

## No. 1998-166

## AN ACT

HB 1994

Amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for the director's compensation; imposing duties upon the Executive Board; providing for commission accountability; and further providing for the use of certain Game Fund revenues, for appropriation and audit of moneys, for powers and duties of enforcement officers, for jurisdiction and penalties, for acknowledgment of guilt and receipt for payment, disposition of nonresidents, for unlawful taking or possession of game or wildlife, for buying and selling of game and wildlife, for classes of licenses, for license costs and fees, for disabled person permits and for the arrows for crossbows.

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

Section 1. Section 302(b) of Title 34 of the Pennsylvania Consolidated Statutes is amended to read:

§ 302. Director.

\* \* \*

(b) Compensation.—Notwithstanding any provision of law to the contrary, the [commission] *Executive Board of the Commonwealth* shall fix the compensation of the director.

\* \* \*

Section 2. Title 34 is amended by adding a section to read:

§ 328. *Accountability.*

(a) *Relationship with public.*—*The commission shall implement policies and programs to improve its relationship with the general public and with its licensees in accordance with its strategic plan.*

(b) *Program accountability.*—*The commission shall require program accountability of its various functions through program performance measurement in accordance with its strategic plan.*

(c) *Financial accountability.*—*The commission shall improve the financial accountability of its various functions through performance measurement in accordance with its strategic plan.*

(d) *Law enforcement accountability.*—*The commission shall maintain a system to respond to citizen complaints against wildlife conservation officers and deputy wildlife conservation officers. The commission shall release information relating to the number and nature of complaints received on at least an annual basis. The commission may release further information related to the nature of the complaints, provided that the release of such information is not prohibited or restricted by any contract, regulation, order of court or statute to the contrary.*

*(e) Reports to General Assembly.—No later than January 31 of each year the commission through its executive director shall make annual written reports on the matters described in subsections (a), (b), (c) and (d) to the Game and Fisheries Committee of the Senate and the Game and Fisheries Committee of the House of Representatives. The commission shall meet with the respective committees of the General Assembly to receive oral testimony in relation to annual written reports when so requested.*

Section 3. Sections 521(b), 522, 901(a), 902 and 925(e) and (f) of Title 34 are amended to read:

§ 521. Establishment and use of Game Fund.

\* \* \*

(b) Specific allocation of certain revenues.—

(1) A minimum of \$1.25 from each resident license for which the full fee has been paid and a minimum of \$2 from each antlerless deer license issued for which the full fee has been paid shall be used solely for habitat improvement and restoration conducive to increasing natural propagation of game or wildlife on all lands under the control or operation of the commission, including lands enrolled in the commission's public access programs *and other public lands open to hunting under agreement with the commission*. The moneys collected under this paragraph shall be deposited into two separate accounts and shall be used exclusively for the natural propagation of *game and* wildlife by:

(i) Improving and maintaining any natural wildlife habitat by the production, distribution and planting of trees, shrubs, vines and forage crops.

(ii) Forest management practices related to the creation and development of food and cover.

(iii) Development and management of food and cover openings.

(iv) Purchase, construction and enhancement of wetlands and riparian areas.

(v) Construction and maintenance of nesting structures.

(vi) The prorated cost for the purchase, maintenance and operation of equipment, tools and materials necessary to meet the habitat improvement objectives of this section. No moneys in these accounts shall be used for capital purchases under this subparagraph.

The commission shall submit an annual report on all expenditures from this account in the manner prescribed under section 522 (relating to appropriation and audit of moneys).

(2) Any moneys collected by or for the commission from the sale of the migratory bird hunting license shall be used solely for the purpose of migratory game bird management, habitat acquisition and improvement and related program administrative costs.

(3) *A minimum of \$3 from each resident and nonresident license for which the full fee has been paid shall be used solely for habitat improvement and restoration conducive to increasing natural*

*propagation of game on all lands under the control or operation of the commission, including lands enrolled in the commission's public access programs and other public lands open to hunting under agreement with the commission. The moneys collected under this paragraph shall be used exclusively for the natural propagation of game by:*

*(i) Improving and maintaining any natural wildlife habitat by the production, distribution and planting of trees, shrubs, vines and forage crops.*

*(ii) Forest management practices related to the creation and development of food and cover.*

*(iii) Development and management of food and cover openings.*

*(iv) Construction and enhancement of wetlands and riparian areas.*

*(v) Construction and maintenance of nesting structures.*

*(vi) The prorated cost for the maintenance and operation of equipment, tools and materials necessary to meet the habitat improvement objectives of this section. No moneys in these accounts shall be used for capital purchases under this subparagraph.*

*The commission shall submit an annual report on all expenditures from this account in the manner prescribed under section 522.*

§ 522. Appropriation and audit of moneys.

(a) Appropriation.—[All] *Subject to an annual review and recommendations under subsection (b), all moneys in the Game Fund are hereby appropriated to the commission and may be expended only for the purposes authorized under this title.*

(b) Audit and report.—[The commission shall submit an annual written and oral report to the Game and Fisheries Committees of the Senate and the House of Representatives no later than March 31 of each year. The written report shall include complete budgets for the current fiscal year and for the fiscal year about to commence. An audit of the budget for the concluding fiscal year shall be conducted by the Legislative Budget and Finance Committee and shall be submitted to the Game and Fisheries Committees no later than February 28 of each year.]

*(1) A performance audit of the commission to examine the commission's compliance with its strategic plan for the concluding fiscal year shall be conducted by the Legislative Budget and Finance Committee and shall be submitted to the Game and Fisheries Committee and the Appropriations Committee of the Senate and the Game and Fisheries Committee and the Appropriations Committee of the House of Representatives no later than February 28, 2000. After February 28, 2000, the Legislative Budget and Finance Committee shall conduct a performance audit of the commission every three years no later than February 28th.*

*(2) No later than January 31 of each year the commission through its executive director shall submit an annual written report to the Game*

*and Fisheries Committee and the Appropriations Committee of the Senate and the Game and Fisheries Committee and the Appropriations Committee of the House of Representatives which shall include the complete budget for the current fiscal year and for the next fiscal year. The commission shall meet with the specified committees of the General Assembly to receive oral testimony in relation to the annual written reports and to examine the commission's compliance with section 328 (relating to accountability) when so requested.*

(c) Expenditures from Game Fund.—[The] *After review under subsection (a), the commission shall submit to the Governor, for approval or disapproval, estimates of the amount of moneys to be expended from the Game Fund. The State Treasurer shall not honor any requisition for expenditure of any moneys in excess of the amount approved by the Governor. Moneys in the Game Fund shall be paid out upon warrant of the State Treasurer drawn after requisition by the director of the commission.*

§ 901. Powers and duties of enforcement officers.

(a) Powers.—Any officer whose duty it is to enforce this title or any officer investigating any alleged violation of this title shall have the power and duty to:

(1) Enforce all laws of this Commonwealth relating to game or wildlife and arrest any person who has violated any of the provisions of this title while in pursuit of that person immediately following the violation.

(2) Go upon any land or water outside of buildings, posted or otherwise, in the performance of the officer's duty.

(3) Serve subpoenas issued under the provisions of this title.

(4) Carry firearms or other weapons, concealed or otherwise, in the performance of the officer's duties.

(5) Purchase and resell game or wildlife, or any part thereof, for the purpose of securing evidence.

(6) Stop and inspect or search, at any time, **[without warrant,]** any means of transportation within this Commonwealth. Any officer who stops any means of transportation shall be in uniform and present a badge or other means of official identification and state the purpose of the inspection or search.

(7) Inspect and examine or search, at any time or place, any person or means of transportation or its attachment or occupants, or any clothing worn by any person, or any bag, clothing or container when the officer presents official identification and states the purpose of the inspection or search.

(8) Inspect and examine or search, at any time, **[without warrant,]** any camp, tent, cabin, trailer or any means of transportation or its attachment being used when the officer presents official identification to the person in charge and states the purpose of the inspection or search.

(9) Secure and execute all warrants and search warrants for violations of this title or, with proper consent, to search or enter any building,

dwelling, house, tavern, hotel, boardinghouse, enclosure, vehicle or craft or any attachments thereto, to open, by whatever means necessary, any door, compartment, chest, locker, box, trunk, bag, basket, package or container and to examine the contents thereof and seize any evidence or contraband found therein.

(10) When making an arrest or an investigation or when found in the execution of a search warrant, seize and take possession of all game or wildlife or parts of game or wildlife which have been taken, caught, killed, had or held in possession, and seize all firearms, shooting or hunting paraphernalia, vehicles, boats, conveyances, traps, dogs, decoys, automotive equipment, records, papers, permits, licenses and all contraband or any unlawful device, implement or other appliance used in violation of any of the laws relating to game or wildlife.

(11) Administer any oaths required by the provisions of this title or relative to any violation of any law relating to game or wildlife and, where game or wildlife is found in a camp or in possession or under control of any individual or hunting party, question the person or persons, under oath, relative to the taking, ownership or possession of the game or wildlife.

(12) Operate or move any vehicle, permanently or temporarily equipped with a type of flashing or rotating red light or lights or audible device or both, approved by the commission, upon any street or highway within this Commonwealth when performing duties within the scope of employment.

(13) Demand and secure assistance when the officer deems it necessary.

(14) Demand and secure identification from any person.

(15) Enforce all the laws of this Commonwealth and regulations promulgated thereunder relating to fish, boats, parks and forestry and other environmental matters, under the direction of those agencies charged with the administration of these laws.

(16) Require the holder of any license or permit required by this title or by commission regulation to sign the holder's name on a separate piece of paper in the presence of the requesting officer.

(17) When acting within the scope of the officer's employment, pursue, apprehend or arrest any individual suspected of violating any provision of Title 18 (relating to crimes and offenses) or any other offense classified as a misdemeanor or felony. The officer shall also have the power to serve and execute warrants issued by the proper authorities for offenses referred to in this paragraph and to serve subpoenas issued for examination. All powers as provided for in this paragraph will be limited by such administrative procedure as the director, with the approval of the commission, shall prescribe. The regulations shall be promulgated within 90 days of the effective date of this paragraph.

(18) When acting within the scope of the officer's employment and under the procedures outlined by the executive director, to use a facsimile in the enforcement of the provisions of this title and the regulations promulgated hereunder.

\* \* \*

§ 902. Deputy Game Commission officers.

Except for the powers conferred under section 901(17) and (18) (relating to powers and duties of enforcement officers), deputy Game Commission officers shall, unless further restricted by the director, exercise all the powers and perform all the duties conferred by this title on Game Commission officers[.], *except deputy wildlife conservation officers shall not be authorized to issue citations or field acknowledgments of guilt for violations and shall provide the information to the wildlife conservation officer. Retired wildlife conservation officers, retired waterways conservation officers, State park rangers, State forest rangers or current or retired State or municipal police officers shall exercise all powers and duties conferred on deputy Game Commission officers, including the right to issue citations and field acknowledgments of guilt for violations.*

§ 925. Jurisdiction and penalties.

\* \* \*

(e) Installment payment of fines.—[Installment payments under 42 Pa.C.S. § 9758(b) (relating to installment payment) for fines imposed for summary offenses under this title or the regulations shall not exceed a period of one year. Installment payments for misdemeanor offenses under this title or the regulations other than section 2522 (relating to shooting at or causing injury to human beings) shall not exceed a period of two years.] *Upon a plea and proof that person is unable to pay any fine and costs imposed under this title, a court may, in accordance with 42 Pa.C.S. § 9758 (relating to fine), permit installment payments it considers appropriate to the circumstances of the defendant, in which case its order shall specify when each installment payment is due.*

(f) Nonpayment of fines and costs.—Unless otherwise provided in this title, each person who fails to pay the fine imposed may, after hearing before a district justice, be imprisoned until the fine is paid in full. [No term of imprisonment for nonpayment of fines shall exceed 90 days.] *The court may imprison the person for a number of days equal to one day for each \$40 of the unpaid balance of the fine and costs not to exceed 120 days.*

\* \* \*

Section 4. Section 926(a) of Title 34 is amended and the section is amended by adding a subsection to read:

§ 926. Acknowledgment of guilt and receipt for payment.

(a) General rule.—[A] *Except as provided in subsection (d), a person charged with violating any provision of this title which is a summary offense may sign within ten days of the commission of the offense an acknowledgment of the offense committed and pay to an officer of the*

commission the penalty in full, as fixed by this title, plus any costs of prosecution which may have accrued. The printed receipt for this payment shall only prove full satisfaction of the monetary fine for the offense committed and in no way shall limit the commission from further revoking hunting and furtaking privileges.

\* \* \*

*(d) Limitations of acknowledgments of guilt.—On and after June 30, 1999, acknowledgments of guilt pursuant to this section shall be used only in such counties as the commission may designate by regulation for such use. The commission shall only designate such counties for continued use of field acknowledgment as it finds to have summary offense procedures that differ from Statewide summary offense procedures.*

Section 5. Section 931 of Title 34 is amended to read:

[§ 931. Arrest of nonresident.

**(a) General rule.—Upon the arrest, apprehension or citation of a nonresident of this Commonwealth for any violation of this title that is a summary offense, any officer whose duty it is to enforce the provisions of this title shall, unless the defendant elects to acknowledge guilt in accordance with section 926 (relating to acknowledgment of guilt and receipt for payment), escort the defendant to the appropriate district justice for a hearing, posting of bond or payment of the applicable fine and costs, unless the defendant chooses to place the amount of the applicable fine and costs in a stamped envelope addressed to the appropriate district justice and mails the envelope in the presence of the officer who shall issue the defendant a citation.**

**(b) Procedure upon payment by mail.—If the defendant accepts the citation and mails the amount of fine and costs prescribed in subsection (a), he shall indicate the payment constitutes a bond for a hearing based on a plea of not guilty. The district justice shall then handle the case as a “plea entered by mail.”**

**(c) Form of payment.—The amount of fine and costs shall be paid in cash, money order, certified check or guaranteed arrest bond. The commission, by regulation, may enlarge or restrict the type of payment which may be made by mail.]**

**§ 931. Disposition of nonresident offenders.**

*Subject to any inconsistent regulations or rules prescribed pursuant to 42 Pa.C.S. § 3502 (relating to financial regulations):*

*(1) Except as otherwise provided in paragraph (2), upon the apprehension of a nonresident of this Commonwealth for any violation of this title that is a summary offense, the officer whose duty it is to enforce this title shall issue a citation as provided by the Pennsylvania Rules of Criminal Procedure unless the nonresident offender elects to proceed under section 926 (relating to acknowledgment of guilt and receipt for payment).*

**(2) An officer whose duty it is to enforce this title shall be authorized to arrest a nonresident for a summary offense violation of this title and escort him to the appropriate issuing authority for a hearing, posting of bond or payment of the applicable fine and costs only when one or more of the following circumstances exist:**

**(i) The nonresident offender refuses to accept a citation from the officer.**

**(ii) The nonresident offender fails to provide positive identification showing his mailing address.**

**(iii) The officer has reasonable grounds to believe the nonresident offender is a repeat offender under this title.**

**(iv) The officer has reasonable grounds to believe the nonresident offender is hunting while his hunting privileges are suspended or furtaking while his furtaking privileges are suspended.**

**(v) The officer has reasonable grounds to believe the nonresident offender has failed to respond to a citation issued under this title or to pay assessed fines or penalties for a prior offense under this title.**

**(vi) The officer has reasonable grounds to believe the nonresident offender may pose a threat of harm to another person or property or to himself or herself.**

**(vii) The officer has reasonable grounds to believe the nonresident offender will not appear as required if issued a citation.**

**The officer shall not exercise his authority to arrest a nonresident under this paragraph if the nonresident offender chooses to place the amount of the applicable fine and costs in a stamped envelope addressed to the appropriate issuing authority and mails the envelope in the presence of the officer.**

**(3) The amount of fine and costs to be mailed to the issuing authority under paragraph (2) may be paid in cash, personal or other check, credit card or guaranteed arrest bond.**

**(4) The officer shall give the nonresident offender a receipt for payment, a copy of which shall be mailed with the payment and a copy retained by the officer.**

Section 6. Section 2307(b) and (d) of Title 34 are amended and the section is amended by adding subsections to read:

§ 2307. Unlawful taking or possession of game or wildlife.

\* \* \*

**(b) [Retention of game or wildlife lawfully taken.—Except as fixed by regulation of the commission, game or wildlife lawfully taken within this Commonwealth during the open season may be retained by residents until the end of the license year in which taken.] (Reserved).**

\* \* \*

**(d) Exceptions.—This section shall not apply to authorized individuals who euthanize critically injured game or wildlife, which shall be permitted when it is reasonable to believe that the chance of survival of the injured**



*game or wildlife is minimal or the injured game or wildlife poses a threat to human safety.*

**[(d)] (e) Penalties.**—A violation of this section relating to:

(1) Threatened or endangered species is a misdemeanor of the third degree.

(2) Elk or bear is a summary offense of the first degree.

(3) Deer is a summary offense of the second degree.

(4) Bobcat or otter is a summary offense of the third degree.

(5) Wild turkey or beaver is a summary offense of the fourth degree.

(6) Any other game or wildlife is a summary offense of the fifth degree.

**(f) Definition.**—*As used in this section, the term “authorized individual” means any person who:*

**(1) *Has 18 Pa.C.S. (relating to crimes and offenses) enforcement powers.***

**(2) *Is a currently employed waterways conservation officer or deputy waterways conservation officer.***

**(3) *Is a currently employed wildlife conservation officer or deputy wildlife conservation officer.***

**(4) *Is a currently employed State park ranger or a State forest ranger.***

**(5) *Is a veterinarian licensed to practice in the United States.***

Section 7. Section 2312(c) of Title 34 is amended to read:

§ 2312. Buying and selling game.

\* \* \*

(c) Exception.—

(1) Nothing in this section shall be construed to prevent the purchase or sale of game raised under authority of a propagating permit in this Commonwealth or the capture and sale of game or wildlife after securing a permit from the director and payment of any fees established by the commission or the purchase or sale of the tanned, cured or mounted heads or skins, or parts thereof, of any game or wildlife not killed in a wild state in this Commonwealth, or the sale or purchase of any inedible part thereof, from game or wildlife lawfully killed, if such parts are disposed of by the original owner within 90 days after the close of the season in which the game or wildlife was taken. Prior to selling parts of game or wildlife under the provisions of this subsection, all edible parts shall be removed.

**(2) *The commission may by regulation authorize the buying and selling of inedible parts of game and wildlife as it deems appropriate.***

(3) This subsection shall not be construed to permit any individual or agency other than the commission to sell the skins or parts of game or wildlife killed as a protection to crops, or accidentally killed upon the highways, or seized as contraband.

\* \* \*

Section 8. Section 2705(7) of Title 34 is amended and the section is amended by adding paragraphs to read:

§ 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 furtaker license as follows:

\* \* \*

**(7) [(Reserved).] *Senior lifetime resident combination hunting and furtaking license, including archery and muzzleloader privileges, to residents who have reached or will reach their 65th birthday in the year of the application for the license. The commission shall develop, implement and administer a system to provide tags, report cards and applications to those residents who hold a senior lifetime resident hunting license issued under this paragraph. The system shall require the applicant or license holder to pay any approved fee assessed by the issuing agent.***

**(7.1) *Junior resident combination hunting and furtaker license, including archery and muzzleloader privileges, to residents who have reached or will reach their 12th birthday in the calendar year of application for a license but who have not reached their 17th birthday prior to the date of the application for the license and who present a written request, containing the signature of a parent or guardian, for the issuance of a license. The actual privileges granted to the holder of a junior resident combination license shall not be exercised until that person in fact is 12 years of age.***

\* \* \*

**(11.1) *Junior nonresident combination hunting and furtaker license, including archery and muzzleloader privileges, to nonresidents who have reached or will reach their 12th birthday in the calendar year of application for a license but who have not reached their 17th birthday prior to the date of the application for the license and who present a written request, containing the signature of a parent or guardian, for the issuance of a license. The actual privileges granted to the holder of a junior nonresident combination license shall not be exercised until that person in fact is 12 years of age.***

\* \* \*

Section 9. Sections 2709 and 2923 of Title 34 are amended to read:

§ 2709. License costs and fees.

(a) License costs.—Any person who qualifies under the provisions of this chapter shall be issued the applicable license upon payment of the following costs and the issuing agent's fee:

(1) (i) Junior resident hunting - \$5.

(ii) *Junior resident combination hunting and furtaker* - \$8.

(2) Adult resident hunting - [\$12] \$19.

(3) (i) Senior resident hunting - [\$10] \$12.

- (ii) Senior lifetime resident hunting - \$50.
  - (iii) *Senior lifetime resident combination hunting and furtaker - \$100.*
  - (4) Bear hunting:
    - (i) Resident - [~~\$10~~] **\$15.**
    - (ii) Nonresident - [~~\$25~~] **\$35.**
  - (5) Antlerless deer[,]:
    - (i) **Resident**, including resident military, resident disabled veteran and landowner - \$5.
    - (ii) **Nonresident** - **\$25.**
  - (6) Archery deer [- ~~\$5.~~]:
    - (i) **Resident** - **\$15.**
    - (ii) **Nonresident** - **\$25.**
  - (7) Muzzleloader deer [- ~~\$5.~~]:
    - (i) **Resident** - **\$10.**
    - (ii) **Nonresident** - **\$20.**
  - (8) (*Reserved*).
  - (9) Adult nonresident hunting - [~~\$80~~] **\$100.**
  - (10) (i) Junior nonresident hunting - \$40.
  - (ii) **Junior nonresident combination hunting and furtaker - \$50.**
  - (11) Seven-day nonresident small game - [~~\$15~~] **\$30.**
  - (12) Junior resident furtakers - \$5.
  - (13) Adult resident furtakers - [~~\$12~~] **\$19.**
  - (14) (i) Senior resident furtakers - [~~\$10~~] **\$12.**
  - (ii) Senior lifetime resident furtaker - \$50.
  - (15) Adult nonresident furtaker - \$80.
  - (16) Junior nonresident furtaker - \$40.
  - (17) Resident disabled veteran hunting or furtaker under section 2706(b) (relating to disabled veterans) - no cost.
  - (18) Replacement license - \$5. Antlerless deer and bear licenses shall be replaced by the original issuing agent only.
  - (19) Owners or possessors of land open to public hunting under section 2706(d) (relating to owners or possessors of land open to public hunting) - \$3.
  - (20) Migratory game bird hunting license [- **issuing agent fee only.**]:
    - (i) **Resident** - **\$2.**
    - (ii) **Nonresident** - **\$5.**
  - (b) Refunds.—Except as provided in section 501 (relating to refund of moneys paid erroneously or unjustly), license fees are not refundable.
  - (c) Agent fee.—Issuing agents shall be entitled to and may retain as full compensation for their services an additional sum of [~~75¢~~] **\$1** for each license or replacement license.
- § 2923. Disabled person permits.
- (a) Use of vehicle as a blind.—

(1) Unless further restricted by commission regulation, a 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.

(ii) Has hemiplegia and has permanent paralysis of one leg and one arm on either side of the body.

(iii) Has both feet or one hand and one foot amputated.

(iv) Is permanently confined to a wheelchair or must use crutches or a walker as a means of support to pursue daily activities.

(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. 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.*

(b) Regulated hunting grounds.—A permit may be issued to hunt on a regulated hunting ground to any person who presents a doctor's certificate showing that the person is physically unable to walk for an extended period of time, authorizing him to hunt for, pursue and kill from an automobile or other vehicle on regulated hunting grounds those species of game authorized for release on such areas, subject to rules and regulations prescribed by the commission. The permittee shall carry the permit while hunting on regulated hunting grounds.

(c) Bow and arrow or crossbow.—A permit shall be issued to any person who presents a doctor's certificate showing that the person is, because of a

permanent physical condition, unable to hunt with a conventional bow and arrow, authorizing that person to hunt by the use of:

- (1) A bow and arrow which is held in place by a brace secured around the body of the hunter or is triggered with the aid of a mechanical device.
- (2) A crossbow subject to the following restrictions:
  - (i) When hunting deer, bear or turkey, the crossbow must have a draw weight of not less than 125 pounds nor more than 200 pounds.
  - (ii) The arrows for the crossbow must be tipped with **[a broadhead of not less than seven-eighths of an inch wide and have a minimum of two nonmoving, exposed cutting edges]** *broadheads of a cutting edge design.*

The permittee shall carry the permit upon his person at all times while hunting.

(d) Penalty.—A violation of this section is a summary offense of the fifth degree.

Section 10. This act shall take effect as follows:

- (1) The amendment or addition of 34 Pa.C.S. §§ 328, 522, 901 and 2307 shall take effect immediately.
- (2) The amendment of 34 Pa.C.S. §§ 521, 902, 925, 926, 931, 2705 and 2709 shall take effect July 1, 1999.
- (3) This section shall take effect immediately.
- (4) The remainder of this act shall take effect in 60 days.

APPROVED—The 21st day of December, A.D. 1998.

THOMAS J. RIDGE