

AGRICULTURE CODE (3 PA.C.S.) AND GAME AND WILDLIFE CODE (34 PA.C.S.) -
LICENSES AND FEES RELATING TO TAXIDERMISTS

Act of Jul. 7, 2006, P.L. 358, No. 77

Cl. 03

Session of 2006

No. 2006-77

HB 1528

AN ACT

Amending Titles 3 (Agriculture) and 34 (Game) of the Pennsylvania Consolidated Statutes, providing for taxidermists; and further providing for licenses and fees relating to taxidermists.

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

Section 1. Title 3 of the Pennsylvania Consolidated Statutes is amended by adding a chapter to read:

CHAPTER 27
TAXIDERMISTS

Sec.

- 2701. Definitions.
- 2702. Registration.
- 2703. Unlawful acts.
- 2704. Preemption.
- 2705. Duties.
- 2706. Recordkeeping.
- 2707. Reporting.

§ 2701. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Specimen." Any of the following which are protected under this title, 30 Pa.C.S. (relating to fish) or 34 Pa.C.S. (relating to game):

- (1) A bird or a part of a bird.
- (2) An animal or a part of an animal.
- (3) A fish or a part of a fish.
- (4) A reptile or a part of a reptile.

§ 2702. Registration.

Any person who holds himself out to the public as a taxidermist or mounts any specimen shall register with the department on a form prescribed by the department. The registration shall include at a minimum the person's name, the business name, the address and telephone number and the person's or business tax identification number. For purposes of this section, the tax identification number may include any of the following:

- (1) Federal employer identification number.
- (2) Unemployment compensation account number.
- (3) Social Security number.

- (4) State personal income tax identification number.
- (5) State sales tax number.
- (6) Corporation tax number.
- (7) State employer withholding number.
- (8) Any other identification number acceptable to the department.

§ 2703. Unlawful acts.

A person commits a summary offense of the second degree and shall be subject to the penalty imposed under 34 Pa.C.S. § 925(b)(5) (relating to jurisdiction and penalties) if the person does any of the following:

- (1) If the person is a taxidermist, mounts any specimen which was not lawfully killed or raised under authority of a propagating permit unless the owner of the specimen presents the taxidermist with a permit obtained from the Pennsylvania Game Commission or the Pennsylvania Fish Commission and, in the case of migratory birds, the required Federal permit.

- (2) Mounts any specimen unless the owner of the specimen presents the person with a copy of a permit issued by the Pennsylvania Game Commission or the Pennsylvania Fish Commission. A taxidermist may accept a specimen for safekeeping and, after notifying the nearest Pennsylvania Game Commission or Pennsylvania Fish Commission officer, hold it until the owner obtains the necessary permit or for a period not to exceed 60 days.

- (3) Violates the provisions of this chapter.

§ 2704. Preemption.

Nothing in this chapter shall preempt the requirements of any other Federal or State law.

§ 2705. Duties.

The department shall:

- (1) Upon request, provide the Department of Revenue and the Department of Labor and Industry with information about registered taxidermists.

- (2) Charge taxidermy registrants an annual fee of \$100 to cover the costs of administering the registration system.

§ 2706. Recordkeeping.

A person registered under this chapter shall maintain an accurate record of all specimens that they mount. The record shall include the type of specimen mounted and the location where the specimen was harvested. The registrant shall make these records available to the department for inspection upon request by the Bureau of Animal Health and Diagnostic Services.

§ 2707. Reporting.

A person registered under this chapter shall report an unmarked Convention on International Trade in Endangered Species or threatened or endangered special specimen to the proper authority within 72 hours of receiving notice of the specimen.

Section 2. Sections 2904(a), 2926 and 2927(c)(2) of Title 34 are amended to read:

§ 2904. Permit fees.

(a) Annual fees.--The annual fee for permits provided for in this chapter shall be as follows:

- (1) Bird banding - \$25.
- (2) Collecting - \$25.

- (3) (Deleted by amendment).
- (3.1) Temporary permit for disabled person - \$5 for the license year.
- (4) Dog training area - \$50.
- (5) Dog trials (three consecutive days):
 - (i) Field trials - \$25 per day.
 - (ii) Raccoon trials - \$25 per day.
 - (iii) Retriever trials - \$25.
- (6) Endangered or threatened species:
 - (i) Native - \$300.
 - (ii) Non-native - free with necessary Federal permit.
- (7) Falconry - \$25 for each raptor held.
- (8) Fox chasing - \$150.
- (9) Fur dealers:
 - (i) Resident - \$100.
 - (ii) Nonresident - \$300.
- (10) Regulated hunting grounds:
 - (i) Commercial - \$100 for first 100 acres and \$25 for each additional 100 acres, or part thereof.
 - (ii) Noncommercial - \$38 for first 100 acres and \$8 for each additional 100 acres, or part thereof.
- (11) Retriever training area - \$50.
- [(12) Taxidermy - \$100.]
- (13) Wildlife (exotic) dealer - \$200.
- (14) Wildlife menagerie - \$100.
- (15) Wildlife (exotic) possession - \$50 per animal.
- (16) Wildlife propagation - \$25 for one species and \$10 for each additional species.
- (17) Commercial wildlife pest control - \$50.

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[§ 2926. Taxidermy permits.

(a) Requirements.--Unless further provided by commission regulation, any person now holding a taxidermy permit shall be eligible for a renewal. The commission shall set up a system of examinations to determine the fitness of all future applicants for the permits, including the establishment of appropriate fees covering the cost of such examination. Nothing contained in this section shall preclude the requirements of any other State or Federal law.

(b) Activities authorized.--Permits issued to persons residing within this Commonwealth desiring to practice taxidermy shall authorize the holder thereof to:

- (1) Unless otherwise restricted, receive from any person any bird or animal that has been legally or accidentally killed, keep the specimen or any part thereof in possession indefinitely and mount the specimen or any part thereof, either himself or through any legitimate employee.
- (2) Sell or dispose of any unclaimed specimen.
- (3) Mount and sell any bird or animal which is lawfully disposed of under authority of this title and the state or nation where killed or taken.

(b.1) Specific areas.--

- (1) A taxidermist may be licensed to obtain a permit for one or more of the following areas:

(i) big and small game animals, excluding wild turkey;

(ii) fish; and

(iii) game birds, including wild turkey.

(2) An individual, as part of the taxidermy examination, must present five specimens from each group for which he is seeking a permit.

(3) For purposes of this subsection only, the term "big game" in section 102 (relating to definitions) shall not include the wild turkey.

(c) Unlawful acts.--It is unlawful:

(1) For any taxidermist to mount any bird or animal, or part thereof, protected by this title, which was not lawfully killed or raised under authority of a propagating permit until the owner thereof presents a permit obtained from the commission and, in the case of migratory birds, the required Federal permit.

(2) For any person to do taxidermy work for another without a permit. Employees of a licensed taxidermist may perform taxidermy work without a permit at the permittee's shop under the supervision of the permittee who shall be solely responsible for the quality of the work.

(3) To violate any other provision of this section.

(d) Penalty.--A violation of this section is a summary offense of the second degree.]

§ 2927. Protected specimen mounting permits.

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(c) Unlawful acts.--It is unlawful:

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[(2) For a taxidermist or any other person to mount any protected specimens unless the owner of the specimen has presented him with a copy of a permit issued by the commission. A licensed taxidermist may accept a protected specimen for safekeeping and, after notifying the nearest commission officer, hold it until the owner obtains the necessary permit or for a period not exceeding 60 days.]

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Section 3. This act shall take effect in 90 days.

APPROVED--The 7th day of July, A. D. 2006.

EDWARD G. RENDELL