

Commonwealth of Pennsylvania
Pennsylvania Game Commission

GAME AND WILDLIFE

CODE

2015

Title 34



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TITLE 34 GAME

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- 3. Pennsylvania Game Commission
- 5. Fiscal Affairs
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- 21. Game or Wildlife Protection
- 23. Hunting and Furtaking
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Enactment. Unless otherwise noted, the provisions of Title 34 were added July 8, 1986, P.L.442, No.93, effective July 1, 1987.

Special Provisions in Appendix. See sections 5 and 6 of Act 93 of 1986 in the appendix to this title for transition and saving provisions.

CHAPTER 1 PRELIMINARY PROVISIONS

Sec.

- 101. Short title of title.
- 102. Definitions.
- 103. Ownership, jurisdiction and control of game and wildlife.
- 104. Title not to apply in certain cases.

Enactment. Chapter 1 was added July 8, 1986, P.L.442, No.93, effective July 1, 1987.

§ 101. Short title of title.

This title shall be known and may be cited as the Game and Wildlife Code.

§ 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:

"Acknowledgment of guilt." A written statement admitting guilt, given by an accused individual to an officer or deputy officer along with the payment of a fine, which statement shall have the same force and effect as though the person executing

it had a hearing before proper authority and been convicted of the offense of which he is accused.

"Arrow." A missile shot from a bow, having a slender shaft with fletching or vanes at the butt and a pointed head without any explosive, chemical or poison in the head or shaft and used solely with a bow.

"Big game." Unless otherwise modified by regulation of the commission, includes the elk, the whitetail deer, the bear and the wild turkey.

"Bird." A member of the class Aves, including any part, product, egg or offspring thereof, or the dead body or parts thereof (excluding fossils), whether or not included in a manufactured product or in a processed food product.

"Blind." A manmade structure of any size, shape or design constructed or arranged of any material in such a manner as to conceal the body of any person, either in whole or part.

"Bodily injury." Impairment of physical condition or substantial pain.

"Bow." A weapon which propels an arrow, is hand-held, hand-drawn, held in the drawn position by hand or by a hand-held mechanical device and released by hand. The term includes a device held in place by a brace secured around the body of the hunter. The term also includes a crossbow which, when used for hunting deer, bear or turkey, has a draw weight of no less than 125 pounds and uses arrows tipped with broadheads of a cutting edge design.

"Closed season." The periods of the calendar year and the hours during which it is unlawful to take game or wildlife.

"Commission." The Pennsylvania Game Commission of the Commonwealth.

"Conspire" or "conspiracy." The act or action of two or more persons combining in any manner or degree to violate any provisions of this title, either before or after the actual commission of the offense, even though the offense is not consummated.

"Contraband." Any game or wildlife, or part or product thereof, or any personal property, including, but not limited to, firearms, traps, boats, decoys, vehicles and attachments and property designed for use or used in hunting and taking game or wildlife, when the game or wildlife, or part or product thereof, or the personal property is held in possession, transported or used or taken in violation of any law, the enforcement or administration of which is vested in the commission. Contraband shall be forfeited to the commission to be disposed of at the discretion of the director.

"Convicted." The finding of guilty of a person charged with an offense after a hearing before a qualified authority. The execution of an "acknowledgment of guilt" or a "plea of guilty" shall have the same effect.

"Director." The Executive Director of the Pennsylvania Game Commission or any person to whom authority has been delegated by the director.

"District justice." (Deleted by amendment).

"Domicile." That place where a person has a true, fixed and permanent home and principal residence and to which, whenever the person is temporarily absent, the person intends to return. A domicile is a permanent building, or part thereof, including a house, condominium, apartment room in a house or complex, or mobile home. No vacant lot, second home, camp, cottage or premises used solely for business shall be considered a domicile.

"Each." The whole or any part or parts, or manufactured products containing the whole or any part or parts, of any game or wildlife.

"Endangered species." All species and subspecies of wildlife which have been declared by:

(1) the Secretary of the United States Department of the Interior to be threatened with extinction and appear on the Endangered Species List or the Native Endangered Species List published in the Federal Register; or

(2) the director to be threatened with extinction and appear on the Pennsylvania Endangered Species List published in the Pennsylvania Bulletin.

"Facsimile." A copy of game or wildlife with similar characteristics. The term includes man-made, taxidermy mounts, mechanical or electronic facsimiles.

"Fine shot." Pellets which are no larger than what is commonly known as BB's. The term does not include buckshot.

"Firearm." An instrument used in the propulsion of shot, shell, bullet or any other object by the action of gunpowder exploded, explosive powder, the expansion of gas or the force of a mechanical device under tension.

(1) **"Automatic."** Any firearm which discharges more than once with a single pull of the trigger.

(2) **"Semiautomatic."** Any firearm which reloads without aid of the shooter, but fires only once with a single pull of the trigger.

"Furbearers." Unless otherwise modified by regulation of the commission, the term includes the badger, the fisher, the mink, the muskrat, the opossum, the otter, the pine marten, the striped and spotted skunk, the beaver, the raccoon, all weasels, the red and gray fox and the bobcat.

"Game." Includes "game animals," "game birds" and any facsimile thereof.

"Game animals." Unless otherwise modified by regulation of the commission, the term includes the elk, the whitetail deer, the bear, the cottontail rabbit, the snowshoe hare, the red, gray and fox squirrel and the groundhog or woodchuck.

"Game birds." Unless otherwise modified by regulation of the commission, the term includes geese, brant, wild ducks, mergansers and swans; coots, gallinules, rails, snipe, woodcock; turkeys, grouse, pheasants, Hungarian partridges, bobwhite quail and mourning doves.

"Green pelt." A pelt which is not dried, cured or tanned.

"Hunt" or "hunting." Any act or furtherance of the taking or killing of any game or wildlife, or any part or product thereof, and includes, but is not limited to, chasing, tracking, calling, pursuing, lying in wait, trapping, shooting at, including shooting at a game or wildlife facsimile, or wounding with any weapon or implement, or using any personal property, including dogs, or the property of others, of any nature, in furtherance of any of these purposes, or aiding, abetting or conspiring with another person in that purpose.

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

"Magisterial district judge." Includes a court of the minor judiciary having jurisdiction over summary offenses generally.

"Management unit." Any geographic area defined and designated by regulation of the commission for game or wildlife management purposes which may consist of all or a part or parts of one or more contiguous counties or management units and includes all lands and waters therein.

"Migratory game bird." Any game bird defined in 50 CFR 20.11 (relating to meaning of terms), except as otherwise provided in Pennsylvania Game Commission regulations.

"Migratory waterfowl." All species as defined in 50 CFR by the United States Fish and Wildlife Service of the Department of the Interior.

"Mounted specimen." Any game or wildlife, or any portion or part thereof, prepared, preserved, arranged, set up or posed in a lifelike position or some other form of display.

"Officer." Any Game Commission officer or deputy Game Commission officer appointed by the commission or any other person with law enforcement powers who is designated by the director to enforce this title.

"Open season." The indicated periods of the calendar year and the daily hours during which game or wildlife may be legally hunted, taken or killed and includes both the first and the last day of the season or period of time designated by this title or by regulation of the commission.

"Part" or "parts." Any portion of tissue, flesh, blood, bone, hide, skin, hair or feather of such substance, size, volume or weight, which may be determined by a qualified person as belonging to the species alleged, even though diluted or contained in any manufactured product.

"Person." An individual, partnership, association, corporation, political subdivision, municipal authority, the Commonwealth or any other legal entity as the context requires.

"Poaching." To unlawfully take game or wildlife by means of or as a result of multiple violations of the provisions of this title or the regulations thereunder.

"Possession." The detention and control, or the manual or ideal custody, of anything which may be the subject of property, for one's use and enjoyment, either as owner or as the proprietor of a qualified right in it, and either held personally or by another who exercises it in one's place and name. Possession includes the act or state of possessing and that condition of facts under which one can exercise his power over a corporeal thing at his pleasure to the exclusion of all other persons. Possession includes constructive possession which means not actual but assumed to exist where one claims to hold by virtue of some title without having actual custody. The presence in a vehicle of any kind, or its attachments, of any unlawfully taken game or wildlife or unlawful device or contraband is presumptive evidence of its possession by all persons occupying the vehicle or its attachments.

"Protected birds." All wild birds not included within the term "game birds."

"Raptors." All eagles, falcons, hawks and owls, individually or collectively, whether protected or unprotected.

"Resident." A person who is permanently domiciled within this Commonwealth which person's principal domicile is in this Commonwealth to which that person has the intention of returning whenever that person is temporarily absent.

"Serious bodily injury." Bodily injury which creates a substantial risk of death or which causes serious permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

"Shooting hours." The designated periods of time, including any modification by regulation of the commission, for the lawful killing or taking of game or wildlife.

"Small game." All species of game birds and game animals not classed as big game.

"Take." To harass, pursue, hunt for, shoot, wound, kill, trap, capture, possess or collect any game or wildlife, including shooting at a facsimile of game or wildlife, or attempt to harass, pursue, hunt for, shoot, wound, kill, trap, capture or collect any game or wildlife or aiding, abetting or conspiring with another person in that purpose.

"Taxidermy." The practice of mounting, arranging, posing, preserving or freeze-drying game or wildlife, fish or reptiles in a lifelike position.

"Threatened species." All species and subspecies of wildlife which have been declared by:

(1) the Secretary of the United States Department of the Interior to be in such small numbers throughout their range that they may become endangered if their environment worsens and appear on a Threatened Species List published in the Federal Register; or

(2) the director to be in such small numbers throughout their range that they may become endangered if their environment worsens and appear on the Pennsylvania Threatened Species List published in the Pennsylvania Bulletin.

"Title." The provisions of this title and any rules, regulations, restrictions or guidelines which are adopted by the commission and promulgated as required by law.

"Time." Official prevailing time.

"Transporting." To move from one place to another by any means whatsoever.

"Trapping." The securing or attempting to secure possession of game or wildlife by means of setting, placing or using any device that is designed to close upon, hold fast, confine or otherwise capture game or wildlife whether these means result in capturing or not. It includes every act of assistance to any other person in capturing game or wildlife by means of such device whether these means result in capturing or not.

"Violation." Any act in violation of a provision of this title or any regulation promulgated by the commission which implements or otherwise pertains to any provision of this title.

"Wild animals." All mammals other than domestic animals as defined in 1 Pa.C.S. § 1991 (relating to definitions). The term shall not include a species or variation of swine, pig or boar, held in captivity.

"Wild birds." All migratory birds as defined in 50 CFR by the United States Fish and Wildlife Service of the Department of the Interior, game birds and any other birds designated by the commission, including, but not limited to, grouse, partridge, pheasant, quail and wild turkey.

"Wildlife." Wild birds, wild mammals and facsimiles thereof, regardless of classification, whether protected or unprotected, including any part, product, egg or offspring thereof, or the dead body or parts thereof (excluding fossils), whether or not included.

(Nov. 25, 1988, P.L.1082, No.125, eff. imd.; Apr. 4, 1996, P.L.55, No.19, eff. imd.; Dec. 19, 1996, P.L.1442, No.184, eff. 60 days; Nov. 30, 2004, P.L.1618, No.207, eff. 60 days; July 9, 2008, P.L.920, No.65, eff. imd.; July 9, 2010, P.L.387, No.54, eff. 60 days; June 24, 2013, P.L.145, No.25, eff. 60 days; July 2, 2014, P.L.847, No.92, eff. 60 days)

2014 Amendment. Act 92 amended the def. of "bow."

2013 Amendment. Act 25 amended the def. of "wild animals."

2010 Amendment. Act 54 amended the defs. of "closed season," "open season" and "violation." See section 6 of Act 54 in the

appendix to this title for special provisions relating to public notice.

2008 Amendment. Act 65 added the def. of "mounted specimen."

2004 Amendment. Act 207 deleted the def. of "district justice" and added the def. of "magisterial district judge." See sections 28 and 29 of Act 207 in the appendix to this title for special provisions relating to applicability and construction of law.

1996 Amendments. Act 19 added the def. of "migratory game bird" and Act 184 amended the defs. of "game," "hunt" or "hunting," "take" and "wildlife" and added the defs. of "bodily injury," "facsimile," "poaching" and "serious bodily injury."

1988 Amendment. Act 125 added the def. of "loaded firearm."

Cross References. Section 102 is referred to in section 2902 of this title.

§ 103. Ownership, jurisdiction and control of game and wildlife.

(a) **General rule.**--The ownership, jurisdiction over and control of game or wildlife is vested in the commission as an independent agency of the Commonwealth in its sovereign capacity to be controlled, regulated and disposed of in accordance with this title.

(b) **Method of management.**--The commission shall utilize hunting and trapping as methods of effecting necessary management of game, furbearer and wildlife populations.

§ 104. Title not to apply in certain cases.

None of the provisions or requirements of this title shall be construed to apply to any member of the commission, or any of its lawfully qualified representatives or duly appointed officers or any other person charged with the enforcement of this title, when acting in any manner for the commission. This title shall not be construed to impose any liability upon any person while acting in a lawful manner and within the limitations of this title or performing any lawful duty or function imposed or authorized by this title.

CHAPTER 3

PENNSYLVANIA GAME COMMISSION

Subchapter

- A. Organization, Officers and Employees
- B. Powers and Duties in General

Enactment. Chapter 3 was added July 8, 1986, P.L.442, No.93, effective July 1, 1987.

SUBCHAPTER A

ORGANIZATION, OFFICERS AND EMPLOYEES

Sec.

- 301. Organization of commission.
- 302. Director.
- 303. Game Commission officers and employees.
- 304. Deputy Game Commission officers.

§ 301. Organization of commission.

(a) **Composition.**--The independent administrative commission known as the Pennsylvania Game Commission shall consist of eight competent citizens of this Commonwealth who shall be well informed on the subject of wildlife conservation and restoration

and who shall be appointed by the Governor, by and with the advice and consent of a majority of the elected members of the Senate.

(b) Qualifications.--The members of the commission shall be appointed from the various geographical sections of this Commonwealth so that one and only one shall be a resident of each of the following districts:

(1) The counties of Erie, Crawford, Mercer, Lawrence, Venango, Butler, Warren, Forest and Clarion, constituting the first district.

(2) The counties of Beaver, Allegheny, Washington, Greene, Armstrong, Indiana, Westmoreland and Fayette, constituting the second district.

(3) The counties of McKean, Elk, Jefferson, Potter, Cameron, Clearfield, Clinton and Centre, constituting the third district.

(4) The counties of Cambria, Somerset, Blair, Bedford, Huntingdon and Fulton, constituting the fourth district.

(5) The counties of Tioga, Lycoming, Union, Bradford, Sullivan, Columbia, Montour and Northumberland, constituting the fifth district.

(6) The counties of Snyder, Mifflin, Juniata, Franklin, Perry, Cumberland, Adams, Dauphin, York, Lebanon and Lancaster, constituting the sixth district.

(7) The counties of Susquehanna, Wyoming, Luzerne, Lackawanna, Carbon, Wayne, Pike and Monroe, constituting the seventh district.

(8) The counties of Schuylkill, Berks, Chester, Northampton, Lehigh, Bucks, Montgomery, Philadelphia and Delaware, constituting the eighth district.

(c) Term of office and compensation.--The members of the commission shall hold office for terms of four years each and may continue to hold office for a period of time not to exceed six months or until a successor is appointed and qualified, whichever occurs first. A member of the commission who serves three consecutive terms shall not be eligible for reappointment to the commission. Commissioners shall receive no compensation for their services, but may be reimbursed for travel expenses.

(d) Vacancies.--Upon the death, resignation or removal from office of any person so appointed, the Governor shall appoint a competent person to serve for the unexpired term as provided in subsection (a).

(Dec. 19, 1996, P.L.1442, No.184, eff. 60 days; Mar. 21, 2014, P.L.380, No.26, eff. 60 days)

2014 Amendment. Act 26 amended subsecs. (a) and (c). Section 2 of Act 26 provided that the amendment shall apply to members of the Pennsylvania Game Commission who are appointed on or after the effective date of section 2.

2002 Partial Repeal. Section 4 of Act 231 of 2002 provided that section 301 is repealed insofar as it relates to the consent required by the Senate to appointments by the Governor.

1996 Amendment. Act 184 amended subsec. (c). Section 9 of Act 184 provided that the amendment of subsec. (c) shall not apply to a current member of the Pennsylvania Game Commission until the member completes the term being served on the effective date of Act 184.

Special Provisions in Appendix. See section 5 of Act 93 of 1986 in the appendix to this title for transition provisions.

§ 302. Director.

(a) Appointment.--The commission shall select a director. No member of the commission nor anyone who has served as a

member of the commission within one year after service shall be eligible for selection as director. The director shall serve as such at the pleasure of the commission.

(b) Compensation.--Notwithstanding any provision of law to the contrary, the Executive Board of the Commonwealth shall fix the compensation of the director.

(c) Function.--The director shall be the chief administrative officer of the commission and attend to its administrative work and have charge of all activities under the jurisdiction of the commission and this title. The director shall be the chief Game Commission officer and shall direct, supervise and control all employees of the commission and report to the commission any negligence, dereliction of duty or incompetence on the part of any employee, with the facts relevant thereto, and shall make any further reports as may be required by the commission.

(d) Certification of commission action.--The director may certify any action of the commission as being their official act.

(e) Publications.--Subject to section 325 (relating to limitation on disclosure of certain records), the director may have printed such bulletins, posters, literature and other printing as may be necessary to the work of the commission, including publications of general interest to persons concerned with conservation of our natural resources. Publications and forms used to convey information, whether in electronic, print or other media format, may contain advertisements. The publications shall at all times be maintained as a nonpartisan publication.

(f) Execution of contracts, leases and agreements.--The director shall represent the commission in the execution of land purchase contracts and in the execution of leases and other similar agreements.

(Dec. 21, 1998, P.L.1274, No.166, eff. 60 days; Nov. 9, 2006, P.L.1349, No.141, eff. 60 days)

2006 Amendment. Act 141 amended subsec. (e).

1998 Amendment. Act 166 amended subsec. (b).

Cross References. Section 302 is referred to in section 325 of this title.

§ 303. Game Commission officers and employees.

(a) Appointment.--The director shall select competent persons as Game Commission officers, assigned to field, administrative or office duties, and other competent persons for other duties as may be necessary to fulfill the requirements of this title.

(b) Status.--Except for the director, all personnel shall be employed in accordance with the classification and compensation plans of the Commonwealth and regulations of the commission.

(c) Power and authority.--Every officer, employee or representative of the commission in the exercise of their powers and duties shall have the right and authority to go upon or enter any property, posted or otherwise, outside of buildings.

§ 304. Deputy Game Commission officers.

(a) Appointment.--The commission may appoint deputy Game Commission officers as necessary. Except as otherwise provided, they shall possess the rights and powers given by law to Game Commission officers and be subject to all requirements and regulations, either of the law or of the commission, controlling the action of Game Commission officers.

(b) Compensation and expenses.--Deputy Game Commission officers shall not be entitled to compensation for either time or expenses incurred in the performance of their duties unless specifically employed for special duties by written order of the director. The commission shall, from time to time, fix the rate of compensation and allowable expenses for special duty services.

(c) Collection of fees.--Any deputy Game Commission officer not specifically employed, in writing, for special duties under subsection (b) shall, with written authorization of the director, be entitled to collect the fees as are now or may hereafter be paid to constables, to be assessed and collected as costs of prosecution for services legally rendered in the performance of any duties in the enforcement of this title.

SUBCHAPTER B

POWERS AND DUTIES IN GENERAL

Sec.

- 321. Meetings of commission.
- 322. Powers and duties of commission.
- 323. Cooperative agreements.
- 324. Cooperation with Federal Government.
- 325. Limitation on disclosure of certain records.
- 326. Use of credit and debit cards.
- 327. Junior hunter projects.
- 328. Accountability.

§ 321. Meetings of commission.

(a) General rule.--The commission shall have an office in or near Harrisburg and shall annually hold meetings at such office in January and June or July and at such other times and places within this Commonwealth as the commission shall designate for the transaction of business. All meetings of the commission shall comply with the act of July 19, 1974 (P.L.486, No.175), referred to as the Public Agency Open Meeting Law.

(b) Annual election of officers.--At the meeting held in January of each year, the commission shall elect one of its members as president, one as vice president and one as secretary. These officers shall hold office for a period of one year.

(c) Quorum.--Six members appointed to the commission and in attendance at each meeting shall constitute a quorum.

References in Text. The act of July 19, 1974 (P.L.486, No.175), referred to as the Public Agency Open Meeting Law, referred to in subsec. (a), was repealed by the act of July 3, 1986 (P.L.388, No.84), known as the Sunshine Act.

§ 322. Powers and duties of commission.

(a) Duties.--It shall be the duty of the commission to protect, propagate, manage and preserve the game or wildlife of this Commonwealth and to enforce, by proper actions and proceedings, the laws of this Commonwealth relating thereto.

(b) General powers and duties.--The commission has the power and duty to take all actions necessary for the administration and enforcement of this title.

(c) Specific powers and duties.--In order to administrate and enforce this title, the commission through proper action shall:

- (1) Subject to section 2102(b) (relating to seasons, possession, bag limits and devices), fix seasons, daily shooting or taking hours, and any modification thereof, and

daily, season and possession limits for any species of game or wildlife.

(2) Remove protection, declare an open season or increase, reduce or close a season.

(3) Increase or reduce bag limits or possession limits.

(4) Define geographic limitations or restrictions.

(5) Fix the type and number of devices which may be used to take game or wildlife.

(6) Limit the number of hunters or furtakers in any designated area and prescribe the lawful methods of hunting or taking furbearers in these areas.

(7) Govern the use of recorded calls or sounds or amplified calls or sounds of any description for taking or hunting game or wildlife.

(8) Add to or change the classification of any wild bird or wild animal.

(9) Prohibit the possession, importation, exportation or release of any species of birds or animals which may be considered dangerous or injurious to the general public or to the wildlife of this Commonwealth.

(10) Manage and develop its lands and waters and other government or private lands and waters under agreement with the owners as it considers advisable and, by proper action and proceedings, enact and enforce regulations to insure the prudent and proper use of these lands.

(11) Collect, classify and preserve such statistics, data and information as in its judgment will tend to promote the object of this title and take charge of and keep all reports, books, papers and documents which shall, in the discharge of its duties, come into its possession or under its control.

(12) Take any necessary action to accomplish and assure the purposes of this title.

(13) Serve the interest of sportsmen by preserving and promoting our special heritage of recreational hunting and furtaking by providing adequate opportunity to hunt and trap the wildlife resources of this Commonwealth.

(June 28, 1996, P.L.428, No.64, eff. 60 days)

1996 Amendment. Act 64 added subsec. (c)(13).

§ 323. Cooperative agreements.

The commission may enter into cooperative agreements with any government agency, individual, corporation or educational or research institution to further the programs of the commission.

Cross References. Section 323 is referred to in section 542 of this title.

§ 324. Cooperation with Federal Government.

The Commonwealth assents to the provisions of the Federal Wildlife Restoration Act (16 U.S.C. § 669 et seq.) in which the Secretary of the Interior is authorized to cooperate with the states through their respective fish or wildlife agencies in wildlife restoration projects, including a prohibition against the diversion of license fees paid by hunters to purposes other than administration of the wildlife agency. The commission shall perform such acts as may be necessary to the conduct and establishment of these cooperative wildlife restoration projects and in compliance with regulations promulgated thereunder.

§ 325. Limitation on disclosure of certain records.

(a) **General rule.**--It is unlawful for any game protector, deputy game protector, hunting license issuing agent, or any

officer, employee or agent of any Commonwealth agency, or any other private business or agency which makes or receives records of hunting and trapping licenses, or applications for obtaining hunting and trapping licenses of any type received pursuant to this title, to sell, publish or disclose in any manner whatsoever those records or affiliations to any person except as necessary to carry out the functions and business of the commission, or for any person to purchase, secure, procure or disclose any records or affiliations as described herein.

(b) Publications.--It is unlawful for the commission, the director, any game protector or deputy game protector, any officer, employee or agent of the commission or any private business or agency to sell, publish or disclose in any manner any subscription lists or mailing lists for publications issued under section 302(e) (relating to publications).

(c) Nonapplication.--The provisions of this section shall not apply to records and reports:

(1) Required for prosecutions of any violations of this title.

(2) Required for administrative proceedings held pursuant to the laws of this Commonwealth.

(3) Required for the prosecution of any violation of any Federal laws or the laws of any state of the United States.

(4) Required to be published to enforce the suspension or revocation of hunting and trapping privileges by the commission.

(5) Authorized by action of the commission for the sole purpose of exercising legitimate governmental function or duty.

(6) Required to determine the identification of a trapper under section 2361(a)(12) (relating to unlawful acts concerning taking of furbearers), when such information is requested by a landowner, an agent of a landowner or a lessee of land.

When such records and reports are made available by the commission for the limited purposes set forth in paragraphs (1) through (6), they shall not be published, circulated or disclosed by the receiving agency for any purposes.

(d) Penalty.--Any person violating any provision of this section commits a summary offense of the fifth degree. The record or report or name of each individual person shall constitute a separate offense.

(May 28, 1992, P.L.262, No.45, eff. July 1, 1992)

2006 Partial Repeal. Section 3 of Act 60 of 2006 provided that subsection (d) is repealed insofar as it is inconsistent with section 1(g) of Act 60.

1992 Amendment. Act 45 amended subsec. (c).

Cross References. Section 325 is referred to in sections 302, 2361 of this title.

§ 326. Use of credit and debit cards.

(a) Sales of licenses and other items.--The executive director with the approval of the commission may establish policies and procedures for the use of credit cards and debit cards for the purchase of licenses, permits, publications, promotional items and other items sold or offered for sale by the commission.

(b) Fines and settlements.--The executive director with the approval of the commission may establish policies and procedures for use of debit cards for persons to pay fines, settlements or other amounts collected under this title.

(May 16, 1996, P.L.207, No.36, eff. 90 days)

1996 Amendment. Act 36 added section 326.

§ 327. Junior hunter projects.

(a) General rule.--It shall be the duty of the commission to initiate, implement and administer two or more junior license hunter projects for the purpose of increasing and sustaining interest in hunting among young persons of this Commonwealth. Except for the requirement to actually hold a junior hunting license under section 2705(2) or (9) (relating to classes of licenses) and as may otherwise be modified by commission regulations, all participants in any junior hunter project shall comply with all of the provisions of this title and the regulations promulgated hereunder.

(b) Specific projects.--

(1) One of the projects shall consist of at least two free hunting days for persons qualified to receive a junior hunting license under section 2705(2) or (9) and who have successfully completed the hunter education requirements under section 2704(b) (relating to eligibility for license). The commission shall establish the days, times and species which may be taken during the free hunting days.

(2) One of the projects shall consist of a Pennsylvania Game Commission program subject to the review of both the Game and Fisheries Committee of the House of Representatives and the Game and Fisheries Committee of the Senate. The respective committees shall have 60 days to review the program and submit comments to the commission. Prior to completion of the review by the respective committees, the commission shall not take any action to initiate the program. (July 11, 1996, P.L.659, No.114, eff. imd.)

1996 Amendment. Act 114 added section 327.

§ 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.

(Dec. 21, 1998, P.L.1274, No.166, eff. imd.)

1998 Amendment. Act 166 added section 328.

Cross References. Section 328 is referred to in section 522 of this title.

CHAPTER 5 FISCAL AFFAIRS

Subchapter

- A. General Provisions
- B. Game Fund
- C. Erection of Deterrent Fences
- D. Payment of Bear Damage Claims
- E. Review Procedures

Enactment. Chapter 5 was added July 8, 1986, P.L.442, No.93, effective July 1, 1987.

SUBCHAPTER A GENERAL PROVISIONS

Sec.

501. Refund of moneys paid erroneously or unjustly.

502. Collection fee for uncollectible checks.

§ 501. Refund of moneys paid erroneously or unjustly.

Whenever the director is satisfied that any fee, fine or any other moneys paid into the Game Fund under any of the provisions of this title or any other statute were erroneously or unjustly collected and deposited, the director, upon receipt of a petition for a refund within two years after the deposit, may authorize a requisition in favor of the person from whom the money was erroneously or unjustly collected for the amount involved. Upon receipt of the requisition, the proper official shall draw a warrant in favor of the person from whom the fee, fine or other money was erroneously or unjustly collected.

Cross References. Section 501 is referred to in section 2709 of this title.

§ 502. Collection fee for uncollectible checks.

(a) General rule.--Whenever any check or similar instrument issued in payment of any fee or fine or for any other purpose under this title is returned to the commission as uncollectible, the person who makes, issues or presents the check or other instrument shall be charged a \$25 fee to be credited to the Game Fund. This fee shall be in addition to any costs of prosecution or penalties assessed as a result of the uncollectible check or instrument.

(b) Voidness for uncollectibility.--Any license, permit, voucher or privilege granted by the uncollectible check or other instrument shall be void until all fees are paid by a negotiable check or instrument.

(July 9, 2008, P.L.927, No.67, eff. 60 days)

2008 Amendment. Act 67 amended subsec. (b).

SUBCHAPTER B

GAME FUND

Sec.

521. Establishment and use of Game Fund.

522. Appropriation and audit of moneys.

523. Donations.

§ 521. Establishment and use of Game Fund.

(a) **General rule.**--Except as otherwise provided in this title, all fees, royalties, fines, penalties and other moneys paid, received, recovered and collected under the provisions of this title shall be placed in a separate fund by the State Treasurer to be known as the Game Fund and shall be used solely for any contingent, incidental or other expenses of any kind or description reasonably necessary in carrying on the work of the commission, including, but not limited to, the purchase of land, the costs of activities for the promotion of public interest in recreational hunting and furtaking, nongame species, endangered or threatened species and all other game or wildlife in this Commonwealth and administration of this title.

(b) **Specific allocation of certain revenues.**--

(1) A minimum of \$4.25 from each resident and nonresident license and \$2 from each antlerless deer license issued for which the full fee has been paid shall be used for habitat improvement, development, maintenance, protection and restoration conducive to increasing natural propagation of game and 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 one separate account 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, including maintenance of soil fertility and herbaceous ground cover.

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

(v) Construction and maintenance of nesting, brooding and rearing structures or areas.

(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 this account 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 for the purpose of migratory game bird management, habitat acquisition and improvement and related program administrative costs.

(3) (Deleted by amendment).

(Dec. 17, 1990, P.L.687, No.170, eff. imd.; Apr. 4, 1996, P.L.55, No.19, eff. imd.; Dec. 21, 1998, P.L.1274, No.166, eff. July 1, 1999; Nov. 25, 2002, P.L.1120, No.138, eff. July 1, 2002)

2002 Amendment. Act 138 amended subsec. (b).

§ 522. Appropriation and audit of moneys.

(a) Appropriation.--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.--

(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.--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. (Apr. 4, 1996, P.L.55, No.19, eff. imd.; Dec. 21, 1998, P.L.1274, No.166, eff. imd.)

Cross References. Section 522 is referred to in section 521 of this title.

§ 523. Donations.

The commission may accept from any person donations which, if in the form of money or securities, shall be placed in the Game Fund and used for the purposes set forth in this title or, if in the form of real or personal property, shall be utilized or disposed of as provided by law.

SUBCHAPTER C

ERECTION OF DETERRENT FENCES

Sec.

- 541. Authority to provide deterrent fences.
- 542. Investigation after receipt of application.
- 543. Purchase of materials and construction.
- 544. Maintenance, repair or replacement.
- 545. Request for review.
- 546. Limitation on expenditures for deterrent fencing.

547. Unlawful acts.

§ 541. Authority to provide deterrent fences.

(a) **Fences for deer or elk.**--In areas of this Commonwealth where deer and elk are present on lands open to public hunting and are, in a material way, injuring or destroying farm crops, fruit orchards or commercial tree nurseries where ornamental or fruit trees are grown for sale or regeneration on commercial forest lands, the owners or lessees of such farms, fruit orchards, commercial tree nurseries or commercial forest lands may make application to the commission for assistance in the erection of a deterrent fence. Except where produce is raised for market on a commercial basis, the provisions of this section shall not apply to gardens or truck patches.

(b) **Fences for bears.**--In areas of this Commonwealth where bears are present on lands open to public hunting and are, in a material way, damaging or destroying beehives where ten or more hives are placed at one location or imminent danger exists of such damage or destruction, the owner of such beehives may make application to the director for assistance in the erection of a deterrent fence.

Cross References. Section 541 is referred to in section 542 of this title.

§ 542. Investigation after receipt of application.

Upon receipt of any application under section 323 (relating to cooperative agreements) or 541 (relating to authority to provide deterrent fences), the commission shall investigate the conditions prevailing on such property and adjacent territory. If the investigation discloses the need of protection from deer, elk or bear as would be provided by fencing, the commission may enter into a written agreement with the applicant for the erection of a deer, elk or bear deterrent fence of such height, design, materials and type of construction as the commission specifies.

§ 543. Purchase of materials and construction.

(a) **Purchase and delivery of materials.**--The commission may purchase and deliver to the appropriate sites the required amount of wire fencing, staples, insulators, posts or other material necessary to construct a deer, elk or bear deterrent fence approved by the commission.

(b) **Construction of deer or elk deterrent fences.**--

(1) The commission may construct, or may enter into contracts for the construction of, or enter into a written agreement with the applicant for the construction of, deer or elk deterrent fences on sites approved by the commission.

(2) In making application for a deterrent fence under the provisions of this subsection, the applicant shall agree to one of the following three fence construction options:

(i) The commission may construct, or may contract for the construction of, the deterrent fence.

(ii) The applicant may, within six months of delivery of materials, construct the deterrent fence.

(iii) The applicant may contract with a third party for the construction of the deterrent fence.

(3) After any deterrent fence is constructed and approved by the commission under the option specified in paragraph (2)(i), the commission shall pay for the cost of installation, and the landowner or lessee shall then reimburse the commission for 50% of the cost of installation.

(c) **Construction of bear deterrent fences.**--Prior to delivery under subsection (a), an applicant for a bear deterrent fence shall have agreed, in writing, with the commission to

construct the bear deterrent fence without cost to the commission and to complete construction of the bear deterrent fence within seven days from the date the material is delivered to the site. In case the bear deterrent fence is not completed within the stipulated time, the commission may recover the materials it furnished at such time and in such manner as desired or found practical.

(d) Specifications.--All deterrent fences shall be constructed and installed in accordance with plans and instructions supplied and approved by the commission.

(e) Reimbursement of applicant for materials.--The commission may, through prior written agreement with the applicant, pay the applicant for any or all materials necessary to construct a deterrent fence within the time limitations set forth in this section.

(Dec. 17, 1990, P.L.687, No.170, eff. imd.)

§ 544. Maintenance, repair or replacement.

All fences, after erection, shall be maintained by the individuals interested, and the commission shall bear no part of any future maintenance. Replacement of the deterrent fences when worn out may be on the same basis as the erection of the original fence. The commission shall decide when the replacement deterrent fence is necessary.

§ 545. Request for review.

Any dissatisfied applicant for deterrent fencing who is unable to reach a mutual agreement with the commission may request, in writing, that the director review the matter. The request shall be made within five days of the conclusion of the discussions.

Cross References. Section 545 is referred to in section 561 of this title.

§ 546. Limitation on expenditures for deterrent fencing.

(a) General rule.--Except as provided in subsection (b), the director shall not spend in excess of \$300,000 annually from the Game Fund for deer, elk or bear deterrent fences in accordance with the provisions of this subchapter.

(b) Commercial forest lands.--The director shall not spend in excess of \$300,000 annually from the Game Fund for deer or elk deterrent fences on commercial forest lands to promote and protect the regeneration of forest flora in accordance with the provisions of this subchapter. For purposes of this subsection the phrase "commercial forest lands" shall mean land which is owned or leased by an individual, corporation or association, operated on a profit-making basis and meets all of the following requirements:

(1) The land shall consist of a minimum of 1,000 acres.

(2) The land is managed for the production or utilization of forest products on a sustained yield basis as defined by regulation of the commission.

(3) The land is open to public hunting.

(Dec. 17, 1990, P.L.687, No.170, eff. imd.)

§ 547. Unlawful acts.

(a) General rule.--It is unlawful for any person to make any fraudulent or false claim, statement or report required by this subchapter or to violate any other provision of this subchapter.

(b) Penalties.--A person who makes a fraudulent or false claim, statement or report commits a summary offense of the first degree. Any other violation of this subchapter is a summary offense of the fifth degree.

SUBCHAPTER D
PAYMENT OF BEAR DAMAGE CLAIMS

Sec.

- 551. Authority for payment.
- 552. Investigation and settlement.
- 553. Payment of claim.
- 554. Request for review.
- 555. Limitation on expenditures for bear damage claims.
- 556. Unlawful acts.

§ 551. Authority for payment.

(a) **General rule.**--Except as limited by subsection (b), the commission may pay for any damage done to livestock or poultry or damage done to bees or bee-keeping equipment by bears upon lands open to public hunting and lands within safety zones if the damages are reported to an office of the commission within ten days of the damage and the claims are presented in a sworn written statement.

(b) **Bee hives and equipment.**--No claim for damage to bees or their hives or bee-keeping equipment shall be paid if any of the following factors occurred:

- (1) The bear is killed.
- (2) The affected hives are located more than 300 yards from the domicile of the owner or from the domicile of his employee or other agent in charge thereof.
- (3) The claim is a second or subsequent claim filed by the claimant and the claimant has not erected, maintained and operated a commission-approved and furnished bear deterrent fence around the hives.

(c) **Restriction on claimants.**--All payments for bear damages shall be restricted to persons domiciled in this Commonwealth.

§ 552. Investigation and settlement.

As soon as possible after the claim for damages is received, an officer of the commission shall interview the claimant and inspect the property reported as damaged, if not previously inspected, to collect any additional evidence which may appear necessary and effect a settlement of the claim when possible. The officer of the commission shall have authority immediately to seize any property for evidence which shall be returned to the owner upon refusal of the claim or, upon payment of the claim, disposed of at the discretion of the director.

§ 553. Payment of claim.

In all cases where an agreement between the commission's officers and the claimant is reached regarding the true value of damage sustained and the director is satisfied that the claim is reasonable and fair, a requisition shall be drawn upon the Game Fund in the amount mutually agreed upon.

§ 554. Request for review.

When the commission's officers and the claimant cannot agree upon the value of the damages, the claimant may, within ten days of the conclusion of discussions, request, in writing, that the director review the matter.

Cross References. Section 554 is referred to in section 561 of this title.

§ 555. Limitation on expenditures for bear damage claims.

The director shall not spend in excess of \$50,000 annually from the Game Fund for the payment of bear damage claims submitted and adjusted in accordance with the provisions of this subchapter.

§ 556. Unlawful acts.

(a) General rule.--It is unlawful for any owner or his employee or other agent in charge of bees or bee-keeping equipment, livestock or poultry to file a fraudulent claim for damage of any kind alleged to have been done by bears or for any person to violate any other provision of this subchapter.

(b) Penalties.--A person who collects or attempts to collect a fraudulent claim for damage by bears contrary to this subchapter commits a summary offense of the first degree. Any other violation of this subchapter is a summary offense of the fifth degree.

SUBCHAPTER E

REVIEW PROCEDURES

Sec.

- 561. Appointment of hearing examiner.
- 562. Powers and duties of hearing examiner.
- 563. Conduct of review.
- 564. Finality of decision.

§ 561. Appointment of hearing examiner.

Within 15 days following receipt of a request for review under section 545 (relating to request for review) or 554 (relating to request for review), a hearing examiner designated by the director shall select a location and a time for hearing the review, which location shall be within the county of origin of the dispute. The applicant for review or the commission officer investigating the claim may, at the time of the review, appear personally or with counsel to testify and present witnesses and evidence in their behalf and to confront and examine witnesses. The hearing shall be conducted in accordance with the provisions of Title 2 (relating to administrative law and procedure) and the regulations promulgated by the commission.

§ 562. Powers and duties of hearing examiner.

(a) General rule.--The hearing examiner shall have the following powers and duties:

- (1) Notify the parties of the place and time of the review.
- (2) Upon request, issue compulsory process for the attendance of witnesses on behalf of the Commonwealth or the applicant and grant any reasonable continuance of the inquiry date and time as justice may require.
- (3) Administer oaths to all persons testifying, which oaths shall in all ways be binding and of like effect as oaths administered in any court of this Commonwealth.
- (4) Arrange for and supervise the electronic or stenographic recording of the proceedings and, if necessary, the preparation of the transcript.
- (5) Perform, take or order any and all actions which are necessary to comply with Title 2 (relating to administrative law and procedure).

(b) Penalty.--A violation of subsection (a)(2) or (3) is a summary offense of the fourth degree.

§ 563. Conduct of review.

The hearing examiner shall hear and examine all witnesses, examine all evidence presented, visit any site involved in any dispute, if necessary, and, following deliberation, arrive at a decision, including the award to the appellant.

§ 564. Finality of decision.

The decision of the hearing examiner shall be final as to findings of fact.

CHAPTER 7
PROPERTY AND BUILDINGS

Subchapter

- A. Acquisition and Improvements
- B. Control, Management and Disposition
- C. Protection of Commission Property

Enactment. Chapter 7 was added July 8, 1986, P.L.442, No.93, effective July 1, 1987.

Cross References. Chapter 7 is referred to in section 2902 of this title.

SUBCHAPTER A
ACQUISITION AND IMPROVEMENTS

Sec.

- 701. Acquisition of property.
- 702. Improvements to property.
- 703. Rights-of-way and other rights.
- 704. Certification of title or title insurance.
- 705. Price paid for acquisitions and improvements.
- 706. Title to property.
- 707. Designation of property.
- 708. Payments in lieu of taxes.
- 709. Cooperative agreements relating to land.

§ 701. Acquisition of property.

(a) **General rule.**--The commission may by purchase, gift, lease, eminent domain or otherwise acquire within this Commonwealth:

- (1) Title to, or control of, lands, waters, buildings, oil, gas and minerals.
- (2) Hunting or trapping rights, easements, rights-of-way or other interests in land and water which are suitable for:
 - (i) The protection, propagation and management of game or wildlife.
 - (ii) Public hunting or trapping and access thereto.
 - (iii) Administrative purposes.
 - (iv) Such other uses as are provided for in this title.

(b) **Approval required.**--All acquisitions of lands shall be made with the approval of a majority of the members of the commission that are present and voting at a public meeting.

(c) **Tax delinquent lands and waters.**--The commission may purchase tax delinquent lands, waters, oil, gas and minerals from the commissioners or treasurers of the various counties as provided by law.

§ 702. Improvements to property.

The commission may purchase, construct, repair and maintain buildings and other improvements on lands acquired for its use and under its control as may be necessary for their proper utilization, maintenance, protection, development, administration, propagation of game or wildlife, experimental or research activities, or any other purpose incident to game or wildlife, hunting, furtaking or functions of the commission.

§ 703. Rights-of-way and other rights.

The commission may lease or otherwise secure rights-of-way on and across public or private lands and waters or other rights which may be required to implement this title.

§ 704. Certification of title or title insurance.

The title records for lands acquired by the commission shall first be carefully searched and examined by the commission. When the commission is satisfied that a valid title can be secured, the commission shall obtain a certificate of title from an attorney at law employed by the commission or title insurance from a title company authorized to do business within this Commonwealth insuring the title to the commission of the lands being acquired.

§ 705. Price paid for acquisitions and improvements.

(a) **Game lands.**--The commission may pay for lands to be used as game lands what it considers a fair and reasonable price not to exceed \$400 per acre exclusive of Federal and other cost-sharing funds and consistent with the market value of land in the locality in which the game land is located.

(b) **Game farms and other areas.**--The commission may pay for lands known as indentures or lands located within existing game lands or for lands to be used as rights-of-way to existing game lands or for lands to be used as State game farms what it considers a fair and reasonable price.

(c) **Purchase of outstanding rights.**--The commission may pay what it considers a fair and reasonable price to purchase outstanding rights for timber, minerals, oil, gas or other purposes for lands which the commission owns or is about to acquire.

(d) **Buildings and land.**--The commission may purchase or construct buildings for administration, management or other purposes and may purchase land on which to construct the buildings at a price the commission considers fair and reasonable consistent with the purpose of the buildings or land.

§ 706. Title to property.

The title to any lands or waters acquired by purchase, gift, exchange or otherwise shall be taken in the name of the Commonwealth solely for the use of the commission.

§ 707. Designation of property.

The commission may designate lands which it secures title to, or partial control of, as required.

§ 708. Payments in lieu of taxes.

The commission shall make payments in lieu of taxes on all lands, waters or buildings to which title has been acquired in the name of or for the use of the commission, which payments shall be equal to the fixed charges as apply to and are imposed upon State forests pursuant to section 1 of the act of May 17, 1929 (P.L.1798, No.591), referred to as the Forest Reserves Municipal Financial Relief Law.

Cross References. Section 708 is referred to in section 1408 of Title 4 (Amusements).

§ 709. Cooperative agreements relating to land.

The commission may enter into cooperative agreements with government agencies and with interstate compact agencies, singly or in concert, for impounding, managing, using, maintaining and operating lands and waters for game or wildlife management, public hunting and furtaking and may expend moneys from the Game Fund for the cost of their acquisition, construction, operation and maintenance. The commission may enter into similar agreements and undertake similar expenditures in conjunction with private or commercial interests for the same purposes.

Sec.

- 721. Control of property.
- 722. Use of property.
- 723. Exchange or sale.
- 724. Disposition of timber, minerals and other products.
- 725. Rights-of-way, easements and licenses.
- 726. Leases.
- 727. Proceeds from sales and grants.
- 728. Propagation areas.
- 729. Public access projects.
- 730. Controlled goose hunting areas.

§ 721. Control of property.

(a) General rule.--The administration of all lands or waters owned, leased or otherwise controlled by the commission shall be under the sole control of the director, and the commission shall promulgate regulations consistent with the purpose of this title for its use and protection as necessary to properly manage these lands or waters. The acquisition, use and management of such lands or waters owned, leased or otherwise controlled by the commission, including timber cutting and crop cultivation, shall not be subject to regulation by counties or municipalities.

(b) Penalty.--A violation of regulations promulgated under subsection (a) is a summary offense of the fifth degree. (Dec. 17, 1990, P.L.687, No.170, eff. imd.)

§ 722. Use of property.

(a) General rule.--Except as provided in section 723 (relating to exchange or sale), all or any part of the lands and waters to which title has been acquired for the use of the commission or which have been leased may be used only to create and maintain public hunting and furtaking, game or wildlife propagation areas, farms or facilities for the propagation of game or wildlife, special preserves as provided for in this title or other uses incidental to hunting, furtaking and game or wildlife resource management.

(b) Permits, licenses and leases.--Except as provided in subsection (c), the commission may issue permits and licenses and enter into leases for uses of its lands as it deems in the best interest of the commission at such charge as it deems reasonable. The commission shall not issue any permits or licenses and shall not enter into any lease which would permit the use of commission-owned or leased land for the disposal of any hazardous or toxic or radioactive waste of any nature.

(c) Limitation of mining.--The commission shall not permit the mining of uranium or any other radioactive minerals from any of its lands.

§ 723. Exchange or sale.

The commission may, by resolution adopted by a majority of the members present and voting at a public meeting:

(1) Authorize the exchange of all or part, including improvements and appurtenances, of any lands, waters or buildings to which title has been acquired in return for lands, waters or buildings having an equal or greater value when the exchange is in the best interests of the commission.

(2) Exchange timber, minerals, oil or gas to which the commission holds title for suitable lands having an equal or greater value.

(3) Sell lands to the Department of Environmental Resources for State forests or to the Federal Government for National Forests or National Wildlife Refuges when in the best interests of game or wildlife.

Transfer of Powers. Section 302(h) of Act 18 of 1995, which created the Department of Conservation and Natural Resources and renamed the Department of Environmental Resources as the Department of Environmental Protection, provided that the Department of Conservation and Natural Resources shall exercise the powers and duties conferred upon the Department of Environmental Resources by section 723.

Cross References. Section 723 is referred to in section 722 of this title.

§ 724. Disposition of timber, minerals and other products.

The commission may dispose of, by lease, sale or otherwise, timber, buildings, other appurtenances, minerals, oil and gas, or rights therein, including natural gas storage, or any other product, on or under lands to which it has title.

§ 725. Rights-of-way, easements and licenses.

(a) General rule.--On and across lands to which title has been acquired for its use, the director may, at such charge or fee as the commission may establish, grant:

(1) Rights-of-way or licenses for roads, for pipe, electric and other utility lines and for telephone, telegraph and television lines or any other rights-of-way or licenses not inconsistent with the purpose of these lands.

(2) Water rights or other rights to maintain airway signals or forest fire observation towers when these rights will not adversely affect the game or wildlife resource or the use of the game or wildlife resource.

(3) Rights to erect, construct, maintain and operate antennas, towers, stations, cables and other devices and apparatus helpful, necessary or required for radio broadcasting, telecasting, transmission, relaying or reception of television.

(4) Rights to the Department of Transportation to establish roadside rests and highway maintenance facilities under regulations of the commission.

(5) Rights to any Federal or State agency or political subdivision to construct, maintain and operate water impoundments or flowage for flood control or recreational use.

(b) Charges.--The commission may charge for these grants remuneration and damages as it deems the conditions and circumstances warrant.

(c) Approval.--The director may approve the granting, lease or exchange of any easement, right-of-way or license for use of commission property.

§ 726. Leases.

Notwithstanding any other provision of law, the director, with the approval of the commission, may lease any land or interests in land over which the commission exercises title or control for a term not to exceed 25 years when the commission determines the lease will promote public hunting or furtaking or benefit the game or wildlife resource or will otherwise further the interests of the commission.

§ 727. Proceeds from sales and grants.

All proceeds from the sale of waters, timber, buildings, other appurtenances, oil, gas or minerals, leases of commission lands, waters or interests, rights from the production or sale of minerals, oil or gas or other products and from licenses or other rights granted by the commission shall be deposited in the Game Fund.

§ 728. Propagation areas.

(a) **General rule.**--The commission may set aside, in its discretion, areas as it may judge best for the protection and propagation of game or wildlife on any portion of lands under its control, either by title or lease, wherein game or wildlife shall not be hunted, pursued, disturbed, molested, killed or taken at any time except as authorized by the commission. The commission may promulgate regulations governing conduct on or within publicly or privately owned lands within this Commonwealth with the approval of the proper authorities or person or persons owning or controlling same.

(b) **Penalty.**--A person hunting, taking, killing or disturbing game or wildlife in a propagation area established under subsection (a) or violating any regulation adopted pursuant to subsection (a) commits a summary offense of the fifth degree. A person entering a propagation area commits a summary offense of the seventh degree.

§ 729. Public access projects.

The commission may cooperate with private landowners and others who desire to aid in the conservation of game or wildlife by creating and maintaining public access projects. The hunting rights for these lands shall be made available to the commission by written agreement. The commission may authorize the director to execute agreements, and the commission shall promulgate such regulations to govern these projects as it deems necessary.

§ 730. Controlled goose hunting areas.

Applications are available in and must be submitted from the current edition of Digest of Pennsylvania Hunting and Trapping Regulations supplied with each hunting license. Applications shall contain requested information, including the applicant's current valid hunting license back tag number, including letter. However, any person who has been selected to reserve use of a Special Wildlife Management Area shall be required to obtain a Pennsylvania Migratory Game Bird Hunting License prior to the date of reservation. All other procedures shall be established by regulations promulgated by the commission.

(Apr. 4, 1996, P.L.55, No.19, eff. imd.; Dec. 20, 2000, P.L.783, No.111, eff. 60 days)

SUBCHAPTER C
PROTECTION OF COMMISSION PROPERTY

Sec.

741. Commission actions for damage to buildings or property.

§ 741. Commission actions for damage to buildings or property.

(a) **Declaration of policy.**--By virtue of the continued expenditure of its funds and its efforts to provide as much land as possible for recreational activities which are consistent with the intent of this title, the commission has sufficient interest in the maintenance and care of any lands, buildings, appurtenances, waters and the flora and fauna, minerals, oil or gas thereon to promulgate regulations which are necessary to preserve and protect the users, improvements, lands and buildings under its control.

(b) **General rule.**--The commission shall promulgate regulations to protect users, improvements, lands and buildings under its control. These regulations shall cover, but need not be limited to:

- (1) Removal of any material.
- (2) Damage of any kind.
- (3) Any other regulations required to properly protect and preserve these lands for their intended use.

(c) Penalty.--A violation of regulations promulgated under this section is a summary offense of the fifth degree.

(d) Recovery of damages.--When any person causes damage to commission-controlled lands or buildings and a satisfactory settlement in the form of a donation to the Game Fund cannot be reached between the director's designee and the person responsible for the damages, the commission, as an agency of the Commonwealth authorized to protect and preserve lands under their control, may bring civil actions on behalf of the Commonwealth for the value of any damage done or materials of any kind removed from their lands or buildings. In addition, the commission is entitled to recover the costs of gathering the evidence, including testimony, in any civil action brought under this section where the defendant is found liable for damages.

CHAPTER 9 ENFORCEMENT

Subchapter

- A. General Provisions
- B. Prosecution and Penalties

Enactment. Chapter 9 was added July 8, 1986, P.L.442, No.93, effective July 1, 1987.

SUBCHAPTER A GENERAL PROVISIONS

Sec.

- 901. Powers and duties of enforcement officers.
- 902. Deputy Game Commission officers.
- 903. Delegation of enforcement powers.
- 904. Resisting or interfering with an officer.
- 905. Assaulting an officer (Repealed).
- 905.1. Assaulting an officer
- 906. False or fraudulent statements on reports, etc.
- 907. Vehicle operation to avoid identification or inspection.
- 908. Reciprocal enforcement on Delaware River.

§ 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, except curtilage, posted or otherwise, in the performance of the officer's duty.

(3) Serve subpoenas issued under the provisions of this title or any other statute the officer is authorized to enforce.

(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 any means of transportation within this Commonwealth under reasonable suspicion or under the administrative procedures for road checkpoints. 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 stop.

(7) Search any person or means of transportation or its attachment or occupants, or any clothing worn by any person, or any bag, clothing or container under probable cause, consent, exigent circumstances or other established exceptions to warrant requirements, provided that if any person is present the officer presents a badge or other means of official identification and states the purpose of the search.

(8) Conduct administrative inspections of persons, licenses and permits, firearms, ammunition and other implements of taking, game bags, game, meat poles, tags, clothing, waterfowl blinds, decoys, tree stands, immediate hunting locations, or any means of transportation or its attachments used as blinds or as hunting locations, and any coolers or containers possessed at a hunting location when prima facie evidence of hunting exists. Any officer conducting an administrative inspection shall, if any person is present, present a badge or other means of official identification and state the purpose of the inspection.

(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.

(12.1) Operate any vehicle owned or leased by the Commonwealth and used for law enforcement purposes, equipped with flashing or rotating lights of such color and combination and audible devices as authorized in the definition of "emergency vehicle" in 75 Pa.C.S. § 102 (relating to definitions) and approved by the commission, upon any street or highway within this Commonwealth when performing duties within the scope of employment. Drivers of Commonwealth-owned or Commonwealth-leased vehicles

equipped with lights and audible devices as authorized in this subchapter may exercise the privileges and shall be subject to the conditions as set forth in 75 Pa.C.S. § 3105 (relating to drivers of emergency vehicles).

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

(14) Demand and secure identification from any person who is the subject of an official investigation or investigative detention, supported by reasonable suspicion, if the officer presents a badge or other means of official identification.

(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.

(19) When acting within the scope of the officer's employment, have the discretion to issue written or verbal warnings in lieu of making arrests or issuing citations.

(b) Use of protective materials.--Any officer whose duty it is to enforce this title shall comply with the procedures established by the executive director relating to the use of protective materials under section 2524 (relating to protective material required).

(b.1) Exception to the prohibition of interception and disclosure of communications.--An officer whose duty it is to enforce this title and who has received training on the use of body cameras in a course approved by the Pennsylvania State Police shall be defined as a law enforcement officer for the purpose of 18 Pa.C.S. § 5704(16)(iii) (relating to exceptions to prohibition of interception and disclosure of communications). Such officers may wear body cameras in the performance of their official duties. This subsection shall not apply to a deputy Game Commission officer or deputy wildlife conservation officer.

(c) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Officer's employment." The period of time during which a wildlife conservation officer is currently engaged in an

activity the officer is employed to perform at the time of the engagement and in places the officer is authorized to perform the activity.

(Dec. 17, 1990, P.L.724, No.180, eff. 60 days; Dec. 19, 1996, P.L.1442, No.184, eff. 60 days; Dec. 21, 1998, P.L.1274, No.166, eff. imd.; June 28, 2002, P.L.474, No.79, eff. 60 days; Oct. 7, 2010, P.L.474, No.64, eff. 60 days; Feb. 4, 2014, P.L.20, No.8, eff. 60 days; Oct. 31, 2014, P.L.3043, No.202, eff. 60 days)

2014 Amendments. Act 8 added subsec. (a)(19) and Act 202 added subsec. (b.1).

2010 Amendment. Act 64 amended subsec. (a)(2), (3), (6), (7), (8) and (14) and added subsec. (c).

2002 Amendment. Act 79 amended subsec. (a).

1996 Amendment. Act 184 added subsecs. (a) hdg. and (18) and (b).

Cross References. Section 901 is referred to in section 902 of this title.

§ 902. Deputy Game Commission officers.

Except for the powers conferred under section 901(a)(12.1), (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.

(Dec. 17, 1990, P.L.724, No.180, eff. 60 days; Dec. 19, 1996, P.L.1442, No.184, eff. 60 days; Dec. 21, 1998, P.L.1274, No.166, eff. imd.; June 28, 2002, P.L.474, No.79, eff. 60 days)

§ 903. Delegation of enforcement powers.

Any person elected or employed by the Commonwealth or by any municipality, whose duty it is to preserve the peace or to make arrests or to enforce the laws of this Commonwealth, may be designated and empowered by the director, with the approval of the commission, to enforce the provisions of this title under policies established by the director.

§ 904. Resisting or interfering with an officer.

(a) General offense.--When an officer is in the performance of any duty required by this title, it is unlawful for any person to interfere with or resist an arrest, inspection or investigation of the officer by threat, force, menace, flight or obstruction. A violation of this subsection is a summary offense of the first degree.

(b) Failure to produce identification upon demand.--

(1) A person who refuses to provide identification upon demand of an officer whose duty it is to enforce this title after having been told by the officer that the person is the subject of an official investigation or investigative detention, supported by reasonable suspicion, commits a summary offense of the fifth degree.

(2) A person who provides false identification to an officer whose duty it is to enforce this title for the purpose of avoiding prosecution or hindering apprehension

or obstructing an investigation commits a summary offense of the second degree.
(June 23, 2004, P.L.434, No.42, eff. 60 days; Oct. 7, 2010, P.L.474, No.64, eff. 60 days)

2010 Amendment. Act 64 amended subsec. (b)(1).

§ 905. Assaulting an officer (Repealed).

2010 Repeal. Section 905 was repealed July 9, 2010, P.L.387, No.54, effective in 60 days.

§ 905.1. Assaulting an officer.

A violation of 18 Pa.C.S. § 2702 (relating to aggravated assault), that involves a person listed under 18 Pa.C.S. §§ 2702(c)(37), and 2702.1 (relating to assault of law enforcement officer) is an offense under this title, and the penalties set forth in 18 Pa.C.S. §§ 2702 and 2702.1 shall apply.
(Oct. 24, 2012, P.L.1205, No.150, eff. 60 days)

2012 Amendment. Act 150 added section 905.1.

§ 906. False or fraudulent statements on reports, etc.

A person who makes any false or fraudulent statement on any report or application required by this title, or to any representative of the commission, commits a summary offense of the fourth degree.

§ 907. Vehicle operation to avoid identification or inspection.

A person who operates a motor vehicle, or craft of any kind, without lights, or turns off any lights, or fails or refuses to stop, for the purpose of avoiding identification or inspection of its attachments, its contents or its passengers, anywhere within this Commonwealth, upon request or signal of any officer using a flashing or rotating red light or lights or an audible warning device or both or upon request or hand signal of any officer when the officer is in uniform and displays a badge or any other sign of official identification, commits a summary offense of the fourth degree.

§ 908. Reciprocal enforcement on Delaware River.

So long as the State of New York or the State of New Jersey, as the case may be, has in effect a statutory provision analogous to this section, any person who is authorized to enforce this title or an officer of a reciprocating state may enforce this title on any part of the Delaware River between those states or on the shores of that river.

SUBCHAPTER B
PROSECUTION AND PENALTIES

Sec.

- 921. Time for commencing prosecutions.
- 922. Rights and liabilities of minors.
- 923. Possession prima facie evidence of violation.
- 924. Liability for actions of others.
- 925. Jurisdiction and penalties.
- 926. Acknowledgment of guilt and receipt for payment.
- 927. Disposition of fines and penalties.
- 928. Disposition of seized property.
- 929. Revocation, suspension or denial of license, permit or registration.
- 930. Suspension of privileges pending payment of penalties.
- 931. Disposition of nonresident offenders.
- 932. Determination of second or subsequent offenses.

§ 921. Time for commencing prosecutions.

Prosecutions for violating any provisions of this title shall be commenced within two years after the violation occurs.

§ 922. Rights and liabilities of minors.

A person under 17 years of age who is charged with a violation of any provisions of this title or regulations promulgated thereunder shall be subject to the provisions of 42 Pa.C.S. Ch. 63 (relating to juvenile matters).

§ 923. Possession prima facie evidence of violation.

In all cases of violation of any provision of this title, the possession of game or wildlife or parts thereof or the possession or operation of equipment or other devices unlawfully used or prohibited under this title shall be prima facie evidence of the violation.

§ 924. Liability for actions of others.

(a) **General rule.**--A person who causes an unlawful act to be done by another person which, if directly performed by the person causing the unlawful act would be in violation of this title, is punishable as a principal.

(b) **Exclusion.**--A landowner who allows or grants permission to a person to take game or wildlife on the landowner's property shall not be liable under this section for an unlawful act committed by that person unless the landowner willfully aids, abets, assists, attempts or conspires in the commission of the unlawful act.

(Nov. 1, 2013, P.L.674, No.83, eff. imd.)

§ 925. Jurisdiction and penalties.

(a) **Jurisdiction.**--Notwithstanding the provisions of Title 42 (relating to judiciary and judicial procedure), all magisterial district judges shall have jurisdiction for all violations of this title which are classified as summary offenses and may accept guilty pleas and impose sentences for violations of this title classified as ungraded misdemeanors.

(b) **Fines and penalties for violations.**--In addition to any other requirements of this title, the following fines and penalties shall be imposed for violations of this title:

(1) Felony of the third degree, not more than \$15,000 and may be sentenced to imprisonment up to 36 months.

(2) Misdemeanor of the first degree, not more than \$10,000 and may be sentenced to imprisonment up to 18 months.

(3) Misdemeanor of the second degree, not more than \$5,000 and may be sentenced to imprisonment up to 12 months.

(4) Misdemeanor not more than \$3,000 and may be sentenced to imprisonment up to six months.

(5) Summary offense of the first degree, not less than \$1,000 nor more than \$1,500 and may be sentenced to imprisonment up to three months.

(6) Summary offense of the second degree, not less than \$400 nor more than \$800 and may be sentenced to imprisonment up to one month.

(7) Summary offense of the third degree, not less than \$250 nor more than \$500.

(8) Summary offense of the fourth degree, not less than \$150 nor more than \$300.

(9) Summary offense of the fifth degree, not less than \$100 nor more than \$200.

(10) Summary offense of the sixth degree, \$75.

(11) Summary offense of the seventh degree, \$50.

(12) Summary offense of the eighth degree, \$25.

(b.1) **Costs of prosecution for violations.**--In addition to the imposition of any fines and penalties, costs of prosecution shall be assessed pursuant to 42 Pa.C.S. §§ 1725.1 (relating to costs), 3571 (relating to Commonwealth portion of fines,

etc.) and section 1403 of the act of August 9, 1955 (P.L.323, No.130), known as The County Code, and as otherwise deemed appropriate by the court.

(c) Penalty for undesignated violations.--A person who violates any provision of this title for which a particular penalty is not designated commits:

(1) A misdemeanor of the second degree if the violation involves an endangered or threatened species and no more severe penalty is fixed.

(2) A summary offense of the fifth degree for any other violation.

(d) Enhanced penalties for certain violations.--If applicable, one or more of the following may apply to certain offenses:

(1) An additional fine of one and one-half times the amount of the applicable fine may be imposed when the offense is a second or subsequent offense within a seven-year period or during the same criminal episode and no penalties for second or subsequent offenses are prescribed for the violation under this title.

(2) An additional fine of \$500 may be imposed when the offense involves the unlawful taking of big game or threatened or endangered species and a witness report was instrumental in securing a successful conviction. Any additional fines imposed under this paragraph shall be directed to the commission to compensate any witness whose report directly results in a successful conviction. If applicable, each witness, up to a maximum of two, shall be compensated \$250 for each additional \$500 imposed.

(e) Installment payment of fines.--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 person, 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 any fines and costs imposed may, after a hearing before a magisterial district judge, be imprisoned until the fines and costs are paid in full. The court may imprison the person for a number of days equal to one day for each \$40 of the unpaid balance of the fines and costs not to exceed six months.

(g) Adjudication alternative program inapplicable.--The provisions of 42 Pa.C.S. § 1520 (relating to adjudication alternative program) shall not be applied as an adjudication alternative for any violation or offense under this title.

(h) Separate offenses.--Where game or wildlife is unlawfully taken, killed, wounded, possessed, transported, purchased, concealed or sold, each bird or animal or part thereof involved in the violation constitutes a separate offense.

(i) Replacement costs.--In addition to the fines and costs imposed for violations pursuant to subsection (b), the costs incurred by the commission for the replacement of the species involved in the violation shall be assessed by the magisterial district judge in such amount as is fixed by regulation of the commission. Replacement costs shall only be assessed for violations relating to threatened or endangered species of North American game or wildlife and such other species of Pennsylvania game or wildlife as designated by the commission.

(j) Title 18 inapplicable.--Title 18 (relating to crimes and offenses) is inapplicable to this title insofar as it relates to:

(1) intent, willfulness of conduct or fines and imprisonment for convictions of summary offenses and misdemeanors; or

(2) criminal records under 18 Pa.C.S. Ch. 91 (relating to criminal history record information) for misdemeanors under section 2522(b)(1) (relating to shooting at or causing injury to human beings).

(k) Impact on other laws.--A felony under this title shall not be deemed to constitute a felony for the purpose of any other law relating to disqualification from employment, loss of suffrage or for any other purpose.

(Dec. 19, 1996, P.L.1442, No.184, eff. 60 days; Dec. 21, 1998, P.L.1274, No.166, eff. July 1, 1999; Dec. 30, 2003, P.L.436, No.63, eff. 60 days; Nov. 30, 2004, P.L.1618, No.207, eff. 60 days; July 9, 2010, P.L.387, No.54, 60 days; Oct. 24, 2012, P.L.1205, No.150, eff. 60 days)

2012 Amendment. Act 150 amended subsec. (a).

2010 Amendment. See section 6 of Act 54 in the appendix to this title for special provisions relating to public notice.

Cross References. Section 925 is referred to in section 2510 of this title; section 2703 of Title 3 (Agriculture).

§ 926. Acknowledgment of guilt and receipt for payment.

(a) General rule.--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.

(b) Notice of right to hearing.--Each acknowledgment of guilt shall have printed on it a notice stating that the person has the right to a hearing in a judicial proceeding. At the same time that the printed acknowledgment of guilt is being completed, the officer of the commission shall give a verbal warning concerning the right of the person to a hearing in a judicial proceeding.

(c) Stopping payment of check.--A person who makes payment to the commission by personal check for an acknowledgment pursuant to this title and who stops payment on the check or issues a nonnegotiable check or instrument commits a summary offense of the seventh degree. The official receipt for payment of the penalty, issued by an officer, shall become void, and the prosecution of the person or persons named on the receipt shall be allowed to continue.

(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.

(Dec. 21, 1998, P.L.1274, No.166, eff. July 1, 1999)

1998 Amendment. Act 166 amended subsec. (a) and added subsec. (d).

Cross References. Section 926 is referred to in section 931 of this title.

§ 927. Disposition of fines and penalties.

(a) General rule.--Fines recovered in all cases shall be deposited in the Game Fund in accordance with regulations promulgated by the commission.

(b) Penalty.--A person failing to forward fines in accordance with this section commits a misdemeanor.
(Oct. 24, 2012, P.L.1205, No.150, eff. 60 days)

2012 Amendment. Act 150 amended subsec. (b).

§ 928. Disposition of seized property.

All guns, traps, dogs, boats, vehicles or conveyances, or any device, implement or appliance, and other shooting, hunting, trapping or furtaking paraphernalia seized under this title, where the owner thereof escapes arrest and refuses to present himself and make claim to the property, shall be held for a period of not less than 30 days, after which time the property shall be forwarded to the commission and shall be disposed of at the discretion of the director. The moneys arising from the sale shall be applied to any costs of prosecution accrued and the remainder forfeited to the commission and deposited in the Game Fund.

§ 929. Revocation, suspension or denial of license, permit or registration.

(a) General rule.--Except as otherwise provided in this title, any hunting or furtaking license, special license or permit or registration granted under the authority of this title may be denied, revoked or suspended by the commission when the holder of the license, permit or registration is convicted of an offense under this title or has acted contrary to the intent of the registration or permit, with each offense constituting a separate violation subject to separate revocation. The commission may refuse to grant to that person any permit or registration and may deny any privilege granted by these documents for a period not exceeding five years unless otherwise provided in this title.

(a.1) Remedial hunter education course.--A person whose privilege to hunt with or without a license anywhere in this Commonwealth is revoked or suspended under a provision of this title requiring mandatory revocation or suspension shall, in order to obtain restoration, present evidence of the successful completion of a remedial hunter education course as provided by the director and approved by the commission prior to obtaining a license. This course may be taken no earlier than three months prior to the end of the period of revocation. The commission shall promulgate regulations establishing the curriculum, administration and any associated fees of such a remedial course, which fees shall bear a reasonable relationship to the costs of providing the course and the course materials.

(a.2) Vision examination and drug and alcohol education program.--A person whose privilege to hunt with or without a license anywhere in this Commonwealth is revoked or suspended under section 2522(c) (relating to shooting at or causing injury to human beings), in order to obtain restoration, shall present evidence of having taken a vision examination under section 2522(c) and, if required by the commission, present evidence of having successfully completed an alcohol and drug education program under section 2522(h).

(b) Regulations.--The commission may promulgate regulations specifying the procedures to be followed in denying, revoking or suspending any hunting and furtaking privileges, licenses, permits and registrations granted under the provisions of this title.

(Dec. 19, 1996, P.L.1442, No.184, eff. 60 days; Dec. 20, 2000, P.L.783, No.111, eff. July 1, 2001; Dec. 30, 2003, P.L.436, No.63, eff. 60 days; July 9, 2010, P.L.387, No.54, eff. 60 days)

2010 Amendment. Act 54 amended subsecs. (a) and (b). See section 6 of Act 54 in the appendix to this title for special provisions relating to public notice.

§ 930. Suspension of privileges pending payment of penalties.

All privileges granted by this title shall automatically be suspended if a defendant fails to respond to a citation or summons within 60 days or fails to pay all penalties in full within 180 days following conviction.

§ 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.

(Dec. 21, 1998, P.L.1274, No.166, eff. July 1, 1999)

§ 932. Determination of second or subsequent offenses.

Any person convicted or pleading guilty or signing an acknowledgment of guilt under any provisions of this title who, within the past seven years, was convicted or pleaded guilty or signed an acknowledgment of guilt for violating any of the provisions of this title or the former laws relating to game or wildlife then in force shall be sentenced under this title as a second or subsequent offender. Any acceptance of Accelerated Rehabilitative Disposition within the past seven years of the present violation shall be considered for the purposes of determining a second or subsequent offense.

(July 9, 2010, P.L.387, No.54, eff. 60 days)

2010 Amendment. See section 6 of Act 54 in the appendix to this title for special provisions relating to public notice.

CHAPTER 21

GAME OR WILDLIFE PROTECTION

Subchapter

- A. General Provisions
- B. Destruction for Agricultural Protection
- C. Destruction of Game or Wildlife in Self-Defense
- D. Protection of Game or Wildlife

Enactment. Chapter 21 was added July 8, 1986, P.L.442, No.93, effective July 1, 1987.

SUBCHAPTER A

GENERAL PROVISIONS

Sec.

2101. Administration of title.

2102. Regulations.

2103. Applicability of Federal laws.

§ 2101. Administration of title.

The commission shall have the authority to administer and enforce this title and all laws of this Commonwealth relating to the encouragement, promotion and development of game or wildlife conservation interests and the protection, propagation, distribution and control over game or wildlife.

§ 2102. Regulations.

(a) General rule.--The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth.

(b) Seasons, possession, bag limits and devices.--

(1) The commission shall promulgate regulations relating to seasons and bag limits for hunting or furtaking, the

possession of certain species or parts thereof, the number and types of devices and equipment allowed, the identification of devices and the use and possession of devices.

(2) If in any year the commission fails to establish seasons or bag limits or fails to establish other hunting or furtaking regulations under authority of this title, the open seasons and bag limits for game or furbearers, Sundays excepted, unless otherwise provided by this title, and all other hunting or furtaking regulations adopted under authority of this title, shall be the same as set by regulation of the commission for the previous license year, and all seasons shall open and close one calendar day earlier than the previous license year. In the event the commission fails to establish seasons and bag limits for a license year beginning in a leap year, the seasons shall open and close two calendar days earlier than the previous license year.

(c) Transportation, sale and disturbance of game or wildlife.--The commission shall promulgate regulations concerning the transportation, introduction into the wild, importation, exportation, sale, offering for sale or purchase of game or wildlife or the disturbing of game or wildlife in their natural habitat.

(d) Traps, firearms, ammunition and other devices.--The commission shall promulgate regulations stipulating the size and type of traps, the type of firearms and ammunition and other devices which may be used, the manner in which and the location where the devices may be used, the species the devices may be used for and the season when the devices may be used.

(e) Penalties.--

(1) Unless otherwise specifically provided, any person convicted or pleading guilty to or pleading nolo contendere to any violation of any regulation promulgated under this title where any game or wildlife is unlawfully possessed, killed or taken or any attempt is made to unlawfully kill, take or possess any game or wildlife shall be subject to the penalties imposed under section 2307(d) (relating to unlawful taking or possession of game or wildlife).

(2) Unless otherwise specifically provided, any other violation of any regulation of the commission is a summary offense of the fifth degree.

Cross References. Section 2102 is referred to in section 322 of this title.

§ 2103. Applicability of Federal laws.

(a) General rule.--The provisions of the Federal Migratory Bird Treaty Act (16 U.S.C. § 703 et seq.) or Federal Duck Stamp Act (16 U.S.C. § 718 et seq.) are hereby made a part of this title. Federal regulations shall not apply if commission regulations or other provisions of this title prescribe stronger or more detailed restrictions for the taking of migratory birds, nongame birds or game or wildlife.

(b) Penalty.--Any violation of the regulations which the commission is authorized to promulgate pursuant to these Federal laws and which is not otherwise specifically covered in this title is a summary offense of the fifth degree.

SUBCHAPTER B

DESTRUCTION FOR AGRICULTURAL PROTECTION

Sec.

- 2121. Killing game or wildlife to protect property.
- 2122. Report to commission officer.
- 2123. Safekeeping edible carcass pending disposition.
- 2124. Retention of edible carcass for food.
- 2125. Surrender of carcass to commission officer.
- 2126. Unlawful activities.

Cross References. Subchapter B is referred to in sections 2121, 2125, 2126 of this title.

§ 2121. Killing game or wildlife to protect property.

(a) General rule.--Subject to any limitations in this subchapter, nothing in this title shall be construed to prohibit any person from killing any game or wildlife:

(1) which the person may witness actually engaged in the material destruction of cultivated crops, fruit trees, vegetables, livestock, poultry or beehives;

(2) anywhere on the property under the person's control, including detached lands being cultivated for the same or similar purposes, immediately following such destruction;
or

(3) where the presence of the game or wildlife on any cultivated lands or fruit orchards is just cause for reasonable apprehension of additional imminent destruction. Lands divided by a public highway shall not be construed as detached lands. Any person who wounds any game or wildlife shall immediately make a reasonable effort to find and kill the game or wildlife. Every person shall comply with all other regulations in this subchapter pertaining to the method and manner of killing, reporting the killing and the disposition of game or wildlife and their skins and carcasses.

(b) Protected game or wildlife.--Before any game or wildlife, which may be designated by regulation of the commission, or any bird or animal classified as threatened or endangered may be killed, every reasonable effort shall be made to live trap and transfer such game or wildlife. The trapping and transfer shall be done in cooperation with a representative of the commission.

(c) Definition.--As used in this subchapter, the word "person" shall be limited to any person cultivating, as a primary means of gaining a livelihood, any lands for general or specialized crop purposes, truck farming or fruit orchard or nursery being regularly maintained, as either the owner, lessee or a member of the family of the owner or lessee assisting with the cultivation of the land, or a domiciled member of the household of the owner or lessee or an employee of the owner or lessee, regularly and continuously assisting in the cultivation of the land or other person as authorized by commission permit.

(July 3, 2007, P.L.79, No.26, eff. 60 days)

2007 Amendment. Act 26 amended subsec. (c). Section 2 of Act 26 provided that Act 26 shall apply to offenses committed on or after the effective date of section 2.

Cross References. Section 2121 is referred to in sections 2124, 2503 of this title.

§ 2122. Report to commission officer.

Any person who kills any game or wildlife, other than raccoons, under the provisions of this subchapter shall, within 24 hours, report, orally or in writing, the killing to an officer of the commission. The report shall set forth the date, time and place of the killing, the number of species killed and the sex of the species.

§ 2123. Safekeeping edible carcass pending disposition.

Unless otherwise directed by an officer of the commission, the entire carcass intact, less entrails, of each edible bird or animal killed under the provisions of this subchapter shall be held in a place of safekeeping pending final disposition pursuant to this chapter.

§ 2124. Retention of edible carcass for food.

(a) **General rule.**--Except as otherwise provided in subsection (b), the carcass of one deer, bear or elk killed under the provisions of section 2121 (relating to killing game or wildlife to protect property) may be retained for food. All portions of the carcass generally considered edible shall be consumed only within the household of a person having authority to kill and possess the game or wildlife. No additional animals may be retained for food until the entire carcass of the animal previously retained has been entirely consumed. The head and hide of each deer, bear or elk killed and retained for food shall be properly salted, placed in safekeeping and turned over to a commission officer.

(b) **Exceptions.**--No carcass, or any part or parts thereof, of any deer, bear or elk shall be retained for food, by any person, if the animal was killed upon:

(1) Land located within a game or wildlife deterrent fence provided by the commission.

(2) Land, or any part thereof, on which access for hunting purposes is denied at any time.

§ 2125. Surrender of carcass to commission officer.

Except as otherwise provided in this subchapter, the entire carcass, including the head and hide, of all big game animals and the entire carcass of any other game or wildlife, other than raccoons, shall be made available, unless otherwise directed by an officer of the commission, intact, less entrails, to any commission officer calling for them.

§ 2126. Unlawful activities.

(a) **General rule.**--It is unlawful for any person while acting under the provisions of this subchapter to:

(1) Place any salt, bait or food of any kind or quantity or use any artificial means for the purpose of attracting or luring any game or wildlife upon any lands.

(2) Use any method not approved by the commission except that traps may be used to take furbearers and groundhogs.

(3) Use any firearm except a center fire propelling a single all-lead, lead alloy or expanding bullet or ball to kill or attempt to kill any big game animal.

(4) Fail or neglect to report the killing of any game or wildlife other than raccoons.

(5) Fail or neglect to care for the carcass, or any part thereof, of any game or wildlife other than raccoons.

(6) Refuse to answer, without evasion, upon request of any representative of the commission, any pertinent question pertaining to the killing or wounding of any game or wildlife killed or wounded, or the disposition of the entire carcass or any part thereof.

(7) Fail to produce satisfactory evidence that material damage was done within the preceding 15 days and that there was just cause for reasonable apprehension of additional imminent destruction.

(8) Fail to relinquish to any officer the entire carcass, less the entrails, of any game or wildlife, other than raccoons, killed to which the person killing the game or wildlife is not legally entitled thereto.

(9) Fail to comply with any other provision of this subchapter.

(b) Penalties.--

(1) A violation of this subchapter pertaining to big game animals is a summary offense of the fourth degree.

(2) A violation of this subchapter pertaining to any other game or wildlife, other than raccoons, is a summary offense of the seventh degree.

(3) Each bird or animal involved in a violation constitutes a separate offense.

SUBCHAPTER C

DESTRUCTION OF GAME OR WILDLIFE IN SELF-DEFENSE

Sec.

2141. Killing game or wildlife to protect person.

Cross References. Subchapter C is referred to in section 2141 of this title.

§ 2141. Killing game or wildlife to protect person.

(a) General rule.--It is unlawful for a person to kill any game or wildlife as a means of protection unless it is clearly evident from all the facts that a human is endangered to a degree that the immediate destruction of the game or wildlife is necessary.

(b) Report, safekeeping and investigation.--A person killing any game or wildlife under this subchapter shall report the event to an officer as soon as possible following the incident but in no case later than 24 hours, provide for safekeeping of the game or wildlife intact at the place where it was killed and be available for interview by the officer. The person killing the game or wildlife shall answer, without evasion, any pertinent questions of the officer making the investigation.

(c) Exoneration.--At the conclusion of any investigation when any game or wildlife is allegedly killed as protection to a person, the officer may exonerate the person for the otherwise unlawful killing of the game or wildlife. In all cases the officer shall seize and dispose of the game or wildlife as required by this title or upon instructions of the director.

(d) Prosecution.--Any officer making an investigation when game or wildlife was allegedly killed as a protection to a person shall proceed with prosecution as though the game or wildlife was unlawfully killed if the officer is dissatisfied with the explanation of the person killing the game or wildlife or if the physical facts of the killing do not support and sustain the facts alleged by the person killing the game or wildlife.

(e) Penalties.--A violation of this section relating to:

(1) Threatened or endangered species is a misdemeanor.

(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.

(Oct. 24, 2012, P.L.1205, No.150, eff. 60 days)

2012 Amendment. Act 150 amended subsec. (e)(1).

SUBCHAPTER D
PROTECTION OF GAME OR WILDLIFE

Sec.

- 2161. Commonwealth actions for damage to game or wildlife.
- 2162. Disturbance of game or wildlife.
- 2163. Unlawful importation of game or wildlife.
- 2164. Unlawful taking and possession of protected birds.
- 2165. Possession or interference with active nests or eggs of birds.
- 2166. Unlawful sale of protected birds and plumage.
- 2167. Endangered or threatened species.

§ 2161. Commonwealth actions for damage to game or wildlife.

(a) Declaration of policy.--The Commonwealth has sufficient interest in game or wildlife living in a free state to give it standing, through its authorized agents, to recover compensatory and punitive damages in a civil action against any person who kills any game or wildlife or who damages any game or wildlife habitat. The proprietary ownership, jurisdiction and control of game or wildlife living free in nature is vested in the Commonwealth by virtue of the continued expenditure of its funds and its efforts to protect, propagate, manage and preserve the game or wildlife population as a renewable natural resource of this Commonwealth.

(b) General rule.--The commission, as the agency of the Commonwealth authorized to regulate, protect, propagate, manage and preserve game or wildlife, may, in addition to the penalties provided in this title, bring civil actions on behalf of the Commonwealth for compensatory and punitive damages for any game or wildlife killed or any game or wildlife habitat injured or destroyed. In determining the value of game or wildlife killed or habitat injured or destroyed, the commission may consider all factors that give value to the game or wildlife or habitat. These factors may include, but need not be limited to, the commercial resale value, the replacement costs or the recreational value of observing, hunting or furtaking. In addition, the commission may recover the costs of gathering the evidence, including expert testimony, in any civil action brought under this section where the defendant is found liable for damages.

(c) Concurrent authority.--The commission shall have concurrent authority to enforce the act of November 26, 1978 (P.L.1375, No.325), known as the Dam Safety and Encroachments Act, and the regulations thereto, with respect to encroachments and water obstructions only if a violation would, in the opinion of the commission, negatively impact upon a swamp, marsh or wetland. Notwithstanding the provisions of section 26, in the event the commission shall bring a civil action suit pursuant to section 21 or a criminal proceeding pursuant to section 22 of the Dam Safety and Encroachments Act, any moneys recovered by the commission shall be deposited in the Game Fund instead of the Dams and Encroachments Fund.

(d) Exemptions.--Nothing in this section shall be construed to include normal or accepted practices which have been conducted within guidelines set forth by the State or Federal agency having jurisdiction over such actions or any activities arising from lawful activity by other land uses, including farming, mining, oil and gas drilling, habitat management practices, forestry practices, recreation or real estate development.

§ 2162. Disturbance of game or wildlife.

(a) **General rule.**--It is unlawful for any person to drive or disturb game or wildlife except while engaged in the lawful activities set forth in this title.

(b) **Nonapplicability.**--This section shall not apply to any owner of land, any member of the commission, the director, any representative of the commission or any other law enforcement officer engaged in any otherwise lawful action.

(c) **Penalty.**--A violation of subsection (a) shall be a summary offense of the first degree.

§ 2163. Unlawful importation of game or wildlife.

(a) **General rule.**--It is unlawful for any person to bring or, in any manner, to have transported into this Commonwealth from any other state or nation, any living game or wildlife or the eggs of any bird, the importation of which is prohibited by the commission or under the provisions of any Federal law, or to release within this Commonwealth any game or wildlife reared in captivity or in a domestic state, the importation of which is prohibited.

(b) **Further restrictions.**--It is unlawful to bring into, sell or possess any game or wildlife or the eggs of any bird or to release within this Commonwealth, for any purpose, imported game or wildlife or game or wildlife reared in captivity or in a domestic state in this Commonwealth contrary to any regulations the commission promulgates to safeguard the native game or wildlife of this Commonwealth.

(c) **Penalties.**--

(1) Except for endangered or threatened species, a person importing, selling, releasing or possessing game or wildlife or the eggs of any bird contrary to any of the provisions of this section, or causing them to be released or imported, commits a summary offense of the fifth degree. Each bird, egg or animal involved in a violation constitutes a separate offense.

(2) A violation of this section relating to any endangered or threatened species is a misdemeanor. Each bird, egg or game or wildlife involved in the violation constitutes a separate offense.

(d) **Contraband.**--Any game or wildlife or egg possessed by any person contrary to this section is contraband.

(Oct. 24, 2012, P.L.1205, No.150, eff. 60 days)

2012 Amendment. Act 150 amended subsec. (c)(2).

§ 2164. Unlawful taking and possession of protected birds.

(a) **General rule.**--Except as otherwise provided in this title, it is unlawful for any person at any time to kill or attempt or conspire to kill or take or attempt, assist, aid or abet in the taking of any protected birds or possess protected birds, or any part thereof.

(b) **Hawks, falcons or owls.**--It is lawful for protected hawks, falcons or owls to be taken and possessed for use in falconry. Protected hawks, falcons or owls shall not be bought, sold or bartered, or offered for sale or barter, or held in possession for sale or barter.

(c) **Mounting or retention in possession.**--Except pursuant to a permit issued by the commission, no protected bird or part thereof shall be mounted or retained in possession.

(d) **Penalties.**--

(1) A violation of this section is a summary offense of the fifth degree for each protected bird or part thereof.

(2) A violation of this section relating to birds which are listed as threatened or endangered is, in addition to any other penalties, a misdemeanor.

(e) Contraband.--Any game or wildlife or egg possessed by any person contrary to this section is contraband.
(Oct. 24, 2012, P.L.1205, No.150, eff. 60 days)

2012 Amendment. Act 150 amended subsec. (d)(2).

§ 2165. Possession or interference with active nests or eggs of birds.

(a) General rule.--Except as otherwise provided in this title, it is unlawful for any person to take or have in possession or under control either the active nest or any egg of any game bird or protected bird or to interfere with or destroy the active nest or egg.

(b) Penalties.--

(1) A violation of this section is a summary offense of the fifth degree for each active nest or egg possessed or interfered with.

(2) A violation of this section relating to birds which are listed as threatened or endangered is, in addition to any other penalties, a misdemeanor for each active nest or egg possessed.

(c) Contraband.--Any active nest or egg possessed by any person contrary to this section is contraband.
(Oct. 24, 2012, P.L.1205, No.150, eff. 60 days)

2012 Amendment. Act 150 amended subsec. (b)(2).

§ 2166. Unlawful sale of protected birds and plumage.

(a) General rule.--Except as otherwise provided in this title, it is unlawful for any person, acting either for personal interest or as the agent or representative of another, to have any protected bird or any bird which belongs to the same family as those protected birds found in a wild state in this Commonwealth or is similar in appearance to any native protected bird, the eggs or any part from such birds, in possession or under control for the purpose of sale or barter, or to offer or expose them for sale or barter, or to transport, ship or remove, or attempt to transport, ship or remove, from this Commonwealth, for any purpose, any such bird, either living or dead, or the eggs or any part thereof.

(b) Penalties.--

(1) A violation of this section is a summary offense of the fourth degree for each bird or part thereof.

(2) A violation of this section relating to birds which are listed as threatened or endangered is, in addition to any other penalties, a misdemeanor for each bird or part thereof.

(c) Contraband.--Any protected bird or any egg or any part thereof possessed contrary to this section is contraband.
(Oct. 24, 2012, P.L.1205, No.150, eff. 60 days)

2012 Amendment. Act 150 amended subsec. (b)(2).

§ 2167. Endangered or threatened species.

(a) Changes to list.--The commission may, by regulation, add or remove any wild bird or wild animal native to this Commonwealth to or from the Pennsylvania native list of endangered or threatened species.

(b) Possession, transportation, capturing or killing.--Except as otherwise provided in this title, it is unlawful for any person, acting either for himself or as the

representative of another, to bring into or remove from this Commonwealth, or to possess, transport, capture or kill, or attempt, aid, abet or conspire to capture or kill, any wild bird or wild animal, or any part thereof, or the eggs of any wild bird, which are endangered or threatened species. It is the duty of every officer having authority to enforce this title to seize all wild birds or wild animals, or any part thereof, or the eggs of any wild bird, which have been declared endangered or threatened.

(c) Purchase, sale, barter or exchange.--Except as otherwise provided in this title, it is unlawful for any person, acting either for himself or as a representative of another, at any time to buy, sell, barter or exchange, or to offer for sale or barter, or to have in possession for sale or barter, or to aid, abet or conspire in the possession, sale, barter or exchange, or to give away any endangered or threatened species or subspecies of wild birds or wild animals, or parts thereof. It is the duty of every officer having authority to enforce this title to seize all endangered or threatened wild birds or wild animals, or any part thereof. 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 or the plumage or parts of birds killed as a protection to crops or accidentally killed upon the highways or seized as contraband.

(d) Penalties.--A violation of this section shall be graded as follows:

(1) A first violation is a misdemeanor of the second degree and may result in forfeiture of the privilege to hunt or take wildlife anywhere within this Commonwealth for a period of seven years.

(2) A second violation within a seven-year period or during the same criminal episode as the first violation is a misdemeanor of the first degree and may result in the forfeiture of the privilege to hunt or take wildlife anywhere within this Commonwealth for a period of ten years.

(3) A third or subsequent violation within a seven-year period or during the same criminal episode as the first or second violation is a felony of the third degree and may result in the forfeiture of the privilege to hunt or take wildlife anywhere within this Commonwealth for a period of 15 years.

(July 9, 2010, P.L.387, No.54, eff. 60 days)

2010 Amendment. See section 6 of Act 54 in the appendix to this title for special provisions relating to public notice.

Cross References. Section 2167 is referred to in section 2924 of this title.

CHAPTER 23

HUNTING AND FURTAKING

Subchapter

- A. General Provisions
- B. Hunting Big Game
- C. Hunting Small Game
- D. Furtaking Regulations
- E. Dogs Pursuing Game or Wildlife

Enactment. Chapter 23 was added July 8, 1986, P.L.442, No.93, effective July 1, 1987.

SUBCHAPTER A
GENERAL PROVISIONS

Sec.

- 2301. Prima facie evidence of hunting.
- 2302. Interference with lawful taking of wildlife or other activities permitted by this title prohibited.
- 2303. Hunting on Sunday prohibited.
- 2304. Ownership of carcass of game or wildlife.
- 2305. Retrieval and disposition of killed or wounded game or wildlife.
- 2306. Killing game or wildlife by mistake.
- 2307. Unlawful taking or possession of game or wildlife.
- 2308. Unlawful devices and methods.
- 2309. Unlawful removal of game or wildlife from place of refuge.
- 2310. Unlawful use of lights while hunting.
- 2311. Restrictions on recreational spotlighting.
- 2312. Buying and selling game.
- 2313. Investigation and seizure of game or wildlife.
- 2314. Trespass on private property while hunting.

§ 2301. Prima facie evidence of hunting.

(a) General rule.--For the purpose of this title, any one of the following acts shall constitute prima facie evidence of hunting:

- (1) Possession of any firearm, bow and arrow, raptor, trap or other device of any description usable for the purpose of hunting or taking game or wildlife.
- (2) Possession of the carcass or any part or parts of any game or wildlife.
- (3) Pursuing game or wildlife in any manner prohibited by this title or commission regulation.

(b) Lawful cooperation or assistance.--Notwithstanding any other provision of this title to the contrary, any person who has lawfully taken the bag or season limit for a particular species of game or wildlife or any person who meets the requirements of section 2701(c) (relating to license requirements) may aid, assist, abet or cooperate in any manner specified by this title or commission regulations with another person who is engaged in any lawful activity permitted by this title or the regulations of the commission.
(June 28, 2004, P.L.452, No.48, eff. imd.)

2004 Amendment. Act 48 amended subsec. (b).

Cross References. Section 2301 is referred to in section 2325 of this title.

§ 2302. Interference with lawful taking of wildlife or other activities permitted by this title prohibited.

(a) General rule.--Except as otherwise provided in this title, it is unlawful for another person at the location where the activity is taking place to intentionally obstruct or interfere with the lawful taking of wildlife or other activities permitted by this title.

(a.1) Activities which violate section.--A person violates this section when he intentionally or knowingly:

- (1) drives or disturbs wildlife for the purpose of disrupting the lawful taking of wildlife where another person is engaged in the process of lawfully taking wildlife or other permitted activities;

(2) blocks, impedes or otherwise harasses another person who is engaged in the process of lawfully taking wildlife or other permitted activities;

(3) uses natural or artificial visual, aural, olfactory or physical stimuli to affect wildlife behavior in order to hinder or prevent the lawful taking of wildlife or other permitted activities;

(4) creates or erects barriers with the intent to deny ingress or egress to areas where the lawful taking of wildlife or other permitted activities may occur;

(5) interjects himself into the line of fire;

(6) affects the condition or placement of personal or public property intended for use in the lawful taking of wildlife or other permitted activities in order to impair its usefulness or prevent its use;

(7) enters or remains upon public lands or upon private lands without permission of the owner or their agent, with intent to violate this section; or

(8) fails to obey the order of any officer whose duty it is to enforce any of the laws of this Commonwealth where such officer observes any conduct which violates this section or has reasonable grounds to believe that any person intends to engage in such conduct.

(b) Enforcement and recovery of damages.--The commission or any person who is lawfully engaged in the taking, hunting or trapping of game or wildlife who is directly affected by a violation of this section may bring an action to restrain conduct declared unlawful in this section and to recover damages.

(c) Exceptions.--The conduct declared unlawful in this section does not include any activities arising from lawful activity by other land uses, including farming, mining, forestry practices, recreation or any other activities when it is evident that such activities are not intended to violate this section.

(d) Penalties.--A violation of this section is a summary offense of the second degree.

(May 28, 1992, P.L.262, No.45, eff. July 1, 1992)

§ 2303. Hunting on Sunday prohibited.

(a) General rule.--Except as otherwise provided in this title, it is unlawful for any person to hunt for any furbearer or game on Sunday.

(b) Construction of section.--This section shall not be construed to prohibit:

(1) The training of dogs.

(2) The participation in dog trials as provided for in this title.

(3) The removal of lawfully taken game or wildlife from traps or the resetting of the traps on Sunday.

(b.1) Exceptions.--Subsection (a) shall not apply to:

(1) The hunting of foxes.

(2) The hunting of coyotes.

(3) Any hunting which occurs on noncommercial regulated hunting grounds holding a valid permit under section 2928(b)(2) (relating to regulated hunting grounds permits).

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

(Dec. 17, 1990, P.L.724, No.180, eff. 60 days; June 22, 1994, P.L.356, No.53, eff. imd.)

§ 2304. Ownership of carcass of game or wildlife.

(a) General rule.--The carcass of game or wildlife lawfully killed or taken shall be the property of the person who inflicts

a mortal wound which enables that person to take possession of the carcass.

(b) Officer not to arbitrate disputes.--No officer whose duty it is to enforce this title shall be called upon to arbitrate any dispute concerning the ownership of game or wildlife or to testify concerning any such dispute.

§ 2305. Retrieval and disposition of killed or wounded game or wildlife.

(a) General rule.--It is unlawful for any person who kills or wounds any game or wildlife while engaged in any activities permitted by this title to refuse or neglect to make a reasonable effort to retrieve, retain or lawfully dispose of such game or wildlife.

(b) Penalty.--A violation of this section is a summary offense of the fourth degree.

§ 2306. Killing game or wildlife by mistake.

(a) General rule.--Any person who, while hunting or trapping for game or wildlife which may be lawfully taken, by accident or mistake kills or attempts to kill any game or wildlife other than bears, elk or threatened or endangered species, contrary to the provisions of this title, shall pay restitution pursuant to subsection (b) to an officer of the commission.

(b) Restitution.--Restitution for killing or an attempted killing by accident or mistake shall be as follows:

(1) Each deer - \$25.

(2) Each turkey - \$20.

(3) Each other wild bird or wild animal, other than a bear, elk or an endangered or threatened species - \$15.

(c) Procedural requirements.--Any person claiming a mistake kill or attempted kill of game or wildlife pursuant to this section shall:

(1) Immediately remove all of the entrails of any edible game or wildlife and, if big game, tag the animal in the manner prescribed under section 2323 (relating to tagging and reporting big game kills).

(2) Within 24 hours after the killing or attempted killing, report the same to the appropriate commission regional office by telephone or electronic communication.

(3) Within 24 hours after the killing or attempted killing, deliver the entire carcass, less entrails, to any commission officer in the county in which killed for disposition and provide a written, sworn statement to the commission officer explaining when, where and how the accident or mistake occurred.

(4) Within ten days after the killing or attempted killing, provide the commission officer full payment of restitution.

(July 9, 2010, P.L.387, No.54, eff. 60 days)

2010 Amendment. See section 6 of Act 54 in the appendix to this title for special provisions relating to public notice.

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

(a) General rule.--It is unlawful for any person to aid, abet, attempt or conspire to hunt for or take or possess, use, transport or conceal any game or wildlife unlawfully taken or not properly marked or any part thereof, or to hunt for, trap, take, kill, transport, conceal, possess or use any game or wildlife contrary to the provisions of this title.

(b) Hunting before and after lawful hunting hours.--It is unlawful for any person to take, injure, kill, possess or transport or knowingly aid, abet, assist, attempt or conspire in any manner to take, injure, kill, possess or transport any

game or wildlife or any part thereof which was taken within 30 minutes prior to the commencement of lawful hunting hours or within 30 minutes after the cessation of lawful hunting hours.

(c) Wild birds and wild animals taken outside

Commonwealth.--Nothing in this title shall prohibit the possession, at any time, of wild birds or wild animals lawfully taken outside of this Commonwealth which are tagged and marked in accordance with the laws of the state or nation where the wild birds or wild animals were taken. It is unlawful to transport or possess wild birds or wild animals from another state or nation which have been unlawfully taken, killed or exported.

(d) Exceptions.--This section shall not apply to:

(1) 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.

(2) Individuals who find and retain for their own use any deer or elk antler which is shed through natural causes. This paragraph shall not be construed to permit any individual possessing a shed antler to sell, barter or trade or to offer to sell, barter or trade any shed antler.

(e) Penalties.--A violation of this section relating to:

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

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

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

(3.1) (Deleted by amendment).

(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.

(Dec. 21, 1998, P.L.1274, No.166, eff. imd.; Dec. 20, 2000, P.L.783, No.111, eff. imd.; Dec. 20, 2000, P.L.937, No.125, eff. imd.; Dec. 13, 2001, P.L.897, No.98, eff. imd.; Dec. 30, 2003, P.L.436, No.63, eff. 60 days; July 9, 2010, P.L.387, No.54, eff. 60 days)

2010 Amendment. Act 54 amended subsecs. (b) and (e). See section 6 of Act 54 in the appendix to this title for special provisions relating to public notice.

2001 Amendment. Act 98 amended subsec. (d).

1998 Amendment. Act 166 amended subsecs. (b) and (d) and added subsecs. (e) and (f).

Cross References. Section 2307 is referred to in section 2102 of this title.

§ 2308. Unlawful devices and methods.

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

- (1) An automatic firearm or similar device.
- (2) A semiautomatic rifle or pistol.
- (3) (Reserved).
- (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 except as permitted under subsection (b)(3) 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 or regulations promulgated under this title.

(b) Exceptions.--The provisions of subsection (a) shall not apply to:

- (1) (i) Any archery sight or firearm's scope which contains and uses any mechanical, photoelectric, ultraviolet or solar-powered device to solely illuminate the sight or crosshairs within the scope.
- (ii) Except as otherwise provided under subparagraph (iii), no archery sight or firearm's scope shall contain or use any device, no matter how powered, to project or

transmit any light beam, infrared beam, ultraviolet light beam, radio beam, thermal beam, ultrasonic beam, particle beam or other beam outside the sight or scope onto the target.

(iii) (A) A flashlight or spotlight may be mounted on a firearm to take furbearers if the sole source of power for the flashlight or spotlight is contained within the flashlight or spotlight or on the person.

(B) For the purposes of this subparagraph, a flashlight or spotlight mounted on a firearm shall not include a device that projects a beam of laser light to indicate the intended point of impact for one or more projectiles discharged from the firearm.

(2) (i) Any political subdivision, its employees or agents, which has a valid deer control permit issued under section 2902(c) (relating to general categories of permits).

(ii) Any licensed hunter in cities of the first class, while hunting on private property and using a bow and arrow or crossbow, using bait to attract deer for removal as provided by commission regulations.

(iii) Any licensed hunter in special regulation areas, other than counties of the second class, using bait to attract deer for removal as provided by commission regulations.

(3) Any artificial or manufactured turkey blind consisting of all manmade materials of sufficient density to block the detection of movement within the blind from an observer located outside of the blind.

(4) Any natural or manmade nonliving bait used to attract coyotes for hunting or trapping.

(5) Any electronic or mechanical device used to attract coyotes for hunting or trapping.

(6) Any decoy used in the trapping or hunting of furbearers.

(c) Penalties.--

(1) A violation of subsection (a)(1), (2), (4) or (5) is a summary offense of the fifth degree.

(2) A violation of subsection (a)(7) is a summary offense of the third degree.

(3) A violation of any other provision of this section is a summary offense of the fourth degree.

(Apr. 13, 1988, P.L.350, No.52, eff. July 1, 1988; Nov. 25, 1988, P.L.1082, No.125, eff. imd.; Mar. 29, 1996, P.L.41, No.13, eff. imd.; Dec. 19, 1996, P.L.1442, No.184, eff. 60 days; Dec. 20, 2000, P.L.783, No.111, eff. 60 days; Dec. 20, 2000, P.L.937, No.125, eff. imd.; June 28, 2002, P.L.474, No.79, eff. 60 days; Dec. 22, 2005, P.L.452, No.86, eff. 60 days; July 3, 2007, P.L.79, No.26, eff. 60 days)

2007 Amendment. Act 26 amended subsec. (b)(1). Section 2 of Act 26 provided that Act 26 shall apply to offenses committed on or after the effective date of section 2.

2005 Amendment. Act 86 amended subsec. (b).

2000 Amendments. Act 111 amended the entire section and Act 125 amended subsec. (a)(9) and added subsec. (b)(3). Act 125 overlooked the amendment by Act 111, but the amendments do not conflict in substance and have both been given effect in setting forth the text of section 2308.

§ 2309. Unlawful removal of game or wildlife from place of refuge.

(a) General rule.--It is unlawful for any person to cut any dead or living tree, use smoke or any other method to take any game or wildlife or dig any game or wildlife out of its place of refuge or den.

(b) Woodchuck in cultivated fields.--Woodchucks may be dug out of their dens in cultivated fields by any person who, if not the owner, lessee or occupant or members of their families or hired help thereof, shall first secure permission of the person in charge of the property and, immediately after the removal of the woodchuck, replace the earth and level off the area dug out.

(c) Penalty.--A violation of this section is a summary offense of the fifth degree. Each violation constitutes a separate offense.

§ 2310. Unlawful use of lights while hunting.

(a) General rule.--Except as set forth in subsection (b), it is unlawful for any person or group of persons to engage in any of the following activities to any degree:

(1) Cast the rays of an artificial light of any kind on any game or wildlife or in an attempt to locate any game or wildlife while on foot, in any vehicle or its attachments, or any watercraft or any airborne craft while in possession of a firearm of any kind, or a bow or arrow, or any implement or device with which any game or wildlife could be killed or taken even though no game or wildlife is shot at, injured or killed.

(2) Intentionally or knowingly act, aid, assist or conspire either in the killing or taking or in an attempt to kill, take, possess, transport or conceal any game or wildlife or a part thereof which has been killed or taken by use of any artificial light.

(3) Operate, allow or permit any vehicle or its attachments, any watercraft or any airborne craft to be used for killing or taking or attempting to kill or take any game or wildlife by using the rays of any artificial light.

(b) Exceptions.--The provisions of subsection (a) shall not apply to:

(1) (i) A person on foot who uses a flashlight or spotlight held in the hand, worn on the head or mounted on a firearm to take furbearers, if the sole source of power for the flashlight or spotlight is contained within the flashlight or spotlight or on the person.

(ii) For the purposes of this paragraph, a flashlight or spotlight mounted on a firearm shall not include a device that projects a beam of laser light to indicate the intended point of impact for one or more projectiles discharged from the firearm.

(2) Any political subdivision, its employees or agents, which has a valid deer control permit issued under section 2902(c) (relating to general categories of permits).

(c) Penalties.--

(1) A violation of subsection (a)(1) is a summary offense of the fifth degree.

(2) A violation of subsection(a)(2) or (3) relating to:

(i) Threatened or endangered species shall be graded as follows:

(A) A first offense is a misdemeanor of the second degree and may result in forfeiture of the privilege to hunt or take game or wildlife anywhere in this Commonwealth for a period of seven years.

(B) A second offense within a seven-year period or during the same criminal episode as the first

offense is a misdemeanor of the first degree and may result in forfeiture of the privilege to hunt or take game or wildlife anywhere within this Commonwealth for a period of ten years.

(C) A third or subsequent violation within a seven-year period or during the same criminal episode of a first or second offense is a felony of the third degree and may result in forfeiture of the privilege to hunt or take wildlife within this Commonwealth for a period of 15 years.

(ii) Big game animals shall be graded as follows:

(A) A first offense or a second offense during the same criminal episode is a misdemeanor and may result in forfeiture of the privilege to hunt or take game or wildlife anywhere within this Commonwealth for a period of five years.

(B) A second offense within a seven-year period or a third or fourth offense during the same criminal episode is a misdemeanor of the first degree and may result in the forfeiture of the privilege to hunt or take game or wildlife anywhere within this Commonwealth for a period of ten years.

(C) A fifth or subsequent offense during the same criminal episode or a third offense within a seven-year period is a felony of the third degree and may result in forfeiture of the privilege to hunt or take game or wildlife anywhere within this Commonwealth for a period of 15 years.

(iii) A violation of subsection (a)(2) where the species is a single white-tailed deer or a single wild turkey is a summary offense of the first degree and may result in forfeiture of the privilege to hunt or take wildlife anywhere within this Commonwealth for a period of three years. A second violation of subsection (a)(2) where the species is a single white-tailed deer or a single wild turkey within a seven-year period is a misdemeanor and may result in forfeiture of the privilege to hunt or take wildlife anywhere within this Commonwealth for a period of five years. A third offense within a seven-year period where the species is a single white-tailed deer or a single wild turkey is a misdemeanor of the first degree and may result in the forfeiture of the privilege to hunt or take wildlife anywhere within this Commonwealth for a period of ten years.

(iv) Any other game or wildlife is a summary offense of the first degree and may result in the forfeiture of the privilege to hunt or take game or wildlife anywhere within this Commonwealth for a period of three years.

(d) Contraband.--Any craft or vehicle or attachments thereto, and all artificial lights and any firearm or paraphernalia being unlawfully used, and any game or wildlife unlawfully taken, killed or possessed are contraband. (Mar. 29, 1996, P.L.41, No.13, eff. imd.; Dec. 19, 1996, P.L.1442, No.184, eff. 60 days; July 3, 2007, P.L.79, No.26, eff. 60 days; July 9, 2010, P.L.387, No.54, eff. 60 days)

2010 Amendment. Act 54 amended subsecs. (a)(2) and (c). See section 6 of Act 54 in the appendix to this title for special provisions relating to public notice.

2007 Amendment. Act 26 amended subsecs. (b) and (c). Section 2 of Act 26 provided that Act 26 shall apply to offenses committed on or after the effective date of section 2.

§ 2311. Restrictions on recreational spotlighting.

(a) Unlawful acts.--It is unlawful for any person to cast or to assist any other person in casting the rays of a spotlight, vehicle headlight or any other artificial light of any kind from any vehicle, watercraft, airborne craft or any attachment to such vehicles or crafts:

(1) Upon any building at any time.

(2) In any manner which frightens, excites or harasses any livestock, poultry or other farm animal.

(3) To search for or locate for any purpose any game or wildlife anywhere within this Commonwealth, other than specified in paragraph (4), daily between the hours of 11 p.m. and sunrise on the following day.

(4) To search for or locate for any purpose any game or wildlife anywhere within this Commonwealth at any time during the antlered deer rifle season and during the antlerless deer rifle season.

(5) Upon photoelectric cell lights.

The provisions of this subsection shall not apply if it is proven that the headlights of a vehicle or conveyance were being used while traveling on a roadway in the usual way.

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

(June 28, 1993, P.L.178, No.37, eff. 60 days)

§ 2312. Buying and selling game.

(a) General rule.--Unless otherwise provided, it is unlawful for any person to buy, sell or barter, or aid, abet, assist or conspire to buy, sell or barter, or offer for sale or barter, or have in possession or transport for sale or barter, any game or the edible parts of game or any protected bird or animal or parts of any protected bird or animal.

(b) Imported game.--It is unlawful for any person to sell or barter, or offer for sale or barter, any game or wildlife protected by this title imported, either dead or alive, from another state or nation unless there is attached to the carton containing the game or wildlife or to the individual carcasses a tag identifying the game or wildlife in English and giving the state or nation from which originally shipped.

(c) Exception.--

(1) Nothing in this section shall be construed to prevent:

(i) The purchase or sale of game raised under the authority of a propagating permit in this Commonwealth.

(ii) The capture and sale of game or wildlife after securing a permit from the director and payment of any fees established by the commission.

(iii) The 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.

(iv) 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.

(v) The sale of mounted specimens by any auctioneer licensed by the Commonwealth. The commission shall require no permit for such action. Any licensed auctioneer who sells ten or more mounted specimens during any one sale at a registered auction house must report

those sales to the commission within 15 days of the completion of the sale.

(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.

(d) Penalty.--A violation of this section relating to:

(1) Threatened or endangered species shall be graded as follows:

(i) A first offense is a misdemeanor of the second degree and may result in forfeiture of the privilege to hunt or take game or wildlife anywhere within this Commonwealth for a period of seven years.

(ii) A second offense within a seven-year period or during the same criminal episode is a misdemeanor of the first degree and may result in forfeiture of the privilege to hunt or take game or wildlife anywhere within this Commonwealth for a period of ten years.

(iii) A third or subsequent violation of this section within a seven-year period or during the same criminal episode is a felony of the third degree and may result in forfeiture of the privilege to hunt or take wildlife anywhere within this Commonwealth for a period of 15 years.

(2) Big game animals shall be graded as follows:

(i) A first offense or a second offense during the same criminal episode is a misdemeanor and may result in forfeiture of the privilege to hunt or take game or wildlife anywhere within this Commonwealth for a period of five years.

(ii) A second offense within a seven-year period or a third or fourth offense during the same criminal episode is a misdemeanor of the first degree and may result in the forfeiture of the privilege to hunt or take game or wildlife anywhere within this Commonwealth for a period of ten years.

(iii) A fifth or subsequent offense during the same criminal episode or third offense within a seven-year period is a felony of the third degree and may result in forfeiture of the privilege to hunt or take game or wildlife anywhere within this Commonwealth for a period of 15 years.

(3) The selling and buying of venison up to 20 pounds and the buying and selling of other game or wildlife is a summary offense of the first degree and may result in the forfeiture of the privilege to hunt or take game or wildlife anywhere within this Commonwealth for a period of three years.

(Dec. 21, 1998, P.L.1274, No.166, eff. 60 days; July 9, 2008, P.L.920, No.65, eff. imd.; July 9, 2010, P.L.387, No.54, eff. 60 days)

2010 Amendment. Act 54 amended subsecs. (a) and (d). See section 6 of Act 54 in the appendix to this title for special provisions relating to public notice.

2008 Amendment. Act 65 amended subsec. (c)(1).

§ 2313. Investigation and seizure of game or wildlife.

(a) Response to questions.--The operator of any vehicle or craft transporting any game or wildlife shall answer, without evasion, any pertinent question posed by a commission officer.

(b) Seizure.--Any officer making an inquiry pursuant to subsection (a) who is not satisfied as to the legal possession or ownership of the game or wildlife being transported may seize and take possession of the game or wildlife pending further investigation. If, after appropriate investigation, the officer is satisfied that the game or wildlife was lawfully taken, possessed and transported, the seized game or wildlife shall be returned to the owner.

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

(d) Contraband.--Any game or wildlife transported in violation of this section is contraband.

§ 2314. Trespass on private property while hunting.

(a) General rule.--Any person who while violating any provision of this title or any regulations promulgated under this title and who in addition is found to be trespassing as defined in 18 Pa.C.S. § 3503 (relating to criminal trespass) shall be in violation of this section.

(b) Penalty.--A violation of this section:

(1) A violation of this section is a summary offense of the fifth degree.

(2) A second or subsequent violation of this section within a seven-year period is a summary offense of the fifth degree and may result in forfeiture of the privilege to hunt or take game or wildlife anywhere within this Commonwealth for a period of one year.

(Dec. 22, 2005, P.L.467, No.90, eff. 60 days; July 9, 2010, P.L.387, No.54, eff. 60 days)

2010 Amendment. See section 6 of Act 54 in the appendix to this title for special provisions relating to public notice.

**SUBCHAPTER B
HUNTING BIG GAME**

Sec.

2321. Unlawful killing or taking of big game.

2322. Prohibited devices and methods.

2323. Tagging and reporting big game kills.

2324. Parties hunting big game.

2325. Cooperation after lawfully killing big game.

2326. Excess kill of big game.

2327. Subsequent kill if big game unfit for human consumption.

2328. Shipping or transporting big game.

2329. Additional penalty for poaching (Repealed).

§ 2321. Unlawful killing or taking of big game.

(a) General rule.--Except as provided in this title or by regulation of the commission, it is unlawful for any person to:

(1) Take, injure, kill, possess or transport or knowingly or intentionally aid, abet, assist, attempt or conspire in any manner to take, injure, kill, possess or transport any big game animal during closed season.

(2) Take, injure, kill, possess or transport or knowingly or intentionally aid, abet, assist, attempt or conspire in any manner to take, injure, kill, possess or transport any big game animal beyond established daily or season limits.

(3) (Deleted by amendment).

(b) Exception.--This section shall not be construed to prohibit the transportation or possession of one or more big game animals which are lawfully killed and properly tagged.

(c) Evidence of unlawful killing.--Unless the head is attached in a natural manner and properly tagged as provided in section 2323 (relating to tagging and reporting big game kills), the possession, transportation or control of any big game or a part or parts of such big game shall be prima facie evidence that the big game was unlawfully killed within this Commonwealth. Under such circumstances, the person possessing, transporting or controlling the big game shall immediately, upon demand of an officer of the commission, produce the head of the big game or the name and address of the person killing the big game or other satisfactory evidence that the carcass in possession or under the person's control is part of a lawfully taken big game.

(d) Penalty.--

(1) (i) Except as otherwise provided in paragraph (2), a violation of this section or a second violation of this section during the same criminal episode is a misdemeanor and may result in forfeiture of the privilege to hunt or take wildlife anywhere within this Commonwealth for a period of five years.

(ii) A third or fourth violation of this section during the same criminal episode or a second violation of this section within a seven-year period is a misdemeanor of the first degree and may result in forfeiture of the privilege to hunt or take wildlife anywhere within this Commonwealth for a period of ten years.

(iii) A fifth or subsequent violation of this section during the same criminal episode or third offense within a seven-year period is a felony of the third degree and may result in forfeiture of the privilege to hunt or take wildlife anywhere within this Commonwealth for a period of 15 years.

(2) (i) A violation of subsection (a)(1) or (2) where the species is a single white-tailed deer or a single wild turkey is a summary offense of the first degree and may result in forfeiture of the privilege to hunt or take wildlife anywhere within this Commonwealth for a period of three years. A second violation of subsection (a)(1) or (2) where the species is a single white-tailed deer or a single wild turkey within a seven-year period is a misdemeanor and may result in forfeiture of the privilege to hunt or take wildlife anywhere within this Commonwealth for a period of five years. A third offense within a seven-year period where the species is a single white-tailed deer or a single wild turkey is a misdemeanor of the first degree and may result in the forfeiture of the privilege to hunt or take wildlife anywhere within this Commonwealth for a period of ten years.

(ii) (A) A second violation of subsection (a)(1) or (2) during the same criminal episode where the species taken, injured, killed, possessed or transported is white-tailed deer or wild turkey is a misdemeanor and may result in forfeiture of the privilege to hunt or take wildlife anywhere within this Commonwealth for a period of five years.

(B) A third or fourth violation of subsection (a)(1) or (2) during the same criminal episode where

the species is white-tailed deer or wild turkey is a misdemeanor of the first degree and may result in forfeiture of the privilege to hunt or take wildlife anywhere within this Commonwealth for a period of ten years.

(C) A fifth or subsequent violation of subsection (a)(1) or (2) during the same criminal episode where the species is white-tailed deer or wild turkey is a felony of the third degree and may result in forfeiture of the privilege to hunt or take wildlife anywhere within this Commonwealth for a period of 15 years.

(July 9, 2010, P.L.387, No.54, eff. 60 days)

2010 Amendment. See section 6 of Act 54 in the appendix to this title for special provisions relating to public notice.

§ 2322. Prohibited devices and methods.

(a) General rule.--Except as otherwise provided in this title or commission regulation, no person shall hunt, kill or take or attempt, aid, abet, assist or conspire to hunt, kill or take any big game, except wild turkey, with any of the following devices or methods:

(1) Any device other than a centerfire or muzzle-loading firearm or bow and arrow.

(2) Any automatic or semiautomatic firearm, except that any semiautomatic firearm modified to permit one shell in the chamber and no more than four shells in a magazine may be used by a person who suffered an amputation or lost the total use of one or both hands.

(3) Any firearm propelling more than one projectile per discharge.

(4) Any projectile which is not all lead or which is not designed to expand on contact.

(5) When any big game is swimming.

(6) By any other method or device which is not specifically authorized or permitted by this title or commission regulation.

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

(c) Contraband.--Any big game killed contrary to this section is contraband.

§ 2323. Tagging and reporting big game kills.

(a) Tags issued with licenses.--

(1) Each licensed person who kills any big game shall, immediately after the killing and before removing the big game from the location of the killing, fully complete the proper game kill tag in compliance with the instructions printed on the tag and attach only the game kill tag to the big game. The attached game kill tag shall remain on the big game until such time as the big game is processed for consumption or prepared for mounting.

(2) In any year in which the commission establishes check stations, each person shall, within 24 hours after killing any big game, present the big game for examination and tagging.

(3) Within ten days of the kill, the person shall report the killing of big game as required in the manner or methods prescribed by commission regulations.

(b) Killings by persons without license.--Any person not required to secure a license who lawfully kills any big game shall make and attach a tag to the big game which contains in English the person's name, address, date, township, if known,

and county where the big game was killed. Within five days following the kill, the person shall mail, to the headquarters of the commission at Harrisburg, a statement setting forth the information required on the tag and the sex of the big game.

(c) Licenses issued without tags.--Any person who is issued a license without the required tags or accompanying report cards and who kills any big game shall comply with the provisions of subsection (b) and shall also place the license number and letter on the tag and postcard report.

(d) Existing tags invalidated by replacement license.--The issuance of any replacement license shall automatically invalidate any remaining game kill tags issued with the lost license, and the only valid game kill tags shall be those issued with the replacement license last procured. It is unlawful to use any game kill tag invalidated by this subsection to tag any big game.

(e) Duplicated tags unlawful.--It is unlawful to prepare and use any duplicated game kill tag or to use any game kill tag to mark a second big game animal or to remove any tag from any big game contrary to the provisions of this title.

(f) Possession of tags after killing legal limit.--It is unlawful for any person, after killing the legal limit of big game, to be in possession of a big game kill tag while in the fields, forests or on the waters or highways within or bordering this Commonwealth.

(g) Penalty.--

(1) Except as provided in paragraph (2), a violation of this section is a summary offense of the fifth degree.

(2) A violation of subsection (a)(3) is a summary offense of the eighth degree.

(h) Contraband.--Any big game or any other game or wildlife found in possession of any person contrary to this section is contraband.

(Nov. 29, 2004, P.L.1298, No.162, eff. 60 days)

2004 Amendment. Act 162 amended subsec. (a)(3).

Cross References. Section 2323 is referred to in sections 2306, 2321 of this title.

§ 2324. Parties hunting big game.

(a) Power of commission.--The commission may establish limitations applicable to groups or parties of persons hunting together or in unison or in any other manner cooperating with others while hunting for big game.

(b) Inspection of roster.--(Deleted by amendment).

(b.1) Exclusion.--Limitations established by the commission under this section shall not include a roster requirement.

(c) Penalty.--A violation of this section is a summary offense of the seventh degree.

(Nov. 27, 2013, P.L.1148, No.103, eff. 60 days)

Cross References. Section 2324 is referred to in section 2701 of this title.

§ 2325. Cooperation after lawfully killing big game.

(a) General rule.--Except as provided in section 2301(b) (relating to lawful cooperation or assistance) and subsection (a.1), it is unlawful for any person who has lawfully killed any big game to hunt for or cooperate with any other person hunting for big game of the same species while carrying a loaded firearm of any kind, a bow and nocked arrow or any other device capable of killing any big game.

(a.1) Exception.--Nothing in this section shall prohibit any person from carrying a loaded handgun in the field provided that person is in compliance with 18 Pa.C.S. § 6109 (relating to licenses).

(b) Penalty.--A violation of this section is a summary offense of the fourth degree.

(Apr. 13, 1988, P.L.350, No.52, eff. July 1, 1988)

§ 2326. Excess kill of big game.

(a) General rule.--It is unlawful for any body of persons hunting in unison or cooperating in any manner with each other while hunting to kill or be in possession of more than the lawful number of big game as fixed by commission regulation.

(b) Individual liability.--Every person hunting together or in any manner cooperating with others in hunting for big game shall be individually liable for the penalty imposed for such big game killed in excess of the number set by commission regulation.

(c) Excess kill delivered to commission.--In all circumstances where more than the lawful number of big game is killed by a hunting party, any excess big game shall be turned over to the nearest officer of the commission within 12 hours after killing.

(d) Penalties.--

(1) Any violation of this section relating to a bear or elk is a summary offense of the second degree.

(2) Any violation of this section relating to any other big game is a summary offense of the fourth degree.

(e) Contraband.--Any big game killed contrary to this section is contraband.

§ 2327. Subsequent kill if big game unfit for human consumption.

Any person who legally kills any big game and discovers that the flesh of the big game was unfit for human consumption at the time of killing shall, within 12 hours following the discovery, deliver the entire carcass, less entrails, but including the head and hide, to any commission officer who, being satisfied that the big game was unfit for human consumption at the time killed, shall issue a written authorization to the person to kill a second animal or bird of the same species during the unexpired portion of the season for that species.

§ 2328. Shipping or transporting big game.

(a) General rule.--Unless properly tagged, it is unlawful for any person to ship or transport the carcass of any big game. The tag shall contain in English the name, address and license number of the owner and the location where the big game was killed.

(b) Portions of big game.--Any person may transport an unmarked part of a big game carcass that has been legally taken and cut up. Such person shall, upon request of any law enforcement officer, furnish the name, address and license number of the person killing the big game and any other information required to properly establish legal possession.

(c) False information.--It is unlawful to furnish false or misleading information concerning the carcass or parts thereof in question.

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

§ 2329. Additional penalty for poaching (Repealed).

2010 Repeal. Section 2329 was repealed July 9, 2010, P.L.387, No.54, effective in 60 days.

SUBCHAPTER C
HUNTING SMALL GAME

Sec.

2341. Possession and transportation of small game.

§ 2341. Possession and transportation of small game.

(a) **General rule.**--Except as otherwise provided in this title, it is unlawful for any person to transport any small game in excess of the daily possession limits established by the commission unless the small game is accompanied by the owner or is carried upon the same conveyance with the owner.

(b) **Transportation without owner present.**--Properly tagged small game unaccompanied by the owner may be transported if a hand-made tag is attached to the small game containing in English the name, address, license number and the signature of the person who killed the small game.

(c) **Open to inspection.**--All small game transported pursuant to subsection (a) or (b) shall be carried to permit easy inspection.

(d) **Penalty.**--A violation of this section is a summary offense of the seventh degree.

(e) **Contraband.**--Any small game transported in violation of this section is contraband.

SUBCHAPTER D
FURTAKING REGULATIONS

Sec.

2361. Unlawful acts concerning taking of furbearers.

2362. Permitted acts.

2363. Trapping exception for certain persons.

2364. Penalties.

Cross References. Subchapter D is referred to in section 2362 of this title.

§ 2361. Unlawful acts concerning taking of furbearers.

(a) **General prohibitions.**--Except as otherwise provided in this title, it is unlawful for any person to:

(1) Take, kill, wound, assist or have in possession, or attempt, aid, abet, assist or conspire to take, kill, wound or capture, any furbearers except during the open furtaking season and in such numbers or by such methods as fixed by the commission or this title.

(2) Have in possession the green pelt, or any part thereof, of any furbearers taken except during the open season and for ten days thereafter without first securing a permit from an officer of the commission.

(3) Stake out or set traps for furbearers prior to the date and hour fixed as the open season for taking such animals.

(4) Stake out, set or tend, or attempt to stake out, set or tend, traps of any kind in an attempt to take, kill or capture any furbearers without first securing, possessing and displaying any licenses or permits required by this title.

(5) Buy or sell, or offer to buy or sell, or export from this Commonwealth any furbearer, or any part thereof,

which has been unlawfully taken, possessed, killed, transported, imported, exported or improperly tagged regardless of where the furbearer was taken.

(6) Possess live furbearers taken from the wild without securing a permit from an officer of the commission.

(7) Set traps closer than five feet from any hole or den except in the case of an underwater set.

(8) Use a pole trap, deadfall, poison, explosive, chemical, leg-hold trap with teeth on the jaws or with a jaw spread exceeding six and one-half inches or any device prohibited by regulation of the commission.

(9) Smoke out or dig out any den or house of any kind or cut den trees.

(10) Use any trap of any kind unless visited and all animals and birds released or removed at least once every 36 hours.

(11) Use or set a body-gripping trap of any description outside any established watercourse, waterway, marsh, pond or dam.

(12) Set a trap of any description unless each device is marked with a durable identification tag attached to the trap or trap chain which, at the option of the trapper, must legibly set forth in English the first name, last name and legal home address of the person setting or tending the trap or must bear a number issued by the commission. All information under this paragraph shall be subject to the provisions of section 325 (relating to limitation on disclosure of certain records).

(13) Bait a trap with meat or animal products if the bait is visible from the air.

(14) Let traps set after the close of the furtaking season.

(15) Except as provided in subsection (b), disturb the traps of another person.

(16) Remove any wildlife from the trap of another person without specific permission to do so.

(17) Set or place a cage or box trap in the water.

(18) Use any cage or box trap not approved by the commission.

(19) Destroy or disturb or interfere with the dams or houses of beavers without the specific permission of a commission officer.

(b) Permissible disturbance of certain traps.--When traps are set on private property without the permission of the landowner, lessees or their employees, the owner, lessees or their employees may remove the traps and notify an officer of the commission within 48 hours. All traps removed shall be turned over to a commission officer. The officer shall notify the trapper within ten days to claim the traps. If the traps are not claimed within 30 days following notification or the trapper cannot be located, the traps shall be forfeited to the commission.

(May 28, 1992, P.L.262, No.45, eff. July 1, 1992)

1992 Amendment. Act 45 amended subsec. (a)(12).

Cross References. Section 2361 is referred to in section 325 of this title.

§ 2362. Permitted acts.

Nothing contained in this subchapter shall prevent:

(1) The possession of imported green pelts which were lawfully taken and exported from another state or nation which have attached positive proof in English of where and

when they were taken and marked or tagged in accordance with the requirements of that state or nation.

(2) The killing of lawfully taken furbearers with a firearm as prescribed by regulations of the commission.

(3) The lawful taking of furbearers by any resident of this Commonwealth 12 years of age or older after first securing a furtaking license.

(4) The sale of pelts or carcasses of lawfully taken furbearers.

§ 2363. Trapping exception for certain persons.

Except for section 2704(c) (relating to furtaker's certificate of training), the remaining provisions of this title shall not be construed to prevent or prohibit any person under 12 years of age from trapping furbearers. Persons covered by this section shall not use any firearm other than a .22 caliber rimfire rifle or sidearm and then only when accompanied by an adult.

Cross References. Section 2363 is referred to in section 2711 of this title.

§ 2364. Penalties.

Any violation of this subchapter relating to bobcat or otter is a summary offense of the fourth degree. Except for threatened or endangered species, any other violation of this subchapter is a summary offense of the fifth degree.

SUBCHAPTER E

DOGS PURSUING GAME OR WILDLIFE

Sec.

2381. Dogs pursuing, injuring or killing game or wildlife.

2382. Training dogs on small game.

2383. Dogs pursuing, injuring or killing big game.

2384. Declaring dogs public nuisances.

2385. Destruction of dogs declared public nuisances.

2386. Penalties.

§ 2381. Dogs pursuing, injuring or killing game or wildlife.

Except as otherwise provided in this title or by commission regulation, it is unlawful for any person controlling or harboring a dog to permit the dog to chase, pursue, follow upon the track of, injure or kill any game or wildlife at any time.

§ 2382. Training dogs on small game.

(a) **General rule.**--Unless otherwise provided by commission regulation, it is lawful to train a dog or dogs during any time of the calendar year. Persons who are solely training dogs and who comply with the provisions of this section shall not be required to have a hunting or furtaking license. The commission may, by regulation, prohibit or further restrict or relax the training period for specific breeds of dogs on game or wildlife.

(b) **Restrictions.**--

(1) Any dog being trained pursuant to subsection (a) shall be accompanied by and under the control of the owner or a handler.

(2) The owner or handler or any other person shall not carry a bow and arrow or a firearm fired from the shoulder while training a dog.

(3) No dog shall be permitted to kill or inflict any injury upon the pursued game or wildlife.

(c) **Sunday limitation.**--It is unlawful to train dogs on privately owned property on Sunday. This limitation shall not apply to:

(1) National or State forest land.

- (2) State game lands.
 - (3) Privately owned property when the consent of the person in charge of the land is first obtained.
- (Dec. 19, 1996, P.L.1442, No.184, eff. 60 days)

Cross References. Section 2382 is referred to in section 2386 of this title.

§ 2383. Dogs pursuing, injuring or killing big game.

(a) General rule.--Except as provided in subsection (b), it is unlawful for any person to make use of a dog in any manner to hunt for or to take big game or to permit a dog owned, controlled or harbored by that person to pursue, harass, chase, scatter, injure or make use of a dog to kill any big game.

(b) Exception.--It shall be lawful to make use of a dog to pursue, chase, scatter and track wild turkeys during the fall wild turkey season.

(June 30, 2007, P.L.62, No.18, eff. imd.)

Cross References. Section 2383 is referred to in section 2386 of this title.

§ 2384. Declaring dogs public nuisances.

Any dog pursuing or following upon the track of any big game animal in such close pursuit as to endanger the big game animal or to be in the act of attacking the big game animal at any time is hereby declared to be a public nuisance and may be destroyed as provided in this title.

Cross References. Section 2384 is referred to in section 2385 of this title; section 5511 of Title 18 (Crimes and Offenses).

§ 2385. Destruction of dogs declared public nuisances.

(a) General rule.--A dog declared a public nuisance pursuant to section 2384 (relating to declaring dogs public nuisances) may be killed by any commission officer at any time or by any person when the dog is found to be in the act of attacking a big game animal.

(b) Reports after killing dog.--Any person who kills a licensed dog pursuant to subsection (a) and section 2384 shall notify the owner or a commission officer within 48 hours after the dog was killed. The person who killed the dog or the commission officer who receives the report shall disclose to the owner of the dog the time, place, circumstances relating to the death of the dog and the location of the dog's remains. All equipment found on the dog, including collar, name tag, license tag or any other personal property, shall be returned to the owner of the dog within ten days after conclusion of any prosecution or immediately if no prosecution is contemplated.

(c) Inapplicability of certain laws.--

(1) The provisions of 18 Pa.C.S. § 5511 (relating to cruelty to animals) shall not apply to any person killing any dog pursuant to subsection (a).

(2) The provisions of 42 Pa.C.S. Ch. 85 (relating to matters affecting government units) shall not apply to any agency, commission or department or any officers charged by law with enforcing the provisions of this title.

Cross References. Section 2385 is referred to in section 5511 of Title 18 (Crimes and Offenses).

§ 2386. Penalties.

(a) General penalty.--Except as provided in subsection (b), a violation of this subchapter is a summary offense of the fifth degree.

(b) Specific penalties.--

(1) A violation of section 2382(b)(3) (relating to training dogs on small game) is a summary offense of the fourth degree. In addition to the imposition of a penalty, the violator shall also be liable for the replacement costs of the game or wildlife killed or injured as determined by commission regulations.

(2) A violation of section 2383 (relating to dogs pursuing, injuring or killing big game) is a summary offense of the third degree. In addition to the imposition of a penalty, the violator shall also be liable for the replacement costs of the game or wildlife killed or injured as determined by commission regulation.

(c) Second or subsequent conviction.--Any conviction for a second or subsequent offense shall result in a fine that is double the amount for the first offense.

CHAPTER 25

PROTECTION OF PROPERTY AND PERSONS

Subchapter

- A. Protection of Property
- B. Protection of Persons

Enactment. Chapter 25 was added July 8, 1986, P.L.442, No.93, effective July 1, 1987.

SUBCHAPTER A

PROTECTION OF PROPERTY

Sec.

- 2501. Hunting or furtaking prohibited while under influence of alcohol or controlled substance.
- 2502. Chemical test to determine amount of alcohol.
- 2503. Loaded firearms in vehicles.
- 2504. Shooting on or across highways.
- 2505. Safety zones.
- 2506. Prohibitions within burial grounds.
- 2507. Restrictions on shooting.
- 2508. Protection of institutions, parks and resorts.
- 2509. Damage to property.
- 2510. Littering and restrictions on vehicles.
- 2511. Damage to trees.
- 2512. Unlawful acts on commission lands or waters.

§ 2501. Hunting or furtaking prohibited while under influence of alcohol or controlled substance.

(a) General rule.--It is unlawful to hunt or take game, furbearers or wildlife or aid, abet, assist or conspire to hunt or take game, furbearers or wildlife anywhere in this Commonwealth while in possession of a firearm of any kind or a bow and arrow if:

- (1) under the influence of alcohol to a degree which renders the person incapable of safe hunting or furtaking;
- (2) under the influence of any controlled substance, as defined by the laws of this Commonwealth and rules and regulations promulgated thereunder, to a degree which renders the person incapable of safe hunting or furtaking;
- (3) under the combined influence of alcohol and a controlled substance to a degree which renders the person incapable of safe hunting or furtaking;

- (4) the amount of alcohol by weight in the blood of:
 - (i) an adult is 0.10% or greater; or
 - (ii) a minor is 0.02% or greater.

(a.1) Prima facie evidence.--

(1) It is prima facie evidence that:

(i) an adult had 0.10% or more by weight of alcohol in his or her blood at the time of hunting or taking of game, furbearers or wildlife or the aiding, abetting, assisting or conspiring to hunt or take game, furbearers or wildlife if the amount of alcohol by weight in the blood of the person is equal to or greater than 0.10% at the time a chemical test is performed on a sample of the person's breath, blood or urine; or

(ii) a minor had 0.02% or more by weight of alcohol in his or her blood at the time of hunting or taking of game, furbearers or wildlife or the aiding, abetting, assisting or conspiring to hunt or take game, furbearers or wildlife if the amount of alcohol by weight in the blood of the minor is equal to or greater than 0.02% at the time a chemical test is performed on a sample of the minor's breath, blood or urine.

(2) For the purpose of this section, the chemical test of the sample of the person's or minor's breath, blood or urine shall be from a sample obtained:

(i) within three hours after the person or minor hunted or took game, furbearers or wildlife or aided, abetted, assisted or conspired to hunt or take game, furbearers or wildlife; or

(ii) within a reasonable additional time after the person or minor hunted or took game, furbearers or wildlife or aided, abetted, assisted or conspired to hunt or take game, furbearers or wildlife if the circumstances of the incident prevented collecting the sample within three hours.

(a.2) Legal use no defense.--The fact that any person charged with violating this section is or has been legally entitled to use alcohol or controlled substances is not a defense to a charge of violating this section.

(a.3) Exception.--A person who is furtaking shall not be deemed in violation of subsection (a) if that person is not in possession of a firearm.

(b) Penalty.--A violation of the provisions of this section shall be a misdemeanor. In addition to any penalty, the violator shall be denied the right to hunt or trap in this Commonwealth, with or without a license, for a period of one year.

(c) Definition.--As used in this section, the term "controlled substance" shall have the meaning ascribed to it by the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act. (Dec. 19, 1996, P.L.1442, No.184, eff. 60 days; Oct. 24, 2012, P.L.1205, No.150, eff. 60 days)

2012 Amendment. Act 150 amended subsec. (b).

Cross References. Section 2501 is referred to in sections 2502, 2741 of this title.

§ 2502. Chemical test to determine amount of alcohol.

(a) General rule.--Any person who hunts or takes or attempts, aids, abets, assists or conspires to hunt or take game, furbearers or wildlife shall be deemed to have given consent to a chemical test of breath, blood or urine for the purpose of determining the alcoholic content of blood or the presence of a controlled substance if any officer whose duty

it is to enforce this title shall have reasonable grounds to believe the person to have been hunting or taking, or assisting or attempting to hunt or take, game, furbearers or wildlife while under the influence of alcohol or a controlled substance. The test shall be administered by personnel and equipment approved by regulation of the commission.

(b) Suspension for refusal.--

(1) If any person apprehended for hunting or taking, or aiding or assisting to hunt or take, game, furbearers or wildlife while under the influence of alcohol or a controlled substance, or both, is requested to submit to a chemical test and refuses to do so, the test shall not be given, but, upon notice by the officer, the commission shall, in addition to any other penalty which may be imposed under this section:

(i) suspend the hunting and trapping privileges of the person for a period of one year; or

(ii) revoke the hunting and trapping privileges of the person for a period of three years for a second or subsequent refusal within a period of three years.

(2) It shall be the duty of the officer to inform the person that the person's hunting and trapping privileges will be suspended or revoked upon refusal to submit to a chemical test.

Any person whose hunting and trapping privileges are suspended under the provisions of this section shall have the same right of appeal as provided for in cases of suspension or revocation for other reasons.

(c) Test results admissible in evidence.--In any summary proceeding or criminal proceeding in which the defendant is charged with hunting or taking, or assisting, aiding or attempting to hunt or take, game, furbearers or wildlife while under the influence of alcohol or a controlled substance, the amount of alcohol or controlled substance in the defendant's blood, as shown by a chemical testing of his breath, blood or urine, which testing was conducted with equipment of a type approved by regulation of the commission and operated by approved personnel, shall be admissible in evidence.

(d) Presumptions from amount of alcohol.--If chemical analysis of a person's breath, blood or urine shows:

(1) That the amount of alcohol by weight in the blood of the person tested is 0.05% or less, it shall be presumed that the person tested was not under the influence of alcohol, and the person shall not be charged with any violation under section 2501 (relating to hunting or furtaking prohibited while under influence of alcohol or controlled substance), or, if the person was so charged prior to the test, the charge shall be void ab initio.

(2) That the amount of alcohol by weight in the blood of the person tested is in excess of 0.05% but less than 0.10%, this fact shall not give rise to any presumption that the person tested was or was not under the influence of alcohol, but this fact may be considered with other competent evidence in determining whether the person was or was not under the influence of alcohol.

(3) That the amount of alcohol by weight in the blood of the person tested is 0.10% or more, it shall be presumed that the defendant was under the influence of alcohol.

(e) Other evidence admissible.--Subsections (a) through (d) shall not be construed as limiting the introduction of any other competent evidence bearing upon the question of whether or not the defendant was under the influence of alcohol or a controlled substance.

(f) Test results available to defendant.--Upon the request of the person tested, the results of any chemical test shall be made available to that person or his attorney.

(g) Blood test in lieu of breath test.--If for any reason a person is physically unable to supply enough breath to complete a chemical test, a physician or nurse, or a technician acting under a physician's direction, may withdraw blood for the purpose of determining its alcoholic content. The chemical analysis of the blood taken under these circumstances shall be admissible in evidence in the same manner as are the results of the breath chemical test. The hunting and trapping privileges of any person who refuses to allow a blood test under these circumstances shall be suspended pursuant to subsection (b).

(h) Test by personal physician.--The person tested shall be permitted to have a physician of his own choosing administer an additional breath, blood or urine chemical test, and the results of the test shall also be admissible in evidence. The chemical test given at the direction of a commission-approved officer shall not be delayed by a person's attempt to obtain an additional test.

(i) Immunity from civil liability.--No physician, nurse or technician or hospital employing the physician, nurse or technician or other employer of the physician, nurse or technician shall be civilly liable for the withdrawing of blood and reporting of test results at the request of the commission officer pursuant to this section.

(j) Prearrest breath test authorized.--An officer of the commission, having reasonable suspicion to believe a person is hunting or furtaking while under the influence of alcohol, may require that person prior to arrest to submit to a preliminary breath test on a device approved by the commission for this purpose. The sole purpose of this preliminary breath test is to assist the officer in determining whether or not the person should be placed under arrest. The preliminary breath test shall be in addition to any other requirements of this section. No person has any right to expect or demand a preliminary breath test. Refusal to submit to this test shall not be considered for purposes of subsections (b) and (e).

§ 2503. Loaded firearms in vehicles.

(a) General rule.--Except as otherwise provided in this title, it is unlawful for any person to have a firearm of any kind in or on or against any conveyance propelled by mechanical power or its attachments at any time whether or not the vehicle or its attachment is in motion unless the firearm is unloaded. The exceptions in this subsection do not apply when attempting to locate game or wildlife with an artificial light or when exercising any privileges granted by this title which may be exercised only when not in the possession of a firearm.

(b) Exceptions.--This section shall not be construed to apply to:

(1) A police officer engaged in the performance of his official duty.

(2) A commission officer engaged in the performance of his duty.

(3) A person carrying a loaded pistol or revolver when in possession of a valid firearms license issued by the chief or head of any police force or the sheriff of a county when the license is issued for protection under 18 Pa.C.S. Ch. 61 Subch. A (relating to Uniform Firearms Act).

(4) Any person as defined in section 2121(c) (relating to killing game or wildlife to protect property) while on

lands they control and when not hunting or trapping for game or wildlife.

(5) Any motorboat or other craft having a motor attached or any sailboat if the motor has been completely shut off or the sail furled and its progress therefrom has ceased.

(6) Any political subdivision, its employees or agents, which has a valid deer control permit issued under section 2902(c) (relating to general categories of permits).

The exceptions in paragraphs (1) through (5) do not apply when attempting to locate game or wildlife with an artificial light or when exercising any privileges granted by this title which may be exercised only when not in the possession of a firearm.

(c) Penalty.--A violation of this section is a summary offense of the fourth degree if the vehicle is in motion. Otherwise the violation is a summary offense of the fifth degree.

(Mar. 29, 1996, P.L.41, No.13, eff. imd.; Dec. 19, 1996, P.L.1442, No.184, eff. 60 days)

1996 Amendment. Acts 13 and 184 amended subsec. (b).

§ 2504. Shooting on or across highways.

(a) General rule.--It is unlawful for any person to shoot at any game or wildlife while it is on a public highway or on a highway open to use or used by the public or to shoot across a public highway or a highway or roadway open to use or used by the public unless the line of fire is high enough above the elevation of the highway to preclude any danger to the users of the highway. It shall be unlawful for any person, after alighting from a motor vehicle being driven on or stopped on or along a public highway or road open to public travel, to shoot at any wild bird or wild animal while the person doing the shooting is within 25 yards of the traveled portion of the public highway or road open to public travel.

(b) Penalty.--A violation of this section is a summary offense of the fourth degree.

§ 2505. Safety zones.

(a) General rule.--Except as otherwise provided in this title or to any political subdivision, its employees or agents, which has a valid deer control permit issued under section 2902(c) (relating to general categories of permits), it is unlawful for any person, other than the lawful occupant, while hunting game or wildlife, taking furbearers of any kind, or pursuing any other privilege granted by this title, to hunt for, take, trap, pursue, disturb or otherwise chase any game or wildlife or to discharge, for any reason, any firearm, arrow or other deadly weapon within or through a safety zone, or to shoot at any game or wildlife while it is within the safety zone without the specific advance permission of the lawful occupant thereof.

(b) Penalty.--A violation of this section is a summary offense punishable by a fine of not less than \$200 nor more than \$500. A second or subsequent offense within two calendar years is a summary offense punishable by a fine of not less than \$500 nor more than \$1,000.

(c) Definition.--As used in this section, the term "safety zone" means:

(1) Except as otherwise provided in paragraph (2), 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.

(2) When applied to properly licensed persons hunting with bow and arrow or crossbow and persons properly licensed for falconry, the area within 50 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 and the area within 150 yards around and that area which is below the highest point of any attached or detached playground of any school, nursery school or day-care center.

(Nov. 25, 1988, P.L.1082, No.125, eff. imd.; Mar. 29, 1996, P.L.41, No.13, eff. imd.; Dec. 19, 1996, P.L.1442, No.184, eff. 60 days; June 28, 2002, P.L.474, No.79, eff. 60 days; June 23, 2004, P.L.435, No.43, eff. July 1, 2004; July 9, 2008, P.L.920, No.65, eff. imd.)

2008 Amendment. Act 65 amended subsec. (c)(2).

Cross References. Section 2505 is referred to in section 2741 of this title.

§ 2506. Prohibitions within burial grounds.

(a) **General rule.**--It is unlawful for any person at any time to hunt, take or trap game or wildlife of any kind or to discharge any firearm or other deadly weapon into or within, or to dress out game or wildlife within, any cemetery or other burial grounds.

(b) **Penalty.**--A violation of this section is a summary offense of the fourth degree.

§ 2507. Restrictions on shooting.

(a) **General rule.**--It is unlawful for any person during the open season for the taking of any big game other than turkey to:

(1) Shoot at any mark or target other than legal game or wildlife with a firearm of any kind or a bow and arrow.

(2) Discharge at any time any firearm or release an arrow at random in the general direction of any game or wildlife not plainly visible for the purpose of routing or frightening them.

(3) Discharge at any time any firearm or release an arrow at random or in any other manner contrary to this section.

(b) **Exceptions.**--This section shall not be construed to apply in any manner to:

(1) The discharge of any firearm for the sole purpose of signaling for aid or assistance while in distress.

(2) The use of rifle, pistol or archery ranges owned, leased or maintained by a State or Federal military or police organization or by any regularly organized rifle, pistol, shotgun or archery range, shooting association or club while shooting at a regularly established and properly safeguarded range or to any public shooting exhibition properly safeguarded and conducted under the direction of any organization for the promotion of marksmanship.

(3) The discharge of a muzzle-loading firearm at a proper target for the purpose of safe transportation of the muzzle-loaded firearm.

(4) Shooting at a properly constructed target or mark or a dead tree protected by a natural or artificial barrier so that the ball, bullet or arrow cannot travel more than 15 yards beyond the target aimed at, after making due allowance for deflection in any direction not to exceed an

angle of 45 degrees. Target shooting shall only be lawful when it is done:

(i) Upon property owned by the shooter or by a guest of the property owner.

(ii) Within 200 yards of the camp or other headquarters where the person shooting is quartered or is an invited guest or visitor.

(c) Penalty.--A violation of this section is a summary offense of the fourth degree.

§ 2508. Protection of institutions, parks and resorts.

(a) General rule.--Subject to the posting requirements of subsection (b), it is unlawful for any person to hunt for or take any game or wildlife or to discharge a firearm or bow of any description into or upon any of the following areas:

(1) The lands, waters or premises of any public or private hospital or sanatorium or health care facility.

(2) The lands, waters or premises of any park or resort set aside for the use of the public where people may congregate in the open for health, recreation or pleasure.

(3) The lands, waters or premises of any publicly owned institution where people are hospitalized, quartered or incarcerated at public expense.

(b) Posting boundaries.--The boundaries of the lands, waters or premises set forth in subsection (a) shall be clearly defined by appropriate posters or markers calling attention to the fact that the land or water within the boundary has been set apart for the specific purpose for which it was intended and that hunting upon or shooting on the property is prohibited. No privileges shall be granted by those owning or operating the posted lands or waters to any other person to hunt for any game or wildlife upon the property; nor shall the person or persons owning or in charge of the lands be eligible to hunt for any game or wildlife on the lands or waters.

(c) Exceptions.--Subsection (a) shall not apply to:

(1) Any properly constructed and designated pistol, rifle, shotgun or archery range upon the lands of a hospital, sanatorium, park, resort or other institution.

(2) Any part of the lands of any hospital, sanatorium, park, resort or institution which lie outside of the posted areas and are open to the public for hunting.

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

§ 2509. Damage to property.

(a) General rule.--It is unlawful for any person while hunting game or wildlife or taking furbearers of any kind to:

(1) Cause or assist in causing damage or injury, in any manner whatsoever, to either real or personal property of any kind.

(2) Leave gates or bars open.

(3) Break down, destroy or injure fences.

(4) Tear down or scatter rail, post, wood or stone piles.

(5) Harass, injure or kill livestock of any kind.

(6) Hunt or trap in or upon unharvested buckwheat, corn, sorghum or soybean fields without the permission of the owner or person in charge of such property.

(b) Additional restrictions.--In addition to the restrictions imposed by subsection (a), it shall be unlawful for any person hunting foxes by means of horses and hounds to hunt on any land which is not controlled by them.

(c) Removal of wounded game or wildlife.--Subsection (a) shall not be construed to prevent the removal of mortally

wounded game or wildlife from its place of refuge in a rail, post, wood or stone pile or fence if permission has first been obtained from the owner or person in charge of the property and the property is restored to the condition in which it was found.

(d) Penalty.--A violation of this section is a summary offense of the fifth degree, and, in addition, a violator shall be liable for damages pursuant to subsection (e).

(e) Costs for damages.--

(1) Any person who shall cause damage to real or personal property, including crops of any kind shall, upon conviction, be sentenced to pay the penalty prescribed in this section and, in addition thereto, shall be liable to pay, upon demand of the person having legal control of the property, the sum equal to the amount of the damages determined by a court of competent jurisdiction.

(2) The court may appoint a competent appraiser to determine the amount of such damage. The amount of the damage determined by the court shall be assessed against the defendant and paid to the court for disposition. The court shall deliver the amount collected to the person having legal control over the land where the damage occurred.

(3) The court-appointed appraiser shall be entitled to a reasonable fee for services rendered which shall be assessed against the defendant as additional costs for delivery to the appraiser by the court.

Cross References. Section 2509 is referred to in section 2741 of this title.

§ 2510. Littering and restrictions on vehicles.

(a) General rule.--It is unlawful for any person while hunting or furtaking or while on lands or waters open to hunting or furtaking to:

(1) Deposit or leave any garbage, bottles, cartons, containers, glass, paper or other rubbish or debris other than in a place or receptacle maintained for that purpose. The provisions of this paragraph shall not apply to any spent shotgun shell or spent rifle shell casing which is ejected during normal hunting activities.

(2) Drive a motor vehicle on any cleared field, whether public or private, except with the permission of the owner, tenant or other person in charge of the land.

(3) Park or leave standing any motor vehicle in such manner as to block the means of ingress or egress to any person's property, mailbox, cattleways or fields.

(b) Penalties.--

(1) When litter is transported from another location and is deposited on lands or waters open to hunting or furtaking, the violation is a summary offense of the third degree. Any person convicted of a second or subsequent violation of this paragraph shall pay twice the fine imposed for the first offense. A conviction for a violation of this section shall not bar any civil action by the property owner.

(2) Except as provided in paragraph (1), any other violation of this section is a summary offense of the seventh degree.

(3) In addition to the fine imposed by section 925 (relating to jurisdiction and penalties), an additional fine of \$10 may be imposed for each item of litter thrown, discarded, left, emitted or deposited in violation of this section.

(c) Definition.--As used in this section, the term "normal hunting activities" shall not include a circumstance when a

person has fired more than six rounds from a stationary position.

(Dec. 19, 1996, P.L.1442, No.184, eff. 60 days; Mar. 24, 2004, P.L.157, No.20, eff. imd.)

§ 2511. Damage to trees.

(a) General rule.--It is unlawful while hunting or while preparing to hunt for any game or wildlife:

(1) To cause damage to any tree or trees located upon any public or privately owned lands as a result of constructing any tree stand, platform or any other manmade support of any description or as a result of using any portable tree stand or any other implement or device of any description to climb any tree.

(2) To use or occupy any tree stand, platform or any other manmade support of any description which, when constructed, damaged any tree or trees.

This section shall not apply to a private landowner upon land which he owns or to any person to whom he has given written permission in advance.

(b) Penalties.--

(1) A violation of this section is a summary offense of the fifth degree.

(2) Upon summary conviction, the defendant shall be sentenced to remove the tree stand, platform or any other manmade support or climbing device of any description.

(3) In addition to any other penalty imposed, the defendant shall be liable to pay to the one in control of a tree the amount of any damage done by the defendant to the tree. The amount of the damage to the tree shall be determined by the magisterial district judge. If a reasonable settlement for damage to the tree is not reached, the magisterial district judge may appoint a competent appraiser to determine the amount of the damage. The amount of the damage determined shall be assessed against the defendant and paid to the magisterial district judge for disposition. The magisterial district judge shall deliver the amount collected to the person or governmental agency having legal control over the land where the damage occurred. The appraiser appointed by the magisterial district judge shall be entitled to a reasonable fee for services rendered which shall be assessed against the defendant as additional costs.

(Nov. 30, 2004, P.L.1618, No.207, eff. 60 days)

2004 Amendment. Act 207 amended subsec. (b) (3). See sections 28 and 29 of Act 207 in the appendix to this title for special provisions relating to applicability and construction of law.

§ 2512. Unlawful acts on commission lands or waters.

(a) General rule.--On any lands or waters owned, leased or controlled by the commission, it is unlawful, without first securing consent or a permit from the commission, to:

(1) Go upon any lands or waters which are posted against entry for any purpose.

(2) Cut down or otherwise destroy any trees, shrubs or other flora.

(3) Do or cause to be done any act to the detriment of such lands, structures, roads, trails, trees, shrubs or flora thereon.

(4) Remove any material, either organic or inorganic.

(5) Destroy, mutilate or remove any sign or placard.

(6) Fish, swim or boat on or in any waters posted against such acts.

(7) Post any of the commission's signs or placards, or any signs or placards similar in appearance thereto, on any lands not owned or controlled by the commission.

(8) Violate any regulations of the commission pertaining to the use and protection of such lands or waters or the users of such lands or waters.

(b) Penalties.--

(1) A violation of this section is a summary offense of the fifth degree.

(2) Upon conviction, the defendant shall pay for all damages done or materials removed.

(3) In addition to any other penalty imposed, where the damages or materials removed are extreme or an agreeable arrangement cannot be reached between the concerned parties, the case shall be heard by the appropriate magisterial district judge who, if necessary, may appoint an independent person to appraise the damage to be paid to the commission. Any costs for the appraiser shall be added to costs of prosecution.

(Nov. 30, 2004, P.L.1618, No.207, eff. 60 days)

2004 Amendment. Act 207 amended subsec. (b) (3). See sections 28 and 29 of Act 207 in the appendix to this title for special provisions relating to applicability and construction of law.

SUBCHAPTER B
PROTECTION OF PERSONS

Sec.

2521. Incident reports.

2522. Shooting at or causing injury to human beings.

2523. Rendering assistance after incidents.

2524. Protective material required.

2525. Possession of firearm for protection of self or others.

§ 2521. Incident reports.

(a) General rule.--Every person who causes or is involved in an incident in which a human being is injured by any firearm or bow and arrow while hunting or taking game, wildlife or furbearers or incurs a self-inflicted injury with any firearm or bow and arrow while hunting or taking game, wildlife or furbearers shall render a report to the commission at Harrisburg or deliver the report to any officer of the commission on duplicate forms provided for that purpose. The report shall be delivered within 72 hours after the injury. Each 24-hour period thereafter shall constitute a separate offense. If the person is physically incapable of making the required report, it shall be the duty of the person or persons involved in the incident to designate an agent to file the report within the specified time.

(b) Penalty.--

(1) A violation of this section involving a nonfatal incident is a summary offense of the fifth degree.

(2) A violation of this section involving a fatal incident is a summary offense of the fourth degree.

(Dec. 19, 1996, P.L.1442, No.184, eff. 60 days)

§ 2522. Shooting at or causing injury to human beings.

(a) General rule.--It is unlawful for any person while hunting or furtaking, through carelessness or negligence, to shoot at, injure or kill any human being through the use of a firearm, bow and arrow or other deadly weapon.

(b) Penalty.--The penalty to be imposed for any violation of this section shall be determined pursuant to the following classifications:

(1) To shoot at but not hit or injure or to shoot at and cause bodily injury to a human being is a summary offense of the first degree.

(2) To shoot at and cause serious bodily injury to a human being is a misdemeanor of the second degree.

(3) To kill a human being is a misdemeanor of the first degree. Fines imposed against a violator of this paragraph shall be distributed to the next of kin as an asset of the estate of the deceased, other provisions of law to the contrary notwithstanding.

(c) Denial of privileges.--In addition to the penalty imposed pursuant to subsection (b), any person who shoots at, injures or kills a human being shall be denied the privilege to hunt or take game or wildlife anywhere in this Commonwealth, with or without license, for the following periods:

(1) To shoot at but not hit or injure or to shoot at and cause bodily injury to a human being, the denial shall be for a period of two years.

(2) To shoot at and cause serious bodily injury to a human being, the denial shall be for a period of not less than five years nor more than ten years.

(3) To kill a human being, the denial shall be for a period of 15 years.

(d) Nonpayment of fine.--In addition to any sentence imposed pursuant to subsection (b), any person who fails to pay the fine imposed by this section within 180 days shall undergo imprisonment not in excess of one year or until the fine is paid in full.

(e) Imprisonment for violation of sentence.--It is unlawful for a person to hunt or take game or wildlife or attempt to hunt or take game or wildlife, with or without license, contrary to a sentence imposed under subsection (b). Upon conviction, the person shall be sentenced to undergo imprisonment for a period of not less than three months nor more than six months.

(f) Mandatory remedial hunter education.--Any person whose privilege to hunt or take game is suspended under subsection (c) shall, prior to obtaining a license after the period of suspension, present evidence of the successful completion of a remedial hunter education course as provided by the director and approved by the commission.

(g) Mandatory vision examination.--Any person whose privilege to hunt or take game is suspended under subsection (c) shall present to the commission, prior to obtaining a license after the period of suspension, evidence of having taken and the results of a vision examination administered by a licensed ophthalmologist or optometrist subsequent to the suspension of the license. The commission, based on the results of the vision examination, may deny a person a license or place on the license a restriction requiring the person to wear corrective lenses when the person hunts or takes game.

(h) Civil remedies preserved.--Nothing in this section shall bar the recovery of any damages in any civil action by any aggrieved party.

(Dec. 19, 1996, P.L.1442, No.184, eff. 60 days; Dec. 20, 2000, P.L.783, No.111, eff. July 1, 2001)

2000 Amendment. Act 111 amended subsec. (f).

Cross References. Section 2522 is referred to in sections 925, 929, 2741 of this title; section 9758 of Title 42 (Judiciary and Judicial Procedure).

§ 2523. Rendering assistance after incidents.

(a) **General rule.**--It is unlawful for any person who has inflicted injury or witnessed the infliction of injury to a human being with any firearm or bow and arrow, while hunting or furtaking, to flee or to fail or refuse to render immediate and full assistance to the person injured.

(b) **Penalties.**--

(1) A violation of this section by the person inflicting such injury where a human being is injured but not killed is a misdemeanor of the second degree. In addition to the fine imposed, the defendant forfeits the privilege to hunt or take wildlife anywhere in this Commonwealth, with or without a license, for a period of ten years.

(2) A violation of this section by the person inflicting such injury where a human being is killed is a misdemeanor of the first degree. In addition to the fine imposed, the defendant forfeits the privilege to hunt or take wildlife anywhere within this Commonwealth, with or without a license, for a period of 15 years.

(3) A violation of this section by a person witnessing such injury where a human being is injured but not killed is a summary offense of the third degree.

(4) A violation of this section by a person witnessing such injury where a human being is killed is a summary offense of the first degree.

(5) A person convicted of a second or subsequent violation of this section shall be sentenced to pay a fine of twice the amount of the penalty imposed by this section and, in addition thereto, forfeits the privilege to hunt or take wildlife anywhere in this Commonwealth, with or without a license, for an additional period of ten years.

(Dec. 19, 1996, P.L.1442, No.184, eff. 60 days)

Cross References. Section 2523 is referred to in section 2741 of this title.

§ 2524. Protective material required.

(a) **General rule.**--Unless further restricted by regulations of the commission, every person hunting for or assisting to hunt for deer, bear or woodchucks shall wear either a minimum of 250 square inches of daylight fluorescent orange-colored material on the back and front combined or, in lieu thereof, a hat of the same color material. The material shall be worn so it is visible in a 360-degree arc. Unless otherwise specified by regulations of the commission, the provision of this section shall not apply to any season for using muzzle-loading firearms only or season for using bows and arrows only.

(b) **Penalty.**--A violation of this section is a summary offense of the fifth degree.

Cross References. Section 2524 is referred to in sections 901, 2701 of this title.

§ 2525. Possession of firearm for protection of self or others.

(a) **General rule.**--It is lawful for a law enforcement officer or any person who possesses a valid license to carry a firearm issued under 18 Pa.C.S. § 6109 (relating to licenses) to be in possession of a loaded or unloaded firearm while engaged in any activity regulated by this title.

(b) **Construction.**--

(1) This section shall supersede any prohibition on the possession of a firearm or ammunition contained in any other provision of this title.

(2) This subsection shall not be construed to permit the hunting or harvesting of any wildlife with a firearm or ammunition not otherwise permitted by this title.

(c) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Firearm." As defined in 18 Pa.C.S. § 6102 (relating to definitions).

"Law enforcement officer." As defined in 18 Pa.C.S. § 6102 (relating to definitions).

(Nov. 29, 2006, P.L.1462, No.162, eff. 60 days)

2006 Amendment. Act 162 added section 2525.

CHAPTER 27

HUNTING AND FURTAKING LICENSES

Subchapter

- A. General Provisions
- B. Agents
- C. License Denials or Revocations

Enactment. Chapter 27 was added July 8, 1986, P.L.442, No.93, effective July 1, 1987.

Cross References. Chapter 27 is referred to in sections 2923, 2945 of this title; section 4355 of Title 23 (Domestic Relations).

SUBCHAPTER A

GENERAL PROVISIONS

Sec.

- 2701. License requirements.
- 2702. Residents.
- 2703. Nonresidents.
- 2704. Eligibility for license.
- 2705. Classes of licenses.
- 2706. Resident license and fee exemptions.
- 2706.1. Complimentary nonresident licenses.
- 2706.2. Elk hunting licenses.
- 2707. License periods.
- 2708. Application requirements.
- 2709. License costs and fees.
- 2710. Replacement of lost licenses.
- 2711. Unlawful acts concerning licenses.
- 2712. Vouchers for licenses and permits.

§ 2701. License requirements.

(a) General rule.--Except in defense of person or property or pursuant to exemptions authorized in this title or by regulation of the commission for implementing a mentored hunting program, every person, prior to engaging in any of the privileges granted by this title, shall first obtain the applicable license subject to any conditions or other requirements imposed by this title.

(b) Only one license valid.--Only one full-term or distinct hunting license and furtaking license shall be valid during any full-term license year. The issuance of any replacement license

or the purchase of a second or subsequent license of any class shall immediately and automatically invalidate any license of the same kind which had been previously issued.

(c) Exception.--Any person who has never held a hunting license in Pennsylvania or any other state may participate in the hunting and trapping activities authorized under this title or commission regulations without compliance with subsection (a) or section 2704 (relating to eligibility for license) if that person satisfies all of the following requirements:

(1) The person who participates in the hunting or trapping activities must always be in sight of and close enough to a licensed hunter who is at least 18 years of age to clearly hear and understand instructions communicated to the person through normal conversation without the aid of any device. The licensed hunter shall have a valid hunting license for the game or wildlife they are hunting or qualify for license and fee exemptions under section 2706 (relating to resident license and fee exemptions).

(2) The unlicensed person may not possess, convey or use any firearm, bow or any other device that may be used to harvest game or furbearers.

(3) The unlicensed person must be in compliance with section 2524 (relating to protective material required) and with any regulations promulgated by the commission related to protective material.

(4) The unlicensed person who participates in any hunting party shall be listed on any required hunting roster and shall count as a member of the hunting party for purposes of section 2324 (relating to roster of parties hunting big game) and commission regulations relating to big game animal hunting roster and parties hunting small game.

(5) For the purposes of this section, at no time shall a licensed hunter accompany more than one unlicensed person. (June 28, 2004, P.L.452, No.48, eff. imd.; Dec. 22, 2005, P.L.452, No.86, eff. 60 days; May 15, 2013, P.L.26, No.7, eff. 60 days)

2013 Amendment. Act 7 amended subsec. (a).

Cross References. Section 2701 is referred to in section 2301 of this title.

§ 2702. Residents.

(a) General rule.--Any person who has been domiciled in this Commonwealth for a period of 30 consecutive days preceding the date of application for a license and who establishes identity, age and the fact of bona fide residency to the satisfaction of the commission by production of a motor vehicle driver's license, proof of payment of State or local personal income taxes or some other positive means of identification shall for the purpose of this chapter be a resident of this Commonwealth.

(b) Commonwealth residents in armed forces.--Nothing in this chapter shall deny any qualified 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 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 30 or more days preceding the date of application shall be a resident for the purpose of this title.

(d) Cooperation with other agencies.--To the maximum extent feasible, the commission shall be entitled to request and receive and shall utilize and be provided with such facilities, resources and data of any court, department, division, board, bureau, commission or agency of the Commonwealth or any political subdivision thereof as it may reasonably request to carry out properly its powers and duties hereunder.

(e) Information to be confidential.--The commission shall not disclose information received under subsection (d) so as to divulge the identities of the persons to whom it relates except as is necessary to carry out the purposes of this title. (Nov. 25, 1988, P.L.1082, No.125, eff. imd.)

1988 Amendment. Act 125 amended subsecs. (b) and (c), retroactive to July 1, 1987.

Cross References. Section 2702 is referred to in section 2703 of this title.

§ 2703. Nonresidents.

For the purpose of this title, any person unable to meet the requirements of section 2702 (relating to residents) shall be a nonresident.

§ 2704. Eligibility for license.

(a) General rule.--Persons meeting the requirements of this title who have reached or will reach their 12th birthday in the calendar year of application or who are older, whose hunting and furtaking privileges are valid and who shall meet the application requirements set forth in this title and pay the prescribed license cost and issuance fee shall be eligible to obtain the applicable hunting or furtaking license.

(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.

(c) Furtaker's certificate of training.--No resident or nonresident furtaker's license shall be issued to any applicant unless the applicant presents to the agent authorized to issue the license any one of the following:

(1) Evidence that the applicant has held a trapping or furtaker's license issued by another state or nation.

(2) A certificate of training issued under this section.

(3) A certification signed by the applicant on the furtaker's license application that the applicant completed a voluntary trapping course sponsored by the commission or

that the applicant has previously hunted or trapped furbearers within the last five years. The provisions of this section shall not apply to those persons under 12 years of age who trap furbearers under the direct supervision of an adult licensed furtaker 18 years of age or older.

(d) Duties of commission.--

(1) The commission shall provide for a course of instruction, approved by the director, in the safe and ethical utilization of firearms and traps or other devices used for taking furbearers. The commission may cooperate with any reputable association or organization in presentation of this course.

(2) The commission may designate any person who the commission determines to be competent to give instruction in the handling of firearms, traps or other devices to act as an instructor. The appointed person shall give the course of instruction and shall issue to each person who successfully completes the course of instruction a certificate of training in the handling of firearms, traps or other devices. No charge shall be made for the course of instruction, except as may be provided by this title or by regulations promulgated under this title.

(3) The commission shall furnish information on the requirements of the furtaker's education program which shall be distributed, free of charge, to applicants for furtaker licenses by the persons appointed and authorized to issue the licenses.

(4) The provisions of this section shall not apply to those persons under 12 years of age who trap furbearers under the direct supervision of an adult licensed furtaker 18 years of age or older.

(e) Compliance by certification.--The requirements of subsection (b) or (c) shall be deemed met by a certification signed by the applicant on the license application stating that the applicant has held a license issued by the Commonwealth or another state or nation in a prior year but is unable to produce evidence of holding such license.

(f) Courses combined.--Subject to the approval of the commission, the director may combine the courses of instruction in hunter education and furtaker's training into one comprehensive course.

(Nov. 25, 1988, P.L.1082, No.125, eff. imd.; June 22, 1993, P.L.102, No.23, eff. imd.; Dec. 20, 2000, P.L.783, No.111, eff. July 1, 2001)

2000 Amendment. Act 111 amended subsec. (d).

1993 Amendment. Act 23 amended subsec. (a). Section 2 of Act 23 provided that Act 23 shall apply to the license year beginning July 1, 1993, and to each license year thereafter.

1988 Amendment. Act 125 amended subsec. (b).

Cross References. Section 2704 is referred to in sections 327, 2363, 2701, 2706 of this title; section 913 of Title 18 (Crimes and Offenses).

§ 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:

(1) Adult resident hunting licenses to residents who have reached their 17th birthday but have not reached their 65th birthday.

(2) Junior resident hunting licenses to residents who have reached or will reach their 12th birthday in the license 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, bearing the signature of a parent or guardian, for the issuance of a license. The actual hunting privileges granted to the holder of a junior license shall not be exercised until that person in fact is 12 years of age.

(3) Senior resident hunting licenses or, at the option of the applicant, a senior lifetime resident hunting license to residents who have reached or will reach their 65th birthday in the license 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.

(4) Adult resident furtaker licenses to residents who have reached their 17th birthday but have not reached their 65th birthday.

(5) Junior resident furtaker licenses to residents who have reached or will reach their 12th birthday in the license 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 furtaking privileges granted to the holder of a junior license shall not be exercised until that person in fact is 12 years of age.

(6) Senior resident furtaker licenses or, at the option of the applicant, a senior lifetime resident furtaker license to residents who have reached or will reach their 65th birthday in the license year of the application for the license.

(7) 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 license 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 license 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.

(8) Adult nonresident hunting licenses to all nonresidents of 17 years of age or older.

(9) Junior nonresident hunting licenses to all nonresidents who have reached or will reach their 12th birthday in the license 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, bearing the signature of a parent or guardian, for the issuance of a license. The actual hunting privileges granted to the holder of a junior license shall not be exercised until that person in fact is 12 years of age.

(10) Adult nonresident furtaker licenses to nonresidents of 17 years of age or older.

(11) Junior nonresident furtaker licenses to nonresidents who have reached or will reach their 12th birthday in the license 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 furtaking privileges granted to the holder of a junior 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 license 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.

(12) Seven-day nonresident small game license to persons eligible to procure a nonresident hunting license. The license shall be valid for a period of seven consecutive days. The holder of the license shall be entitled to hunt for, take or kill crows and small game.

(13) Antlerless deer licenses, bear licenses, archery licenses, muzzleloader 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.

(14) Migratory game bird licenses for hunting all migratory game birds 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.

(15) Elk hunting license to persons eligible for classes of licenses in paragraphs (1), (2), (3), (7), (7.1), (8), (9) and (11.1). Notwithstanding any other provisions of this title or the regulations promulgated thereunder, elk licenses under this paragraph shall not be subject to the provisions of sections 2706 (relating to resident license and fee exemptions) and 2706.1 (relating to complimentary nonresident licenses). To ensure sound management of Pennsylvania's wild elk population, the commission may promulgate regulations to establish a limited number of licenses. The commission

may establish a nonrefundable application fee at a cost of \$10.

(16) Special wild turkey license to be used in conjunction with an adult or junior resident license, adult or junior nonresident license, senior resident license, senior resident lifetime license, senior lifetime resident combination hunting and furtaking license and junior resident and nonresident combination hunting and furtaking license when the commission by regulation authorizes the harvest of wild turkeys over and above the number of turkey harvest tags attached to the preceding licenses.

(Nov. 25, 1988, P.L.1082, No.125, eff. imd.; Dec. 17, 1990, P.L.687, No.170, eff. imd.; Aug. 5, 1991, P.L.217, No.24, eff. July 1, 1992; June 22, 1993, P.L.102, No.23, eff. imd.; Apr. 4, 1996, P.L.55, No.19, eff. imd.; Dec. 21, 1998, P.L.1274, No.166, eff. July 1, 1999; Dec. 20, 2000, P.L.783, No.111; July 2, 2004, P.L.467, No.53, eff. 60 days)

2004 Amendment. Act 53 added par. (16).

2000 Amendment. Act 111 amended the entire section, effective in 60 days as to par. (15) and immediately as to the remainder of the section.

Cross References. Section 2705 is referred to in sections 327, 2711, 2923 of this title.

§ 2706. Resident license and fee exemptions.

(a) Agricultural lands.--Unless the privilege to hunt or take furbearers has been denied, any person domiciled within this Commonwealth who has reached their 12th birthday and attained accreditation as provided in section 2704 (relating to eligibility for license) and, as a primary means of gaining a livelihood, is regularly and continuously engaged in cultivating the soil for general farm crop purposes, commercial truck growing, commercial orchards or commercial nurseries, as either the owner, lessee or tenant of these lands, or as a member of the family or household, or regularly hired help of the owner, lessee or tenant, shall be eligible to hunt and take furbearers on these lands, including the woodlands connected therewith and operated as a part thereof, without a hunter's or furtaker's license as required in this title. Any of these persons may hunt or take furbearers on detached land which is operated under written lease as a part of the same farm and is within ten air miles of the home farm. Any person eligible to hunt or take furbearers on these lands without securing the required license may also, by and with the written consent of the owner or lessee thereof, hunt or take game or wildlife upon any lands other than those publicly owned which lie immediately adjacent to and are connected with the lands upon which these persons may lawfully hunt or take game or wildlife without securing a license.

(b) Disabled veterans.--

(1) Any resident disabled veteran who has a disability incurred in any war or armed conflict which consists of the loss of one or more limbs, or the loss of the use of one or more limbs, or who is 100% disabled as certified by the United States Department of Veterans Affairs, and who meets all other qualifications of this title and is otherwise mentally and physically fit, shall be issued a free regular hunting or furtaking license upon application to the commission or a county treasurer.

(1.1) Any disabled veteran who has a disability incurred in any war or armed conflict and possesses a disability rating between 60% and 99% as certified by the United States

Department of Veterans Affairs and who meets all other qualifications of this act and is otherwise mentally and physically fit shall be issued a resident hunting or furtaking license at the cost of \$1 upon application to the commission or a county treasurer.

(2) The application for the issuance of a license under paragraph (1) or (1.1) shall, in addition to the other information required by the commission, contain a statement that the applicant is a war or armed conflict veteran and that the qualifying disability was service incurred.

(3) The issuing agent or the commission may require the production of the discharge papers of the applicant.

(4) If a disabled veteran who qualifies for issuance of a license under paragraph (1) presents documentation to show that the qualifying disability is permanent, the county treasurer shall issue the disabled veteran a lifetime hunting or furtaking license.

(5) In a county where there is no county treasurer by virtue of a home rule charter or optional plan of government, the county official who performs the functions of a county treasurer and who has been designated an issuing agent by the commission shall issue licenses under this subsection.

(b.1) Prisoners of war.--A former prisoner of war shall be entitled to purchase a resident hunting license at the cost of \$1 plus the current issuing fee upon application to the commission. An application under this subsection shall contain the same information as is required for other resident hunting license applications. As used in this subsection, the term "former prisoner of war" means an individual who was imprisoned by enemy forces while in the service of the armed forces of the United States as certified by the appropriate branch of the armed forces of the United States.

(c) Landowner antlerless deer license.--Eligible landowners who own 50 or more contiguous acres of land within any county where the landowners desire to hunt antlerless deer shall be entitled to obtain one antlerless deer license for that county, at the prescribed fee, issued 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 the land is situated to landowners who meet all of the following requirements:

(1) The 50 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.

(2) The 50 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.

(3) The applicant for an antlerless deer license shall furnish proof of ownership of 50 or more contiguous acres of land to the county treasurer within the county where the land is situated.

(d) Owners or possessors of land open to public hunting.--A resident owner or possessor of land, comprising greater than 80 contiguous acres farmed under a conservation plan which does not conflict with the act of June 22, 1937 (P.L.1987, No.394), known as The Clean Streams Law, and which meets the requirements of 25 Pa. Code Ch. 102 (relating to erosion control), shall, if he permits public hunting as evidenced by enrollment in a Cooperative Public Access Program, be entitled to purchase a

Landowners Hunting License at the cost of \$3 plus the current issuing fee. The 80-acre requirement shall be exclusive of safety zones in excess of 20% of the total acreage. The license shall be issued to the owner or possessor or an immediate family member of either the owner or possessor living in the same household so designated by the owner or possessor in the case of a single owner or possessor and to the individual so designated in the case of more than one owner or possessor. No person shall be issued a hunting license under this subsection unless the person is 12 years of age or older, has met the requirements prescribed in section 2704 and has not been denied the privilege to hunt. A person entitled to receive a hunting license under this subsection shall certify to the commission in the form and manner prescribed by the commission that the land tract he owns or possesses is presently in his ownership or possession.

(e) Military personnel hunting licenses.--Resident military personnel hunting licenses shall be issued by the commission, county treasurer or issuing agent to persons who satisfy all of the following requirements:

(1) Are residents of this Commonwealth.

(2) Are on active and full-time duty in the United States Armed Forces.

(3) Are assigned to a facility outside this Commonwealth.

(4) Are on temporary leave in this Commonwealth.

Such persons shall comply with the regulations of the commission.

(f) Pennsylvania National Guard hunting licenses.--

(1) Pennsylvania National Guard hunting licenses shall be issued by the commission, county treasurer or issuing agent to any person otherwise eligible for a resident hunting license in this Commonwealth who provides documentation that within the previous 24 months the person was deployed overseas as a member of the Pennsylvania Army National Guard or Air National Guard on active Federal service for a period of 60 consecutive days or more or was released early from such service because of an injury or disease incurred in the line of duty. Only one Pennsylvania National Guard hunting license under this subsection may be issued for each qualifying deployment of a person applying for the license.

(2) The commission may promulgate regulations to implement this subsection.

(g) Reserve component of armed forces hunting licenses.--

(1) Reserve component of the armed forces hunting licenses shall be issued by the commission, county treasurer or issuing agent to any person otherwise eligible for a resident hunting license in this Commonwealth who provides documentation that within the previous 24 months the person was deployed overseas as a member of the reserve component of the armed forces pursuant to 51 Pa.C.S. § 7301 (relating to definitions) for a period of 60 consecutive days or more or was released early from service because of an injury or disease incurred in the line of duty. Only one hunting license under this subsection may be issued for each qualifying deployment of a person applying for the license.

(2) The commission may promulgate regulations to implement this subsection.

(Dec. 17, 1990, P.L.687, No.170, eff. July 1, 1991; Dec. 19, 1996, P.L.1442, No.184, eff. July 1, 1997; Dec. 30, 2003, P.L.436, No.63, eff. July 1, 2004; July 5, 2005, P.L.55, No.19, eff. imd.; July 5, 2005, P.L.56, No.20, eff. imd.; July 7, 2011,

P.L.283, No.64, eff. 60 days; June 13, 2012, P.L.637, No.64, eff. imd.; June 26, 2014, P.L.803, No.80, eff. 60 days)

2014 Amendment. Act 80 amended subsec. (b).

2012 Amendment. Act 64 amended subsecs. (f)(1) and (g)(1).

2011 Amendment. Act 64 amended subsecs. (e), (f) and (g).

2005 Amendments. Act 19 added subsec. (b.1) and Act 20 added subsecs. (f) and (g).

1990 Amendment. Act 170 added subsec. (d).

Cross References. Section 2706 is referred to in sections 2701, 2704, 2705, 2709 of this title.

§ 2706.1. Complimentary nonresident licenses.

(a) Authority to issue.--Subject to the limitations of subsection (b), the commission is authorized to issue complimentary nonresident hunting licenses to any of the following:

- (1) The Chief Executive of the United States.
- (2) The governor of any state.
- (3) Authorized representatives of the conservation agencies of other states.
- (4) Federal officials engaged in conservation work.
- (5) Authorized officials of national conservation organizations.
- (6) Conservation officials of any foreign country or major subdivisions of that foreign country.
- (7) Representatives of the press, television, movie or other media whose activities enhance tourism potential for the Commonwealth.

(b) Limitation.--Complimentary licenses issued under subsection (a) shall be limited to 100 annually.

(c) Fees.--All complimentary licenses shall be issued without fee and shall be designated in a unique manner by the commission.

(d) Report.--The commission shall make an annual report listing each person who received a license under subsection (a) to all of the following:

- (1) The Appropriations Committee of the Senate.
- (2) The Appropriations Committee of the House of Representatives.
- (3) The Game and Fisheries Committee of the Senate.
- (4) The Game and Fisheries Committee of the House of Representatives.

(June 28, 1993, P.L.178, No.37, eff. imd.)

1993 Amendment. Act 37 added section 2706.1.

Cross References. Section 2706.1 is referred to in section 2705 of this title.

§ 2706.2. Elk hunting licenses.

(a) Application limitation.--Whenever the commission makes a determination to authorize a hunting season for the taking of elk, no person may submit more than one application for an elk hunting license in any license year. The commission shall hold a random drawing of applications for the issuance of elk licenses under this subsection at the Elk Country Visitor Center in the Township of Benezette.

(b) Special conservation license auction.--The commission is authorized to auction off a special license to hunters interested in the opportunity to hunt one elk subject to the following:

- (1) One license shall be auctioned annually.

(2) The auction shall be open to residents and nonresidents of this Commonwealth.

(3) The commission may, under 62 Pa.C.S. Pt. I (relating to Commonwealth Procurement Code), contract with a wildlife conservation organization to implement and conduct the auction. The commission shall promulgate regulations for the use of the license, remitting funds to the commission and conduct of the auction.

(4) The contracted organization under paragraph (3):

(i) May retain administrative costs associated with the auction. The administrative costs shall be determined and agreed to by the contracted organization receiving the license prior to the license being awarded.

(ii) Shall return the proceeds remaining after retention of administrative costs under subparagraph (i) to the commission to be used pursuant to the contract under paragraph (3) in a manner consistent with the commission's elk management plan.

(iii) Shall report annually to the commission on the use of the proceeds from the auction. The commission shall, in its annual report to the General Assembly, include the use of all proceeds from the auction.

(5) All license fees shall be paid to the commission.

(6) (Deleted by amendment).

(c) Special-license fundraiser.--In addition to any other elk license provided for under this section, the commission may hold a special-license fundraiser for hunters interested in the opportunity to hunt one elk, subject to the following:

(1) The commission may enter into a contract with a Pennsylvania-based nonprofit organization whose primary mission is the advancement of education, stewardship and habitat for the elk population in this Commonwealth and that is a participant in a public-private partnership for the management and operation of the Elk Country Visitor Center in Benezette Township, Elk County, to auction or raffle one elk license annually.

(2) The entity which contracts with the commission under paragraph (1) may conduct a fundraiser for the opportunity for interested hunters to purchase the elk license. The fundraiser shall be open to all residents and nonresidents of this Commonwealth who wish to obtain the license. The subsequent use of the license must meet Federal and State hunting regulations.

(3) The entity which contracts with the commission under paragraph (1) may retain administrative costs associated with the auction. The administrative costs shall be determined and agreed to by the entity receiving the license prior to the license being awarded.

(4) The proceeds remaining after retention of administrative costs under paragraph (3) shall be returned to the commission and shall be used pursuant to the contract under paragraph (1) in a manner consistent with the commission's elk management plan.

(5) The entity shall report annually to the commission on the use of the proceeds from the special-license fundraiser. The commission shall, in its annual report to the General Assembly, include the use of all proceeds from the special-license fundraiser.

(6) This subsection shall expire July 1, 2018.

(d) Background check.--A recipient selected to receive a license under subsection (b) or (c) must be subjected to a background check prior to being awarded the license. If one or

more serious game law violations resulting in license revocation within the preceding ten years or three or more game law violations within the preceding ten years are found, the license may not be awarded to the recipient, and another recipient shall be chosen.

(Dec. 20, 2000, P.L.783, No.111, eff. 60 days; Oct. 9, 2008, P.L.1375, No.101, eff. 60 days; July 9, 2014, P.L.1016, No.116, eff. imd.)

2014 Amendment. Act 116 reenacted and amended the entire section.

§ 2707. License periods.

Licenses shall be issued for the period beginning July 1 and ending June 30 of the year next following. The effective and expiration dates of additional distinct licenses required or authorized by this title or by regulation of the commission shall be fixed by regulation of the commission.

§ 2708. Application requirements.

(a) General rule.--Applicants for any class of license shall be required to submit a legible application or to provide such information as may be required by the director, including the class of license desired, in such form as may be required by the director. The submission of an application or the transmission of required information to the commission and the signature of the licensee on the license shall certify the correctness of all information.

(b) Electronic filing.--On electronically filed license applications and affidavits, signature requirements shall be deemed met upon conferral of the applicant's valid credit or debit card number and expiration date. On electronically filed junior license applications and affidavits, signature requirements shall be deemed met upon conferral of the parent or guardian's valid credit or debit card number and expiration date.

(c) Additional policies.--The director, with approval of the commission, may establish additional policies and procedures as necessary for accepting and processing electronically filed license applications and affidavits.

(Dec. 20, 2000, P.L.783, No.111, eff. 60 days)

§ 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) (i) Adult resident hunting - \$19.
(ii) Resident military personnel hunting - \$1.
(iii) Former prisoner of war hunting - \$1.
(iv) Pennsylvania National Guard hunting - \$1.
(v) Reserve component of the armed forces hunting - \$1.
- (3) (i) Senior resident hunting - \$12.
(ii) Senior lifetime resident hunting - \$50.
(iii) Senior lifetime resident combination hunting and furtaker - \$100.
- (4) Bear hunting:
(i) Resident - \$15.
(ii) Nonresident - \$35.
- (5) Antlerless deer:

- (i) Resident, including resident military, resident disabled veteran and landowner - \$5.
- (ii) Nonresident - \$25.
- (6) Archery deer:
 - (i) Resident - \$15.
 - (ii) Nonresident - \$25.
- (7) Muzzleloader deer:
 - (i) Resident - \$10.
 - (ii) Nonresident - \$20.
- (8) (Reserved).
- (9) Adult nonresident hunting - \$100.
- (10) (i) Junior nonresident hunting - \$40.
 - (ii) Junior nonresident combination hunting and furtaker - \$50.
- (11) Seven-day nonresident small game - \$30.
- (12) Junior resident furtakers - \$5.
- (13) Adult resident furtakers - \$19.
- (14) (i) Senior resident furtakers - \$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:
 - (i) Resident - \$2.
 - (ii) Nonresident - \$5.
- (21) Elk hunting license:
 - (i) Resident - \$25.
 - (ii) Nonresident - \$250.
- (22) Special wild turkey license:
 - (i) Resident - \$20.
 - (ii) Nonresident - \$40.

(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 \$1 for each license or replacement license.

(d) PALS transaction costs.--The fee for the transaction costs associated with the Pennsylvania Automated Licensing Service shall be limited to actual costs and may not exceed \$1. (Dec. 17, 1990, P.L.687, No.170; Apr. 4, 1996, P.L.55, No.19, eff. imd.; Dec. 21, 1998, P.L.1274, No.166, eff. July 1, 1999; Dec. 20, 2000, P.L.783, No.111, eff. 60 days; Dec. 30, 2003, P.L.436, No.63, eff. 60 days; July 2, 2004, P.L.467, No.53, eff. 60 days; July 5, 2005, P.L.55, No.19, eff. imd.; July 5, 2005, P.L.56, No.20, eff. imd.; July 17, 2009, P.L.91, No.22, eff. imd.)

2009 Amendment. Act 22 added subsec. (d).

2005 Amendments. Act 19 amended subsec. (a)(2) and Act 20 amended subsec. (a)(2). Act 20 overlooked the amendment by Act 19, but the amendments do not conflict in substance and have both been given effect in setting forth the text of subsec. (a)(2).

2004 Amendment. Act 53 added subsec. (a)(22).

2003 Amendment. Act 63 amended subsec. (a).

Cross References. Section 2709 is referred to in section 2712 of this title.

§ 2710. Replacement of lost licenses.

(a) Regular licenses.--Any holder of a license who in any manner suffers the theft, destruction, mutilation or loss of the license shall be issued a replacement license upon:

- (1) Application to the commission or to any issuing agent.
- (2) The execution of the affidavit and application form provided for that purpose.
- (3) The forfeiture of any remaining portions of the lost license.
- (4) The payment of the prescribed cost and fee.

The issuing agent shall indicate on the face of the license the word "replacement," together with the number of the original license.

(b) Special licenses.--Special licenses lost in or by the United States Postal Service shall be replaced by the issuing agent at a reasonable fee set by the commission. An affidavit shall be submitted by the applicant for the replacement of any lost special license.

§ 2711. Unlawful acts concerning licenses.

(a) General rule.--Except as otherwise provided in this title, it is unlawful for any person to:

- (1) Hunt or take any game or wildlife by any means or manner or device, including the use of dogs, without first securing and personally signing the required license. The required license must be carried on person when hunting, furtaking or taking any game or wildlife within this Commonwealth.
- (2) Procure a license in a name other than the person's legal name, furnish an address other than his legal place of residence and domicile or make any false or misleading statement whatsoever in securing a license.
- (3) Lend or transfer in any manner whatsoever a license or game or wildlife kill tag to any other person regardless of the purpose.
- (4) Issue, acquire or aid, assist or conspire, either for that person or any other person, in procuring any hunting or furtaking license for which that person is not legally entitled thereto.
- (5) Possess while hunting or taking game or wildlife or going to or from hunting or taking game or wildlife any report card, license tag, license stamp or game or wildlife kill tag belonging to another.
- (6) Except as provided under section 2705 (relating to classes of licenses), receive a hunting or furtaking license under any circumstances if under 12 years of age.
- (7) Receive a hunting or furtaking license without presenting a written request executed by a parent or legally constituted guardian if under 17 years of age.
- (8) Use firearms of any kind or a bow and arrow for the purpose of hunting any game or wildlife or attempting to take or kill any game or wildlife by hunting or trapping if under 12 years of age or when hunting or trapping any game or wildlife or attempting to hunt or trap any game or wildlife if between 12 and 14 years of age, unless accompanied by a parent or a 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 or when hunting if between 14 and 16 years of age, unless accompanied by a person 18

years of age or older. For the purpose of this paragraph "accompany" means close enough that verbal instructions and guidance can be easily understood. The provisions of this paragraph shall not apply to section 2363 (relating to trapping exception for certain persons).

(9) (Deleted by amendment).

(10) Hunt or take, or aid, assist or attempt to hunt or take, furbearers or take any game or wildlife anywhere in this Commonwealth, either with or without a license, or make application, receive or attempt or conspire to receive any license required by this chapter, during any period that these privileges have been denied or withdrawn by this title, by the director or by a magisterial district judge or court.

(11) Conspire to or duplicate, reproduce, alter, forge or counterfeit any permit, license, tag or stamp required by this title.

(12) While exercising any of the privileges granted by any license provided for in this title, refuse or fail to satisfactorily provide positive identification or proof of license to any landowner upon whose land that person may be occupying or to any officer whose duty it is to enforce this title.

(13) Violate any regulations promulgated under the authority of this subchapter.

(a.1) Exemption.--For the sole purpose of implementing and enhancing a mentored hunting program within this Commonwealth, the commission may establish regulations exempting certain limited hunting activities from the prohibitions specified in subsection (a)(1), (3), (5) and (8). Such exemption shall include a provision limiting a mentored person participating in a mentored hunting program to the receipt of no more than one antlerless deer license in each license year. A person 17 years of age or older may participate in a mentored hunting program as a mentored hunter in no more than three licensing years.

(b) Penalties.--A violation of this subchapter relating to:

(1) Subsection (a)(1) insofar as it relates to hunting or furtaking without a valid license or licenses required is a summary offense of the third degree.

(2) Subsection (a)(1) insofar as it relates to signing a license is a summary offense of the eighth degree.

(3) Subsection (a)(2), (3), (4), (5) or (12) is a summary offense of the fifth degree.

(4) Subsection (a)(6), (7) or (8) is a summary offense of the seventh degree.

(5) Subsection (a)(10) or (11) is a summary offense of the first degree and may result in forfeiture of the privilege to hunt or take game or wildlife anywhere within this Commonwealth for a period of five years.

(6) Any of the other provisions of this subchapter or the regulations promulgated thereunder is a summary offense of the fifth degree.

(c) Separate offenses.--Each day of violation or each illegal act constitutes a separate offense.

(June 22, 1993, P.L.102, No.23, eff. imd.; Nov. 30, 2004, P.L.1618, No.207, eff. 60 days; July 9, 2010, P.L.387, No.54, eff. 60 days; June 24, 2011, P.L.46, No.9, eff. imd.; Dec. 15, 2011, P.L.441, No.107, eff. 60 days; May 15, 2013, P.L.26, No.7, eff. 60 days)

2013 Amendment. Act 7 amended subsec. (a.1).

2011 Amendment. Act 107 amended subsecs. (a)(1) and (12) and (b)(2) and (3) and deleted subsec. (a)(9).

2010 Amendment. Act 54 amended subsecs. (a)(4) and (b). See section 6 of Act 54 in the appendix to this title for special provisions relating to public notice.

2004 Amendment. Act 207 amended subsec. (a)(10). See sections 28 and 29 of Act 207 in the appendix to this title for special provisions relating to applicability and construction of law.

1993 Amendment. Act 23 amended subsec. (a)(6). Section 2 of Act 23 provided that Act 23 shall apply to the license year beginning July 1, 1993, and to each license year thereafter.

Cross References. Section 2711 is referred to in section 2923 of this title.

§ 2712. Vouchers for licenses and permits.

(a) General rule.--The commission may make available, at its offices and through its issuing agents, vouchers for licenses and permits that may be purchased on behalf of a third party. The voucher shall be in the format prescribed by the commission and shall contain the following information:

- (1) A voucher number.
- (2) The identifying number of the issuing agent.
- (3) The type of license or permit for which the voucher may be redeemed.
- (4) The date of issuance.
- (5) The date of expiration.

(b) Fees.--A person purchasing a voucher shall pay the costs for the type of license or permit being purchased and the issuing agent fee as provided in sections 2709 (relating to license costs and fees) and 2904 (relating to permit fees).

(c) Redemption.--The voucher shall only be redeemed for the type of license or permit indicated on the voucher and for which the applicable fees have been paid by the voucher purchaser. Vouchers shall be redeemed prior to their expiration date. No issuing agent fee shall be paid at the time of redemption. A voucher shall be redeemed by any issuing agent regardless of where the voucher was purchased. At the time of redemption, the bearer of a voucher shall establish that the bearer meets the eligibility requirements for the type of license or permit indicated on the voucher, and the issuing agent that redeems the voucher shall secure positive proof of identification, residency and age from the bearer.

(d) Restrictions.--The bearer of a voucher is subject to all restrictions relating to the issuance, denial or revocation of a license or permit provided in this title or any other title, law or regulation. A voucher does not constitute a hunting or furtaker license or permit, and it is unlawful to use a voucher in lieu of a hunting or furtaker license or permit.

(e) Regulations.--The commission may promulgate regulations to implement this section.

(f) Penalties.--Any person violating this section or the regulations promulgated under this section commits a summary offense of the fifth degree.

(July 9, 2008, P.L.927, No.67, eff. 60 days)

2008 Amendment. Act 67 added section 2712.

Sec.

- 2721. License issuance supervision.
- 2722. Authorized license-issuing agents.
- 2723. Agent bonding requirements.
- 2724. Record of license sales.
- 2725. Remitting funds to commission.
- 2726. Unlawful acts concerning agents.

§ 2721. License issuance supervision.

The issuance of all hunting and furtaking licenses and other essential related functions shall be under the direct supervision of the commission and made upon forms provided for that purpose and in accordance with the regulations of the commission.

§ 2722. Authorized license-issuing agents.

(a) County treasurer and commission employees.--Each county treasurer or, in home rule or optional plan counties, the person whose duties encompass those of a county treasurer, whose agency has not been recalled under this title, shall accept applications and issue licenses in accordance with this title. The director may also designate commission employees at commission facilities to issue licenses.

(b) Agents for issuing antlerless deer licenses.--Antlerless deer licenses shall be issued by the county treasurer or, in home rule or optional plan counties, the person whose duties encompass those of a county treasurer within the county in which the licenses are valid.

(c) Agent for issuing bear and nonresident furtaker licenses.--Bear and nonresident furtaker licenses shall be issued only by the commission or by authorized license-issuing agents designated by the director.

(d) Appointment of additional agents.--The commission may appoint such number of qualified persons, with similar authority, as it deems necessary for the efficient distribution of licenses required by this title.

(e) Agent responsible for employees.--The authorized agent shall be solely responsible for each person acting under his direction.

(f) Recall of appointment or authority.--The director may recall the appointment or authority of any county treasurer or other agent at any time.

(g) Regulations.--The commission shall adopt regulations for:

(1) The appointment of hunting or furtaker license-issuing agents and shall establish the appropriate administrative fee for creating and maintaining these issuing agents. County treasurers shall be exempt from the payment of any administrative fee established by the commission.

(2) The administration, control and performance of activities conducted pursuant to the provisions of this chapter.

(Dec. 17, 1990, P.L.687, No.170, eff. imd.)

§ 2723. Agent bonding requirements.

Except for agents already under bond to receive and disburse public funds, every other agent shall furnish security in a form satisfactory to the commission and in an amount approved by the commission.

§ 2724. Record of license sales.

(a) Daily record.--Each place where licenses are sold shall maintain a complete daily record of all license and voucher transactions, including applications received, in the manner and form prescribed by the director. The applications, licenses and records shall be made available, during normal business

hours, for immediate inspection to any officer charged with the enforcement of this title or any representative of the Office of the Auditor General or Attorney General.

(b) Monthly report.--Within five days following the first day of each month, each issuing agent shall forward to the director, on forms supplied by the commission, a complete report of licenses and vouchers issued, in correct numerical sequence, together with all moneys collected from the sale of licenses and any other information required by the director.

(July 9, 2008, P.L.927, No.67, eff. 60 days)

§ 2725. Remitting funds to commission.

(a) Deposit of funds.--All funds derived from this source shall be deposited in the Game Fund.

(b) Failure to comply.--Any issuing agent who fails to comply with any of the provisions of this title or regulations adopted thereunder relating to the issuance, recording of data or remitting costs for licenses issued shall not be entitled to retain the sum fixed for his services. These sums shall be paid to the commission and, if not paid, may be recovered by the commission, by suit. Delinquent agents are subject to a penalty of 10% payable to the commission on any outstanding balance of license money due the commission, which penalty shall be compounded on a monthly basis. Delinquent agents shall be recalled after a delinquency period of 30 days.

§ 2726. Unlawful acts concerning agents.

(a) General rule.--It is unlawful for an agent or his representative to knowingly:

(1) Issue any license:

(i) To any person not fully qualified for or entitled to the license.

(ii) To one whose privilege to hunt or take game or wildlife has been denied by the commission or by a magisterial district judge or court.

(iii) Without first securing the fees, affidavits, applications or other documents required by this title.

(iv) Without first securing satisfactory identification.

(v) At a fee greater than the fee prescribed in this title or by the commission.

(2) Violate any of the other provisions of this subchapter.

(b) Penalty.--A violation of this subchapter or regulations promulgated thereunder is a summary offense of the fifth degree. Each license, stamp or permit involved in a violation constitutes a separate offense.

(Nov. 30, 2004, P.L.1618, No.207, eff. 60 days)

2004 Amendment. Act 207 amended subsec. (a)(1). See sections 28 and 29 of Act 207 in the appendix to this title for special provisions relating to applicability and construction of law.

SUBCHAPTER C

LICENSE DENIALS OR REVOCATIONS

Sec.

2741. Denial or revocation of licenses.

2742. Period of revocation.

2743. Notice of denial or revocation.

§ 2741. Denial or revocation of licenses.

(a) Grounds for denial.--A hunting or furtaking license shall be refused any person who:

(1) Has been denied the privilege to secure that license in any manner by this title.

(2) Has been certified to the commission by a licensed medical authority or by any court of this Commonwealth having jurisdiction to be mentally or physically unfit or addicted to alcohol or controlled substances to the degree that the person is unfit to exercise any of the privileges of this title.

(b) Violations.--In addition to any penalty and costs imposed by this title, the commission may revoke any hunting or furtaking license and deny any person the privilege to secure a license or to hunt or take furbearers anywhere in this Commonwealth, with or without a license, if the licensee or person:

(1) Has either been convicted or signed an acknowledgment of guilt of violating any of the provisions of this title for such periods as are specified in this subchapter.

(2) Has been accused of having violated any of the following provisions even though such person has not been convicted of a violation of these sections:

Section 2501 (relating to hunting or furtaking prohibited while under influence of alcohol or controlled substance).

Section 2505 (relating to safety zones).

Section 2509 (relating to damage to property).

Section 2522 (relating to shooting at or causing injury to human beings).

Section 2523 (relating to rendering assistance after incidents).

(c) Authority of court.--Any magisterial district judge or court having jurisdiction in any case coming before it involving any of the offenses contained in this title may revoke a hunting or furtaking license and deny the privilege to secure a license or to hunt or take furbearers anywhere in this Commonwealth, with or without a license, as set forth in this title.

(Dec. 30, 2003, P.L.436, No.63, eff. 60 days; Nov. 30, 2004, P.L.1618, No.207, eff. 60 days)

2004 Amendment. Act 207 amended subsec. (c). See sections 28 and 29 of Act 207 in the appendix to this title for special provisions relating to applicability and construction of law.

§ 2742. Period of revocation.

(a) First offense.--Except as otherwise provided, for the first offense any person convicted or having signed an acknowledgment of guilt of violating any of the provisions of this title may be denied the privilege to hunt or take wildlife anywhere in this Commonwealth, with or without a license, for a period not to exceed three years as the commission determines.

(b) Second or subsequent offense.--Except as otherwise provided, any person convicted or having signed an acknowledgment of guilt of a second or subsequent offense of violating any of the provisions of this title may be denied the privilege to hunt or take game or wildlife anywhere in this Commonwealth, with or without a license, for such period as the commission determines.

§ 2743. Notice of denial or revocation.

To revoke a license then in force or to deny any person the privilege to secure a license or to hunt or take game or wildlife anywhere in this Commonwealth for any period, the commission shall send a written notice to that effect to the person at the last known address by United States Postal Service

with provisions for return of a signed receipt or a receipt of nondelivery. The return of an undeliverable notice shall be proof of service and shall not be used as a defense against the denial or revocation of the privilege to secure a license.

CHAPTER 29
SPECIAL LICENSES AND PERMITS

Subchapter

- A. General Provisions
- B. Specific Classes of Permits
- C. Permits Relating to Hunting Dogs
- D. Permits Relating to Wildlife

Enactment. Chapter 29 was added July 8, 1986, P.L.442, No.93, effective July 1, 1987.

SUBCHAPTER A
GENERAL PROVISIONS

Sec.

- 2901. Authority to issue permits.
- 2902. General categories of permits.
- 2903. Permit year.
- 2904. Permit fees.
- 2905. Examination or inspection fees.
- 2906. Records.
- 2907. Reports.
- 2908. Violations.

§ 2901. Authority to issue permits.

(a) **General rule.**--The commission may issue permits as specified in this chapter. Except as otherwise provided, permits shall be issued only to persons who are residents of this Commonwealth and 18 years of age or older. Wildlife menagerie permits and special use permits may be issued to persons who are residents of the United States and 18 years of age or older.

(b) **Regulations for permits.**--Unless otherwise provided in this title, the commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued.

(c) **Interagency cooperation.**--The commission may participate with the United States Fish and Wildlife Service or any other Federal or State governmental agency in the issuance of permits.

(d) **Waiver.**--Where hardship or extraordinary circumstance warrants, the director may waive any of the requirements of this chapter and issue a permit without fee when it is consistent with sound game or wildlife management activities or the intent of this title.

(e) **Falconry permits.**--Notwithstanding the provisions of subsection (a), falconry permits may be issued only to persons who are residents of this Commonwealth and 12 years of age or older.

(Apr. 4, 1996, P.L.55, No.19, eff. imd.; June 17, 2003, P.L.12, No.5, eff. July 1, 2003; June 24, 2011, P.L.46, No.9, eff. imd.)

2011 Amendment. Act 9 amended subsec. (e).

1996 Amendment. Act 19 amended subsec. (a).

§ 2902. General categories of permits.

(a) Federal permits.--Federal permits, which may be further restricted by addendum, when countersigned by the director shall become valid in this Commonwealth.

(b) Permits relating to lands.--The director may issue permits relating to lands owned by the commission as provided in Chapter 7 (relating to property and buildings).

(c) Other permits.--The director may issue other permits, with or without charge, as required to control the taking of game or wildlife for scientific study or any other purpose consistent with this title.

(d) Deer control permits in cities of the first class.--

(1) The director shall issue a permit to control deer within 30 days of receipt of an application by a city of the first class or by any department, agency, board or commission of a city of the first class. The commission may promulgate regulations to control the activities which may be performed under authority of the permit issued under this subsection.

(2) A permit for controlling deer issued to a city of the first class or to any department, agency, board or commission of a city of the first class shall not be limited by or subject to any requirement that includes public hunting or controlled hunting by licensed hunters.

(3) Activity to control deer or other game or wildlife conducted by a city of the first class or any department, agency, board or commission of a city of the first class shall not be construed to constitute "hunting" or "take" as defined in section 102 (relating to definitions).

(4) A city of the first class or any department, agency, board or commission of a city of the first class that is issued a permit to control deer may conduct deer control activity at any time or times during the term of the permit regardless of season.

(5) It is unlawful for any person to interfere with or disrupt any activities conducted by a city of the first class or any department, agency, board or commission of a city of the first class under a permit issued under this section. A violation of this subsection is a summary offense of the second degree. This subsection shall not be construed to prohibit a city of the first class from enforcing local statutes or from seeking damages suffered by such city as a result of such interference or disruption.

(Dec. 20, 2000, P.L.783, No.111, eff. imd.)

2000 Amendment. Act 111 added subsec. (d).

Cross References. Section 2902 is referred to in sections 2308, 2310, 2503, 2505 of this title.

§ 2903. Permit year.

Except as otherwise provided in this title, all permits shall be issued for a one-year, two-year or three-year time period selected by the applicant for the permit based on the fiscal year for the Commonwealth. Fees under section 2904 (relating to permit fees) shall be multiplied by the time period selected by the applicant and remitted at the time of application for the permit. Except when an application for a permit is rejected, all fees shall be nonrefundable. The permit for a disabled person to hunt from a vehicle shall be valid for the lifetime of the disabled person. There will be no reduced fees for a permit issued for less than a year.

(Nov. 25, 1988, P.L.1082, No.125, eff. imd.; Dec. 13, 2001, P.L.897, No.98, eff. imd.)

§ 2904. Permit fees.

(a) Annual fees.--The annual fee for permits provided for in this chapter shall be as follows:

- (1) Bird banding - \$25.
- (2) Collecting - \$25.
- (3) (Deleted by amendment).
- (3.1) Temporary permit for disabled person - \$5 for the license year.
- (4) Dog training area - \$50.
- (5) Dog trials (three consecutive days):
 - (i) Field trials - \$25 per day.
 - (ii) Raccoon trials - \$25 per day.
 - (iii) Retriever trials - \$25.
- (6) Endangered or threatened species:
 - (i) Native - \$300.
 - (ii) Non-native - free with necessary Federal permit.
- (7) Falconry - \$50.
- (8) Fox chasing - \$150.
- (9) Fur dealers:
 - (i) Resident - \$100.
 - (ii) Nonresident - \$300.
- (10) Regulated hunting grounds:
 - (i) Commercial - \$100 for first 100 acres and \$25 for each additional 100 acres, or part thereof.
 - (ii) Noncommercial - \$38 for first 100 acres and \$8 for each additional 100 acres, or part thereof.
- (11) Retriever training area - \$50.
- (12) (Deleted by amendment).
- (13) Wildlife (exotic) dealer - \$200.
- (14) Wildlife menagerie - \$100.
- (15) Wildlife (exotic) possession - \$50 per animal.
- (16) Wildlife propagation - \$25 for one species and \$10 for each additional species.
- (17) Commercial wildlife pest control - \$50.

(b) Disabled permit fees.--The disabled permit fee for a disabled person shall be a one-time fee of \$5, which is valid for the lifetime of the disabled person.

(c) Other fees.--The commission shall set a reasonable fee for any permit required by this title which is not specifically set forth in this section.

(Nov. 25, 1988, P.L.1082, No.125, eff. imd.; June 28, 1993, P.L.178, No.37, eff. imd.; May 22, 1996, P.L.310, No.48, eff. imd.; Dec. 13, 2001, P.L.897, No.98, eff. imd.; July 7, 2006, P.L.358, No.77, eff. 90 days; June 24, 2011, P.L.46, No.9, eff. imd.)

2011 Amendment. Act 9 amended subsec. (a)(7).

2006 Amendment. Act 77 amended subsec. (a).

Cross References. Section 2904 is referred to in sections 2712, 2903 of this title.

§ 2905. Examination or inspection fees.

(a) General rule.--The director shall fix an additional fee to cover the costs of any examination required for the issuance of any permit. No such examination fee shall be returned if the applicant fails to appear for the examination or fails to pass the examination.

(b) Fee for inspection.--If any facility fails to meet the required standards, the director shall fix a fee for any subsequent inspection.

§ 2906. Records.

Each permit holder shall keep accurate records of all transactions carried out under authority of the permit issued

and any other information required by the director. The records for each year of a permit must be kept for a period of three years and shall be open to inspection by any officer of the commission during normal business hours and shall be the basis of any reports required by the commission.

(Dec. 13, 2001, P.L.897, No.98, eff. imd.)

§ 2907. Reports.

The director may require reports from any permit holder, except that no report may be required with respect to species of fox not indigenous to this Commonwealth. Annual reports shall be due within 30 days after expiration of the permit. For multiple-year permits, reports shall be submitted by July 30 of each year that the permit is in effect. The director may designate other times for reports if information is needed by the commission for its operations.

(Apr. 20, 1988, P.L.353, No.55, eff. 60 days; Dec. 13, 2001, P.L.897, No.98, eff. imd.)

§ 2908. Violations.

(a) General rule.--Except as provided for in subsection (a.1), it is unlawful to:

(1) Exercise any of the privileges granted by a permit issued under this title without first securing the required permit.

(2) Fail to carry, show or display the permit to any officer whose duty it is to enforce this title while exercising any privilege granted by the permit.

(3) Aid, assist or conspire with any person contrary to this chapter or regulations promulgated thereunder.

(4) Make any false or misleading statement on any application or any required report.

(5) Fail to submit any report when required or to keep accurate records.

(6) Violate any other provisions of this subchapter or regulations adopted thereunder.

(a.1) Exception.--Notwithstanding any other provision of this title, it shall not be unlawful for a properly permitted nuisance wildlife control operator to use electronic means to check on the status of a trap while acting pursuant to the authority granted under the permit. If the electronic device shall malfunction or in any way cease to provide the permit holder with real-time updates on the trap, the permit holder shall be required to physically check the trap within 24 hours.

(b) Penalty.--Except for endangered or threatened species, a violation of any other provision of this subchapter is a summary offense of the fifth degree.

(June 27, 2013, P.L.153, No.29, eff. 60 days)

2013 Amendment. Act 29 amended subsec. (a) and added subsec. (a.1).

SUBCHAPTER B
SPECIFIC CLASSES OF PERMITS

Sec.

2921. Bird banding permits.

2922. Collecting permits.

2923. Disabled person permits.

2924. Endangered or threatened species permits.

2925. Falconry permits.

2926. Taxidermy permits (Deleted by amendment).

2927. Protected specimen mounting permits.

2928. Regulated hunting grounds permits.

2929. Fur dealer permits.

2930. Propagating permits.

§ 2921. Bird banding permits.

(a) General rule.--Unless further provided by commission regulation, persons wishing to band birds under authority of a Federal bird banding permit shall:

(1) First pay the prescribed fee and have the Federal permit validated by the director.

(2) Submit any project outlines, reports or other information necessary for the commission to administer this title.

(b) Unlawful acts.--It is unlawful to:

(1) Trap or band protected birds without first securing valid permits as set forth in this title.

(2) Violate any other provision of this section or regulation of the commission promulgated under authority of this chapter.

(c) Penalty.--Except for endangered or threatened species, a violation of this section is a summary offense of the fifth degree. Each bird captured, banded or held constitutes a separate offense.

§ 2922. Collecting permits.

(a) Issuance.--Unless further provided by commission regulation, permits authorizing the holder to collect birds, their nests with eggs found therein and animals, protected by this title, for exhibition in public museums or for scientific study or school instruction may be issued to:

(1) Persons of known scientific attainment in either ornithology or mammalogy for scientific study, whether residents of this Commonwealth or not.

(2) Agents of public museums or institutions of learning for exhibition purposes, whether residents of this Commonwealth or not.

(b) Application and project outline.--Applicants for a collecting permit or a renewal of a collecting permit shall include an outline of the project they are working on or propose to begin. This outline shall include any benefits for game or wildlife or useable scientific information they expect to generate along with the minimum number of specimens of each species needed. The application and project outline shall be reviewed by the director who may approve, reject or modify the project.

(c) Permit conditions.--The permit shall list the number of specimens to be taken and specify the method of taking.

(d) Unlawful acts.--It is unlawful to:

(1) Take more than the number of specimens shown on the permit.

(2) Sell or offer for sale or barter any specimen obtained.

(3) Transfer control of any specimen to another person without first securing written permission from the director.

(4) Violate any other provisions of this section.

(e) Penalty.--Except for endangered or threatened species, a violation of this section is a summary offense of the fifth degree.

§ 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 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) 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) 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) 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) (Deleted by amendment).

(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 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.

(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.--(Repealed).

(d) Penalty.--A violation of this section is a summary offense of the fifth degree.
(Aug. 5, 1991, P.L.217, No.24, eff. imd.; June 28, 1993, P.L.178, No.37, eff. imd.; May 22, 1996, P.L.310, No.48, eff. imd.; Dec. 21, 1998, P.L.1274, No.166, eff. 60 days; Dec. 20, 2000, P.L.783, No.111, eff. imd.; Dec. 13, 2001, P.L.897, No.98, eff. imd.; June 17, 2003, P.L.12, No.5, eff. July 1, 2003; June 17, 2003, P.L.14, No.6, eff. imd.; July 2, 2014, P.L.847, No.92, eff. 60 days)

2014 Repeal. Act 92 repealed subsec. (c).

2003 Amendments. Act 5 amended subsec. (a) and Act 6 amended subsec. (c).

§ 2924. Endangered or threatened species permits.

(a) Issuance.--The commission may issue permits for the importation, exportation, sale, exchange, taking or possession of any birds or animals classified as endangered or threatened, living or dead, or any parts thereof, including eggs.

(b) Species native to Commonwealth.--The commission may issue permits for birds or animals native to this Commonwealth which are taken from the wild in this Commonwealth and which are classified by the commission as endangered or threatened in Title 58 of the Pennsylvania Code.

(c) Species not native to Commonwealth.--The commission may join with the appropriate Federal agency in issuing joint permits for any birds or animals not native to this Commonwealth which are classified as endangered or threatened in the Code of Federal Regulations. An endorsement by the director on a copy of a Federal permit with an addendum of any further restrictions will be considered a joint permit if no formal joint permit is issued.

(d) Unlawful acts.--It is unlawful for any person to import, export, transport, sell, resell, exchange, take or possess or conspire, aid, abet, assist or attempt to import, export, transport, sell, resell, buy, exchange, take or possess any birds or animals of any endangered or threatened species, living or dead, or any parts thereof, including eggs, or to violate any regulations pertaining to such wildlife or this section.

(e) Penalties.--

(1) A violation of subsection (b) or (c) relating to permit violations is a summary offense of the first degree.

(2) The penalty for a violation of any other provision of this section is the same as set forth in section 2167(b) and (c) (relating to endangered or threatened species).

(3) A person who proves possession of any of the items prohibited by this section on or before March 28, 1974, shall be exempt from the penalties and forfeitures for mere possession.

§ 2925. Falconry permits.

(a) Powers of commission.--The commission may adopt regulations to define, implement and provide for the issuance of falconry permits to eligible persons within this Commonwealth.

(b) Unlawful acts.--It is unlawful for any person to engage in any falconry activities without a valid falconry permit or to violate any regulation of the commission relating to falconry.

(c) Penalty.--Except for endangered or threatened species, a violation of this section or any regulation adopted by the commission regarding falconry is a summary offense of the fifth degree.

(June 24, 2011, P.L.46, No.9, eff. imd.)

2011 Amendment. Act 9 amended subsecs. (a) and (b).
§ 2926. Taxidermy permits (Deleted by amendment).

2006 Amendment. Section 2926 was deleted by amendment July 7, 2006, P.L.358, No.77, effective in 90 days.

§ 2927. Protected specimen mounting permits.

(a) Authorization.--Unless further provided by commission regulation, a permit shall allow the holder to have a protected specimen mounted for his personal use. This permit shall be issued by the director for any specimen not protected by Federal laws or regulations. The person applying for the permit shall not be involved with the killing of the protected specimen.

(b) Endorsement of Federal permit.--The director may endorse any Federal permit issued for mounting a migratory specimen which shall have the same effect as having issued a State permit, and, for which action, the same fee shall be charged as if a separate permit was issued.

(c) Unlawful acts.--It is unlawful:

(1) To possess a protected specimen without a permit as required by this section.

(2) (Deleted by amendment).

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

(July 7, 2006, P.L.358, No.77, eff. 90 days)

2006 Amendment. Act 77 deleted subsec. (c)(2).

§ 2928. Regulated hunting grounds permits.

(a) Eligibility.--Regulated hunting grounds require a minimum of 100 acres of land, or land and water combined, on which the permittee must release one of the following species of domestically produced game birds: namely, ringneck pheasants, bobwhite quail or mallard ducks. Any of the listed species and chukar partridges may be released only if they are listed on the permit application and propagated by the permittee or received from a legal source. At least 100 of each species listed on the permit shall be released.

(b) Classes of permits.--The following shall be the classes of permits:

(1) Commercial - open to the public for a fee or other charge.

(2) Noncommercial - used by permittee only or guests with no fee or any charge for the use of the area or the birds.

(c) Marking boundary.--The boundary of the premises covered by a permit as a regulated hunting ground shall be marked in such manner that any intruder is warned of the purpose of the area and that it is unlawful to enter the area without permission. The commission shall recommend wording for signs to be used for this purpose.

(d) Hunting regulations.--Permittees and their guests may shoot the birds released by them during the regulated hunting grounds season which shall be set each year by the commission without regard to the general Statewide season. Persons hunting or taking game birds released under authority of the permit on regulated hunting grounds are not required to have and display a hunting license, as required by this title, but the methods of hunting and taking these game birds shall be in compliance with provisions of this title.

(e) Seasons and bag limits.--All species of game, other than those specified, found on the premises covered by the

regulated hunting grounds permit may be taken on the premises only by persons in possession of a valid hunting or furtaker license and only in accordance with the general provisions of this title and regulations of the commission governing seasons and bag limits.

(f) Tagging killed birds.--Before any released bird killed under the provisions of a regulated hunting grounds permit is consumed on the premises or removed from the premises, the permittee shall attach a tag to each bird killed. The tags shall be numbered consecutively and supplied by the commission at reasonable cost and shall contain such information as the commission may require. No game bird killed on a regulated hunting ground shall have the right foot removed until a regulated hunting ground tag for the current season is attached to the bird. The tags shall remain attached to the individual birds until prepared for consumption and shall not be used more than once.

(g) Dog training and trials.--Dogs may be trained or field trials may be held at any time of the year upon the premises covered by a regulated hunting grounds permit, and retriever trials may be conducted thereon. All birds killed shall be included in the reported kill. Except during the open season for shooting, no game birds shall be killed while training dogs or conducting field trials. The special permit required in this title shall first be obtained to conduct a retriever trial thereon at any other period.

(h) Unlawful acts.--It is unlawful to:

(1) Remove from or consume on the premises covered by a regulated hunting grounds permit pheasants, bobwhite quail or mallard ducks killed in accordance with the provisions of this section which have not been tagged as required by this section.

(2) Violate any of the provisions of this chapter regarding marking and tagging of birds.

(3) Use any methods to hunt for, chase or kill birds on a regulated hunting ground which are not specifically permitted by this title.

(4) Trap any game bird or have any trap set that is capable of taking a game bird alive on any regulated hunting grounds unless authorized by this title.

(5) Hunt for or take any game on a three-day hunting license other than permitted by subsection (d).

(6) Violate any of the other provisions of this section.

(i) Penalty.--A violation of this section is a summary offense of the fifth degree. Each bird or animal involved in a violation constitutes a separate offense.

(Aug. 5, 1991, P.L.217, No.24, eff. imd.)

1991 Amendment. Act 24 amended subsecs. (d) and (e).

Cross References. Section 2928 is referred to in section 2303 of this title.

§ 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, 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.

(Nov. 25, 1988, P.L.1082, No.125, eff. imd.)

§ 2930. Propagating permits.

(a) Authorization.--No person shall propagate any game bird, wild bird, game animal or wild animal which is presently found in a wild state within this Commonwealth for the purpose of sale, barter, gift or other transfer of possession, or offer to sell or barter, unless that person has first obtained a permit from the commission authorizing the propagation of a game bird, wild bird, game animal or wild animal.

(b) Form.--Each propagating permit shall name the species covered by the permit and shall contain such other information and be in such form as the commission shall designate.

(c) Pens, shelters and enclosures.--The commission shall adopt regulations concerning the type and size of pens, shelters and enclosures used for propagating any species of game or wildlife. All pens, shelters or enclosures used to hold game or wildlife under authority of a propagating permit shall provide for the health and comfort of the game or wildlife and be designed to protect the public, confine the species designated on the permit and exclude any species of game or wildlife which might be present in the wild.

(d) Marking game or wild birds.--No person shall sell, barter, give away or otherwise transfer possession, or offer to sell or barter, any game bird, wild bird, game animal or wild animal raised or held under authority of a propagating permit unless that game bird, wild bird, game animal or wild animal is marked by any one of the following alternative methods:

(1) A toe shall be clipped from the right foot before reaching six weeks of age.

(2) A marker shall be furnished by the commission at a reasonable cost. The markers must be attached in compliance with commission regulations no later than six weeks of age.

(3) On delivery of any live game bird, wild bird, game animal or wild animal the permittee shall prepare and deliver to the shipper, purchaser or consignee a receipt, detailed invoice or consignment document which shall include the date, name and address of purchaser or person to whom sold or consigned, the quantity, sex and species of the game bird, wild bird, game animal or wild animal and the name, address and permit number of the permittee.

(4) Immediately prior to delivery and removal from the licensed premises of any local game bird, wild bird, game animal or wild animal, the permittee shall place the dead wild bird or dead wild animal, or part thereof, in a package

or container, or shall attach thereto a label, which package, container or label shall have printed upon it the name, address and permit number of the permittee who produced the wild bird or wild animal. The permittee shall also issue a receipt, detailed invoice or consignment document which shall include the date of shipment or sale, the name of the shipper, purchaser or consignee, the quantity, sex and species of the animal or bird so shipped or sold and the name and address and permit number of the permittee shipping, consigning or selling the wild birds or animals. No dead wild bird or dead wild animal produced under the authority of the propagating permit shall be removed from its package or container or shall have removed from it the label provided for in this paragraph, except immediately prior to final consumption.

(5) Any reasonable method approved by the director.

(e) Disposition of game or wildlife.--Where game or wildlife of any kind is raised or eggs of game or wild birds are produced on premises under authority of a propagating permit, game or eggs and the plumage or pelts or hides of birds or animals may be sold or given away, and birds or animals may be shipped alive or may be killed within the enclosure, for sale or gift, without regard to sex or numbers, at any time of the year. A dealer or third person who arranges any trades, sales or purchases set forth in this subsection for any type of fee, reimbursement or commission shall be required to have and produce, on demand, the receipt, invoice or consignment document required under subsections (d) and (f).

(f) Receipt for shipping game or wildlife.--Each shipment of eggs, pelts, birds or animals, living or dead, or parts of birds or animals, raised or held under authority of a propagating permit shall be accompanied by a receipt, detailed invoice or consignment document issued by the permittee describing the shipment and stating the origin of the shipment, date, what is being shipped, propagating permit number, destination and any other information which may be required by the director. The receipt, detailed invoice or consignment document shall be available for examination during normal business hours until the shipment reaches its final destination at which time it becomes part of the consignee's record and must be retained for three years.

(f.1) Seasons and bag limits.--All species of game, other than those specified on the permit, found within the licensed enclosure covered by the propagating permit may be taken within the licensed enclosure only under the general provisions of this title governing seasons and bag limits.

(g) Unlawful acts.--It is unlawful to:

(1) Have any game or wildlife in possession without the required permit receipt, detailed invoice or consignment document.

(2) Violate any of the provisions of this section or regulations pertaining to this section.

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

(Mar. 29, 1996, P.L.41, No.13, eff. imd.)

1996 Amendment. Act 13 amended subsec. (e) and added subsec. (f.1).

Cross References. Section 2930 is referred to in section 2965 of this title.

SUBCHAPTER C
PERMITS RELATING TO HUNTING DOGS

Sec.

- 2941. Dog training areas.
- 2942. Special retriever training areas.
- 2943. Field dog trials.
- 2944. Field dog trials for retrievers.
- 2945. Fox chasing.

§ 2941. Dog training areas.

(a) Establishment.--Upon the application of 20 or more citizens of this Commonwealth, the commission may issue a permit to the applicants authorizing the establishment and maintenance, on land owned by them or over which they have legal control, of a special dog training area where dogs may be trained at any time during the entire year and field trials may be conducted without the necessity of securing a field trial permit. No such dog training area shall be less than 100 acres nor more than 250 acres. Permits shall not be issued for more than ten special dog training areas in any one county. Persons training dogs in established dog training areas shall not be required to have a hunting or furtaking license.

(b) Training periods.--At any time during the year, permittees or guests may train their dogs or the dogs of other persons on the designated dog training area.

(c) Hunting and furtaking restrictions.--Neither the permittees nor any other person shall at any time hunt or take furbearers within the confines of the dog training area. The permittees, or any person authorized by them, may hunt or trap unprotected game or wildlife for the purpose of population control. A permit must be secured from the director permitting the removal of any protected game or wildlife.

(d) Big game hunting may be permitted.--Hunting of big game may be permitted on dog training areas during seasons fixed by the commission. Action of the permittees to permit big game hunting shall be conspicuously posted in the vicinity of the area at least two weeks prior to any such season.

(e) Marking boundary.--The boundary line of a special dog training area shall be plainly and conspicuously posted prior to October 1 of each year with legible notices at least 10 by 12 inches in size, placed in such a manner that any intruder is warned of the purpose of the area and bearing such information as the commission may require.

(f) Unlawful acts.--It is unlawful to:

(1) Permit, or through negligence permit, dogs to disturb game or wildlife on a dog training area contrary to the provisions of this section.

(2) Trap for any game or wildlife on a dog training area without a permit.

(3) Willfully, negligently or maliciously cut, remove, cover up, deface or otherwise mutilate, injure or destroy any special dog training area boundary fence or wire or poster placed in accordance with the provisions of this section.

(4) Violate any other provision of this section.

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

Cross References. Section 2941 is referred to in section 2943 of this title.

§ 2942. Special retriever training areas.

(a) Establishment.--Upon application of any club or organization having 20 or more members or upon the application of 20 or more citizens of this Commonwealth, the commission may issue a permit to the applicants authorizing the establishment and maintenance, on land owned by them or over which they have legal control, of a special retriever dog training area where dogs may be trained at any time during the entire year. No dog training area shall be of less than ten acres nor more than 50 acres. No retriever dog training area shall be established within the boundary of a regulated hunting ground.

(b) Releasing tagged birds.--The permittee may release domestically produced and properly marked ringneck pheasants, bobwhite quail or mallard ducks which may be shot and retrieved with retriever dogs. The released birds shall be individually tagged prior to release with metal tags supplied by the commission, at a reasonable fee, and bearing such information as the commission shall prescribe.

(c) Shooting untagged birds.--Any untagged birds which are shot or injured shall immediately be delivered to an officer of the commission for disposition along with the sum of \$50 for each untagged bird killed. This money shall be deposited in the Game Fund.

(d) Fees and charges.--The permittee shall not impose or accept a fee or charge for the use of the area. The fee for any birds furnished to members or guests shall not be greater than the actual cost for acquiring or raising the bird.

(e) Hunter's license not required.--Every person participating in dog training or shooting birds under this section shall not be required to possess a resident or nonresident hunter's license.

(f) Training periods.--The permittee may at any time during the entire year train his own dog or the dogs of other persons on the training area or permit others to do so under such conditions as shall be mutually agreed upon.

(g) Hunting and furtaking restrictions.--Neither the permittee nor any other person shall at any time hunt or take furbearers within the confines of the training area. This limitation shall not apply while training dogs. The permittees or any person authorized by them may hunt or trap unprotected game or wildlife at any time and furbearers in season for the purpose of controlling the game or wildlife on the area and may permit the public to hunt bear and deer on the area during seasons fixed by the commission.

(h) Marking boundary.--The boundary line of a special retriever dog training area shall be plainly and conspicuously posted prior to October 1 of each year with legible notices as prescribed by the commission.

(i) Unlawful acts.--It is unlawful to violate any of the provisions of this section.

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

§ 2943. Field dog trials.

(a) Authorization.--Permits to hold dog trials on specified wild birds and animals may be issued by the director. A separate permit to hold a field trial shall not be required for any group holding a permit for a dog training area under section 2941(a) (relating to dog training areas). Participants in these trials shall not be required to have a hunting license.

(b) Trials for small game.--It is lawful to hold field trials or meets where dogs are permitted to work on liberated or native small game:

(1) During the period of the year when dog training is permitted by this title.

(2) At any time of the year on a licensed special dog training area or regulated hunting grounds if the trial or meet is sponsored by the holder of the special dog training area permit or the holder of the regulated hunting grounds permit.

(3) During the period of the year when dog training is prohibited by this title if a proper field trial permit is obtained.

(c) Trials for raccoons.--It is lawful to hold trials or meets where dogs may work on drags or live raccoons at any hour, if permission is obtained to use privately owned land when the meet or trial is to be held on Sunday:

(1) During the period of the year when dog training is permitted by this title.

(2) During the period of the year when dog training is prohibited by this title if a raccoon dog field trial permit is obtained.

(d) Unlawful acts.--It is unlawful to:

(1) Aid, abet, assist or participate in any trial or meet for dogs without a permit as required in this section.

(2) Aid, abet, assist or participate in any field trial in violation of any other provisions of this section.

(3) Release any live raccoons for any purpose under subsection (c).

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

§ 2944. Field dog trials for retrievers.

(a) Authorization.--It is lawful to hold field meets or trials for retrieving dogs, where the skill of the dogs is demonstrated by retrieving dead, wounded or trussed game birds, which have been propagated or otherwise legally acquired and released on the day of the trials, on premises owned or controlled by the club or individual conducting them at any time of the year after having secured a permit required under this section.

(b) Permit.--Permits shall be required for all retriever trials where game birds are shot and killed and for all other trials held during the closed period for training dogs.

(c) Permission to kill birds.--The permits shall authorize the holders to kill all of the birds released by the permittee on the day of the trials or from the hand while the trials are in progress.

(d) Official gun.--The person or persons designated by the committee in charge to do the shooting for the trials shall be known as the official gun or guns. No other person shall be permitted to kill, or attempt to kill, any of the birds released for the trials. Birds so released may be killed during the closed period without regard to sex or numbers.

(e) Tagging of game birds.--Before any game birds are released or killed under this section or consumed on the premises or removed therefrom, a tag shall be attached to each bird. The tags shall be numbered consecutively and supplied by the commission at reasonable cost and shall contain such information as the commission may require. The tags shall remain attached to the individual birds until prepared for consumption and shall not be used more than once.

(f) Shooting untagged birds.--Any untagged birds which are shot or injured shall immediately be delivered to an officer of the commission for disposition along with the sum of \$50 for

each untagged bird killed. This money shall be deposited in the Game Fund.

(g) Unlawful acts.--It is unlawful to:

(1) Aid, abet, assist or participate in any trial for dogs without a permit as required in this section.

(2) Aid, abet, assist or participate in any retriever field trial in violation of any other provisions of this section.

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

§ 2945. Fox chasing.

(a) Authorization.--It is lawful during any period designated by the commission for any fox hunting club, fox hunting organization or individual owning and using an organized pack of five or more foxhounds to chase foxes for sport by riding after the hounds on horses or ponies after securing a permit from the commission.

(b) Permit.--The director may issue a permit to allow fox chasing by the use of hounds, horses and hole dogs during any period of time that dogs may be trained on foxes within the county in which the chase is held. Persons participating in any chase authorized by this permit shall not be required to have a furtaking license pursuant to Chapter 27 (relating to hunting and furtaking licenses).

(c) Unlawful acts.--It is unlawful to:

(1) Chase fox by the method described in this section without first obtaining a permit.

(2) Kill or attempt to kill any fox being chased by hounds under authority of a fox chasing permit with any gun or device other than the dogs legally being used in the chase.

(3) Violate any other provisions of this section.

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

SUBCHAPTER D

PERMITS RELATING TO WILDLIFE

Sec.

2961. Definitions.

2962. Exotic wildlife dealer permits.

2963. Exotic wildlife possession permits.

2964. Menagerie permits.

2965. Exclusions.

Cross References. Subchapter D is referred to in section 2961 of this title.

§ 2961. Definitions.

The following words and phrases when used in this subchapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Educational purposes." Displays by or for public or private schools, sportsmen's organizations, youth organizations, civic associations, conservation camps and school or any other organization deemed appropriate by the commission.

"Exotic wildlife." The phrase includes, but is not limited to, all bears, coyotes, lions, tigers, leopards, jaguars, cheetahs, cougars, wolves and any crossbreed of these animals which have similar characteristics in appearance or features. The definition is applicable whether or not the birds or animals

were bred or reared in captivity or imported from another state or nation.

"Exotic wildlife dealer." Any person who imports into this Commonwealth, possesses, buys, sells, locates or finds for a fee, barter, donates, gives away or otherwise disposes of more than one bird or one animal classified as exotic wildlife by this subchapter.

"Menagerie." Any place where one or more wild birds or wild animals, or one or more birds or animals which have similar characteristics and appearance to birds or animals wild by nature, are kept in captivity for the evident purpose of exhibition with or without charge.

§ 2962. Exotic wildlife dealer permits.

(a) Authorization.--The commission may issue a permit to a person to act as an exotic wildlife dealer. The permit shall authorize the holder to import into this Commonwealth, possess, buy, sell, locate or find for a fee, barter, donate, give away or otherwise dispose of exotic wildlife. A dealer or third person who arranges any trades, sales or purchases set forth in section 2965 (relating to exclusions) for any type of a fee, reimbursement or commission shall be required to have an exotic wildlife dealer's permit.

(b) Shelter, care and protection.--No permit shall be granted by the commission until it is satisfied that the provisions for housing and caring for the exotic wildlife and protection for the public are proper and adequate and in accordance with the standards which may be established by regulations adopted by the commission.

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

(1) Import into this Commonwealth, possess, buy, sell, locate or find for a fee, barter, donate, give away or otherwise dispose of more than one bird or one animal classified as exotic wildlife in any calendar year without first securing a permit issued under this section.

(2) Release exotic wildlife into the wild.

(3) Fail to exercise due care in safeguarding the public from attack by exotic wildlife.

(4) Recklessly engage in conduct which places or may place another person in danger of attack by exotic wildlife.

(d) Penalty.--

(1) A violation of this section relating to permits or regulations adopted thereunder is a summary offense of the first degree.

(2) Any other violation of this section is a summary offense of the sixth degree.

(3) Each day of violation shall constitute a separate offense, but, under no circumstances, shall the accumulated penalty for purposes of a field receipt exceed \$500. There shall be no limit on any accumulated penalty a court may assess.

(e) Discretion of director.--In addition to the penalties provided, the director may, for any violation of this section or the rules and regulations thereunder, revoke or suspend any permit and order the disposal of any exotic wildlife held.

(Apr. 20, 1988, P.L.353, No.55, eff. 60 days)

1988 Amendment. Act 55 amended subsec. (c).

Cross References. Section 2962 is referred to in section 2965 of this title.

§ 2963. Exotic wildlife possession permits.

(a) Authorization.--The commission may issue permits to persons to possess exotic wildlife which shall authorize the

holder to purchase, receive or possess exotic wildlife from any lawful source from within or without this Commonwealth.

(b) Shelter, care and protection.--No permit provided for in this section shall be granted until the commission is satisfied that the provisions for housing and caring for such exotic wildlife and for protecting the public are proper and adequate and in accordance with the standards established by the commission.

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

(1) Possess, purchase or receive exotic wildlife, without first securing a permit to possess exotic wildlife issued under this section or regulations pertaining to this section.

(2) Release exotic wildlife into the wild.

(3) Fail to exercise due care in safeguarding the public from attack by exotic wildlife.

(4) Recklessly engage in conduct which places or may place another person in danger of attack by exotic wildlife.

(d) Penalty.--

(1) A violation of this section relating to permits is a summary offense of the third degree.

(2) Any other violation of this section is a summary offense of the fifth degree.

(3) Each day of violation shall constitute a separate offense, but under no circumstances shall the accumulated penalty for purposes of a field receipt exceed \$300. There shall be no limit on any accumulated penalty a court may assess.

(e) Discretion of director.--In addition to the penalties provided, the director may, for any violation of this section, revoke or suspend any permit and order the disposal of any exotic wildlife held.

(Apr. 20, 1988, P.L.353, No.55, eff. 60 days)

1988 Amendment. Act 55 amended subsec. (c).

Cross References. Section 2963 is referred to in section 2965 of this title.

§ 2964. Menagerie permits.

(a) Authorization.--The commission may issue permits for the establishment and operation of menageries.

(b) Shelter, care and protection.--Prior to the issuance of any permits, the commission shall adopt regulations for the housing, care, treatment, feeding, sanitation, purchase and disposal of wild birds and wild animals kept in menageries and for the protection of the public from such birds or animals. The commission after issuing the permit shall enforce such regulations.

(c) Unlawful acts.--It is unlawful to:

(1) Keep any wild bird or wild animal in captivity for public exhibition, or to have any wild bird or wild animal in custody or control for such purpose, without first securing a permit issued by the commission.

(2) Violate any of the provisions of this section or to release any bird or animal into the wild.

(3) Fail to exercise due care in safeguarding the public from attack by exotic wildlife.

(4) Recklessly engage in conduct which places or may place another person in danger of attack by exotic wildlife.

(d) Penalty.--

(1) A violation of this section relating to permits or regulations adopted thereunder is a summary offense of the second degree.

(2) Any other violation of this section is a summary offense of the seventh degree.

(3) Each day of violation shall constitute a separate offense, but, under no circumstances, shall the accumulated penalty for purposes of a field receipt exceed \$300. There shall be no limit on any accumulated penalty a court may assess.

(e) Discretion of director.--In addition to the penalties provided, the director may, for any violation of this section, revoke or suspend any permit and order the disposal of any wildlife held in the menagerie.

(Apr. 20, 1988, P.L.353, No.55, eff. 60 days)

1988 Amendment. Act 55 amended subsec. (c).

Cross References. Section 2964 is referred to in section 2965 of this title; section 2380.1 of Title 3 (Agriculture).

§ 2965. Exclusions.

(a) General rule.--The provisions of sections 2930 (relating to propagating permits), 2962(a) (relating to exotic wildlife dealer permits), 2963(a) (relating to exotic wildlife possession permits) and 2964(a) (relating to menagerie permits) shall not apply to any:

(1) Public zoological garden which receives government grants or appropriations.

(2) Private zoological park or garden which is open to the public and is accredited by the American Association of Zoological Parks and Aquariums.

(3) Nationally recognized circus.

(b) Specific exclusion for exotic wildlife dealer permits.--The provisions of section 2962(a) shall not apply to any individual, partnership, association or corporation which holds a permit issued pursuant to section 2964, providing the purchase or sale of exotic wildlife or other authorized transaction is conducted for the sole purpose of maintaining stock for the menagerie.

Cross References. Section 2965 is referred to in section 2962 of this title.

**APPENDIX TO TITLE 34
GAME**

Supplementary Provisions of Amendatory Statutes

1986, JULY 8, P.L.442, NO.93

§ 5. Transition provisions.

(a) Continuance of members of Game Commission.--

(1) The members of the Pennsylvania Game Commission in office on the date when this act becomes effective shall constitute the Pennsylvania Game Commission and shall hold their offices as members of the Pennsylvania Game Commission until their successors are appointed as provided by 34 Pa.C.S. § 301 (relating to organization of commission).

(2) The provisions of 34 Pa.C.S. § 301(c) (relating to term of office and compensation) insofar as they impose limits on the number of terms or years of service shall not

apply to the members of the Pennsylvania Game Commission in office on the effective date of this act, who shall be eligible for reappointment without regard to the limitations.

(b) Restoration of certain revoked privileges.--Any person whose hunting and trapping privileges are now revoked under the provisions of section 315(4) of The Game Law shall have such privileges restored upon the date when this act becomes effective. This subsection shall not be construed to affect any other revocation period imposed under other provisions of The Game Law.

(c) Regulations, permits, etc.--All rules, regulations, orders, permits, decisions and other actions of the Pennsylvania Game Commission shall remain in full force and effect until modified, repealed, suspended, superseded or otherwise changed by appropriate action of the Pennsylvania Game Commission.

(d) Licenses.--This act shall apply to the license year beginning July 1, 1987, and each year thereafter. For the months of July and August 1987, hunting licenses issued for the license year 1986 or for the license year 1987 shall be valid for any activities permitted under 34 Pa.C.S. (relating to game) of the Pennsylvania Consolidated Statutes.

Explanatory Note. Act 93 added Chapters 1, 3, 5, 7, 9, 21, 23, 25, 27 and 29 of Title 34.

§ 6. Saving provision.

The provisions of 34 Pa.C.S. (relating to game) as added by this act shall not affect any act done, liability incurred, or right accrued or vested, or affect any suit or prosecution pending or to be instituted to enforce any right or penalty, or punish any offense, under the authority of any statute repealed by this act.

2004, NOVEMBER 30, P.L.1618, NO.207

§ 28. Applicability.

This act shall apply as follows:

(1) Except as otherwise provided in paragraph (2), any and all references in any other law to a "district justice" or "justice of the peace" shall be deemed to be references to a magisterial district judge.

(2) Paragraph (1) shall not apply to the provisions of 71 Pa.C.S.

Explanatory Note. Act 207 amended sections 102, 925, 2511, 2512, 2711, 2726 and 2741 of Title 34.

§ 29. Construction of law.

Nothing in this act shall be construed or deemed to provide magisterial district judges with retirement benefits or rights that are different from those available to district justices or justices of the peace immediately prior to the effective date of this act. Nothing in this act shall be construed or deemed to provide senior magisterial district judges with retirement benefits or rights that are different from those available to senior district justices immediately prior to the effective date of this act.

2010, JULY 9, P.L.387, NO.54

§ 6. Public notice.

The Pennsylvania Game Commission shall provide public notice of the provisions within this act. This notice shall be included within the next edition of the Pennsylvania Hunting and Trapping Digest and summaries of the amendments shall be made available at each issuing agent.

Explanatory Note. Act 54 amended or repealed sections 102, 905, 925, 929, 932, 2167, 2306, 2307, 2310, 2312, 2314, 2321, 2329 and 2711 of Title 34.

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