

ASSEMBLY BILL NO. 299—ASSEMBLYWOMEN
BILBRAY-AXELROD AND TITUS

MARCH 16, 2021

Referred to Committee on Natural Resources

SUMMARY—Makes various changes relating to wildlife.
(BDR 45-733)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to wildlife; providing for the issuance of a salvage permit to certain persons for the salvage and possession of certain animals hit and killed by a motor vehicle; imposing certain requirements on a holder of a salvage permit; authorizing a peace officer to make certain inspections; prohibiting a person from selling, bartering or exchanging the carcass of such an animal; providing that a peace officer, agency employing a peace officer and the Department of Wildlife are not liable with respect to any use made of the carcass of such an animal; prohibiting the salvaging and taking possession of such animals from certain areas in this State; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 **Section 1** of this bill authorizes a peace officer who responds to an accidental
2 vehicle collision in this State between a salvageable animal and the vehicle by
3 which the salvageable animal was killed to issue a salvage permit as soon as
4 practicable to the driver of the vehicle or to another person. **Section 1** authorizes a
5 driver or person to whom a salvage permit is issued to salvage and take possession
6 of the salvageable animal. **Section 1** defines “salvageable animal” as a big game
7 mammal, game mammal or upland game bird that a peace officer determines is
8 salvageable. **Section 1** requires a salvage permit to be available to a driver or
9 person at no cost and further requires certain information be provided to obtain the
10 salvage permit. **Section 1** requires the driver or person to: (1) completely remove
11 the carcass of the salvageable animal from the road or road right-of-way; (2) ensure
12 that the meat rendered from the salvageable animal is only used for human
13 consumption; (3) keep the salvage permit with the carcass until delivered to the



14 Department of Wildlife; and (4) deliver and surrender the salvage permit and the
15 head, hide, antlers or horns of the salvageable animal to the Department within 5
16 business days after the driver or person taking possession of the salvageable animal.
17 If the salvageable animal is accidentally hit and rendered crippled or helpless,
18 **section 1** allows peace officers to kill the salvageable animal in a humane manner.
19 **Section 1** requires a peace officer to inspect the carcass of the salvageable animal
20 and authorizes the peace officer to inspect the motor vehicle that accidentally hit
21 the salvageable animal before issuing a salvage permit. At the discretion of the
22 Department, **section 1** authorizes a game warden to inspect the carcass and motor
23 vehicle 20 days thereafter. **Section 1** authorizes the driver or person to place all or
24 part of the carcass of the salvageable animal in storage or make a gift of the carcass
25 to another person only after the salvage permit and the head, hide, antlers or horns
26 of the salvageable animal has been delivered and surrendered to the Department.
27 **Section 1** prohibits any portion of the carcass of a salvageable animal from being
28 sold, bartered or exchanged. **Section 2** of this bill makes a conforming change by
29 providing that such a sale, barter or exchange is an unlawful sale, barter or
30 exchange, with certain exceptions. **Section 1** provides that a driver or person who
31 salvages and takes possession of the carcass of a salvageable animal does so at his
32 or her own risk and further provides that the peace officer, agency employing the
33 peace officer and the Department are not liable with respect to any use made of the
34 carcass. **Section 1** prohibits the salvage and taking possession of a salvageable
35 animal from: (1) a highway in this State that has a speed limit of 70 miles per hour
36 or more; (2) an interstate highway; (3) private property, unless the owner grants
37 permission for such a salvage or taking; (4) the reservation lands of any Indian tribe
38 in this State; (5) certain restricted areas; (6) areas under the possession or control of
39 the Department; (7) a disposal site; or (8) an area that the Department determines to
40 contain diseased or contaminated animals. Finally, **section 1** provides that a person
41 who: (1) intentionally hits and renders crippled or helpless or kills a salvageable
42 animal shall be punished for a category E felony; and (2) otherwise violates any
43 provision of **section 1** is guilty of a misdemeanor. **Section 3** of this bill makes a
44 conforming change by providing that any person who violates certain provisions of
45 **section 1** is guilty of a misdemeanor.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 501 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *1. A peace officer who responds to an accidental vehicle*
4 *collision in this State between a salvageable animal and a vehicle*
5 *by which the salvageable animal was accidentally killed as a result*
6 *of the vehicle collision may, pursuant to this section and as soon*
7 *as practicable, issue a salvage permit to the driver of the vehicle or*
8 *to another person. A peace officer shall not issue a salvage permit*
9 *for any animal that has:*

10 *(a) Been injured or killed as a result of any action that is not*
11 *an accidental vehicle collision;*

12 *(b) A tracking collar;*

13 *(c) A tag indicating that the animal should not be consumed as*
14 *a result of a chemical restraint or chemical immobilization; or*



1 (d) *Obvious signs of disease or contamination.*

2 *↪ A salvage permit shall be available at no cost to the driver or*
3 *person seeking to obtain the salvage permit.*

4 2. *A driver or other person who has been issued a salvage*
5 *permit pursuant to subsection 1 may salvage and take possession*
6 *of the salvageable animal.*

7 3. *The Department shall create salvage permit forms and*
8 *provide such salvage permit forms to peace officers on request.*
9 *The salvage permit form shall require the following information:*

10 (a) *The name and address of the driver or of any person who*
11 *will be transporting or will be in possession of any portion or part*
12 *of the salvageable animal, if different than the driver;*

13 (b) *A description of the salvageable animal that was killed,*
14 *including, without limitation, the species and sex of the*
15 *salvageable animal;*

16 (c) *Whether the salvageable animal was rendered crippled or*
17 *helpless, was humanely killed and the method used to humanely*
18 *kill the salvageable animal pursuant to subsection 5;*

19 (d) *The date of the collision with the salvageable animal;*

20 (e) *The specific location of the collision with the salvageable*
21 *animal;*

22 (f) *A description of the motor vehicle that hit the salvageable*
23 *animal;*

24 (g) *The destination or destinations, as applicable, to which the*
25 *carcass of the salvageable animal will be transported;*

26 (h) *The name of the peace officer who issued the permit; and*

27 (i) *An acknowledgement that the carcass is being salvaged at*
28 *the permit holder's own risk and that this State is not liable for*
29 *any loss or damage arising out of the salvage, possession, use,*
30 *transport or consumption of the salvageable animal.*

31 4. *A driver or other person who salvages and takes possession*
32 *of a salvageable animal pursuant to this section must:*

33 (a) *Subject to the provisions of subsection 6, completely*
34 *remove the carcass of the salvageable animal from the road or*
35 *road right-of-way by taking the entire carcass, including entrails;*

36 (b) *Ensure that any meat rendered from the salvageable*
37 *animal is utilized for human consumption and is not used for bait*
38 *or any other purpose;*

39 (c) *Keep the salvage permit with the carcass of the listed*
40 *salvageable animal until the salvage permit is delivered to the*
41 *Department pursuant to paragraph (d) in the manner set forth by*
42 *the Department; and*

43 (d) *Within 5 business days after taking possession of the*
44 *carcass of the salvageable animal, deliver a completed copy of the*
45 *salvage permit for that animal and surrender the head, hide,*



1 antlers or horns, if applicable, to the Department in the manner
2 set forth by the Department.

3 5. Except as otherwise provided in this subsection, a peace
4 officer may humanely kill any salvageable animal rendered
5 crippled or helpless by an accidental vehicle collision, and the
6 Department or peace officer may thereafter issue, pursuant to this
7 section, a salvage permit for the carcass. If the peace officer uses a
8 chemical restraint or a chemical immobilization upon the animal,
9 the peace officer shall not issue a salvage permit for the carcass of
10 that animal.

11 6. When a driver or person salvages and takes possession of a
12 salvageable animal, the driver or person:

13 (a) Shall comply with all applicable rules and regulations
14 governing the highways of this State; and

15 (b) Shall not attempt to salvage or take possession of a
16 salvageable animal outside of daylight hours unless a peace
17 officer provides sufficient light for such a taking.

18 7. A peace officer shall inspect the carcass and may inspect
19 the motor vehicle before issuing the salvage permit. At the
20 discretion of the Department, the carcass and motor vehicle are
21 subject to inspection by a game warden within 20 days after the
22 issuance of a salvage permit. If the carcass has been processed or
23 if the motor vehicle has been repaired, the game warden may
24 inspect the invoices or other documents recording the processing
25 or repair.

26 8. After complying with the provisions of paragraph (d) of
27 subsection 4, a driver or other person who salvages and takes
28 possession of the carcass of a salvageable animal pursuant to this
29 section may place all or part of the carcass in storage or may make
30 a gift of the carcass to another person. No portion of any carcass
31 of a salvageable animal salvaged and possessed pursuant to this
32 section may be sold, bartered or exchanged.

33 9. A salvage permit carries no representation or implication
34 that any part of the carcass of a salvageable animal is edible. A
35 driver or other person who salvages and takes possession of the
36 carcass of a salvageable animal does so at his or her own risk. The
37 peace officer, agency employing the peace officer and the
38 Department are not liable with respect to any use made of the
39 carcass of a salvageable animal.

40 10. This section does not authorize the salvage or taking
41 possession of salvageable animals from:

42 (a) A highway in this State that has a speed limit of 70 miles
43 per hour or more;

44 (b) An interstate highway;



1 (c) *Private property, unless the owner grants permission for*
2 *such a salvage or taking;*

3 (d) *The reservation lands of any Indian tribe in this State;*

4 (e) *Any areas that are restricted and to which the public does*
5 *not have permission to enter;*

6 (f) *Any area under the possession or control the Department;*

7 (g) *A disposal site; or*

8 (h) *An area that the Department determines to contain*
9 *diseased or contaminated animals.*

10 **11. A person who:**

11 (a) *Intentionally hits and renders crippled or helpless or kills a*
12 *salvageable animal shall be punished for a category E felony as*
13 *provided in NRS 193.130; and*

14 (b) *Except as otherwise provided in paragraph (a), violates any*
15 *provision of this section, is guilty of a misdemeanor pursuant to*
16 *NRS 501.385.*

17 **12. As used in this section:**

18 (a) *“Disposal site” has the meaning ascribed to it in*
19 *NRS 444.460.*

20 (b) *“Peace officer” means:*

21 (1) *A sheriff, deputy sheriff, undersheriff, officer of a*
22 *metropolitan police department or city police officer;*

23 (2) *A chief, inspector, supervisor, commercial officer or*
24 *trooper of the Nevada Highway Patrol Division of the Department*
25 *of Public Safety;*

26 (3) *A game warden;*

27 (4) *A ranger or employee of the Division of State Parks of*
28 *the State Department of Conservation and Natural Resources who*
29 *has the powers of a peace officer pursuant to NRS 289.260; or*

30 (5) *A member of the police department of the Nevada*
31 *System of Higher Education.*

32 (c) *“Salvage permit” means a permit issued pursuant to this*
33 *section.*

34 (d) *“Salvageable animal” means a big game mammal, game*
35 *mammal or upland game bird that is salvageable, as determined*
36 *by a peace officer pursuant to this section. The term does not*
37 *include alternative livestock, fur-bearing mammals, migratory*
38 *game birds or any protected, threatened or sensitive mammals, as*
39 *described in the regulations of the Board of Wildlife*
40 *Commissioners.*

41 **Sec. 2.** NRS 501.379 is hereby amended to read as follows:

42 501.379 1. Except as otherwise provided in this section:

43 (a) It is unlawful for any person to sell or expose for sale, to
44 barter, trade or purchase or to attempt to sell, barter, trade or



1 purchase any species of wildlife, or parts thereof, except as
2 otherwise provided in this title or in a regulation of the Commission.

3 (b) The importation and sale of products made from the meat of
4 game mammals, game birds or game amphibians raised in captivity
5 is not prohibited if the importation is from a licensed commercial
6 breeder or commercial processor.

7 (c) *It is unlawful for any person to sell, barter or exchange or*
8 *expose for sale, to barter or exchange or to attempt to sell, barter*
9 *or exchange any portion of a carcass of a salvageable animal in*
10 *violation of section 1 of this act.*

11 2. The provisions of this section do not apply to alternative
12 livestock and products made therefrom.

13 3. *As used in this section, "salvageable animal" has the*
14 *meaning ascribed to it in section 1 of this act.*

15 **Sec. 3.** NRS 501.385 is hereby amended to read as follows:

16 501.385 Except as otherwise provided by specific statute:

17 1. Any person who:

18 (a) Performs an act or attempts to perform an act made unlawful
19 or prohibited by a provision of this title;

20 (b) Willfully fails to perform an act required of the person by a
21 provision of this title;

22 (c) Obstructs, hinders, delays or otherwise interferes with any
23 officer, employee or agent of the Department:

24 (1) In the performance of any duty while enforcing or
25 attempting to enforce any provision of this title or any regulation
26 adopted pursuant thereto; or

27 (2) While lawfully obtaining or attempting to obtain
28 biological samples of wildlife, hunting, fishing or trapping data, or
29 any other biological data or information relating to wildlife;

30 (d) Violates any order issued or regulation adopted by the
31 Commission under the provisions of this title; ~~or~~

32 (e) Having been granted a privilege or been licensed or
33 permitted to do any act under the provisions of this title, exercises
34 the grant, license or permit in a manner other than as specified ~~or~~;
35 *or*

36 (f) *Except as otherwise provided in paragraph (a) of*
37 *subsection 11 of section 1 of this act, violates any provision of*
38 *section 1 of this act,*

39 ↪ is guilty of a misdemeanor. An officer, employee or agent of the
40 Department may not obtain or attempt to obtain biological samples
41 of wildlife, hunting, fishing or trapping data, or any other biological
42 data or information relating to wildlife on private property without
43 the consent of the owner of the property.

44 2. Every person who is guilty of a misdemeanor under this title
45 shall be punished by a fine of not less than \$50 nor more than \$500,



- 1 or by imprisonment in the county jail for not more than 6 months, or
- 2 by both fine and imprisonment.

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