

## No. 1981-125

## AN ACT

## HB 1090

Amending the act of June 3, 1937 (P.L.1225, No.316), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," further prohibiting the sale by any person of any license for a fee in excess of the fee established by law; providing penalties for violations of license fee requirements; authorizing three-day licenses to residents of the Commonwealth to hunt on regulated shooting grounds; increasing the issuing agent's fee for issuing such licenses; and making certain editorial changes.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 302, act of June 3, 1937 (P.L.1225, No.316), known as "The Game Law," amended October 21, 1975 (P.L.431, No.122), is amended to read:

Section 302. Resident License Fees.—Each such resident as defined in sections 101 and 301, upon application made, in writing, to an agent authorized to issue such licenses within the Commonwealth, and upon presentation of proof by the applicant that he or she is a resident of this Commonwealth as previously defined in this act by producing a current Pennsylvania motor vehicle registration card, or tax receipts evidencing payment of State income tax, earned income tax or other local taxes pursuant to the act of December 31, 1965 (P.L.1257, No.511), known as "The Local Tax Enabling Act," or some other positive means of verifying residency, and the establishment of his or her identity to the satisfaction of the authority issuing the license, unless any such person has been disqualified for a license in the manner hereinafter specified, and the payment to said agent or the commission of eight dollars and twenty-five cents (\$8.25) except as hereinafter provided for certain minors and older persons, shall be entitled to a resident hunter's license and a tag with the number of the license thereon, which shall entitle the holder to hunt or trap for all wild birds and wild animals which may legally be hunted or trapped in this Commonwealth. Residents with the above qualifications, who are between the ages of twelve and sixteen inclusive or who are sixty-five years of age or more at the time of application, shall be entitled to a resident hunter's license and tag upon payment to said agent or the commission of, in the case of persons sixty-five years of age or more, five dollars and twenty-five cents (\$5.25) and, in the case of persons between the ages of twelve and sixteen, five dollars and twenty-five cents (\$5.25). The application for the issuance of a license in such cases shall, in addition to the other information required, give the date of birth of the applicant.

Any resident disabled veteran of any war whose disability consists of the loss of one or more limbs or the loss of the use of one or more limbs, or who presents a physician's certificate of total or one hundred per cent disability, and who meets the above qualifications shall be issued such license upon application to any county treasurer without the payment of the above license fee provided for the use of the Commonwealth. The application for the issuance of a license in such case shall in addition to the other information required, contain a statement that the applicant is a war veteran and that his disability was service incurred. The county treasurer may likewise require of such applicant the production of such applicant's discharge papers.

***It shall be unlawful for any person to sell or attempt to sell any resident hunting license for a monetary fee in excess of the fees fixed pursuant to the provisions of this section. The sale or attempted sale of each license shall constitute a separate offense.***

Section 2. Section 303 of the act, amended October 4, 1978 (P.L.1004, No.213), is amended to read:

Section 303. Nonresident Hunting License Fees.—Every nonresident of this Commonwealth, upon application made, in writing, to any agent authorized to issue such licenses, or to the commission, unless any such person has been disqualified for a license in the manner hereinafter specified, or is a resident of a state which does not issue like licenses to residents of this Commonwealth, and upon payment to said agent or commission of fifty dollars and fifty cents (\$50.50) for the license year beginning in 1979 and sixty dollars and fifty cents (\$60.50) for the license year beginning in 1980 and each year thereafter shall be entitled to the license herein designated as a Nonresident Hunter's License and a tag with the number of the license thereon, which shall entitle the holder to hunt for all wild birds and wild animals which may legally be hunted in this Commonwealth, until the close of the license year. Other licenses valid for use by nonresidents shall be as follows:

Nonresident trapper's license which shall be issued only upon application to the Commission in Harrisburg and which shall be effective for the same period as hunters' licenses shall entitle the holder to take through the use of traps or deadfalls only wild birds and wild animals which may legally be trapped in this Commonwealth, except beavers, three hundred fifty dollars (\$350). Nothing in this clause shall be construed to prohibit the holder of a nonresident trapper's license from using a sidearm or a rifle not larger than a .22 rimfire caliber to kill legally caught birds and animals.

***It shall be unlawful for any person to sell or attempt to sell any nonresident hunting license for a monetary fee in excess of the fees fixed pursuant to the provisions of this section. The sale or attempted sale of each license shall constitute a separate offense.***

Section 3. Section 303.1 of the act, amended December 10, 1970 (P.L.896, No.282) and December 6, 1972 (P.L.1453, No.327), is amended to read:

Section 303.1. Three-Day Licenses to [Nonresidents to] Hunt on Regulated Shooting Grounds.—[Every person,] *Residents and nonresidents of the Commonwealth* twelve (12) years of age or upward, upon application in writing to the authorized agent, in such form as the commission may prescribe, and [the presentation of proof that he or she is a nonresident of the Commonwealth or an unnaturalized person of foreign birth who presents proof of legal entry into the United States, shall,] upon [the] payment to the issuing agent of three dollars (\$3.00), for the use of the commission, and [fifteen cents (\$.15),] *twenty-five cents (\$.25)*, for the use of the county if the issuing agent is the county treasurer, otherwise for the use of the issuing agent, shall be entitled to the license, herein referred to as a “Three-Day Special Regulated Shooting Ground License,” which shall be valid for a period of three (3) consecutive days, Sundays excluded [, and] . *Such license* shall entitle the holder thereof to hunt *for*, take or kill, on lawfully operated regulated shooting grounds, [all wild birds and wild animals which may be legally hunted, taken or killed in this Commonwealth on such grounds, and to participate in a shoot held thereon, under a regulated shooting grounds permit.] *only those species of birds which the regulated shooting grounds permittee has released thereon which shall be limited to pheasants, bobwhite quail of the subspecies approved by the commission, chukar partridges, and domestically propagated mallard ducks.*

A tag or button, in such size and form as the commission may determine, shall be issued with each license, which tag or button the licensee is required to wear in plain view on an outer garment at all times while using it, in such a manner that the tag or button and the numerals thereon is plainly visible. The holder of such license shall be subject to the restrictions and requirements of all laws and regulations of the commission, now in force or hereafter adopted, and to the penalties prescribed for violation thereof.

Upon filing an appropriate bond, with corporate surety, in the sum of one thousand dollars (\$1000), approved by the [Department of Justice] *Office of Attorney General*, the permittees of regulated shooting grounds, or an officer of a corporate permittee, who, for that purpose, are hereby made agents of the commission, shall be authorized to issue Three-Day [Nonresident and Alien] *Special Regulated Shooting Ground Licenses* as hereinbefore described.

Each issuing agent shall keep a record and make monthly reports and remittances in the form and manner and at the time prescribed by sections three hundred ten and three hundred eleven of The Game Law.

[Nothing herein contained shall prevent holders of nonresident and alien hunting licenses from hunting on regulated shooting grounds by requiring them to obtain an additional license as prescribed above.]

*It shall be unlawful for any person to sell or attempt to sell any Special Regulated Shooting Ground License for a monetary fee in excess of the fees fixed pursuant to the provisions of this section. The sale or attempted sale of each license shall constitute a separate offense.*

*Any person who is properly licensed to hunt within this Commonwealth in accordance with the provisions of section 302 or 303 of this act whichever the case may be, shall be excluded from the necessity of obtaining a Three-Day Special Regulated Shooting Ground License.*

Section 4. Section 321 of the act, amended April 14, 1976 (P.L.104, No.45), is amended to read:

Section 321. Penalties.—Any nonresident of this Commonwealth who shall hunt, chase, trap, take, shoot at, wound, or kill, or attempt to hunt, chase, trap, take, shoot at, wound, kill, or have in possession any wild birds or animals, without a nonresident hunting or trapping license having been lawfully issued to him, shall be sentenced to pay a fine of one hundred dollars (\$100) and costs of prosecution for each offense, and each day shall be considered a separate offense.

Any person who shall fail to sign his license certificate as hereinbefore provided shall be sentenced to pay a fine of two dollars (\$2) and costs of prosecution.

Any person, properly licensed, who shall fail to display his license tag as hereinbefore provided, shall be sentenced to pay a fine of five dollars (\$5) and costs of prosecution, provided it is shown the person has purchased a license; otherwise, if a resident of Pennsylvania, a penalty of twenty dollars (\$20) and costs of prosecution shall be imposed, and if a nonresident, a penalty of one hundred dollars (\$100) and costs of prosecution shall be imposed.

Any person who violates any of the provisions of this article except as above provided, shall, upon conviction, be sentenced to pay a fine of twenty dollars (\$20) and costs of prosecution of each offense: Provided, That an additional fine of twenty dollars (\$20) and costs of prosecution shall be imposed when any person is convicted of:

(a) Hunting or trapping anywhere during any period of time that such right has been denied him by the commission, or by this act, and each day shall be considered a separate offense;

(b) Securing a hunter's license either in his own or an assumed name during any period of time that he has been denied such privilege by the commission;

(c) Hunting or trapping anywhere during any period of time that such right has been denied him by the commission or any court of record because of inflicting bodily injury upon himself or any other person while hunting or trapping, shall, upon conviction, in addition to the penalties provided, be sentenced to suffer imprisonment for a period of thirty (30) days.

Upon failure of any person convicted of a first offense to immediately pay the fine imposed and costs of prosecution, he shall be imprisoned one day for each dollar of fine imposed and costs of prosecution.

Any person convicted of a second or subsequent offense shall be liable to the fines above provided and costs of prosecution, and in addition thereto shall, in the discretion of the court, suffer imprisonment one day for each dollar of fine imposed.

*Any person who sells or attempts to sell a hunting license of any description for a monetary fee in excess of the fees fixed pursuant to the provisions of this article shall, upon conviction thereof, be sentenced to pay a fine of twenty dollars (\$20) for each sale or attempted sale and the costs of prosecution.*

Section 5. Subsections (c), (e) and (f) of section 501 of the act, subsection (c) amended December 10, 1970 (P.L.896, No.282) and June 27, 1973 (P.L.83, No.36), subsection (e) amended December 10, 1970 (P.L.896, No.282), December 6, 1972 (P.L.1453, No.327) and October 3, 1973 (P.L.272, No.76), and subsection (f) added May 31, 1974 (P.L.305, No.97), are amended to read:

Section 501. Open Seasons.—\* \* \*

(c) Resident, Nonresident, and Alien Hunters' Licenses and Tags for Antlerless Deer.—If in any year the commission, by resolution, declares an open season for antlerless deer, it shall issue resident, nonresident and alien hunters' licenses and tags for antlerless deer to hunt for or kill such deer, at a fee of **[two dollars thirty-five cents for the hunting license year beginning September 1, 1973 and] three dollars thirty-five cents [for the hunting license years beginning September 1, 1974 and thereafter]** under such rules and regulations governing the issuance of such licenses and tags as it may deem necessary to limit the number of persons who may hunt for such deer in any county of the Commonwealth, provided public notice of such action is given as hereinafter required: And provided, however, That no applications, for antlerless deer licenses received from nonresidents and aliens shall be approved or licenses issued in advance of thirty days prior to the opening date of such antlerless deer season. Such licenses and tags shall be issued without restriction or regard to the county residence of the Pennsylvania applicant *and* may be issued only to holders of resident, nonresident, or alien hunting licenses, and such licenses and tags shall not be transferable from one person to another nor shall they be refunded or reissued to anyone. Notwithstanding the provisions of any regulation limiting the number of licenses and tags the commission shall issue resident hunters' licenses and tags for antlerless deer to members of Armed Forces who are residents of Pennsylvania and who are on full time active duty, or to residents who were honorably discharged from the Armed Forces within sixty days of the date of the application upon substantial proof of their military status.

Resident, nonresident, and alien hunters' licenses and tags for antlerless deer shall be issued only by the county treasurers in counties where such deer may be hunted and killed, who, for that purpose, are hereby made agents of the commission.

For services rendered in collecting and paying over fees and issuing licenses and tags, by mail or otherwise, such agents may retain the sum of thirty-five cents from the amount paid by each licensee, which amount shall be paid into the county treasury, except that such agents other than the county treasurer may retain therefrom any amounts necessary to reimburse them for any expenses, including compensation of employees, incurred in collecting such fees and issuing such licenses and tags.

***It shall be unlawful for any person to sell or attempt to sell any antlerless deer hunting license for a monetary fee in excess of the fees fixed pursuant to this subsection. The sale or attempted sale of each license shall constitute a separate offense.***

When such licenses are issued to restrict the number of persons who may hunt antlerless deer in any county of the Commonwealth, any citizen of the United States residing within the Commonwealth who is a bona fide owner or lessee of lands which lie within the county declared open to the hunting of said deer, or any member of the family or household, or regularly hired help of such owner or lessee, if such person is a citizen of the United States, actually residing upon and cultivating such lands, is hereby declared eligible to hunt antlerless deer without a resident hunters' license for antlerless deer upon said property, and, by and with the consent of the owner thereof, upon the lands immediately adjacent and connected with his own lands, other than lands owned by or under the control of the Commonwealth.

The terms "antlerless deer" and "deer without visible antlers," as used in this subsection or any other provision of the Game Law which this act amends, are hereby defined to mean a deer without an antler sometimes called horn, or a deer with antlers both of which are less than three inches long, the term "antler," as herein used or in any other provision of the Game Law which this act amends, meaning the bony growth on the head of a deer regardless of its size or development.

When the commission adopts and promulgates such rules and regulations relative to resident and nonresident hunters' licenses and tags for antlerless deer, it is unlawful for any person other than a landowner or lessee of the county or a member of his household, as hereinbefore enumerated, to hunt for antlerless deer without a resident or nonresident hunters' license and tag for antlerless deer, or to take such deer contrary to the rules and regulations adopted by the commission.

The tag issued with an antlerless deer license shall be displayed on the outer garment immediately below the regular resident or nonresident hunting license tag. Any person who fails to display the tag herein provided shall, upon conviction, be sentenced to pay a fine of ten dollars (\$10) and costs of prosecution, provided it shall be determined the person has purchased a license; otherwise, a penalty of twenty dollars (\$20) and costs of prosecution shall be imposed.

(e) **Open Season for Hunting Deer with Bows and Arrows.**—In each year in which there is an open season for hunting deer there shall, in addition, be an open season for hunting deer with bows and arrows exclusively, unless otherwise declared by resolution of the commission and the provisions of subsection (c) of this section shall not apply thereto. The duration and time of such additional open season, together with the description of the deer which may be lawfully killed, shall each year be fixed by the commission. During any such additional open season, it shall be unlawful to hunt for, kill or attempt to kill, any deer, without a license as hereinafter prescribed, or with any weapon other than a bow and arrow.

No person shall hunt for or kill any deer during such additional open archery season with bow and arrow without first having secured a hunting license and, in addition thereto, an archery license from the commission or any agent designated as an issuing agent of the commission, the fee for which is hereby fixed at two dollars. Such license shall be attached to the hunters' license certificate for the current year and shall be countersigned in ink diagonally across its face by the licensee before hunting in the open season herein provided for.

The county treasurer of each county and each other person designated the agent for the commission for the issuance of archery licenses may retain for the use of the county if the issuing agent is the county treasurer, otherwise to the agent for such service the sum of twenty cents paid by the applicant in addition to the license fee prescribed. The provisions of this act with respect to the issuance of licenses, collections of fees and records shall apply to the issuance of archery licenses.

***It shall be unlawful for any person to sell or attempt to sell any archery hunting license for a monetary fee in excess of the fee fixed pursuant to this subsection. The sale or attempted sale of each such license shall constitute a separate offense.***

(f) **Muzzleloading Firearms Deer Season.**—The commission may, by resolution, declare an open season for hunting deer with muzzleloading firearms during any hunting license year which shall hereinafter be known and referred to as Muzzleloading Firearms Deer Season.

In any year in which a Muzzleloading Firearms Deer Season shall be declared as hereinbefore provided, the Muzzleloading Firearms Deer Season shall not be established prior to the close of the regular rifle deer seasons for the then current hunting license year. The commission shall, notwithstanding any other provisions of this act, adopt rules and regulations governing the hunting and killing of deer during such Muzzleloading Firearms Deer Season which shall include but not be limited to, the duration and time of such deer season, the description of the deer which may lawfully be killed, the type of muzzleloading firearms which may lawfully be used to hunt for and kill deer during such season, the area or areas within the Commonwealth where deer may lawfully be hunted and killed, and any other rules and regulations deemed necessary to properly regulate, manage, and control the hunting and killing of deer during such season. For the purposes of this section, a muzzleloading firearm shall not be less than .44 calibre and shall not be equipped with a telescope.

It shall be unlawful for any person to hunt for, take, kill or wound, or attempt to take, or kill, or for any person to aid or assist in any manner to hunt for, take, kill or wound deer during such Muzzleloading Firearms Deer Season without first having legally obtained a resident, non-resident or alien hunter's license as defined in sections 302 and 303 of this act and, in addition thereto, a Muzzleloading Firearms Deer Season license which may be obtained from the commission or any agent designated by the commission to issue such licenses, the fee for which is

hereby fixed at three dollars twenty-five cents (\$3.25). Such license shall be in such form as the commission shall prescribe and shall be valid from the first day of September of one year to the thirty-first day of August of the year next following. The lawful holder of such license shall sign his full name in ink diagonally across its face before hunting deer in the open season herein provided for and shall carry such license upon his person at all times while hunting during such season.

Any agent designated by the commission to issue Muzzleloading Firearms Deer Season licenses may retain the sum of twenty-five cents (\$.25) of the hereinbefore prescribed license fee for each such license issued as payment for services rendered. The several provisions of this act governing the issuance of hunting licenses by issuing agents with respect to keeping records, filing reports, and collecting and remitting license fees shall apply in like manner, force and effect to agents designated by the commission to issue Muzzleloading Firearms Deer Season licenses.

*It shall be unlawful for any person to sell or attempt to sell any Muzzleloading Firearms Deer Season license for a monetary fee in excess of the fees fixed pursuant to this subsection. The sale or attempted sale of each license shall constitute a separate offense.*

It shall be unlawful for any person to hunt for, take, kill or wound or attempt to take, kill or wound, or to aid or assist any person in any manner to hunt for, take, kill or wound deer during such Muzzleloading Firearms Deer Season contrary to the provisions of this section or rules and regulations adopted by the commission as hereinbefore provided.

Any person who shall violate any of the provisions of this section or any rules and regulations adopted by the commission pursuant thereto, shall, upon conviction, be sentenced to pay the penalties prescribed in section 506 of this act.

Section 6. Section 506 of the act, amended May 31, 1974 (P.L.305, No.97) and October 17, 1974 (P.L.743, No.250), is amended to read:

Section 506. Penalties.—Any person violating any of the provisions of this article shall, upon conviction, be sentenced to pay the following fines and costs of prosecution for each offense:

For taking, killing, wounding, possessing, or transporting from one locality to another within this State, or for attempting to take, kill, or wound, contrary to this article, or any rules and regulations relative to the taking of game, fur-bearing animals, nongame birds, or any other wild birds or wild animals adopted by the commission:

- (a) Each elk, four hundred dollars (\$400), and in the discretion of the court, six months imprisonment;
- (b) Each deer, two hundred dollars (\$200);
- (c) Each bear, four hundred dollars (\$400);
- (d) Each wild turkey fifty dollars (\$50); and each ruffed grouse, ring-neck pheasant, quail, partridge, or woodcock, swan, wild goose, brant or wild duck, twenty-five dollars (\$25);
- (e) Each raccoon, twenty-five dollars (\$25);



- (f) Each bobcat or wildcat, fifty dollars (\$50);
- (g) For each other bird or animal, ten dollars (\$10).
- (h) Failure of lawful holder of Muzzleloading Firearms Deer Season license to sign his full name in ink diagonally across its face, two dollars (\$2).
- (i) Failure to carry the required Muzzleloading Firearms Deer Season license on his person while hunting for deer during such season, ten dollars (\$10).
- (j) Hunting for deer during the Muzzleloading Firearms Deer Season, or for aiding or assisting any person in any manner to hunt for deer during such season without first having obtained the required license, or for using a license belonging to another person, twenty dollars (\$20).
- (n) *For the sale or attempted sale of any antlerless deer hunting license, any archery hunting license, or any Muzzleloading Firearms Deer Season license for a monetary fee in excess of the fees prescribed by this article, the sum of twenty dollars (\$20) for each sale or attempted sale and the costs of prosecution.*

For violating any of the provisions of this article not above specifically provided for, or for violating any of the rules and regulations of the commission adopted under the provisions of this article, twenty-five dollars (\$25) and costs of prosecution for each offense.

Upon failure of any person convicted of a first offense to immediately pay the fine imposed and costs of prosecution, he shall be imprisoned one day for each dollar of fine imposed and costs of prosecution.

Any person convicted of a second or subsequent offense shall be liable to the fines above provided and costs of prosecution, and in addition thereto shall, in the discretion of the court, suffer imprisonment one day for each dollar of fine imposed.

Section 7. This act shall take effect immediately.

APPROVED—The 20th day of November, A. D. 1981.

DICK THORNBURGH