

**TITLE 20.1  
GAME, FISH, PREDATORS, AND BOATING**

**CHAPTER 20.1-01  
GENERAL PROVISIONS**

**20.1-01-01. General penalty.**

Any person violating a provision of this chapter for which a penalty is not specifically provided is guilty of a class B misdemeanor.

**20.1-01-02. Definitions.**

In this title, unless the context otherwise requires:

1. "Afield" means being away from one's home or camp. The term does not include driving or being in actual physical control of a motor vehicle in violation of section 39-08-01 or equivalent ordinance.
2. "Any part thereof" or "the parts thereof" includes the hide, horns, or hoofs of any animal specified and the plumage, skin, and every other part of any bird specified.
3. "Aquatic nuisance species" means any nonindigenous, obligate aquatic species of plant or animal which is injurious to native and desirable aquatic species or which has a negative effect on aquatic habitats, environment, or the economy of the state.
4. "Associated equipment" means:
  - a. Any system, part, or component of a boat as originally manufactured or any similar part or component manufactured or sold for replacement, repair, or improvement of such system, part, or component;
  - b. Any accessory or equipment for, or appurtenance to, a boat; and
  - c. Any marine safety article, accessory, or equipment intended for use by a person on board a boat; but
  - d. Excluding radio equipment.
5. "Big game" means deer, moose, elk, bighorn sheep, mountain goats, and antelope.
6. "Boat" means any vessel:
  - a. Manufactured or used primarily for noncommercial use;
  - b. Leased, rented, or chartered to another for the latter's noncommercial use; or
  - c. Engaged in the carrying of six or fewer passengers.
7. "Confiscate" or "confiscated" means to hold subject to the order of a court of competent jurisdiction.
8. "Consideration" means something of value given or done in exchange for something of value given or done by another.
9. "Crops" means any plant that has been harvested, collected, or stored as livestock feed, fodder, or fuel.
10. "Day leasing" means the practice of an outfitter entering a short-term lease agreement that is intended to and does last less than twenty-four hours.
11. "Department" means the game and fish department.
12. "Depredation" means damage to or destruction of private property.
13. "Deputy director" means the deputy director of the department.
14. "Director" means the director of the department.
15. "Disabled veteran" means a veteran who has a one hundred percent service-connected disability as determined by the department of veterans' affairs or has an extra-schedular rating to include individual unemployability that brings the veteran's total disability ratio to one hundred percent as determined by the department of veterans' affairs.
16. "Endangered species" means any species whose prospects of survival or recruitment within the state are in jeopardy due to any of the following factors:
  - a. The destruction, drastic modification, or severe curtailment of its habitat.
  - b. Its overutilization for scientific, commercial, or sporting purposes.
  - c. The effect on it of disease, pollution, or predation.

- d. Other natural or manmade factors affecting its prospects of survival or recruitment within the state.
  - e. Any combination of the foregoing factors.
- The term also includes any species classified as endangered pursuant to the Endangered Species Act of 1973, Public Law 93-205.
- 17. "Established road or trail" means any public highway or road, improved or otherwise, dedicated for public ingress or egress, or any other road or trail normally used for travel but does not include temporary trails across cultivated land used for agricultural purposes.
  - 18. "Fur-bearers" includes mink, muskrats, weasels, wolverines, otters, martens, fishers, kit or swift foxes, beavers, raccoons, badgers, wolves, coyotes, bobcats, lynx, mountain lions, black bears, and red or gray foxes.
  - 19. "Game birds" includes all varieties of geese, brant, swans, ducks, plovers, snipes, woodcocks, grouse, sagehens, pheasants, Hungarian partridges, quails, partridges, cranes, rails, coots, wild turkeys, mourning doves, and crows.
  - 20. "Guide" means an individual who is employed by or contracts with a licensed outfitter to help the outfitter furnish personal services for the conduct of outdoor recreational activities directly related to the conduct of activities for which the employing outfitter is licensed.
  - 21. "Gun dogs" includes any dog used to hunt protected wildlife.
  - 22. "Harmful wild birds" includes blackbirds, magpies, English sparrows, and starlings.
  - 23. "Harmless wild birds" includes all wild birds not defined herein as "harmful wild birds" or "game birds".
  - 24. "Hunt" or "hunting" means shooting, shooting at, pursuing, taking, attempting to take, or killing any game animals and game birds; searching for or attempting to locate or flush any game animals and game birds; luring, calling, or attempting to attract game animals and game birds; hiding for the purpose of taking or attempting to take game animals and game birds; and walking, crawling, or advancing toward wildlife while possessing implements or equipment useful in the taking of game animals or game birds. The term does not include possessing or using photographic equipment.
  - 25. "Hunt through the internet" means to hunt wildlife in real time using internet services to remotely control actual firearms and to remotely discharge live ammunition allowing a person who is not physically present to take wildlife. The term includes using any remotely controlled device to hunt the animal such as a hand-held communication device, cellular telephone, or global-positioning device.
  - 26. "Indian land" means land within the exterior boundaries of an Indian reservation held in trust by the federal government for the benefit of an Indian tribe or an Indian and land within the exterior boundaries of an Indian reservation owned in fee by an Indian tribe or an Indian.
  - 27. "Introduce" means to place, release, or allow the escape of a non-native species into a free-living state.
  - 28. "Manufacturer" means any person engaged in:
    - a. The manufacture, construction, or assembly of boats or associated equipment.
    - b. The manufacture or construction of components for boats and associated equipment to be sold for subsequent assembly.
    - c. The importation into the state for sale of boats, associated equipment, or components thereof.
  - 29. "Motorboat" means any vessel propelled by machinery, whether or not the machinery is the principal source of propulsion. The term does not include a vessel having a valid marine document issued by the bureau of customs of the United States government or any federal agency successor thereto.
  - 30. "Motor-driven vehicle" means any land vehicle, with or without wheels, that is propelled by any motor.
  - 31. "Native aquatic species" means an animal or plant species that is naturally present and reproducing within this state or which naturally expands from its historic range into this state.

32. "Non-native species" means a species that is not a native species.
33. "Operate" means to navigate or otherwise use a motorboat or a vessel.
34. "Outfitter" means a person that holds the person's business operation out to the public for hire or consideration; provides facilities or services for consideration; maintains, leases, or otherwise provides compensation for the use of land and which receives compensation from a third party for use of that land; or otherwise uses equipment or accommodations for consideration for the conduct of outdoor recreational activities, including hunting animals or birds and fishing on lakes, reservoirs, rivers, and streams. An outfitter may act as a guide. The term does not include a person holding title or an equitable interest in business operations if the purpose of the business operation is to provide food or lodging to the general public, chamber of commerce activities, travel agencies, or others that offer free information to attract outdoor and recreational use of their communities.
35. "Owner" means a person, other than a lienholder, having the property in or title to a motorboat. The term includes a person entitled to the use or possession of a motorboat subject to an interest in another person, reserved or created by agreement and securing payment or performance of an obligation, but the term excludes a lessee under a lease not intended as security.
36. "Passenger" means every person carried on board a vessel other than:
  - a. The owner or the owner's representative.
  - b. The operator.
  - c. Bona fide members of the crew engaged in the business of the vessel who have contributed no consideration for their carriage and who are paid for their services.
  - d. Any guest on board a vessel which is being used exclusively for pleasure purposes who has not contributed any consideration, directly or indirectly, for that person's carriage.
37. "Person" includes every partnership, association, corporation, and limited liability company. No violation of this title may be excused because it was done as the agent or employee of another, nor because it was committed by or through an agent or employee of the person charged.
38. "Personal watercraft" means a motorboat that is powered by an inboard motor powering a water jet pump or by an inboard or outboard marine engine and which is designed to be operated by a person sitting, standing, or kneeling on the craft, rather than in a conventional manner of sitting or standing inside a motorboat.
39. "Possession" means control, actual possession, and constructive possession of the article or thing specified.
40. "Private fish hatchery" means a body of water, whether natural or artificial, and any other facilities used, maintained, or operated by any private person, firm, corporation, or limited liability company for the propagation and production of fish for sale or planting in other waters. Except in the case of trout, walleye, northern pike, and crappie, which may be raised in a private fish hatchery without the director's approval, the director may, by rule, regulate the species of fish which may be raised in a private fish hatchery. No waters stocked by any state or federal governmental agency may be considered a private fish hatchery.
41. "Public waters" means waters to which the general public has a right to access.
42. "Resident" means any person who has actually lived within this state or maintained that person's residence therein for at least six months immediately preceding the date that residence is to be determined. A person's residence is the place where the person remains when not called elsewhere for special or temporary purposes. A resident can only have one residence and a residence cannot be lost until another is gained. A residence or home is a permanent building or part of a building and may include a house, condominium, apartment, room in a house, or mobile home. A rental property, vacant lot, or house, cabin, or premises used primarily for business or recreational pursuits may not be considered a residence. A "nonresident" is any person who has not actually lived within this state or maintained that person's residence within this

- state for at least six months immediately preceding the date that residence is to be determined.
43. "Resident species" means any species nearly all of whose individuals in this state are located within this state for at least three-fourths of annual cycle of the species.
  44. "Retrieve" means to have taken possession and made ready for transportation.
  45. "Sell" and "sale" means any sale or offer to sell, or possession with intent to sell, use, or dispose of, the article or thing specified, contrary to law.
  46. "Shooting preserve" or "preserve" means any privately owned or leased acreage [hectarage] on which hatchery-raised game birds are released to be hunted for a fee over an extended season.
  47. "Sinkbox" or "sunken device" means a raft or any type of low floating device having a depression that affords a hunter a means of concealing that person below the surface of the water.
  48. "Slow or no wake speed" means the slowest possible speed necessary to maintain steerage.
  49. "Small game" includes all game birds and tree squirrels.
  50. "Species" includes any subspecies of wildlife and any other group of wildlife of the same species or smaller taxa in common spatial arrangement that interbreed when mature.
  51. "Threatened species" means any species which is likely to become an endangered species within the foreseeable future and includes any species classified as threatened pursuant to the Endangered Species Act of 1973, Public Law 93-205.
  52. "Transport" means to cause or attempt to cause a species to be carried or moved into or within the state and includes accepting or receiving the species for transportation or shipment. The term does not include the unintentional transport of a species while on a specific water of the state or to a connected water of the state where the species being transported is already present.
  53. "Undocumented vessel" means a vessel which does not have a valid marine document as a vessel of the United States.
  54. "Vessel" means any watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water.
  55. "Waterfowl" includes all varieties of geese, brant, swans, ducks, rails, and coots.
  56. "Waters" when not qualified means waters not open to the general public.
  57. "Waters of the state" means all waters of this state, including boundary waters. This title extends to and is in force and effect over, upon, and in all such waters.
  58. "Wildlife" means any member of the animal kingdom including any mammal, fish, bird (including any migratory, nonmigratory, or endangered bird for which protection is also afforded by treaty or other international agreement), amphibian, reptile, mollusk, crustacean, or other invertebrate, and includes any part, product, egg, or offspring thereof, or the dead body or parts thereof. Wildlife does not include domestic animals as defined by section 36-01-00.1 or birds or animals held in private ownership.

**20.1-01-03. Ownership and control of wildlife is in the state - Damages - Schedule of monetary values - Civil penalty.**

The ownership of and title to all wildlife within this state is in the state for the purpose of regulating the enjoyment, use, possession, disposition, and conservation thereof, and for maintaining action for damages as herein provided. Any person catching, killing, taking, trapping, or possessing any wildlife protected by law at any time or in any manner is deemed to have consented that the title thereto remains in this state for the purpose of regulating the taking, use, possession, and disposition thereof. The state, through the office of attorney general, may institute and maintain any action for damages against any person who unlawfully causes, or has caused within this state, the death, destruction, or injury of wildlife, except as may be authorized by law. The state has a property interest in all protected wildlife. This interest supports a civil action for damages for the unlawful destruction of wildlife by willful or grossly negligent act or omission. The director shall adopt by rule a schedule of monetary values of various species of wildlife, the values to represent the replacement costs of the wildlife and the

value lost to the state due to the destruction or injury of the species, together with other material elements of value. In any action brought under this section, the schedule constitutes the measure of recovery for the wildlife killed or destroyed. Notwithstanding the director's schedule of monetary values, an individual who unlawfully takes a bighorn sheep, elk, or moose is subject to a civil penalty for the replacement value of the animal of five thousand dollars for a bighorn sheep, three thousand dollars for an elk, and two thousand dollars for a moose. For a male bighorn sheep, elk, or moose over two and one-half years of age, the civil penalty for the replacement value of the animal is an additional fifty percent of the penalty. The funds recovered must be deposited in the general fund, and devoted to the propagation and protection of desirable species of wildlife.

**20.1-01-04. Attorney general, state's attorneys, sheriffs, and peace officers to enforce game and fish laws.**

The attorney general, and all state's attorneys, sheriffs, and other peace officers shall enforce this title. The attorney general and the state's attorney of the county in which an action is to be brought or is pending shall appear for the director in all civil actions in which the director or any of the game wardens may be interested officially and shall appear in the prosecution of criminal actions arising under this title.

**20.1-01-05. Unauthorized methods of taking game birds and game animals.**

Except as otherwise provided in this title, no person, for the purpose of catching, taking, killing, or raising any game birds or game animals may:

1. Set, lay, or prepare any trap, snare, artificial light, net, birdlime, swivel gun, or any other device, except that the use of snares for taking coyotes is allowed under section 20.1-07-03.1;
2. Drag, in any manner, any wire, rope, or other contrivance; or
3. Use or cause to be used, except for transportation, any floating device or apparatus operated by electricity, steam, or gasoline, or any other floating vessel.

**20.1-01-06. Being afield with gun or other firearm or bow and arrow while intoxicated prohibited - Penalty.**

No person may be afield at any time, with a gun or other firearm or a bow and arrow, while intoxicated or under the influence of alcoholic beverages or drugs. Upon conviction of a person for violating this section, that person's hunting license is void. The judge of the convicting court shall take the license, mark it revoked, and send it to the department. If the conviction is reversed on appeal, the license must be restored to the defendant. Game wardens, including special wardens, have the authority of a general peace officer in the enforcement of this section. In addition to the penalty provided in this chapter, any person convicted of committing a subsequent offense under this section is ineligible for a hunting license in this state for two years from and after the conviction.

**20.1-01-07. Hunting big game or small game other than waterfowl or cranes with motor-driven vehicles prohibited - Exception - Motor-driven vehicle use in transporting big game restricted.**

Except as provided in subsection 10 of section 20.1-02-05 and as otherwise provided in this section, a person, other than the landowner, without the written permission of the landowner or a lessee who actively farms or ranches that land, while hunting big game or small game, other than waterfowl or cranes, statewide, may not use a motor-driven vehicle on any land other than an established road or trail, unless that person has reduced a big game animal to possession and cannot easily retrieve the big game animal, in which case a motor-driven vehicle may be used to retrieve the big game animal, but after retrieval, the motor-driven vehicle must be returned to the established road or trail along the same route it originally departed. A person may not use a motor-driven vehicle on any land other than an established road or trail to hunt upland game during the deer gun season. For purposes of safety and allowing normal travel, a motor-driven vehicle may be parked on the roadside or directly adjacent to said road or trail. No

person, while hunting big game or small game, statewide, may drive or attempt to drive, run or attempt to run, molest or attempt to molest, flush or attempt to flush, or harass or attempt to harass any such game with the use or aid of any motor-driven vehicle. A person, other than the landowner, without the written permission of the landowner or a lessee who actively farms or ranches that land, while hunting big game or small game, other than waterfowl or cranes, statewide, may not drive through any retired cropland, brush area, slough area, timber area, open prairie, or unharvested or harvested cropland, except upon an established road or trail. The provisions of this section relating to hunting big game or small game while using a motor-driven vehicle on any land other than an established road or trail without the written permission of the landowner or a lessee who actually farms or ranches that land do not apply to the hunting of big game during an open and lawful season for small game.

**20.1-01-08. Hunting with artificial light prohibited - Exception.**

It is unlawful for an individual to pursue, shoot, kill, take, or attempt to take any wildlife between sunset of one day and sunrise of the next, with the aid of a spotlight or any other artificial light except:

1. At any time throughout the year, an individual or the individual's agent may use a lantern, spotlight, night vision, thermal vision, infrared light, or other artificial light to assist the individual in pursuing and shooting on the individual's premises any coyote, fox, skunk, mink, raccoon, beaver, weasel, rabbit, or other predatory animal attempting to destroy the individual's poultry, livestock, or other property; and
2. An individual may use an artificial light, night vision, thermal vision, or infrared light with a power source of not more than six volts while hunting afoot for coyote, fox, raccoon, or beaver during the open season on the animal. The artificial light must produce a red, green, or amber color when used in the hunting of coyote, fox, raccoon, or beaver, except when taking a raccoon treed or at bay.

**20.1-01-09. Types of guns lawfully usable in taking raccoon and beaver with flashlight - Penalty.**

In the killing, shooting, pursuing, taking or in attempting to take raccoon or beaver with the use of a flashlight with a power source of not over six volts, it is illegal to use a rifle or handgun capable of firing a shell larger than a twenty-two caliber [5.59 millimeter] long rifle shell, or a shotgun larger than four-ten gauge [10.41 millimeters]. An individual who violates this section is guilty of a class 1 noncriminal offense.

**20.1-01-10. Hours for hunting game birds and protected animals - Penalty.**

Repealed by S.L. 1991, ch. 250, § 3.

**20.1-01-11. Hunting and harassing game from aircraft, motor vehicle, or snowmobile prohibited.**

Except as provided in this title, or when necessary for the protection of life or property except as provided in section 20.1-02-05, no person operating or controlling the operation of any aircraft or motor vehicle in this state may intentionally kill, chase, or harass any wild animal or wild bird, protected or unprotected. No person, while operating a snowmobile in this state, may intentionally kill, chase, flush, or harass any wild animal or wild bird, protected or unprotected.

**20.1-01-12. Hiring another to hunt or hunting for another for remuneration unlawful.**

No person may hire another person to hunt small game or big game for the hiring person, nor may any person hunt small game or big game for another for remuneration.

**20.1-01-13. Aiding in concealment of game unlawfully taken or possessed - Unlawful.**

No person may knowingly aid or assist in the concealment of any game that has been unlawfully taken or that is unlawfully possessed.

**20.1-01-14. Possession or control of wildlife prima facie evidence of criminal offense.**

Possession or control by any person of any wildlife, or any part thereof, the killing, taking, or possessing of which is unlawful, is prima facie evidence the wildlife was caught, taken, or killed in this state in violation of this title.

**20.1-01-15. Joint violator testifying against other participants not subject to prosecution.**

Repealed by S.L. 1989, ch. 275, § 1.

**20.1-01-16. Common carriers not to transport game or fish except during open seasons.**

No transportation company or common carrier may receive for transportation, transport, or attempt to transport any protected game birds, animals, or fish, except during the open season on such birds, animals, or fish.

**20.1-01-17. Posting of lands by owner to prohibit hunting - How posted - Signs defaced.**

1. Only the owner or an individual authorized by the owner of land may post the land. To post the land, an individual shall:
  - a. Place signs alongside the public highway or the land giving notice that hunting is not permitted on the land. The name of the person posting the land must appear on each sign in legible characters. The signs must be readable from the outside of the land and must be placed conspicuously not more than eight hundred eighty yards [804.68 meters] apart. As to land entirely enclosed by a fence or other enclosure, posting of signs at or on all gates through the fence or enclosure constitutes a posting of all the enclosed land; or
  - b. Designate the land as posted or closed to hunting in an online database or other electronic application maintained or authorized by the state and available to the public which identifies whether land is available to hunters. The name of the person posting the land electronically must be visible to users of the online database or electronic application.
2. A person may not deface, take down, destroy posting signs, or post property without the permission of the owner or an individual authorized by the owner.
3. Even if the conduct of the owner or individual authorized by the owner varies from the provisions of subsection 1, an individual may be found guilty of violating section 20.1-01-18 if the owner or individual authorized by the owner substantially complied with subsection 1 and notice against hunting or trespassing is clear from the circumstances.

**20.1-01-18. Hunting on posted land and trapping on private land without permission unlawful - Penalty.**

No person may hunt or pursue game, or enter for those purposes, upon legally posted land belonging to another without first obtaining the permission of the person legally entitled to grant the same. No person may enter upon privately owned land for the purpose of trapping protected fur-bearing animals without first gaining the written permission of the owner or operator of that land. A person who violates this section is guilty of a class B misdemeanor for the first offense and a class A misdemeanor for a subsequent offense within a two-year period.

**20.1-01-19. When posted land may be entered.**

Any person may enter upon legally posted land to recover game shot or killed on land where the person had a lawful right to hunt.

**20.1-01-20. Entering posted land with gun or firearm prima facie evidence of intent to hunt game.**

Proof that a person having a firearm, or other weapon declared legal by governor's proclamation, in the person's possession entered upon the legally posted premises of another without permission of the owner or tenant is prima facie evidence the person entered to hunt or pursue game.

**20.1-01-21. Hunting near occupied building without permission unlawful.**

No person may hunt or pursue game upon the premises of another, within four hundred forty yards [402.34 meters] of any occupied building, without consent of the person occupying such building.

**20.1-01-22. Hunting game on lands having unharvested crops unlawful.**

It is unlawful to hunt or pursue game in unharvested cereal or oilseed crops without permission of the owner or tenant. Cereal crops include alfalfa, clover, and other grasses grown for seed. Oilseed crops include sunflower, safflower, rapeseed or canola, crambe, soybeans, and flax.

**20.1-01-22.1. Hunting on utility lines prohibited.**

No person may hunt birds resting on utility lines or fixtures adjacent to such lines.

**20.1-01-23. Fence gates to be closed - Penalty - Violator's hunting license forfeited.**

A person who opens a gate or bars in a fence enclosing farm premises may not leave such gate or bars open unless the person is in lawful possession of the premises. If a person violates this section while hunting, that person is guilty of a class B misdemeanor, and that person's hunting license must be forfeited for the remainder of the then current hunting season. A summary of the provisions of this section must be printed on each general game and fur-bearer license.

**20.1-01-24. Impersonating game wardens unlawful.**

No person may falsely claim the authority of or impersonate a game warden.

**20.1-01-25. Deposit of refuse unlawful - Penalty.**

The deposit of litter, refuse, rubbish, bottles, cans, or other waste materials, on or in the vicinity of a game refuge, lake, river, public park, or recreation area is prohibited. All law enforcement officers of this state shall enforce this section. A person who willfully violates this section is guilty of an infraction for which a minimum fine of one hundred dollars must be imposed.

**20.1-01-25.1. Tampering with traps unlawful.**

No person may in any manner willfully destroy, molest, disturb, or tamper with any net, trap, crib, or other contrivance being used by the department for the purpose of catching or holding wildlife. No unauthorized person may remove any wildlife from any net, trap, crib, or other contrivance being used by the department.

**20.1-01-26. Suspension of hunting, trapping, or fishing privileges - Surrender and return of license.**

In addition to the penalty provided upon conviction under this title, the court may suspend the defendant's hunting, trapping, or fishing privileges for up to three years; however, if the defendant is convicted of an offense under section 20.1-01-33, the court may suspend the defendant's hunting, trapping, or fishing privileges for up to the life of the defendant but not less than five years. The court may not suspend the defendant's privileges for a noncriminal violation if the defendant has not been convicted for a violation of this title in the last three years. Upon conviction for a violation of section 20.1-01-18, the court shall suspend the defendant's hunting, fishing, and trapping privileges for a period of at least one year, two years for the second



conviction, and three years for the third or subsequent conviction. At the time of the suspension, the court shall determine whether the defendant must successfully complete the hunter education course provided for in section 20.1-03-01.1, as prescribed by the proper state or provincial natural resources or wildlife management agency, before the defendant may purchase a new or obtain the return of a valid hunting license.

Upon imposition of the suspension, the court shall take any hunting, trapping, or fishing license or permit held by the defendant and forward it, together with a certified copy of the suspension order, to the director. Except as otherwise provided in this section, upon expiration of the suspension, the director shall return the person's license or permit if it is still valid. No person may purchase, or attempt to purchase, a hunting, trapping, or fishing license or permit during a suspension period. If the court so ordered, no person who has had a hunting license suspended may purchase or attempt to purchase a hunting license nor may the director return a valid hunting license until the person has successfully completed the course provided for in section 20.1-03-01.1 and as prescribed by the proper state or provincial natural resources or wildlife management agency. A certificate of completion for a similar course issued by any other state or province of Canada is sufficient to meet this requirement. The person shall file proof of that completion with the court.

For the purpose of this section, the term "conviction" includes an admission or adjudication of a noncriminal violation.

**20.1-01-26.1. Hunting, trapping, or fishing prohibited while privileges are suspended - Penalty.**

No person may directly or indirectly hunt, trap, or fish or assist in any way in hunting, trapping, or fishing while the person's privileges have been suspended by a court or by the department of health and human services under section 50-09-08.6. Any person violating this section is guilty of a class A misdemeanor.

**20.1-01-27. Disposition of animals killed by motor vehicle.**

Whenever any big game animal is killed by a motor vehicle on a public highway or roadway, any person who desires to possess that animal shall notify as soon as possible any game warden or other authorized person. The authorized person shall give a dated and written note of validation which allows legal possession of the animal and authorizes the person whose name appears thereon to possess or dispose of the animal. The note of validation must remain with the carcass while in processing or storage. There is no fee for the inspection and validation.

**20.1-01-28. Certain game and fish violations noncriminal - Procedures.**

Any person who has been cited for a violation that is designated as a noncriminal offense in this title or in related rules or proclamations may appear before a court of competent jurisdiction and pay the statutory fee at or prior to the time scheduled for a hearing, or if bond has been posted, may forfeit the bond by not appearing at the scheduled time. A person appearing at the time scheduled in the citation may make a statement in explanation of that person's action and the judge may at that time waive, reduce, or suspend the statutory fee or bond, or both. If the person cited follows the foregoing procedures, that person has admitted the violation and has waived the right to a hearing on the issue of commission of the violation. The bond required to secure appearance before the judge must be identical to the statutory fee established by section 20.1-01-30. Within ten days after forfeiture of bond or payment of the statutory fee, the judge shall certify to the director admission of the violation.

This section does not allow a halting officer to receive the statutory fee or bond.

**20.1-01-29. Hearing procedures.**

1. If a person cited for a violation that is designated as a noncriminal offense in this title or in related rules or proclamations does not choose to follow one of the procedures set forth in section 20.1-01-28, that person may request a hearing on the issue of the commission of the violation charged. The hearing must be held at the time scheduled

in the citation or at some future time, not to exceed ninety days later, set at that first appearance.

2. At the time of a request for a hearing on the issue of commission of the violation, the person charged shall deposit with the court an appearance bond equal to the statutory fee for the violation charged.
3. The state must prove the commission of a charged violation at the hearing under this section by a preponderance of the evidence. If, after a hearing, the court finds that the person had committed a noncriminal violation of this title or of related proclamations or rules, the court shall notify the department within ten days of the date of hearing.

**20.1-01-30. Amount of statutory fees.**

The fees required for a noncriminal disposition pursuant to section 20.1-01-28 or 20.1-01-29 are as follows:

1. For a class 1 noncriminal offense, a fee of fifty dollars.
2. For a class 2 noncriminal offense, a fee of twenty-five dollars.
3. For violation of a rule approved by the director or of an order or proclamation issued by the governor, the amount set in the rule, order, or proclamation up to a maximum of two hundred fifty dollars.

**20.1-01-31. Interference with rights of hunters and trappers.**

An individual may not intentionally interfere with the lawful taking of wildlife on public or private land by another or intentionally harass, drive, or disturb any wildlife on public or private land for the purpose of disrupting a lawful hunt. The individual may not use an aerial vehicle that does not carry a human operator on public or private land to intentionally interfere with the lawful taking of wildlife by another individual or intentionally harass, drive, or disturb any wildlife for the purpose of disrupting a lawful hunt. Except for department personnel, the individual setting the trap or snare, or that individual's agent, another individual may not remove or tamper with a trap or snare legally set to take fur-bearing animals or unprotected wild animals or remove the fur-bearing animal or unprotected wild animal from a trap or snare. This section does not apply to any incidental interference arising from lawful activity by public or private land users or to landowners or operators interfering with hunters on land owned or operated by that individual.

**20.1-01-32. Use of handguns while hunting with bow and arrow or crossbow.**

Notwithstanding any other provision of law, an individual may have a handgun, as defined in section 62.1-01-01, in that individual's possession while hunting during any lawful archery hunting season.

**20.1-01-33. Exploitation of wildlife - Penalty.**

1. A person is guilty of exploitation of wildlife if that person intentionally:
  - a. Commits five or more title 20.1 class A misdemeanor offenses within a two-year period;
  - b. Commits seven or more title 20.1 misdemeanor offenses within a two-year period;
  - c. Furnishes assistance, management, or supervision to an individual who commits or assists in the commission of seven or more title 20.1 misdemeanor offenses within a two-year period; or
  - d. Commits a title 20.1 misdemeanor offense after having been previously convicted of seven or more title 20.1 misdemeanor offenses within a ten-year period.
2. Violation of this section is a class C felony and, in addition to other penalties imposed by law, is subject to section 20.1-01-26. The defendant being over a daily or possession limit of fish, small game, or waterfowl is not sufficient as a predicate offense for a conviction under subdivision b or c of subsection 1 unless the state proves that the conduct occurred over more than three days or the person takes or possesses more than four times a daily limit and the state alleges and proves beyond

a reasonable doubt that the minimum number of predicate offenses required were committed intentionally. Except for a charge under subdivision d of subsection 1, the state may not charge an individual for both the predicate offense and a charge under this section. A conviction from another state or a federal court for an offense similar to one prescribed in title 20.1 may be used as a conviction under this section.

**20.1-01-34. Crossbow legal weapon.**

Notwithstanding any other provision of law, an individual may use a crossbow during the duration of any deer gun season the individual possesses the appropriate deer gun license.

**20.1-01-35. Hunting through the internet prohibited - Penalty.**

1. A person may not:
  - a. Hunt through the internet;
  - b. Host a hunt through the internet;
  - c. Import, export, or possess wildlife or any part thereof which has been taken by a hunt through the internet; or
  - d. Otherwise enable another person to hunt through the internet.
2. A person who violates this section is guilty of a class C felony.

**20.1-01-36. Suppressor and short-barreled rifle allowed for hunting.**

1. An individual in lawful possession of a device that will silence or deaden the sound or natural report of a firearm when the firearm is discharged may hunt any game for which the individual is licensed and for which a firearm is allowed with that device for or attached to the firearm.
2. An individual in lawful possession of a short-barreled rifle may hunt any game for which the individual is licensed and for which a rifle is allowed.

**20.1-01-37. Permission required for baiting - Penalty.**

Without permission from the owner or an individual authorized by the owner of the property, an individual may not enter upon another person's property and intentionally place bait to attract or manipulate the behavior of wildlife. An individual's first violation of this section is a class 1 noncriminal offense. An individual's second or subsequent violation of this section is an infraction for which a fine of two hundred fifty dollars must be imposed.