

No. 2000-111

AN ACT

SB 612

Amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for controlled goose hunting areas, for unlawful taking or possession of game or wildlife, for certain mandatory hunter education requirements, for the use of crossbows as legal hunting devices, for the application, issuance and fees of various licenses including elk hunting licenses, for deer control permits in cities of the first class and for disabled person permits.

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

Section 1. Sections 730, 929(a) and (a.1), 2307(e)(1), 2308, 2522(f), 2704(d) and 2705 of Title 34 of the Pennsylvania Consolidated Statutes are amended to read:

§ 730. Controlled goose hunting areas.

Applications are available in and must be submitted from the current edition of Digest of Pennsylvania Hunting and Trapping Regulations supplied with each hunting license. Applications shall contain requested information, including the applicant's current valid hunting license back tag number, including letter[, and the number that appears on the Pennsylvania Migratory Game Bird Hunting License, which is required for application]. *However, any person who has been selected to reserve use of a Special Wildlife Management Area shall be required to obtain a Pennsylvania Migratory Game Bird Hunting License prior to the date of reservation.* All other procedures shall be established by regulations promulgated by the commission.

§ 929. Revocation or denial of license, permit or registration.

(a) General rule.—Except as otherwise provided in this title, any hunting or furtaking license, special license or permit or registration granted under the authority of this title may be revoked by the commission when the holder of the license, permit or registration is convicted of an offense under this title or has acted contrary to the intent of the license, special license, registration or permit, with each offense constituting a separate violation subject to separate revocation. The commission may refuse to grant to that person any new license, special license or permit or registration and may deny any privilege granted by these documents for a period not exceeding five years unless otherwise provided in this title. [A person whose license, permit or registration is revoked or suspended under a provision of this title requiring mandatory revocation or suspension must, in order to obtain restoration, present evidence of the successful completion of a hunter education course under section 2704(b) (relating to eligibility for license) taken subsequent to the period of revocation.]

(a.1) **[Hunter] Remedial hunter** education course.—A person whose privilege to hunt with or without a license anywhere in this Commonwealth is revoked or suspended under a provision of this title requiring mandatory revocation or suspension shall, in order to obtain restoration, present evidence of the successful completion of a *remedial* hunter education course **[under section 2704(b) taken subsequent to each period of revocation or suspension.] as provided by the director and approved by the commission prior to obtaining a license. This course may be taken no earlier than three months prior to the end of the period of revocation. The commission shall promulgate regulations establishing the curriculum, administration and any associated fees of such a remedial course, which fees shall bear a reasonable relationship to the costs of providing the course and the course materials.**

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§ 2307. Unlawful taking or possession of game or wildlife.

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(e) Penalties.—A violation of this section relating to:

(1) Threatened or endangered species is a misdemeanor of the **[third] second** degree.

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§ 2308. Unlawful devices and methods.

(a) General rule.—Except as otherwise provided in this title, it is unlawful for any person to hunt or aid, abet, assist or conspire to hunt any game or wildlife through the use of:

(1) An automatic firearm or similar device.

(2) A semiautomatic rifle or pistol.

(3) **[A crossbow.] (Reserved).**

(4) A semiautomatic shotgun or magazine shotgun for hunting or taking small game, furbearers, turkey or unprotected birds unless the shotgun is plugged to a two-shell capacity in the magazine.

(5) Any device operated by air, chemical or gas cylinder by which a projectile of any size or kind can be discharged or propelled.

(6) Any recorded call or sound or recorded or electronically amplified imitation of a call or sound of any description or any other call or sound or imitation of calls or sounds which are prohibited by regulations of the commission. The commission shall be authorized, by resolution, to adopt rules and regulations authorizing the limited use of recorded calls or sounds or recorded or electronically amplified imitation of calls or sounds when such use is necessary in the commission's judgment to protect the public health and safety or to preserve that species or any other endangered by it.

(7) A vehicle or conveyance of any kind or its attachment propelled by other than manpower. Nothing in this subsection shall pertain to any motorboat or sailboat if the motor has been completely shut off or sail furled, and the progress thereof has ceased.

(8) Any artificial or natural bait, hay, grain, fruit, nut, salt, chemical, mineral or other food as an enticement for game or wildlife, regardless of kind and quantity, or take advantage of any such area or food or bait prior to 30 days after the removal of such material and its residue. Nothing contained in this subsection shall pertain to normal or accepted farming, habitat management practices, oil and gas drilling, mining, forest management activities or other legitimate commercial or industrial practices. Upon discovery of such baited areas, whether prosecution is contemplated or not, the commission may cause a reasonable area surrounding the enticement to be posted against hunting or taking game or wildlife. The posters shall remain for 30 days after complete removal of the bait.

(9) Any setgun, net, bird lime, deer lick, pit or pit fall, turkey blind or turkey pen or any explosive, poison or chemical of any kind.

(9.1) Any device which permits the release of two or more arrows simultaneously on a single full draw of a bow.

(10) Any other device or method of any kind prohibited by this title *or regulations promulgated under this title*.

(b) Exceptions.—The provisions of subsection (a) shall not apply to:

(1) Any archery sight or firearm's scope which contains and uses any mechanical, photoelectric, ultraviolet or solar-powered device to solely illuminate the sight or crosshairs within the scope. No archery sight or firearm's scope shall contain or use any device, no matter how powered, to project or transmit any light beam, infrared beam, ultraviolet light beam, radio beam, thermal beam, ultrasonic beam, particle beam or other beam outside the sight or scope onto the target.

(2) Any political subdivision, its employees or agents, which has a valid deer control permit issued under section 2902(c) (relating to general categories of permits).

(c) Penalties.—

(1) A violation of subsection (a)(1), (2), [(3),] (4) or (5) is a summary offense of the fifth degree.

(2) A violation of subsection (a)(7) is a summary offense of the third degree.

(3) A violation of any other provision of this section is a summary offense of the fourth degree.

§ 2522. Shooting at or causing injury to human beings.

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(f) Mandatory *remedial* hunter education.—Any person whose privilege to hunt or take game is suspended under subsection (c) shall, prior to obtaining a license after the period of suspension, present evidence of the successful completion of a *remedial* hunter education course [as prescribed in section 2704(b) (relating to eligibility for license) taken subsequent to each suspension of the license] *as provided by the director and approved by the commission*.

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§ 2704. Eligibility for license.

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(d) Duties of commission.—

(1) The commission shall provide for a course of instruction, approved by the director, in the safe and ethical utilization of firearms and traps or other devices used for taking furbearers. The commission may cooperate with any reputable association or organization in presentation of this course.

(2) The commission may designate any person who the commission determines to be competent to give instruction in the handling of firearms, traps or other devices to act as an instructor. The appointed person shall give the course of instruction and shall issue to each person who successfully completes the course of instruction a certificate of training in the handling of firearms, traps or other devices. No charge shall be made for the course of instruction, except **[for materials or ammunition consumed]** *as may be provided by this title or by regulations promulgated under this title.*

(3) The commission shall furnish information on the requirements of the furtaker's education program which shall be distributed, free of charge, to applicants for furtaker licenses by the persons appointed and authorized to issue the licenses.

(4) The provisions of this section shall not apply to those persons under 12 years of age who trap furbearers under the direct supervision of an adult licensed furtaker 18 years of age or older.

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§ 2705. Classes of licenses.

Unless otherwise provided, any person wishing to exercise any of the privileges granted by this title shall first secure the applicable resident or nonresident hunting or furtaker license as follows:

(1) Adult resident hunting licenses to residents who have reached their 17th birthday but have not reached their 65th birthday.

(2) Junior resident hunting licenses to residents who have reached or will reach their 12th birthday in the **[calendar]** *license* year of application for a license but who have not reached their 17th birthday prior to the date of the application for the license and who present a written request, bearing the signature of a parent or guardian, for the issuance of a license. The actual hunting privileges granted to the holder of a junior license shall not be exercised until that person in fact is 12 years of age.

(3) Senior resident hunting licenses or, at the option of the applicant, a senior lifetime resident hunting license to residents who have reached or will reach their 65th birthday in the *license* year of the application for the license. The commission shall develop, implement and administer a system to provide tags, report cards and applications to those residents

who hold a senior lifetime resident hunting license issued under this paragraph. The system shall require the applicant or license holder to pay any approved fee assessed by the issuing agent.

(4) Adult resident furtaker licenses to residents who have reached their 17th birthday but have not reached their 65th birthday.

(5) Junior resident furtaker licenses to residents who have reached or will reach their 12th birthday in the [calendar] *license* year of application for a license but who have not reached their 17th birthday prior to the date of the application for the license and who present a written request, containing the signature of a parent or guardian, for the issuance of a license. The actual furtaking privileges granted to the holder of a junior license shall not be exercised until that person in fact is 12 years of age.

(6) Senior resident furtaker licenses or, at the option of the applicant, a senior lifetime resident furtaker license to residents who have reached or will reach their 65th birthday in the *license* year of the application for the license.

(7) Senior lifetime resident combination hunting and furtaking license, including archery and muzzleloader privileges, to residents who have reached or will reach their 65th birthday in the *license* year of the application for the license. The commission shall develop, implement and administer a system to provide tags, report cards and applications to those residents who hold a senior lifetime resident hunting license issued under this paragraph. The system shall require the applicant or license holder to pay any approved fee assessed by the issuing agent.

(7.1) Junior resident combination hunting and furtaker license, including archery and muzzleloader privileges, to residents who have reached or will reach their 12th birthday in the [calendar] *license* year of application for a license but who have not reached their 17th birthday prior to the date of the application for the license and who present a written request, containing the signature of a parent or guardian, for the issuance of a license. The actual privileges granted to the holder of a junior resident combination license shall not be exercised until that person in fact is 12 years of age.

(8) Adult nonresident hunting licenses to all nonresidents of 17 years of age or older.

(9) Junior nonresident hunting licenses to all nonresidents who have reached or will reach their 12th birthday in the [calendar] *license* year of application for a license but who have not reached their 17th birthday prior to the date of the application for the license and who present a written request, bearing the signature of a parent or guardian, for the issuance of a license. The actual hunting privileges granted to the holder of a junior license shall not be exercised until that person in fact is 12 years of age.

(10) Adult nonresident furtaker licenses to nonresidents of 17 years of age or older.

(11) Junior nonresident furtaker licenses to nonresidents who have reached or will reach their 12th birthday in the [calendar] license year of application for a license but who have not reached their 17th birthday prior to the date of the application for the license and who present a written request, containing the signature of a parent or guardian, for the issuance of a license. The actual furtaking privileges granted to the holder of a junior license shall not be exercised until that person in fact is 12 years of age.

(11.1) Junior nonresident combination hunting and furtaker license, including archery and muzzleloader privileges, to nonresidents who have reached or will reach their 12th birthday in the [calendar] license year of application for a license but who have not reached their 17th birthday prior to the date of the application for the license and who present a written request, containing the signature of a parent or guardian, for the issuance of a license. The actual privileges granted to the holder of a junior nonresident combination license shall not be exercised until that person in fact is 12 years of age.

(12) Seven-day nonresident small game license to persons eligible to procure a nonresident hunting license. The license shall be valid for a period of seven consecutive days. The holder of the license shall be entitled to hunt for, take or kill crows and small game.

(13) Antlerless deer licenses, bear licenses, archery licenses, muzzleloader licenses and any other license required to insure just and proper administration of this title and sound game or wildlife conservation to eligible persons, subject to the regulations, requirements and conditions which the commission shall establish. Any such license shall be made available to residents serving on active duty in the armed forces of the United States or in the United States Coast Guard without regard to quota limitations or application deadlines.

(14) Migratory game bird licenses for hunting all migratory game birds to eligible persons, subject to the regulations, requirements and conditions which the commission shall establish. Any such license shall be made available to residents serving on active duty in the armed forces of the United States or in the United States Coast Guard without regard to quota limitations or application deadlines.

(15) Elk hunting license to persons eligible for classes of licenses in paragraphs (1), (2), (3), (7), (7.1), (8), (9) and (11.1). Notwithstanding any other provisions of this title or the regulations promulgated thereunder, elk licenses under this paragraph shall not be subject to the provisions of sections 2706 (relating to resident license and fee exemptions) and 2706.1 (relating to complimentary nonresident licenses). To ensure sound management of Pennsylvania's wild elk population, the commission may promulgate regulations to establish a

limited number of licenses. The commission may establish a nonrefundable application fee at a cost of \$10.

Section 2. Title 34 is amended by adding a section to read:

§ 2706.2. Application limitation.

Whenever the commission makes a determination to authorize a hunting season for the taking of elk, no person may submit more than one application for an elk hunting license in any license year.

Section 3. Section 2708 of Title 34 is amended to read:

§ 2708. Application requirements.

(a) General rule.—Applicants for any class of license shall be required to [complete and affix their signature to] submit a legible application[, indicating] or to provide such information as may be required by the director, including the class of license desired, [either printed or typed, on forms supplied by the commission and containing such information] in such form as may be required by the director. The submission of an application or the transmission of required information to the commission and the signature of the [applicant] licensee on the license shall certify the correctness of all information [required on the application].

(b) Electronic filing.—On electronically filed license applications and affidavits, signature requirements shall be deemed met upon conferral of the applicant's valid credit or debit card number and expiration date. On electronically filed junior license applications and affidavits, signature requirements shall be deemed met upon conferral of the parent or guardian's valid credit or debit card number and expiration date.

(c) Additional policies.—The director, with approval of the commission, may establish additional policies and procedures as necessary for accepting and processing electronically filed license applications and affidavits.

Section 4. Section 2709(a) of Title 34 is amended by adding a paragraph to read:

§ 2709. License costs and fees.

(a) License costs.—Any person who qualifies under the provisions of this chapter shall be issued the applicable license upon payment of the following costs and the issuing agent's fee:

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(21) Elk hunting license:

(i) Resident - \$25.

(ii) Nonresident - \$250.

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Section 5. Section 2902 of Title 34 is amended by adding a subsection to read:

§ 2902. General categories of permits.

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(d) Deer control permits in cities of the first class.—

(1) The director shall issue a permit to control deer within 30 days of receipt of an application by a city of the first class or by any department, agency, board or commission of a city of the first class. The commission may promulgate regulations to control the activities which may be performed under authority of the permit issued under this subsection.

(2) A permit for controlling deer issued to a city of the first class or to any department, agency, board or commission of a city of the first class shall not be limited by or subject to any requirement that includes public hunting or controlled hunting by licensed hunters.

(3) Activity to control deer or other game or wildlife conducted by a city of the first class or any department, agency, board or commission of a city of the first class shall not be construed to constitute "hunting" or "take" as defined in section 102 (relating to definitions).

(4) A city of the first class or any department, agency, board or commission of a city of the first class that is issued a permit to control deer may conduct deer control activity at any time or times during the term of the permit regardless of season.

(5) It is unlawful for any person to interfere with or disrupt any activities conducted by a city of the first class or any department, agency, board or commission of a city of the first class under a permit issued under this section. A violation of this subsection is a summary offense of the second degree. This subsection shall not be construed to prohibit a city of the first class from enforcing local statutes or from seeking damages suffered by such city as a result of such interference or disruption.

Section 6. Section 2923(c) of Title 34 is amended to read:

§ 2923. Disabled person permits.

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(c) Bow and arrow or crossbow.—A permit shall be issued to any person who presents a doctor's certificate showing that the person is, because of a permanent *or temporary* physical condition, unable to hunt with a conventional bow and arrow, authorizing that person to hunt by the use of:

(1) A bow and arrow which is held in place by a brace secured around the body of the hunter or is triggered with the aid of a mechanical device.

(2) A crossbow subject to the following restrictions:

(i) When hunting deer, bear or turkey, the crossbow must have a draw weight of not less than 125 pounds nor more than 200 pounds.

(ii) The arrows for the crossbow must be tipped with broadheads of a cutting edge design.

Any permit issued under this subsection shall be valid only for the license year for which the permit is issued. The permittee shall carry the permit upon his person at all times while hunting. To the extent that it authorizes the issuance of permits based upon temporary disability, this subsection

shall expire on June 30, 2003, unless legislation is enacted reauthorizing it.

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Section 7. The amendment or addition of 34 Pa.C.S. §§ 2705(15), 2706.2 and 2709(a)(21) shall apply to the license years beginning on or after July 1, 2001.

Section 8. This act shall take effect as follows:

(1) The amendment or addition of 34 Pa.C.S. §§ 730, 2308, 2705(15), 2706.2,¹ 2708 and 2709(a)(21) shall take effect in 60 days.

(2) The amendment of 34 Pa.C.S. §§ 929(a) and (a.1), 2522(f) and 2704(d) shall take effect July 1, 2001.

(3) The remainder of this act shall take effect immediately.

APPROVED—The 20th day of December, A.D. 2000.

THOMAS J. RIDGE

¹"2705(15), 2706.1, 2706.2," in enrolled bill.