

1 Introduced by Senator X
2 Referred to Committee on Fish, Wildlife and Water Resources
3 Date:
4 Subject: Conservation; fish and wildlife; wildlife control operators
5 Statement of purpose: This bill proposes to establish a licensing procedure and
6 standards for the business of providing wildlife control services for a fee.

7 AN ACT RELATING TO WILDLIFE CONTROL OPERATORS

8 It is hereby enacted by the General Assembly of the State of X:

9 Sec. 1. 10 X.S.A. chapter 20 is added to read:

10 CHAPTER 20. WILDLIFE CONTROL OPERATORS

11 § 1101. DEFINITIONS

12 As used in this chapter:

13 (1) “Animals” or “wildlife” shall mean free-roaming wild animals which
14 are designated on the wildlife control operator license by the department as
15 species that may be controlled under this chapter by a wildlife control operator.

16 Pets or domestic animals shall not be included.

17 (2) “Commissioner” means the commissioner of the department of fish
18 and wildlife.

1 (3) “Department” means the department of fish and wildlife.

2 (4) “Euthanasia” means the act of killing of an animal by a method that
3 conforms to the most recently published Report of the American Veterinary
4 Medical Association Panel on Euthanasia. “Euthanize” means to kill an
5 animal by such method.

6 (5) “Site of capture” means the parcel of land on which the animal was
7 captured and which is owned or leased by the person who controlled the
8 animal or who engaged a wildlife control operator to effect such control.

9 (6) “Wildlife control operator” (WCO) means a person who is licensed
10 under this chapter to perform wildlife control services.

11 (7) “Wildlife control services” means to harass, repel, evict, exclude,
12 possess, transport, liberate, take or destroy a wild animal that is damaging
13 property or posing a health or safety risk to persons or domestic animals. Such
14 services may include placing, setting and tending to traps or capture devices
15 and disturbing, removing or destroying dens, lodges, burrows or nests.

16 § 1102. WILDLIFE CONTROL OPERATOR LICENSE

17 (a) No person shall engage in the business of providing wildlife control
18 services for a fee unless the person is licensed under this chapter.

19 (b) A person may obtain a license from the commissioner upon meeting the
20 requirements set forth in section 1103 of this chapter. The commissioner may

1 deny a license if the applicant fails to meet requirements in section 1103 of this
2 chapter or if the applicant was convicted of any violation or criminal offense
3 involving wildlife or cruelty to animals within the previous five years.

4 (c) A license shall expire at midnight of January 31 and may be renewed
5 annually.

6 § 1103. QUALIFICATIONS FOR A LICENSE

7 To obtain a wildlife control operator license, an applicant shall satisfy all of
8 the following criteria:

9 (1) be at least 18 years of age;

10 (2) attend a wildlife control operator training class provided by the
11 department pursuant to section 1104 of this chapter;

12 (3) pass a written examination with a score of at least 80%;

13 (4) not be under license suspension or revocation by the department; and

14 (5) pay a fee of \$50.00.

15 § 1104. TRAINING COURSE

16 (a) The commissioner shall develop a training course for applicants for a
17 wildlife control operator license. The commissioner may contract with an
18 agency, business or organization to provide the course on behalf of the agency,
19 however the agency shall ensure that the course meets the requirements of this
20 section.

1 (b) The training course shall be provided at departmental discretion and
2 shall provide instruction on the following:

3 (1) wildlife biology, life cycles, habits and diseases;

4 (2) wildlife damage identification and site evaluation;

5 (3) integrated wildlife damage management;

6 (4) methods of approved lethal and nonlethal resolution of common

7 wildlife problems, including frightening devices, repellents, one-way door

8 exclusion and other exclusion methods, habitat modification and live-trap and

9 release;

10 (5) handling of infant and immature wildlife and techniques to limit the
11 possibility of orphaning;

12 (6) humane capture, handling and transport of wildlife;

13 (7) techniques to prevent reoccurrence of problems;

14 (8) disposition of sick or injured wildlife;

15 (9) euthanasia and disposal of carcasses; and

16 (10) applicable wildlife laws, rules and policies.

17 § 1105. EXAMINATION

18 (a) The commissioner shall develop an examination for testing knowledge

19 related to wildlife control services. The examination shall test the applicant on

1 subject matter listed in the training course requirements under subsection (b) of
2 section 1104 of this chapter.

3 (b) An applicant shall receive a passing grade of 80% to qualify for a
4 license. If an applicant fails the exam, the applicant shall wait 30 days before
5 retaking the exam. If the applicant fails a second time, the applicant shall wait
6 a period of six months before retaking the exam.

7 § 1106. GENERAL LICENSE CONDITIONS

8 (a) A wildlife control operator may control only animals which are
9 designated on the license. The department shall identify the species of animals
10 that may be controlled and specify the methods that may be utilized to capture
11 each species.

12 (b) A wildlife control operator shall abide by all state and federal laws that
13 apply to the taking of wildlife with the exception of season dates and bag limits
14 unless specifically authorized by the department.

15 (c) A wildlife control operator may control only an animal that is causing
16 actual damage to property or posing an immediate health or safety threat to
17 persons or domestic animals. An animal shall not be taken if the cause of the
18 problem with the animal is brought about by provocation or harassment of the
19 animal, or improper disposal of garbage or creation of a similar attractant. The
20 mere presence of an animal shall not constitute a valid basis for control.

1 (d) A wildlife control operator shall fully describe to the client the nature of
2 the problem, the available control methods to alleviate the problem, and shall
3 further advise the client as to the methods and practices which the client may
4 employ in the future to avoid a recurrence of the problem. The wildlife control
5 operator shall provide a written statement to the client, approved by the
6 commissioner, regarding approved lethal and nonlethal options available to the
7 client. A wildlife control operator shall employ or recommend exclusionary
8 means in preference to lethal means for the control of problem animals. Lethal
9 control shall be utilized only when public safety is immediately threatened or
10 when nonlethal control methods have been employed to address the specific
11 problem at the site and have proven unsuccessful.

12 (e) Prior to undertaking any control measures, the wildlife control operator
13 shall provide to the client, in writing, the conditions which constitute a
14 mutually agreed upon solution and an estimate of the fee to be charged. If
15 lethal control is to be used, including live capture and euthanasia, the wildlife
16 control operator shall provide notice to the client, in writing, and the client
17 shall sign a statement consenting to the use of lethal control.

18 (f) Wildlife, or parts thereof, shall not be sold, traded, given to another or
19 retained for any purpose.

20 (g) Wildlife control operators shall obtain adequate liability insurance.

The Humane Society of the United States

Recommended NWCO Standards

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(7.1)

1 § 1107. CAPTURE, HANDLING AND TRANSPORT OF WILDLIFE

2 (a) All traps shall be checked at least once every 24 hours. If a wildlife
3 control operator is notified that an animal is caught in a trap, the wildlife
4 control operator shall attend to the trap in a timely and reasonable manner.

5 (b) Wildlife shall be captured and handled in a expeditious and careful
6 manner to ensure no unnecessary discomfort, behavioral stress or physical
7 harm to the animal.

8 (c) Notwithstanding subsection (d) of this section, captured wildlife shall
9 be released at the site of capture, relocated to a suitable location where
10 nuisance problems are unlikely to occur, transferred to a wildlife rehabilitator
11 if the animal is sick, injured or abandoned, or euthanized. Release at site of
12 capture shall be preferable to any other option. Wildlife shall not be possessed
13 in captivity longer than 12 hours unless specifically authorized by the
14 department.

15 (d) A wildlife control operator shall make a reasonable effort to reunite
16 dependent young with their mother. Captured wildlife may be held in captivity
17 for up to 72 hours when reunion attempts are employed. A wildlife control
18 operator shall not knowingly abandon dependent
19 young in a structure.

1 (e) Captured non-target wildlife which are neither causing actual damage or
2 an immediate threat to the health or safety of persons or domestic animals shall
3 be released immediately at the site of capture.

4 (f) Wildlife shall be transported in a secure manner that does not jeopardize
5 the life, health or behavioral well-being of the animal.

6 § 1108. EUTHANASIA OF WILDLIFE

7 (a) A wildlife control operator shall kill animals only by methods that
8 conform to the most recently published Report of the American Veterinary
9 Medical Association Panel on Euthanasia.

10 (b) While circumstances may influence the method available to the wildlife
11 control operator, the method used shall be the least stressful, quickest and most
12 painless to the animal available.

13 (c) Failure to abide by the approved methods of euthanasia may result in
14 suspension or revocation of the wildlife control operator license, prosecution
15 under the animal cruelty statute, or both.

16 § 1109. SERVICE RECORDS AND ANNUAL REPORTS

17 (a) A wildlife control operator shall maintain records of all wildlife control
18 services documenting the following information at each service call:

19 (1) complainant's name, address and phone number;

20 (2) date(s) of service;

1 (3) nature of the complaint;

2 (4) methods employed to alleviate problem;

3 (5) number and species of all animals handled; and

4 (6) disposition of all animals, including method of euthanasia, location
5 of release site, or name, address and phone number of wildlife rehabilitator
6 who receives an animal.

7 (b) On or before January 1 of each year, a wildlife control operator shall
8 submit copies of service records required under subsection (a) of this section
9 and an accurate summary of activities of the preceding calendar year on forms
10 provided by the department. The summary shall contain the following
11 information:

12 (1) total number of complaints received;

13 (2) total number of complaints serviced;

14 (3) name, phone number and address of wildlife control operator;

15 (4) number and kinds of animals liberated at site of capture or relocated;

16 (5) number and kinds of animals transferred to a wildlife rehabilitator;

17 and

18 (6) number and kinds of animals euthanized and method of euthanasia
19 employed.

1 (c) All wildlife control operator records shall be available for inspection by
2 the commissioner or his or her designee at any reasonable time.

3 (d) Failure to keep records in compliance with subsection (a) of this
4 section, to submit an annual summary report or to permit a department
5 representative to inspect records may result in suspension or revocation of the
6 wildlife control operator license.

7 (e) The department shall keep records of all wildlife control operator
8 service records and summary reports and shall compile the information in an
9 annual report each year no later than June 1.

10 § 1110 CONTINUING WILDLIFE CONTROL EDUCATION COURSE;
11 RECERTIFICATION

12 (a) The commissioner shall develop a continuing wildlife control education
13 course each year for licensed wildlife control operators. The commissioner
14 may contract with an agency, business or organization to provide the course on
15 behalf of the agency, however the agency shall ensure that the course meets the
16 requirements of this section. The course shall provide updated information on
17 the subject matter listed in subsection (b) of section 1104 of this chapter. The
18 continuing wildlife control education course shall be available to wildlife
19 control operators at least once a year.

1 (b) A wildlife control operator shall successfully complete a recertification
2 training course at least once during the 36 months immediately following the
3 successful completion of the examination provided pursuant to section 1105 of
4 this chapter. Recertification training may include the continuing wildlife
5 control education course provided by the department pursuant to subsection (a)
6 of this section or an alternate course previously approved by the commissioner.

7 § 1111. SUSPENSION OR REVOCATION OF LICENSE

8 (a) A wildlife control operator license may be suspended or revoked if the
9 applicant:

10 (1) violates the provisions of this chapter or the conditions of the
11 license;

12 (2) engages in fraudulent business practices in violation of the public
13 trust;

14 (3) is the subject of three valid complaints during a 12 month period;

15 (4) is convicted of a wildlife-related violation or misdemeanor; or

16 (5) is convicted of misdemeanor animal cruelty.

17 (b) A wildlife control operator license shall be revoked if the applicant:

18 (1) is convicted of a wildlife-related felony; or

19 (2) is convicted of an animal cruelty felony.

1 § 1112. COMPLAINTS

2 The department shall keep a record of any written or verbal complaint
3 lodged against a wildlife control operator and shall document action taken by
4 the department in response to the complaint and the resolution of the
5 complaint.