

## No. 1983-28

## AN ACT

## HB 596

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," increasing certain fees.

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

Section 1. Sections 302, 303 and 303.1 of the act of June 3, 1937 (P.L.1225, No.316), known as The Game Law, amended November 20, 1981 (P.L.340, No.125), are amended to read:

Section 302. Resident License Fees.—Each such resident as defined in sections 101 and 301, upon application made, in writing, to an agent authorized to issue such licenses within the Commonwealth, and upon presentation of proof by the applicant that he or she is a resident of this Commonwealth as previously defined in this act by producing a current Pennsylvania motor vehicle registration card, or tax receipts evidencing payment of State income tax, earned income tax or other local taxes pursuant to the act of December 31, 1965 (P.L.1257, No.511), known as "The Local Tax Enabling Act," or some other positive means of verifying residency, and the establishment of his or her identity to the satisfaction of the authority issuing the license, unless any such person has been disqualified for a license in the manner hereinafter specified, and the payment to said agent or the commission of **[eight dollars and twenty-five cents (\$8.25)]** *eight dollars and fifty cents (\$8.50)* except as hereinafter provided for certain minors and older persons, 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 or who are sixty-five years of age or more at the time of application, shall be entitled to a resident hunter's license and tag upon payment to said agent or the commission of, in the case of persons sixty-five years of age or more, **[five dollars and twenty-five cents (\$5.25)]** *five dollars and fifty cents (\$5.50)* and, in the case of persons between the ages of twelve and sixteen, **[five dollars and twenty-five cents (\$5.25)]** *five dollars and fifty cents (\$5.50)*. 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.

It shall be unlawful for any person to sell or attempt to sell any resident hunting license for a monetary fee in excess of the fees fixed pursuant to the provisions of this section. The sale or attempted sale of each license shall constitute a separate offense.

Section 303. Nonresident Hunting License Fees.—Every nonresident of this Commonwealth, upon application made, in writing, to any agent authorized to issue such licenses, or to the commission, unless any such person has been disqualified for a license in the manner hereinafter specified, or is a resident of a state which does not issue like licenses to residents of this Commonwealth, and upon payment to said agent or commission of **[fifty dollars and fifty cents (\$50.50) for the license year beginning in 1979 and]** sixty dollars and fifty cents (\$60.50) **[for the license year beginning in 1980 and each year thereafter]** 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 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, three hundred fifty dollars (\$350). 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.

It shall be unlawful for any person to sell or attempt to sell any nonresident hunting license for a monetary fee in excess of the fees fixed pursuant to the provisions of this section. The sale or attempted sale of each license shall constitute a separate offense.

Section 303.1. Three-Day Licenses to Hunt on Regulated Shooting Grounds.—Residents and nonresidents of the Commonwealth twelve (12) years of age or upward, upon application in writing to the authorized agent, in such form as the commission may prescribe, and upon payment to the issuing agent of three dollars (\$3.00), for the use of the commission, and **[twenty-five cents (\$.25)]** **fifty cents (\$.50)**, for the use of the county if the issuing agent is the county treasurer, otherwise for the use of the issuing agent, shall 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. Such license shall entitle the holder thereof to hunt for, take or kill, on lawfully operated regulated shooting grounds, only those species of birds which the regulated shooting grounds permittee has released thereon which shall be limited to

pheasants, bobwhite quail of the subspecies approved by the commission, chukar partridges, and domestically propagated mallard ducks.

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 an appropriate bond, with corporate surety, in the sum of one thousand dollars (\$1000), approved by the Office of Attorney General, the permittees of regulated shooting grounds, or an officer of a corporate permittee, who, for that purpose, are hereby made agents of the commission, shall be authorized to issue Three-Day Special Regulated Shooting Ground 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 sections three hundred ten and three hundred eleven of The Game Law.

It shall be unlawful for any person to sell or attempt to sell any Special Regulated Shooting Ground License for a monetary fee in excess of the fees fixed pursuant to the provisions of this section. The sale or attempted sale of each license shall constitute a separate offense.

Any person who is properly licensed to hunt within this Commonwealth in accordance with the provisions of section 302 or 303 of this act whichever the case may be, shall be excluded from the necessity of obtaining a Three-Day Special Regulated Shooting Ground License.

Section 2. The first paragraph of section 311 of the act, amended November 20, 1981 (P.L.339, No.124), is amended to read:

Section 311. Agents to Collect and Remit License Fees; Reports; Compensation.—The agents designated by the 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 commission, be allowed to retain not to exceed the sum of **[twenty-five] fifty** cents from the amount paid for each resident hunter's license, and not to exceed fifty cents from the amount paid for each nonresident hunter's license, which amount shall be for the use of the county if the issuing agent is the county treasurer, or for other issuing agents 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 commission upon a form to be supplied by the commission. All such moneys shall be placed in the Game Fund by the State Treasurer.

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Section 3. Section 312 of the act, amended May 20, 1976 (P.L.131, No.58), is amended to read:

Section 312. Replacement of Lost Hunting Licenses.—Any holder of a regular resident, nonresident or antlerless deer hunter's license who shall accidentally lose the same, upon application to the 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 surrender the remaining portion, if any, of the original license, and upon payment of the fees set forth herein, shall be entitled to a replacement license of the same kind and value as the original when lost.

Fees for replacement of regular resident, nonresident or antlerless deer licenses of any description shall be as follows:

(1) Except in the case of a regular nonresident hunter's license, the replacement fee for a regular resident hunting license shall be one-half of the fee charged for the original license.

(2) In the case of a regular nonresident hunting license, the replacement fee shall be one-half of the fee charged for a regular resident hunting license as set forth in the act for persons seventeen years of age or older, but less than sixty-five years of age.

(3) In the case of an antlerless deer license, the replacement fee shall be the same cost as the original license. The replacement of an antlerless deer license shall be made only by the issuing agent who issued the original license.

The issuing agent shall indicate on the face of the license and tag 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 commission may authorize any issuing agent to retain not to exceed the sum of **[twenty-five] fifty** cents and remit the balance of the replacement license fee as hereinbefore provided. Issuing agents who are county treasurers shall remit the fee for services to the county for the use of the county.

It shall be unlawful for any person to give false information on the sworn statement for a replacement hunting license or to obtain or attempt to obtain a replacement hunting license contrary to the provisions of this section. Any person who shall give false information on the sworn statement for a replacement hunting license or who obtains or attempts to obtain a replacement hunting license as herein defined contrary to the provisions of this section shall, upon conviction, be sentenced to pay a penalty of one hundred dollars (\$100) plus costs of prosecution.

Section 4. Section 501(c) of the act, amended November 20, 1981 (P.L.340, No.125) and February 11, 1982 (P.L.33, No.21), is amended to read:

Section 501. Open Seasons.—\* \* \*

(c) Hunters' Licenses and Tags for Antlerless Deer.—If in any year the commission declares an open season for antlerless deer, it shall issue antlerless deer licenses and tags to hunt for or kill such deer, at a fee of three

dollars **[thirty-five]** *fifty* 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 and to regulate the issuance of such licenses generally. Except as otherwise provided in this subsection, no applications for antlerless deer licenses received from nonresidents of the Commonwealth 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 shall be issued without restriction or regard to the county of residence of the Pennsylvania applicant and may be issued only to holders of resident or nonresident 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 antlerless deer licenses and tags without effecting any quota established by the commission for a particular county: (1) to members of Armed Forces who are residents of Pennsylvania and who are on full time active duty; (2) 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; and (3) to disabled veterans as defined in section 302 upon submission of the information required by section 302.

Licenses and tags for antlerless deer shall be issued only by the county treasurers or by any person carrying out the duties and responsibilities of a county treasurer in counties functioning under a Home Rule Charter in counties where such deer may be hunted and killed, who, for that purpose, are hereby made agents of the 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 **[thirty-five]** *fifty* cents from the amount paid by each licensee, which amount shall be paid into the county treasury.

It shall be unlawful for any person to sell or attempt to sell any antlerless deer hunting license for a monetary fee in excess of the fees fixed pursuant to this subsection. The sale or attempted sale of each license shall constitute a separate offense.

When such licenses are issued to restrict the number of persons who may hunt antlerless deer in any county of the Commonwealth, certain qualifying landowners who own eighty or more contiguous acres of land within any county where they desire to hunt antlerless deer shall be entitled to one antlerless deer license for that county, at the prescribed fee, to one and only one person whose name appears on the deed. These antlerless deer licenses shall be allocated in advance of their availability to the general public from the quota established by the commission for the county where such land is situated to persons who meet all of the following requirements:

(i) the eighty or more contiguous acres of land are owned by a natural person individually or as tenants by the entirety, or by a corporation of four or fewer shareholders, or by tenants in common of four or fewer natural persons;

(ii) the eighty or more contiguous acres of land are open to public hunting and trapping and shall remain open to hunting and trapping during the hunting license year for which the antlerless deer license is issued;

(iii) the applicant for an antlerless deer license shall furnish proof of ownership of eighty or more contiguous acres of land to the county treasurer within the county where such land is situated.

Any resident of Pennsylvania 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 antlerless deer, or any member of the family or household, or regularly hired help of such owner or lessee who are so employed on a full-time basis, if such person is a resident of the Commonwealth, actually residing upon and cultivating such lands for general farm crop purposes, is hereby declared eligible to hunt antlerless deer without a resident hunters' license or an antlerless deer license upon said property, and, by and with the written consent of the owner or lessee thereof, upon the lands immediately adjacent and connected with his own lands, other than publicly-owned lands.

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 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 hunters' license and tag for antlerless deer, or to take such deer contrary to the rules and regulations adopted by the commission.

The antlerless deer license 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 antlerless deer license tag herein required shall, upon conviction, be sentenced to pay a fine of twenty-five dollars (\$25) and costs of prosecution, provided it shall be determined the person has purchased a license; otherwise, a penalty of fifty dollars (\$50) and costs of prosecution shall be imposed. Any person who shall give false information in obtaining or attempting to obtain an antlerless deer license as relates to certain qualifying landowners shall, upon conviction, be sentenced to pay a fine of two hundred dollars (\$200) and costs of prosecution and shall be denied the right to hunt or trap anywhere in this Commonwealth, with or without a license, for a period of three years. Any other person who shall give false information in obtaining or attempting to obtain an antlerless deer license shall, upon conviction, be sentenced to pay a fine of fifty dollars (\$50) and costs of prosecution.

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Section 5. Section 501(e) and (f) of the act, amended November 20, 1981 (P.L.340, No.125), are 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.

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 commission or any agent designated as an issuing agent of the 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 commission for the issuance of archery licenses may retain for the use of the county if the issuing agent is the county treasurer, otherwise to the agent for such service the sum of [twenty] fifty 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.

It shall be unlawful for any person to sell or attempt to sell any archery hunting license for a monetary fee in excess of the fee fixed pursuant to this subsection. The sale or attempted sale of each such license shall constitute a separate offense.

(f) Muzzleloading Firearms Deer Season.—The commission may, by resolution, declare an open season for hunting deer with muzzleloading firearms during any hunting license year which shall hereinafter be known and referred to as Muzzleloading Firearms Deer Season.

In any year in which a Muzzleloading Firearms Deer Season shall be declared as hereinbefore provided, the Muzzleloading Firearms Deer Season shall not be established prior to the close of the regular rifle deer seasons for the then current hunting license year. The commission shall, notwithstanding any other provisions of this act, adopt rules and regulations governing the hunting and killing of deer during such Muzzleloading Firearms Deer Season which shall include but not be limited to, the duration and time of such deer season, the description of the deer which may lawfully be killed, the type of muzzleloading firearms which may lawfully be used to hunt for and kill deer during such season, the area or areas within the Commonwealth where deer may lawfully be hunted and killed, and any other rules and regulations deemed necessary to properly regulate, manage, and control the hunting and killing of deer during such season. For the purposes of this section, a

muzzleloading firearm shall not be less than .44 calibre and shall not be equipped with a telescope.

It shall be unlawful for any person to hunt for, take, kill or wound, or attempt to take, or kill, or for any person to aid or assist in any manner to hunt for, take, kill or wound deer during such Muzzleloading Firearms Deer Season without first having legally obtained a resident, nonresident or alien hunter's license as defined in sections 302 and 303 of this act and, in addition thereto, a Muzzleloading Firearms Deer Season license which may be obtained from the commission or any agent designated by the commission to issue such licenses, the fee for which is hereby fixed at **[three dollars twenty-five cents (\$3.25)]** *three dollars fifty cents (\$3.50)*. Such license shall be in such form as the commission shall prescribe and shall be valid from the first day of September of one year to the thirty-first day of August of the year next following. The lawful holder of such license shall sign his full name in ink diagonally across its face before hunting deer in the open season herein provided for and shall carry such license upon his person at all times while hunting during such season.

Any agent designated by the commission to issue Muzzleloading Firearms Deer Season licenses may retain the sum of **[twenty-five cents (\$.25)]** *fifty cents (\$.50)* of the hereinbefore prescribed license fee for each such license issued as payment for services rendered. The several provisions of this act governing the issuance of hunting licenses by issuing agents with respect to keeping records, filing reports, and collecting and remitting license fees shall apply in like manner, force and effect to agents designated by the commission to issue Muzzleloading Firearms Deer Season licenses.

It shall be unlawful for any person to sell or attempt to sell any Muzzleloading Firearms Deer Season license for a monetary fee in excess of the fees fixed pursuant to this subsection. The sale or attempted sale of each license shall constitute a separate offense.

It shall be unlawful for any person to hunt for, take, kill or wound or attempt to take, kill or wound, or to aid or assist any person in any manner to hunt for, take, kill or wound deer during such Muzzleloading Firearms Deer Season contrary to the provisions of this section or rules and regulations adopted by the commission as hereinbefore provided.

Any person who shall violate any of the provisions of this section or any rules and regulations adopted by the commission pursuant thereto, shall, upon conviction, be sentenced to pay the penalties prescribed in section 506 of this act.

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Section 6. This act shall be applicable with the beginning of the first license year commencing after the effective date of this act.

Section 7. This act shall take effect immediately.

APPROVED—The 20th day of July, A. D. 1983.

DICK THORNBURGH