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State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH SESSION

HOUSE FILE NO. 1629

March 12, 2009
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The bill was read for the first time and referred to the Committee on Environment Policy and Oversight

A bill for an act

relating to natural resources; modifying restrictions and conforming penalties on shining artificial lights; amending Minnesota Statutes 2008, sections 97A.331, subdivision 2; 97B.081.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2008, section 97A.331, subdivision 2, is amended to read:

Subd. 2. **Shining.** A person that violates section 97B.081, subdivision 1, relating to the use of an artificial light to locate wild animals ~~while in possession of a firearm, bow, or other implement capable of killing big game~~ is guilty of a gross misdemeanor.

Sec. 2. Minnesota Statutes 2008, section 97B.081, is amended to read:

97B.081 USING ARTIFICIAL LIGHTS TO LOCATE ANIMALS.

Subdivision 1. **With ~~firearms and bows~~ implements to take wild animals.** ~~(a)~~ Except as provided in subdivision 3, a person may not cast the rays of a spotlight, headlight, or other artificial light on a highway, or in a field, woodland, or forest, to spot, locate, or take a wild animal~~, except while taking raccoons in accordance with section 97B.621, subdivision 3, or tending traps in accordance with section 97B.931,~~ while having in possession, either individually or as one of a group of persons, a firearm, bow, or other implement that could be used to ~~kill~~ take big game, small game, or unprotected wild animals.

~~(b) This subdivision does not apply to a firearm that is:~~

~~(1) unloaded;~~

~~(2) in a gun case expressly made to contain a firearm that fully encloses the firearm by being zipped, snapped, buckled, tied, or otherwise fastened without any portion of the firearm exposed; and~~

~~(3) in the closed trunk of a motor vehicle.~~

~~(c) This subdivision does not apply to a bow that is:~~

~~(1) completely encased or unstrung; and~~

~~(2) in the closed trunk of a motor vehicle.~~

~~(d) If the motor vehicle under paragraph (b) or (c) does not have a trunk, the firearm or bow must be placed in the rearmost location of the vehicle.~~

~~(e) This subdivision does not apply to persons taking raccoons under section 97B.621, subdivision 3.~~

~~(f) This subdivision does not apply to a person hunting fox or coyote from January 1 to March 15 while using a handheld artificial light, provided that the person:~~

~~(1) is on foot;~~

~~(2) is using a shotgun;~~

~~(3) is not within a public road right-of-way;~~

~~(4) is using a handheld or electronic calling device; and~~

~~(5) is not within 200 feet of a motor vehicle.~~

Subd. 2. **Without ~~firearms~~ implements to take wild animals.** (a) ~~Between the hours of 10:00 p.m. and 6:00 a.m. from September 1 to December 31,~~ Except as provided in subdivision 3, from two hours after sunset until sunrise, a person may not cast the rays of a spotlight, headlight, or other artificial light on a highway, or in a field, woodland, or forest to spot~~,~~ or locate~~, or take~~ a wild animal ~~except to take raccoons under section 97B.621, subdivision 3, or to tend traps under section 97B.931~~.

(b) ~~Between one-half hour after sunset until sunrise,~~ Except as provided in subdivision 3, a person may not cast the rays of a spotlight, headlight, or other artificial light ~~to spot, locate, or take a wild animal~~ on fenced, agricultural land. ~~containing livestock, as defined in section 17A.03, subdivision 5, or poultry that is marked with signs prohibiting the shining of lights. The signs must:~~

~~(1) display reflectorized letters that are at least two inches in height and state "no shining" or similar terms; and~~

~~(2) be placed at intervals of 1,000 feet or less along the boundary of the area.~~

~~(c) It is not a violation of paragraph (a) or (b) for a person to carry out any agricultural, occupational, or recreational practice, including snowmobiling that is not related to spotting, locating, or taking a wild animal.~~

~~(d) Between the hours of 6:00 p.m. and 6:00 a.m.~~ (c) Except as provided in subdivision 3, a person may not ~~project a spotlight or handheld~~ cast an artificial light onto residential property or building sites from a ~~moving~~ motor vehicle ~~being operated on land, except for the following purposes:~~.

~~(1) safety;~~

~~(2) emergency response;~~

~~(3) normal vehicle operations; or~~

~~(4) performing an occupational duty.~~

(d) Except as provided in subdivision 3, a person may not at any time cast the rays of a spotlight, headlight, or other artificial light onto property posted with signs prohibiting the shining of lights onto the property. When signs are posted, the signs shall display letters that are at least two inches in height and state "no shining" or similar terms and shall be placed at intervals of 500 feet or less along the boundary of the property.

Subd. 3. **Exceptions.** (a) It is not a violation of this section for a person to:

(1) cast the rays of a spotlight, headlight, or other artificial light to take raccoons according to section 97B.621, subdivision 3, or tend traps according to section 97B.931;

(2) hunt fox or coyote from January 1 to March 15 while using a handheld artificial light, provided that the person is:

(i) on foot;

(ii) using a shotgun;

(iii) not within a public road right-of-way;

(iv) using a handheld or electronic calling device; and

(v) not within 200 feet of a motor vehicle; or

(3) cast the rays of a handheld artificial light to retrieve wounded or dead big game animals, provided that the person is:

(i) on foot; and

(ii) not in possession of a firearm or bow.

(b) It is not a violation of subdivision 2 for a person to cast the rays of a spotlight, headlight, or other artificial light to:

(1) carry out any agricultural, safety, emergency response, normal vehicle operation, or occupational-related activities that do not involve taking wild animals; or

(2) carry out outdoor recreation as defined in section 97B.001 that is not related to spotting, locating, or taking a wild animal.

Sec. 3. **TEMPORARY WARNING REQUIREMENTS; SHINING WITHOUT IMPLEMENTS TO TAKE WILD ANIMALS.**

A violation prior to August 1, 2010, of Minnesota Statutes, section 97B.081, subdivision 2, shall not result in a penalty, but is punishable only by a warning.