

No. 1988-125

## AN ACT

HB 1714

Amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, defining "loaded firearm"; further defining "safety zone" to include playground areas; further providing for residency of members of the armed forces of the United States and of the United States Coast Guard and for the issuance of licenses to such persons; and further providing for the cost and duration of a disabled person's permit.

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

Section 1. Section 102 of Title 34 of the Pennsylvania Consolidated Statutes is amended by adding a definition to read:

§ 102. Definitions.

Subject to additional definitions contained in subsequent provisions of this title which are applicable to specific provisions of this title, the following words and phrases when used in this title shall have the meanings given to them in this section unless the context clearly indicates otherwise:

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*"Loaded firearm." A firearm of any kind which has a live shell or cartridge in either the chamber or magazine.*

\* \* \*

Section 2. Sections 2308(a), 2505(c), 2702(b) and (c), 2704(b), 2705(13), 2903, 2904(3) and 2929 of Title 34 are amended to read:

§ 2308. Unlawful devices and methods.

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

- (1) An automatic firearm or similar device.
- (2) A semiautomatic rifle or pistol.
- (3) A crossbow.
- (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.

\* \* \*

§ 2505. Safety zones.

\* \* \*

(c) Definition.—As used in this section, the term “safety zone” means the area within 150 yards around and that area which is below the highest point of any occupied dwelling house, residence, or other building or camp occupied by human beings, or any barn, stable, or other building used in connection therewith *or any attached or detached playground of any school, nursery school or day-care center.*

§ 2702. Residents.

\* \* \*

(b) Commonwealth residents in armed forces.—Nothing in this chapter shall deny any qualified [resident of this Commonwealth serving in the armed forces of the United States as a result of a first enlistment or conscription] *serviceman or servicewoman domiciled in but residing outside this Commonwealth while serving on active duty in the armed forces of the United States or in the United States Coast Guard*, or any family member living in his *or her* home and [domiciled] *residing* outside this Commonwealth to meet military requirements, from eligibility to procure a resident hunter’s license or other license when domicile within this Commonwealth is a requirement. *Proof that a serviceman’s or servicewoman’s military home of record is in Pennsylvania shall be sufficient to establish domicile in this Commonwealth.*

(c) Military personnel stationed in Commonwealth.—Any person regularly enrolled in any branch of the armed forces of the United States *or in the United States Coast Guard* and officially stationed and quartered within this

Commonwealth [60] 30 or more days preceding the date of application shall be a resident for the purpose of this title.

\* \* \*

§ 2704. Eligibility for license.

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(b) Hunter education.—Persons who have not held a hunting license lawfully issued to them in this Commonwealth or another state or nation or have not hunted under the exceptions in section 2706 (relating to resident license and fee exemptions) or do not possess a certificate of training approved by the director prior to the enactment of this title shall be required to attain accreditation in a hunter education program approved by the director before a hunting license is issued to them. The provisions of this subsection shall not apply to a person who presents:

(1) Evidence of service in the armed forces of the United States *or in the United States Coast Guard* and discharge or separation under honorable conditions within six months of the date of application.

(2) Evidence that the person is currently serving in the armed forces of the United States *or in the United States Coast Guard*.

\* \* \*

§ 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 furtaking license as follows:

\* \* \*

(13) Antlerless deer licenses, bear licenses, archery licenses, muzzle-loader 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.* The number of bear licenses which shall be made available to nonresidents shall not exceed 3% of the total number of bear licenses to be issued by the commission.

§ 2903. Permit year.

Except as otherwise provided in this title, all permits shall be issued for the time designated as the fiscal year for the Commonwealth. The permit for a disabled person to hunt from a vehicle shall [cover the same period as the hunting license] *be valid for the lifetime of the disabled person.* There will be no reduced fees for a permit issued for less than a year.

§ 2904. Permit fees.

The annual fee for permits provided for in this chapter shall be as follows:

\* \* \*

(3) Disabled person - \$5 [for two years (expires every even year)] *for the lifetime of the disabled person.*

\* \* \*

§ 2929. Fur dealer permits.

(a) Residents.—Holders of resident fur dealer permits shall establish a regular place of business where they and their employees may receive or buy furs for the purpose of resale. The person to whom a resident fur dealer's permit is issued may also receive or buy furs for the purpose of resale anywhere within this Commonwealth.

(b) Nonresidents.—Unless further restricted by commission regulation, a permit issued to a nonresident or a nonresident firm or corporation shall authorize the nonresident or a representative of the firm or corporation to receive [or], buy *or sell* raw furs anywhere in this Commonwealth for the purpose of reselling. The firm shall designate one person to act as their buyer. This person's name shall appear on the face of the permit. The permit must be carried at all times when such person is engaged in buying furs.

(c) Unlawful acts.—It is unlawful for any person to:

(1) Obtain furs by purchase or barter for the purpose of reselling without a permit as required by this section.

(2) Purchase furs from any person without being shown the valid furtaking license of such person.

*(2.1) Sell raw furs without a valid nonresident fur dealer permit.*

(3) Violate any other provisions of this section.

(d) Penalty.—A violation of this section is a summary offense of the third degree if the violator is a resident or a summary offense of the first degree if the violator is a nonresident.

Section 3. Section 2 (relating to section 2702(b) and (c)) of this act shall be retroactive to July 1, 1987.

Section 4. This act shall take effect immediately.

APPROVED—The 25th day of November, A. D. 1988.

ROBERT P. CASEY