The following regulations have been adopted and published in the Kansas Register. They will become effective on the final date listed in the history section that follows each regulation. Regulations become effective 15 days after publication in the Kansas Register unless a later effective date is given in the body of the regulation.

State of Kansas

Board of Technical Professions

Permanent Administrative Regulations

Article 6.—PROFESSIONAL PRACTICE

66-6-1. Seals and signatures. (a) Each licensee, within 30 days of a license being issued, shall obtain a seal of the design approved by the board in compliance with K.S.A. 74-7023, and amendments thereto, and this regulation. The seal shall be made of two concentric circles. The outer circle shall be $\frac{1}{2}$ inches in diameter. The inner circle shall be $\frac{1}{6}$ inches in diameter and shall contain the words “LICENSED” at the top of the circle and “KANSAS” at the bottom of the circle and the number of the license certificate in the center. The area between the two circles shall, except as provided in this subsection, contain the licensee’s name as it appears on that individual’s license at the top of the circle and the licensee’s profession at the bottom of the circle.

The seal may contain, before the licensee’s surname, an abbreviated form of the licensee’s given name or a combination of initials representing the licensee’s given name. The seal may be a rubber stamp, an embossed seal, or a digital seal.

(b)(1) After the licensee’s seal has been applied to any document, the licensee shall apply the licensee’s handwritten or authenticated digital signature and the date across the seal. The application of the licensee’s seal and signature and the date shall constitute certification that the document on which the seal was applied was created by the licensee or under the licensee’s responsible charge.

(2) After a licensee has applied the seal, handwritten or digital signature, and date to a document, that document may be reproduced as necessary for the project in accordance with applicable law.

(3) Any licensee may use a digital signature if the digital signature authentication process meets all of the following requirements:

(A) Is unique to the licensee using the digital signature;

(B) is able to be verified;

(C) is under the sole control of the licensee using the digital signature; and

(D) is linked to an electronic document bearing the digital signature in such a manner that the signature is invalidated if any data in the document is altered.

(4) Each transmitted or stored electronic document containing a digital signature shall bear the signature, date of signing, and seal, which shall be a confirmation that the electronic document was not altered after the initial digital signing of the document. If the electronic document is altered, the signature, date, and seal shall be void.

(c)(1) Except as provided in K.S.A. 74-7031, K.S.A. 74-7032, K.S.A. 74-7033, K.S.A. 74-7034, or K.S.A. 74-7042a and amendments thereto, each document, including drawings, technical reports, original land descriptions for the purpose of conveying an interest in real property, records, and papers, shall be sealed, signed, and dated by the licensee who prepared the document or by the licensee who is in responsible charge. The licensee shall seal, sign, and date only work within the licensee’s area of licensure and competence. Unless the licensee is in responsible charge, that licensee shall not review or check technical submissions of another licensed professional or unlicensed person and seal the documents as the licensee’s own work.

(2) Documents required to be sealed, signed, and dated shall include the following:

(A) Any document submitted to any public or governmental agency, a client, or a user for final approval or recording; and

(B) each revision to a sealed, signed, and dated document, which shall be identified and sealed, signed, and dated by the licensee responsible for the revision.

(d)(1) The following documents shall be sealed, signed, and dated as specified in this subsection:

(A) For a set of drawings, in one of the following ways:

(i) On each drawing sheet of a set of drawings;

(ii) only on the first sheet of a multisheet set of project drawings if a digital signature authentication process meeting all the requirements in this regulation and capable of digitally linking all drawing sheets to a licensee’s area of responsibility is utilized; or

(iii) in a certification block displaying the seal, signature, and date of each licensee in responsible charge and designating the drawing sheets for which each licensee is responsible, which shall be included on the cover sheet or first drawing sheet of the set of drawings;

(B) for project-specific technical specifications, on the cover sheet or index page. If multiple licensees contribute to these specifications, each licensee shall also designate each part for which that licensee is responsible;

(C) for each technical report or survey plat, on the first or last page;

(D) for original land descriptions for the purpose of conveying an interest in real property, on the first or last page;

(E) for each manufacturer’s design document submitted in response to a project’s delegated design requirements, including performance specifications or drawings for a specific system or components that are not commonly manufactured items standard for order, and prepared by or under the direct supervision of a Kansas licensee, with the submittal sealed, signed, and dated by the manufacturer’s Kansas licensee as specified in paragraph (d)(1)(A) or (B); and

(F) for modified standard details or drawings required by a public agency to be incorporated in a project, on the cover sheet or index page of the document.

(2) For multiple seals, each licensee shall affix that individual’s seal and signature to the document and shall designate the specific subject matter for which that licensee is responsible, in a note under that licensee’s seal or in
the title or index sheet indicating the document to which the seal applies.

(e) The documents not required to be sealed, signed, and dated shall include the following:
   (1) A working drawing or preliminary document, if the working drawing or preliminary document contains a statement in large, bold letters stating “PRELIMINARY, NOT FOR CONSTRUCTION, RECORDING PURPOSES, OR IMPLEMENTATION” or words of comparable meaning; and
   (2) published standard details, drawings, or specifications adopted by a municipal, county, or public agency, if incorporated in that agency’s own projects. These documents shall be referenced within the project’s set of drawings when used. Nothing in this subsection shall relieve a licensee of the duty of professional conduct.

(f)(1) If a licensee who has responsible charge of the work is unavailable to complete the work, a successor licensee may assume responsible charge by performing all professional services, including developing a complete design file with work or design criteria, calculations, code research, and any necessary and appropriate changes to the work, under either of the following conditions:
   (A) The work is a site adaptation of a standard design plan.
   (B) The non-professional services, including drafting, are not required to be redone by the successor licensee but clearly and accurately reflect the successor licensee’s work.

(2) The successor licensee shall have responsible charge over the work product.


66-6-10. License statuses. Any licensee may elect to place the license, at the time of renewal, into one of the following license statuses:

(a) Active status shall require renewal every two years with the appropriate fee. The individual shall have 30 continuing education units (CEUs) of approved continuing education activities as required for renewal.

(b) Inactive status shall require renewal every two years with the appropriate fee. No CEUs shall be required for a licensee on inactive status. In order to qualify for inactive status, the individual shall have no pending disciplinary action.

An individual on inactive status shall not practice a technical profession in Kansas.

(c) Emeritus status shall require the individual to be at least 60 years of age. The individual shall submit a one-time application, with no fee and no proof of continuing education required. The individual shall have no pending disciplinary action. Any individual who chooses this license status may use that individual’s professional title in conjunction with the word “emeritus.” An individual on emeritus status shall not practice a technical profession in Kansas. (Authorized by K.S.A. 74-7013 and K.S.A. 74-7025; implementing K.S.A. 74-7025; effective Sept. 26, 2014; amended Dec. 4, 2020.)

Article 7.—APPLICATIONS

66-7-1. Applications. (a) In addition to the appropriate, completed application form and fee, each applicant shall also have the following submitted to the board office:

   (1) An official transcript to verify any educational credit;

   (2) verification of any practical experience for which credit is claimed on reference forms approved by the board, which shall be submitted directly to the board office by the individual providing the reference.

(b) Each applicant for a license by reciprocity shall also submit the following:

   (1) Verification of any exams previously taken; and

   (2) verification of a current active license. (Authorized by K.S.A. 74-7013; implementing K.S.A. 74-7018; effective May 1, 1984; amended May 4, 1992; amended Jan. 6, 2012; amended Dec. 4, 2020.)

Article 8.—EXAMINATIONS

66-8-3. Engineering examinations. (a) The examination required of each applicant for engineering licensure shall be the national council of examiners for engineering and surveying (NCEES) examination consisting of an engineering fundamentals section and a professional practice section.

(b) Each applicant for a professional license shall be required to pass the section on engineering fundamentals and meet the educational requirements under K.A.R. 66-9-4 before submitting an application to take the section on professional practice. (Authorized by K.S.A. 74-7013; implementing K.S.A. 74-7017, K.S.A. 74-7021, and K.S.A. 74-7023; effective May 1, 1984; amended May 4, 1992; amended Feb. 22, 1993; amended Feb. 14, 1994; amended Nov. 6, 2009; amended Dec. 27, 2013; amended Dec. 4, 2020.)

66-8-4. Professional surveyor examinations. (a) The examinations required of each applicant for licensure as a professional surveyor shall be the following:

   (1) The national council of examiners for engineering and surveying (NCEES) fundamentals of surveying;

   (2) the NCEES principles of practices of surveying; and

   (3) the board’s state-specific land surveying examination covering Kansas surveying laws and practices.

(b) Any applicant who has passed only one or more sections of the state-specific land surveying examination shall be granted transfer credits for the sections passed.

(c) Each applicant for a license as a professional surveyor shall be required to pass the section on the fundamentals of surveying and shall meet the surveying experience requirements under K.S.A. 74-7022, and amendments thereto, before the applicant may take the section on professional practice. (Authorized by K.S.A. 74-7013; implementing K.S.A. 74-7017, K.S.A. 74-7022, and K.S.A. 74-7023; effective May 1, 1984; amended May 4, 1992; amended Feb. 22, 1993; amended Feb. 14, 1994; amended Feb. 13, 1995; amended Nov. 1, 2002; amended
Article 9.—EDUCATION

66-9-5. Surveying curriculum approved by the board. Any applicant seeking licensure as a professional surveyor may fulfill the education requirement by any of the following:

(a) Graduation from an approved engineering curriculum as defined in K.A.R. 66-9-4;
(b) graduation from a four-year surveying baccalaureate curriculum accredited by the accreditation board for engineering and technology (ABET);
(c) graduation from an approved surveying curriculum of two years from a school or college approved by the board;
(d) graduation from an approved four-year related science curriculum, which may include geology, mathematics, chemistry, or physics;
(e) successful completion of the board’s “land surveying curriculum,” which was approved by the board on December 8, 2006 and is hereby adopted by reference; or
(f) successful completion of at least 12 semester hours of approved surveying coursework consisting of three semester hours in each of the following, from a school or college approved by the board:
   (1) Surveying measurements and analysis;
   (2) global positioning system (GPS) surveying techniques;
   (3) real property law; and

Article 10.—EXPERIENCE

66-10-1. Landscape architecture work experience. (a) The work experience required of each applicant shall expose the applicant to all phases of work integral to the practice of landscape architecture and shall be verified as specified in paragraph (b)(1)(B).

(b)(1) Landscape architectural work experience shall meet the following requirements:
   (A) Fall within the definition of the “practice of landscape architecture” under K.S.A. 74-7003 and amendments thereto; and
   (B) if performed after February 22, 1993, be supervised and verified by a licensed landscape architect, architect, or engineer.

(2) Beginning April 1, 1995, each applicant for examination shall provide a record of landscape architectural experience that has been compiled and transmitted by the council of landscape architectural boards (CLARB). (Authorised by K.S.A. 74-7013; implementing K.S.A. 74-7022; effective Feb. 22, 1993; amended Feb. 14, 1994; amended Nov. 1, 2002; amended June 29, 2007; amended Sept. 26, 2014; amended Dec. 4, 2020.)

(3) Each month of teaching in an accredited landscape architecture curriculum shall qualify for one month of landscape architecture experience. Teaching experience or other allowed experience, but not both, may be approved as experience for any concurrent calendar period.

(4) Credit may be given for 50 percent of the verified work experience obtained after a student has achieved “junior status” in a landscape architectural curriculum accredited by the landscape architectural accreditation board (LAAB). Credit for this work experience shall not exceed one year.


66-10-9. Engineering experience. (a) The work experience required of each applicant shall expose the applicant to all phases of work integral to the discipline of engineering in which the applicant claims qualification to practice and shall be verified as specified in paragraph (b)(2).

(b) Engineering work experience shall meet the following requirements:

(1) Fall within the definition of the “practice of engineering” pursuant to K.S.A. 74-7003, and amendments thereto;
(2) be directly supervised by a licensed professional engineer. However, direct supervision by a licensed professional engineer shall not be required of the employees of any person, firm, or corporation not offering services in the technical professions to the public, although verification by the applicant’s supervisor shall still be required; and
(3) include at least two years of work experience, which shall have been gained in the United States.

(c) The following requirements and provisions shall be used to assign credit for work experience:

(1) The applicant shall demonstrate four years of acceptable work experience.
(2) One year of credit toward the experience requirement may be given for a master’s or doctoral degree in engineering, unless that degree is used to satisfy the educational requirement described in K.A.R. 66-9-4(b). Credit shall not be allowed for both work experience and master’s or doctoral degree credit obtained during the same time period.
(3) Each month of teaching in an accredited engineering curriculum shall qualify for one month of engineering experience. Teaching experience or other allowed ex-
experience, but not both, may be approved as experience for any concurrent calendar period.

(4) Work experience credit shall not be allowed for work performed before graduation with the baccalaureate degree.


66-10-10b. Surveying experience required of a graduate in a four-year related science curriculum other than land surveying or engineering. Each graduate of a four-year curriculum considered by the board to be related to land surveying, which may include geology, mathematics, chemistry, or physics, shall provide documentation of six years of surveying experience. At least four years of this experience shall have been in progressive land surveying, as defined in K.A.R. 66-10-12(b)(1). (Authorized by K.S.A. 74-7013; implementing K.S.A. 74-7022; effective Nov. 1, 2002; amended Dec. 4, 2020.)

66-10-10c. Surveying experience required of an applicant who completed 12 semester hours of approved surveying coursework. Each applicant meeting the education requirements of K.A.R. 66-9-5(f) shall provide documentation of eight years of surveying experience. At least six years of this experience shall have been in progressive surveying as defined in K.A.R. 66-10-12(b)(1). (Authorized by K.S.A. 74-7013; implementing K.S.A. 74-7022; effective Dec. 4, 2020.)

66-10-12. Surveying experience. (a)(1) Surveying experience shall meet the following requirements:

(A) Fall within the definition of “practice of professional surveying” in K.S.A. 74-7003, and amendments thereto; and

(B) be under the direct supervision of a licensed professional surveyor for work performed after May 1, 1988.

(2) Each applicant shall supply references from at least three licensed surveyors or licensed engineers who are familiar with the applicant’s surveying experience. At least one reference shall be from a licensed surveyor.

(b) The following requirements shall be used to assign credit for work experience:

(1) Progressive surveying experience shall include each of the following elements of professional surveying:

(A) Project management;

(B) research;

(C) measurements and locations;

(D) computations and analysis;

(E) legal principles and reconciliation;

(F) land planning and design;

(G) monumentation; and

(H) documentation and land information systems.

(2) Surveying experience normally identified with engineering projects, including construction staking, curb and gutter projects, sanitary sewers, and design surveys for highways or bridges other than those that relate to right-of-way surveys, shall not be considered progressive surveying experience. However, this experience may be considered by the board as basic surveying experience.


66-10-13. Geology experience. (a) The work experience required of each applicant shall expose the applicant to all phases of work integral to the discipline of geology in which the applicant claims qualification to practice and shall be verified as specified in paragraph (b)(2).

(b) Geology experience shall meet the following requirements:

(1) Fall within the definition of “practice of professional geology” in K.S.A. 74-7003, and amendments thereto; and

(2) be directly supervised by a licensed geologist for work performed after July 1, 2000. However, direct supervision by a licensed geologist shall not be required of the employees of any person, firm, or corporation that does not offer services in the technical professions to the public, although verification by the applicant’s supervisor shall still be required.

(c) The following shall be used to assess credit for work experience:

(1) Experience credit shall not be allowed for work performed before graduation.

(2) One year of credit toward the experience requirement may be given for a master’s degree in geology or in a closely related specialty area acceptable to the board.

(3) Each month of teaching in an accredited geology curriculum shall qualify for one month of geology experience. Teaching experience or other allowed experience, but not both, may be approved as experience for any concurrent calendar period.

(d) Each applicant shall supply references from at least three licensed geologists or licensed engineers who are familiar with the applicant’s geology experience. At least two of these references shall be licensed geologists. One of the three references may be a licensed engineer. (Authorized by K.S.A. 74-7013; implementing K.S.A. 74-7041a; effective Feb. 4, 2000; amended Feb. 9, 2001; amended Nov. 2, 2001; amended Nov. 1, 2002; amended Dec. 27, 2013; amended, T-66-5-30-14, July 1, 2014; amended Sept. 26, 2014; amended Dec. 4, 2020.)

Article 11.—INTERN CERTIFICATION AND ADMISSION TO THE FUNDAMENTALS EXAMINATION

66-11-5. Admission requirements for fundamentals of surveying examination. (a) Each application shall be reviewed by the board to determine whether the requirements for admission to take the fundamentals of surveying examination have been met. Once the board
establishes that these requirements have been met, the applicant shall be allowed to sit for the examination.

(b) Each applicant shall meet the following requirements for admission before taking the examination:

(1) (A) Graduation from an accredited surveying curriculum, as defined in K.A.R. 66-9-5 (b) and (c);
B) graduation from an approved engineering curriculum specified in K.A.R. 66-9-5(a);
C) graduation from an approved four-year related science curriculum specified in K.A.R. 66-9-5(d); or
D) successful completion of the surveying curriculum specified in K.A.R. 66-9-5(e) or (f); and

Article 14.—CONTINUING EDUCATION REQUIREMENTS

66-14-1. Requirements. (a) Except as provided in subsections (b) and (c), each licensee shall have completed 30 continuing education units (CEUs) of acceptable continuing education activities during the two-year period immediately preceding the biennial renewal date established in K.A.R. 66-6-6 as a condition for license renewal. At a minimum, 24 of the required 30 CEUs shall be related to health, safety, property, and welfare (HSPW). If the licensee exceeds the requirement in any renewal period, the licensee may carry a maximum of 15 HSPW CEUs forward into the subsequent renewal period. Any licensee may obtain a maximum of 10 HSPW CEUs in any 24-hour period.

(b) Each licensee renewing a license in more than one profession shall have completed 20 HSPW CEUs for each profession every two years before renewal. At least 16 of the required 20 CEUs for each profession shall be HSPW CEUs. The number of CEUs that may be carried over into the next renewal period for each licensee renewing in more than one profession shall not exceed 15 HSPW CEUs in each technical profession.

(c)(1) Each professional surveyor shall complete at least two CEUs of preapproved continuing education activity on the Kansas minimum standards adopted by reference in K.A.R. 66-12-1(b).

(2) Each provider of a continuing education activity on the Kansas minimum standards specified in paragraph (c)(1) shall submit an application for preapproval of the continuing education activity on a form provided by the board.

(3) To qualify for preapproval, each continuing education activity shall meet the following conditions:

A) The continuing education activity has a definable purpose and objective.
B) The continuing education activity is created and conducted by a person qualified in the subject area.
C) The continuing education activity equals two contact hours.

66-14-2. Definitions. Each of the following terms used in this article of the board’s regulations shall have the meaning specified in this regulation:

(a) “College or university course continuing education unit” means a continuing education unit acceptable to the board for successfully completing a semester credit hour in a course. One semester credit hour shall be the equivalent of 15 CEUs.

(b) “Contact hour” means one clock-hour of at least 50 minutes of instruction or presentation of a continuing education activity.

(c) “Continuing education activity” means an activity that meets the following requirements:

(1) Enhances a licensee’s level of technical, professional, managerial, or ethical competence in order to further the goal of protecting the health, safety, property, and welfare of the public (HSPW); and

(2) reinforces the need for life-long learning in order to stay current with changing technology, changing procedures, changing processes, and established standards.

(d) “Continuing education unit” and “CEU” mean a unit of credit accepted by the board for participation in a continuing education activity as specified in K.A.R. 66-14-3. One contact hour shall be the equivalent of one CEU.

(e) “Sponsor” means an individual, organization, association, institution, or other entity that provides a continuing education activity for the purpose of fulfilling the continuing educational requirements of these regulations. (Authorized by K.S.A. 74-7013; implementing K.S.A. 74-7013 and 74-7025; effective March 1, 1996; amended Jan. 23, 2009; amended Sept. 1, 2015; amended Dec. 4, 2020.)

66-14-3. Continuing education activities. (a) Continuing education activities that meet the continuing education requirement shall include the following:

(1) Attending professional or technical presentations at meetings, conventions, or conferences;
(2) attending in-house programs sponsored by corporations or other organizations;
(3) successfully completing seminars, tutorials, short courses, correspondence courses, televised courses, or videotaped courses;
(4) making professional or technical presentations at meetings, conventions, or conferences;
(5) teaching or instructing, as described in K.A.R. 66-14-5(d);
(6) authoring published papers, articles, or books;
(7) serving as an officer or committee member of a technical profession society or organization, as described in K.A.R. 66-14-5(f);
(8) successfully completing a course semester credit hour at an approved college or university; and
(9) successfully completing health, safety, property, and welfare continuing education activities, which shall include instruction in technical and professional subjects
that safeguard the public and that are within any of the following areas necessary for the evaluation, design, construction, utilization, planning, engineering, implementation, construction, testing, operation, maintenance, and renewal of engineered systems in the built environment:

(A) Practice management focused on areas related to the management of the licensee’s practice and details of running a business;

(B) project management focused on areas related to the management of projects through execution, in the profession of the licensee;

(C) programming and analysis focused on areas related to the evaluation of project requirements, constraints, and opportunities;

(D) project planning and design focused on areas related to the preliminary design of sites, buildings, and environmental considerations;

(E) project development and documentation focused on areas related to the integration and documentation of building systems, material selection, and material assemblies into a project; or

(F) construction and evaluation focused on areas related to construction contract administration and post-occupancy evaluation of projects.

(b) Each of the continuing education activities identified in paragraphs (a)(1), (2), (3), (8), and (9) shall meet all of the following conditions:

(1) The continuing education activity has a definable purpose and objective relevant to the licensee’s field of practice.

(2) The program is conducted by a person qualified in the subject area.


66-14-5. Computation of credit. Continuing education activities shall be measured in continuing education units (CEUs) and shall be computed as follows:

(a) Successfully completing one contact hour of coursework or seminars at meetings, conventions, conferences, or in-house programs shall be the equivalent of one CEU.

(b) Taking an educational tour of a technically significant project shall be the equivalent of one CEU for each toured project, if the tour is conducted by a sponsor including a college, university, or professional organization.

(c) Preparation and making presentations, as specified in K.A.R. 66-14-3(a)(4), shall constitute four CEUs for the first contact hour of presentation plus one CEU for each additional contact hour of presentation.

(d) Teaching credit shall be valid for teaching a course or seminar in its initial presentation only. Full-time faculty at a college, university, or other educational institution shall otherwise not receive teaching credit for teaching their regularly assigned courses. Teaching or instructing a new college or university course for the first time shall be the equivalent of 10 CEUs.

(e) Authoring a published paper, article, or book shall be the equivalent of one of the following:

(1) 10 CEUs for each book or published paper in the licensee’s area of professional practice; or

(2) five CEUs for each paper or article in the licensee’s area of professional practice.

(f) Serving as an officer or committee member of a technical profession society or public commissions organization shall be the equivalent of two CEUs. Continuing education units shall be limited to two CEUs for each organization and shall not be earned until the completion of each year of service.

(g) Serving as a mentor or sponsor for the architectural experience program (AXP) of the national council of architectural registration boards (NCARB) shall be the equivalent of two CEUs annually.

(h) Successfully completing one university semester hour of credit shall be the equivalent of 15 CEUs.

(i) Successfully completing one contact hour of professional development self-study coursework that is offered by a third-party sponsor with evidence of achievement with a final graded test shall be the equivalent of one CEU. A maximum of five self-study CEUs may be applied in any one renewal period. Proof of course completion shall be required. (Authorized by K.S.A. 74-7013; implementing K.S.A. 74-7013 and 74-7025; effective March 1, 1996; amended Nov. 2, 2001; amended Feb. 4, 2005; amended Jan. 23, 2009; amended Sept. 1, 2015; amended Dec. 4, 2020.)

66-14-6. Exemptions. To qualify for an exemption from the continuing education requirement, the licensee shall submit an application to the board documenting the existence of one of the following conditions:

(a) The licensee is renewing for the first time.

(b) The licensee is called to active duty in the armed forces of the United States for a period exceeding 120 consecutive days in a renewal period. This individual may be exempt from obtaining 15 CEUs of the 30 CEUs required during the renewal period.

(c) The licensee chooses to have the license placed on inactive status or emeritus status as specified in K.A.R. 66-6-10. If the licensee elects to return to practice, the licensee shall earn 30 CEUs for the last renewal period or shall meet the requirement specified in K.A.R. 66-14-1(b).


66-14-7. Records. (a) Each licensee shall maintain records on forms prescribed by the board to support the continuing education units claimed by the licensee.

The records shall include the following:

(1) A log showing the type of continuing education activity claimed and the number of CEUs earned; and

(2) supporting documentation, which may include documentation of either of the following:

(A) Presentations or attendance at meetings, conventions, conferences, programs, seminars, and similar functions, which shall be documented by verification records in the form of completion certificates, sign-in sheets, or other documents supporting evidence of attendance; or

(B) authoring published papers, articles, or books, which shall be documented by proof of publication.

(b) Each licensee shall maintain the records specified in
subsection (a) for at least four years and shall provide a copy to the board, upon request. (Authorized by K.S.A. 74-7013; implementing K.S.A. 74-7013 and 74-7025; effective March 1, 1996; amended Jan. 23, 2009; amended Sept. 1, 2015; amended Dec. 4, 2020.)

**66-14-8. Reinstatement.** Any individual may apply for reinstatement of a cancelled license by performing the following:
(a) Submitting an application for reinstatement;
(b) paying the required reinstatement fee; and
(c) providing evidence of obtaining 30 CEUs in the immediately preceding two-year period. (Authorized by K.S.A. 74-7013; implementing K.S.A. 74-7025; effective March 1, 1996; amended Dec. 4, 2020.)

**66-14-9. Proof of compliance.** Each licensee shall provide proof of meeting the continuing education requirements of the board. If the licensee fails to furnish the information required by the board, the individual’s license shall not be renewed. (Authorized by K.S.A. 74-7013; implementing K.S.A. 74-7025; effective March 1, 1996; amended Dec. 4, 2020.)


**66-14-12. Disallowance.** If the board disallows any continuing education units claimed by an applicant for license renewal or reinstatement, the applicant shall have 120 days after notification of the disallowance to substantiate the original claim or to earn other continuing education units to meet the minimum requirement. (Authorized by K.S.A. 74-7013; implementing K.S.A. 74-7025; effective March 1, 1996; amended Dec. 4, 2020.)

Larry Karns
Executive Director

**State of Kansas**

**Department of Wildlife, Parks and Tourism**

**Permanent Administrative Regulations**

**Article 14.—FALCONRY**

**115-14-12. Falconry; permits, applications, and examinations.** (a) Except as provided in this regulation, any individual engaged in falconry who possesses a current Kansas falconry permit or a current falconry permit from another state may engage in falconry activities as authorized by law or regulation. The permittee shall be in the immediate possession of the permit while trapping, transporting, working with, or flying a falconry raptor. Each falconer wanting to capture a raptor from the wild shall comply with K.A.R. 115-14-14. The permittee shall not be required to have immediate possession of the falconry permit while the raptor is located on the permitted premises of the falconry facility but shall produce the permit upon request for inspection by any law enforcement officer authorized to enforce the provisions of this regulation.

(b) Each individual wanting to engage in falconry shall submit an application to the secretary for the appropriate permit, on forms provided by the department. The application shall require at least the following information to be provided:
(1) The applicant’s name;
(2) the applicant’s address;
(3) the address of the facilities where the raptors are to be kept;
(4) the species and number of raptors to be permitted in accordance with the limitations specified in this regulation;
(5) the applicant’s date of birth;
(6) the applicant’s social security number;
(7) the level of falconry permit being applied for; and
(8) any additional relevant information that may be required for the type of permit as described within this regulation.

(c) Each falconry permit shall be valid from the date of issuance through December 31 in the third calendar year after issuance. A falconry permit may be renewed without the examination otherwise required by this regulation if the permit is renewed before the current permit expires.

(d) Each individual holding a current valid falconry permit from another state, moving to Kansas with the intent to establish residency, and wanting to bring that individual’s legally permitted raptors into the state shall meet the following requirements:
(1) The individual shall apply for the appropriate level of Kansas falconry permit within 30 days after moving into the state. The determination of which level of falconry permit is appropriate for the applicant shall be based on the requirements of subsections (j), (k), and (l).

(2) The individual shall not be required to take the department’s falconry examination specified in paragraph (j)(3).

(3) The individual shall notify the state where the individual formerly resided of the individual’s move, within 30 days of moving to Kansas.

(4) Any falconry birds held by the individual under the former permit may be retained during the permit application and issuance process in Kansas if the birds are kept in an appropriate facility as specified in K.A.R. 115-14-13.

Each permanent facility to house falconry birds possessed under this subsection shall be constructed, inspected, and approved in accordance with K.A.R. 115-14-13 before the issuance of the Kansas falconry permit.

(e) Each individual whose permit has expired shall be allowed to reinstate that individual’s permit in accordance with this subsection.

(1) Any individual whose Kansas falconry permit has lapsed for fewer than five years may be reinstated at the level previously held if the individual submits a complete application and provides proof of the previous level of certification. Each of the individual’s facilities shall
pass the inspection requirements in K.A.R. 115-14-13 before the individual may be allowed to possess a falconry raptor.

(2) Each individual whose Kansas falconry permit has lapsed for five years or more shall be required to correctly answer at least 80 percent of the questions on the department’s falconry examination specified in paragraph (j)(3). Upon passing the examination, the individual’s falconry permit shall be reinstated at the level previously held. Each of the individual’s facilities shall pass the inspection requirements in K.A.R. 115-14-13 before the individual may be allowed to possess a falconry raptor.

(f) Any individual whose falconry permit has been revoked or suspended may apply for that individual’s permit to be reinstated after the suspension period or revocation. In addition to submitting a completed application to the department, the individual shall be required to correctly answer at least 80 percent of the questions on the department’s falconry examination specified in paragraph (j)(3). Upon passing the examination, the individual’s falconry permit shall be reinstated at the level previously held. Each of the individual’s facilities shall pass the inspection requirements in K.A.R. 115-14-13 before the individual may be allowed to possess a falconry raptor.

(g) Any individual residing in Kansas who is not a citizen of the United States, has practiced falconry in the individual’s home country, and has not been previously permitted for falconry in another state may apply for a temporary falconry permit. Each temporary falconry permit shall be valid from the date of issuance through December 31 in the third calendar year after issuance. The level of permit issued shall be consistent with the level of permit types specified in subsections (j), (k), and (l). In addition, the applicant shall meet the following provisions:

(1) Any individual covered under this subsection may apply for and receive a temporary falconry permit in accordance with the following provisions:

(A) The individual applying for the temporary permit shall be required to correctly answer at least 80 percent of the questions on the department’s falconry examination specified in paragraph (j)(3).

(B) Upon passing the examination, a temporary permit for the appropriate level shall be issued by the department, based on the individual’s documentation of experience and training.

(C) The individual holding the temporary permit may possess raptors for falconry purposes if the individual has falconry facilities approved in accordance with K.A.R. 115-14-13. The individual holding a temporary permit may fly raptors held for falconry by another permitted falconer. The individual holding a temporary permit shall not take raptors from the wild for falconry purposes.

(2) Any individual holding a temporary permit in accordance with this subsection may use any bird for falconry that the individual legally possessed in the individual’s country of origin for falconry purposes if the importation of that species of bird into the United States is not prohibited and the individual has met all permitting requirements of the individual’s country of origin.

(A) The individual shall comply with all requirements for practicing falconry in the state. The individual shall acquire all permits and comply with all federal laws concerning the importation, exportation, and transportation of falconry birds; the wild bird conservation act; the endangered species act; migratory bird import and export permits; and the endangered species convention.

(B) Each falconry bird imported into the state under this subsection shall be exported from the state by the temporary permittee when the permittee leaves the state, unless a permit is issued allowing the bird to remain in Kansas. If the bird dies while in the state, the permittee shall report the loss to the department before leaving the state.

(C) When flown free, each bird brought into the state under the provisions of this subsection shall have attached to the bird two radio transmitters that allow the permittee to locate the bird.

(h) Each individual who holds a current, valid Kansas falconry permit and resides in another state, territory, or tribal land different from the individual’s primary Kansas residence for more than 120 consecutive days shall provide the location of the individual’s falconry facilities in the other jurisdiction to the department. This information shall be listed on the individual’s Kansas falconry permit.

(i) Falconry permits shall be issued for the following levels of permittees: apprentice falconer, general falconer, and master falconer. Each applicant for a specific level shall meet the requirements of subsection (j), (k), or (l).

(j) An “apprentice falconer” shall mean an individual who is beginning falconry at an entry level, has no prior permitted falconry experience, and meets the following requirements:

(1) The applicant shall be at least 12 years of age. The application of any applicant under 18 years of age shall be signed by a parent or legal guardian, who shall be legally responsible for the applicant’s activities.

(2) The applicant shall have secured a written sponsor agreement either from a general falconer with at least two years of falconry experience as a general falconer or from a master falconer, stating that the falconer has agreed to mentor the applicant for the duration of the apprentice permit.

(A) The sponsor agreement shall include a statement from the general falconer or master falconer specifying that the sponsor shall mentor the applicant in learning the husbandry and training of raptors for falconry, learning relevant wildlife laws and regulations concerning the practice of falconry, and deciding what species of raptor is appropriate for the applicant to possess while practicing falconry at the apprentice level.

(B) If the general falconer or master falconer is not able to fulfill the sponsor agreement to mentor the apprentice falconer, the apprentice shall secure a sponsor agreement from another falconer with the necessary qualifications and notify the department within 30 days of the change. The falconer sponsoring the apprentice falconer shall notify the department in writing within 30 days of withdrawing the falconer’s mentorship.

(3) Each applicant for an apprentice falconry permit shall be required to correctly answer at least 80 percent of the questions on the department’s falconry examination.
The examination shall cover the following topics:
(A) The care and handling of falconry raptors;
(B) federal and state laws and regulations relating to falconry; and
(C) other relevant subject matter relating to falconry, including diseases and general health.

(4) Any applicant failing the examination may reapply after 90 days.

(5) An apprentice falconer shall not possess more than one raptor. Each apprentice falconer shall be restricted to taking or possessing not more than one wild-caught raptor from one of the following species:
(A) American kestrel (Falco sparverius);
(B) red-tailed hawk (Buteo jamaicensis); or
(C) red-shouldered hawk (Buteo lineatus).

(6) A raptor acquired by an apprentice falconer shall not have been taken from the wild as an eyas or have become imprinted on humans. Any wild-caught raptor species specified in paragraph (j)(5) may be transferred to the apprentice falconer by another properly permitted falconry permittee.

An apprentice falconer shall not acquire more than one replacement raptor during any 12-month period.

(7) The facilities used to house and keep the raptor shall meet the requirements in K.A.R. 115-14-13.

(k) A “general falconer” shall mean an individual who has been previously permitted as an apprentice falconer and meets the following requirements:

(1) The applicant shall be at least 16 years of age. The application of any applicant under 18 years of age shall be signed by a parent or legal guardian, who shall be legally responsible for the applicant’s activities.

(2) Each application shall be accompanied by a letter from general falconer or a master falconer stating that the applicant has practiced falconry with wild raptors at the level of apprentice falconer, or its equivalent, for at least two years, including maintaining, training, flying, and hunting the raptor for at least four months in each year. This time may include the capture and release of falconry raptors. A school or education program in falconry shall not be substituted to shorten the required two years of experience at the level of apprentice falconer.

(3) A general falconer may take and use any species of Accipitriform, Falconiform, or Strigiform, including wild or captive-bred raptors and hybrid raptors for falconry, with the following exceptions:
(A) A bald eagle (Haliaeetus leucocephalus) shall not be possessed.
(B) Golden eagles (Aquila chrysaetos), white-tailed eagles (Haliaeetus albicilla), or Steller’s sea eagles (Haliaeetus pelagicus) may be possessed if the permittee meets the following requirements:
(i) The permittee shall not possess more than three raptors of the species listed in paragraph (j)(2)(B).
(ii) The permittee shall provide documentation to the department of the permittee’s experience in handling large raptors, including information about the species handled and the type and duration of the activity in which the experience was gained.
(iii) The permittee shall provide the department with at least two letters of reference from people with experience in handling or flying large raptors including eagles, ferruginous hawks (Buteo regalis), goshawks (Accipiter gentilis), or great horned owls (Bubo virginianus). Each letter shall contain a concise history of the author’s experience with large raptors, which may include the handling of raptors held by zoos, rehabilitating large raptors, or scientific studies involving large raptors. Each letter shall also assess the permittee’s ability to care for eagles and fly them for falconry purposes.

(C) The possession of a golden eagle, white-tailed eagle, or Steller’s sea eagle shall count as one of the wild raptors that the permittee is allowed to possess.

(D) A master falconer may possess wild or captive-bred raptors or hybrid raptors of the species allowed by this subsection.

(E) A master falconer shall possess no more than five wild-caught raptors, including golden eagles, regardless of the number of state, tribal, or territorial falconry permits that the falconer possesses.

(F) A master falconer may possess any number of captive-bred raptors. However, the raptors shall be trained to pursue wild game and shall be used for hunting.

(m) A falconry permit may be denied, suspended, or revoked by the secretary for any of the following reasons:

(1) The application is incomplete or contains false information.

(2) The applicant does not meet the qualifications specified in this regulation.

(3) The applicant has failed to maintain or to submit required reports.

(4) The applicant has been convicted of violating department laws or regulations relating to hunting or the practice of falconry or has had any other department license or permit denied, suspended, or revoked.

(5) Issuance of the permit would not be in the best interests of the public, for reasons including complaints or inappropriate conduct while holding a previous falconry permit.


115-14-13. Falconry; facilities, equipment, care requirements, and inspections. (a) Each individual keep-
ing raptors shall maintain the facilities in accordance with this regulation.

(1) “Primary facility” shall mean the principal place and structures where the raptor is normally provided care and housing. This term shall include indoor facilities and outdoor facilities.

(2) “Temporary facility” shall mean a place and structure where a raptor is kept during the raptor’s time away from the primary facility, including during transportation and while hunting or attending an event. This term shall include a place and structure where a raptor is kept for a limited time period while the primary facility is not available.

(b) All primary facilities used to house and keep raptors shall be inspected and approved by the department before the issuance of a Kansas falconry permit. Thereafter, all primary facilities used to house and keep raptors shall be inspected and approved whenever a change in the location of the primary facility occurs. All primary facilities shall meet the following standards:

(1) All indoor areas of the primary facility, which are also known as “mews,” and all outdoor areas of the primary facility, which are also known as “weathering areas,” shall protect raptors from the environment, predators, and domestic animals.

(2) The indoor area of the primary facility shall have a perch for each raptor and at least one opening for sunlight.

(3) Two or more raptors may be housed together and untethered if the birds are compatible with each other. Each raptor shall have an area large enough to allow the raptor to fly if it is untethered or, if tethered, to fully extend its wings to bathe or attempt to fly while tethered without damaging its feathers or contacting other raptors.

(4) Each raptor shall have a pan of clean water available.

(5) Each indoor area of the primary facility shall be large enough to allow easy access for the care and feeding of the raptors kept there.

(6) Each indoor area of the primary facility housing untethered raptors shall have either solid walls or walls made with vertical bars spaced narrower than the width of the body of the smallest raptor being housed, heavy-duty netting, or other similar materials covering the walls and roof of the facility. All windows shall be protected on the inside by vertical bars, spaced at intervals narrower than the width of the raptor’s body.

(7) The floor of the indoor area of the primary facility shall consist of material that is easily cleaned and well drained.

(8) Each indoor area of the primary facility shall include shelf-perch enclosures where raptors are tethered side by side. Other housing systems shall be acceptable if they afford the enclosed raptors with protection and maintain healthy feathers.

(9) A falconry raptor, or raptors, may be kept inside the permittee’s residence if a suitable perch, or perches, are provided. Windows and other openings in the residence structure shall not be required to be modified. All raptors kept in the residence shall be tethered when the raptors are not being moved into or out of the location where they are kept.

(10) Each outdoor area of the primary facility shall be totally enclosed and shall be made of heavy-gauge wire, heavy-duty plastic mesh, slats, pipe, wood, or other suitable material.

(11) Each outdoor area of the primary facility shall be covered and have at least a covered perch to protect a raptor held in the facility from predators and weather. Each outdoor area of the primary facility shall be large enough to ensure that all the raptors held inside cannot strike the enclosure when flying from the perch.

(12) Any new design of primary facility may be used if the primary facility meets the requirements of this subsection.

(c) Falconry raptors may be kept outside, including in a weathering yard at a falconry meet, if the raptors are under watch by the permittee or a designated individual.

(d) The permittee may transport any permitted raptor if the bird is provided with a suitable perch and is protected from extreme temperatures, wind, and excessive disturbance. A giant hood or similar container may be used for transporting the bird or for housing it while away from the primary facility.

(e) The permittee shall inform the department of any change of location of the primary facility within five business days of the move to the new location.

(f) The property where the primary facility is located may be owned by the permittee or another person and may be at the residence of the permittee or at a different location.

The permittee shall submit to the department a signed and dated statement showing that the permittee agrees that the primary facility, equipment, all falconry-related facilities, equipment, records, and raptors may be inspected without advance notice by department authorities at any reasonable time on any day of the week if the inspections are in the presence of the permittee. If the property is not owned by the permittee, the actual property owner shall also sign the statement acknowledging the inspection allowance.

(g) The permittee shall provide and maintain the following equipment during the term of the permit:

(1) At least one pair of Aylmeri jesses, or jesses of a similar type, constructed of pliable, high-quality leather or a suitable synthetic material. The jesses shall be used when any raptor is flown free. Traditional one-piece jesses may be used on raptors when not being flown;

(2) at least one flexible, weather-resistant leash and one strong swivel of acceptable falconry design;

(3) at least one suitable bath container for each raptor. Each container shall be at least two to six inches deep and wider than the length of the raptor; and

(4) a reliable scale or balance that is suitable for weighing the raptors and is graduated to increments of not more than ½ ounce (15 grams).

(h) A permittee may house a raptor in temporary facilities for no more than 120 consecutive days if the bird is provided with a suitable perch and protection from predators, domestic animals, extreme temperatures, wind, and excessive disturbance.

(i) A permittee may allow a raptor to be temporarily cared for and possessed by another falconry permittee in accordance with the following requirements:
(1) The raptor shall be kept at the permittee’s primary facility or at the permitted primary facility of the other permittee.

(2) The raptor shall be cared for by the other permittee for no more than 120 consecutive days, unless the department provides a written extension of time for extenuating circumstances that may include illness, military service, or a family emergency. Extenuating circumstances may be considered by the secretary on a case-by-case basis.

(3) The permittee shall provide the other permittee with a signed, dated statement authorizing the temporary possession. The statement shall include information specifying the time period during which the temporary care and possession are allowed and what activity is allowed. The permittee providing the temporary care may fly the raptor as authorized in the statement, including hunting, if the permittee providing the temporary care holds the appropriate level of falconry permit. The raptors being provided temporary care shall not count against the possession limit of the permittee providing the care.

(4) The permittee shall provide a copy of the United States fish and wildlife service form 3-186A showing that permittee as the possessor of the raptor to the other permittee providing the temporary care.

(j) Any permittee may allow a raptor to be temporarily cared for by an individual who does not possess a falconry permit in accordance with the following provisions:

(1) The raptor shall not be removed from the permittee’s facility during the time of temporary care. The person caring for the raptor shall not fly the raptor for any reason.

(2) The raptor may be cared for by another person for no more than 45 consecutive days, unless the department provides a written extension of time for extenuating circumstances that may include illness, military service, or a family emergency. Extenuating circumstances may be considered by the secretary on a case-by-case basis.

(3) The raptor shall remain on the permittee’s falconry permit.

(k) Falconry raptors may be trained or conditioned in accordance with the following provisions:

(1) Equipment or techniques acceptable for falconry practices including or similar to any of the following may be used:

(A) Tethered flying, which is also known as flying with a creance;

(B) lures made from animal parts;

(C) balloons;

(D) kites; or

(E) remote-control airplanes.

(2) The following species of live wildlife may be used:

(A) Rock dove or domestic pigeon;

(B) European starling;

(C) house sparrow;

(D) Hungarian partridge;

(E) Chukar partridge; and

(F) any small game, as defined by K.S.A. 32-701 and amendments thereto, during the established hunting seasons for the small game.

(I) All facilities and equipment shall be properly maintained and cleaned during the term of the permit.

(m) Mistreatment of any raptor shall be grounds for revocation of the falconer’s permit and for confiscation of any raptors in possession of the falconer. “Mistreatment” shall be defined as any of the following:

(1) Having physical custody of a raptor and failing to provide food, potable water, protection from the elements, opportunity for exercise, and other care as is needed for the health and well-being of the raptor;

(2) abandoning or leaving any raptor in any place without making provisions for its proper care; or

(3) failing to meet the requirements of this regulation.


115-14-14. Falconry; taking, banding, transporting, and possessing raptors. (a) For the purpose of this regulation, “falconer” shall be defined as a person taking or attempting to take a raptor from the wild for falconry purposes. Each falconer shall possess a current, valid hunting license pursuant to K.S.A. 32-919, and amendments thereto, and meet the requirements for hunter education certification pursuant to K.S.A. 32-920, and amendments thereto.

(b) Each nonresident falconer shall apply for and receive a take permit from the department before attempting to take a raptor from the wild in Kansas. Each nonresident falconer shall submit a raptor acquisition report within 10 days of leaving Kansas, regardless of whether the falconer was successful in taking a raptor.

(c) Each resident falconer shall apply for and receive a take permit from the department before attempting to take a peregrine falcon from the wild in Kansas.

(d) Each capture device used to capture raptors shall have a tag attached showing the falconer’s name, address, and current falconry permit number.

(e) The falconer shall acquire permission from the landowner or the person controlling any private land before taking or attempting to take any wild raptor for falconry purposes.

(f) Wild raptors may be taken for falconry purposes if the species is approved by the department to be taken by the falconer and is allowed under the level of falconry permit possessed by the falconer in accordance with K.A.R. 115-14-12.

(I) A falconer shall not intentionally take a raptor species that the falconer is prohibited from possessing by the falconer’s classification level.

(2) If a falconer captures a prohibited bird, the falconer shall immediately release it.

(g) A falconer shall take no more than two raptors from the wild each year to use in falconry in accordance with the permit level limitations specified in K.A.R. 115-14-12. The take shall be further restricted by the following provisions:

(1) Passage and haggard raptors may be taken by apprentice falconers, general falconers, and master falconers year-round.

(2) Eyases may be taken only by a general falconer or master falconer and may be taken year-round.

(3) No more than two eyases may be taken by a general falconer or a master falconer per calendar year. At least...
one eyas shall be left in the nest when an eyas is taken.

An apprentice falconer shall not take an eyas raptor from the wild.

(4) The following raptors may be taken from the wild, but only during the specified stages of development:
   (A) Red-tailed hawk (Buteo jamaicensis) in the eyas and passage stages;
   (B) American kestrel (Falco sparverius) in all stages; and
   (C) great horned owl (Bubo virginianus) in all stages.

(5) Any other species of raptor in the eyas or passage stage of development may be taken by general falconers and master falconers.

(6) The recapture of a falconry bird that has been lost by a falconer shall not be considered to be the capture of a wild raptor to be counted against the annual limit.

(h) Except as provided by this subsection, no species designated by the United States or in K.A.R. 115-15-1 as endangered or threatened shall be taken from the wild.

(1) A general falconer or master falconer may obtain a permit to take one wild raptor listed by federal law as threatened for falconry purposes.

(2)(A) The falconer shall submit an application and receive a federal endangered species permit before taking the bird.

(B) The falconer shall submit an application and receive approval and a permit from the department before taking the bird.

(i) Each raptor taken from the wild shall always be considered a wild bird.

(j) Each raptor taken from the wild in a calendar year by a falconer and then transferred to a second falconer shall count as one of the raptors allowed to be taken by the first falconer who took the raptor from the wild. The raptor transferred to the receiving falconer shall not count against the limit of wild raptors that may be taken in the calendar year by the receiving falconer.

(k) Each raptor taken from the wild shall be reported as follows:

(1) The falconer who is present and takes possession of a wild raptor at the capture site shall file the required report information within 10 calendar days of the capture by submitting the information to the electronic database of the United States fish and wildlife service.

(2) Any falconer may enlist the assistance of another person to take a wild raptor if the falconer is at the exact location of the capture and takes immediate possession of the bird.

(3) Any falconer who does not take immediate possession of a wild raptor at the exact location of the capture may acquire a wild raptor from a general falconer or master falconer, as defined in K.A.R. 115-14-12, in accordance with the following reporting requirements:

   (A) The general falconer or master falconer who takes the raptor from the wild shall report the capture in accordance with paragraph (k)(1).

   (B) The falconer receiving the wild raptor from the general falconer or master falconer shall report the transfer of the bird within 10 calendar days of the transfer by submitting the information to the electronic database of the United States fish and wildlife service.

(4) Any falconer who has a long-term or permanent physical impairment that prevents the individual from being present at the exact location of the capture and taking immediate possession of a wild raptor that may be used by the falconer for falconry purposes may acquire a bird by the following means:

   (A) Any general falconer or master falconer, as defined by K.A.R. 115-14-12, may capture the wild raptor.

   This capture shall not count against the general falconer’s or master falconer’s calendar-year limit for the take of wild raptors. However, this capture shall count against the calendar-year limit for wild raptors of the falconer with the long-term or permanent physical impairment.

   (B) The falconer with the long-term or permanent physical impairment shall file the capture report in accordance with paragraph (k)(1).

   (C) The falconer with the long-term or permanent physical impairment shall confirm the presence of the impairment and the need to report in accordance with this subsection at the time of application for the capture permit.

   (I) A master falconer may be authorized by permit to possess not more than three eagles, including golden eagles, white-tailed eagles, or Steller’s sea eagles, for falconry in accordance with the following provisions:

   (1) Each eagle possessed shall count against the possession limit for the falconer.

   (2) A golden eagle may be taken in a location declared by the wildlife services of the United States department of agriculture or in an area within a state that has been established as a livestock depredation area in accordance with the following provisions:

   (A) An immature or a subadult golden eagle may be taken in a livestock depredation area while the depredation area is in effect.

   (B) A nesting adult golden eagle, or an eyas from its nest, may be taken in a livestock depredation area if a biologist that represents the agency responsible for establishing the depredation area has determined that the adult eagle is preying on livestock.

   (C) The falconer shall notify the regional law enforcement office of the United States fish and wildlife service of the capture plan before any trapping activity begins. Notification shall be submitted in person, in writing, or by facsimile or electronic mail at least three business days before the start of trapping.

   (m) Any raptor wearing falconry equipment or any captive-bred raptor may be recaptured at any time by any falconer in accordance with the following provisions:

   (1) The falconer may recapture the raptor whether or not the falconer is allowed to possess that species.

   (2) The recaptured bird shall not count against the falconer’s possession limit. This take from the wild shall not count against the capture limit for the calendar year.

   (3) The falconer shall report the recapture to the department within five working days of the recapture.

   (4) The disposition of any recaptured bird shall be as follows:

   (A) The bird shall be returned to the person who lost it, if that person may legally possess the bird and choses to do so. If the person who lost the bird either is prohibited from taking or chooses not to take the bird, the falconer who captured the bird may take possession of the bird if the falconer holds the necessary qualifications for the
species and does not exceed the falconer’s possession limit.

(B) The disposition of a recaptured bird whose legal ownership cannot be ascertained shall be determined by the department.

(n) Each goshawk (Accipiter gentilis), Harris’s hawk (Parabuteo unicinctus), peregrine falcon (Falco peregrinus), or gyrfalcon (Falco rusticolus) taken from the wild or acquired from a rehabilitator by a falconer shall be identified by one or more of the following means:

(1) The bird shall be banded with a black nylon, permanent, nonreusable, numbered falconry registration leg band from the United States fish and wildlife service. The bands shall be made available through the department. Any falconer may request an appropriate band before any effort to capture a raptor.

(2) In addition to the band specified in paragraph (n) (1), the falconer may purchase and have implanted in the bird a 134.2 kHz microchip that is compliant with the requirements of an international organization for standardization. All costs associated with the implantation of a microchip shall be the responsibility of the falconer.

(3) The falconer shall report the take of any bird within 10 days of the take by submitting the required information, including the band number or the microchip information, or both, to the electronic database of the United States fish and wildlife service.

(4) The falconer shall report to the department the loss or removal of any black nylon, nonreusable leg band within five days of the removal or notice of loss.

(A)(i) When submitting the report, the falconer shall submit a request for a black, nylon, nonreusable leg band to the United States fish and wildlife service.

(ii) The falconer may purchase and implant a 134.2 kHz microchip that is compliant with the requirements of an international organization for standardization, in addition to using the black, nylon, nonreusable leg band for rebanding.

(B) The falconer shall immediately submit the required information relating to the rebanding or the implanting of a microchip by submitting the information to the electronic database of the United States fish and wildlife service.

(o) Each raptor bred in captivity shall be banded with a seamless metal falconry registration band provided by the United States fish and wildlife service. In addition, any such raptor may have implanted a 134.2 kHz microchip that is compliant with the requirements of an international organization for standardization.

The falconer shall report to the department the loss or removal of any seamless band within 10 days of the removal or notice of loss.

(1)(A) When submitting the report, the falconer shall submit a request for a yellow, nylon, nonreusable leg band to the United States fish and wildlife service.

(B) The falconer may purchase and implant a 134.2 kHz microchip that is compliant with the requirements of an international organization for standardization, in addition to using the seamless leg band for rebanding.

(2) The falconer shall immediately submit the required information relating to the rebanding or the implanting of a microchip by submitting the information to the
possession of the captured bird does not exceed the established possession limit.

(t) Each raptor, including a peregrine falcon, that is captured and found with a seamless metal band, a transmitter, or any other item identifying it as a falconry bird attached to it shall be reported to the department within five days of capture.

(1) Each such falconry raptor shall be returned to the person who lost the raptor.

(2) The raptor may be turned over directly to a veterinarian, a permitted wildlife rehabilitator, or a department employee, and the raptor shall not be counted against the falconer’s allowable take or possession limit. The falconer shall be responsible for the costs relating to the care and rehabilitation of the bird.

(2) In addition to submitting the report required in paragraph (v)(1), the falconer shall file a report of the theft of a raptor with the department and the appropriate regional law enforcement office of the United States fish and wildlife service with the electronic database of the United States fish and wildlife service.

(3) The raptor shall keep copies of all electronic database submissions documenting the take, transfer, loss, theft, rebanding, or implanting of microchips of each falconry raptor for five years after the bird has been transferred, released to the wild, or has died.

(w) The intentional release to the wild of any falconry raptor shall be in accordance with the following requirements:

(1) A species of raptor that is not native to Kansas shall not be released to the wild. Any such bird may be transferred to another falconer if the falconer receiving the bird is authorized to possess the age and species of raptor and the transfer does not exceed the possession limit of the falconer receiving the bird.

(2) Any species of raptor that is native to Kansas and is captive-bred may be released to the wild according to the following requirements:

(A) The falconer shall obtain the department’s permission to release the bird to the wild before the actual release. The time of year and the location where the release will take place shall be specified by the department.

(i) The release of a raptor on department lands or waters shall meet the requirements of K.A.R. 115-8-12.

(ii) The falconer shall acquire verbal permission from the landowner or person in control of the private land before the release of the raptor.

(B) The falconer shall remove any tag, transmitter, or nonreusable falconry band, if present, before release. All falconry identification bands, tags, or markers shall then be surrendered to the department within 10 calendar days of the release.

(C) The falconer shall report the release of the bird within 10 calendar days of the release by submitting the required information to the electronic database of the United States fish and wildlife service.

(3) Any species of raptor that is native to Kansas and was taken from the wild may be released to the wild according to the following requirements:

(A) The falconer may release the bird to the wild year-round.

(i) Each release of a raptor on department lands or waters shall meet the requirements of K.A.R. 115-8-12.

(ii) The falconer shall acquire verbal permission from the landowner or person in control of the private land before the release of the raptor.

(B) The falconer shall remove any tag, transmitter, or nonreusable falconry band, if present, before release. All falconry identification bands, tags, or markers shall then be surrendered to the department within 10 calendar days of the release.

(C) The falconer shall report the release of the bird within 10 calendar days of the release by submitting the required information to the electronic database of the United States fish and wildlife service.

(4) Any hybrid raptor, as defined in K.A.R. 115-14-11, shall be intentionally released to the wild permanently.

(5) Hacking, which means temporarily releasing a falconry raptor to the wild for conditioning, shall be permissible.

(x) In addition to any other requirements regarding the take of peregrine falcons, each falconer shall immediately notify the department when a peregrine falcon is taken, as specified on the take permit. If the quota for the take of peregrine falcons has been met and the take season is closed, the falconer shall immediately release the peregrine falcon upon notification by the department. This regulation shall be effective on and after December 31, 2020. (Authorized by and implementing K.S.A. 2019 Supp. 32-807; effective Dec. 31, 2012; amended Feb. 8, 2013; amended Dec. 31, 2020.)