

§12101. License to operate commercial shooting area**(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)****1. Issuance.**

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §199 (RP); PL 2003, c. 655, Pt. B, §422 (AFF).]

1-A. (TEXT EFFECTIVE UNTIL 1/01/24) License required. A person may not charge others for the opportunity to hunt mallard ducks, pheasants, quail, Chukar partridge and Hungarian partridge in an area or establish a commercial shooting area for such purposes unless that person has a valid license issued under this section. Each day a person violates this subsection that person commits a Class E crime for which a minimum fine of \$50 and an amount equal to twice the applicable license fee must be imposed.

A. Nothing in this subsection prohibits the operator of a commercial shooting area from authorizing a person to hunt other wild birds or wild animals in the commercial shooting area during the regular open season on those species, in accordance with this Part, as long as the person possesses a valid state hunting license that allows the hunting of those wild birds and wild animals. [PL 2003, c. 655, Pt. B, §199 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]
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[PL 2023, c. 431, §14 (AMD); PL 2023, c. 431, §23 (AFF).]

1-B. Issuance. The commissioner may issue licenses authorizing the establishment and operation of commercial shooting areas to qualified applicants. A commercial shooting area license authorizes the owner of a commercial shooting area to charge others for the opportunity to hunt mallard ducks, pheasants, quail, Chukar partridge and Hungarian partridge in that area. A commercial shooting area license is valid for one year and is renewable annually.
[PL 2003, c. 655, Pt. B, §199 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

1-C. Prohibition; remote-control hunting. An owner or operator of a commercial shooting area may not use a website, or a service or business via any other means, that permits a person to hunt or attempt to hunt a wild animal or wild bird that is located in this State through the use of a computer-controlled gun, shooting apparatus or any other remote-control device when the person using the website, service or business is physically removed from the immediate vicinity of the wild animal or wild bird. A person who violates this subsection commits a Class E crime.
[PL 2017, c. 205, §11 (NEW).]

2. Eligibility. In order to qualify for a commercial shooting area license:

A. The location of the land must be at least 5 miles from another commercial shooting area, as measured by a straight line between the property lines at their closest points to each other; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. The land must be between 200 acres and 400 acres in area; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. The land must be contiguous. Property bisected by a road or highway is considered to be contiguous for purposes of this paragraph; and [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

D. The land must be owned or leased by the licensed operator of the commercial shooting area. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

A person is ineligible to receive a new shooting area license within 6 months of the expiration of the license for another shooting area located within 5 miles unless the holder of the expired license states in writing to the commissioner that that license will be abandoned.

A renewal of a shooting area license may be issued for a commercial shooting area within 5 miles of another commercial shooting area, notwithstanding paragraph A, as long as the renewed license is applied for within 6 months following the expiration of the old license.

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §199 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

3. Fees. The fee for a commercial shooting area license is:

A. For the first year of operation, \$502; and [PL 2005, c. 12, Pt. III, §21 (AMD).]

B. For each subsequent year, \$252, payable prior to July 1st of each year. [PL 2005, c. 12, Pt. III, §21 (AMD).]

[PL 2005, c. 12, Pt. III, §21 (AMD).]

4. Requirements. The following requirements apply to a commercial shooting area.

A. The operator of the commercial shooting area shall maintain and keep open to inspection by representatives of the department a register of:

(1) The name and address of each person shooting in the area;

(2) The date or dates when that person hunted in the area; and

(3) The number and type of birds killed by that person. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. The operator of the commercial shooting area shall provide to each person taking birds in that area a receipted invoice or bill of sale for possession and transportation of those birds. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. The operator of the commercial shooting area shall mark the boundary of the shooting area in a manner prescribed by the commissioner and shall post the boundary conspicuously with signs or other markings approved by the commissioner. The signs or markings must be of a color, size and wording prescribed by the commissioner and must be placed not more than 250 feet apart facing the outside of the area. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §199 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

4-A. Penalties. The following penalties apply to violations of subsection 4.

A. A person who violates subsection 4 commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged. [PL 2003, c. 655, Pt. B, §199 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. A person who violates subsection 4 after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime. [PL 2003, c. 655, Pt. B, §199 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 655, Pt. B, §199 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

5. Enforcement. Enforcement of the trespass laws of a commercial shooting area is the responsibility of the owner and is not in any manner to be considered an obligation of the department. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §199 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

6. Exceptions.

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §199 (RP); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B199 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2005, c. 12, §III21 (AMD). PL 2017, c. 205, §11 (AMD). PL 2023, c. 431, §14 (AMD). PL 2023, c. 431, §23 (AFF).

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