

GAME AND WILDLIFE CODE (34 PA.C.S.) - OMNIBUS AMENDMENTS

Act of Mar. 29, 1996, P.L. 41, No. 13

Cl. 34

Session of 1996

No. 1996-13

SB 399

AN ACT

Amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for the use of unlawful devices and methods of hunting, for the use of lights while hunting, for carrying loaded firearms in certain vehicles, for safety zones and for game or wildlife found on areas subject to propagating permits.

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

Section 1. Sections 2308(b), 2310(b), 2503(b) and 2505 of Title 34 of the Pennsylvania Consolidated Statutes are amended to read:

§ 2308. Unlawful devices and methods.

* * *

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

(1) **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. 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.

(2) **Any special regulation area or political subdivision which has a valid deer control permit issued under section 2902(c) (relating to general categories of permits).**

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§ 2310. Unlawful use of lights while hunting.

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

(1) **A** person on foot may use an artificial light normally carried on the person to take raccoons, skunks, opossum or foxes.

(2) **Any special regulation area or political subdivision which has a valid deer control permit issued under section 2902(c) (relating to general categories of permits).**

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§ 2503. Loaded firearms in vehicles.

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(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 firearmslicense 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 special regulation area or political subdivision 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)** [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.

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§ 2505. Safety zones.

(a) General rule.--Except as otherwise provided in this title **or in any special regulation area or political subdivision 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 of the fourth degree.

(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 archery deer hunters within any special area designated by commission regulations or any area making use of any special permit issued in accordance with this title or commission regulations, 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.

Section 2. Section 2930(e) of Title 34 is amended and the section is amended by adding a subsection to read:

§ 2930. Propagating permits.

* * *

(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. [No small game or turkeys may be killed by shooting within the enclosure.] 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).

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(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.

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Section 3. This act shall take effect immediately.

APPROVED--The 29th day of March, A. D. 1996.

THOMAS J. RIDGE