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Senate Bill 613 (as enacted)  
Sponsor: Senator Darwin L. Boohar  
Senate Committee: Natural Resources, Environment and Great Lakes  
House Committee: Natural Resources

**PUBLIC ACT 255 of 2014**

Date Completed: 7-30-14

### **RATIONALE**

According to the Michigan State Police, tens of thousands of vehicle-wildlife collisions occur on Michigan roads every year. In some cases, drivers involved in the crashes wish to maintain possession of the animal remains for food, compost, bait, or taxidermy purposes. The Wildlife Conservation Order of the Michigan Natural Resources Commission allows the possession of animals killed in vehicle accidents, under certain circumstances. Some people believe, however, that the Order's procedures for salvaging game species may be confusing and cumbersome, and suggested that they be revised and included in statute to facilitate roadkill recovery by motorists. (The current procedures are described below, under **BACKGROUND**.)

### **CONTENT**

**The bill amends Part 401 (Wildlife Conservation) of the Natural Resources and Environmental Protection Act (NREPA) to allow an individual to possess game killed as a result of a motor vehicle collision. Specifically, the bill does the following:**

- Grants the vehicle driver first priority to take possession.
- Requires an individual who takes possession of a bear to obtain a salvage tag.
- Requires an individual who takes possession of a deer to obtain a salvage tag, notify the Department of Natural Resources (DNR) or a local law enforcement agency via telephone or website, or report the possession when reporting the accident to 9-1-1.
- Requires an individual who takes possession of small game or other particular species to prepare a written record and show it to a law enforcement officer upon request.
- Authorizes the DNR Director to suspend all salvage mechanisms for disease-affected areas, and requires the Director to revoke the suspension after the Department verifies the absence of the identified disease in that area.
- Requires the DNR to submit to the Legislature an annual report on the number of salvage tags issued and animals taken under the bill.

The bill will take effect on September 28, 2014.

#### Taking Possession

The bill allows an individual to possess game that is killed by, or injured and euthanized as allowed under law following, a collision with a motor vehicle. This does not apply to a badger, bobcat, brant, coot, crow, cub bear, duck, elk, fisher, Florida gallinule, goose, marten, moose, otter, snipe, sora rail, spotted fawn deer, Virginia rail, wild turkey, wolf, or woodcock.

The driver of the vehicle will have first priority to take possession of the game.

The bill will not apply to an individual who uses a motor vehicle to kill or injure game intentionally.

Bear & Deer. An individual in possession of bear under the bill will have to obtain a salvage tag (described below).

An individual in possession of deer must do one of the following:

- Obtain a salvage tag.
- Promptly notify the DNR or a local law enforcement agency of his or her intent to maintain possession of the game by telephone or on the Department's website.
- If the individual is the driver of the vehicle involved in the collision, dial 9-1-1 and state his or her intent to maintain possession.

If the individual notifies 9-1-1, the DNR, or a local law enforcement agency of his or her intent to legally maintain possession, he or she must provide the same information required to be included in the written documentation for small game (described below), and also identify whether the deer is antlered or antlerless. If it is an antlered deer, the person must identify the number of antler points.

Other Game. An individual in possession of beaver, coyote, fox, mink, muskrat, opossum, raccoon, skunk, weasel, or small game under the bill will have to prepare a written record with all of the following information:

- The date, time, and location of the possession.
- The type of game the individual seeks to possess.
- Whether he or she has requested a salvage tag.
- The individual's full name, date of birth, mailing address, telephone number, and driver license number.
- The intended purpose for obtaining possession, including human consumption, bait, or other uses.

The individual must maintain the record until he or she obtains a salvage tag or until the game and its parts are consumed or composted or no longer possessed by anyone. The record must be kept at the location where the game or its parts are kept. The individual must exhibit the record upon a law enforcement officer's request.

#### Salvage Tag

If an individual in possession of game under the bill has obtained a salvage tag, he or she must produce the tag upon the request of a conservation officer or peace officer. Immediately after the tag is issued, the individual must attach it to the game securely. The tag must remain attached until the game is processed, butchered for consumption, or delivered to a business for the purpose of taxidermy or tanning. If the game is used for bait, the tag may be removed, but the individual possessing the game must produce the tag if requested by a conservation or peace officer.

The DNR promptly must issue a salvage tag for taxidermy or tanning purposes if requested by an individual in possession of game killed by a vehicle.

#### Suspension of Salvage Mechanisms

The bill allows the DNR Director immediately to suspend all salvage mechanisms for disease-affected areas by issuing an order based on sound science to address disease control. Before issuing the order, the Department must provide public notice of it and notify the legislative committees with primary oversight of natural resources. The Director will have to revoke the suspension after the DNR verifies the absence of the identified disease in the affected area. The Department must provide public notice of the suspension and revocation by posting notice on its website and at DNR offices throughout the affected areas.

## Annual Report

On an annual basis, the DNR will have to issue to each member of the Legislature, in electronic form, a report that includes all of the following information with regard game salvaged under the bill:

- The number of salvage tags issued.
- The number of deer reported to the DNR.
- The number of deer reported to local law enforcement agencies or 9-1-1.

MCL 324.40115

## **BACKGROUND**

The Wildlife Conservation Order allows an individual to possess a wild animal that is killed in or as a result of a motor vehicle collision. A person does not need a permit at any time to possess nongame mammals and certain nongame birds (house sparrows, European starlings, and feral pigeons) killed by a vehicle. Other nongame birds killed by a vehicle may be possessed only by a scientific or educational institution with the proper permits for scientific or educational purposes. Endangered nongame mammal and bird species may be possessed only in compliance with Part 365 (Endangered Species Protection) of NREPA.

An individual may possess a game animal (other than a migratory bird) killed in a vehicle collision without a permit if the hunting or trapping season is open for that species and the person has a valid license for taking the animal. The animal must be included in the daily, possession, and season limit. Only a scientific or educational institution with the applicable permits for scientific or educational purposes may possess a spotted fawn, cub bear, migratory game bird, or game animal killed outside of the open season.

If the animal killed by a vehicle is a deer that is not spotted or an adult bear, it may be salvaged at any time with a permit (salvage tag) from the DNR Director. A police or peace officer investigating the collision may issue the permit. The driver of the damaged vehicle has first priority to possess the animal. A person possessing a salvaged deer or bear immediately must produce the permit upon the demand of a conservation or peace officer. The permit must be securely attached to the carcass immediately following issuance, and must remain attached until the carcass is processed or butchered for consumption. If the carcass is used as bait, the permittee may remove the tag while the carcass is in use, but must produce it upon a peace officer's request.

## **ARGUMENTS**

*(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)*

### **Supporting Argument**

Roadkill can be unsightly to motorists, present traffic hazards, and create unpleasant odors. Additionally, removing and disposing of animal carcasses requires time and money from local road agencies. These problems are mitigated if drivers can put the remains of an animal killed in a vehicle crash to good use. Currently, game animals may be salvaged only by those who are licensed to hunt them, and only during the applicable open season, unless a person obtains a permit to salvage a deer that is not spotted or an adult bear. The current protocols can be confusing and inconvenient, especially in rural areas where it might take law enforcement officers a long time to arrive at a crash scene to investigate and issue a salvage tag. In particular, if an accident does not result in serious vehicle damage or human injury and the animal is small, it is often not worth the time and effort involved in the salvage process, either for the driver or a law enforcement officer.

By allowing a driver to keep roadkill if he or she reports via telephone or internet or maintains a written record, as applicable, the bill will streamline the salvage procedures. This will make it

easier for all drivers who would like to take roadkill for productive use, ease road agencies' burden in keeping the highways clear of debris, and enable law enforcement officers to direct their attention to more important public safety issues.

**Response:** While reducing waste and eliminating the problems associated with roadkill are worthwhile goals, the bill might inadvertently expose people to serious health risks. Drivers and law enforcement officers are not necessarily qualified to determine whether meat from an animal killed in a motor vehicle accident is safe for people to handle or eat. Furthermore, fresh meat must be properly dressed and stored relatively quickly in order to avoid the growth of potentially deadly pathogens. Whether the average motorist is knowledgeable about meat processing requirements and possible health risks is questionable. Although the bill authorizes the DNR Director to suspend salvage mechanisms in areas where scientific data indicate that wildlife disease might pose a threat to humans, this might not be sufficient to protect public health.

Additionally, poachers might use the legislation to hide illegal animal takings. For example, a person might kill an animal through other means without the proper license and claim that it was the result of a car accident. While the bill contains several provisions to prevent bad actors from taking advantage of the salvage mechanism, the expanded options for reporting and documenting roadkill possession might make it more difficult for officers to catch poachers and prove that they have broken the law.

Legislative Analyst: Julie Cassidy

### **FISCAL IMPACT**

The bill will have no fiscal impact on State or local government.

Fiscal Analyst: Josh Sefton

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.