

CHAPTER 97B

HUNTING

97B.005	Training dogs.	97B.621	Raccoons.
97B.015	Firearms safety and wildlife identification course.	97B.625	Bobcat.
97B.020	Firearms safety certificate required.	97B.631	Fox.
97B.025	Hunter and trapper education.	97B.641	Cougar, lynx, and wolverine.
97B.026	Trapper education certificate requirement.	97B.655	Taking animals causing damage.
97B.031	Use and possession of firearms.	97B.701	Protected birds.
97B.111	Special firearm hunting seasons for physically disabled.	97B.711	Game birds.
97B.115	Computer-assisted remote hunting prohibition.	97B.725	Guiding hunters.
97B.326	Stands and blinds on public lands.	97B.803	Migratory waterfowl seasons and limits.
97B.601	Small game licenses.	97B.805	Restrictions on method of taking waterfowl on water.
97B.605	Commissioner may restrict taking of certain small game animals.	97B.811	Decoys and blinds on public lands and waters.

97B.005 TRAINING DOGS.

Subdivision 1. Field training. A person may not train hunting dogs afield on public lands administered by the commissioner from April 16 to July 14 except as specifically authorized by permit or rule.

[For text of subd 2, see M.S.2004]

Subd. 3. Permits for organizations and individuals to use game birds and firearms. (a) The commissioner may issue special permits, without a fee, to use firearms and live ammunition on domesticated birds or banded game birds from game farms.

(b) Permits for holding field trials may be issued to organizations. The permit shall specify the dates and locations of the field trial. The commissioner may limit the number of dates approved for any organization.

(c) Permits for training hunting dogs may be issued to an individual.

(d) Domesticated birds, other than pigeons, and game farm birds used for trials or training under this section must be clearly marked with dye or a streamer attached to a leg in a manner that makes them visually identifiable prior to being taken.

Subd. 4. [Repealed, 2005 c 146 s 52]

History: 2005 c 146 s 21,22; 1Sp2005 c 1 art 2 s 105

97B.015 FIREARMS SAFETY AND WILDLIFE IDENTIFICATION COURSE.

Subdivision 1. Establishment. The commissioner shall establish a statewide course in the safe use of firearms and identification of wild mammals and birds. A course may be held in a 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 Enforcement Division may appoint instructors necessary for this section. Instructors shall serve on a voluntary basis without compensation. The Enforcement Division must supply the materials necessary for the course. School districts may cooperate with the commissioner and volunteer instructors to provide space for the classroom portion of the training.

[For text of subds 3 and 4, see M.S.2004]

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 person must be at least age 11 to take the firearms safety course and may receive a firearms safety certificate, but the certificate is not valid for hunting until the person reaches age 12. A person who is age 11 and has a firearms safety certificate may purchase a deer, bear, turkey, or prairie chicken license that will become valid when the person reaches age 12. A firearms safety certificate issued to a person under age 12 by another state as provided in section 97B.020 is not valid for hunting in Minnesota until the person reaches age 12. The form and content of the firearms safety certificate shall be prescribed by the commissioner.

[For text of subd 6, see M.S.2004]

Subd. 7. **Fee for duplicate certificate.** The commissioner shall collect a fee, to include a \$1 issuing fee for licensing agents, for issuing a duplicate firearms safety certificate. The commissioner shall establish a fee that neither significantly overrecovers nor underrecovers costs, including overhead costs, involved in providing the service. The fee is not subject to the rulemaking provisions of chapter 14 and section 14.386 does not apply. The commissioner may establish the fee notwithstanding section 16A.1283. The duplicate certificate fees, except for the issuing fee for licensing agents under this subdivision, shall be deposited in the game and fish fund and, except for the electronic licensing system commission established by the commissioner under section 84.027, subdivision 15, and issuing fees collected by the commissioner, are appropriated annually to the Enforcement Division of the Department of Natural Resources for the administration of the firearm safety course program.

History: 2005 c 146 s 23-25; 1Sp2005 c 1 art 2 s 106

97B.020 FIREARMS SAFETY CERTIFICATE REQUIRED.

(a) Except as provided in this section and section 97A.451, subdivision 3a, a person born after December 31, 1979, may not obtain an annual license to take wild animals by firearms unless the person has:

- (1) a firearms safety certificate or equivalent certificate;
- (2) a driver's license or identification card with a valid firearms safety qualification indicator issued under section 171.07, subdivision 13;
- (3) a previous hunting license with a valid firearms safety qualification indicator; or
- (4) 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 or certified by the department as substantially similar.

(b) 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.

(c) A person born after December 31, 1979, may not use a lifetime license to take wild animals by firearms, unless the person meets the requirements for obtaining an annual license under paragraph (a) or (b).

History: 1Sp2005 c 1 art 2 s 107

97B.025 HUNTER AND TRAPPER EDUCATION.

(a) The commissioner may establish education courses for hunters. The commissioner shall collect a fee from each person attending a course. A fee, to include a \$1 issuing fee for licensing agents, shall be collected for issuing a duplicate certificate. The commissioner shall establish the fees in a manner that neither significantly overrecovers nor underrecovers costs, including overhead costs, involved in providing the services. The fees are not subject to the rulemaking provisions of chapter 14 and section 14.386 does not apply. The commissioner may establish the fees notwithstanding section

16A.1283. The fees, except for the issuing fee for licensing agents under this subdivision, shall be deposited in the game and fish fund and the amount thereof, except for the electronic licensing system commission established by the commissioner under section 84.027, subdivision 15, is appropriated annually to the Enforcement Division of the Department of Natural Resources for the administration of the program. In addition to the fee established by the commissioner for each course, instructors may charge each person up to the established fee amount for class materials and expenses. School districts may cooperate with the commissioner and volunteer instructors to provide space for the classroom portion of the training.

(b) The commissioner shall enter into an agreement with a statewide nonprofit trappers association to conduct a trapper education program. At a minimum, the program must include at least six hours of classroom, electronic, or correspondence instruction and in the field training. The program must include a review of state trapping laws and regulations, trapping ethics, the setting and tending of traps and snares, tagging and registration requirements, and the preparation of pelts. The association shall issue a certificate to persons who complete the program. The association shall be responsible for all costs of conducting the education program, and shall not charge any fee for attending the course.

History: 2005 c 146 s 26; 1Sp2005 c 1 art 2 s 108

97B.026 TRAPPER EDUCATION CERTIFICATE REQUIREMENT.

A person born after December 31, 1989, and who has not been issued a trapping license in a previous license year, may not obtain a trapping license unless the person has been issued a trapper education certificate under section 97B.025, paragraph (b).

History: 2005 c 146 s 27

NOTE: This section as added by Laws 2005, chapter 146, section 27, is effective March 1, 2007. Laws 2005, chapter 146, section 27, the effective date.

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) 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, a .45 Winchester Magnum cartridge, or a .50 A. E. (Action Express) handgun cartridge.

[For text of subds 2 and 3, see M.S.2004]

Subd. 4. Silencers prohibited. Except as provided in section 609.66, subdivision 1h, a person may not own or possess a silencer for a firearm or a firearm equipped to have a silencer attached.

Subd. 5. Scopes; visually impaired hunters. (a) Notwithstanding any other law to the contrary, the commissioner may issue a special permit, without a fee, to use a muzzleloader with a scope to take deer during the muzzleloader season to a person who obtains the required licenses and who has a visual impairment. The scope may not have magnification capabilities.

(b) The visual impairment must be to the extent that the applicant is unable to identify targets and the rifle sights at the same time without a scope. The visual impairment and specific conditions must be established by medical evidence verified in

writing by a licensed physician, ophthalmologist, or optometrist. The commissioner may request additional information from the physician if needed to verify the applicant's eligibility for the permit.

(c) A permit issued under this subdivision may be valid for up to five years, based on the permanence of the visual impairment as determined by the licensed physician, ophthalmologist, or optometrist.

(d) The permit must be in the immediate possession of the permittee when hunting under the special permit.

(e) The commissioner may deny, modify, suspend, or revoke a permit issued under this subdivision for cause, including a violation of the game and fish laws or rules.

(f) A person who knowingly makes a false application or assists another in making a false application for a permit under this subdivision is guilty of a misdemeanor. A physician, ophthalmologist, or optometrist who fraudulently certifies to the commissioner that a person is visually impaired as described in this subdivision is guilty of a misdemeanor.

History: 2005 c 102 s 1; 2005 c 146 s 28,29

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

[For text of subd 1, see M.S.2004]

Subd. 2. Permit for organization; laser sights. (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 and, notwithstanding section 97B.081, a person with a physical disability who is totally blind may use laser sights.

(c) The commissioner may impose reasonable permit conditions.

History: 2005 c 146 s 30

97B.115 COMPUTER-ASSISTED REMOTE HUNTING PROHIBITION.

(a) No person shall operate, provide, sell, use or offer to operate, provide, sell or use any computer software or service that allows a person, not physically present at the site, to remotely control a weapon that could be used to take any wild animal by remote operation, including, but not limited to, weapons or devices set up to fire through the use of the Internet or through a remote control device.

(b) A person who violates this section is guilty of a misdemeanor.

History: 2005 c 146 s 31

97B.326 STANDS AND BLINDS ON PUBLIC LANDS.

Any unoccupied permanent stand or blind on public land is public and not the property of the person who constructed it.

History: 2005 c 146 s 32

NOTE: This section is added by Laws 2005, chapter 146, section 32, is effective August 1, 2006. Laws 2005, chapter 146, section 32, the effective date.

97B.601 SMALL GAME LICENSES.

[For text of subs 1 and 2, see M.S.2004]

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

[For text of subds 3a and 4, see M.S.2004]

History: *1Sp2005 c 1 art 2 s 109*

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, bobcat, red fox and gray fox, fisher, pine marten, opossum, and badger may be taken and possessed.

History: *1Sp2005 c 1 art 2 s 110*

97B.621 RACCOONS.

[For text of subd 1, see M.S.2004]

Subd. 2. **Period for treeing raccoons.** Notwithstanding subdivision 1 and section 97B.005, subdivision 1, a person may use dogs to pursue and tree raccoons without killing or capturing the raccoons during the closed season and a license is not required.

[For text of subds 3 and 4, see M.S.2004]

History: *2005 c 146 s 33*

97B.625 BOBCAT.

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

Subd. 2. **Use of a snare.** A person may use a snare to take bobcat, as prescribed by the commissioner, without a permit.

History: *2005 c 146 s 34; 1Sp2005 c 1 art 2 s 111*

97B.631 FOX.

[For text of subd 1, see M.S.2004]

Subd. 2. **Use of a snare.** A person may use a snare to take fox, as prescribed by the commissioner, without a permit.

History: *2005 c 146 s 35*

97B.641 COUGAR, LYNX, AND WOLVERINE.

There is no open season for cougar, lynx, or wolverine.

History: *1Sp2005 c 1 art 2 s 112*

97B.655 TAKING ANIMALS CAUSING DAMAGE.

Subdivision 1. **Owners and occupants may take certain animals.** A person may take mink, squirrel, rabbit, hare, raccoon, 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, bobcat, fox, opossum, muskrat, or beaver under this subdivision must notify a conservation officer or employee of the Wildlife 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 or to remove or destroy their dens, nests, houses, or dams.

History: *2005 c 146 s 36; 1Sp2005 c 1 art 2 s 113*

97B.701 PROTECTED BIRDS.

[For text of subds 1 to 3, see M.S.2004]

Subd. 4. **Great horned owl.** A person who is authorized to take a great horned owl under a federal permit does not need a state permit to take a great horned owl.

History: 2005 c 104 s 2

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 January 3 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.

[For text of subds 2 and 3, see M.S.2004]

History: 2005 c 146 s 37

97B.725 GUIDING HUNTERS.

A person may not guide turkey hunters for compensation.

History: 2005 c 146 s 38

97B.803 MIGRATORY WATERFOWL SEASONS AND LIMITS.

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

(b) The regular duck season may not open before the Saturday closest to October 1.

History: 2005 c 146 s 39

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;

(2) on a river or stream that is not more than 100 yards in width; or

(3) 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.

[For text of subds 2 and 3, see M.S.2004]

History: 2005 c 146 s 40

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

[For text of subds 1 and 2, see M.S.2004]

Subd. 3. **Restrictions on leaving decoys unattended.** During the open season for waterfowl, a person may not leave decoys in public waters between sunset and one hour before lawful shooting hours or leave decoys unattended during other times for more than four consecutive 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.

[For text of subd 4, see M.S.2004]

Subd. 4a. **Restrictions on certain motorized decoys.** From the opening day of the duck season through the Saturday nearest October 8, a person may not use a motorized decoy, or other motorized device designed to attract migratory waterfowl. During the remainder of the duck season, the commissioner may, by rule, designate all or any portion of a wetland or lake closed to the use of motorized decoys or motorized devices designed to attract migratory waterfowl. On water bodies and lands fully contained within wildlife management area boundaries, a person may not use motorized decoys or motorized devices designed to attract migratory waterfowl at any time during the duck season.

[For text of subd 5, see M.S.2004]

History: 2005 c 146 s 41,42

97B.935 [Repealed, 2005 c 146 s 52]