

## No. 1982-60

## AN ACT

## HB 1776

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 providing for special permits, further providing for roadside menageries, providing for permits to deal in and possess wildlife and further providing for penalties.

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

Section 1. Section 401, act of June 3, 1937 (P.L.1225, No.316), known as "The Game Law," is amended by adding clauses to read:

Section 401. Commission Empowered to Grant Permits.—Notwithstanding any other provision of this article to the contrary, the commission shall, as deemed necessary to properly manage the wildlife resources, be authorized to adopt rules and regulations further regulating the issuance of any special permit set forth herein, and to adopt rules and regulations to further regulate and control such activities which may be performed under authority of any special permit issued.

Under the conditions and limitations hereinafter prescribed, the commission may grant permits at its discretion to citizens of the United States who, unless otherwise specified, shall be residents of the Commonwealth and eighteen years old or over, which permits shall be in such form as the commission may determine and shall expire on June thirtieth of each year, except the permit for a disabled person to hunt from an automobile, which shall expire on August thirty-first of each year, and which may be revoked or suspended at any time at the discretion of the commission. Such permits shall not be transferable. Such permits may be issued:

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*(m) To any person desiring to act as a wildlife dealer as defined in section 417.2.*

*(n) To any person desiring to purchase or receive or possess wildlife as defined in section 418.*

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Section 2. Section 402 of the act, amended July 22, 1965 (P.L.232, No.129), August 26, 1965 (P.L.410, No.211), October 13, 1965 (P.L.592, No.308) and December 17, 1965 (P.L.1122, No.436), is amended to read:

Section 402. Application for Permits.—Any person, firm, association, or corporation desiring a permit, as provided for in this article, shall present an application therefor, on forms supplied by the commission, and shall pay to the director the following fees: permit for a disabled person to hunt from an automobile, one dollar (\$1); collecting permit, ten dollars (\$10); falconry permit, ten dollars (\$10); fur dealer's

employes permit, ten dollars (\$10); permit for possessing or owning a ferret or fitch, ten dollars (\$10); permit to release and retrap bobwhite quail for dog training purposes, ten dollars (\$10); [roadside] menagerie, [fifteen dollars (\$15)] *three hundred dollars (\$300)*; game propagation, fifteen dollars (\$15); fur farming, fifteen dollars (\$15); taxidermists desiring to practice taxidermy for profit shall pay fifty dollars (\$50) for initial application and permit, and twenty-five dollars (\$25) per year thereafter for renewal of permit; resident fur dealers, twenty-five dollars (\$25); nonresident fur dealers, purchasing or receiving raw furs for commercial purposes in this Commonwealth, shall pay one hundred dollars (\$100); persons desiring to operate regulated shooting grounds on a non-commercial basis shall pay twenty-five dollars (\$25) for the first one hundred acres in the tract so used, and five dollars (\$5) for each additional one hundred acres or fraction thereof; persons desiring to operate regulated shooting grounds on a commercial basis shall pay fifty dollars (\$50) for the first one hundred acres, and ten dollars (\$10) for each additional one hundred acres, or fraction thereof; and breeders and dealers in ferrets or fitches shall pay fifty dollars (\$50); [and for a] special retriever dog training area permit, thirty-five dollars (\$35); *wildlife dealer's permit, five hundred dollars (\$500); and for a wildlife possession permit, two hundred dollars (\$200) for each animal.*

[The application shall be accompanied by the written statement of at least two well-known citizens of the community in which the applicant resides, certifying to his good character and to his fitness to be entrusted with the authority granted by such special permit.]

In the case of applications for permits by firms, associations, or corporations, the application shall bear the name of the president or general manager, and the permit shall be issued in his name. All applications for propagating permits and regulated shooting grounds permits shall be accompanied by a written description and a map or sketch of the premises to be used for such purposes, with the location thereof.

Section 3. Section 417 of the act, amended May 11, 1949 (P.L.1118, No.331), is amended to read:

Section 417. Permits for [Roadside] Menageries.—The commission may grant permits for [roadside] menageries which are hereby defined as any place where one or more wild *birds or wild animals or one or more birds or animals which have similar characteristics and appearance of birds or animals wild by nature* are kept in captivity[, upon any street or highway, or upon land, public or private, adjoining any street or highway, or upon land, public or private, in the vicinity of any commercial establishment,] for the evident purpose of exhibition [or attracting trade] *with or without charge.*

The term “[roadside] menagerie” shall not include the exhibition of any *wild bird or wild animal [by any educational institution or] in any public zoological garden, which receives government grants or appropriations or [in connection with any county fair, theatrical exhibition,] by any nationally recognized circus[, or any such exhibition when sponsored*

by any sportsmen's organization with the approval of the Pennsylvania Game Commission]. *Any sportsmen's club or organization incorporated under the laws of this Commonwealth may sponsor and conduct a menagerie at an annual county fair and under such circumstances the menagerie permit shall be issued free of charge.* The term ["wild animal"] "*wildlife*" as used in this section shall mean any *wild bird or wild animal or any bird or animal having similar characteristics and appearance of a bird or animal wild by nature as distinguished from the common domestic birds or animals, whether or not such birds or [animal was] animals were bred or reared in captivity.*

No permit shall be granted by the commission until it is satisfied that the provisions for housing and caring for such [wild animals] *wildlife*, and for protecting the public, are proper and adequate, and in accordance with the standard therefor established by the commission.

The commission shall adopt and enforce rules and regulations for the housing, care, treatment, feeding, [and] sanitation, *purchase and disposal* of [wild animals] *wildlife* kept in [roadside] menageries, and for the protection of the public from injury by such [wild animals] *wildlife*.

It is unlawful for any person, *firm, association or corporation* to keep any [wild animal] *wildlife* in captivity [upon any street or highway, or upon land, public or private, adjoining any street or highway, or upon land, public or private, in the vicinity of any commercial establishment], for *public* exhibition [or the evident purpose of attracting trade,] or to have any [wild animal] *wildlife* in [his] custody or control for such purpose, [unless a permit has been] *without first securing a menagerie permit* issued by the commission.

*It shall be unlawful for the holder of a menagerie permit to violate any of the provisions of this act or rules and regulations adopted thereunder by the commission or to release any wildlife into the wild. In addition to the cash penalties hereinafter provided, the director of the commission may, for violating any of the provisions of this section or rules and regulations adopted thereunder, revoke or suspend any menagerie permit and order the disposal of any wildlife held.*

Section 4. The act is amended by adding a section to read:

*Section 417.2. Permits to Deal in Wildlife.—The commission may issue permits to persons, firms, associations or corporations to act as wildlife dealers which shall authorize the holder thereof to import into the Commonwealth, possess, buy, sell, locate or find for a fee, barter, donate or otherwise dispose of wildlife. A wildlife dealer shall mean any person who imports into the Commonwealth, possesses, buys, sells, locates or finds for a fee, barter, donates or otherwise disposes of more than one bird or one animal classified as wildlife during any calendar year. A wildlife dealer shall not include a public zoological garden which receives governmental grants or appropriations, or any person, firm, association or corporation who or which holds a menagerie permit, providing the purchase or sale of wildlife or other authorized transaction is conducted for the sole purpose of maintaining stock for such menagerie, or any nationally recognized circus.*

*Whenever used in this section, the word "wildlife," unless further defined by resolution of the commission, shall mean, all bears, all coyotes, all lions, all tigers, all leopards, all jaguars, all cheetahs, all cougars, all wolves and any crossbreed of such animals which have similar characteristics of the animals specified herein. In order to properly administer the provisions of this section, the commission may, by resolution, add any bird or animal to or remove any bird or animal from the classification of wildlife.*

*No permit provided for in this section shall be granted by the commission until it is satisfied that the provision for housing and caring for such wildlife, and for protecting the public, are proper and adequate and in accordance with the standard established by rules and regulations adopted by the commission.*

*It shall be unlawful for any person, firm, association or corporation to import into the Commonwealth, possess, buy, sell, locate or find for a fee, barter, donate, or otherwise dispose of more than one bird or one animal classified as wildlife in any calendar year without first securing a permit as required in this section. It shall be unlawful for any person, firm, association or corporation to release wildlife, as defined in this section, into the wild.*

*In addition to the penalties hereinafter provided, the director may, for any violation of the provisions of this section or rules and regulations adopted thereunder, revoke or suspend any permit and order the disposal of any wildlife held.*

Section 5. Section 418 of the act is amended to read:

Section 418. [Act Not to Apply in Certain Cases.—This act shall not be construed to apply to, or prohibit the taking or possession of birds and animals, by any public zoological garden of the State, or any public institution within the State, maintained for scientific purposes or receiving appropriations from the State, wherein animals or birds are maintained alive for educational purposes, or for the purpose of scientific study or experiment.] *Permits to Possess Wildlife.—The commission may issue permits to persons to possess wildlife which shall authorize the holder thereof to purchase, receive or possess wildlife from any lawful source from within or outside of this Commonwealth. Whenever used in this section, the word "wildlife," unless further defined by resolution of the commission, shall mean all bears, all coyotes, all lions, all tigers, all leopards, all jaguars, all cheetahs, all cougars, all wolves and any crossbreed of such animals which have similar characteristics of the animals specified herein. In order to properly administer the provisions of this section, the commission may, by resolution, add any animal to or remove any animal from the classification of wildlife. The provisions of this section shall not include any public zoological garden which receives government grants or appropriations, any person, firm, association or corporation which holds a menagerie permit, or any nationally recognized circus.*

*No permit provided for in this section shall be granted by the commission until it is satisfied that the provisions for housing and caring for such wildlife and for protecting the public are proper and adequate and in accordance with the standards established by rules and regulations of the commission.*

*It shall be unlawful for any person to possess, purchase or receive wildlife under any circumstances without first securing a permit as required in this section. It shall be unlawful for any person to release wildlife as defined in this section into the wild.*

*In addition to the penalties hereinafter provided, the director may, for any violation of the provisions of this section or rules and regulations adopted thereunder, revoke or suspend any permit and order the disposal of any wildlife held.*

Section 6. Section 419 of the act, amended April 14, 1976 (P.L.106, No.46), is amended to read:

Section 419. Penalties.—Any person violating any of the provisions of this article or rules and regulations adopted by the commission shall, upon conviction, be sentenced to pay the following fines and costs of prosecution for each offense:

(a) For the sale or exchange or shipment or removal out of this Commonwealth of birds or nests or eggs, or the taking of birds or eggs or nests, contrary to the provisions of this article, by agents of museums or persons of scientific attainment in ornithology or mammalogy acting under the authority of any permit, twenty-five dollars;

(b) For the practice of taxidermy for profit without a permit, as provided in this article, twenty-five dollars, and in addition thereto, twenty-five dollars for each specimen of a bird or animal protected by this act mounted or in possession for mounting;

(c) For the mounting, sale, or shipment, or removal from, or permitting the removal from, the Commonwealth, by the holder of any taxidermy permit, of each specimen of a bird or animal protected by this act, contrary to the provisions of this act, twenty-five dollars;

(d) For a resident of the Commonwealth purchasing, or receiving, or reselling raw furs for commercial purposes without a permit, as provided in this article, one hundred dollars;

(e) For a nonresident of the Commonwealth purchasing, or receiving, or reselling raw furs for commercial purposes without a permit, as provided in this article, two hundred dollars;

(f) For the breeding or propagating of game or fur-bearing animals in captivity without a propagating permit, contrary to the provisions of this article, twenty-five dollars for each bird or animal so bred or propagated;

(g) For the killing or selling or giving away or removing or shipping of game or fur-bearing animals or the pelts thereof bred or propagated, or eggs produced, by the holder of any propagating permit, or his agent or employe, contrary to the provisions of this article, twenty-five dollars;

(h) For neglecting or failing to return the duplicate copy of such tag to the commission, or for neglecting or failing to retain the copy of the tag as provided in this article, ten dollars for each such neglect or failure;

(i) For wilfully or wantonly removing, or mutilating, or counterfeiting or altering, or destroying a tag attached to a container or bird or animal, contrary to the provisions of this article, twenty-five dollars;

(j) For wilfully using any tag for the carrying, or removing, or shipping of game or fur-bearing animals, or the eggs of game birds, taken or killed outside of premises for propagating game or fur-bearing animals, under authority of permit, or for the purpose of a second shipment of game or fur-bearing animals from any such premises, or for failure to maintain the required record of transactions, contrary to the provisions of this article, twenty-five dollars;

(k) For taking any game birds on premises covered by a regulated shooting grounds permit in excess of the numbers fixed by the provisions of this article, or for taking or capturing such birds by any method other than by shooting, or for consuming on the premises or removing therefrom any propagated or released pheasants, bobwhite quail of the subspecies approved by the commission, chukar partridges or mallard or black ducks killed in accordance with the provisions of this article with reference to regulated shooting grounds which have not been tagged as herein required, or for attempting to operate such regulated shooting grounds contrary to any other provisions of this article, fifty dollars;

(l) For the breeding or selling, or offering for sale, or having in possession, or delivering any ferret or fitch, contrary to the provisions of this article, twenty-five dollars for each ferret or fitch;

(m) For ~~[maintaining a roadside menagerie for the purpose of exhibition or attracting trade contrary to the provisions of this article, or for failure to comply with the regulations of]~~ *violating any provision of section 417 or for violating any rule or regulation adopted thereunder by the commission [relative to the housing and care of such animals, twenty-five dollars], three hundred dollars;*

(n) For failure to submit any annual report as required by this article, twenty-five dollars;

(o) For releasing, retrapping, possessing or tagging bobwhite quail or traps for dog training purposes contrary to the provisions of this article, twenty-five dollars;

*(o.1) For violating any provision of section 417.2 or any rule or regulation adopted thereunder by the commission, five hundred dollars;*

*(o.2) For violating any provision of section 418 or any rule or regulation adopted thereunder by the commission, three hundred dollars;*

(p) For violating any of the provisions of this article *or any rule or regulation adopted thereunder by the commission* 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 and costs of prosecution for each offense.

Upon failure of any person convicted of a first offense to immediately pay the fine imposed and cost of prosecution, he shall be imprisoned one day for each dollar of fine imposed and cost 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. Any person, firm, association or corporation which is required to obtain any permit pursuant to section 417.2 of "The Game Law," or any person who is required to obtain any permit pursuant to section 418 of "The Game Law," shall have a period of 90 days following the effective date of this amendatory act to make application of the required permit.

Section 8. Any person required to obtain a permit pursuant to section 417.2 or 418 of "The Game Law," for any wildlife in possession on the effective date of this amendatory act shall be able to obtain such permit free of charge for the remainder of the current permit year, as defined in "The Game Law," following the effective date of this amendatory act.

Section 9. This act shall take effect July 1 immediately following enactment.

APPROVED—The 13th day of March, A. D. 1982.

DICK THORNBURGH