

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 865

Session of
1987

INTRODUCED BY HELFRICK, WENGER, STAPLETON, O'PAKE, HESS, KELLEY,
SALVATORE, PECORA, RHOADES, MADIGAN, MOORE, ARMSTRONG,
SHAFFER, BODACK, PETERSON, STEWART AND REGOLI, JUNE 1, 1987

AS AMENDED ON THIRD CONSIDERATION, JUNE 28, 1988

AN ACT

1 Amending Title 34 (Game) of the Pennsylvania Consolidated
2 Statutes, DEFINING "LOADED FIREARM"; further defining "safety <—
3 zone" to include playground areas; further providing for
4 residency of members of the armed forces of the United States
5 and of the United States Coast Guard and for the issuance of
6 licenses to such persons; further providing for the cost and
7 duration of a disabled person's permit; requiring the Game
8 Commission to make certain refunds; providing for the
9 issuance of reduced fee hunting licenses to certain parties
10 who open land to public hunting; and providing for
11 reimbursement to the game fund.

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

14 SECTION 1. SECTION 102 OF TITLE 34 OF THE PENNSYLVANIA <—
15 CONSOLIDATED STATUTES IS AMENDED BY ADDING A DEFINITION TO READ:
16 § 102. DEFINITIONS.

17 SUBJECT TO ADDITIONAL DEFINITIONS CONTAINED IN SUBSEQUENT
18 PROVISIONS OF THIS TITLE WHICH ARE APPLICABLE TO SPECIFIC
19 PROVISIONS OF THIS TITLE, THE FOLLOWING WORDS AND PHRASES WHEN
20 USED IN THIS TITLE SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
21 SECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

22 * * *

1 "LOADED FIREARM." A FIREARM OF ANY KIND WHICH HAS A LIVE
2 SHELL OR CARTRIDGE IN EITHER THE CHAMBER OR MAGAZINE.

3 * * *

4 Section ± 2. Sections 2505(c), 2702(b) and (c), 2704(b) and
5 2705(13) of Title 34 ~~of the Pennsylvania Consolidated Statutes~~
6 are amended to read:

7 § 2505. Safety zones.

8 * * *

9 (c) Definition.--As used in this section the term "safety
10 zone" means the area within 150 yards around and that area which
11 is below the highest point of any occupied dwelling house,
12 residence, or other building or camp occupied by human beings,
13 or any barn, stable, or other building used in connection
14 therewith or any attached or detached playground of any school,
15 nursery school or day-care center.

16 § 2702. Residents.

17 * * *

18 (b) Commonwealth residents in armed forces.--Nothing in this
19 chapter shall deny any qualified [resident of this Commonwealth
20 serving in the armed forces of the United States as a result of
21 a first enlistment or conscription] serviceman or servicewoman
22 domiciled in but residing outside this Commonwealth while
23 serving on active duty in the armed forces of the United States
24 or in the United States Coast Guard, or any family member living
25 in his or her home and [domiciled] residing outside this
26 Commonwealth to meet military requirements, from eligibility to
27 procure a resident hunter's license or other license when
28 domicile within this Commonwealth is a requirement. Proof that a
29 serviceman's or servicewoman's military home of record is in
30 Pennsylvania shall be sufficient to establish domicile in this

1 Commonwealth.

2 (c) Military personnel stationed in Commonwealth.--Any
3 person regularly enrolled in any branch of the armed forces of
4 the United States or in the United States Coast Guard and
5 officially stationed and quartered within this Commonwealth [60]
6 30 or more days preceding the date of application shall be a
7 resident for the purpose of this title.

8 * * *

9 § 2704. Eligibility for license.

10 * * *

11 (b) Hunter education.--Persons who have not held a hunting
12 license lawfully issued to them in this Commonwealth or another
13 state or nation or have not hunted under the exceptions in
14 section 2706 (relating to resident license and fee exemptions)
15 or do not possess a certificate of training approved by the
16 director prior to the enactment of this title shall be required
17 to attain accreditation in a hunter education program approved
18 by the director before a hunting license is issued to them. The
19 provisions of this subsection shall not apply to a person who
20 presents:

21 (1) Evidence of service in the armed forces of the
22 United States or in the United States Coast Guard and
23 discharge or separation under honorable conditions within six
24 months of the date of application.

25 (2) Evidence that the person is currently serving in the
26 armed forces of the United States or in the United States
27 Coast Guard.

28 * * *

29 § 2705. Classes of licenses.

30 Unless otherwise provided, any person wishing to exercise any

1 of the privileges granted by this title shall first secure the
2 applicable resident or nonresident hunting or furtaking license
3 as follows:

4 * * *

5 (13) Antlerless deer licenses, bear licenses, archery
6 licenses, muzzle-loader licenses and any other license
7 required to insure just and proper administration of this
8 title and sound game or wildlife conservation to eligible
9 persons, subject to the regulations, requirements and
10 conditions which the commission shall establish. Any such
11 license shall be made available to residents serving on
12 active duty in the armed forces of the United States or in
13 the United States Coast Guard without regard to quota
14 limitations or application deadlines. The number of bear
15 licenses which shall be made available to nonresidents shall
16 not exceed 3% of the total number of bear licenses to be
17 issued by the commission.

18 Section ~~2~~ 3. Section 2706 of Title 34 is amended by adding a <—
19 subsection to read:

20 § 2706. Resident license and fee exemptions.

21 * * *

22 (d) Owners or possessors of land open to public hunting.--A
23 resident owner or possessor of land, comprising greater than 80
24 contiguous acres farmed under a conservation plan which does not
25 conflict with the act of June 22, 1937 (P.L.1987, No.394), known
26 as The Clean Streams Law, and which meets the requirements of 25
27 Pa. Code § 102 (relating to erosion control), shall, if he
28 permits public hunting as evidenced by enrollment in a
29 cooperative public access program, be entitled to purchase a
30 landowners hunting license at the cost of \$3 plus the current

1 issuing fee. The 80 acre requirement shall be exclusive of
2 safety zones in excess of 20% of the total acreage. The license
3 shall be issued to the owner or possessor or an immediate family
4 member of either the owner or possessor living in the same
5 household so designated by the owner or possessor in the case of
6 a single owner or possessor, and to the individual so designated
7 in the case of more than one owner or possessor. No person shall
8 be issued a hunting license under this subsection unless such
9 person is 12 years of age or older, has met the requirements
10 prescribed in section 2704 (relating to eligibility for
11 license), and has not been denied the privilege to hunt. A
12 person entitled to receive a hunting license under this
13 subsection shall certify to the commission in the form and
14 manner prescribed by the commission that the land tract he owns
15 or possesses is presently in his ownership or possession.

16 Section 3 4. Section 2709(a) of Title 34 is amended by
17 adding a paragraph to read:

18 § 2709. License costs and fees.

19 (a) License costs.--Any person who qualifies under the
20 provisions of this chapter shall be issued the applicable
21 license upon payment of the following costs and the issuing
22 agent's fee:

23 * * *

24 (19) Owners or possessors of land open to public hunting
25 under section 2706(d) (relating to owners or possessors of
26 land open to public hunting) - \$3. All hunting licenses
27 issued under section 2706(d) shall be recorded by the
28 commission. The commission annually shall certify to the
29 General Assembly the difference between \$3 and the fee for a
30 resident hunting license for all licenses so issued and the

1 General Assembly shall cause that amount annually to be
2 appropriated and credited to the Game Fund.

3 * * *

4 Section 4 5. Sections 2903 and 2904(3) of Title 34 are <—
5 amended to read:

6 § 2903. Permit year.

7 Except as otherwise provided in this title, all permits shall
8 be issued for the time designated as the fiscal year for the
9 Commonwealth. The permit for a disabled person to hunt from a
10 vehicle shall [cover the same period as the hunting license] be
11 valid for the lifetime of the disabled person. There will be no
12 reduced fees for a permit issued for less than a year.

13 § 2904. Permit fees.

14 The annual fee for permits provided for in this chapter shall
15 be as follows:

16 * * *

17 (3) Disabled person - \$5 [for two years (expires every
18 even year)] for the lifetime of the disabled person.

19 * * *

20 Section 5 6. The Game Commission shall refund to eligible <—
21 members of the armed forces or the United States Coast Guard all
22 fines and penalties collected by court action or acknowledgment
23 of guilt for violations of section 2702(b) and (c) and also the
24 difference between the costs of a resident license and a
25 nonresident license for those qualified members of the armed
26 forces or the United States Coast Guard who purchased a
27 nonresident license. These refunds shall be paid no later than
28 June 30, 1990.

29 Section 6 7. The provisions of section 2702(b) and (c) shall <—
30 be retroactive to July 1, 1987.

1 Section 7 8. This act shall take effect as follows:

2 (1) Sections 2706(d) and 2709(a)(19) shall take effect
3 July 1, 1989.

4 (2) The remainder of this act shall take effect
5 immediately.