By: Homer H.B. No. 4214

A BILL TO BE ENTITLED

AN ACT

relating to the business of taxidermy; providing penalties.

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

SECTION 1. Title 5, Parks and Wildlife Code, is amended by adding Subtitle C-1 to read as follows:

SUBTITLE C-1. TAXIDERMY

CHAPTER 73. TAXIDERMY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 73.001. DEFINITIONS. In this chapter:

(1) "Animal" means any species of wild or exotic animal, including any bird or fish, the taking, possession, or sale of which is regulated by this code or a rule adopted under this code.

(2) "Exotic animal" has the meaning assigned by Section 62.015.

(3) "Game animal" has the meaning assigned by Section 63.001.

(4) "Game bird" has the meaning assigned by Section 64.001.

(5) "Migratory game bird" has the meaning assigned by Section 64.021.

(6) "Specimen" means all or any part of an animal, including the skin or hide.

(7) "Tanner" means a person who prepares green or
untanned hides, capes, or skins.

(B) "Taxidermist" means a person who is engaged in the business of taxidermy.

(9) "Taxidermist employee" means a person who is employed by a taxidermist, performs taxidermy under the direction of another taxidermist, and does not perform taxidermy for the public.

(10) "Taxidermy" means the art of preparing the skin, feathers, or other parts of an animal in a preserved state, often for display, including:

(A) tanning the hides, capes, or skins; or

(B) mounting the preserved parts of a specimen, including the skull, antlers, or horns.

Sec. 73.002. PERMIT REQUIRED; EXCEPTIONS. (a) Except as provided by Subsection (c), a person, including a tanner, may not engage in the business of taxidermy unless the person has a taxidermy permit issued by the department.

(b) A taxidermist shall prominently display the taxidermy permit in the place where the taxidermist performs taxidermy.

(c) A taxidermy permit is not required for:

(1) a taxidermist employee if the taxidermist supervises the employee's work; or

(2) a tanner performing work for a taxidermist.

Sec. 73.003. ISSUANCE OF PERMIT; EXPIRATION; FEES. (a) The department shall issue a taxidermy permit to a person who submits a completed application as prescribed by the department subject to conditions set by the commission.
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(b) A taxidermy permit is valid from September 1 or another date set by the commission, through August 31 of the next year or another date set by the commission.

c) The fee for a taxidermy permit is $50, or an amount set by the commission, whichever amount is greater.

Sec. 73.004. RULES. The commission may adopt rules to implement this chapter, including rules governing the denial of an application to obtain or renew a taxidermy permit.

[Sections 73.005-73.020 reserved for expansion]

SUBCHAPTER B. PRIVILEGES AND DUTIES OF PERMIT HOLDER

Sec. 73.021. RECORDS REQUIRED. (a) A taxidermy permit holder shall maintain an accurate book or electronic record containing:

(1) the number of specimens received in a lot;
(2) the date the lot is received by the permit holder;
(3) for each specimen, the specimen type;
(4) for the person who killed or caught the specimen:
   (A) the person's name, address, and telephone number; and
   (B) the person's hunting or fishing license number, driver's license number, or Department of Public Safety identification card number; and
(5) for the person who delivered the specimen to the permit holder, if that person is not the person who killed or caught the specimen:
   (A) the person's name, address, and telephone number; and
(B) the person's hunting or fishing license number, driver's license number, or Department of Public Safety identification card number.

(b) The hunting license tag, wildlife resource document, or permit must remain with the specimen until the specimen is released from the permit holder's possession.

(c) If a portion of the specimen is given to a taxidermy employee or a tanner to perform work for the permit holder, the taxidermy employee or tanner shall maintain a record of:

(1) the taxidermy permit number of the supervising permit holder and a work order number for the specimen; or

(2) a bill of sale from a lawful source.

(d) Except as provided by commission rule, a taxidermist or a taxidermy employee or tanner who is not required to hold a permit under this chapter shall maintain the records required by this section until the second anniversary of the date on which a specimen is released from possession by the taxidermist, taxidermist employee, or tanner.

Sec. 73.022. SALE OF UNCLAIMED SPECIMENS. (a) Except as provided by this section, if the owner of a lawfully taken specimen that has been mounted or tanned has not claimed the specimen on or before the 60th day after the date of receiving notification that the taxidermy or tanning is complete, the taxidermist may sell the specimen.

(b) Notification under this section must be by registered or certified mail.

(c) The taxidermy permit holder shall maintain records as
required by Section 73.021 for a specimen sold under this section.

(d) Except as provided by Subsections (e) and (f), a taxidermy permit holder may sell an unclaimed game animal, bird, or fish specimen for an amount not to exceed the cost of taxidermy materials and labor related to the specimen. This restriction does not apply to an unclaimed deer specimen.

(e) A taxidermy permit holder may sell an unclaimed game animal skin or hide only to a person holding a taxidermy permit. The restriction on the sale of an unclaimed skin or hide does not apply to an unclaimed deer skin or hide. The origin of any skin or hide sold under this section must be documented.

(f) A taxidermy permit holder may not sell an unclaimed specimen of a migratory game bird or nongame bird.

(g) Section 62.021 does not apply to the sale of a specimen under this section.

Sec. 73.023. POSSESSION OF SPECIMENS ACQUIRED OUTSIDE THIS STATE. A taxidermy permit holder may possess a specimen lawfully acquired outside this state only if the specimen is accompanied by a bill of sale and any required permit, including a permit issued under the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

[Sections 73.024-73.040 reserved for expansion]

SUBCHAPTER C. ENFORCEMENT

Sec. 73.041. PENALTY. (a) A person commits an offense if the person violates any provision of this chapter or a rule adopted under this chapter.

(b) Except as provided by Subsection (c), an offense under
this chapter is a Class C Parks and Wildlife Code misdemeanor.

(c) If it is shown at the trial of the defendant for a violation of this chapter or a rule adopted under this chapter that the defendant has been convicted one or more times before the trial date of a violation of this chapter or a rule adopted under this chapter, the offense is a Class B Parks and Wildlife Code misdemeanor.

SECTION 2. Effective June 1, 2010, Section 62.023, Parks and Wildlife Code, is repealed.

SECTION 3. The Parks and Wildlife Commission shall adopt rules and procedures, including any fees or forms related to a taxidermy permit, required to implement Chapter 73, Parks and Wildlife Code, as added by this Act, not later than April 1, 2010.

SECTION 4. (a) Except as provided by Subsection (b) of this section, this Act takes effect September 1, 2009.

(b) Sections 73.002 and 73.041, Parks and Wildlife Code, as added by this Act, take effect June 1, 2010.