

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1482 Session of
1985

INTRODUCED BY DIETZ, NOYE, WASS, JOHNSON, DISTLER, HALUSKA,
HOWLETT, CARLSON, BLACK, RUDY, BOWSER, HERMAN, TELEK,
BELARDI, HERSHEY, GEIST, PHILLIPS, MERRY AND BALDWIN,
JUNE 24, 1985

REFERRED TO COMMITTEE ON GAME AND FISHERIES, JUNE 24, 1985

AN ACT

1 Amending the act of June 3, 1937 (P.L.1225, No.316), entitled
2 "An act concerning game and other wild birds and wild
3 animals; and amending, revising, consolidating, and changing
4 the law relating thereto," further providing for licenses and
5 tags for antlerless deer.

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

8 Section 1. Section 501(c) of the act of June 3, 1937
9 (P.L.1225, No.316), known as The Game Law, amended July 20, 1983
10 (P.L.55, No.28), is amended to read:

11 Section 501. Open Seasons.--* * *

12 (c) Hunters' Licenses and Tags for Antlerless Deer.--If in
13 any year the commission declares an open season for antlerless
14 deer, it shall issue antlerless deer licenses and tags to hunt
15 for or kill such deer, at a fee of three dollars fifty cents
16 under such rules and regulations governing the issuance of such
17 licenses and tags as it may deem necessary to limit the number
18 of persons who may hunt for such deer in any county of the

1 Commonwealth and to regulate the issuance of such licenses
2 generally. Except as otherwise provided in this subsection, no
3 applications for antlerless deer licenses received from
4 nonresidents of the Commonwealth shall be approved or licenses
5 issued in advance of thirty days prior to the opening date of
6 such antlerless deer season. In any county where applications
7 are received and a public drawing is held to determine who shall
8 receive such licenses and tags, the county treasurer shall
9 conduct two public drawings; the first shall be restricted to
10 applications received from residents of such county and the
11 second, which shall be held seven days after the first, shall
12 include residents and nonresidents of the county: Provided,
13 however, That if the first public drawing exhausts the county's
14 allocation of such licenses and tags, a second public drawing
15 shall not be held. In any county where applications are received
16 and licenses and tags issued on a first-come-first-served basis,
17 for a period of seven days from the first day on which
18 applications can be made, only applications from residents of
19 such county shall be accepted. After such seven-day period has
20 elapsed, applications from nonresidents shall be accepted. Such
21 licenses and tags [shall be issued without restriction or regard
22 to the county of residence of the Pennsylvania applicant and]
23 may be issued only to holders of resident or nonresident hunting
24 licenses, and such licenses and tags shall not be transferable
25 from one person to another nor shall they be refunded or
26 reissued to anyone. Notwithstanding the provisions of any
27 regulation limiting the number of licenses and tags, the
28 commission shall issue antlerless deer licenses and tags without
29 effecting any quota established by the commission for a
30 particular county: (1) to members of Armed Forces who are

1 residents of Pennsylvania and who are on full time active duty;
2 (2) to residents who were honorably discharged from the Armed
3 Forces within sixty days of the date of the application upon
4 substantial proof of their military status; and (3) to disabled
5 veterans as defined in section 302 upon submission of the
6 information required by section 302.

7 Licenses and tags for antlerless deer shall be issued only by
8 the county treasurers or by any person carrying out the duties
9 and responsibilities of a county treasurer in counties
10 functioning under a Home Rule Charter in counties where such
11 deer may be hunted and killed, who, for that purpose, are hereby
12 made agents of the commission.

13 For services rendered in collecting and paying over fees and
14 issuing licenses and tags, by mail or otherwise, such agents may
15 retain the sum of fifty cents from the amount paid by each
16 licensee, which amount shall be paid into the county treasury.

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

22 When such licenses are issued to restrict the number of
23 persons who may hunt antlerless deer in any county of the
24 Commonwealth, certain qualifying landowners who own eighty or
25 more contiguous acres of land within any county where they
26 desire to hunt antlerless deer shall be entitled to one
27 antlerless deer license for that county, at the prescribed fee,
28 to one and only one person whose name appears on the deed. These
29 antlerless deer licenses shall be allocated in advance of their
30 availability to the general public from the quota established by

1 the commission for the county where such land is situated to
2 persons who meet all of the following requirements:

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

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

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

15 Any resident of Pennsylvania residing within the Commonwealth
16 who is a bona fide owner or lessee of lands which lie within the
17 county declared open to the hunting of antlerless deer, or any
18 member of the family or household, or regularly hired help of
19 such owner or lessee who are so employed on a full-time basis,
20 if such person is a resident of the Commonwealth, actually
21 residing upon and cultivating such lands for general farm crop
22 purposes, is hereby declared eligible to hunt antlerless deer
23 without a resident hunters' license or an antlerless deer
24 license upon said property, and, by and with the written consent
25 of the owner or lessee thereof, upon the lands immediately
26 adjacent and connected with his own lands, other than publicly-
27 owned lands.

28 The terms "antlerless deer" and "deer without visible
29 antlers," as used in this subsection or any other provision of
30 the Game Law which this act amends, are hereby defined to mean a

1 deer without an antler sometimes called horn, or a deer with
2 antlers both of which are less than three inches long, the term
3 "antler," as herein used or in any other provision of the Game
4 Law which this act amends, meaning the bony growth on the head
5 of a deer regardless of its size or development.

6 When the commission adopts and promulgates such rules and
7 regulations relative to hunters' licenses and tags for
8 antlerless deer, it is unlawful for any person other than a
9 landowner or lessee of the county or a member of his household,
10 as hereinbefore enumerated, to hunt for antlerless deer without
11 a hunters' license and tag for antlerless deer, or to take such
12 deer contrary to the rules and regulations adopted by the
13 commission.

14 The antlerless deer license tag issued with an antlerless
15 deer license shall be displayed on the outer garment immediately
16 below the regular resident or nonresident hunting license tag.
17 Any person who fails to display the antlerless deer license tag
18 herein required shall, upon conviction, be sentenced to pay a
19 fine of twenty-five dollars (\$25) and costs of prosecution,
20 provided it shall be determined the person has purchased a
21 license; otherwise, a penalty of fifty dollars (\$50) and costs
22 of prosecution shall be imposed. Any person who shall give false
23 information in obtaining or attempting to obtain an antlerless
24 deer license as relates to certain qualifying landowners shall,
25 upon conviction, be sentenced to pay a fine of two hundred
26 dollars (\$200) and costs of prosecution and shall be denied the
27 right to hunt or trap anywhere in this Commonwealth, with or
28 without a license, for a period of three years. Any other person
29 who shall give false information in obtaining or attempting to
30 obtain an antlerless deer license shall, upon conviction, be

1 sentenced to pay a fine of fifty dollars (\$50) and costs of
2 prosecution.

3 * * *

4 Section 2. This act shall take effect immediately.