

# Bait Dealer Regulations

## Information

This is an interpreted summary of Wisconsin laws applicable to bait dealers. For a full listing of applicable provisions, please see s.29.001(54) and s.29.509 Wis. Stats. and Wisconsin Administrative Code NR Section 19.057 and 20.14.

## Definitions

- **Bait** – means any species of frog, crayfish, or minnow used for fishing purposes.
- **Minnow** – includes the following species: sucker not listed as endangered or threatened under s.29.604(3) Wis. Stats., central mudminnow, tadpole madtom, stonecat, banded killifish, blackstripe topminnow, brook silverside, brook stickleback, ninespine stickleback, trout-perch, darter, log perch, sculpin or any minnow family cyprinid that is not listed as endangered or threatened under s.29.604(3) Wis. Stats and that is not a goldfish, grass carp, common carp or rudd.
  - Minnow does not include any sucker, darter, sculpin or minnow species that is designated as detrimental under s.29.424 Wis. Stats. or smelt.

## License Requirements and Exemptions

1. A Bait Dealer license is required of any resident person\* or resident business\*\* who engages in the business of bait dealing, including a person who buys for resale, barters, gives or sells bait OR possesses or controls more than 600 minnows at any time. Only Wisconsin residents can be issued a Bait Dealer license.
  - a. The giving of bait must also include an act of business/commerce such as the exchange of money, services, or goods before the license requirement would apply.
  - b. If a child under 16 years of age, who is a Wisconsin resident, sells more than \$500 of bait in a calendar year, then they are required to obtain a Bait Dealers license. A child may barter or sell bait to consumers without a license or permit and shall be allowed to have a possession limit of 5,000 of each species of bait.
  - c. License does NOT apply to bait produced in a state/municipal fish hatchery or to bait that is farm-raised fish.

\*A resident person is defined as a person that has resided in the State of Wisconsin for a period of thirty days preceding the date of application.

\*\*A resident business is defined as a business that is incorporated under the laws of Wisconsin and its principal business operations are in Wisconsin.

2. **Personal Use of Bait:** A Bait Dealer license is not required for individuals to harvest bait for personal use as long as the person adheres to the bag and possession limits for the bait species and the minnows are only used on the water where they were collected and are never moved live from the harvesting water. You may also preserve minnows you collect, in a manner other than refrigeration or freezing, as dead bait for use in other lakes.
3. **Wild Bait:** Bait Dealers harvesting wild bait, a fishing license or small game license may also be required depending on the species of bait, the type of gear used, and the age of the person harvesting the bait. Please see the Spearing, Netting, and Bait Harvest Regulations for license requirements.

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### License Types and Fees

- **Class A Bait Dealer License (\$50):** resale, barter, give or sell bait to the amount of \$2000 or more each.
- **Class B Bait Dealer License (\$10):** resale, barter, give or sell bait to the amount of less than \$2000 each year.

New applicants must complete a Bait Dealer Application (form 9400-031).

All Bait Dealer licenses run the calendar year from January 1 to December 31. License renewal notices for existing license holders will be distributed by email to current license holders if they have a valid email in their Go Wild DNR customer account in early December for the upcoming license year.

### Records Requirement

Each licensee shall keep records as required by the department on all transactions in the production, buying and selling of bait carried on by the licensee, except retail sales to customers. This record shall show the name and address of the person from whom bait was purchased and to whom it was sold, together with the date of each transaction and the value of the bait. This record shall be open to the inspection of the department at all reasonable hours. The record shall be kept intact for a person of 2 years after the expiration of any license issued under this section, as to all transactions carried on while the license was effective.

### Wild Bait Harvest and Nonstandard Minnow Gear Permits

No person may take minnows for use as bait away from any inland or outlying water without a **Wild Bait Harvest and Nonstandard Minnow Gear Permit** from the department under NR 19.057. Such permits are for specific locations and dates and may also restrict the type and amount of gear to be used. Visit [Wild Bait Harvest](https://dnr.wisconsin.gov/topic/Fishing/vhs/vhs_wbpermit) [[https://dnr.wisconsin.gov/topic/Fishing/vhs/vhs\\_wbpermit](https://dnr.wisconsin.gov/topic/Fishing/vhs/vhs_wbpermit)] for information.

In addition to the requirement to obtain a **Wild Bait Harvest and Nonstandard Minnow Gear Permit**, bait dealers may **NOT** do any of the following:

- Set, use or operate minnow traps unless a label or tag bearing the legible name and address or DNR customer id number of the operator in the English language is securely attached.
- Set, use or operate any net, trap or similar device for the taking of minnows other than minnow seines, minnow dip nets and minnow traps as authorized in NR 20.20 unless a non-standard gear permit is issued by the department under NR 20.39 pursuant to s.29.516 (1), Wis. Stats.
- Set, use or operate minnow seines or minnow dip nets of any type or description in any trout stream unless a non-standard gear permit is issued by the department under NR 20.39.
- Set, use or operate minnow traps unless they are raised and the minnows are removed from them at least once every 48 hours, except in trout streams where they must be raised and the minnows removed from them at least once every 24 hours.
- Set, use or operate minnow traps in trout streams during the closed season for trout unless a non-standard gear permit is issued by the department under NR 20.39.

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- Set, use or operate more than a total of 20 minnow traps during the open season for trout when removing minnows from one or more trout streams unless a non-standard gear permit is issued by the department under NR 20.39.
- Use or operate any net, trap or similar device for the taking of minnows, or fish for minnows except suckers for any purpose using any gear in Lake Michigan, Green Bay, Lake Superior, the Mississippi River, Lake Winnebago, the Fox River from Lake Winnebago to Green Bay, or any bay, slough or backwater of these waters, or any water connected to these waters, upstream to the first dam or other obstruction impassable to fish, or in any other water where the department has determined that the Viral Hemorrhagic Septicemia virus is present based on test results or other empirical evidence.
- Transport away from the water or its bank or shore any live sucker taken from Lake Michigan, Green Bay, Lake Superior, the Mississippi River, Lake Winnebago, the Fox River from Lake Winnebago to Green Bay, or any bay, slough, or backwater of these waters, or any water connected to these waters, upstream to the first dam or other obstruction impassable to fish.

Bait harvest equipment requirements vary by location throughout Wisconsin. See the current **Spearing, Netting and Bait Harvest Regulations** pamphlet for general equipment restrictions that apply to the harvest of minnows, frogs, and crayfish. Such equipment restrictions need to be followed by bait dealers unless a bait dealer is authorized by a **Wild Bait Harvest and Nonstandard Minnow Gear Application and Permit** or other DNR issued permit to use other equipment.