

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 965 Session of
2009

INTRODUCED BY HALUSKA, D. COSTA, GEIST, GERGELY, GINGRICH,
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MARCH 17, 2009

AS REPORTED FROM COMMITTEE ON GAME AND FISHERIES, HOUSE OF
REPRESENTATIVES, AS AMENDED, JULY 13, 2009

AN ACT

1 Amending Title 34 (Game) of the Pennsylvania Consolidated
2 Statutes, further providing for the definition of "bow" and
3 for disabled person permits.

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

6 Section 1. The definition of "bow" in section 102 of Title
7 34 of the Pennsylvania Consolidated Statutes is amended to read:
8 § 102. Definitions.

9 Subject to additional definitions contained in subsequent
10 provisions of this title which are applicable to specific
11 provisions of this title, the following words and phrases when
12 used in this title shall have the meanings given to them in this
13 section unless the context clearly indicates otherwise:

14 * * *

15 "Bow." A weapon which propels an arrow, is hand-held, hand-
16 drawn, held in the drawn position by hand or by a hand-held
17 mechanical device and released by hand. The term [shall not be

1 construed or interpreted to mean or include what is commonly
2 known as a cross-bow] includes devices held in place by a brace
3 secured around the body of the hunter ~~or is triggered with the~~
4 ~~aid of a mechanical device.~~ The term also includes the crossbow
5 which, when used for hunting deer, bear or turkey, shall have a
6 draw weight of no less than 125 pounds and shall use arrows
7 tipped with broadheads of a cutting edge design.

8 * * *

9 Section 2. Section 2923 of Title 34 is amended to read:

10 § 2923. Disabled person permits.

11 (a) Use of vehicle as a blind.--

12 (1) Unless further restricted by commission regulation,
13 a lifetime permit to hunt from a stationary vehicle may be
14 issued to a person with permanent disabilities who qualified
15 for a hunting license pursuant to Chapter 27 (relating to
16 hunting and furtaking licenses) or who possesses a junior
17 resident license under section 2705(2) (relating to classes
18 of licenses) and who meets any of the following requirements:

19 (i) Has a permanent or irreversible physical
20 disability and is unable to ambulate and requires a
21 wheelchair, walker, one leg brace or external prosthesis
22 above the knee, two leg braces or external prostheses
23 below the knees, two crutches or two canes for mobility.

24 (ii) Suffers significantly from lung disease to the
25 extent that forced expiratory volume for one second when
26 measured by spirometry is less than one liter or the
27 arterial oxygen tension (po) is less than 60 millimeters
28 of mercury on room air at rest. This subparagraph would
29 also apply to someone who is oxygen dependent 24 hours a
30 day, seven days a week.

1 (iii) Suffers significantly from cardiovascular
2 disease to the extent that functional limitations are
3 classified in severity as class 3 or 4 according to the
4 current standards accepted by the American Heart
5 Association and where ordinary physical activity results
6 in fatigue, palpitation, dyspnea or anginal pain.

7 (iv) Has a disability or combination of disabilities
8 creating a minimum impairment of function of or
9 equivalent to no less than 90% loss of function in one
10 leg or no more than 10% maximal functional use in one leg
11 regardless of the functional level of the other leg.

12 (2) Unless further restricted by commission regulation,
13 a permit to hunt from a stationary vehicle may be issued to a
14 person who qualified for a hunting license pursuant to
15 Chapter 27 and presents an affidavit and doctor's certificate
16 stating the applicant has a temporary disability that
17 restricts mobility or ambulation of any distance due to
18 illness or injury and operative procedures and who either has
19 a leg, hip or back or any part thereof casted by a licensed
20 physician due to a fracture or has leg, hip or back surgery.
21 This permit is only valid for the license year in which
22 issued.

23 (3) Permittees shall carry the permit upon their person
24 while hunting. Any person named on this permit may hunt while
25 using an automobile or other vehicle as a blind. The
26 permittee shall not use the vehicle to flush or locate game.
27 The vehicle may be used only as a blind or platform from
28 which to shoot. The firearm shall be unloaded at all times
29 while the vehicle is in motion.

30 (4) Any person who possesses a junior resident license

1 under section 2705(2) and otherwise qualifies for a disabled
2 person permit must comply with section 2711(a)(8) (relating
3 to unlawful acts concerning licenses). Any parent or person
4 18 years of age or older serving in loco parentis or as
5 guardian or some other family member 18 years of age or older
6 shall not use a vehicle as a blind unless that person meets
7 the requirements of this section.

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

17 [(c) Bow and arrow or crossbow.--A lifetime permit shall be
18 issued to any person who presents a doctor's certificate showing
19 that the person is, because of a permanent physical condition,
20 unable to hunt with a conventional bow and arrow. A temporary
21 permit shall be issued to a person who presents a doctor's
22 certificate showing that the person is, because of a temporary
23 physical condition, unable to hunt with a conventional bow and
24 arrow. A temporary permit issued under this subsection shall be
25 valid only for the license year for which the permit is issued.
26 The lifetime or temporary permit shall authorize the named
27 person to hunt by the use of:

28 (1) A bow and arrow which is held in place by a brace
29 secured around the body of the hunter or is triggered with
30 the aid of a mechanical device.

1 (2) A crossbow subject to the following restrictions:

2 (i) When hunting deer, bear or turkey, the crossbow
3 must have a draw weight of not less than 125 pounds nor
4 more than 200 pounds.

5 (ii) The arrows for the crossbow must be tipped with
6 broadheads of a cutting edge design.

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

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

11 Section 3. This act shall take effect in 60 days.