading firearms, between November 1 and December 15;
- (2) taking with muzzle-loading firearms between September 1 and December 31; and
- (3) taking by archery between September 1 and December 31.

(b) Notwithstanding paragraph (a), the commissioner may establish special seasons within designated areas between September 1 and January 15.

**History:** 1986 c 386 art 2 s 28; 1991 c 259 s 23; 1993 c 269 s 18; 1996 c 410 s 40

#### **97B.312 EXPANDING MUZZLE-LOADING HUNTING AREAS.**

The commissioner of natural resources, in setting seasons under section 97B.311, shall consider expanding the areas where deer may be taken with muzzle-loading firearms.

**History:** 1993 c 229 s 1

97B.315 [Repealed, 1988 c 588 s 17]

#### **97B.321 SNARES, TRAPS, SET GUNS, AND SWIVEL GUNS PROHIBITED.**

A person may not take deer with the aid of a snare, trap, set gun, or swivel gun.

**History:** 1986 c 386 art 2 s 30

#### **97B.325 DEER STAND RESTRICTIONS.**

A person may not take deer from a constructed platform or other structure that is located within the right-of-way of an improved public highway or is higher than 16 feet above the



ground. The height restriction does not apply to a portable stand that is chained, belted, clamped, or tied with rope.

**History:** 1986 c 386 art 2 s 31; 1986 c 444; 1988 c 587 s 1; 1990 c 558 s 3

## BEAR

### 97B.401 BEAR LICENSE REQUIRED.

A person may not take bear without a bear license except as provided in section 97B.415 to protect property

**History:** 1986 c 386 art 2 s 32

### 97B.405 COMMISSIONER MAY LIMIT NUMBER OF BEAR HUNTERS.

The commissioner may limit the number of persons that may hunt bear in an area, if it is necessary to prevent an overharvest or improve the distribution of hunters. The commissioner may establish, by rule, a method, including a drawing, to impartially select the hunters for an area. The commissioner shall give preference to hunters that have previously applied and have not been selected.

**History:** 1986 c 386 art 2 s 33; 1991 c 259 s 23

### 97B.411 BEAR SEASON AND RESTRICTIONS.

The commissioner may, by rule, prescribe the open season and the areas and restrictions for the taking of bear.

**History:** 1986 c 386 art 2 s 34; 1991 c 259 s 23

### 97B.415 TAKING BEAR TO PROTECT PROPERTY.

A person may take a bear at any time to protect the person's property. The person must report the bear taken to a conservation officer within 48 hours. The bear may be disposed of as prescribed by the commissioner.

**History:** 1986 c 386 art 2 s 35

### 97B.421 PERMIT REQUIRED TO SNARE BEARS.

A person may not use a snare to take a bear except under a permit from the commissioner.

**History:** 1986 c 386 art 2 s 36

### 97B.425 BAITING BEARS.

Notwithstanding section 609.68, a person may place bait to take bear and must display a tag at each site where bait is placed and register the sites. The commissioner shall prescribe the method of tagging and registering the sites. To attract bear a person may not use a bait with:

- (1) a carcass from a mammal, if the carcass contains more than 25 percent of the intact carcass;
- (2) meat from mammals, if the meat contains bones;
- (3) bones of mammals;
- (4) solid waste containing bottles, cans, plastic, paper, or metal;
- (5) materials that are not readily biodegradable; or
- (6) any part of a swine, except cured pork.

**History:** 1986 c 386 art 2 s 37; 1988 c 531 s 1; 1988 c 677 s 1; 1993 c 231 s 38

### 97B.431 BEAR HUNTING GUIDES.

A person may not place bait for bear, or guide hunters to take bear, for compensation without a bear hunting guide license. A bear hunting guide is not required to have a license to

take bear unless the guide is attempting to shoot a bear. The commissioner shall adopt rules for qualifications for issuance and administration of the licenses.

**History:** 1986 c 386 art 2 s 38

## MOOSE

### 97B.501 MOOSE LICENSE REQUIRED.

A person may not take moose without a moose license.

**History:** 1986 c 386 art 2 s 39

### 97B.505 MOOSE SEASON AND RESTRICTIONS.

The commissioner may, by rule, prescribe the open season and the areas and conditions for the taking of moose.

**History:** 1986 c 386 art 2 s 40; 1991 c 259 s 23

### 97B.511 MOOSE STAND RESTRICTIONS.

A person may not take moose from a constructed platform or other structure higher than nine feet above the ground. The restriction does not apply to a portable stand that is chained, belted, clamped, or tied with rope.

**History:** 1986 c 386 art 2 s 41; 1986 c 444

## ELK

### 97B.515 ELK; LICENSE REQUIRED, SEASONS, RESTRICTIONS.

Subdivision 1. **License required.** A person may not take an elk without an elk license.

Subd. 2. **Season and restrictions.** The commissioner may, by rule, prescribe the open season and the areas and conditions for the taking of elk when the precalving population exceeds 20 animals

Subd. 3. **Stand restrictions.** A person may not take elk from a constructed platform or other structure higher than nine feet above the ground. The restriction does not apply to a portable stand that is chained, belted, clamped, or tied with rope.

**History:** 1987 c 373 s 13; 1991 c 259 s 23

### 97B.516 ELK MANAGEMENT PLAN.

The commissioner of natural resources must adopt an elk management plan that:

- (1) recognizes the value and uniqueness of elk;
- (2) provides for integrated management of an elk population in harmony with the environment;
- (3) affords optimum recreational opportunities; and
- (4) restricts elk to nonagricultural land in the state.

**History:** 1987 c 373 s 14

## SMALL GAME

### 97B.601 SMALL GAME LICENSES.

Subdivision 1. **Requirement.** A person may not take small game without a small game license except as provided in subdivision 4.

Subd. 2. **Trapping small game.** A person may not take small game with traps without a trapping license and a small game license except as provided in subdivision 4.

Subd. 3. **Nonresidents: raccoon, bobcat, fox, coyote, Canada lynx.** A nonresident may not take raccoon, bobcat, fox, coyote, or Canada lynx without a separate license to take that animal in addition to a small game license.

Subd. 4. **Exception to license requirements.** (a) A resident under age 16 may take small game without a small game license, and a resident under age 13 may trap without a trapping license, as provided in section 97A.451, subdivision 3.

(b) A person may take small game without a small game license on land occupied by the person as a principal residence.

(c) An owner or occupant may take certain small game causing damage without a small game or trapping license as provided in section 97B.655.

(d) A person may use dogs to pursue and tree raccoons under section 97B.621, subdivision 2, during the closed season without a license.

(e) A person may take turkey without a small game license.

**History:** 1986 c 386 art 2 s 42; 1987 c 149 art 1 s 47; 1991 c 254 art 2 s 34

#### **97B.603 SMALL GAME PARTY HUNTING.**

While two or more persons are hunting small game as a party and maintainmg unaided visual and vocal contact, a member of the party may take and possess more than one limit of small game, but the total number of small game taken and possessed by the party may not exceed the limit of the number of persons in the party that may take and possess small game. This section does not apply to the hunting of migratory game birds or turkeys, except that a licensed turkey hunter may assist another licensed turkey hunter for the same zone and time period as long as the hunter does not shoot or tag a turkey for the other hunter.

**History:** 1989 c 153 s 2; 1990 c 605 s 6; 1996 c 364 s 5

#### **97B.605 COMMISSIONER MAY RESTRICT TAKING OF CERTAIN SMALL GAME ANIMALS.**

The commissioner may prescribe restrictions on and designate areas where gray and fox squirrels, cottontail and jack rabbits, snowshoe hare, raccoon, lynx, bobcat, red fox and gray fox, fisher, pine marten, opossum, and badger may be taken and possessed.

**History:** 1986 c 386 art 2 s 43; 1987 c 149 art 1 s 48

#### **97B.611 SQUIRRELS.**

Subdivision 1. **Seasons for gray and fox squirrels.** The statewide open season for gray and fox squirrels may be prescribed by the commissioner between October 15 and December 31. The commissioner may prescribe areas with additional open seasons.

Subd. 2. **Fire and smoke prohibited.** A person may not set fire to a tree or use smoke to take squirrels.

**History:** 1986 c 386 art 2 s 44

#### **97B.615 RABBIT AND HARE SEASON.**

The statewide open season for cottontail, jack rabbits, and snowshoe hare may be prescribed by the commissioner between September 16 and March 1.

**History:** 1986 c 386 art 2 s 45

#### **97B.621 RACCOONS.**

Subdivision 1. **Season.** The statewide open season for raccoon may be set by the commissioner.

Subd. 2. **Period for treeing raccoons.** Notwithstanding subdivision 1, a person may use dogs to pursue and tree raccoons without killing or capturing the raccoons:

(1) from January 1 to April 15 and from July 15 to October 14; and

(2) from April 16 to July 14 in raccoon dog field trials under special permit issued by the commissioner under section 97B.005, subdivision 1.

Subd. 3. **Nighttime hunting restrictions.** To take raccoons between sunset and sunrise, a person:

(1) must be on foot;

(2) may use an artificial light only if hunting with dogs;  
 (3) may not use a rifle other than one of a .22 inch caliber with .22 short, long, or long rifle, rimfire ammunition; and  
 (4) may not use shotgun shells with larger than No. 4 shot.

Subd. 4. **Prohibited methods of taking.** A person may not take a raccoon:

- (1) in a den or hollow tree;
- (2) by cutting down a tree occupied by raccoon; or
- (3) by setting fire to a tree or using smoke.

**History:** 1986 c 386 art 2 s 46; 1987 c 81 s 1; 1993 c 51 s 1; 1993 c 269 s 19

#### 97B.625 LYNX AND BOBCAT.

Subdivision 1. **Season.** Based upon population estimates, the commissioner may set the open season for lynx or bobcat.

Subd. 2. **Permit required to snare.** A person may not use a snare to take lynx or bobcat except under a permit from the commissioner.

**History:** 1986 c 386 art 2 s 47

#### 97B.631 FOX.

Subdivision 1. **Restrictions on taking.** A person may not remove a fox from a den or trap fox within 300 feet of a fox den from April 1 to August 31.

Subd. 2. **Permit required to snare.** A person may not use a snare to take fox except under a permit from the commissioner.

**History:** 1986 c 386 art 2 s 48

#### 97B.635 FISHER; BADGER; OPOSSUM; AND PINE MARTEN.

Based upon population estimates, the commissioner may set the open season for fisher, badger, opossum, and pine marten.

**History:** 1986 c 386 art 2 s 49; 1987 c 149 art 1 s 49

#### 97B.641 COUGAR AND WOLVERINE.

There is no open season for cougar or wolverine.

**History:** 1986 c 386 art 2 s 50

#### 97B.645 WOLVES.

Subdivision 1. **Use of dogs and horses prohibited.** A person may not use a dog or horse to take a timber wolf.

Subd. 2. **Permit required to snare.** A person may not use a snare to take a wolf except under a permit from the commissioner.

**History:** 1986 c 386 art 2 s 51

#### 97B.651 UNPROTECTED MAMMALS.

Mammals that are unprotected wild animals may be taken at any time and in any manner, except with artificial lights, or by using a motor vehicle in violation of section 97B.091. Poison may not be used to take unprotected mammals unless the safety of humans and domestic livestock is ensured. Unprotected mammals may be possessed, bought, sold, or transported in any quantity.

**History:** 1986 c 386 art 2 s 52

#### 97B.655 TAKING ANIMALS CAUSING DAMAGE.

Subdivision 1. **Owners and occupants may take certain animals.** A person may take mink, squirrel, rabbit, hare, raccoon, lynx, bobcat, fox, opossum, muskrat, or beaver on land

owned or occupied by the person where the animal is causing damage. The person may take the animal without a license and in any manner except by poison, or artificial lights in the closed season. Raccoons may be taken under this subdivision with artificial lights during open season. A person that kills mink, raccoon, lynx, bobcat, fox, opossum, muskrat, or beaver under this subdivision must notify a conservation officer or employee of the division within 24 hours after the animal is killed.

Subd. 2. **Special permit for taking protected wild animals.** The commissioner may issue special permits under section 97A.401, subdivision 5, to take protected wild animals that are damaging property.

**History:** 1986 c 386 art 2 s 53; 1987 c 149 art 1 s 50; 1989 c 287 s 5; 1997 c 226 s 33

#### **97B.661 REMOVAL OF BEAVER FROM STATE LANDS.**

The commissioner may remove beaver at state expense from state land if the county board where the land is located adopts a resolution requesting the removal.

**History:** 1986 c 386 art 2 s 54

#### **97B.665 IMPAIRMENT OF DRAINAGE BY BEAVER DAMS.**

Subdivision 1. **Agreement by county board, landowner, and commissioner.** (a) When a drainage watercourse is impaired by a beaver dam, the commissioner shall take action to remove the impairment, if:

- (1) the county board unanimously consents;
- (2) the landowner approves;
- (3) the commissioner agrees; and
- (4) the action is financially feasible.

(b) In a county with unanimous consent of the county board of commissioners and approval of the landowner, the department shall take action agreed to by unanimous consent of the county board, the commissioner, and the landowner. The action may include destruction or alteration of beaver dams and removal of beaver. This subdivision does not apply to state parks, state game refuges, and federal game refuges.

Subd. 2. **Petition to district court.** If a beaver dam causes a threat to personal safety or a serious threat to damage property, and a person cannot obtain consent under subdivision 1, a person may petition the district court for relief. The court may order the commissioner to take action to reduce the threat.

**History:** 1986 c 386 art 2 s 55

#### **97B.667 REMOVAL OF BEAVER DAMS AND LODGES BY ROAD AUTHORITIES.**

When a drainage watercourse is impaired by a beaver dam and the water damages or threatens to damage a public road, the road authority, as defined in section 160.02, subdivision 9, may remove the impairment and any associated beaver lodge within 300 feet of the road.

**History:** 1994 c 623 art 1 s 33; 1997 c 216 s 84

#### **97B.671 PREDATOR CONTROL PROGRAM.**

Subdivision 1. **Authorization to take predators.** If the commissioner determines that predators are damaging domestic or wild animals and further damage can be prevented, the commissioner shall authorize the taking of the predators by predator controllers. The commissioner shall define the area where the predators may be taken, the objectives to be achieved, procedures for notifying predator controllers, payments to be made, the methods to be used, and when the predator control shall cease.

Subd. 2. **Certification of predator controllers.** (a) The commissioner shall certify a person as a predator controller if the person has not violated a provision of this section and meets qualifications of experience, ability, and reliability. The commissioner shall establish

application procedures, prescribe forms, and maintain a list of predator controllers. The application procedures must include reports from conservation officers and other department field personnel as to the ability and reliability of the applicants.

(b) The commissioner may revoke a certification if the predator controller violates a provision of sections 97B.601 to 97B.671 or 97B.901 to 97B.945 or a rule of the commissioner relating to fur-bearing animals.

Subd. 3. **Predator control payments.** The commissioner shall pay a predator controller the amount the commissioner prescribes for each predator taken. The commissioner shall pay at least \$25 but not more than \$60 for each wolf or coyote taken. The commissioner may require the predator controller to submit proof of the taking and a signed statement concerning the predators taken.

**History:** 1986 c 386 art 2 s 56; 1993 c 231 s 39,40

## BIRDS

### 97B.701 PROTECTED BIRDS.

Subdivision 1. **Taking of birds, nests, and eggs must be authorized.** Protected birds, their nests, and their eggs may be taken only as authorized under the game and fish laws.

Subd. 2. **Prohibited methods of taking.** A person may not take protected birds:

- (1) with a trap, net, or snare;
- (2) using bird lime;
- (3) with a swivel or set gun;
- (4) by dragging a rope, wire, or other device across a field; or
- (5) by using fire.

Subd. 3. **Recapture of released bob-white quail.** Released bob-white quail may be recaptured without a license. In Houston, Fillmore, and Winona counties, this subdivision applies only to birds that are banded or otherwise marked.

**History:** 1986 c 386 art 2 s 57; 1987 c 149 art 1 s 51; 1994 c 623 art 1 s 34

### 97B.705 RESTRICTIONS ON TRAPPING BIRDS.

(a) Except as provided in this section, a person may not take a bird with a steel jaw leg-hold trap mounted on a pole, post, tree stump, or other perch more than three feet above the ground.

(b) A person that has a permit to take great horned owls issued under United States Code, title 16, section 704, may trap great horned owls from April 1 to October 15 if the person has a game farm license or is the owner or operator of a poultry farm. The trap must be a padded jaw trap mounted at a height so that the trapped owl may rest on the ground. The trap must be tended at least twice daily. Uninjured birds shall be released alive and injured birds shall receive appropriate veterinary treatment.

**History:** 1986 c 386 art 2 s 58; 1995 c 188 s 1

### 97B.711 GAME BIRDS.

Subdivision 1. **Seasons for certain upland game birds.** (a) The commissioner may, by rule, prescribe an open season in designated areas between September 16 and December 31 for:

- (1) pheasant;
- (2) ruffed grouse;
- (3) sharp tailed grouse;
- (4) Canada spruce grouse;
- (5) prairie chicken;
- (6) gray partridge;
- (7) bob-white quail; and

(8) turkey.

(b) The commissioner may by rule prescribe an open season for turkey in the spring.

**Subd 2. Daily and possession limits for certain upland game birds.** (a) A person may not take more than five in one day or possess more than ten of each of the following:

- (1) pheasant;
- (2) ruffed grouse;
- (3) sharp tailed grouse;
- (4) Canada spruce grouse;
- (5) prairie chicken; and
- (6) gray partridge.

(b) A person may not take more than ten in one day or possess more than 15 bob-white quail.

(c) The commissioner may, by rule, reduce the daily and possession limits established in this subdivision.

**Subd. 3. Restrictions.** The commissioner may by rule prescribe methods and other restrictions for the taking of game birds.

**History:** 1986 c 386 art 2 s 59; 1991 c 259 s 23; 1993 c 231 s 41,42; 1994 c 623 art 1 s 35,36

#### **97B.715 PHEASANTS.**

**Subdivision 1. Stamp required.** (a) Except as provided in paragraph (b) or section 97A.405, subdivision 2, a person required to possess a small game license may not hunt pheasants without:

- (1) a pheasant stamp in possession; and
- (2) a pheasant stamp validation on the small game license when issued electronically.

(b) The following persons are exempt from this subdivision:

- (1) residents under age 18 or over age 65; and
- (2) persons hunting on licensed commercial shooting preserves.

**Subd. 2 Daily and possession hen pheasant limits.** A person may not take more than one hen pheasant in one day or possess more than two hen pheasants

**Subd. 3. Hunting hours.** A person may not take pheasants between the evening time that the commissioner establishes by rule and 9:00 a.m.

**History:** 1986 c 386 art 2 s 60; 1988 c 588 s 7; 1991 c 259 s 23; 1997 c 216 s 85

#### **97B.721 LICENSE AND STAMP REQUIRED TO TAKE TURKEY; TAGGING AND REGISTRATION REQUIREMENTS.**

(a) Except as provided in paragraph (b) or section 97A.405, subdivision 2, a person may not take a turkey without a turkey license and:

- (1) a turkey stamp in possession; and
- (2) a turkey stamp validation on the turkey license when issued electronically.

(b) The requirement in paragraph (a) to possess a turkey stamp or a license validation does not apply to persons under age 18.

(c) The commissioner may by rule prescribe requirements for the tagging and registration of turkeys.

**History:** 1986 c 386 art 2 s 61; 1991 c 254 art 2 s 35; 1993 c 231 s 43; 1996 c 364 s 6; 1997 c 216 s 86

#### **97B.723 COMMISSIONER MAY LIMIT NUMBER OF TURKEY HUNTERS.**

The commissioner may establish a method, including a drawing, to impartially select persons eligible to take turkeys in an area. Preference must be given to persons that have previously applied in the general selection but have not been selected.

**History:** 1989 c 29 s 1

**97B.725 LICENSE REQUIRED TO GUIDE HUNTERS.**

A person may not guide turkey hunters for compensation without a turkey hunter guide license. The license must be obtained before the day of the opening of the turkey season. The commissioner shall prescribe qualifications for the issuance of turkey hunter guide licenses.

**History:** 1986 c 386 art 2 s 62

**97B.731 MIGRATORY BIRDS.**

Subdivision 1. **Migratory game birds.** (a) Migratory game birds may be taken and possessed. A person may not take, buy, sell, possess, transport, or ship migratory game birds in violation of federal law.

(b) The commissioner shall prescribe seasons and limits for migratory birds in accordance with federal law.

Subd. 2. **Taking mourning doves prohibited.** Mourning doves may not be taken in the state.

Subd. 3. **Crow season.** The commissioner shall prescribe a 124-day open season and restrictions for taking crows. The open season may not be shorter than the maximum season allowed under federal law. The remainder of the year crows may be taken as allowed by federal law.

**History:** 1986 c 386 art 2 s 63; 1988 c 588 s 8; 1991 c 259 s 20; 1Sp1995 c 1 s 30

**MIGRATORY WATERFOWL****97B.801 MINNESOTA MIGRATORY WATERFOWL STAMP REQUIRED.**

(a) Except as provided in this section or section 97A.405, subdivision 2, a person required to possess a small game license may not take migratory waterfowl without:

- (1) a Minnesota migratory waterfowl stamp in possession; and
- (2) a migratory waterfowl stamp validation on the small game license when issued electronically.

(b) Residents under age 18 or over age 65 and persons hunting on their own property are not required to possess a stamp or a license validation under this section.

**History:** 1986 c 386 art 2 s 64; 1997 c 216 s 87

**97B.802 SPECIAL CANADA GOOSE SEASON LICENSE REQUIRED.**

Except as provided in this section, a person required to possess a small game license may not take Canada geese during a special season without a valid special season Canada goose license in possession. Residents under age 18 or over age 65 and persons hunting on their own property are not required to possess the license.

**History:** 1997 c 226 s 34

**97B.803 MIGRATORY WATERFOWL SEASONS AND LIMITS.**

The commissioner shall prescribe seasons, limits, and areas for taking migratory waterfowl in accordance with federal law.

**History:** 1991 c 259 s 21

**97B.805 RESTRICTIONS ON METHOD OF TAKING WATERFOWL ON WATER.**

Subdivision 1. **Hunter must be concealed.** (a) A person may not take migratory waterfowl, coots, or rails in open water unless the person is:

- (1) within a natural growth of vegetation sufficient to partially conceal the person or boat; or
- (2) pursuing or shooting wounded birds.

(b) A person may not take migratory waterfowl, coots, or rails in public waters from a permanent artificial blind or sink box.



**Subd. 2. Restrictions on watercraft.**

(a) A person using watercraft to take migratory waterfowl must comply with subdivision 1.

(b) Migratory waterfowl may be taken from a watercraft propelled by motor or sails only if the watercraft has stopped and the motor is shut off and the sails are furled.

(c) Migratory waterfowl may be taken from a floating watercraft if the craft is drifting, beached, moored, resting at anchor, or is being propelled by paddle, oars, or pole.

**Subd. 3. Unattended boats.** During the open season for waterfowl, a person may not leave an unattended boat used for hunting waterfowl in public waters between sunset and one hour before sunrise, unless the boat is adjacent to private land under the control of the person and the water does not contain a natural growth of vegetation sufficient to partially conceal a hunter or a boat.

**History:** 1986 c 386 art 2 s 65

**97B.811 DECOYS AND BLINDS ON PUBLIC LANDS AND WATERS.**

**Subdivision 1. Blinds and decoys prohibited before season.** A person may not erect a blind or place decoys in public waters or on public land more than one hour before the open season for waterfowl.

**Subd. 2. Hours for placing decoys.** Except as provided in subdivisions 3 and 4, a person may not place decoys in public waters or on public lands more than one hour before lawful shooting hours for waterfowl.

**Subd. 3. Restrictions on leaving decoys overnight.** During the open season for waterfowl, a person may not leave decoys in public waters between sunset and one hour before lawful shooting hours unless:

- (1) the decoys are in waters adjacent to private land under the control of the hunter; and
- (2) there is not natural vegetation growing in water sufficient to partially conceal a hunter.

**Subd. 4. Decoys that are navigational hazard prohibited.** A person may not leave decoys in public waters between sunset and one hour before lawful shooting hours if the decoys constitute a navigational hazard.

**Subd. 5. Rules governing blinds.** The commissioner may adopt rules for the use of blinds on public lands and public waters.

**History:** 1986 c 386 art 2 s 66; 1988 c 587 s 2; 1988 c 677 s 2; 1993 c 231 s 44

**FUR-BEARING ANIMALS, TRAPPING****97B.901 COMMISSIONER MAY REQUIRE TAGS ON FUR-BEARING ANIMALS.**

The commissioner may, by rule, require persons taking, possessing, and transporting fur-bearing animals to tag the animals. The commissioner shall prescribe the manner of issuance and the type of tag, which must show the year of issuance. The commissioner shall issue the tag, without a fee, upon request.

**History:** 1986 c 386 art 2 s 67; 1991 c 259 s 23; 1993 c 269 s 20

**97B.905 FUR DEALER'S LICENSES.****Subdivision 1. License requirement.**

(a) A person may not buy or sell raw furs without a fur buying and selling license, except:

(1) a taxidermist licensed under section 97A.475, subdivision 19, and a fur manufacturer are not required to have a license to buy raw furs from a person with fur buying and selling licenses; and

(2) a person lawfully entitled to take fur-bearing animals is not required to have a license to sell raw furs to a person with a fur buying and selling license.

(b) An employee, partner, or officer buying or selling only for a raw fur dealer licensee at an established place of business licensed under section 97A.475, subdivision 21, clause (a), may obtain a supplemental license under section 97A.475, subdivision 21, clause (b).

Subd. 2. **Nonresident license.** A nonresident must obtain a license under section 97A.475, subdivision 22, to buy or sell raw furs within the state, except a license is not required to buy from a person licensed under section 97A.475, subdivision 21.

Subd. 3. **Bond required for fur buyer license applicants.** Applicants for a raw fur dealer's license must, at the time of application for the license, furnish a corporate surety bond in favor of the state for \$1,000 payable upon violation of the game and fish laws.

**History:** 1986 c 386 art 2 s 68; 1989 c 287 s 6; 1994 c 623 art 1 s 37

#### 97B.911 MUSKRAT SEASONS.

The commissioner may establish open seasons and restrictions for taking muskrat.

**History:** 1986 c 386 art 2 s 69; 1993 c 269 s 21

#### 97B.915 MINK SEASONS.

The commissioner may establish open seasons and restrictions for taking mink.

**History:** 1986 c 386 art 2 s 70; 1993 c 269 s 22

#### 97B.921 OTTER SEASONS.

The commissioner may establish open seasons and restrictions for taking otter.

**History:** 1986 c 386 art 2 s 71; 1987 c 131 s 2; 1987 c 384 art 1 s 13; 1993 c 269 s 23

#### 97B.925 BEAVER SEASONS.

The commissioner may establish open seasons and restrictions for taking beaver.

**History:** 1986 c 386 art 2 s 72; 1987 c 384 art 1 s 14; 1993 c 269 s 24

#### 97B.926 PINE MARTEN AND FISHER ZONE.

Where a combined pine marten and fisher trapping zone exists, the commissioner must provide an option of a combined limit of fisher and marten.

**History:** 1997 c 226 s 35

#### 97B.928 IDENTIFICATION OF TRAPS AND SNARES.

Subdivision 1. **Information required.** (a) A person may not set or place a trap or snare, other than on property owned or occupied by the person, unless the following information is affixed to the trap or snare in a manner that ensures that the information remains legible while the trap or snare is on the lands or waters:

- (1) the number and state of the person's driver's license;
- (2) the person's Minnesota identification card number; or
- (3) the person's name and mailing address.

(b) The commissioner may not prescribe additional requirements for identification of traps or snares.

Subd. 2. **Provisions not to apply.** From April 1 to August 31, the trap identification provisions of subdivision 1 do not apply to traps set for the taking of unprotected wild animals.

Subd. 3. **Penalty.** A person who violates subdivision 1, paragraph (a), is guilty of a petty misdemeanor.

**History:** 1993 c 231 s 45

#### 97B.931 TENDING TRAPS.

Subdivision 1. **Restrictions.** A person may not tend a trap set for wild animals between 10:00 p.m. and 5:00 a.m. Between 5:00 a.m. and 10:00 p.m. a person on foot may use a porta-

ble artificial light to tend traps. While using a light in the field, the person may not possess or use a firearm other than a handgun of .22 caliber.

Subd. 2. **Body-gripping traps.** A body-gripping, conibear-type trap need not be tended more frequently than once every third calendar day.

**History:** 1986 c 386 art 2 s 73; 1987 c 131 s 3; 1994 c 623 art 1 s 38; 1Sp1995 c 1 s 31

#### **97B.935 USE OF VEHICLES FOR TRAPPING BEAVER AND OTTER.**

Subdivision 1. **General prohibition.** Except as provided in this section, a person may not use a snowmobile or an all-terrain vehicle during the open season for beaver or otter, and for two days after the open seasons end, to transport or check beaver or otter traps or to transport beaver or otter carcasses or pelts.

Subd. 2. **Allowed in designated counties.** The commissioner may, by rule, designate counties where snowmobiles and all-terrain vehicles may be used to transport and check beaver and otter traps and to transport beaver or otter carcasses or pelts.

Subd. 3. **Special permit for disabled.** The commissioner may issue a special permit, in the manner provided in section 97B.055, subdivision 3, to use a snowmobile or all-terrain vehicle to transport or check beaver or otter traps or to transport beaver or otter carcasses or pelts to a licensed trapper physically unable to walk as specified in section 97B.055, subdivision 3.

**History:** 1986 c 386 art 2 s 74; 1991 c 241 s 9; 1991 c 259 s 23

#### **97B.941 TAMPERING WITH TRAPS.**

A person may not remove or tamper with a trap legally set to take fur-bearing animals or unprotected wild animals without authorization. Authorized persons include the commissioner and the owner or lessee of the land where the trap is located.

**History:** 1986 c 386 art 2 s 75

#### **97B.945 SETTING OF TRAPS NEAR WATER RESTRICTED.**

A person may not set a trap within 50 feet of any water other than temporary surface water within 30 days before the open season for mink and muskrat without a special permit by the commissioner.

**History:** 1986 c 386 art 2 s 76; 1987 c 131 s 4

#### **97B.951 USE OF SNARES TO TAKE UNPROTECTED MAMMALS.**

A snare set for an unprotected mammal may not be left in place after March 31 except as authorized by the commissioner for the predator control program under section 97B.671.

**History:** 1993 c 231 s 46