

State of Wisconsin



2011 Assembly Bill 334

Date of enactment: April 6, 2012
Date of publication*: April 19, 2012

2011 WISCONSIN ACT 251

AN ACT *to repeal* 29.347 (1) (intro.) (except 29.347 (1) (title)) and 29.347 (5) (title); *to renumber* 29.347 (5) (b) 1. and 2. and 29.347 (5) (d); *to renumber and amend* 29.347 (1) (a), 29.347 (1) (b), 29.347 (5) (a), 29.347 (5) (b) (intro.) and 29.347 (5) (c); *to amend* 29.184 (8) (a), 29.347 (1) (title), 29.347 (2), 29.347 (2m) (a), 29.347 (3) (b) and 29.354 (1); and *to create* 29.349 (title) and (3) of the statutes; **relating to:** possession of certain animals killed by vehicles.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 29.184 (8) (a) of the statutes, as affected by [2011 Wisconsin Act 28](#), is amended to read:

29.184 (8) (a) The department shall issue a bear carcass tag to each person who is issued a Class A bear license. Except as provided under par. (b) and s. 29.349 (2), a person who kills a bear shall immediately validate and attach the carcass tag to the bear. The carcass tag shall be attached and validated according to rules promulgated by the department.

SECTION 2. 29.347 (1) (title) of the statutes is amended to read:

29.347 (1) (title) DEFINITIONS DEFINITION.

SECTION 3. 29.347 (1) (intro.) (except 29.347 (1) (title)) of the statutes is repealed.

SECTION 4. 29.347 (1) (a) of the statutes is renumbered 29.349 (1) and amended to read:

29.349 (1) “Law In this section, “law enforcement officer” means a warden or any other law enforcement officer authorized by the department to issue tags for ear kill deer an animal killed by a vehicle.

SECTION 5. 29.347 (1) (b) of the statutes is renumbered 29.347 (1) and amended to read:

29.347 (1) “Validated” In this section, “validated” means marked with specified information in the manner required by the department.

SECTION 6. 29.347 (2) of the statutes is amended to read:

29.347 (2) DEER OR ELK CARCASS TAGS. Except as provided under ~~sub. (5) and s. ss. 29.324 (3) and 29.349 (2)~~, any person who kills a deer shall immediately attach to the ear or antler of the deer a current validated deer carcass tag which is authorized for use on the type of deer killed. Any person who kills an elk shall immediately attach to the ear or antler of the elk a current validated elk carcass tag. Except as provided under sub. (2m) or s. 29.89 (6), no person may possess, control, store, or transport a deer carcass unless it is tagged as required under this subsection. Except as provided under sub. (2m), no person may possess, control, store, or transport an elk carcass unless it is tagged as required under this subsection. A person who kills a deer or an elk shall register the deer or elk in the manner required by the department. A person who kills a deer or an elk shall possess, control, store, or transport the deer or elk carcass in compliance with rules promulgated by the department under s. 29.063 (3). The carcass tag may not be removed before registration. The removal of a carcass tag from a deer or

* Section 991.11, WISCONSIN STATUTES 2009–10 : Effective date of acts. “Every act and every portion of an act enacted by the legislature over the governor’s partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated” by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

an elk before registration renders the deer or elk untagged.

SECTION 7. 29.347 (2m) (a) of the statutes is amended to read:

29.347 (2m) (a) A carcass tag attached under sub. (2) and a registration tag attached by the department or a car kill tag attached under ~~sub. (5)~~ s. 29.349 (2) may be removed from a gutted carcass at the time of butchering, but the person who killed or obtained the ~~deer or elk~~ animal shall retain all tags until the meat is consumed.

SECTION 8. 29.347 (3) (b) of the statutes is amended to read:

29.347 (3) (b) No person may possess or control deer or elk antlers in the velvet or a deer or an elk skin in the spotted coat of a lawfully killed deer or elk unless the person to whom the carcass tag for the deer or elk was issued, or the person who had the deer tagged under ~~sub. (5)~~ s. 29.349 (2), has requested and received authorization from the department to control or possess the antlers or skin. A request for written authorization from the department shall be made within 7 days after the carcass tag has been attached to the deer or elk.

SECTION 9. 29.347 (5) (title) of the statutes is repealed.

SECTION 10. 29.347 (5) (a) of the statutes is renumbered 29.349 (2) (a) and amended to read:

29.349 (2) (a) Subject to ~~sub. s. 29.347~~ (6), any person who while operating a motor vehicle on a highway accidentally collides with and kills a bear, deer, or wild turkey may take possession of the carcass. Subject to ~~sub. s. 29.347~~ (6), if the motor vehicle operator does not want to take the carcass, the carcass may be taken by any other person who is present at the scene of the accident at the time the collision occurs or at any time after the collision occurs.

SECTION 11. 29.347 (5) (b) (intro.) of the statutes is renumbered 29.349 (2) (b) (intro.) and amended to read:

29.349 (2) (b) (intro.) No person may take possession of the carcass of a bear, deer, or wild turkey killed in the manner specified in par. (a) and remove the carcass from the scene of the accident unless the person has complied with rules promulgated by the department under s. 29.063 (3) and one of the following apply:

SECTION 12. 29.347 (5) (b) 1. and 2. of the statutes are renumbered 29.349 (2) (b) 1. and 2.

SECTION 13. 29.347 (5) (c) of the statutes is renumbered 29.349 (2) (c) and amended to read:

29.349 (2) (c) The person removing ~~a~~ the carcass under the procedure specified in par. (b) 2. shall have the carcass tagged within 24 hours after receiving the instructions under par. (b) 2.

SECTION 14. 29.347 (5) (d) of the statutes is renumbered 29.349 (2) (d).

SECTION 15. 29.349 (title) and (3) of the statutes are created to read:

29.349 (title) **Animals killed by motor vehicles.**

(3) (a) Except as provided under par. (b) or as authorized under s. 29.614, no person may take possession of the carcass of a small game animal killed by a person who accidentally collides with the small game animal while operating a motor vehicle on a highway unless all of the following apply:

1. The small game animal is killed during the open season for hunting or trapping that animal.
2. The small game animal is not a bobcat, fisher, or otter.
3. The person possesses an approval issued under this chapter that authorizes the hunting or trapping of the kind of small game animal killed.
4. The person is the operator of the motor vehicle.

(b) If an operator of a motor vehicle who is authorized under par. (a) to take possession of the carcass of a small game animal does not want to take possession of the carcass, any other person may take possession of the carcass and remove it from the scene of the accident if the person possesses an approval issued under this chapter that authorizes the hunting or trapping of the kind of small game animal killed by the operator of the motor vehicle and the person takes the carcass during the open season for that animal.

(c) The department may not charge a person a fee to take possession of the carcass of a small game animal if the person is authorized to possess the carcass under this subsection.

SECTION 16. 29.354 (1) of the statutes is amended to read:

29.354 (1) APPROVAL NECESSARY. No person may possess or have under his or her control any game bird or game animal or the carcass of any game bird or game animal unless the person has a valid hunting license, sports license, conservation patron license, taxidermist permit, or scientific collector permit. This subsection does not apply to a person who takes possession of a bear, deer, or wild turkey under s. 29.349 (2) (a) and who complies with the requirements under s. 29.349 (2) (b).