
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1433 Session of
1983

INTRODUCED BY CALTAGIRONE, SEPTEMBER 20, 1983

REFERRED TO COMMITTEE ON GAME AND FISHERIES, SEPTEMBER 20, 1983

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," deleting the residential
5 requirement for hunting on lands cultivated continuously and
6 commercially.

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

9 Section 1. Section 317 of the act of June 3, 1937 (P.L.1225,
10 No.316), known as The Game Law, amended June 24, 1981 (P.L.111,
11 No.37), is amended to read:

12 Section 317. Legal Hunting or Trapping by Residents Without
13 License.--(a) Unless the right to procure a license or to hunt
14 or trap anywhere within the Commonwealth has been denied under
15 the provisions of this act, any resident of this Commonwealth
16 who is regularly and continuously engaged in cultivating the
17 soil for general farm crop purposes, commercial truck growing,
18 commercial orchards or commercial nurseries, as either the owner
19 or lessee or tenant of said lands, or as a member of the family

1 or household or regularly hired help of such owner or lessee or
2 tenant, shall be eligible to hunt and trap on said lands,
3 including the woodlands connected therewith and operated as a
4 part thereof, without a resident hunter's license or an archery
5 or bear license, if such owner, lessee, tenant, member of the
6 family or household or hired help [resides in a dwelling
7 situated upon the property so being cultivated and] shall have
8 [continuously resided thereon and] assisted in the cultivation
9 of said land for a period of sixty or more days prior to the
10 general open hunting or trapping season.

11 (b) Any of the persons enumerated above who shall be
12 eligible to hunt or trap on certain lands without securing a
13 resident hunter's license or an archery or bear license, also
14 may, by and with the written consent of the owner or lessee
15 thereof, hunt or trap upon any lands other than those publicly-
16 owned which lie immediately adjacent and are connected with the
17 lands upon which such persons may lawfully hunt or trap without
18 securing a license.

19 Section 2. Section 501(c) of the act, amended November 20,
20 1981 (P.L.340, No.125) and February 11, 1982 (P.L.33, No.21), is
21 amended to read:

22 Section 501. Open Seasons.--* * *

23 (c) Hunters' Licenses and Tags for Antlerless Deer.--If in
24 any year the commission declares an open season for antlerless
25 deer, it shall issue antlerless deer licenses and tags to hunt
26 for or kill such deer, at a fee of three dollars thirty-five
27 cents under such rules and regulations governing the issuance of
28 such licenses and tags as it may deem necessary to limit the
29 number of persons who may hunt for such deer in any county of
30 the Commonwealth and to regulate the issuance of such licenses

1 generally. Except as otherwise provided in this subsection, no
2 applications for antlerless deer licenses received from
3 nonresidents of the Commonwealth shall be approved or licenses
4 issued in advance of thirty days prior to the opening date of
5 such antlerless deer season. Such licenses and tags shall be
6 issued without restriction or regard to the county of residence
7 of the Pennsylvania applicant and may be issued only to holders
8 of resident or nonresident hunting licenses, and such licenses
9 and tags shall not be transferable from one person to another
10 nor shall they be refunded or reissued to anyone.

11 Notwithstanding the provisions of any regulation limiting the
12 number of licenses and tags, the commission shall issue
13 antlerless deer licenses and tags without effecting any quota
14 established by the commission for a particular county: (1) to
15 members of Armed Forces who are residents of Pennsylvania and
16 who are on full time active duty; (2) to residents who were
17 honorably discharged from the Armed Forces within sixty days of
18 the date of the application upon substantial proof of their
19 military status; and (3) to disabled veterans as defined in
20 section 302 upon submission of the information required by
21 section 302.

22 Licenses and tags for antlerless deer shall be issued only by
23 the county treasurers or by any person carrying out the duties
24 and responsibilities of a county treasurer in counties
25 functioning under a Home Rule Charter in counties where such
26 deer may be hunted and killed, who, for that purpose, are hereby
27 made agents of the commission.

28 For services rendered in collecting and paying over fees and
29 issuing licenses and tags, by mail or otherwise, such agents may
30 retain the sum of thirty-five cents from the amount paid by each

1 licensee, which amount shall be paid into the county treasury.

2 It shall be unlawful for any person to sell or attempt to
3 sell any antlerless deer hunting license for a monetary fee in
4 excess of the fees fixed pursuant to this subsection. The sale
5 or attempted sale of each license shall constitute a separate
6 offense.

7 When such licenses are issued to restrict the number of
8 persons who may hunt antlerless deer in any county of the
9 Commonwealth, certain qualifying landowners who own eighty or
10 more contiguous acres of land within any county where they
11 desire to hunt antlerless deer shall be entitled to one
12 antlerless deer license for that county, at the prescribed fee,
13 to one and only one person whose name appears on the deed. These
14 antlerless deer licenses shall be allocated in advance of their
15 availability to the general public from the quota established by
16 the commission for the county where such land is situated to
17 persons who meet all of the following requirements:

18 (i) the eighty or more contiguous acres of land are owned by
19 a natural person individually or as tenants by the entirety, or
20 by a corporation of four or fewer shareholders, or by tenants in
21 common of four or fewer natural persons;

22 (ii) the eighty or more contiguous acres of land are open to
23 public hunting and trapping and shall remain open to hunting and
24 trapping during the hunting license year for which the
25 antlerless deer license is issued;

26 (iii) the applicant for an antlerless deer license shall
27 furnish proof of ownership of eighty or more contiguous acres of
28 land to the county treasurer within the county where such land
29 is situated.

30 Any resident of Pennsylvania residing within the Commonwealth

1 who is a bona fide owner or lessee of lands which lie within the
2 county declared open to the hunting of antlerless deer, or any
3 member of the family or household, or regularly hired help of
4 such owner or lessee who are so employed on a full-time basis,
5 if such person is a resident of the Commonwealth, [actually
6 residing upon and] cultivating such lands for general farm crop
7 purposes, is hereby declared eligible to hunt antlerless deer
8 without a resident hunters' license or an antlerless deer
9 license upon said property, and, by and with the written consent
10 of the owner or lessee thereof, upon the lands immediately
11 adjacent and connected with his own lands, other than publicly-
12 owned lands.

13 The terms "antlerless deer" and "deer without visible
14 antlers," as used in this subsection or any other provision of
15 the Game Law which this act amends, are hereby defined to mean a
16 deer without an antler sometimes called horn, or a deer with
17 antlers both of which are less than three inches long, the term
18 "antler," as herein used or in any other provision of the Game
19 Law which this act amends, meaning the bony growth on the head
20 of a deer regardless of its size or development.

21 When the commission adopts and promulgates such rules and
22 regulations relative to hunters' licenses and tags for
23 antlerless deer, it is unlawful for any person other than a
24 landowner or lessee of the county or a member of his household,
25 as hereinbefore enumerated, to hunt for antlerless deer without
26 a hunters' license and tag for antlerless deer, or to take such
27 deer contrary to the rules and regulations adopted by the
28 commission.

29 The antlerless deer license tag issued with an antlerless
30 deer license shall be displayed on the outer garment immediately

1 below the regular resident or nonresident hunting license tag.
2 Any person who fails to display the antlerless deer license tag
3 herein required shall, upon conviction, be sentenced to pay a
4 fine of twenty-five dollars (\$25) and costs of prosecution,
5 provided it shall be determined the person has purchased a
6 license; otherwise, a penalty of fifty dollars (\$50) and costs
7 of prosecution shall be imposed. Any person who shall give false
8 information in obtaining or attempting to obtain an antlerless
9 deer license as relates to certain qualifying landowners shall,
10 upon conviction, be sentenced to pay a fine of two hundred
11 dollars (\$200) and costs of prosecution and shall be denied the
12 right to hunt or trap anywhere in this Commonwealth, with or
13 without a license, for a period of three years. Any other person
14 who shall give false information in obtaining or attempting to
15 obtain an antlerless deer license shall, upon conviction, be
16 sentenced to pay a fine of fifty dollars (\$50) and costs of
17 prosecution.

18 * * *

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