

No. 282

AN ACT

HB 741

Amending the act of June 3, 1937 (P.L.1225), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," transferring certain functions from the Department of Revenue to the Game Commission.

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

Section 1. Section 302, act of June 3, 1937 (P.L.1225), known as "The Game Law," amended August 6, 1963 (P.L.515) and July 1, 1968 (Act No. 146), is amended to read:

Section 302. Resident License Fees.—Each such resident as provided in the preceding section, upon application made, in writing, to any agent authorized to issue such licenses within the Commonwealth, the presentation of proof that he is a citizen of the United States and a bonafide resident of this Commonwealth under the requirements of this article, and the establishment of his identity to the satisfaction of the authority issuing the license, or to the satisfaction of the justice of the peace, magistrate, or notary public, or any agent designated to receive applications for licenses, when taking such applications as hereinafter authorized, by producing a bank book, letters, lodge cards, police cards, a motor vehicle driver's license, or some other positive means of identification, and, in the case of naturalized foreign-born applicants, the production of such applicant's naturalization papers, unless any such person has been disqualified for a license in the manner hereinafter specified, and the payment to said agent or the [Department of Revenue] *commission* of five dollars and twenty cents (\$5.20), except as hereinafter provided for certain minors, 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 at the time of application, shall be entitled to a resident hunter's license and tag upon payment to said agent or the [Department of Revenue] *commission* of three dollars and twenty cents (\$3.20). 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.

Any resident of the Commonwealth who is in fulltime active service with the armed forces of the United States other than temporary active duty for training, and during the time he is on official military leave, furlough, pass or on medical leave from such fulltime active service shall during the duration of the conflict in Vietnam, be issued such license upon application to any county treasurer within the Commonwealth 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, give the serial number of the branch of service to which the applicant is attached, together with the applicant's rank, company, battalion, regiment, division, and other military organization. The applicant shall also furnish for the perusal of the county treasurer the official military papers stating that said applicant is on official military leave, furlough, pass or on medical leave.

Section 2. Sections 303 and 303.1 of the act, amended October 9, 1967 (P.L.421), are amended to read:

Section 303. Nonresident Hunting and Alien License Fees.—Every citizen of the United States who is a nonresident of this Commonwealth, upon application made, in writing, to any agent authorized to issue such licenses, or to the **[Department of Revenue] commission**, unless any such person has been disqualified for a license in the manner hereinafter specified, and upon payment to said agent or commission of twenty-five dollars and thirty-five cents (\$25.35) 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 and aliens 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, twenty-five dollars (\$25). 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.

Every unnaturalized person of foreign birth, upon written application

made to [the Department of Revenue,] any county treasurer of Pennsylvania or any field division office of the Pennsylvania Game Commission, setting forth satisfactory evidence of his mental and physical fitness to carry and use firearms and presentation of proof of legal entry into the United States, unless any such person has been disqualified for a license in the manner hereinafter specified, and upon the payment to [the Department of Revenue,] any county treasurer in Pennsylvania or any field division office of the Pennsylvania Game Commission the fee of twenty-five dollars and thirty-five cents (\$25.35) shall be entitled to an alien hunter's license, and the proper tag issued therewith, but [the Department of Revenue,] the county treasurer or the field division ¹office of the Pennsylvania Game Commission shall indicate on the face of the license that the holder is an alien.

Section 303.1. Three-Day Licenses to Nonresidents to Hunt on Regulated Shooting Grounds.—Every person, 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), for the use of the issuing agent, 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 shall entitle the holder thereof to hunt, 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.

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 ²an appropriate bond, with corporate surety, in the sum of one thousand dollars (\$1000), approved by the Department of Justice, the permittees of regulated shooting grounds, or an officer of a corporate permittee, who, for that purpose, are hereby made agents of the [Department of Revenue] *commission*, shall be authorized to issue Three-Day Nonresident and Alien 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

¹"office" omitted in original.

²"an" omitted in original.

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.

Section 3. Sections 305 and 306 of the act are amended to read:

Section 305. License Issuance Supervision.—The issuance of all hunting licenses shall be under the direct supervision of the [**Department of Revenue**] *commission*, which shall designate the several county treasurers and such other issuing agents throughout the Commonwealth or otherwise as it may find essential to control the lawful issuance thereof. The [**Department of Revenue**] *commission* may recall the appointment of any county treasurer or other agent at any time, with or without cause, and shall recall the appointment of any county treasurer or other agent either upon receipt of evidence that such county treasurer or other agent has not complied with the requirements of this act, or [upon receipt of a recommendation from the commission that such county treasurer or other agent be recalled because of carelessness or negligence] *has been careless or negligent* in the issuance of licenses.

It is unlawful for any issuing agent, or any of his employes or representatives, or the [**Department of Revenue**] *commission* or its employes, to issue any license to hunt to any applicant, or for any justice of the peace, magistrate, notary public, or other agent authorized to receive applications, to accept an application for such a license from any applicant, who has not established satisfactory identification as hereinbefore required, or to any person physically or mentally unfitted to carry or use firearms, or who has been denied the right to secure a license in any manner hereinafter specified by revocation.

Section 306. The License Certificate.—Said licenses shall be issued on a form prepared and supplied by the [**Department of Revenue**] *commission*. Such licenses shall bear a description of the person applying for the same, setting forth the occupation, the color of the hair and eyes, any marks or scars peculiar to the applicant, and such other description as the [**Department of Revenue**] *commission* may require with the date of its issue. In the case of foreign-born applicants, such license shall contain the nationality of the person and all dates and numbers of the naturalization papers.

All licenses legally issued shall authorize the person named therein to hunt for and kill or trap wild animals or wild birds as specified on the license, subject to the restrictions and requirements of existing laws and the regulations of the commission regarding close seasons, additional hunting or trapping, removal of protection, or special deer seasons, during the period for which the license is issued, the date of which is inscribed

¹"from" in original.

thereon. Said certificate, before being valid, must be countersigned in ink by the licensee.

The license certificate issued with any hunter's license shall be carried on the person of the licensee at all times while hunting or trapping, and shall be shown immediately upon demand by any officer whose duty it is to protect wild animals and birds, or upon demand by any owner or lessee, or by an employe or representative of such owner or lessee, upon whose lands such person may be found. In addition to showing the license certificate upon demand by any such officer, the holder thereof shall, upon demand, establish his further identity to the satisfaction of said officer by producing some other positive means of identification.

Section 4. Section 308 of the act, amended June 13, 1961 (P.L.305), is amended to read:

Section 308. License ¹Tag.—The [Department of Revenue] *commission* shall also furnish free of charge and there shall be issued with each license a tag as hereinbefore specified. All license tags shall bear the license number in figures at least one inch in height which tag said licensee is required to attach and display on the outer garment on the back between the shoulders in such manner that all figures are plainly visible at all times while hunting or trapping. Nothing in this section shall be construed to require any person under the age of eighteen years to display a license tag while trapping for fur-bearing animals other than beavers or while trapping for predators. The license tag for the current year only shall be displayed.

The tag or button issued with complimentary nonresident licenses shall be of such size and form as the commission may determine, 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 are plainly visible.

Section 5. Section 309 of the act is amended to read:

Section 309. Persons Authorized to Take Applications for Licenses.—It is lawful for any justice of the peace, magistrate, or notary public, to take applications for such licenses in writing, for which service the applicant shall pay not to exceed fifteen cents in addition to the license fee prescribed, said amount to be retained by said official or agent as his fee for taking such application and remitting payment therefor to the issuing agency of the county in which said official is located or to the [Department of Revenue] *commission*. Such application and remittance shall be forwarded to the issuing agency or to the [Department of Revenue] *commission* within twenty-four hours, with a certification thereon that the applicant has properly established his identity by producing a bank book, letters, lodge cards, police cards, a motor vehicle driver's license, or by some other positive means of identification.

¹"Tax" in original.

Section 6. Section 310 of the act, amended March 9, 1945 (P.L.39), is amended to read:

Section 310. Issuing Agents to Keep Record and Make Report.—Each issuing agency of this Commonwealth shall keep a correct and complete record of all resident and nonresident hunters' licenses issued by him. Each issuing agent other than a county treasurer shall within five (5) days after the close of each month forward a monthly report to the **[Department of Revenue] commission**, on blanks furnished to him, a complete list of licenses granted during the previous month, in correct numerical sequence with names and addresses of licensees, and such other information and data as the **[Department of Revenue] commission** may require. A duplicate copy of said report shall be forwarded to the **[director] Department of Revenue**, and a triplicate copy of the report shall be retained in the office of the issuing agent, which shall be open at any reasonable hour to the inspection of any officer of the Commonwealth whose duty it is by law to protect the game of the Commonwealth, or to any landowner or his representative, to any representative of the Department of Revenue, or to any representative of the Department of the Auditor General.

Section 7. Section 311 of the act, amended March 9, 1945 (P.L.39), July 23, 1965 (P.L.248) and March 21, 1968 (Act No. 27), is amended to read:

Section 311. Agents to Collect and Remit License Fees; Reports; Compensation.—The agents designated by the **[Department of Revenue] commission** for the collection of said license fees, for their services rendered in collecting and paying over the same, shall, as long as they continue to be agents of the **[Department of Revenue] commission**, be allowed to retain not to exceed the sum of twenty cents from the amount paid for each resident hunter's license, and not to exceed thirty-five cents from the amount paid for each nonresident hunter's license, which amount shall be full compensation for services rendered by them under the provisions of this act, such compensation to be disposed of by the respective issuing agents as may now or hereafter be provided by law. Each issuing agent other than a county treasurer shall remit all balances arising from this source within five days after the end of each month to the State Treasurer, through the **[Department of Revenue] commission** upon a form to be supplied by the **[Department of Revenue] commission**, which monthly remittance shall be accompanied by a copy of the list of licenses issued during the previous month. All such moneys shall be placed in the Game Fund by the State Treasurer.

Every agent designated to issue hunters' licenses, unless already under bond to cover the handling of public funds, shall give bond to the Commonwealth in such sum as shall be fixed by the **[Secretary of Revenue] commission**, but not less than three thousand dollars (\$3,000.00) for each

place where licenses are issued before the annual supply of licenses is delivered to him. If an agent has more than one place where licenses are issued he may supply a *blanket bond covering all places*.

Any issuing agent who shall fail to comply with any of the provisions of this act relating to hunters' licenses shall not be entitled to retain the sum hereinbefore fixed for his services, but such sums shall be paid to the State Treasurer, and if not so paid, may be recovered by the Commonwealth by suit in the same *manner as like amounts are now by law recoverable*.

Section 8. Section 312 of the act, first paragraph amended August 26, 1965 (P.L.410), is amended to read:

Section 312. Replacement of Lost Licenses and Tags.—Any holder of a hunter's license who shall lose either the license or the tag, issued therewith or both the license and tag, upon application to the [**Department of Revenue**] *commission* or to any issuing agent, who after contacting the agent who issued the lost license or who, being otherwise satisfied of the validity of the claim for replacement, accompanied by a sworn statement setting forth the pertinent facts relative thereto and the remaining portion, if any, of the original, and the payment of one dollar, shall be entitled to a new license and tag of the same kind and value as the original.

The issuing agent shall indicate on the face of the license so issued, also on the stub or carbon copy thereof, that it is a replacement with the number of the original license. The affidavit so filed and any remaining portion of the original license also shall be fastened to the stub or carbon copy of the replacement license for the information of the auditors.

For such services the [**Department of Revenue**] *commission* may authorize any issuing agent to retain not to exceed the sum of ten cents and remit the balance of the replacement license fee as *hereinbefore provided*.

Section 9. Section 313 and subsection (5) of section 315 of the act are amended to read:

Section 313. Power to Administer Oaths.—Each agent who may be authorized or designated by the [**Department of Revenue**] *commission* to issue hunting licenses, and each agent who may be authorized or designated by the [**Department of Revenue**] *commission* to receive applications for such licenses, in accordance with the provisions of this act, is hereby empowered to administer any oath that may be required in connection with the issuance of such licenses or receiving applications therefor.

Section 315. Revocation of Licenses; Right to Hunt or Trap Denied.

* * *

(5) To revoke a license then in force, or to deny any person the right to secure a license or to hunt or trap anywhere in this Commonwealth for any period, the commission shall send a written notice to that effect to such person at his last known address, either by registered mail or have it delivered in person by a representative of the commission. The

commission shall furnish, in writing, to [the Department of Revenue and] its license issuing agents, the name, address, and the term for which such person has been denied the right to secure a license or to hunt or trap in this Commonwealth.

* * *

Section 10. Subsection (c) of section 501 of the act, amended July 23, 1965 (P.L.240), June 21, 1967 (P.L.118) and October 9, 1967 (P.L.421), is 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 one dollar fifteen cents 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 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 [Department of Revenue] *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 fifteen cents from the amount paid by each licensee, which amount shall be paid into the county treasury, except that such agents 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.

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.

* * *

Section 11. Subsection (e) of section 501 of the act, amended June 14, 1961 (P.L.358) and March 28, 1968 (Act No. 31), is amended to read:

Section 501. Open Seasons.—* * *

(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, or with any bow other than a long bow controlled without aid of mechanical means, or with any arrow with any explosive in the head or shaft.

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 [Department of Revenue, county treasurer,] *commission* or any agent designated as an issuing agent of the [Department of Revenue] *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 [Department of Revenue] *commission* for the issuance of archery licenses may retain 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.

Section 12. Section 1211 and clause (a) of section 1401 of the act are amended to read:

Section 1211. Fines to Be ¹Forwarded to Director.—All fines recovered, in cases where the prosecutor is a salaried officer of the Commonwealth, shall be immediately surrendered by the court receiving the same to the prosecutor, who in turn shall forward or deliver such fines and penalties to the director within fifteen days.

Where any officer of the Commonwealth, other than a salaried officer, is the prosecutor, the fines and penalties shall, as soon as the case is fully determined before him, be forwarded by such magistrate, alderman, or justice of the peace to the director at Harrisburg, together with a statement of the cause for which such fines were collected, the cost of which statement is hereby fixed at fifty cents and made a part of the costs of prosecution.

All fines received by the director shall be paid into the State Treasury [by and through the Department of Revenue] for the use of the Game Fund.

Sworn statements of all fines and penalties so collected, and all bail forfeited, shall also be made by the magistrate, alderman, or justice of the peace, imposing or receiving the same, to the director, upon forms furnished by the [Department of Revenue] *commission*; such reports shall be made monthly, not later than the tenth day of the following month.

Any magistrate, alderman, or justice of the peace who shall fail to make such monthly reports and returns, or either of them, shall be guilty of a misdemeanor in office, and, upon conviction thereof in a court of quarter sessions, shall be sentenced to pay a fine of one hundred dollars (\$100.00), and costs of prosecution, or undergo imprisonment for not more than sixty days, or suffer both such fine and imprisonment.

Section 1401. Continuance of Game Fund; Appropriation.—All

¹"Forwarded" in original.

license fees, fines, permit fees, and other moneys received and collected (a) under the provisions of any law repealed and replaced by this act, and now held in the State Treasury as the Game Fund, or (b) that may be hereafter paid into the State Treasury under the provisions of any act so repealed or replaced, or (c) that may be paid into the State Treasury under the provisions of this act, shall be placed in the separate fund known as "The Game Fund," and shall be held separately and apart solely for the following purposes:

(a) For the payment of all expenses incurred by the [Department of Revenue] *commission* in procuring, issuing, or supervising the issuance of resident and nonresident hunters' licenses and license tags;

* * *

Section 13. The provisions of this act shall become effective on January 1, 1970 and the Department of Revenue shall close out all of its accounts under the provisions of this act as of June 30, 1970.

APPROVED—The 10th day of December, A. D. 1970.

RAYMOND P. SHAFER

The foregoing is a true and correct copy of Act of the General Assembly No. 282.

A handwritten signature in cursive script, appearing to read "Raymond P. Shafer".

Secretary of the Commonwealth.