

1 AN ACT concerning wildlife.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Fish and Aquatic Life Code is amended by
5 changing Sections 20-70, 20-75, 20-80, 20-85, 20-90, 20-92, and
6 20-95 as follows:

7 (515 ILCS 5/20-70) (from Ch. 56, par. 20-70)

8 Sec. 20-70. Non-resident and resident aquatic life
9 dealers.

10 (a) Non-resident aquatic life dealers. Any person not a
11 resident of Illinois who sells or ships to other wholesalers,
12 retailers, or consumers any of the aquatic life protected by
13 this Code, whether from waters within or without the State is a
14 non-resident aquatic life dealer within the meaning of this
15 Code.

16 All licenses issued to non-resident aquatic life dealers
17 are valid only in the location described and designated in the
18 application for the license. Wholesalers may deliver their
19 products by truck or common carrier of any type but must
20 possess a separate license for each truck from which aquatic
21 life are being sold if business is solicited from the trucks.

22 Application for a non-resident aquatic life dealer's
23 license shall be made to and upon forms furnished by the

1 Department and shall be in the form as the Department may
2 prescribe. The annual fee for a non-resident aquatic life
3 dealer's license shall be \$100. All non-resident aquatic life
4 dealer licenses shall expire on March 31 ~~January 31~~ of each
5 year.

6 Non-residents purchasing aquatic life in Illinois for sale
7 solely outside the State are exempt from possessing an aquatic
8 life dealer's license if purchases are made from a licensed
9 resident wholesale or retail aquatic life dealer.

10 (b) Resident aquatic life dealer's licenses. Any person
11 conducting a fish market or buying, selling, or shipping any
12 aquatic life (except minnows) protected by this Code, whether
13 from waters within or without the State, shall first procure a
14 license from the Department to do so, including any commercial
15 fisherman selling live fish for stocking only. Any commercial
16 fisherman selling fish legally caught or taken by themselves to
17 a resident licensed wholesale aquatic life dealer, however, is
18 exempt from the provisions of this Section.

19 (1) Wholesale aquatic life dealer's license. Any
20 resident of this State who, within the State of Illinois,
21 conducts a wholesale fish market or who sells or ships to
22 any other wholesaler, retailer, or other commercial
23 institution aquatic life protected by this Code, whether
24 from waters within or without the State, is a resident
25 wholesale aquatic life dealer in the meaning of this Code.

26 This provision, however, does not apply to minnows or

1 saltwater species commonly used as seafood that will not
2 survive in freshwater, such as lobsters, clams, mussels,
3 and oysters.

4 All licenses issued to resident wholesale aquatic life
5 dealers are valid only in the location described and
6 designated in the application for license. Wholesale
7 aquatic life dealers may deliver their products by truck or
8 other common carrier but must possess a separate license
9 for each truck from which aquatic life is being sold if
10 business is solicited from the truck. Applications for
11 resident wholesale aquatic life dealer's licenses shall be
12 made to and upon forms furnished by the Department, which
13 shall be in the form as the Department may prescribe. The
14 annual license fee for each wholesale aquatic life dealer's
15 license is \$50. All wholesale aquatic life dealer's
16 licenses shall expire on March 31 ~~January 31~~ of each year.

17 (2) Retail aquatic life dealer's license. Any resident
18 of the State of Illinois who, within the State of Illinois,
19 conducts a retail fish market where he or she sells or
20 offers for sale any aquatic life protected by this Code,
21 whether from waters from within or without the State, is a
22 retail aquatic life dealer in the meaning of this Code.

23 This provision, however, does not apply to minnows or
24 saltwater species commonly used as seafood that will not
25 survive in freshwater, such as lobsters, clams, mussels,
26 and oysters.

1 All licenses issued to resident aquatic life dealers
2 are valid only in the location described and designated in
3 the application for the license. Retailers may deliver
4 their products by truck or other common carrier but must
5 possess a separate license for each truck from which
6 aquatic life is being sold if business is solicited from
7 the truck.

8 Applications for resident retail aquatic life dealer's
9 licenses shall be made to and upon forms furnished by the
10 Department, which shall be in the form the Department may
11 prescribe. The annual license for each resident retail
12 aquatic life dealer's license is \$10. All these licenses
13 shall expire on March 31 ~~January 31~~ of each year.

14 (3) Separate licenses. A license shall be procured for
15 each separate fish market or place of business operated by
16 any wholesale or retail aquatic life dealer, whether a
17 resident or non-resident, and for each vehicle from which
18 aquatic life is sold. All licenses shall be conspicuously
19 displayed at all times.

20 (c) The Department may adopt administrative rules
21 pertaining to non-resident and resident aquatic life dealers.
22 Any person who violates any provision of this Section 20-70, or
23 related administrative rule, is guilty of a Class B
24 misdemeanor.

25 (Source: P.A. 94-592, eff. 1-1-06; 95-147, eff. 8-14-07.)

1 (515 ILCS 5/20-75) (from Ch. 56, par. 20-75)

2 Sec. 20-75. Mussel dealer permits; fees; violations. Any
3 person, before receiving, buying, or offering to do so, or
4 acting as an agent or broker in receipt or purchase of mussels,
5 within the State of Illinois, shall first obtain a permit from
6 the Department to do so.

7 The fee for a permit for residents of the State of Illinois
8 shall be \$300 a year, and for non-residents of the State of
9 Illinois the fee shall be \$2,500 a year. These permits shall
10 expire on March 31 ~~the 31st day of January~~ of each year. A
11 report of each year's activities of each person holding a
12 permit shall be required as directed by the Department.

13 (Source: P.A. 92-385, eff. 8-16-01.)

14 (515 ILCS 5/20-80) (from Ch. 56, par. 20-80)

15 Sec. 20-80. Minnow dealers license; penalties. Any
16 resident who, within the State of Illinois, sells or offers for
17 sale, to any other wholesaler or retailer or for consumption,
18 live minnows, whether from waters within or without the State
19 is an intrastate wholesale minnow dealer for purposes of this
20 Code. Any person selling live minnows for stocking only or
21 selling live minnows legally caught or taken by that person to
22 a licensed wholesale minnow dealer, however, is exempt from the
23 provisions of this Section.

24 (a) Before any resident commences activities as an
25 intrastate wholesale minnow dealer, he or she shall first

1 procure a license from the Department to do so. The fee for the
2 license shall be \$25 and these licenses shall expire on March
3 31 ~~upon the 31st day of January~~ of each year.

4 Before any resident commences activities as an intrastate
5 retail minnow dealer, he or she shall first obtain a license
6 from the Department to do so. The fee for the license shall be
7 \$5 and these licenses shall expire on March 31 ~~upon the 31st~~
8 ~~day of January~~ of each year.

9 (b) Only persons who are actual residents of the State of
10 Illinois shall be permitted to transport live minnows obtained
11 in the State of Illinois across any of the borders of the State
12 of Illinois. These persons shall be interstate minnow dealers
13 for purposes of this Code. Before any resident of the State of
14 Illinois shall commence activities as an interstate minnow
15 dealer, he or she shall first obtain a license from the
16 Department to do so. The fee for the license shall be \$500 and
17 these licenses shall expire on March 31 ~~the 31st day of January~~
18 of each year. This Section shall not apply to a resident of the
19 State of Illinois possessing a valid sport fishing license. An
20 individual possessing a valid sport fishing license shall be
21 permitted to transport not more than 6 dozen live minnows
22 obtained in Illinois across the borders of the State of
23 Illinois.

24 (c) The Department is authorized to establish regulations
25 as may be deemed necessary in the handling of minnows in order
26 to protect the resource as well as the public's interest.

1 (Source: P.A. 92-385, eff. 8-16-01.)

2 (515 ILCS 5/20-85) (from Ch. 56, par. 20-85)

3 Sec. 20-85. Taxidermist license.

4 (a) Before engaging in the business of taxidermy, every
5 person shall obtain a license for that purpose from the
6 Department. Application for a license shall be filed with the
7 Department and shall set forth the name of the applicant; its
8 principal officers, if the applicant is a corporation, or the
9 partners, if the applicant is a partnership; the location of
10 the place of business; and any additional information the
11 Department may require. The annual fee for each taxidermist
12 license shall be \$25. All licenses issued to taxidermists are
13 valid only at the location described and designated on the
14 application for the license. All taxidermist licenses shall
15 expire on March 31 ~~January 31~~ of each year. Individuals
16 employed by a licensed taxidermist shall not be required to
17 possess a taxidermist license while working for and at the
18 place of business of the license holder.

19 Licensed taxidermists shall submit to the Department a list
20 naming all individuals who will be working at the place of
21 business specified on the permit. Only those individuals whose
22 names are on file with the Department shall be authorized to
23 work under the scope of the taxidermist's license.

24 (b) Taxidermists shall keep written records of all aquatic
25 life or parts of aquatic life received or returned by them.

1 Records shall include the following information:

2 (1) The date the aquatic life was received.

3 (2) The name and address of the person from whom the
4 aquatic life was received.

5 (3) The number and species of all aquatic life
6 received.

7 (4) The number and state of issuance of the fishing
8 license, or special Department permit, of the person from
9 whom the aquatic life was received. In the absence of a
10 license or permit number, the taxidermist may rely on the
11 written certification of the person from whom the aquatic
12 life was received that the specimen was legally taken or
13 obtained, or, in the event the person is exempt from the
14 apposite license requirements, an indication of the
15 exemption.

16 (c) All aquatic life or parts of aquatic life that have
17 been received, preserved, mounted, or possessed by a
18 taxidermist are required to bear a coded origin tag or label.
19 The coded origin tag or label shall correspond with written
20 records containing more complete information as required by the
21 Department.

22 (d) Taxidermy records shall be open for inspection by any
23 peace officer at any reasonable hour. Taxidermists shall
24 maintain records for a period of 2 years from the date of
25 receipt of the aquatic life or for as long as the specimen or
26 mount remains in the taxidermist's possession, whichever is

1 longer.

2 The Department may require the taxidermist to submit to it
3 any information it deems necessary.

4 (e) No taxidermist shall have in his or her possession any
5 aquatic life that is not listed in his or her written records
6 and properly tagged or labeled.

7 (f) All persons licensed as taxidermists under this Code
8 who shall ship any aquatic life or parts of aquatic life that
9 have been received, preserved, or mounted shall tag or label
10 the shipment and the tag or label shall state the name of the
11 taxidermist and the number and date of his or her license.

12 (g) Nothing in this Section removes taxidermists from
13 responsibility for the observance of any federal laws, rules,
14 or regulations that may apply to the taxidermy business.

15 (Source: P.A. 88-416; 89-66, eff. 1-1-96.)

16 (515 ILCS 5/20-90) (from Ch. 56, par. 20-90)

17 Sec. 20-90. Aquaculture permits. Any person who shall
18 engage in the breeding, hatching, propagation, or raising of
19 aquatic life, whether indigenous or non-indigenous to this
20 State, shall first procure a permit from the Department to do
21 so. Aquatic life specified, which is bred, hatched, propagated
22 or raised by a person holding a permit as provided for in this
23 Section, may be transported and sold for food or stocking
24 purposes. Permittees who sell aquatic life propagated or raised
25 under this permit are exempt from possessing a fish or minnow

1 dealers license.

2 Aquaculture permit holders shall maintain records of all
3 aquatic life bought, sold or shipped. These records shall
4 include the name and address of the buyer and seller, the
5 appropriate license or permit number of the buyer and seller,
6 the date of the transaction, and the species, poundage, and
7 origin of aquatic life involved. The records shall be kept for
8 a minimum of 2 years from the date of the transaction and shall
9 be made immediately available to authorized employees of the
10 Department upon request. Records of the annual operations, as
11 may be required by the Department, shall be forwarded to the
12 Department upon request.

13 Nothing in this Section shall be construed to give
14 permittees authority to take aquatic life in their wild or
15 natural state, contrary to other provisions of this Code, or to
16 remove the permittee from responsibility for the observance of
17 any federal, State, or local laws, rules, or regulations that
18 may apply to the aquatic life.

19 Aquaculture permit holders may harvest aquatic life on
20 licensed aquaculture facilities with commercial fishing
21 devices without obtaining any license for these devices.

22 Before any person imports or receives live, non-indigenous
23 aquatic life for aquaculture or stocking purposes in this
24 State, permission must be obtained from the Department.
25 Regulations governing non-indigenous aquatic life shall be
26 covered by administrative rule.

1 The annual fee for a permit under this Section shall be \$50
2 and the permit shall expire on March 31 ~~the 31st day of January~~
3 of each year.

4 Any person who violates any provisions of this Section,
5 including administrative rules relating to this Section, shall
6 be guilty of a business offense and fined not less than \$1,000
7 and no more than \$5,000.

8 Permitted aquaculture facilities are exempt from size,
9 catch, and possession limits and seasons on aquatic life when
10 harvested, sold, or transported, except when taken by sport
11 fishing devices.

12 All permits issued under this Section are valid only in the
13 location described and designated in the application for such
14 permit.

15 (Source: P.A. 87-833.)

16 (515 ILCS 5/20-92)

17 Sec. 20-92. Commercial roe dealer permit.

18 (a) Any resident wholesale aquatic life dealer who buys,
19 sells, or ships roe from roe-bearing species, whether from the
20 waters within or without the State, must annually procure a
21 commercial roe dealer permit from the Department in addition to
22 an aquatic life dealers license. The annual fee for a
23 commercial roe dealer permit is \$500 for resident wholesale
24 aquatic life dealers and \$1,500 for non-resident aquatic life
25 dealers. All commercial roe dealer permits shall expire on

1 March 31 ~~May 31~~ of each year.

2 (b) Legally licensed commercial roe dealer permit holders
3 may designate up to 2 employees on their commercial roe dealer
4 permit. Employees designated on a commercial roe dealer permit
5 must retain a copy of this permit in their possession while
6 transporting roe bearing fishes either whole or in part.

7 (c) A violation of this Section is a Class A misdemeanor
8 with a minimum mandatory fine of \$500.

9 (Source: P.A. 95-147, eff. 8-14-07; 95-876, eff. 8-21-08.)

10 (515 ILCS 5/20-95) (from Ch. 56, par. 20-95)

11 Sec. 20-95. Daily fee fishing area. Any person owning,
12 controlling, or operating a water area, including access to
13 this water area, that is used for fishing by those either
14 directly or indirectly paying a daily fee for fishing shall
15 make application to the Department for a license as provided in
16 this Section. Upon receipt of an application, the Department
17 shall inspect the proposed licensed area described in the
18 application, the size and number of water areas, source of fish
19 for stocking, species of fish to be stocked and determine the
20 ability of the applicant to properly supervise a property of
21 this character. If the Department finds that (i) the area is
22 suitable for the purpose intended, (ii) the operation of the
23 property is not a menace or being established contrary to the
24 laws of this State, (iii) the operations of the fee fishing
25 area will not work a fraud upon individuals utilizing the

1 facilities, and (iv) the issuing of the license will be in the
2 public interest, then the Department shall approve the
3 application and issue a license to operate a "Daily Fee Fishing
4 Area" as described in the application.

5 The fee for a license issued under this Section shall be
6 \$50 annually, and the license shall expire on March 31 ~~the~~
7 ~~January 31~~ following its issuance.

8 Records of the season's operations, as may be required by
9 the Department, shall be forwarded to the Department by the
10 licensee within 30 days after the expiration date of the
11 license.

12 The Department may refuse to issue, refuse to renew,
13 suspend, or revoke any license issued under this Section if the
14 Department finds that the licensed area or its operator is not
15 in compliance with this Section. The Department, however, shall
16 not refuse to issue or renew, or suspend or revoke, any license
17 for any cause other than the protection of public health and
18 safety or if the area is operated unlawfully, unless the
19 licensee affected is given at least 15 days notice, in writing,
20 of the reasons for the action of the Department and given an
21 opportunity to appear before the Department or its
22 representative in opposition to the action of the Department.

23 (Source: P.A. 89-66, eff. 1-1-96.)

24 Section 10. The Wildlife Code is amended by changing
25 Section 3.21 as follows:

1 (520 ILCS 5/3.21) (from Ch. 61, par. 3.21)

2 Sec. 3.21. (a) Every person before engaging in the business
3 of taxidermy shall obtain a license for such purpose from the
4 Department. Application for such license shall be filed with
5 the Department and shall set forth the name of the applicant;
6 its principal officers, if the applicant is a corporation, or
7 the partners, if the applicant is a partnership; the location
8 of the place of business and such additional information as the
9 Department may require. The annual fee for each taxidermist
10 license shall be \$25.00. All licenses issued to taxidermists
11 are valid only at the location described and designated on the
12 application for such license. All taxidermist permits shall
13 expire on March 31 ~~January 31~~ of each year. Persons employed by
14 a licensed taxidermist shall not be required to possess a
15 taxidermist license while working for and at the place of
16 business of the license holder.

17 Licensed taxidermists shall submit to the Department a list
18 naming all individuals who will be working at the place of
19 business specified on the license. Only those individuals whose
20 names are on file with the Department shall be authorized to
21 work under the scope of the taxidermist's license.

22 (b) Taxidermists shall keep written records of all birds or
23 mammals, or parts thereof, received or returned by them.
24 Records shall include the following information:

25 (1) The date the bird or mammal was received.

1 (2) The name and address of the person from whom the
2 bird or mammal was received.

3 (3) The number and species of each bird or mammal
4 received.

5 (4) The number and state of issuance of the hunting or
6 trapping license, or special Department permit, of the
7 individual from whom the bird or mammal was received. In
8 the absence of a license or permit number, the taxidermist
9 may rely on the written certification of the person from
10 whom the bird or mammal was received that the specimen was
11 legally taken or obtained, or, in the event the individual
12 is exempt from the apposite license requirements, an
13 indication of such exemption.

14 (c) All birds or mammals or parts thereof that have been
15 received, preserved or mounted or possessed by a taxidermist
16 are required to bear a coded origin tag or label. The origin
17 tag or label shall correspond with written records containing
18 more complete information as required by the Department.

19 (d) Taxidermy records shall be open for inspection by any
20 peace officer at any reasonable hour. Taxidermists shall
21 maintain records for a period of 2 years from the date of
22 receipt of the bird or mammal or for as long as the specimen or
23 mount remains in the taxidermist's possession, whichever is
24 longer. The Department may require the taxidermist to submit to
25 it such information as it deems necessary.

26 (e) A licensed taxidermist may possess the green hides of

1 furbearers and other game mammals the year round as long as
2 such hides are tagged as and remain the property of the
3 individual who legally took them and for whom the taxidermist
4 is performing services.

5 (f) A licensed taxidermist may without a fur tanners permit
6 tan the green hides of furbearers and other game mammals as
7 long as such hides are tagged as and remain the property of the
8 individual who legally took them and for whom the taxidermist
9 is performing services.

10 (f.5) A licensed taxidermist may, without a fur buyer's
11 permit, buy, sell, transport and possess the green or tanned
12 hides of any legally obtained furbearer or game mammal the year
13 round as long as the hides in the taxidermist's possession are
14 used for taxidermy purposes only and bear a coded origin tag or
15 label. The origin tag or label shall correspond with written
16 records containing more complete information as required by the
17 Department.

18 (g) No taxidermist shall have in his or her possession any
19 bird or mammal that is not listed in his written records and
20 properly tagged or labeled.

21 (h) All persons licensed as taxidermists under this Act who
22 shall ship any birds or mammals or parts thereof that have been
23 received, preserved or mounted, shall tag or label such
24 shipment and such tag or label shall state the name of the
25 taxidermist and the number and date of his or her license.

26 (i) Nothing in this Section removes taxidermists from

1 responsibility for the observance of any federal laws, rules,
2 or regulations that may apply to the taxidermy business.

3 (Source: P.A. 88-416.)