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70-4-404. Permits — Fees. —


(a) The agency shall issue permits for possessing live wildlife as defined in this part.


(b) (1) The commission shall adopt reasonable rules for issuing permits to possess live wildlife and establishing the conditions of possessing wildlife. The conditions shall be directed toward assuring the health, welfare, and safety of animals, the public and, where necessary, the security of facilities in which the animals are kept.


(2) The executive director of the agency may authorize by letter permission to possess any class of wildlife for approved research studies or for the temporary holding of animals in the interest of public safety. The executive director may exempt specific events from the caging and handling requirements established for Class I wildlife. Approval of an exemption will be based on a written request that outlines safety precautions that must be implemented during the specified activity.

(c) Class I wildlife.

(1) Persons legally possessing Class I wildlife prior to June 25, 1991, shall obtain annually a personal possession permit to keep such Class I wildlife. To obtain a personal possession permit, such persons shall comply with all of the provisions of this part. After June 25, 1991, no new animals shall be brought into possession under authority of a personal possession permit. Persons in legal possession of one (1) or more species of Class I wildlife as of June 25, 1991, may maintain the lineage of such species up to a maximum of three (3) animals per species. Persons in legal possession of the offspring of such Class I wildlife shall have a maximum of twelve (12) months from the date of birth of such offspring to obtain appropriate permits for such offspring, or to dispose of such offspring through an appropriate commercial propagator, or by any other manner permitted by law within the state. The provisions of this section apply solely to persons in legal

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possession of Class I wildlife as of June 25, 1991, and shall not be construed to authorize new personal possession of Class I wildlife.

(2) The executive director shall issue a permit upon a satisfactory showing of qualifications to possess live wildlife under the following conditions:

(A) The applicant must be at least twenty-one (21) years of age;

(B) The applicant must have at least two (2) years of experience in the handling or care of the Class I species for which the applicant is applying, or, in the alternative, must take a written examination, developed and administered by the agency, evidencing basic knowledge of the habits and requirements, in regard to proper diet, health care, exercise needs and housing of the species to be covered by the permit. Experience gained while in violation of this part shall not be considered qualifying experience;

(C) The facilities for holding Class I wildlife must be located on the premises on which the permit holder resides or shall have a full-time resident caretaker to supervise the care and security of the facilities. Facilities for Class I animals may not be on premises of less than one (1) acre for a personal possession permit and three (3) acres for a commercial propagator facility permit, and may not be located in a multi-unit dwelling or trailer park; and

(D) The applicant must have a plan for the quick and safe recapture of the wildlife, or if recapture is impossible, for the destruction of any animal held under the permit. The applicant must have the legal authority to possess weapons or other equipment necessary to carry out the plan and, in fact, possess such weapons or other equipment.

(3) The permittee shall control and maintain Class I wildlife at all times in such a manner as to prevent direct exposure or contact between the animal or animals and the public; provided, that a trained elephant may be brought into contact with the public under the close supervision of a qualified trainer or handler.

(d) No person shall hold live wildlife in captivity without first obtaining the appropriate permit as provided in this part. The annual permits and fees for holding live wildlife are as follows:

(1) Personal Possession.

(A) Class I: \$150/animal or \$1,000/facility; and

(B) Class II: \$10.00/animal or \$100/facility;

(2) Transfer of Ownership. A permit for transferring any Class I or II animal held under a personal possession permit. If the transfer of the animal is ordered by the agency, no transfer permit is required;

(3) Commercial Propagator. \$1,000/facility for Class I wildlife;

(4) Propagator. \$25.00/facility for small game birds and waterfowl; and \$100/facility for all Class II wildlife except small game birds and waterfowl;

(5) Importation. \$10.00/shipment or \$100 per year;

(6) Temporary Exhibitor. \$100/30 day period;

(7) Permanent Exhibitor. \$500/year/facility;

(8) Commercial Wildlife Preserve. \$150/year for big game; and \$75.00/year for small game;

(9) Falconry. \$40.00/year or other time period as might coincide with federal permit requirements;

(10) Qualification Examination. \$10.00/examination; and

(11) Zoos, Nature Centers, Rehabilitation Centers, and Educational Exhibits Certified As Nonprofit. No charge.

[Acts 1991, ch. 487, § 1.]