



Rep. Tony McCombie

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1 AMENDMENT TO HOUSE BILL 2028

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2028 by replacing  
3 everything after the enacting clause with the following:

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

1 are valid only in the location described and designated in the  
2 application for the license. Wholesalers may deliver their  
3 products by truck or common carrier of any type but must  
4 possess a separate license for each truck from which aquatic  
5 life are being sold if business is solicited from the trucks.

6 Application for a non-resident aquatic life dealer's  
7 license shall be made to and upon forms furnished by the  
8 Department and shall be in the form as the Department may  
9 prescribe. The annual fee for a non-resident aquatic life  
10 dealer's license shall be \$100. All non-resident aquatic life  
11 dealer licenses shall expire on March 31 ~~January 31~~ of each  
12 year.

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

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

26 (1) Wholesale aquatic life dealer's license. Any

1 resident of this State who, within the State of Illinois,  
2 conducts a wholesale fish market or who sells or ships to  
3 any other wholesaler, retailer, or other commercial  
4 institution aquatic life protected by this Code, whether  
5 from waters within or without the State, is a resident  
6 wholesale aquatic life dealer in the meaning of this Code.

7 This provision, however, does not apply to minnows or  
8 saltwater species commonly used as seafood that will not  
9 survive in freshwater, such as lobsters, clams, mussels,  
10 and oysters.

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

24 (2) Retail aquatic life dealer's license. Any resident  
25 of the State of Illinois who, within the State of Illinois,  
26 conducts a retail fish market where he or she sells or

1 offers for sale any aquatic life protected by this Code,  
2 whether from waters from within or without the State, is a  
3 retail aquatic life dealer in the meaning of this Code.

4 This provision, however, does not apply to minnows or  
5 saltwater species commonly used as seafood that will not  
6 survive in freshwater, such as lobsters, clams, mussels,  
7 and oysters.

8 All licenses issued to resident aquatic life dealers  
9 are valid only in the location described and designated in  
10 the application for the license. Retailers may deliver  
11 their products by truck or other common carrier but must  
12 possess a separate license for each truck from which  
13 aquatic life is being sold if business is solicited from  
14 the truck.

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

21 (3) Separate licenses. A license shall be procured for  
22 each separate fish market or place of business operated by  
23 any wholesale or retail aquatic life dealer, whether a  
24 resident or non-resident, and for each vehicle from which  
25 aquatic life is sold. All licenses shall be conspicuously  
26 displayed at all times.

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

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

7           (515 ILCS 5/20-75) (from Ch. 56, par. 20-75)

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

13           The fee for a permit for residents of the State of Illinois  
14 shall be \$300 a year, and for non-residents of the State of  
15 Illinois the fee shall be \$2,500 a year. These permits shall  
16 expire on March 31 ~~the 31st day of January~~ of each year. A  
17 report of each year's activities of each person holding a  
18 permit shall be required as directed by the Department.

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

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

21           Sec. 20-80. Minnow dealers license; penalties. Any  
22 resident who, within the State of Illinois, sells or offers for  
23 sale, to any other wholesaler or retailer or for consumption,  
24 live minnows, whether from waters within or without the State

1 is an intrastate wholesale minnow dealer for purposes of this  
2 Code. Any person selling live minnows for stocking only or  
3 selling live minnows legally caught or taken by that person to  
4 a licensed wholesale minnow dealer, however, is exempt from the  
5 provisions of this Section.

6 (a) Before any resident commences activities as an  
7 intrastate wholesale minnow dealer, he or she shall first  
8 procure a license from the Department to do so. The fee for the  
9 license shall be \$25 and these licenses shall expire on March  
10 31 ~~upon the 31st day of January~~ of each year.

11 Before any resident commences activities as an intrastate  
12 retail minnow dealer, he or she shall first obtain a license  
13 from the Department to do so. The fee for the license shall be  
14 \$5 and these licenses shall expire on March 31 ~~upon the 31st~~  
15 ~~day of January~~ of each year.

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

1 individual possessing a valid sport fishing license shall be  
2 permitted to transport not more than 6 dozen live minnows  
3 obtained in Illinois across the borders of the State of  
4 Illinois.

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

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

9 (515 ILCS 5/20-85) (from Ch. 56, par. 20-85)

10 Sec. 20-85. Taxidermist license.

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

1 Licensed taxidermists shall submit to the Department a list  
2 naming all individuals who will be working at the place of  
3 business specified on the permit. Only those individuals whose  
4 names are on file with the Department shall be authorized to  
5 work under the scope of the taxidermist's license.

6 (b) Taxidermists shall keep written records of all aquatic  
7 life or parts of aquatic life received or returned by them.  
8 Records shall include the following information:

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

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

12 (3) The number and species of all aquatic life  
13 received.

14 (4) The number and state of issuance of the fishing  
15 license, or special Department permit, of the person from  
16 whom the aquatic life was received. In the absence of a  
17 license or permit number, the taxidermist may rely on the  
18 written certification of the person from whom the aquatic  
19 life was received that the specimen was legally taken or  
20 obtained, or, in the event the person is exempt from the  
21 apposite license requirements, an indication of the  
22 exemption.

23 (c) All aquatic life or parts of aquatic life that have  
24 been received, preserved, mounted, or possessed by a  
25 taxidermist are required to bear a coded origin tag or label.  
26 The coded origin tag or label shall correspond with written



1 records containing more complete information as required by the  
2 Department.

3 (d) Taxidermy records shall be open for inspection by any  
4 peace officer at any reasonable hour. Taxidermists shall  
5 maintain records for a period of 2 years from the date of  
6 receipt of the aquatic life or for as long as the specimen or  
7 mount remains in the taxidermist's possession, whichever is  
8 longer.

9 The Department may require the taxidermist to submit to it  
10 any information it deems necessary.

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

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

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

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

23 (515 ILCS 5/20-90) (from Ch. 56, par. 20-90)

24 Sec. 20-90. Aquaculture permits. Any person who shall  
25 engage in the breeding, hatching, propagation, or raising of

1 aquatic life, whether indigenous or non-indigenous to this  
2 State, shall first procure a permit from the Department to do  
3 so. Aquatic life specified, which is bred, hatched, propagated  
4 or raised by a person holding a permit as provided for in this  
5 Section, may be transported and sold for food or stocking  
6 purposes. Permittees who sell aquatic life propagated or raised  
7 under this permit are exempt from possessing a fish or minnow  
8 dealers license.

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

20 Nothing in this Section shall be construed to give  
21 permittees authority to take aquatic life in their wild or  
22 natural state, contrary to other provisions of this Code, or to  
23 remove the permittee from responsibility for the observance of  
24 any federal, State, or local laws, rules, or regulations that  
25 may apply to the aquatic life.

26 Aquaculture permit holders may harvest aquatic life on

1 licensed aquaculture facilities with commercial fishing  
2 devices without obtaining any license for these devices.

3 Before any person imports or receives live, non-indigenous  
4 aquatic life for aquaculture or stocking purposes in this  
5 State, permission must be obtained from the Department.  
6 Regulations governing non-indigenous aquatic life shall be  
7 covered by administrative rule.

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

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

15 Permitted aquaculture facilities are exempt from size,  
16 catch, and possession limits and seasons on aquatic life when  
17 harvested, sold, or transported, except when taken by sport  
18 fishing devices.

19 All permits issued under this Section are valid only in the  
20 location described and designated in the application for such  
21 permit.

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

23 (515 ILCS 5/20-92)

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

25 (a) Any resident wholesale aquatic life dealer who buys,

1 sells, or ships roe from roe-bearing species, whether from the  
2 waters within or without the State, must annually procure a  
3 commercial roe dealer permit from the Department in addition to  
4 an aquatic life dealers license. The annual fee for a  
5 commercial roe dealer permit is \$500 for resident wholesale  
6 aquatic life dealers and \$1,500 for non-resident aquatic life  
7 dealers. All commercial roe dealer permits shall expire on  
8 March 31 ~~May 31~~ of each year.

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

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

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

17 (515 ILCS 5/20-95) (from Ch. 56, par. 20-95)

18 Sec. 20-95. Daily fee fishing area. Any person owning,  
19 controlling, or operating a water area, including access to  
20 this water area, that is used for fishing by those either  
21 directly or indirectly paying a daily fee for fishing shall  
22 make application to the Department for a license as provided in  
23 this Section. Upon receipt of an application, the Department  
24 shall inspect the proposed licensed area described in the  
25 application, the size and number of water areas, source of fish

1 for stocking, species of fish to be stocked and determine the  
2 ability of the applicant to properly supervise a property of  
3 this character. If the Department finds that (i) the area is  
4 suitable for the purpose intended, (ii) the operation of the  
5 property is not a menace or being established contrary to the  
6 laws of this State, (iii) the operations of the fee fishing  
7 area will not work a fraud upon individuals utilizing the  
8 facilities, and (iv) the issuing of the license will be in the  
9 public interest, then the Department shall approve the  
10 application and issue a license to operate a "Daily Fee Fishing  
11 Area" as described in the application.

12 The fee for a license issued under this Section shall be  
13 \$50 annually, and the license shall expire on March 31 ~~the~~  
14 ~~January 31~~ following its issuance.

15 Records of the season's operations, as may be required by  
16 the Department, shall be forwarded to the Department by the  
17 licensee within 30 days after the expiration date of the  
18 license.

19 The Department may refuse to issue, refuse to renew,  
20 suspend, or revoke any license issued under this Section if the  
21 Department finds that the licensed area or its operator is not  
22 in compliance with this Section. The Department, however, shall  
23 not refuse to issue or renew, or suspend or revoke, any license  
24 for any cause other than the protection of public health and  
25 safety or if the area is operated unlawfully, unless the  
26 licensee affected is given at least 15 days notice, in writing,

1 of the reasons for the action of the Department and given an  
2 opportunity to appear before the Department or its  
3 representative in opposition to the action of the Department.  
4 (Source: P.A. 89-66, eff. 1-1-96.)

5 Section 10. The Wildlife Code is amended by changing  
6 Section 3.21 as follows:

7 (520 ILCS 5/3.21) (from Ch. 61, par. 3.21)

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

23 Licensed taxidermists shall submit to the Department a list  
24 naming all individuals who will be working at the place of

1 business specified on the license. Only those individuals whose  
2 names are on file with the Department shall be authorized to  
3 work under the scope of the taxidermist's license.

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

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

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

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

12 (4) The number and state of issuance of the hunting or  
13 trapping license, or special Department permit, of the  
14 individual from whom the bird or mammal was received. In  
15 the absence of a license or permit number, the taxidermist  
16 may rely on the written certification of the person from  
17 whom the bird or mammal was received that the specimen was  
18 legally taken or obtained, or, in the event the individual  
19 is exempt from the apposite license requirements, an  
20 indication of such exemption.

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

26 (d) Taxidermy records shall be open for inspection by any

1 peace officer at any reasonable hour. Taxidermists shall  
2 maintain records for a period of 2 years from the date of  
3 receipt of the bird or mammal or for as long as the specimen or  
4 mount remains in the taxidermist's possession, whichever is  
5 longer. The Department may require the taxidermist to submit to  
6 it such information as it deems necessary.

7 (e) A licensed taxidermist may possess the green hides of  
8 furbearers and other game mammals the year round as long as  
9 such hides are tagged as and remain the property of the  
10 individual who legally took them and for whom the taxidermist  
11 is performing services.

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

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

25 (g) No taxidermist shall have in his or her possession any  
26 bird or mammal that is not listed in his written records and



1 properly tagged or labeled.

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

7 (i) Nothing in this Section removes taxidermists from  
8 responsibility for the observance of any federal laws, rules,  
9 or regulations that may apply to the taxidermy business.

10 (Source: P.A. 88-416.)".