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A.B. 299

ASSEMBLY BILL NO. 299—ASSEMBLYWOMEN
BILBRAY-AXELROD AND TITUS

MARCH 16, 2021

Referred to Committee on Natural Resources

SUMMARY—Makes various changes relating to wildlife.
(BDR 45-733)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to wildlife; providing for the issuance of a salvage permit to certain persons for the salvage and possession of certain animals hit and killed by a motor vehicle; imposing certain requirements on a holder of a salvage permit; authorizing a peace officer to make certain inspections; prohibiting a person from selling, bartering or exchanging the carcass of such an animal; providing that a peace officer, agency employing a peace officer and the Department of Wildlife are not liable with respect to any use made of the carcass of such an animal; prohibiting the salvaging and taking possession of such animals from the reservation lands of any Indian tribe in this State; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 **Section 1** of this bill provides that a salvageable animal which is accidentally
2 killed as a result of a vehicle collision may be salvaged and possessed by the driver
3 of the vehicle that hit the salvageable animal or by another person who did not hit
4 the salvageable animal but found the killed salvageable animal if the driver or
5 person obtains a salvage permit: (1) from a peace officer; (2) at an office of the
6 Department of Wildlife; or (3) through an electronic application established by the
7 Department. **Section 1** defines “salvageable animal” as a big game mammal, fur-
8 bearing mammal, game mammal or upland game bird. **Section 1** requires a salvage
9 permit to be available to a driver or person at no cost and further requires certain
10 information be provided to obtain the salvage permit. **Section 1** requires the driver
11 or person to: (1) completely remove the carcass of the salvageable animal from the
12 road or road right-of-way; (2) ensure that the meat rendered from the salvageable



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13 animal is only used for human consumption; and (3) deliver and surrender the head,
14 hide, antlers, horns or tusks of the salvageable animal to the Department within 5
15 business days after the driver or person taking possession of the salvageable animal.
16 If the salvageable animal is accidentally hit and rendered crippled or helpless,
17 **section 1** allows certain persons or peace officers to kill the salvageable animal in a
18 humane manner. **Section 1** authorizes a peace officer to inspect the carcass of the
19 salvageable animal and the motor vehicle that accidentally hit the salvageable
20 animal before issuing a salvage permit and a game warden to inspect the carcass
21 and motor vehicle 20 days thereafter. **Section 1** authorizes the driver or person to
22 place all or part of the carcass of the salvageable animal in storage or make a gift of
23 the carcass to another person. **Section 1** prohibits any portion of the carcass of a
24 salvageable animal from being sold, bartered or exchanged. **Section 2** of this bill
25 makes a conforming change by providing that such a sale, barter or exchange is an
26 unlawful sale, barter or exchange, with certain exceptions. **Section 1** provides that a
27 driver or person who salvages and takes possession of the carcass of a salvageable
28 animal does so at his or her own risk and further provides that the peace officer,
29 agency employing the peace officer and the Department are not liable with respect
30 to any use made of the carcass. **Section 1** prohibits the salvage and taking
31 possession of a salvageable animal from the reservation lands of any Indian tribe in
32 this State. Finally, **section 1** provides that a person who: (1) intentionally hits and
33 renders crippled or helpless or kills a salvageable animal shall be punished for a
34 category E felony; and (2) otherwise violates any provision of **section 1** is guilty of
35 a misdemeanor. **Section 3** of this bill makes a conforming change by providing that
36 any person who violates certain provisions of **section 1** is guilty of a misdemeanor.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 501 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *1. A salvageable animal accidentally killed as a result of a*
4 *vehicle collision in this State may be salvaged and possessed if the*
5 *driver of the vehicle that hit the salvageable animal or another*
6 *person who did not hit the salvageable animal but found the killed*
7 *salvageable animal obtains a salvage permit:*

8 *(a) From a peace officer who is at the scene of the accident;*

9 *(b) At an office established throughout this State pursuant to*
10 *NRS 501.341 within 24 hours of the driver or person taking*
11 *possession of the salvageable animal; or*

12 *(c) Through an electronic application and issuance process*
13 *established by the Department within 24 hours of the driver or*
14 *person taking possession of the salvageable animal.*

15 *↪ A salvage permit shall be available at no cost to the driver or*
16 *person seeking to obtain the salvage permit.*

17 *2. The Department shall provide salvage permit forms to*
18 *peace officers on request. The salvage permit may only be issued*
19 *in the name of the driver of the vehicle or the person who found*
20 *the salvageable animal. The salvage permit is not transferable.*
21 *The salvage permit form shall require the following information:*



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- 1 (a) *The name and address of the driver or person;*
2 (b) *A description of the salvageable animal that was killed;*
3 (c) *Whether the salvageable animal was rendered crippled or*
4 *helpless and killed pursuant to subsection 4 or 5;*
5 (d) *The date of the collision or the finding of the salvageable*
6 *animal;*
7 (e) *The specific location of the collision or the finding of the*
8 *salvageable animal;*
9 (f) *A description of the motor vehicle that hit the salvageable*
10 *animal, if applicable;*
11 (g) *The destination to which the carcass of the salvageable*
12 *animal will be transported;*
13 (h) *The name of the peace officer who issued the permit, if*
14 *applicable; and*
15 (i) *An acknowledgement that the carcass is being salvaged at*
16 *the permit holder's own risk and that this State is not liable for*
17 *any loss or damage arising out of the salvage, possession, use,*
18 *transport or consumption of the salvageable animal.*
19 3. *A driver or person who salvages and takes possession of a*
20 *salvageable animal pursuant to this section must:*
21 (a) *Completely remove the carcass of the salvageable animal*
22 *from the road or road right-of-way by taking the entire carcass,*
23 *including entrails;*
24 (b) *Ensure that any meat rendered from the salvageable*
25 *animal is utilized for human consumption and is not used for bait*
26 *or any other purpose; and*
27 (c) *Within 5 business days after taking possession of the*
28 *carcass of the salvageable animal, deliver and surrender the head,*
29 *hide, antlers, horns or tusks, if applicable, to the Department in*
30 *the manner set forth by the Department.*
31 4. *A salvage permit may not be issued for the salvage,*
32 *possession, transport or use of any salvageable animal that was*
33 *rendered crippled or helpless as a result of a vehicle collision and*
34 *then killed in a humane manner, unless the person seeking the*
35 *salvage permit is:*
36 (a) *The driver of the vehicle that accidentally hit the*
37 *salvageable animal, thus rendering it crippled or helpless; or*
38 (b) *Another person who did not hit the salvageable animal but*
39 *found the salvageable animal crippled or helpless.*
40 ↳ *Any person who humanely kills a crippled or helpless*
41 *salvageable animal pursuant to this subsection shall immediately*
42 *report the killing to a peace officer or the Department.*
43 5. *A peace officer may humanely kill any salvageable animal*
44 *rendered crippled or helpless by an accidental vehicle collision,*



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1 and the Department or peace officer may thereafter issue a
2 salvage permit for the carcass.

3 6. When a driver or person salvages and takes possession of a
4 salvageable animal, the driver or person shall comply with all
5 applicable rules and regulations governing the highways of this
6 State.

7 7. A peace officer may inspect the carcass and motor vehicle
8 before issuing the salvage permit, if applicable. The carcass and
9 motor vehicle, if applicable, are subject to inspection by a game
10 warden within 20 days after the issuance of a salvage permit. If
11 the carcass has been processed or if the motor vehicle has been
12 repaired, the game warden may inspect the invoices or other
13 documents recording the processing or repair.

14 8. A driver or person who salvages and takes possession of
15 the carcass of a salvageable animal pursuant to this section may
16 place all or part of the carcass in storage or may make a gift of the
17 carcass to another person. No portion of any carcass of a
18 salvageable animal salvaged and possessed pursuant to this
19 section may be sold, bartered or exchanged.

20 9. A salvage permit carries no representation or implication
21 that any part of the carcass of a salvageable animal is edible. A
22 driver or person who salvages and takes possession of the carcass
23 of a salvageable animal does so at his or her own risk. The peace
24 officer, agency employing the peace officer and the Department
25 are not liable with respect to any use made of the carcass of a
26 salvageable animal.

27 10. This section does not authorize the salvage or taking
28 possession of salvageable animals from the reservation lands of
29 any Indian tribe in this State.

30 11. A person who:

31 (a) Intentionally hits and renders crippled or helpless or kills a
32 salvageable animal shall be punished for a category E felony as
33 provided in NRS 193.130; and

34 (b) Except as otherwise provided in paragraph (a), violates any
35 provision of this section, is guilty of a misdemeanor pursuant to
36 NRS 501.385.

37 12. As used in this section:

38 (a) "Peace officer" means:

39 (1) A sheriff, deputy sheriff, undersheriff, officer of a
40 metropolitan police department or city police officer;

41 (2) A chief, inspector, supervisor, commercial officer or
42 trooper of the Nevada Highway Patrol Division of the Department
43 of Public Safety;

44 (3) A game warden;



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1 (4) *A ranger or employee of the Division of State Parks of*
2 *the State Department of Conservation and Natural Resources who*
3 *has the powers of a peace officer pursuant to NRS 289.260; or*

4 (5) *A member of the police department of the Nevada*
5 *System of Higher Education.*

6 (b) *“Salvage permit” means a permit issued pursuant to this*
7 *section.*

8 (c) *“Salvageable animal” means a big game mammal, fur-*
9 *bearing mammal, game mammal or upland game bird. The term*
10 *does not include alternative livestock, migratory game birds or any*
11 *protected, threatened or sensitive mammals, as described in the*
12 *regulations of the Board of Wildlife Commissioners.*

13 **Sec. 2.** NRS 501.379 is hereby amended to read as follows:

14 501.379 1. Except as otherwise provided in this section:

15 (a) It is unlawful for any person to sell or expose for sale, to
16 barter, trade or purchase or to attempt to sell, barter, trade or
17 purchase any species of wildlife, or parts thereof, except as
18 otherwise provided in this title or in a regulation of the Commission.

19 (b) The importation and sale of products made from the meat of
20 game mammals, game birds or game amphibians raised in captivity
21 is not prohibited if the importation is from a licensed commercial
22 breeder or commercial processor.

23 (c) *It is unlawful for any person to sell, barter or exchange or*
24 *expose for sale, to barter or exchange or to attempt to sell, barter*
25 *or exchange any portion of a carcass of a salvageable animal in*
26 *violation of section 1 of this act.*

27 2. The provisions of this section do not apply to alternative
28 livestock and products made therefrom.

29 3. *As used in this section, “salvageable animal” has the*
30 *meaning ascribed to it in section 1 of this act.*

31 **Sec. 3.** NRS 501.385 is hereby amended to read as follows:

32 501.385 Except as otherwise provided by specific statute:

33 1. Any person who:

34 (a) Performs an act or attempts to perform an act made unlawful
35 or prohibited by a provision of this title;

36 (b) Willfully fails to perform an act required of the person by a
37 provision of this title;

38 (c) Obstructs, hinders, delays or otherwise interferes with any
39 officer, employee or agent of the Department:

40 (1) In the performance of any duty while enforcing or
41 attempting to enforce any provision of this title or any regulation
42 adopted pursuant thereto; or

43 (2) While lawfully obtaining or attempting to obtain
44 biological samples of wildlife, hunting, fishing or trapping data, or
45 any other biological data or information relating to wildlife;



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1 (d) Violates any order issued or regulation adopted by the
2 Commission under the provisions of this title; ~~for~~
3 (e) Having been granted a privilege or been licensed or
4 permitted to do any act under the provisions of this title, exercises
5 the grant, license or permit in a manner other than as specified ~~for~~ ;
6 *or*
7 *(f) Except as otherwise provided in paragraph (a) of*
8 *subsection 11 of section 1 of this act, violates any provision of*
9 *section 1 of this act,*
10 ↪ is guilty of a misdemeanor. An officer, employee or agent of the
11 Department may not obtain or attempt to obtain biological samples
12 of wildlife, hunting, fishing or trapping data, or any other biological
13 data or information relating to wildlife on private property without
14 the consent of the owner of the property.
15 2. Every person who is guilty of a misdemeanor under this title
16 shall be punished by a fine of not less than \$50 nor more than \$500,
17 or by imprisonment in the county jail for not more than 6 months, or
18 by both fine and imprisonment.

