

No. 2003-5

AN ACT

HB 235

Amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for the age of holders of falconry permits and for disabled person permits.

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

Section 1. Section 2901 of Title 34 of the Pennsylvania Consolidated Statutes is amended by adding a subsection to read:

§ 2901. Authority to issue permits.

* * *

(e) Falconry permits.—Notwithstanding the provisions of subsection (a), falconry permits may be issued only to persons who are residents of this Commonwealth and 16 years of age or older.

Section 2. Section 2923(a) of Title 34 is amended to read:

§ 2923. Disabled person permits.

(a) Use of vehicle as a blind.—

(1) Unless further restricted by commission regulation, a lifetime permit to hunt from a stationary vehicle may be issued to a person with permanent disabilities who qualified for a hunting license pursuant to Chapter 27 (relating to hunting and furtaking licenses) or who possesses a junior resident license under section 2705(2) (relating to classes of licenses) and who meets any of the following requirements:

(i) [Has paraplegia and has permanent paralysis of both legs and lower parts of the body.] *Has a permanent or irreversible physical disability and is unable to ambulate and requires a wheelchair, walker, one leg brace or external prosthesis above the knee, two leg braces or external prostheses below the knees, two crutches or two canes for mobility.*

(ii) [Has hemiplegia and has permanent paralysis of one leg and one arm on either side of the body.] *Suffers significantly from lung disease to the extent that forced expiratory volume for one second when measured by spirometry is less than one liter or the arterial oxygen tension (po) is less than 60 millimeters of mercury on room air at rest. This subparagraph would also apply to someone who is oxygen dependent 24 hours a day, seven days a week.*

(iii) [Has both feet or one hand and one foot amputated.] *Suffers significantly from cardiovascular disease to the extent that functional limitations are classified in severity as class 3 or 4 according to the current standards accepted by the American Heart*

Association and where ordinary physical activity results in fatigue, palpitation, dyspnea or anginal pain.

(iv) **[Is permanently confined to a wheelchair or must use crutches or a walker as a means of support to pursue daily activities.] *Has a disability or combination of disabilities creating a minimum impairment of function of or equivalent to no less than 90% loss of function in one leg or no more than 10% maximal functional use in one leg regardless of the functional level of the other leg.***

[(v) Presents an affidavit and doctor's certificate stating the applicant is physically unable to walk 25 yards off the roadway.]

(2) Unless further restricted by commission regulation, a permit to hunt from a stationary vehicle may be issued to a person who qualified for a hunting license pursuant to Chapter 27 and presents an affidavit and doctor's certificate stating the applicant **[is unable to walk 25 yards off the roadway due to a temporary injury or condition and may require an external means of support to ambulate.] *has a temporary disability that restricts mobility or ambulation of any distance due to illness or injury and operative procedures and who either has a leg, hip or back or any part thereof casted by a licensed physician due to a fracture or has leg, hip or back surgery.*** This permit is only valid for the license year in which issued.

(3) Permittees shall carry the permit upon their person while hunting. Any person named on this permit may hunt while using an automobile or other vehicle as a blind. The permittee shall not use the vehicle to flush or locate game. The vehicle may be used only as a blind or platform from which to shoot. The firearm shall be unloaded at all times while the vehicle is in motion.

(4) Any person who possesses a junior resident license under section 2705(2) and otherwise qualifies for a disabled person permit must comply with section 2711(a)(8) (relating to unlawful acts concerning licenses). Any parent or person 18 years of age or older serving in loco parentis or as guardian or some other family member 18 years of age or older shall not use a vehicle as a blind unless that person meets the requirements of this section.

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Section 3. This act shall take effect July 1, 2003.

APPROVED—The 17th day of June, A.D. 2003.

EDWARD G. RENDELL