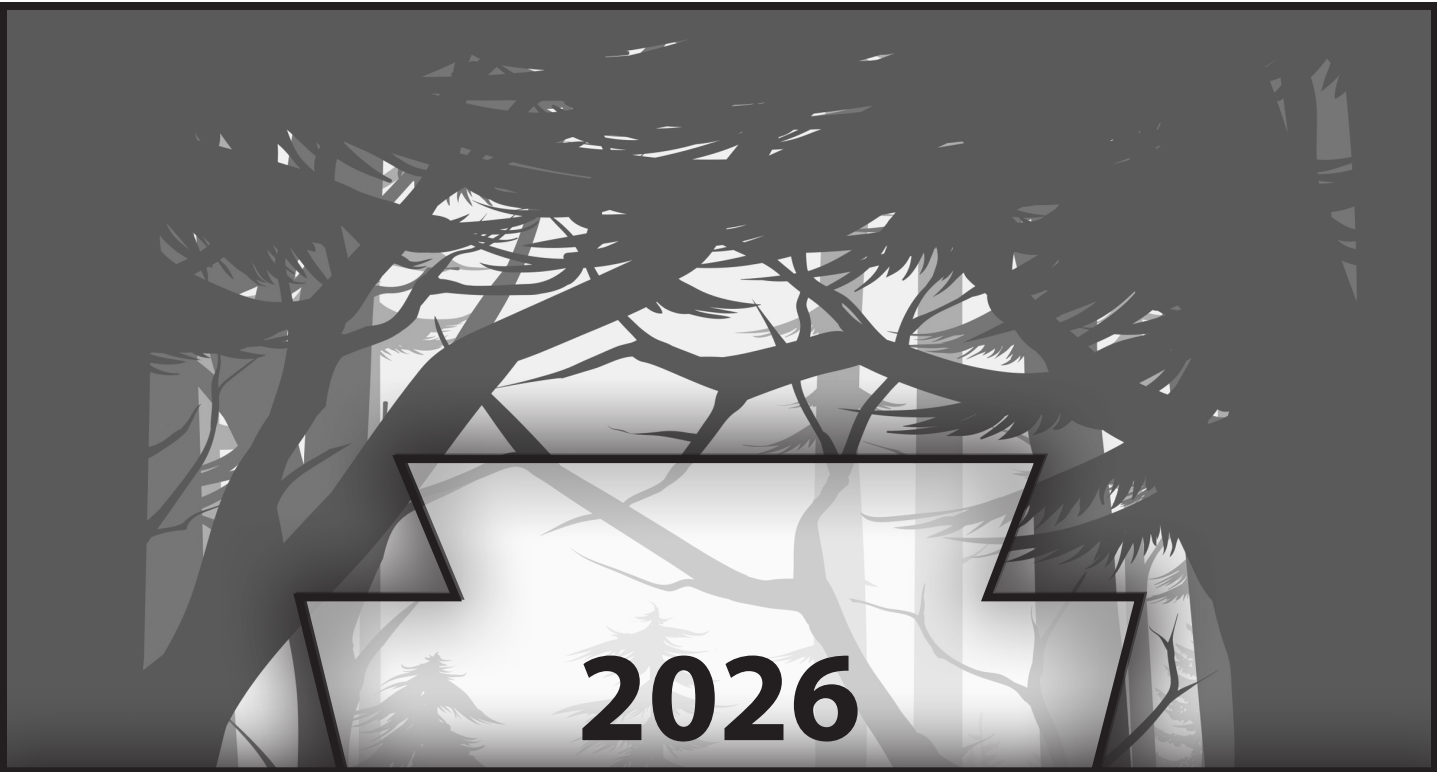




2026

GAME AND WILDLIFE CODE

**Commonwealth of Pennsylvania
Pennsylvania Game Commission**

**Title 34
Pennsylvania Consolidated Statutes**

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TITLE 34
GAME

Chapter

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Enactment. Unless otherwise noted, the provisions of Title 34 were added July 8, 1986, P.L.442, No.93, effective July 1, 1987.

Special Provisions in Appendix. See sections 5 and 6 of Act 93 of 1986 in the appendix to this title for transition and saving provisions.

CHAPTER 1
PRELIMINARY PROVISIONS

Sec.

101. Short title of title.
102. Definitions.
103. Ownership, jurisdiction and control of game and wildlife.
104. Title not to apply in certain cases.

Enactment. Chapter 1 was added July 8, 1986, P.L.442, No.93, effective July 1, 1987.

§ 101. Short title of title.

This title shall be known and may be cited as the Game and Wildlife Code.

§ 102. Definitions.

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

"Acknowledgment of guilt." A written statement admitting guilt, given by an accused individual to an officer or deputy officer along with the payment of a fine, which statement shall have the same force and effect as though the person executing it had a hearing before proper authority and been convicted of the offense of which he is accused.

"Arrow." A missile shot from a bow, having a slender shaft with fletching or vanes at the butt and a pointed head without any explosive, chemical or poison in the head or shaft and used solely with a bow.

"Big game." Unless otherwise modified by regulation of the commission, includes the elk, the whitetail deer, the bear and the wild turkey.

"Bird." A member of the class Aves, including any part, product, egg or offspring thereof, or the dead body or parts thereof (excluding fossils), whether or not included in a manufactured product or in a processed food product.

"Blind." A manmade structure of any size, shape or design constructed or arranged of any material in such a manner as to conceal the body of any person, either in whole or part.

"Bodily injury." Impairment of physical condition or substantial pain.

"Bow." A weapon which propels an arrow, is hand-held, hand-drawn, held in the drawn position by hand or by a hand-held mechanical device and released by hand. The term includes a device held in place by a brace secured around the body of the hunter. The term also includes a crossbow

which, when used for hunting deer, bear or turkey, has a draw weight of no less than 125 pounds and uses arrows tipped with broadheads of a cutting edge design.

"Closed season." The periods of the calendar year and the hours during which it is unlawful to take game or wildlife.

"Commission." The Pennsylvania Game Commission of the Commonwealth.

"Conspire" or "conspiracy." The act or action of two or more persons combining in any manner or degree to violate any provisions of this title, either before or after the actual commission of the offense, even though the offense is not consummated.

"Contraband." Any game or wildlife, or part or product thereof, or any personal property, including, but not limited to, firearms, traps, boats, decoys, vehicles and attachments and property designed for use or used in hunting and taking game or wildlife, when the game or wildlife, or part or product thereof, or the personal property is held in possession, transported or used or taken in violation of any law, the enforcement or administration of which is vested in the commission. Contraband shall be forfeited to the commission to be disposed of at the discretion of the director.

"Convicted." The finding of guilty of a person charged with an offense after a hearing before a qualified authority. The execution of an "acknowledgment of guilt" or a "plea of guilty" shall have the same effect.

"Director." The Executive Director of the Pennsylvania Game Commission or any person to whom authority has been delegated by the director.

"District justice." (Deleted by amendment).

"Domicile." That place where a person has a true, fixed and permanent home and principal residence and to which, whenever the person is temporarily absent, the person intends to return. A domicile is a permanent building, or part thereof, including a house, condominium, apartment room in a house or complex, or mobile home. No vacant lot, second home, camp, cottage or premises used solely for business shall be considered a domicile.

"Each." The whole or any part or parts, or manufactured products containing the whole or any part or parts, of any game or wildlife.

"Endangered species." All species and subspecies of wildlife which have been declared by:

(1) the Secretary of the United States Department of the Interior to be threatened with extinction and appear on the Endangered Species List or the Native Endangered Species List published in the Federal Register; or

(2) the director to be threatened with extinction and appear on the Pennsylvania Endangered Species List published in the Pennsylvania Bulletin.

"Facsimile." A copy of game or wildlife with similar characteristics. The term includes man-made, taxidermy mounts, mechanical or electronic facsimiles.

"Fine shot." Pellets which are no larger than what is commonly known as BB's. The term does not include buckshot.

"Firearm." An instrument used in the propulsion of shot, shell, bullet or any other object by the action of gunpowder exploded, explosive powder, the expansion of gas or the force of a mechanical device under tension.

(1) "Automatic." Any firearm which discharges more than once with a single pull of the trigger.

(2) "Semiautomatic." Any firearm which reloads without aid of the shooter, but fires only once with a single pull of the trigger.

"Furbearers." Unless otherwise modified by regulation of the commission, the term includes the badger, the fisher, the mink, the muskrat, the opossum, the otter, the pine marten, the striped and spotted skunk, the beaver, the raccoon, all weasels, the red and gray fox and the bobcat.

"Game." Includes "game animals," "game birds" and any facsimile thereof.

"Game animals." Unless otherwise modified by regulation of the commission, the term includes the elk, the whitetail deer, the bear, the cottontail rabbit, the snowshoe hare, the red, gray and fox squirrel and the groundhog or woodchuck.

"Game birds." Unless otherwise modified by regulation of the commission, the term includes geese, brant, wild ducks, mergansers and swans; coots, gallinules, rails, snipe, woodcock; turkeys, grouse, pheasants, Hungarian partridges, bobwhite quail and mourning doves.

"Green pelt." A pelt which is not dried, cured or tanned.

"Hunt" or "hunting." Any act or furtherance of the taking or killing of any game or wildlife, or any part or product thereof, and includes, but is not limited to, chasing, tracking, calling, pursuing, lying in wait, trapping, shooting at, including shooting at a game or wildlife facsimile, or wounding with any weapon or implement, or using any personal property, including dogs, or the property of others, of any nature, in furtherance of any of these purposes, or aiding, abetting or conspiring with another person in that purpose.

"Loaded firearm." A firearm of any kind which has a live shell or cartridge in either the chamber or magazine.

"Magisterial district judge." Includes a court of the minor judiciary having jurisdiction over summary offenses generally.

"Management unit." Any geographic area defined and designated by regulation of the commission for game or wildlife management purposes which may consist of all or a part or parts of one or more contiguous counties or management units and includes all lands and waters therein.

"Migratory game bird." Any game bird defined in 50 CFR 20.11 (relating to meaning of terms), except as otherwise provided in Pennsylvania Game Commission regulations.

"Migratory waterfowl." All species as defined in 50 CFR by the United States Fish and Wildlife Service of the Department of the Interior.

"Mounted specimen." Any game or wildlife, or any portion or part thereof, prepared, preserved, arranged, set up or posed in a lifelike position or some other form of display.

"Officer." Any Game Commission officer or deputy Game Commission officer appointed by the commission or any other person with law enforcement powers who is designated by the director to enforce this title.

"Open season." The indicated periods of the calendar year and the daily hours during which game or wildlife may be legally hunted, taken or killed and includes both the first and the last day of the season or period of time designated by this title or by regulation of the commission.

"Part" or "parts." Any portion of tissue, flesh, blood, bone, hide, skin, hair or feather of such substance, size, volume or weight, which may be determined by a qualified person as belonging to the species alleged, even though diluted or contained in any manufactured product.

"Person." An individual, partnership, association, corporation, political subdivision, municipal authority, the Commonwealth or any other legal entity as the context requires.

"Poaching." To unlawfully take game or wildlife by means of or as a result of multiple violations of the provisions of this title or the regulations thereunder.

"Possession." The detention and control, or the manual or ideal custody, of anything which may be the subject of property, for one's use and enjoyment, either as owner or as the proprietor of a qualified right in it, and either held personally or by another who exercises it in one's place and name. Possession includes the act or state of possessing and that condition of facts under which one can exercise his power over a corporeal thing at his pleasure to the exclusion of all other persons. Possession includes constructive possession which means not actual but assumed to exist where one claims to hold by virtue of some title without having actual custody. The presence in a vehicle of any kind, or its attachments, of any unlawfully taken game or wildlife or unlawful device or contraband is presumptive evidence of its possession by all persons occupying the vehicle or its attachments.

"Protected birds." All wild birds not included within the term "game birds."

"Raptors." All eagles, falcons, hawks and owls, individually or collectively, whether protected or unprotected.

"Resident." A person who is permanently domiciled within this Commonwealth which person's principal domicile is in this Commonwealth to which that person has the intention of returning whenever that person is temporarily absent.

"Serious bodily injury." Bodily injury which creates a substantial risk of death or which causes serious permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

"Shooting hours." The designated periods of time, including any modification by regulation of the commission, for the lawful killing or taking of game or wildlife.

"Small game." All species of game birds and game animals not classed as big game.

"Take." To harass, pursue, hunt for, shoot, wound, kill, trap, capture, possess or collect any game or wildlife, including shooting at a facsimile of game or wildlife, or attempt to harass, pursue, hunt for, shoot, wound, kill, trap, capture or collect any game or wildlife or aiding, abetting or conspiring with another person in that purpose.

"Taxidermy." The practice of mounting, arranging, posing, preserving or freeze-drying game or wildlife, fish or reptiles in a lifelike position.

"Threatened species." All species and subspecies of wildlife which have been declared by:

(1) the Secretary of the United States Department of the Interior to be in such small numbers throughout their range that they may become endangered if their environment worsens and appear on a Threatened Species List published in the Federal Register; or

(2) the director to be in such small numbers throughout their range that they may become endangered if their environment worsens and appear on the Pennsylvania Threatened Species List published in the Pennsylvania Bulletin.

"Title." The provisions of this title and any rules, regulations, restrictions or guidelines which are adopted by the commission and promulgated as required by law.

"Time." Official prevailing time.

"Transporting." To move from one place to another by any means whatsoever.

"Trapping." The securing or attempting to secure possession of game or wildlife by means of setting, placing or using any device that is designed to close upon, hold fast, confine or otherwise capture game or wildlife whether these means result in capturing or not. It includes every act of assistance to any other person in capturing game or wildlife by means of such device whether these means result in capturing or not.

"Violation." Any act in violation of a provision of this title or any regulation promulgated by the commission which implements or otherwise pertains to any provision of this title.

"Wild animals." All mammals other than domestic animals as defined in 1 Pa.C.S. § 1991 (relating to definitions). The term shall not include a species or variation of swine, pig or boar, held in captivity.

"Wild birds." All migratory birds as defined in 50 CFR by the United States Fish and Wildlife Service of the Department of the Interior, game birds and any other birds designated by the commission, including, but not limited to, grouse, partridge, pheasant, quail and wild turkey.

"Wildlife." Wild birds, wild mammals and facsimiles thereof, regardless of classification, whether protected or unprotected, including any part, product, egg or offspring thereof, or the dead body or parts thereof (excluding fossils), whether or not included.

(Nov. 25, 1988, P.L.1082, No.125, eff. imd.; Apr. 4, 1996, P.L.55, No.19, eff. imd.; Dec. 19, 1996, P.L.1442, No.184, eff. 60 days; Nov. 30, 2004, P.L.1618, No.207, eff. 60 days; July 9, 2008, P.L.920, No.65, eff. imd.;

July 9, 2010, P.L.387, No.54, eff. 60 days; June 24, 2013, P.L.145, No.25, eff. 60 days; July 2, 2014, P.L.847, No.92, eff. 60 days)

2014 Amendment. Act 92 amended the def. of "bow."

2013 Amendment. Act 25 amended the def. of "wild animals."

2010 Amendment. Act 54 amended the defs. of "closed season," "open season" and "violation." See section 6 of Act 54 in the appendix to this title for special provisions relating to public notice.

2008 Amendment. Act 65 added the def. of "mounted specimen."

2004 Amendment. Act 207 deleted the def. of "district justice" and added the def. of "magisterial district judge." See sections 28 and 29 of Act 207 in the appendix to this title for special provisions relating to applicability and construction of law.

1996 Amendments. Act 19 added the def. of "migratory game bird" and Act 184 amended the defs. of "game," "hunt" or "hunting," "take" and "wildlife" and added the defs. of "bodily injury," "facsimile," "poaching" and "serious bodily injury."

1988 Amendment. Act 125 added the def. of "loaded firearm."

Cross References. Section 102 is referred to in section 2902 of this title.

§ 103. Ownership, jurisdiction and control of game and wildlife.

(a) **General rule.**--The ownership, jurisdiction over and control of game or wildlife is vested in the commission as an independent agency of the Commonwealth in its sovereign capacity to be controlled, regulated and disposed of in accordance with this title.

(b) **Method of management.**--The commission shall utilize hunting and trapping as methods of effecting necessary management of game, furbearer and wildlife populations.

§ 104. Title not to apply in certain cases.

None of the provisions or requirements of this title shall be construed to apply to any member of the commission, or any of its lawfully qualified representatives or duly appointed officers or any other person charged with the enforcement of this title, when acting in any manner for the commission. This title shall not be construed to impose any liability upon any person while acting in a lawful manner and within the limitations of this title or performing any lawful duty or function imposed or authorized by this title.

CHAPTER 3
PENNSYLVANIA GAME COMMISSION

Subchapter

- A. Organization, Officers and Employees
- B. Powers and Duties in General

Enactment. Chapter 3 was added July 8, 1986, P.L.442, No.93, effective July 1, 1987.

SUBCHAPTER A
ORGANIZATION, OFFICERS AND EMPLOYEES

Sec.

- 301. Organization of commission.
- 302. Director.
- 303. Game Commission officers and employees.
- 304. Deputy Game Commission officers.

§ 301. Organization of commission.

(a) Composition.--The independent administrative commission known as the Pennsylvania Game Commission shall consist of nine competent citizens of this Commonwealth who shall be well informed on the subject of wildlife conservation and restoration and who shall be appointed by the Governor, by and with the advice and consent of a majority of the elected members of the Senate. The Governor shall ensure that at least one member appointed to the commission represents the interest of agricultural commodities that pertain to normal agricultural operations and wildlife.

(b) Qualifications.--The members of the commission shall be appointed from the various geographical sections of this Commonwealth so that one and only one shall be a resident of each of the following districts:

(1) The counties of Erie, Crawford, Mercer, Lawrence, Venango, Butler, Warren, Forest and Clarion, constituting the first district.

(2) The counties of Beaver, Allegheny, Washington, Greene, Armstrong, Indiana, Westmoreland and Fayette, constituting the second district.

(3) The counties of McKean, Elk, Jefferson, Potter, Cameron, Clearfield, Clinton and Centre, constituting the third district.

(4) The counties of Cambria, Somerset, Blair, Bedford, Huntingdon and Fulton, constituting the fourth district.

(5) The counties of Tioga, Lycoming, Union, Bradford, Sullivan, Columbia, Montour and Northumberland, constituting the fifth district.

(6) The counties of Snyder, Mifflin, Juniata, Franklin, Perry, Cumberland, Adams, Dauphin, York, Lebanon and Lancaster, constituting the sixth district.

(7) The counties of Susquehanna, Wyoming, Luzerne, Lackawanna, Wayne and Pike, constituting the seventh district.

(8) The counties of Chester, Bucks, Montgomery, Philadelphia and Delaware, constituting the eighth district.

(9) The counties of Carbon, Monroe, Schuylkill, Berks, Northampton and Lehigh, constituting the ninth district.

(c) Term of office and compensation.--The members of the commission shall hold office for terms of four years each and may continue to hold office for a period of time not to exceed six months or until a successor is appointed and qualified, whichever occurs first. A member of the commission who serves three consecutive terms shall not be eligible for reappointment to the commission. Commissioners shall receive no compensation for their services, but may be reimbursed for travel expenses.

(d) Vacancies.--Upon the death, resignation or removal from office of any person so appointed, the Governor shall appoint a competent person to serve for the unexpired term as provided in subsection (a).

(e) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Agricultural commodity." As defined in section 2 of the act of June 10, 1982 (P.L.454, No.133), referred to as the Right-to-Farm Law.

"Normal agricultural operation." As defined in section 2 of the Right-to-Farm Law. (Dec. 19, 1996, P.L.1442, No.184, eff. 60 days; Mar. 21, 2014, P.L.380, No.26, eff. 60 days; Jan. 26, 2022, P.L.14, No.3, eff. imd.; June 30, 2025, P.L. , No.26, eff. 60 days)

2025 Amendment. Act 26 amended subsec. (a) and added subsec. (e).

2022 Amendment. Act 3 amended subsecs. (a) and (b)(7) and (8) and added subsec. (b)(9).

2014 Amendment. Act 26 amended subsecs. (a) and (c). Section 2 of Act 26 provided that the amendment shall apply to members of the Pennsylvania Game Commission who are appointed on or after the effective date of section 2.

2002 Partial Repeal. Section 4 of Act 231 provided that section 301 is repealed insofar as it relates to the consent required by the Senate to appointments by the Governor.

1996 Amendment. Section 9 of Act 184 provided that the amendment of subsec. (c) shall not apply to a current member of the Pennsylvania Game Commission until the member completes the term being served on the effective date of Act 184.

Special Provisions in Appendix. See section 5 of Act 93 of 1986 in the appendix to this title for transition provisions.

§ 302. Director.

(a) Appointment.--The commission shall select a director. No member of the commission nor anyone who has served as a member of the commission within one year after service shall be eligible for selection as director. The director shall serve as such at the pleasure of the commission.

(b) Compensation.--Notwithstanding any provision of law to the contrary, the Executive Board of the Commonwealth shall fix the compensation of the director.

(c) Function.--The director shall be the chief administrative officer of the commission and attend to its administrative work and have charge of all activities under the jurisdiction of the commission and this title. The director shall be the chief Game Commission officer and shall direct, supervise and control all employees of the commission and report to the commission any negligence, dereliction of duty or incompetence on the part of any employee, with the facts relevant thereto, and shall make any further reports as may be required by the commission.

(d) Certification of commission action.--The director may certify any action of the commission as being their official act.

(e) Publications.--Subject to section 325 (relating to limitation on disclosure of certain records), the director may have printed such bulletins, posters, literature and other printing as may be necessary to the work of the commission, including publications of general interest to persons concerned with conservation of our natural resources. Publications and forms used to convey information, whether in electronic, print or other media format, may contain advertisements. The publications shall at all times be maintained as a nonpartisan publication.

(f) Execution of contracts, leases and agreements.--The director shall represent the commission in the execution of land purchase contracts and in the execution of leases and other similar agreements.

(Dec. 21, 1998, P.L.1274, No.166, eff. 60 days; Nov. 9, 2006, P.L.1349, No.141, eff. 60 days)

2006 Amendment. Act 141 amended subsec. (e).

1998 Amendment. Act 166 amended subsec. (b).

Cross References. Section 302 is referred to in section 325 of this title.

§ 303. Game Commission officers and employees.

(a) Appointment.--The director shall select competent persons as Game Commission officers, assigned to field, administrative or office duties, and other competent persons for other duties as may be necessary to fulfill the requirements of this title.

(b) Status.--Except for the director, all personnel shall be employed in accordance with the classification and compensation plans of the Commonwealth and regulations of the commission.

(c) Power and authority.--Every officer, employee or representative of the commission in the exercise of their powers and duties shall have the right and authority to go upon or enter any property, posted or otherwise, outside of buildings.

§ 304. Deputy Game Commission officers.

(a) Appointment.--The commission may appoint deputy Game Commission officers as necessary. Except as otherwise provided, they shall possess the rights and powers given by law to Game Commission officers and be subject to all requirements and regulations, either of the law or of the commission, controlling the action of Game Commission officers.

(b) Compensation and expenses.--Deputy Game Commission officers shall not be entitled to compensation for either time or expenses incurred in the performance of their duties unless specifically employed for special duties by written order of the director. The commission shall, from time to time, fix the rate of compensation and allowable expenses for special duty services.

(c) Collection of fees.--Any deputy Game Commission officer not specifically employed, in writing, for special duties under subsection (b) shall, with written authorization of the director, be entitled to collect the fees as are now or may hereafter be paid to constables, to be assessed and collected as costs of prosecution for services legally rendered in the performance of any duties in the enforcement of this title.

**SUBCHAPTER B
POWERS AND DUTIES IN GENERAL**

Sec.

- 321. Meetings of commission.
- 322. Powers and duties of commission.
- 323. Cooperative agreements.
- 324. Cooperation with Federal Government.
- 325. Limitation on disclosure of certain records.
- 326. Use of credit and debit cards.
- 327. Junior hunter projects.
- 328. Accountability.

§ 321. Meetings of commission.

(a) General rule.--The commission shall have an office in or near Harrisburg and shall annually hold meetings at such office in January and June or July and at such other times and places within this Commonwealth as the commission shall designate for the transaction of business. All meetings of the commission shall comply with the act of July 19, 1974 (P.L.486, No.175), referred to as the Public Agency Open Meeting Law.

(b) Annual election of officers.--At the meeting held in January of each year, the commission shall elect one of its members as president, one as vice president and one as secretary. These officers shall hold office for a period of one year.

(c) Quorum.--Six members appointed to the commission and in attendance at each meeting shall constitute a quorum.

References in Text. The act of July 19, 1974 (P.L.486, No.175), referred to as the Public Agency Open Meeting Law, referred to in subsec. (a), was repealed by the act of July 3, 1986 (P.L.388, No.84), known as the Sunshine Act.

§ 322. Powers and duties of commission.

(a) Duties.--It shall be the duty of the commission to protect, propagate, manage and preserve the game or wildlife of this Commonwealth and to enforce, by proper actions and proceedings, the laws of this Commonwealth relating thereto.

(b) General powers and duties.--The commission has the power and duty to take all actions necessary for the administration and enforcement of this title.

(c) Specific powers and duties.--In order to administrate and enforce this title, the commission through proper action shall:

(1) Subject to section 2102(b) (relating to seasons, possession, bag limits and devices), fix seasons, daily shooting or taking hours, and any modification thereof, and daily, season and possession limits for any species of game or wildlife.

(2) Remove protection, declare an open season or increase, reduce or close a season.

(3) Increase or reduce bag limits or possession limits.

(4) Define geographic limitations or restrictions.

(5) Fix the type and number of devices which may be used to take game or wildlife.

(6) Limit the number of hunters or furtakers in any designated area and prescribe the lawful methods of hunting or taking furbearers in these areas.

(7) Govern the use of recorded calls or sounds or amplified calls or sounds of any description for taking or hunting game or wildlife.

(8) Add to or change the classification of any wild bird or wild animal.

(9) Prohibit the possession, importation, exportation or release of any species of birds or animals which may be considered dangerous or injurious to the general public or to the wildlife of this Commonwealth.

(10) Manage and develop its lands and waters and other government or private lands and waters under agreement with the owners as it considers advisable and, by proper action and proceedings, enact and enforce regulations to insure the prudent and proper use of these lands.

(11) Collect, classify and preserve such statistics, data and information as in its judgment will tend to promote the object of this title and take charge of and keep all reports, books, papers and documents which shall, in the discharge of its duties, come into its possession or under its control.

(12) Take any necessary action to accomplish and assure the purposes of this title.

(13) Serve the interest of sportsmen by preserving and promoting our special heritage of recreational hunting and furtaking by providing adequate opportunity to hunt and trap the wildlife resources of this Commonwealth.

(June 28, 1996, P.L.428, No.64, eff. 60 days)

1996 Amendment. Act 64 added subsec. (c)(13).

§ 323. Cooperative agreements.

The commission may enter into cooperative agreements with any government agency, individual, corporation or educational or research institution to further the programs of the commission.

Cross References. Section 323 is referred to in section 542 of this title.

§ 324. Cooperation with Federal Government.

The Commonwealth assents to the provisions of the Federal Wildlife Restoration Act (16 U.S.C. § 669 et seq.) in which the Secretary of the Interior is authorized to cooperate with the states through their respective fish or wildlife agencies in wildlife restoration projects, including a prohibition against the diversion of license fees paid by hunters to purposes other than administration of the wildlife agency. The commission shall perform such acts as may be necessary to the conduct and establishment of these cooperative wildlife restoration projects and in compliance with regulations promulgated thereunder.

§ 325. Limitation on disclosure of certain records.

(a) General rule.--It is unlawful for any game protector, deputy game protector, hunting license issuing agent, or any officer, employee or agent of any Commonwealth agency, or any other private business or agency which makes or receives records of hunting and trapping licenses, or applications for obtaining hunting and trapping licenses of any type received pursuant to this title, to sell, publish or disclose in any manner whatsoever those records or affiliations to any person except as necessary to carry out the

functions and business of the commission, or for any person to purchase, secure, procure or disclose any records or affiliations as described herein.

(b) Publications.--It is unlawful for the commission, the director, any game protector or deputy game protector, any officer, employee or agent of the commission or any private business or agency to sell, publish or disclose in any manner any subscription lists or mailing lists for publications issued under section 302(e) (relating to publications).

(c) Nonapplication.--The provisions of this section shall not apply to records and reports:

- (1) Required for prosecutions of any violations of this title.
- (2) Required for administrative proceedings held pursuant to the laws of this Commonwealth.
- (3) Required for the prosecution of any violation of any Federal laws or the laws of any state of the United States.
- (4) Required to be published to enforce the suspension or revocation of hunting and trapping privileges by the commission.
- (5) Authorized by action of the commission for the sole purpose of exercising legitimate governmental function or duty.
- (6) Required to determine the identification of a trapper under section 2361(a)(12) (relating to unlawful acts concerning taking of furbearers), when such information is requested by a landowner, an agent of a landowner or a lessee of land.

When such records and reports are made available by the commission for the limited purposes set forth in paragraphs (1) through (6), they shall not be published, circulated or disclosed by the receiving agency for any purposes.

(d) Penalty.--Any person violating any provision of this section commits a summary offense of the fifth degree. The record or report or name of each individual person shall constitute a separate offense.

(May 28, 1992, P.L.262, No.45, eff. July 1, 1992)

2006 Partial Repeal. Section 3 of Act 60 of 2006 provided that subsection (d) is repealed insofar as it is inconsistent with section 1(g) of Act 60.

1992 Amendment. Act 45 amended subsec. (c).

Cross References. Section 325 is referred to in sections 302, 2361 of this title.

Æ326. Use of credit and debit cards.

(a) Sales of licenses and other items.--The executive director with the approval of the commission may establish policies and procedures for the use of credit cards and debit cards for the purchase of licenses, permits, publications, promotional items and other items sold or offered for sale by the commission.

(b) Fines and settlements.--The executive director with the approval of the commission may establish policies and procedures for use of debit cards for persons to pay fines, settlements or other amounts collected under this title.

(May 16, 1996, P.L.207, No.36, eff. 90 days)

1996 Amendment. Act 36 added section 326.

Æ327. Junior hunter projects.

(a) General rule.--It shall be the duty of the commission to initiate, implement and administer two or more junior license hunter projects for the purpose of increasing and sustaining interest in hunting among young persons of this Commonwealth. Except for the requirement to actually hold a junior hunting license under section 2705(2) or (9) (relating to classes of licenses) and as may otherwise be modified by commission regulations, all participants in any junior hunter project shall comply with all of the provisions of this title and the regulations promulgated hereunder.

(b) Specific projects.--

- (1) One of the projects shall consist of at least two free hunting days for persons qualified to receive a junior hunting license under

section 2705(2) or (9) and who have successfully completed the hunter education requirements under section 2704(b) (relating to eligibility for license). The commission shall establish the days, times and species which may be taken during the free hunting days.

(2) One of the projects shall consist of a Pennsylvania Game Commission program subject to the review of both the Game and Fisheries Committee of the House of Representatives and the Game and Fisheries Committee of the Senate. The respective committees shall have 60 days to review the program and submit comments to the commission. Prior to completion of the review by the respective committees, the commission shall not take any action to initiate the program.
(July 11, 1996, P.L.659, No.114, eff. imd.)

1996 Amendment. Act 114 added section 327.

Æ328. Accountability.

(a) Relationship with public.--The commission shall implement policies and programs to improve its relationship with the general public and with its licensees in accordance with its strategic plan.

(b) Program accountability.--The commission shall require program accountability of its various functions through program performance measurement in accordance with its strategic plan.

(c) Financial accountability.--The commission shall improve the financial accountability of its various functions through performance measurement in accordance with its strategic plan.

(d) Law enforcement accountability.--The commission shall maintain a system to respond to citizen complaints against wildlife conservation officers and deputy wildlife conservation officers. The commission shall release information relating to the number and nature of complaints received on at least an annual basis. The commission may release further information related to the nature of the complaints, provided that the release of such information is not prohibited or restricted by any contract, regulation, order of court or statute to the contrary.

(e) Reports to General Assembly.--No later than January 31 of each year the commission through its executive director shall make annual written reports on the matters described in subsections (a), (b), (c) and (d) to the Game and Fisheries Committee of the Senate and the Game and Fisheries Committee of the House of Representatives. The commission shall meet with the respective committees of the General Assembly to receive oral testimony in relation to annual written reports when so requested.

(f) Financial analysis.--

(1) Within 180 days of the effective date of this subsection, the Legislative Budget and Finance Committee shall prepare a financial analysis of fees, fines, penalties, royalties, Federal and State appropriations and other sources of revenue received by the commission and of expenditures, including annual operating costs, investments, land purchases and capital projects, to carry out the financial analysis under this subsection:

(i) The commission shall provide records, financial statements and other documents reflecting the revenue and expenditures subject to the financial analysis under this subsection.

(ii) The commission shall respond to inquiries and requests for information from the Legislative Budget and Finance Committee in a timely manner.

(iii) The Legislative Budget and Finance Committee shall include its most recent performance audit under section 522(b) (relating to appropriation and audit of moneys).

(2) The financial analysis shall be submitted to the President pro tempore of the Senate, chair of the Game and Fisheries Committee of the Senate, Speaker of the House of Representatives and chair of the Game and Fisheries Committee of the House of Representatives. The financial analysis shall be public information.

(Dec. 21, 1998, P.L.1274, No.166, eff. imd.; Nov. 27, 2019, P.L.739, No.107, eff. 90 days)

2019 Amendment. Act 107 added subsec. (f).

1998 Amendment. Act 166 added section 328.

Cross References. Section 328 is referred to in section 522 of this title.

**CHAPTER 5
FISCAL AFFAIRS**

Subchapter

- A. General Provisions
- B. Game Fund
- C. Erection of Deterrent Fences
- D. Payment of Bear Damage Claims
- E. Review Procedures

Enactment. Chapter 5 was added July 8, 1986, P.L.442, No.93, effective July 1, 1987.

**SUBCHAPTER A
GENERAL PROVISIONS**

Sec.

501. Refund of moneys paid erroneously or unjustly.

502. Collection fee for uncollectible checks.

§ 501. Refund of moneys paid erroneously or unjustly.

Whenever the director is satisfied that any fee, fine or any other moneys paid into the Game Fund under any of the provisions of this title or any other statute were erroneously or unjustly collected and deposited, the director, upon receipt of a petition for a refund within two years after the deposit, may authorize a requisition in favor of the person from whom the money was erroneously or unjustly collected for the amount involved. Upon receipt of the requisition, the proper official shall draw a warrant in favor of the person from whom the fee, fine or other money was erroneously or unjustly collected.

Cross References. Section 501 is referred to in section 2709 of this title.

§ 502. Collection fee for uncollectible checks.

(a) General rule.--Whenever any check or similar instrument issued in payment of any fee or fine or for any other purpose under this title is returned to the commission as uncollectible, the person who makes, issues or presents the check or other instrument shall be charged a \$25 fee to be credited to the Game Fund. This fee shall be in addition to any costs of prosecution or penalties assessed as a result of the uncollectible check or instrument.

(b) Voidness for uncollectibility.--Any license, permit, voucher or privilege granted by the uncollectible check or other instrument shall be void until all fees are paid by a negotiable check or instrument.

(July 9, 2008, P.L.927, No.67, eff. 60 days)

2008 Amendment. Act 67 amended subsec. (b).

**SUBCHAPTER B
GAME FUND**

Sec.

521. Establishment and use of Game Fund.

522. Appropriation and audit of moneys.

523. Donations.

§ 521. Establishment and use of Game Fund.

(a) General rule.--Except as otherwise provided in this title, all fees, royalties, fines, penalties and other moneys paid, received, recovered and collected under the provisions of this title shall be placed in a separate fund by the State Treasurer to be known as the Game Fund and shall be used solely for any contingent, incidental or other expenses of any kind or description reasonably necessary in carrying on the work of the

commission, including, but not limited to, the purchase of land, the costs of activities for the promotion of public interest in recreational hunting and furtaking, nongame species, endangered or threatened species and all other game or wildlife in this Commonwealth and administration of this title.

(b) Specific allocation of certain revenues.--

(1) A minimum of \$4.25 from each resident and nonresident license and \$2 from each antlerless deer license issued for which the full fee has been paid shall be used for habitat improvement, development, maintenance, protection and restoration conducive to increasing natural propagation of game and wildlife on all lands under the control or operation of the commission, including lands enrolled in the commission's public access programs and other public lands open to hunting under agreement with the commission. The moneys collected under this paragraph shall be deposited into one separate account and shall be used exclusively for the natural propagation of game and wildlife by:

(i) Improving and maintaining any natural wildlife habitat by the production, distribution and planting of trees, shrubs, vines and forage crops.

(ii) Forest management practices related to the creation and development of food and cover.

(iii) Development and management of food and cover openings, including maintenance of soil fertility and herbaceous ground cover.

(iv) Purchase, construction and enhancement of wetlands and riparian areas.

(v) Construction and maintenance of nesting, brooding and rearing structures or areas.

(vi) The prorated cost for the purchase, maintenance and operation of equipment, tools and materials necessary to meet the habitat improvement objectives of this section. No moneys in this account shall be used for capital purchases under this subparagraph. The commission shall submit an annual report on all expenditures from this account in the manner prescribed under section 522 (relating to appropriation and audit of moneys).

(2) Any moneys collected by or for the commission from the sale of the migratory bird hunting license shall be used for the purpose of migratory game bird management, habitat acquisition and improvement and related program administrative costs.

(3) (Deleted by amendment).

(Dec. 17, 1990, P.L.687, No.170, eff. imd.; Apr. 4, 1996, P.L.55, No.19, eff. imd.; Dec. 21, 1998, P.L.1274, No.166, eff. July 1, 1999; Nov. 25, 2002, P.L.1120, No.138, eff. July 1, 2002)

2002 Amendment. Act 138 amended subsec. (b).

§ 522. Appropriation and audit of moneys.

(a) Appropriation.--Subject to an annual review and recommendations under subsection (b), all moneys in the Game Fund are hereby appropriated to the commission and may be expended only for the purposes authorized under this title.

(b) Audit and report.--

(1) A performance audit of the commission to examine the commission's compliance with its strategic plan for the concluding fiscal year shall be conducted by the Legislative Budget and Finance Committee and shall be submitted to the Game and Fisheries Committee and the Appropriations Committee of the Senate and the Game and Fisheries Committee and the Appropriations Committee of the House of Representatives no later than February 28, 2000. After February 28, 2000, the Legislative Budget and Finance Committee shall conduct a performance audit of the commission every three years no later than February 28th.

(2) No later than January 31 of each year the commission through its executive director shall submit an annual written report to the Game and Fisheries Committee and the Appropriations Committee of the Senate

and the Game and Fisheries Committee and the Appropriations Committee of the House of Representatives which shall include the complete budget for the current fiscal year and for the next fiscal year. The commission shall meet with the specified committees of the General Assembly to receive oral testimony in relation to the annual written reports and to examine the commission's compliance with section 328 (relating to accountability) when so requested.

(c) Expenditures from Game Fund.--After review under subsection (a), the commission shall submit to the Governor, for approval or disapproval, estimates of the amount of moneys to be expended from the Game Fund. The State Treasurer shall not honor any requisition for expenditure of any moneys in excess of the amount approved by the Governor. Moneys in the Game Fund shall be paid out upon warrant of the State Treasurer drawn after requisition by the director of the commission.

(Apr. 4, 1996, P.L.55, No.19, eff. imd.; Dec. 21, 1998, P.L.1274, No.166, eff. imd.)

Cross References. Section 522 is referred to in section 521 of this title.

§ 523. Donations.

The commission may accept from any person donations which, if in the form of money or securities, shall be placed in the Game Fund and used for the purposes set forth in this title or, if in the form of real or personal property, shall be utilized or disposed of as provided by law.

SUBCHAPTER C
ERECTION OF DETERRENT FENCES

Sec.

- 541. Authority to provide deterrent fences.
- 542. Investigation after receipt of application.
- 543. Purchase of materials and construction.
- 544. Maintenance, repair or replacement.
- 545. Request for review.
- 546. Limitation on expenditures for deterrent fencing.
- 547. Unlawful acts.

§ 541. Authority to provide deterrent fences.

(a) Fences for deer or elk.--In areas of this Commonwealth where deer and elk are present on lands open to public hunting and are, in a material way, injuring or destroying farm crops, fruit orchards or commercial tree nurseries where ornamental or fruit trees are grown for sale or regeneration on commercial forest lands, the owners or lessees of such farms, fruit orchards, commercial tree nurseries or commercial forest lands may make application to the commission for assistance in the erection of a deterrent fence. Except where produce is raised for market on a commercial basis, the provisions of this section shall not apply to gardens or truck patches.

(b) Fences for bears.--In areas of this Commonwealth where bears are present on lands open to public hunting and are, in a material way, damaging or destroying beehives where ten or more hives are placed at one location or imminent danger exists of such damage or destruction, the owner of such beehives may make application to the director for assistance in the erection of a deterrent fence.

Cross References. Section 541 is referred to in section 542 of this title.

§ 542. Investigation after receipt of application.

Upon receipt of any application under section 323 (relating to cooperative agreements) or 541 (relating to authority to provide deterrent fences), the commission shall investigate the conditions prevailing on such property and adjacent territory. If the investigation discloses the need of protection from deer, elk or bear as would be provided by fencing, the

commission may enter into a written agreement with the applicant for the erection of a deer, elk or bear deterrent fence of such height, design, materials and type of construction as the commission specifies.

§ 543. Purchase of materials and construction.

(a) **Purchase and delivery of materials.--**The commission may purchase and deliver to the appropriate sites the required amount of wire fencing, staples, insulators, posts or other material necessary to construct a deer, elk or bear deterrent fence approved by the commission.

(b) **Construction of deer or elk deterrent fences.--**

(1) The commission may construct, or may enter into contracts for the construction of, or enter into a written agreement with the applicant for the construction of, deer or elk deterrent fences on sites approved by the commission.

(2) In making application for a deterrent fence under the provisions of this subsection, the applicant shall agree to one of the following three fence construction options:

(i) The commission may construct, or may contract for the construction of, the deterrent fence.

(ii) The applicant may, within six months of delivery of materials, construct the deterrent fence.

(iii) The applicant may contract with a third party for the construction of the deterrent fence.

(3) After any deterrent fence is constructed and approved by the commission under the option specified in paragraph (2)(i), the commission shall pay for the cost of installation, and the landowner or lessee shall then reimburse the commission for 50% of the cost of installation.

(c) **Construction of bear deterrent fences.--**Prior to delivery under subsection (a), an applicant for a bear deterrent fence shall have agreed, in writing, with the commission to construct the bear deterrent fence without cost to the commission and to complete construction of the bear deterrent fence within seven days from the date the material is delivered to the site. In case the bear deterrent fence is not completed within the stipulated time, the commission may recover the materials it furnished at such time and in such manner as desired or found practical.

(d) **Specifications.--**All deterrent fences shall be constructed and installed in accordance with plans and instructions supplied and approved by the commission.

(e) **Reimbursement of applicant for materials.--**The commission may, through prior written agreement with the applicant, pay the applicant for any or all materials necessary to construct a deterrent fence within the time limitations set forth in this section.

(Dec. 17, 1990, P.L.687, No.170, eff. imd.)

§ 544. Maintenance, repair or replacement.

All fences, after erection, shall be maintained by the individuals interested, and the commission shall bear no part of any future maintenance. Replacement of the deterrent fences when worn out may be on the same basis as the erection of the original fence. The commission shall decide when the replacement deterrent fence is necessary.

§ 545. Request for review.

Any dissatisfied applicant for deterrent fencing who is unable to reach a mutual agreement with the commission may request, in writing, that the director review the matter. The request shall be made within five days of the conclusion of the discussions.

Cross References. Section 545 is referred to in section 561 of this title.

§ 546. Limitation on expenditures for deterrent fencing.

(a) **General rule.--**Except as provided in subsection (b), the director shall not spend in excess of \$300,000 annually from the Game Fund for deer, elk or bear deterrent fences in accordance with the provisions of this subchapter.

(b) Commercial forest lands.--The director shall not spend in excess of \$300,000 annually from the Game Fund for deer or elk deterrent fences on commercial forest lands to promote and protect the regeneration of forest flora in accordance with the provisions of this subchapter. For purposes of this subsection the phrase "commercial forest lands" shall mean land which is owned or leased by an individual, corporation or association, operated on a profit-making basis and meets all of the following requirements:

(1) The land shall consist of a minimum of 1,000 acres.

(2) The land is managed for the production or utilization of forest products on a sustained yield basis as defined by regulation of the commission.

(3) The land is open to public hunting.

(Dec. 17, 1990, P.L.687, No.170, eff. imd.)

§ 547. Unlawful acts.

(a) General rule.--It is unlawful for any person to make any fraudulent or false claim, statement or report required by this subchapter or to violate any other provision of this subchapter.

(b) Penalties.--A person who makes a fraudulent or false claim, statement or report commits a summary offense of the first degree. Any other violation of this subchapter is a summary offense of the fifth degree.

**SUBCHAPTER D
PAYMENT OF BEAR DAMAGE CLAIMS**

Sec.

551. Authority for payment.

552. Investigation and settlement.

553. Payment of claim.

554. Request for review.

555. Limitation on expenditures for bear damage claims.

556. Unlawful acts.

§ 551. Authority for payment.

(a) General rule.--Except as limited by subsection (b), the commission may pay for any damage done to livestock or poultry or damage done to bees or bee-keeping equipment by bears upon lands open to public hunting and lands within safety zones if the damages are reported to an office of the commission within ten days of the damage and the claims are presented in a sworn written statement.

(b) Bee hives and equipment.--No claim for damage to bees or their hives or bee-keeping equipment shall be paid if any of the following factors occurred:

(1) The bear is killed.

(2) The affected hives are located more than 300 yards from the domicile of the owner or from the domicile of his employee or other agent in charge thereof.

(3) The claim is a second or subsequent claim filed by the claimant and the claimant has not erected, maintained and operated a commission-approved and furnished bear deterrent fence around the hives.

(c) Restriction on claimants.--All payments for bear damages shall be restricted to persons domiciled in this Commonwealth.

§ 552. Investigation and settlement.

As soon as possible after the claim for damages is received, an officer of the commission shall interview the claimant and inspect the property reported as damaged, if not previously inspected, to collect any additional evidence which may appear necessary and effect a settlement of the claim when possible. The officer of the commission shall have authority immediately to seize any property for evidence which shall be returned to the owner upon refusal of the claim or, upon payment of the claim, disposed of at the discretion of the director.

§ 553. Payment of claim.

In all cases where an agreement between the commission's officers and the claimant is reached regarding the true value of damage sustained and the director is satisfied that the claim is reasonable and fair, a requisition shall be drawn upon the Game Fund in the amount mutually agreed upon.

§ 554. Request for review.

When the commission's officers and the claimant cannot agree upon the value of the damages, the claimant may, within ten days of the conclusion of discussions, request, in writing, that the director review the matter.

Cross References. Section 554 is referred to in section 561 of this title.

§ 555. Limitation on expenditures for bear damage claims.

The director shall not spend in excess of \$50,000 annually from the Game Fund for the payment of bear damage claims submitted and adjusted in accordance with the provisions of this subchapter.

§ 556. Unlawful acts.

(a) General rule.--It is unlawful for any owner or his employee or other agent in charge of bees or bee-keeping equipment, livestock or poultry to file a fraudulent claim for damage of any kind alleged to have been done by bears or for any person to violate any other provision of this subchapter.

(b) Penalties.--A person who collects or attempts to collect a fraudulent claim for damage by bears contrary to this subchapter commits a summary offense of the first degree. Any other violation of this subchapter is a summary offense of the fifth degree.

**SUBCHAPTER E
REVIEW PROCEDURES**

Sec.

561. Appointment of hearing examiner.

562. Powers and duties of hearing examiner.

563. Conduct of review.

564. Finality of decision.

§ 561. Appointment of hearing examiner.

Within 15 days following receipt of a request for review under section 545 (relating to request for review) or 554 (relating to request for review), a hearing examiner designated by the director shall select a location and a time for hearing the review, which location shall be within the county of origin of the dispute. The applicant for review or the commission officer investigating the claim may, at the time of the review, appear personally or with counsel to testify and present witnesses and evidence in their behalf and to confront and examine witnesses. The hearing shall be conducted in accordance with the provisions of Title 2 (relating to administrative law and procedure) and the regulations promulgated by the commission.

§ 562. Powers and duties of hearing examiner.

(a) General rule.--The hearing examiner shall have the following powers and duties:

(1) Notify the parties of the place and time of the review.

(2) Upon request, issue compulsory process for the attendance of witnesses on behalf of the Commonwealth or the applicant and grant any reasonable continuance of the inquiry date and time as justice may require.

(3) Administer oaths to all persons testifying, which oaths shall in all ways be binding and of like effect as oaths administered in any court of this Commonwealth.

(4) Arrange for and supervise the electronic or stenographic recording of the proceedings and, if necessary, the preparation of the transcript.

(5) Perform, take or order any and all actions which are necessary to comply with Title 2 (relating to administrative law and procedure).

(b) Penalty.--A violation of subsection (a)(2) or (3) is a summary offense of the fourth degree.

§ 563. Conduct of review.

The hearing examiner shall hear and examine all witnesses, examine all evidence presented, visit any site involved in any dispute, if necessary, and, following deliberation, arrive at a decision, including the award to the appellant.

§ 564. Finality of decision.

The decision of the hearing examiner shall be final as to findings of fact.

CHAPTER 7
PROPERTY AND BUILDINGS

Subchapter

- A. Acquisition and Improvements
- B. Control, Management and Disposition
- C. Protection of Commission Property

Enactment. Chapter 7 was added July 8, 1986, P.L.442, No.93, effective July 1, 1987.

Cross References. Chapter 7 is referred to in section 2902 of this title.

SUBCHAPTER A
ACQUISITION AND IMPROVEMENTS

Sec.

- 701. Acquisition of property.
- 702. Improvements to property.
- 703. Rights-of-way and other rights.
- 704. Certification of title or title insurance.
- 705. Price paid for acquisitions and improvements.
- 706. Title to property.
- 707. Designation of property.
- 708. Payments in lieu of taxes.
- 709. Cooperative agreements relating to land.

Æ701. Acquisition of property.

(a) General rule.--The commission may by purchase, gift, lease, eminent domain or otherwise acquire within this Commonwealth:

- (1) Title to, or control of, lands, waters, buildings, oil, gas and minerals.
- (2) Hunting or trapping rights, easements, rights-of-way or other interests in land and water which are suitable for:
 - (i) The protection, propagation and management of game or wildlife.
 - (ii) Public hunting or trapping and access thereto.
 - (iii) Administrative purposes.
 - (iv) Such other uses as are provided for in this title.

(b) Approval required.--All acquisitions of lands shall be made with the approval of a majority of the members of the commission that are present and voting at a public meeting.

(c) Tax delinquent lands and waters.--The commission may purchase tax delinquent lands, waters, oil, gas and minerals from the commissioners or treasurers of the various counties as provided by law.

Æ702. Improvements to property.

The commission may purchase, construct, repair and maintain buildings and other improvements on lands acquired for its use and under its control as may be necessary for their proper utilization, maintenance, protection, development, administration, propagation of game or wildlife, experimental or research activities, or any other purpose incident to game or wildlife, hunting, furtaking or functions of the commission.

Æ703. Rights-of-way and other rights.

The commission may lease or otherwise secure rights-of-way on and across public or private lands and waters or other rights which may be required to implement this title.

Æ704. Certification of title or title insurance.

The title records for lands acquired by the commission shall first be carefully searched and examined by the commission. When the commission is satisfied that a valid title can be secured, the commission shall obtain a

certificate of title from an attorney at law employed by the commission or title insurance from a title company authorized to do business within this Commonwealth insuring the title to the commission of the lands being acquired.

Æ705. Price paid for acquisitions and improvements.

(a) Game lands.--

(1) Except as provided under paragraph (2), the commission may pay for lands to be used as game lands what it considers a fair and reasonable price not to exceed \$400 per acre exclusive of Federal and other cost-sharing funds and consistent with the market value of land in the locality in which the game land is located.

(2) The commission may pay for lands to be used as game lands in a county of the second class what it considers a fair and reasonable price exclusive of Federal and other cost-sharing funds and consistent with the market value of land in the locality in which the game land is located.

(b) Game farms and other areas.--The commission may pay for lands known as indentures or lands located within existing game lands or for lands to be used as rights-of-way to existing game lands or for lands to be used as State game farms what it considers a fair and reasonable price.

(c) Purchase of outstanding rights.--The commission may pay what it considers a fair and reasonable price to purchase outstanding rights for timber, minerals, oil, gas or other purposes for lands which the commission owns or is about to acquire.

(d) Buildings and land.--The commission may purchase or construct buildings for administration, management or other purposes and may purchase land on which to construct the buildings at a price the commission considers fair and reasonable consistent with the purpose of the buildings or land. (Apr. 29, 2020, P.L.117, No.16, eff. 60 days)

2020 Amendment. Act 16 amended subsec. (a).

Æ706. Title to property.

The title to any lands or waters acquired by purchase, gift, exchange or otherwise shall be taken in the name of the Commonwealth solely for the use of the commission.

Æ707. Designation of property.

The commission may designate lands which it secures title to, or partial control of, as required.

Æ708. Payments in lieu of taxes.

The commission shall make payments in lieu of taxes on all lands, waters or buildings to which title has been acquired in the name of or for the use of the commission, which payments shall be equal to the fixed charges as apply to and are imposed upon State forests pursuant to section 1 of the act of May 17, 1929 (P.L.1798, No.591), referred to as the Forest Reserves Municipal Financial Relief Law.

Cross References. Section 708 is referred to in section 1408 of Title 4 (Amusements).

Æ709. Cooperative agreements relating to land.

The commission may enter into cooperative agreements with government agencies and with interstate compact agencies, singly or in concert, for impounding, managing, using, maintaining and operating lands and waters for game or wildlife management, public hunting and furtaking and may expend moneys from the Game Fund for the cost of their acquisition, construction, operation and maintenance. The commission may enter into similar agreements and undertake similar expenditures in conjunction with private or commercial interests for the same purposes.

SUBCHAPTER B
CONTROL, MANAGEMENT AND DISPOSITION

Sec.

- 721. Control of property.
- 722. Use of property.
- 723. Exchange or sale.
- 724. Disposition of timber, minerals and other products.
- 725. Rights-of-way, easements and licenses.
- 726. Leases.
- 727. Proceeds from sales and grants.
- 728. Propagation areas.
- 729. Public access projects.
- 730. Controlled goose hunting areas.

Æ721. Control of property.

(a) **General rule.**--The administration of all lands or waters owned, leased or otherwise controlled by the commission shall be under the sole control of the director, and the commission shall promulgate regulations consistent with the purpose of this title for its use and protection as necessary to properly manage these lands or waters. The acquisition, use and management of such lands or waters owned, leased or otherwise controlled by the commission, including timber cutting and crop cultivation, shall not be subject to regulation by counties or municipalities.

(b) **Penalty.**--A violation of regulations promulgated under subsection (a) is a summary offense of the fifth degree.

(Dec. 17, 1990, P.L.687, No.170, eff. imd.)

Æ722. Use of property.

(a) **General rule.**--Except as provided in section 723 (relating to exchange or sale), all or any part of the lands and waters to which title has been acquired for the use of the commission or which have been leased may be used only to create and maintain public hunting and furtaking, game or wildlife propagation areas, farms or facilities for the propagation of game or wildlife, special preserves as provided for in this title or other uses incidental to hunting, furtaking and game or wildlife resource management.

(b) **Permits, licenses and leases.**--Except as provided in subsection (c), the commission may issue permits and licenses and enter into leases for uses of its lands as it deems in the best interest of the commission at such charge as it deems reasonable. The commission shall not issue any permits or licenses and shall not enter into any lease which would permit the use of commission-owned or leased land for the disposal of any hazardous or toxic or radioactive waste of any nature.

(c) **Limitation of mining.**--The commission shall not permit the mining of uranium or any other radioactive minerals from any of its lands.

Æ723. Exchange or sale.

The commission may, by resolution adopted by a majority of the members present and voting at a public meeting:

(1) Authorize the exchange of all or part, including improvements and appurtenances, of any lands, waters or buildings to which title has been acquired in return for lands, waters or buildings having an equal or greater value when the exchange is in the best interests of the commission.

(2) Exchange timber, minerals, oil or gas to which the commission holds title for suitable lands having an equal or greater value.

(3) Sell lands to the Department of Environmental Resources for State forests or to the Federal Government for National Forests or National Wildlife Refuges when in the best interests of game or wildlife.

Transfer of Powers. Section 302(h) of Act 18 of 1995, which created the Department of Conservation and Natural Resources and renamed the Department

of Environmental Resources as the Department of Environmental Protection, provided that the Department of Conservation and Natural Resources shall exercise the powers and duties conferred upon the Department of Environmental Resources by section 723.

Cross References. Section 723 is referred to in section 722 of this title.

Æ724. Disposition of timber, minerals and other products.

The commission may dispose of, by lease, sale or otherwise, timber, buildings, other appurtenances, minerals, oil and gas, or rights therein, including natural gas storage, or any other product, on or under lands to which it has title.

Æ725. Rights-of-way, easements and licenses.

(a) General rule.--On and across lands to which title has been acquired for its use, the director may, at such charge or fee as the commission may establish, grant:

(1) Rights-of-way or licenses for roads, for pipe, electric and other utility lines and for telephone, telegraph and television lines or any other rights-of-way or licenses not inconsistent with the purpose of these lands.

(2) Water rights or other rights to maintain airway signals or forest fire observation towers when these rights will not adversely affect the game or wildlife resource or the use of the game or wildlife resource.

(3) Rights to erect, construct, maintain and operate antennas, towers, stations, cables and other devices and apparatus helpful, necessary or required for radio broadcasting, telecasting, transmission, relaying or reception of television.

(4) Rights to the Department of Transportation to establish roadside rests and highway maintenance facilities under regulations of the commission.

(5) Rights to any Federal or State agency or political subdivision to construct, maintain and operate water impoundments or flowage for flood control or recreational use.

(b) Charges.--The commission may charge for these grants remuneration and damages as it deems the conditions and circumstances warrant.

(c) Approval.--The director may approve the granting, lease or exchange of any easement, right-of-way or license for use of commission property.

Æ726. Leases.

Notwithstanding any other provision of law, the director, with the approval of the commission, may lease any land or interests in land over which the commission exercises title or control for a term not to exceed 25 years when the commission determines the lease will promote public hunting or furtaking or benefit the game or wildlife resource or will otherwise further the interests of the commission.

Æ727. Proceeds from sales and grants.

All proceeds from the sale of waters, timber, buildings, other appurtenances, oil, gas or minerals, leases of commission lands, waters or interests, rights from the production or sale of minerals, oil or gas or other products and from licenses or other rights granted by the commission shall be deposited in the Game Fund.

Æ728. Propagation areas.

(a) General rule.--The commission may set aside, in its discretion, areas as it may judge best for the protection and propagation of game or wildlife on any portion of lands under its control, either by title or lease, wherein game or wildlife shall not be hunted, pursued, disturbed, molested, killed or taken at any time except as authorized by the commission. The commission may promulgate regulations governing conduct on or within publicly or privately owned lands within this Commonwealth with the approval of the proper authorities or person or persons owning or controlling same.

(b) Penalty.--A person hunting, taking, killing or disturbing game or wildlife in a propagation area established under subsection (a) or violating any regulation adopted pursuant to subsection (a) commits a summary offense

of the fifth degree. A person entering a propagation area commits a summary offense of the seventh degree.

Æ729. Public access projects.

The commission may cooperate with private landowners and others who desire to aid in the conservation of game or wildlife by creating and maintaining public access projects. The hunting rights for these lands shall be made available to the commission by written agreement. The commission may authorize the director to execute agreements, and the commission shall promulgate such regulations to govern these projects as it deems necessary.

Æ730. Controlled goose hunting areas.

Applications are available in and must be submitted from the current edition of Digest of Pennsylvania Hunting and Trapping Regulations supplied with each hunting license. Applications shall contain requested information, including the applicant's current valid hunting license back tag number, including letter. However, any person who has been selected to reserve use of a Special Wildlife Management Area shall be required to obtain a Pennsylvania Migratory Game Bird Hunting License prior to the date of reservation. All other procedures shall be established by regulations promulgated by the commission.

(Apr. 4, 1996, P.L.55, No.19, eff. imd.; Dec. 20, 2000, P.L.783, No.111, eff. 60 days)

SUBCHAPTER C
PROTECTION OF COMMISSION PROPERTY

Sec.

741. Commission actions for damage to buildings or property.

Æ741. Commission actions for damage to buildings or property.

(a) **Declaration of policy.**--By virtue of the continued expenditure of its funds and its efforts to provide as much land as possible for recreational activities which are consistent with the intent of this title, the commission has sufficient interest in the maintenance and care of any lands, buildings, appurtenances, waters and the flora and fauna, minerals, oil or gas thereon to promulgate regulations which are necessary to preserve and protect the users, improvements, lands and buildings under its control.

(b) **General rule.**--The commission shall promulgate regulations to protect users, improvements, lands and buildings under its control. These regulations shall cover, but need not be limited to:

- (1) Removal of any material.
- (2) Damage of any kind.

(3) Any other regulations required to properly protect and preserve these lands for their intended use.

(c) **Penalty.**--A violation of regulations promulgated under this section is a summary offense of the fifth degree.

(d) **Recovery of damages.**--When any person causes damage to commission-controlled lands or buildings and a satisfactory settlement in the form of a donation to the Game Fund cannot be reached between the director's designee and the person responsible for the damages, the commission, as an agency of the Commonwealth authorized to protect and preserve lands under their control, may bring civil actions on behalf of the Commonwealth for the value of any damage done or materials of any kind removed from their lands or buildings. In addition, the commission is entitled to recover the costs of gathering the evidence, including testimony, in any civil action brought under this section where the defendant is found liable for damages.

CHAPTER 9 ENFORCEMENT

Subchapter

- A. General Provisions
- B. Prosecution and Penalties

Enactment. Chapter 9 was added July 8, 1986, P.L.442, No.93, effective July 1, 1987.

SUBCHAPTER A GENERAL PROVISIONS

Sec.

- 901. Powers and duties of enforcement officers.
- 902. Deputy Game Commission officers.
- 903. Delegation of enforcement powers.
- 904. Resisting or interfering with an officer.
- 905. Assaulting an officer (Repealed).
- 905.1. Assaulting an officer
- 906. False or fraudulent statements on reports, etc.
- 907. Vehicle operation to avoid identification or inspection.
- 908. Reciprocal enforcement on Delaware River.

§ 901. Powers and duties of enforcement officers.

(a) Powers.--Any officer whose duty it is to enforce this title or any officer investigating any alleged violation of this title shall have the power and duty to:

(1) Enforce all laws of this Commonwealth relating to game or wildlife and arrest any person who has violated any of the provisions of this title while in pursuit of that person immediately following the violation.

(2) Go upon any land or water outside of buildings, except curtilage, posted or otherwise, in the performance of the officer's duty.

(3) Serve subpoenas issued under the provisions of this title or any other statute the officer is authorized to enforce.

(4) Carry firearms or other weapons, concealed or otherwise, in the performance of the officer's duties.

(5) Purchase and resell game or wildlife, or any part thereof, for the purpose of securing evidence.

(6) Stop any means of transportation within this Commonwealth under reasonable suspicion or under the administrative procedures for road checkpoints. Any officer who stops any means of transportation shall be in uniform and present a badge or other means of official identification and state the purpose of the stop.

(7) Search any person or means of transportation or its attachment or occupants, or any clothing worn by any person, or any bag, clothing or container under probable cause, consent, exigent circumstances or other established exceptions to warrant requirements, provided that if any person is present the officer presents a badge or other means of official identification and states the purpose of the search.

(8) Conduct administrative inspections of persons, licenses and permits, firearms, ammunition and other implements of taking, game bags, game, meat poles, tags, clothing, waterfowl blinds, decoys, tree stands, immediate hunting locations, or any means of transportation or its attachments used as blinds or as hunting locations, and any coolers or containers possessed at a hunting location when prima facie evidence of hunting exists. Any officer conducting an administrative inspection shall, if any person is present, present a badge or other means of official identification and state the purpose of the inspection.

(9) Secure and execute all warrants and search warrants for violations of this title or, with proper consent, to search or enter any building, dwelling, house, tavern, hotel, boardinghouse, enclosure, vehicle or craft or any attachments thereto, to open, by whatever means necessary, any door, compartment, chest, locker, box, trunk, bag, basket, package or container and to examine the contents thereof and seize any evidence or contraband found therein.

(10) When making an arrest or an investigation or when found in the execution of a search warrant, seize and take possession of all game or wildlife or parts of game or wildlife which have been taken, caught, killed, had or held in possession, and seize all firearms, shooting or hunting paraphernalia, vehicles, boats, conveyances, traps, dogs, decoys, automotive equipment, records, papers, permits, licenses and all contraband or any unlawful device, implement or other appliance used in violation of any of the laws relating to game or wildlife.

(11) Administer any oaths required by the provisions of this title or relative to any violation of any law relating to game or wildlife and, where game or wildlife is found in a camp or in possession or under control of any individual or hunting party, question the person or persons, under oath, relative to the taking, ownership or possession of the game or wildlife.

(12) Operate or move any vehicle, permanently or temporarily equipped with a type of flashing or rotating red light or lights or audible device or both, approved by the commission, upon any street or highway within this Commonwealth when performing duties within the scope of employment.

(12.1) Operate any vehicle owned or leased by the Commonwealth and used for law enforcement purposes, equipped with flashing or rotating lights of such color and combination and audible devices as authorized in the definition of "emergency vehicle" in 75 Pa.C.S. § 102 (relating to definitions) and approved by the commission, upon any street or highway within this Commonwealth when performing duties within the scope of employment. Drivers of Commonwealth-owned or Commonwealth-leased vehicles equipped with lights and audible devices as authorized in this subchapter may exercise the privileges and shall be subject to the conditions as set forth in 75 Pa.C.S. § 3105 (relating to drivers of emergency vehicles).

(13) Demand and secure assistance when the officer deems it necessary.

(14) Demand and secure identification from any person who is the subject of an official investigation or investigative detention, supported by reasonable suspicion, if the officer presents a badge or other means of official identification.

(15) Enforce all the laws of this Commonwealth and regulations promulgated thereunder relating to fish, boats, parks and forestry and other environmental matters, under the direction of those agencies charged with the administration of these laws.

(16) Require the holder of any license or permit required by this title or by commission regulation to sign the holder's name on a separate piece of paper in the presence of the requesting officer.

(17) When acting within the scope of the officer's employment, pursue, apprehend or arrest any individual suspected of violating any provision of Title 18 (relating to crimes and offenses) or any other offense classified as a misdemeanor or felony. The officer shall also have the power to serve and execute warrants issued by the proper authorities for offenses referred to in this paragraph and to serve subpoenas issued for examination. All powers as provided for in this paragraph will be limited by such administrative procedure as the director, with the approval of the commission, shall prescribe. The regulations shall be promulgated within 90 days of the effective date of this paragraph.

(18) When acting within the scope of the officer's employment and under the procedures outlined by the executive director, to use a facsimile in the enforcement of the provisions of this title and the regulations promulgated hereunder.

(19) When acting within the scope of the officer's employment, have the discretion to issue written or verbal warnings in lieu of making arrests or issuing citations.

(b) Use of protective materials.--Any officer whose duty it is to enforce this title shall comply with the procedures established by the executive director relating to the use of protective materials under section 2524 (relating to protective material required).

(b.1) Exception to the prohibition of interception and disclosure of communications.--(Deleted by amendment).

(c) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Officer's employment." The period of time during which a wildlife conservation officer is currently engaged in an activity the officer is employed to perform at the time of the engagement and in places the officer is authorized to perform the activity.

(Dec. 17, 1990, P.L.724, No.180, eff. 60 days; Dec. 19, 1996, P.L.1442, No.184, eff. 60 days; Dec. 21, 1998, P.L.1274, No.166, eff. imd.; June 28, 2002, P.L.474, No.79, eff. 60 days; Oct. 7, 2010, P.L.474, No.64, eff. 60 days; Feb. 4, 2014, P.L.20, No.8, eff. 60 days; Oct. 31, 2014, P.L.3043, No.202, eff. 60 days; Feb. 15, 2018, P.L.6, No.3, eff. 60 days; Nov. 24, 2025, P.L.326, No.53, eff. 60 days)

2025 Amendment. Act 53 deleted subsec. (b.1). See section 8 of Act 53 in the appendix to this title for special provisions relating to allocation of money.

2014 Amendments. Act 8 added subsec. (a)(19) and Act 202 added subsec. (b.1).

2010 Amendment. Act 64 amended subsec. (a)(2), (3), (6), (7), (8) and (14) and added subsec. (c).

2002 Amendment. Act 79 amended subsec. (a).

1996 Amendment. Act 184 added subsecs. (a) hdg. and (18) and (b).

Cross References. Section 901 is referred to in section 902 of this title.

§ 902. Deputy Game Commission officers.

Except for the powers conferred under section 901(a)(12.1), (17) and (18) (relating to powers and duties of enforcement officers), deputy Game Commission officers shall, unless further restricted by the director, exercise all the powers and perform all the duties conferred by this title on Game Commission officers, except deputy wildlife conservation officers shall not be authorized to issue citations or field acknowledgments of guilt for violations and shall provide the information to the wildlife conservation officer. Retired wildlife conservation officers, retired waterways conservation officers, State park rangers, State forest rangers or current or retired State or municipal police officers shall exercise all powers and duties conferred on deputy Game Commission officers, including the right to issue citations and field acknowledgments of guilt for violations.

(Dec. 17, 1990, P.L.724, No.180, eff. 60 days; Dec. 19, 1996, P.L.1442, No.184, eff. 60 days; Dec. 21, 1998, P.L.1274, No.166, eff. imd.; June 28, 2002, P.L.474, No.79, eff. 60 days)

§ 903. Delegation of enforcement powers.

Any person elected or employed by the Commonwealth or by any municipality, whose duty it is to preserve the peace or to make arrests or to enforce the laws of this Commonwealth, may be designated and empowered by the director, with the approval of the commission, to enforce the provisions of this title under policies established by the director.

Cross References. Section 903 is referred to in section 2314 of this title.

Æ904. Resisting or interfering with an officer.

(a) **General offense.**--When an officer is in the performance of any duty required by this title, it is unlawful for any person to interfere with or resist an arrest, inspection or investigation of the officer by threat, force, menace, flight or obstruction. A violation of this subsection is a summary offense of the first degree.

(b) **Failure to produce identification upon demand.--**

(1) A person who refuses to provide identification upon demand of an officer whose duty it is to enforce this title after having been told by the officer that the person is the subject of an official investigation or investigative detention, supported by reasonable suspicion, commits a summary offense of the fifth degree.

(2) A person who provides false identification to an officer whose duty it is to enforce this title for the purpose of avoiding prosecution or hindering apprehension or obstructing an investigation commits a summary offense of the second degree.

(June 23, 2004, P.L.434, No.42, eff. 60 days; Oct. 7, 2010, P.L.474, No.64, eff. 60 days)

2010 Amendment. Act 64 amended subsec. (b) (1).

Æ905. Assaulting an officer (Repealed).

2010 Repeal. Section 905 was repealed July 9, 2010, P.L.387, No.54, effective in 60 days.

Æ905.1. Assaulting an officer.

A violation of 18 Pa.C.S. Æ2702 (relating to aggravated assault), that involves a person listed under 18 Pa.C.S. ~~Æ~~2702(c)(37), and 2702.1 (relating to assault of law enforcement officer) is an offense under this title, and the penalties set forth in 18 Pa.C.S. ~~Æ~~2702 and 2702.1 shall apply.

(Oct. 24, 2012, P.L.1205, No.150, eff. 60 days)

2012 Amendment. Act 150 added section 905.1.

Æ906. False or fraudulent statements on reports, etc.

A person who makes any false or fraudulent statement on any report or application required by this title, or to any representative of the commission, commits a summary offense of the fourth degree.

Æ907. Vehicle operation to avoid identification or inspection.

A person who operates a motor vehicle, or craft of any kind, without lights, or turns off any lights, or fails or refuses to stop, for the purpose of avoiding identification or inspection of its attachments, its contents or its passengers, anywhere within this Commonwealth, upon request or signal of any officer using a flashing or rotating red light or lights or an audible warning device or both or upon request or hand signal of any officer when the officer is in uniform and displays a badge or any other sign of official identification, commits a summary offense of the fourth degree.

Æ908. Reciprocal enforcement on Delaware River.

So long as the State of New York or the State of New Jersey, as the case may be, has in effect a statutory provision analogous to this section, any person who is authorized to enforce this title or an officer of a reciprocating state may enforce this title on any part of the Delaware River between those states or on the shores of that river.

SUBCHAPTER B
PROSECUTION AND PENALTIES

Sec.

- 921. Time for commencing prosecutions.
- 922. Rights and liabilities of minors.
- 923. Possession prima facie evidence of violation.
- 924. Liability for actions of others.
- 925. Jurisdiction and penalties.
- 926. Acknowledgment of guilt and receipt for payment.
- 927. Disposition of fines and penalties.
- 928. Disposition of seized property.
- 929. Revocation, suspension or denial of license, permit or registration.
- 930. Suspension of privileges pending payment of penalties.
- 931. Disposition of nonresident offenders.
- 932. Determination of second or subsequent offenses.

§ 921. Time for commencing prosecutions.

Prosecutions for violating any provisions of this title shall be commenced within two years after the violation occurs.

§ 922. Rights and liabilities of minors.

A person under 17 years of age who is charged with a violation of any provisions of this title or regulations promulgated thereunder shall be subject to the provisions of 42 Pa.C.S. Ch. 63 (relating to juvenile matters).

§ 923. Possession prima facie evidence of violation.

In all cases of violation of any provision of this title, the possession of game or wildlife or parts thereof or the possession or operation of equipment or other devices unlawfully used or prohibited under this title shall be prima facie evidence of the violation.

§ 924. Liability for actions of others.

(a) **General rule.**--A person who causes an unlawful act to be done by another person which, if directly performed by the person causing the unlawful act would be in violation of this title, is punishable as a principal.

(b) **Exclusion.**--A landowner who allows or grants permission to a person to take game or wildlife on the landowner's property shall not be liable under this section for an unlawful act committed by that person unless the landowner willfully aids, abets, assists, attempts or conspires in the commission of the unlawful act.

(Nov. 1, 2013, P.L.674, No.83, eff. imd.)

§ 925. Jurisdiction and penalties.

(a) **Jurisdiction.**--Notwithstanding the provisions of Title 42 (relating to judiciary and judicial procedure), all magisterial district judges shall have jurisdiction for all violations of this title which are classified as summary offenses and may accept guilty pleas and impose sentences for violations of this title classified as ungraded misdemeanors.

(b) **Fines and penalties for violations.**--In addition to any other requirements of this title, the following fines and penalties shall be imposed for violations of this title:

(1) Felony of the third degree, not more than \$15,000 and may be sentenced to imprisonment up to 36 months.

(2) Misdemeanor of the first degree, not more than \$10,000 and may be sentenced to imprisonment up to 18 months.

(3) Misdemeanor of the second degree, not more than \$5,000 and may be sentenced to imprisonment up to 12 months.

(4) Misdemeanor not more than \$3,000 and may be sentenced to imprisonment up to six months.

(5) Summary offense of the first degree, not less than \$1,000 nor more than \$1,500 and may be sentenced to imprisonment up to three months.

(6) Summary offense of the second degree, not less than \$400 nor more than \$800 and may be sentenced to imprisonment up to one month.

(7) Summary offense of the third degree, not less than \$250 nor more than \$500.

(8) Summary offense of the fourth degree, not less than \$150 nor more than \$300.

(9) Summary offense of the fifth degree, not less than \$100 nor more than \$200.

(10) Summary offense of the sixth degree, \$75.

(11) Summary offense of the seventh degree, \$50.

(12) Summary offense of the eighth degree, \$25.

(b.1) Costs of prosecution for violations.--In addition to the imposition of any fines and penalties, costs of prosecution shall be assessed pursuant to 42 Pa.C.S. §§ 1725.1 (relating to costs), 3571 (relating to Commonwealth portion of fines, etc.) and section 1403 of the act of August 9, 1955 (P.L.323, No.130), known as The County Code, and as otherwise deemed appropriate by the court.

(c) Penalty for undesignated violations.--A person who violates any provision of this title for which a particular penalty is not designated commits:

(1) A misdemeanor of the second degree if the violation involves an endangered or threatened species and no more severe penalty is fixed.

(2) A summary offense of the fifth degree for any other violation.

(d) Enhanced penalties for certain violations.--If applicable, one or more of the following may apply to certain offenses:

(1) An additional fine of one and one-half times the amount of the applicable fine may be imposed when the offense is a second or subsequent offense within a seven-year period or during the same criminal episode and no penalties for second or subsequent offenses are prescribed for the violation under this title.

(2) An additional fine of \$500 may be imposed when the offense involves the unlawful taking of big game or threatened or endangered species and a witness report was instrumental in securing a successful conviction. Any additional fines imposed under this paragraph shall be directed to the commission to compensate any witness whose report directly results in a successful conviction. If applicable, each witness, up to a maximum of two, shall be compensated \$250 for each additional \$500 imposed.

(e) Installment payment of fines.--Upon a plea and proof that person is unable to pay any fine and costs imposed under this title, a court may, in accordance with 42 Pa.C.S. § 9758 (relating to fine), permit installment payments it considers appropriate to the circumstances of the person, in which case its order shall specify when each installment payment is due.

(f) Nonpayment of fines and costs.--Unless otherwise provided in this title, each person who fails to pay any fines and costs imposed may, after a hearing before a magisterial district judge, be imprisoned until the fines and costs are paid in full. The court may imprison the person for a number of days equal to one day for each \$40 of the unpaid balance of the fines and costs not to exceed six months.

(g) Adjudication alternative program inapplicable.--The provisions of 42 Pa.C.S. § 1520 (relating to adjudication alternative program) shall not be applied as an adjudication alternative for any violation or offense under this title.

(h) Separate offenses.--Where game or wildlife is unlawfully taken, killed, wounded, possessed, transported, purchased, concealed or sold, each bird or animal or part thereof involved in the violation constitutes a separate offense.

(i) Replacement costs.--In addition to the fines and costs imposed for violations pursuant to subsection (b), the costs incurred by the commission for the replacement of the species involved in the violation shall be assessed by the magisterial district judge in such amount as is fixed by regulation of the commission. Replacement costs shall only be assessed for violations relating to threatened or endangered species of North American game or wildlife and such other species of Pennsylvania game or wildlife as designated by the commission.

(j) Title 18 inapplicable.--Title 18 (relating to crimes and offenses) is inapplicable to this title insofar as it relates to:

(1) intent, willfulness of conduct or fines and imprisonment for convictions of summary offenses and misdemeanors; or

(2) criminal records under 18 Pa.C.S. Ch. 91 (relating to criminal history record information) for misdemeanors under section 2522(b)(1) (relating to shooting at or causing injury to human beings).

(k) Impact on other laws.--A felony under this title shall not be deemed to constitute a felony for the purpose of any other law relating to disqualification from employment, loss of suffrage or for any other purpose.

(Dec. 19, 1996, P.L.1442, No.184, eff. 60 days; Dec. 21, 1998, P.L.1274, No.166, eff. July 1, 1999; Dec. 30, 2003, P.L.436, No.63, eff. 60 days; Nov. 30, 2004, P.L.1618, No.207, eff. 60 days; July 9, 2010, P.L.387, No.54, 60 days; Oct. 24, 2012, P.L.1205, No.150, eff. 60 days)

2012 Amendment. Act 150 amended subsec. (a).

2010 Amendment. See section 6 of Act 54 in the appendix to this title for special provisions relating to public notice.

2004 Amendment. See section 29 of Act 207 in the appendix to this title for special provisions relating to construction of law.

Cross References. Section 925 is referred to in section 2510 of this title; section 2703 of Title 3 (Agriculture).

§ 926. Acknowledgment of guilt and receipt for payment.

(a) General rule.--Except as provided in subsection (d), a person charged with violating any provision of this title which is a summary offense may sign within ten days of the commission of the offense an acknowledgment of the offense committed and pay to an officer of the commission the penalty in full, as fixed by this title, plus any costs of prosecution which may have accrued. The printed receipt for this payment shall only prove full satisfaction of the monetary fine for the offense committed and in no way shall limit the commission from further revoking hunting and furtaking privileges.

(b) Notice of right to hearing.--Each acknowledgment of guilt shall have printed on it a notice stating that the person has the right to a hearing in a judicial proceeding. At the same time that the printed acknowledgment of guilt is being completed, the officer of the commission shall give a verbal warning concerning the right of the person to a hearing in a judicial proceeding.

(c) Stopping payment of check.--A person who makes payment to the commission by personal check for an acknowledgment pursuant to this title and who stops payment on the check or issues a nonnegotiable check or instrument commits a summary offense of the seventh degree. The official receipt for payment of the penalty, issued by an officer, shall become void, and the prosecution of the person or persons named on the receipt shall be allowed to continue.

(d) Limitations of acknowledgments of guilt.--On and after June 30, 1999, acknowledgments of guilt pursuant to this section shall be used only in such counties as the commission may designate by regulation for such use. The commission shall only designate such counties for continued use of field acknowledgment as it finds to have summary offense procedures that differ from Statewide summary offense procedures.

(Dec. 21, 1998, P.L.1274, No.166, eff. July 1, 1999)

1998 Amendment. Act 166 amended subsec. (a) and added subsec. (d).

Cross References. Section 926 is referred to in section 931 of this title.

§ 927. Disposition of fines and penalties.

(a) General rule.--Fines recovered in all cases shall be deposited in the Game Fund in accordance with regulations promulgated by the commission.

(b) Penalty.--A person failing to forward fines in accordance with this section commits a misdemeanor.

(Oct. 24, 2012, P.L.1205, No.150, eff. 60 days)

2012 Amendment. Act 150 amended subsec. (b).

§ 928. Disposition of seized property.

All guns, traps, dogs, boats, vehicles or conveyances, or any device, implement or appliance, and other shooting, hunting, trapping or furtaking paraphernalia seized under this title, where the owner thereof escapes arrest and refuses to present himself and make claim to the property, shall be held for a period of not less than 30 days, after which time the property shall be forwarded to the commission and shall be disposed of at the discretion of the director. The moneys arising from the sale shall be applied to any costs of prosecution accrued and the remainder forfeited to the commission and deposited in the Game Fund.

§ 929. Revocation, suspension or denial of license, permit or registration.

(a) General rule.--Except as otherwise provided in this title, any hunting or furtaking license, special license or permit or registration granted under the authority of this title may be denied, revoked or suspended by the commission when the holder of the license, permit or registration is convicted of an offense under this title or has acted contrary to the intent of the registration or permit, with each offense constituting a separate violation subject to separate revocation. The commission may refuse to grant to that person any permit or registration and may deny any privilege granted by these documents for a period not exceeding five years unless otherwise provided in this title.

(a.1) Remedial hunter education course.--A person whose privilege to hunt with or without a license anywhere in this Commonwealth is revoked or suspended under a provision of this title requiring mandatory revocation or suspension shall, in order to obtain restoration, present evidence of the successful completion of a remedial hunter education course as provided by the director and approved by the commission prior to obtaining a license. This course may be taken no earlier than three months prior to the end of the period of revocation. The commission shall promulgate regulations establishing the curriculum, administration and any associated fees of such a remedial course, which fees shall bear a reasonable relationship to the costs of providing the course and the course materials.

(a.2) Vision examination and drug and alcohol education program.--A person whose privilege to hunt with or without a license anywhere in this Commonwealth is revoked or suspended under section 2522(c) (relating to shooting at or causing injury to human beings), in order to obtain restoration, shall present evidence of having taken a vision examination under section 2522(c) and, if required by the commission, present evidence of having successfully completed an alcohol and drug education program under section 2522(h).

(b) Regulations.--The commission may promulgate regulations specifying the procedures to be followed in denying, revoking or suspending any hunting and furtaking privileges, licenses, permits and registrations granted under the provisions of this title.

(Dec. 19, 1996, P.L.1442, No.184, eff. 60 days; Dec. 20, 2000, P.L.783, No.111, eff. July 1, 2001; Dec. 30, 2003, P.L.436, No.63, eff. 60 days; July 9, 2010, P.L.387, No.54, eff. 60 days)

2010 Amendment. Act 54 amended subsecs. (a) and (b). See section 6 of Act 54 in the appendix to this title for special provisions relating to public notice.

§ 930. Suspension of privileges pending payment of penalties.

(a) General rule.--Notwithstanding subsection (b), all privileges granted by this title shall automatically be suspended if a defendant fails to respond to a citation or summons within 60 days or fails to pay all penalties in full within 180 days following conviction.

(b) Payment plan.--If a defendant is enrolled in a payment plan to repay penalties mandated by a court of competent jurisdiction and the defendant is making regular payments in accordance with the court's mandate, the privileges of this title may not be suspended.
(Feb. 15, 2018, P.L.6, No.3, eff. 60 days)

§ 931. Disposition of nonresident offenders.

Subject to any inconsistent regulations or rules prescribed pursuant to 42 Pa.C.S. § 3502 (relating to financial regulations):

(1) Except as otherwise provided in paragraph (2), upon the apprehension of a nonresident of this Commonwealth for any violation of this title that is a summary offense, the officer whose duty it is to enforce this title shall issue a citation as provided by the Pennsylvania Rules of Criminal Procedure unless the nonresident offender elects to proceed under section 926 (relating to acknowledgment of guilt and receipt for payment).

(2) An officer whose duty it is to enforce this title shall be authorized to arrest a nonresident for a summary offense violation of this title and escort him to the appropriate issuing authority for a hearing, posting of bond or payment of the applicable fine and costs only when one or more of the following circumstances exist:

(i) The nonresident offender refuses to accept a citation from the officer.

(ii) The nonresident offender fails to provide positive identification showing his mailing address.

(iii) The officer has reasonable grounds to believe the nonresident offender is a repeat offender under this title.

(iv) The officer has reasonable grounds to believe the nonresident offender is hunting while his hunting privileges are suspended or furtaking while his furtaking privileges are suspended.

(v) The officer has reasonable grounds to believe the nonresident offender has failed to respond to a citation issued under this title or to pay assessed fines or penalties for a prior offense under this title.

(vi) The officer has reasonable grounds to believe the nonresident offender may pose a threat of harm to another person or property or to himself or herself.

(vii) The officer has reasonable grounds to believe the nonresident offender will not appear as required if issued a citation.

The officer shall not exercise his authority to arrest a nonresident under this paragraph if the nonresident offender chooses to place the amount of the applicable fine and costs in a stamped envelope addressed to the appropriate issuing authority and mails the envelope in the presence of the officer.

(3) The amount of fine and costs to be mailed to the issuing authority under paragraph (2) may be paid in cash, personal or other check, credit card or guaranteed arrest bond.

(4) The officer shall give the nonresident offender a receipt for payment, a copy of which shall be mailed with the payment and a copy retained by the officer.

(Dec. 21, 1998, P.L.1274, No.166, eff. July 1, 1999)

§ 932. Determination of second or subsequent offenses.

Any person convicted or pleading guilty or signing an acknowledgment of guilt under any provisions of this title who, within the past seven years, was convicted or pleaded guilty or signed an acknowledgment of guilt for violating any of the provisions of this title or the former laws relating to game or wildlife then in force shall be sentenced under this title as a second or subsequent offender. Any acceptance of Accelerated Rehabilitative Disposition within the past seven years of the present violation shall be considered for the purposes of determining a second or subsequent offense. (July 9, 2010, P.L.387, No.54, eff. 60 days)

2010 Amendment. See section 6 of Act 54 in the appendix to this title for special provisions relating to public notice.

CHAPTER 21
GAME OR WILDLIFE PROTECTION

Subchapter

- A. General Provisions
- B. Destruction for Agricultural Protection
- C. Destruction of Game or Wildlife in Self-Defense
- D. Protection of Game or Wildlife

Enactment. Chapter 21 was added July 8, 1986, P.L.442, No.93, effective July 1, 1987.

SUBCHAPTER A
GENERAL PROVISIONS

Sec.

- 2101. Administration of title.
- 2102. Regulations.
- 2103. Applicability of Federal laws.

§ 2101. Administration of title.

The commission shall have the authority to administer and enforce this title and all laws of this Commonwealth relating to the encouragement, promotion and development of game or wildlife conservation interests and the protection, propagation, distribution and control over game or wildlife.

§ 2102. Regulations.

(a) General rule.--The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth.

(b) Seasons, possession, bag limits and devices.--

(1) The commission shall promulgate regulations relating to seasons and bag limits for hunting or furtaking, the possession of certain species or parts thereof, the number and types of devices and equipment allowed, the identification of devices and the use and possession of devices.

(2) If in any year the commission fails to establish seasons or bag limits or fails to establish other hunting or furtaking regulations under authority of this title, the open seasons and bag limits for game or furbearers, unless otherwise provided by this title, and all other hunting or furtaking regulations adopted under authority of this title, shall be the same as set by regulation of the commission for the previous license year, and all seasons shall open and close one calendar day earlier than the previous license year. In the event the commission fails to establish seasons and bag limits for a license year beginning in a leap year, the seasons shall open and close two calendar days earlier than the previous license year.

(c) Transportation, sale and disturbance of game or wildlife.--The commission shall promulgate regulations concerning the transportation, introduction into the wild, importation, exportation, sale, offering for sale or purchase of game or wildlife or the disturbing of game or wildlife in their natural habitat.

(d) Traps, firearms, ammunition and other devices.--The commission shall promulgate regulations stipulating the size and type of traps, the type of firearms and ammunition and other devices which may be used, the manner in which and the location where the devices may be used, the species the devices may be used for and the season when the devices may be used.

(e) Penalties.--

(1) Unless otherwise specifically provided, any person convicted or pleading guilty to or pleading nolo contendere to any violation of any regulation promulgated under this title where any game or wildlife is unlawfully possessed, killed or taken or any attempt is made to unlawfully kill, take or possess any game or wildlife shall be subject to the penalties imposed under section 2307(d) (relating to unlawful taking or possession of game or wildlife).

(2) Unless otherwise specifically provided, any other violation of any regulation of the commission is a summary offense of the fifth degree.
(July 9, 2025, P.L. , No.36, eff. 60 days)

2025 Amendment. Act 36 amended subsec. (b) (2).

Cross References. Section 2102 is referred to in section 322 of this title.

§ 2103. Applicability of Federal laws.

(a) General rule.--The provisions of the Federal Migratory Bird Treaty Act (16 U.S.C. § 703 et seq.) or Federal Duck Stamp Act (16 U.S.C. § 718 et seq.) are hereby made a part of this title. Federal regulations shall not apply if commission regulations or other provisions of this title prescribe stronger or more detailed restrictions for the taking of migratory birds, nongame birds or game or wildlife.

(b) Penalty.--Any violation of the regulations which the commission is authorized to promulgate pursuant to these Federal laws and which is not otherwise specifically covered in this title is a summary offense of the fifth degree.

SUBCHAPTER B
DESTRUCTION FOR AGRICULTURAL PROTECTION

Sec.

- 2121. Killing game or wildlife to protect property.
- 2122. Report to commission officer.
- 2123. Safekeeping edible carcass pending disposition.
- 2124. Retention of edible carcass for food.
- 2125. Surrender of carcass.
- 2126. Unlawful activities.

§ 2121. Killing game or wildlife to protect property.

(a) General rule.--Subject to any limitations in this subchapter, nothing in this title shall be construed to prohibit any person from killing any game or wildlife:

- (1) which the person may witness actually engaged in the material destruction of cultivated crops, fruit trees, vegetables, livestock, poultry or beehives;
- (2) anywhere on the property under the person's control, including detached lands being cultivated for the same or similar purposes, immediately following such destruction; or
- (3) where the presence of the game or wildlife on any cultivated lands or fruit orchards is just cause for reasonable apprehension of additional imminent destruction.

Lands divided by a public highway shall not be construed as detached lands. Any person who wounds any game or wildlife shall immediately make a

reasonable effort to find and kill the game or wildlife. Every person shall comply with all other regulations in this subchapter pertaining to the method and manner of killing, reporting the killing and the disposition of game or wildlife and their skins and carcasses.

(b) Protected game or wildlife.--Before any game or wildlife, which may be designated by regulation of the commission, or any bird or animal classified as threatened or endangered may be killed, every reasonable effort shall be made to live trap and transfer such game or wildlife. The trapping and transfer shall be done in cooperation with a representative of the commission.

(c) Definition.--As used in this subchapter, the word "person" shall be limited to any person cultivating, as a primary means of gaining a livelihood, any lands for general or specialized crop purposes, truck farming or fruit orchard or nursery being regularly maintained, as either the owner, lessee or a member of the family of the owner or lessee assisting with the cultivation of the land, or a domiciled member of the household of the owner or lessee or an employee of the owner or lessee, regularly and continuously assisting in the cultivation of the land or other person as authorized by commission permit.

(July 3, 2007, P.L.79, No.26, eff. 60 days)

2007 Amendment. Act 26 amended subsec. (c). Section 2 of Act 26 provided that Act 26 shall apply to offenses committed on or after the effective date of section 2.

Cross References. Section 2121 is referred to in sections 2124, 2503 of this title.

§ 2122. Report to commission officer.

Any person who kills any game or wildlife, other than raccoons, under the provisions of this subchapter shall, within 24 hours, report, orally or in writing, the killing to an officer of the commission. The report shall set forth the date, time and place of the killing, the number of species killed, the sex of the species and the location of each carcass. The commission shall establish a self-reporting system that allows a person assigned to remove deer for crop damage purposes to report each harvest to an officer of the commission via a toll-free telephone number, online application or publicly accessible Internet website.

(June 30, 2025, P.L. , No.26, eff. 60 days)

§ 2123. Safekeeping edible carcass pending disposition.

Unless otherwise directed by an officer of the commission, the entire carcass intact, less entrails, of each edible bird or animal killed under the provisions of this subchapter shall be held in a place of safekeeping pending final disposition pursuant to this chapter.

§ 2124. Retention of edible carcass for food.

(a) General rule.--Except as otherwise provided in subsection (b), the carcass of one deer, bear or elk killed under the provisions of section 2121 (relating to killing game or wildlife to protect property) may be retained for food. All portions of the carcass generally considered edible shall be consumed only within the household of a person having authority to kill and possess the game or wildlife. No additional animals may be retained for food until the entire carcass of the animal previously retained has been entirely consumed. The head and hide of each deer, bear or elk killed and retained for food shall be properly salted, placed in safekeeping and turned over to a commission officer.

(b) Exceptions.--No carcass, or any part or parts thereof, of any deer, bear or elk shall be retained for food, by any person, if the animal was killed upon:

(1) Land located within a game or wildlife deterrent fence provided by the commission.

(2) Land, or any part thereof, on which access for hunting purposes is denied at any time.

§ 2125. Surrender of carcass.

Except as otherwise provided in this subchapter, the entire carcass, including the head and hide, of all big game animals and the entire carcass of any other game or wildlife, other than raccoons, less entrails, shall be made available, unless otherwise directed by an officer of the commission, intact, to any commission officer calling for them or delivered to a processor for final disposition. As used

in this section, the term "processor" means a location specified by the commission that is willing to accept donations of animals taken under this chapter.

(June 30, 2025, P.L. , No.26, eff. 60 days)

§ 2126. Unlawful activities.

(a) Violations.--It is unlawful for any person while acting under the provisions of this subchapter to:

(1) Place any salt, bait or food of any kind or quantity or use any artificial means for the purpose of attracting or luring any game or wildlife upon any lands.

(2) Use any method not approved by the commission except that traps may be used to take furbearers and groundhogs.

(3) Use any firearm except a center fire propelling a single all-lead, lead alloy or expanding bullet or ball to kill or attempt to kill any big game animal.

(4) Fail or neglect to report the killing of any game or wildlife other than raccoons.

(5) Fail or neglect to care for the carcass, or any part thereof, of any game or wildlife other than raccoons.

(6) (Deleted by amendment).

(7) Fail to produce satisfactory evidence that material damage was done within the preceding 15 days and that there was just cause for reasonable apprehension of additional imminent destruction.

(8) Fail to relinquish to any officer the entire carcass, less the entrails, of any game or wildlife, other than raccoons, killed to which the person killing the game or wildlife is not legally entitled thereto.

(8.1) Fail to obtain written permission to hunt on a Sunday.

(9) Fail to comply with any other provision of this subchapter.

(b) Penalties.--

(1) A violation of this subchapter pertaining to big game animals is a summary offense of the fourth degree.

(2) A violation of this subchapter pertaining to any other game or wildlife, other than raccoons, is a summary offense of the seventh degree.

(3) Each bird or animal involved in a violation constitutes a separate offense.

(4) A violation of this subchapter pertaining to written permission is a summary offense of the third degree.

(June 30, 2025, P.L. , No.26, eff. 60 days; July 9, 2025, P.L. , No.36, eff. 60 days)

2025 Amendments. Act 26 deleted subsec. (a)(6) and Act 36 amended the heading of subsec. (a) and added subsecs. (a)(8.1) and (b)(4).

SUBCHAPTER C
DESTRUCTION OF GAME OR WILDLIFE IN SELF-DEFENSE

Sec.

2141. Killing game or wildlife to protect person.

§ 2141. Killing game or wildlife to protect person.

(a) General rule.--It is unlawful for a person to kill any game or wildlife as a means of protection unless it is clearly evident from all the facts that a human is endangered to a degree that the immediate destruction of the game or wildlife is necessary.

(b) Report, safekeeping and investigation.--A person killing any game or wildlife under this subchapter shall report the event to an officer as soon as possible following the incident but in no case later than 24 hours, provide for safekeeping of the game or wildlife intact at the place where it was killed and be available for interview by the officer.

(c) Exoneration.--At the conclusion of any investigation when any game or wildlife is allegedly killed as protection to a person, the officer may exonerate the person for the otherwise unlawful killing of the game or

wildlife. In all cases the officer shall seize and dispose of the game or wildlife as required by this title or upon instructions of the director.

(d) Prosecution.--Any officer making an investigation when game or wildlife was allegedly killed as a protection to a person shall proceed with prosecution as though the game or wildlife was unlawfully killed if the officer is dissatisfied with the explanation of the person killing the game or wildlife or if the physical facts of the killing do not support and sustain the facts alleged by the person killing the game or wildlife.

(e) Penalties.--A violation of this section relating to:

- (1) Threatened or endangered species is a misdemeanor.
- (2) Elk or bear is a summary offense of the first degree.
- (3) Deer is a summary offense of the second degree.
- (4) Bobcat or otter is a summary offense of the third degree.
- (5) Wild turkey or beaver is a summary offense of the fourth degree.
- (6) Any other game or wildlife is a summary offense of the fifth degree.

(Oct. 24, 2012, P.L.1205, No.150, eff. 60 days)

2012 Amendment. Act 150 amended subsec. (e) (1).

SUBCHAPTER D PROTECTION OF GAME OR WILDLIFE

Sec.

- 2161. Commonwealth actions for damage to game or wildlife.
- 2162. Disturbance of game or wildlife.
- 2163. Unlawful importation of game or wildlife.
- 2164. Unlawful taking and possession of protected birds.
- 2165. Possession or interference with active nests or eggs of birds.
- 2166. Unlawful sale of protected birds and plumage.
- 2167. Endangered or threatened species.

§ 2161. Commonwealth actions for damage to game or wildlife.

(a) Declaration of policy.--The Commonwealth has sufficient interest in game or wildlife living in a free state to give it standing, through its authorized agents, to recover compensatory and punitive damages in a civil action against any person who kills any game or wildlife or who damages any game or wildlife habitat. The proprietary ownership, jurisdiction and control of game or wildlife living free in nature is vested in the Commonwealth by virtue of the continued expenditure of its funds and its efforts to protect, propagate, manage and preserve the game or wildlife population as a renewable natural resource of this Commonwealth.

(b) General rule.--The commission, as the agency of the Commonwealth authorized to regulate, protect, propagate, manage and preserve game or wildlife, may, in addition to the penalties provided in this title, bring civil actions on behalf of the Commonwealth for compensatory and punitive damages for any game or wildlife killed or any game or wildlife habitat injured or destroyed. In determining the value of game or wildlife killed or habitat injured or destroyed, the commission may consider all factors that give value to the game or wildlife or habitat. These factors may include, but need not be limited to, the commercial resale value, the replacement costs or the recreational value of observing, hunting or furtaking. In addition, the commission may recover the costs of gathering the evidence, including expert testimony, in any civil action brought under this section where the defendant is found liable for damages.

(c) Concurrent authority.--The commission shall have concurrent authority to enforce the act of November 26, 1978 (P.L.1375, No.325), known as the Dam Safety and Encroachments Act, and the regulations thereto, with respect to encroachments and water obstructions only if a violation would, in the opinion of the commission, negatively impact upon a swamp, marsh or

wetland. Notwithstanding the provisions of section 26, in the event the commission shall bring a civil action suit pursuant to section 21 or a criminal proceeding pursuant to section 22 of the Dam Safety and Encroachments Act, any moneys recovered by the commission shall be deposited in the Game Fund instead of the Dams and Encroachments Fund.

(d) Exemptions.--Nothing in this section shall be construed to include normal or accepted practices which have been conducted within guidelines set forth by the State or Federal agency having jurisdiction over such actions or any activities arising from lawful activity by other land uses, including farming, mining, oil and gas drilling, habitat management practices, forestry practices, recreation or real estate development.

§ 2162. Disturbance of game or wildlife.

(a) General rule.--It is unlawful for any person to drive or disturb game or wildlife except while engaged in the lawful activities set forth in this title.

(b) Nonapplicability.--This section shall not apply to any owner of land, any member of the commission, the director, any representative of the commission or any other law enforcement officer engaged in any otherwise lawful action.

(c) Penalty.--A violation of subsection (a) shall be a summary offense of the first degree.

§ 2163. Unlawful importation of game or wildlife.

(a) General rule.--It is unlawful for any person to bring or, in any manner, to have transported into this Commonwealth from any other state or nation, any living game or wildlife or the eggs of any bird, the importation of which is prohibited by the commission or under the provisions of any Federal law, or to release within this Commonwealth any game or wildlife reared in captivity or in a domestic state, the importation of which is prohibited.

(b) Further restrictions.--It is unlawful to bring into, sell or possess any game or wildlife or the eggs of any bird or to release within this Commonwealth, for any purpose, imported game or wildlife or game or wildlife reared in captivity or in a domestic state in this Commonwealth contrary to any regulations the commission promulgates to safeguard the native game or wildlife of this Commonwealth.

(c) Penalties.--

(1) Except for endangered or threatened species, a person importing, selling, releasing or possessing game or wildlife or the eggs of any bird contrary to any of the provisions of this section, or causing them to be released or imported, commits a summary offense of the fifth degree. Each bird, egg or animal involved in a violation constitutes a separate offense.

(2) A violation of this section relating to any endangered or threatened species is a misdemeanor. Each bird, egg or game or wildlife involved in the violation constitutes a separate offense.

(d) Contraband.--Any game or wildlife or egg possessed by any person contrary to this section is contraband.

(Oct. 24, 2012, P.L.1205, No.150, eff. 60 days)

2012 Amendment. Act 150 amended subsec. (c) (2).

§ 2164. Unlawful taking and possession of protected birds.

(a) General rule.--Except as otherwise provided in this title, it is unlawful for any person at any time to kill or attempt or conspire to kill or take or attempt, assist, aid or abet in the taking of any protected birds or possess protected birds, or any part thereof.

(b) Hawks, falcons or owls.--It is lawful for protected hawks, falcons or owls to be taken and possessed for use in falconry. Protected hawks, falcons or owls shall not be bought, sold or bartered, or offered for sale or barter, or held in possession for sale or barter.

(c) Mounting or retention in possession.--Except pursuant to a permit issued by the commission, no protected bird or part thereof shall be mounted or retained in possession.

(d) Penalties.--

(1) A violation of this section is a summary offense of the fifth degree for each protected bird or part thereof.

(2) A violation of this section relating to birds which are listed as threatened or endangered is, in addition to any other penalties, a misdemeanor.

(e) Contraband.--Any game or wildlife or egg possessed by any person contrary to this section is contraband.

(Oct. 24, 2012, P.L.1205, No.150, eff. 60 days)

2012 Amendment. Act 150 amended subsec. (d) (2).

§ 2165. Possession or interference with active nests or eggs of birds.

(a) General rule.--Except as otherwise provided in this title, it is unlawful for any person to take or have in possession or under control either the active nest or any egg of any game bird or protected bird or to interfere with or destroy the active nest or egg.

(b) Penalties.--

(1) A violation of this section is a summary offense of the fifth degree for each active nest or egg possessed or interfered with.

(2) A violation of this section relating to birds which are listed as threatened or endangered is, in addition to any other penalties, a misdemeanor for each active nest or egg possessed.

(c) Contraband.--Any active nest or egg possessed by any person contrary to this section is contraband.

(Oct. 24, 2012, P.L.1205, No.150, eff. 60 days)

2012 Amendment. Act 150 amended subsec. (b) (2).

§ 2166. Unlawful sale of protected birds and plumage.

(a) General rule.--Except as otherwise provided in this title, it is unlawful for any person, acting either for personal interest or as the agent or representative of another, to have any protected bird or any bird which belongs to the same family as those protected birds found in a wild state in this Commonwealth or is similar in appearance to any native protected bird, the eggs or any part from such birds, in possession or under control for the purpose of sale or barter, or to offer or expose them for sale or barter, or to transport, ship or remove, or attempt to transport, ship or remove, from this Commonwealth, for any purpose, any such bird, either living or dead, or the eggs or any part thereof.

(b) Penalties.--

(1) A violation of this section is a summary offense of the fourth degree for each bird or part thereof.

(2) A violation of this section relating to birds which are listed as threatened or endangered is, in addition to any other penalties, a misdemeanor for each bird or part thereof.

(c) Contraband.--Any protected bird or any egg or any part thereof possessed contrary to this section is contraband.

(Oct. 24, 2012, P.L.1205, No.150, eff. 60 days)

2012 Amendment. Act 150 amended subsec. (b) (2).

§ 2167. Endangered or threatened species.

(a) Changes to list.--The commission may, by regulation, add or remove any wild bird or wild animal native to this Commonwealth to or from the Pennsylvania native list of endangered or threatened species.

(b) Possession, transportation, capturing or killing.--Except as otherwise provided in this title, it is unlawful for any person, acting either for himself or as the representative of another, to bring into or remove from this Commonwealth, or to possess, transport, capture or kill, or attempt, aid, abet or conspire to capture or kill, any wild bird or wild

animal, or any part thereof, or the eggs of any wild bird, which are endangered or threatened species. It is the duty of every officer having authority to enforce this title to seize all wild birds or wild animals, or any part thereof, or the eggs of any wild bird, which have been declared endangered or threatened.

(c) Purchase, sale, barter or exchange.--Except as otherwise provided in this title, it is unlawful for any person, acting either for himself or as a representative of another, at any time to buy, sell, barter or exchange, or to offer for sale or barter, or to have in possession for sale or barter, or to aid, abet or conspire in the possession, sale, barter or exchange, or to give away any endangered or threatened species or subspecies of wild birds or wild animals, or parts thereof. It is the duty of every officer having authority to enforce this title to seize all endangered or threatened wild birds or wild animals, or any part thereof. This subsection shall not be construed to permit any individual or agency other than the commission to sell the skins or parts of game or wildlife or the plumage or parts of birds killed as a protection to crops or accidentally killed upon the highways or seized as contraband.

(d) Penalties.--A violation of this section shall be graded as follows:

(1) A first violation is a misdemeanor of the second degree and may result in forfeiture of the privilege to hunt or take wildlife anywhere within this Commonwealth for a period of seven years.

(2) A second violation within a seven-year period or during the same criminal episode as the first violation is a misdemeanor of the first degree and may result in the forfeiture of the privilege to hunt or take wildlife anywhere within this Commonwealth for a period of ten years.

(3) A third or subsequent violation within a seven-year period or during the same criminal episode as the first or second violation is a felony of the third degree and may result in the forfeiture of the privilege to hunt or take wildlife anywhere within this Commonwealth for a period of 15 years.

(July 9, 2010, P.L.387, No.54, eff. 60 days)

2010 Amendment. See section 6 of Act 54 in the appendix to this title for special provisions relating to public notice.

Cross References. Section 2167 is referred to in section 2924 of this title.

CHAPTER 23
HUNTING AND FURTAKING

Subchapter

- A. General Provisions
- B. Hunting Big Game
- C. Hunting Small Game
- D. Furtaking Regulations
- E. Dogs Pursuing Game or Wildlife

Enactment. Chapter 23 was added July 8, 1986, P.L.442, No.93, effective July 1, 1987.

SUBCHAPTER A
GENERAL PROVISIONS

Sec.

- 2301. Prima facie evidence of hunting.
- 2302. Interference with lawful taking of wildlife or other activities permitted by this title prohibited.
- 2303. Hunting on Sunday prohibited (Repealed).
- 2304. Ownership of carcass of game or wildlife.
- 2305. Retrieval and disposition of killed or wounded game or wildlife.
- 2306. Killing game or wildlife by mistake.
- 2307. Unlawful taking or possession of game or wildlife.
- 2308. Unlawful devices and methods.
- 2309. Unlawful removal of game or wildlife from place of refuge.
- 2310. Unlawful use of lights while hunting.
- 2311. Restrictions on recreational spotlighting.
- 2312. Buying and selling game.
- 2313. Investigation and seizure of game or wildlife.
- 2314. Trespass on private property while hunting.
- 2315. Hunting on Sunday without written permission (Repealed).

§ 2301. Prima facie evidence of hunting.

(a) General rule.--For the purpose of this title, any one of the following acts shall constitute prima facie evidence of hunting:

- (1) Possession of any firearm, bow and arrow, raptor, trap or other device of any description usable for the purpose of hunting or taking game or wildlife.
- (2) Possession of the carcass or any part or parts of any game or wildlife.
- (3) Pursuing game or wildlife in any manner prohibited by this title or commission regulation.

(b) Lawful cooperation or assistance.--Notwithstanding any other provision of this title to the contrary, any person who has lawfully taken the bag or season limit for a particular species of game or wildlife or any person who meets the requirements of section 2701(c) (relating to license requirements) may aid, assist, abet or cooperate in any manner specified by this title or commission regulations with another person who is engaged in any lawful activity permitted by this title or the regulations of the commission.

(June 28, 2004, P.L.452, No.48, eff. imd.)

2004 Amendment. Act 48 amended subsec. (b).

Cross References. Section 2301 is referred to in section 2325 of this title.

§ 2302. Interference with lawful taking of wildlife or other activities permitted by this title prohibited.

(a) General rule.--Except as otherwise provided in this title, it is unlawful for another person at the location where the activity is taking place to intentionally obstruct or interfere with the lawful taking of wildlife or other activities permitted by this title.

(a.1) Activities which violate section.--A person violates this section when he intentionally or knowingly:

(1) drives or disturbs wildlife for the purpose of disrupting the lawful taking of wildlife where another person is engaged in the process of lawfully taking wildlife or other permitted activities;

(2) blocks, impedes or otherwise harasses another person who is engaged in the process of lawfully taking wildlife or other permitted activities;

(3) uses natural or artificial visual, aural, olfactory or physical stimuli to affect wildlife behavior in order to hinder or prevent the lawful taking of wildlife or other permitted activities;

(4) creates or erects barriers with the intent to deny ingress or egress to areas where the lawful taking of wildlife or other permitted activities may occur;

(5) interjects himself into the line of fire;

(6) affects the condition or placement of personal or public property intended for use in the lawful taking of wildlife or other permitted activities in order to impair its usefulness or prevent its use;

(7) enters or remains upon public lands or upon private lands without permission of the owner or their agent, with intent to violate this section; or

(8) fails to obey the order of any officer whose duty it is to enforce any of the laws of this Commonwealth where such officer observes any conduct which violates this section or has reasonable grounds to believe that any person intends to engage in such conduct.

(b) Enforcement and recovery of damages.--The commission or any person who is lawfully engaged in the taking, hunting or trapping of game or wildlife who is directly affected by a violation of this section may bring an action to restrain conduct declared unlawful in this section and to recover damages.

(c) Exceptions.--The conduct declared unlawful in this section does not include any activities arising from lawful activity by other land uses, including farming, mining, forestry practices, recreation or any other activities when it is evident that such activities are not intended to violate this section.

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

(May 28, 1992, P.L.262, No.45, eff. July 1, 1992)

§ 2303. Hunting on Sunday prohibited (Repealed).

2025 Repeal. Section 2303 was repealed July 9, 2025, P.L. , No.36, effective in 60 days.

§ 2304. Ownership of carcass of game or wildlife.

(a) General rule.--The carcass of game or wildlife lawfully killed or taken shall be the property of the person who inflicts a mortal wound which enables that person to take possession of the carcass.

(b) Officer not to arbitrate disputes.--No officer whose duty it is to enforce this title shall be called upon to arbitrate any dispute concerning the ownership of game or wildlife or to testify concerning any such dispute.

§ 2305. Retrieval and disposition of killed or wounded game or wildlife.

(a) General rule.--It is unlawful for any person who kills or wounds any game or wildlife while engaged in any activities permitted by this title to

refuse or neglect to make a reasonable effort to retrieve, retain or lawfully dispose of such game or wildlife.

(b) Penalty.--A violation of this section is a summary offense of the fourth degree.

§ 2306. Killing game or wildlife by mistake.

(a) General rule.--Any person who, while hunting or trapping for game or wildlife which may be lawfully taken, by accident or mistake kills or attempts to kill any game or wildlife other than threatened or endangered species, contrary to the provisions of this title, shall pay restitution pursuant to subsection (b) to an officer of the commission.

(b) Restitution.--Restitution for killing or an attempted killing by accident or mistake shall be as follows:

- (1) Each deer - \$25.
- (2) Each turkey - \$20.
- (3) Each other wild bird or wild animal, other than an endangered or threatened species - \$15.
- (4) Each bear - \$100.
- (5) Each elk - \$100.

(c) Procedural requirements.--Any person claiming a mistake kill or attempted kill of game or wildlife pursuant to this section shall:

(1) Immediately remove all of the entrails of any edible game or wildlife and, if big game, tag the animal in the manner prescribed under section 2323 (relating to tagging and reporting big game kills).

(2) Within 24 hours after the killing or attempted killing, report the same to the appropriate commission regional office by telephone or electronic communication.

(3) Within 24 hours after the killing or attempted killing, deliver the entire carcass, less entrails, to any commission officer in the county in which killed for disposition and provide a written, sworn statement to the commission officer explaining when, where and how the accident or mistake occurred.

(4) Within ten days after the killing or attempted killing, provide the commission officer full payment of restitution.

(July 9, 2010, P.L.387, No.54, eff. 60 days; Feb. 15, 2018, P.L.6, No.3, eff. 60 days)

2018 Amendment. Act 3 amended subsecs. (a) and (b).

2010 Amendment. See section 6 of Act 54 in the appendix to this title for special provisions relating to public notice.

Cross References. Section 2306 is referred to in section 2742 of this title.

§ 2307. Unlawful taking or possession of game or wildlife.

(a) General rule.--It is unlawful for any person to aid, abet, attempt or conspire to hunt for or take or possess, use, transport or conceal any game or wildlife unlawfully taken or not properly marked or any part thereof, or to hunt for, trap, take, kill, transport, conceal, possess or use any game or wildlife contrary to the provisions of this title.

(b) Hunting before and after lawful hunting hours.--It is unlawful for any person to take, injure, kill, possess or transport or knowingly aid, abet, assist, attempt or conspire in any manner to take, injure, kill, possess or transport any game or wildlife or any part thereof which was taken within 30 minutes prior to the commencement of lawful hunting hours or within 30 minutes after the cessation of lawful hunting hours.

(c) Wild birds and wild animals taken outside Commonwealth.--Nothing in this title shall prohibit the possession, at any time, of wild birds or wild animals lawfully taken outside of this Commonwealth which are tagged and marked in accordance with the laws of the state or nation where the wild birds or wild animals were taken. It is unlawful to transport or possess wild

birds or wild animals from another state or nation which have been unlawfully taken, killed or exported.

(d) Exceptions.--This section shall not apply to:

(1) Authorized individuals who euthanize critically injured game or wildlife, which shall be permitted when it is reasonable to believe that the chance of survival of the injured game or wildlife is minimal or the injured game or wildlife poses a threat to human safety.

(2) Individuals who find and retain for their own use any deer or elk antler which is shed through natural causes. This paragraph shall not be construed to permit any individual possessing a shed antler to sell, barter or trade or to offer to sell, barter or trade any shed antler.

(e) Penalties.--A violation of this section relating to:

(1) Threatened or endangered species is a misdemeanor of the second degree.

(2) Elk or bear is a summary offense of the first degree.

(3) Deer is a summary offense of the second degree.

(3.1) (Deleted by amendment).

(4) Bobcat or otter is a summary offense of the third degree.

(5) Wild turkey or beaver is a summary offense of the fourth degree.

(6) Any other game or wildlife is a summary offense of the fifth degree.

(f) Definition.--As used in this section, the term "authorized individual" means any person who:

(1) Has 18 Pa.C.S. (relating to crimes and offenses) enforcement powers.

(2) Is a currently employed waterways conservation officer or deputy waterways conservation officer.

(3) Is a currently employed wildlife conservation officer or deputy wildlife conservation officer.

(4) Is a currently employed State park ranger or a State forest ranger.

(5) Is a veterinarian licensed to practice in the United States.
(Dec. 21, 1998, P.L.1274, No.166, eff. imd.; Dec. 20, 2000, P.L.783, No.111, eff. imd.; Dec. 20, 2000, P.L.937, No.125, eff. imd.; Dec. 13, 2001, P.L.897, No.98, eff. imd.; Dec. 30, 2003, P.L.436, No.63, eff. 60 days; July 9, 2010, P.L.387, No.54, eff. 60 days)

2010 Amendment. Act 54 amended subsecs. (b) and (e). See section 6 of Act 54 in the appendix to this title for special provisions relating to public notice.

2001 Amendment. Act 98 amended subsec. (d).

1998 Amendment. Act 166 amended subsecs. (b) and (d) and added subsecs. (e) and (f).

Cross References. Section 2307 is referred to in section 2102 of this title.

§ 2308. Unlawful devices and methods.

(a) General rule.--Except as otherwise provided in this title, it is unlawful for any person to hunt or aid, abet, assist or conspire to hunt any game or wildlife through the use of:

(1) An automatic firearm or similar device.

(2) A semiautomatic rifle or pistol, except as set forth in subsection (b.1).

(3) (Reserved).

(4) A semiautomatic shotgun or magazine shotgun for hunting or taking small game, furbearers, turkey or unprotected birds unless the shotgun is plugged to a two-shell capacity in the magazine.

(5) (Deleted by amendment).

(6) Any recorded call or sound or recorded or electronically amplified imitation of a call or sound of any description or any other call or sound or imitation of calls or sounds which are prohibited by regulations of the commission. The commission shall be authorized, by resolution, to adopt rules and regulations authorizing the limited use of recorded calls or sounds or recorded or electronically amplified imitation of calls or sounds when such use is necessary in the commission's judgment to protect the public health and safety or to preserve that species or any other endangered by it.

(7) A vehicle or conveyance of any kind or its attachment propelled by other than manpower. Nothing in this subsection shall pertain to any of the following:

(i) A motorboat or sailboat if the motor has been completely shut off or sail furled, and the progress thereof has ceased.

(ii) A motorized wheelchair if the person has been issued a permit to hunt under section 2923(a.1) (relating to disabled person permits).

(8) Any artificial or natural bait, hay, grain, fruit, nut, salt, chemical, mineral or other food as an enticement for game or wildlife, regardless of kind and quantity, or take advantage of any such area or food or bait prior to 30 days after the removal of such material and its residue. Nothing contained in this subsection shall pertain to normal or accepted farming, habitat management practices, oil and gas drilling, mining, forest management activities or other legitimate commercial or industrial practices. Upon discovery of such baited areas, whether prosecution is contemplated or not, the commission may cause a reasonable area surrounding the enticement to be posted against hunting or taking game or wildlife. The posters shall remain for 30 days after complete removal of the bait.

(9) Any setgun, net, bird lime, deer lick, pit or pit fall, turkey blind except as permitted under subsection (b) (3) or turkey pen or any explosive, poison or chemical of any kind.

(9.1) Any device which permits the release of two or more arrows simultaneously on a single full draw of a bow.

(10) Any other device or method of any kind prohibited by this title or regulations promulgated under this title.

(b) Exceptions.--The provisions of subsection (a) shall not apply to:

(1) (i) Any archery sight or firearm's scope which contains and uses any mechanical, photoelectric, ultraviolet or solar-powered device to solely illuminate the sight or crosshairs within the scope.

(ii) (Repealed).

(iii) (A) A flashlight or spotlight may be mounted on a firearm to take furbearers if the sole source of power for the flashlight or spotlight is contained within the flashlight or spotlight or on the person.

(B) For the purposes of this subparagraph, a flashlight or spotlight mounted on a firearm shall not include a device that projects a beam of laser light to indicate the intended point of impact for one or more projectiles discharged from the firearm.

(2) (i) Any political subdivision, its employees or agents, which has a valid deer control permit issued under section 2902(c) (relating to general categories of permits).

(ii) Any licensed hunter in cities of the first class, while hunting on private property and using a bow and arrow or crossbow, using bait to attract deer for removal as provided by commission regulations.

(iii) Any licensed hunter in special regulation areas, other than counties of the second class, using bait to attract deer for removal as provided by commission regulations.

(3) Any artificial or manufactured turkey blind consisting of all manmade materials of sufficient density to block the detection of movement within the blind from an observer located outside of the blind.

(4) Any natural or manmade nonliving bait used to attract coyotes for hunting or trapping.

(5) Any electronic or mechanical device used to attract coyotes for hunting or trapping.

(6) Any decoy used in the trapping or hunting of furbearers.

(7) Natural deer urine for the purposes of taking, attempting to take, attracting or scouting wildlife.

(b.1) Additional exception.--A semiautomatic rifle may be used to hunt game in accordance with regulations promulgated by the commission.

(c) Penalties.--

(1) A violation of subsection (a)(1), (2), (4) or (5) is a summary offense of the fifth degree.

(2) A violation of subsection (a)(7) is a summary offense of the third degree.

(3) A violation of any other provision of this section is a summary offense of the fourth degree.

(Apr. 13, 1988, P.L.350, No.52, eff. July 1, 1988; Nov. 25, 1988, P.L.1082, No.125, eff. imd.; Mar. 29, 1996, P.L.41, No.13, eff. imd.; Dec. 19, 1996, P.L.1442, No.184, eff. 60 days; Dec. 20, 2000, P.L.783, No.111, eff. 60 days; Dec. 20, 2000, P.L.937, No.125, eff. imd.; June 28, 2002, P.L.474, No.79, eff. 60 days; Dec. 22, 2005, P.L.452, No.86, eff. 60 days; July 3, 2007, P.L.79, No.26, eff. 60 days; Dec. 10, 2015, P.L.446, No.76, eff. 60 days; Nov. 21, 2016, P.L.1317, No.168; July 1, 2020, P.L.529, No.41, eff. 60 days; July 9, 2025, P.L. , No.36, eff. 60 days)

2025 Amendment. Act 36 added subsec. (b)(7).

2020 Repeal. Act 42 repealed subsec. (b)(1)(ii).

2016 Amendment. Act 168 amended subsec. (a)(2), added subsec. (b.1) and deleted subsec. (a)(5), effective in 60 days as to the deletion of subsec. (a)(5) and immediately as to the remainder of the section.

2015 Amendment. Act 76 amended subsec. (a)(7).

2007 Amendment. Act 26 amended subsec. (b)(1). Section 2 of Act 26 provided that Act 26 shall apply to offenses committed on or after the effective date of section 2.

2005 Amendment. Act 86 amended subsec. (b).

2000 Amendments. Act 111 amended the entire section and Act 125 amended subsec. (a)(9) and added subsec. (b)(3). Act 125 overlooked the amendment by Act 111, but the amendments do not conflict in substance and have both been given effect in setting forth the text of section 2308.

§ 2309. Unlawful removal of game or wildlife from place of refuge.

(a) General rule.--It is unlawful for any person to cut any dead or living tree, use smoke or any other method to take any game or wildlife or dig any game or wildlife out of its place of refuge or den.

(b) Woodchuck in cultivated fields.--Woodchucks may be dug out of their dens in cultivated fields by any person who, if not the owner, lessee or occupant or members of their families or hired help thereof, shall first secure permission of the person in charge of the property and, immediately after the removal of the woodchuck, replace the earth and level off the area dug out.

(c) Penalty.--A violation of this section is a summary offense of the fifth degree. Each violation constitutes a separate offense.

§ 2310. Unlawful use of lights while hunting.

(a) General rule.--Except as set forth in subsection (b), it is unlawful for any person or group of persons to engage in any of the following activities to any degree:

(1) Cast the rays of an artificial light of any kind on any game or wildlife or in an attempt to locate any game or wildlife while on foot, in any vehicle or its attachments, or any watercraft or any airborne craft while in possession of a firearm of any kind, or a bow or arrow, or any implement or device with which any game or wildlife could be killed or taken even though no game or wildlife is shot at, injured or killed.

(2) Intentionally or knowingly act, aid, assist or conspire either in the killing or taking or in an attempt to kill, take, possess, transport or conceal any game or wildlife or a part thereof which has been killed or taken by use of any artificial light.

(3) Operate, allow or permit any vehicle or its attachments, any watercraft or any airborne craft to be used for killing or taking or attempting to kill or take any game or wildlife by using the rays of any artificial light.

(b) Exceptions.--The provisions of subsection (a) shall not apply to:

(1) (i) A person on foot who uses a flashlight or spotlight held in the hand, worn on the head or mounted on a firearm to take furbearers, if the sole source of power for the flashlight or spotlight is contained within the flashlight or spotlight or on the person.

(ii) For the purposes of this paragraph, a flashlight or spotlight mounted on a firearm shall not include a device that projects a beam of laser light to indicate the intended point of impact for one or more projectiles discharged from the firearm.

(2) Any political subdivision, its employees or agents, which has a valid deer control permit issued under section 2902(c) (relating to general categories of permits).

(c) Penalties.--

(1) A violation of subsection (a)(1) is a summary offense of the fifth degree.

(2) A violation of subsection (a)(2) or (3) relating to:

(i) Threatened or endangered species shall be graded as follows:

(A) A first offense is a misdemeanor of the second degree and may result in forfeiture of the privilege to hunt or take game or wildlife anywhere in this Commonwealth for a period of seven years.

(B) A second offense within a seven-year period or during the same criminal episode as the first offense is a misdemeanor of the first degree and may result in forfeiture of the privilege to hunt or take game or wildlife anywhere within this Commonwealth for a period of ten years.

(C) A third or subsequent violation within a seven-year period or during the same criminal episode of a first or second offense is a felony of the third degree and may result in forfeiture of the privilege to hunt or take wildlife within this Commonwealth for a period of 15 years.

(ii) Big game animals shall be graded as follows:

(A) A first offense or a second offense during the same criminal episode is a misdemeanor and may result in forfeiture of the privilege to hunt or take game or wildlife anywhere within this Commonwealth for a period of five years.

(B) A second offense within a seven-year period or a third or fourth offense during the same criminal episode is a misdemeanor of the first degree and may result in the forfeiture of the privilege to hunt or take game or wildlife anywhere within this Commonwealth for a period of ten years.

(C) A fifth or subsequent offense during the same criminal episode or a third offense within a seven-year period is a felony of the third degree and may result in forfeiture of the privilege to hunt or take game or wildlife anywhere within this Commonwealth for a period of 15 years.

(iii) A violation of subsection (a)(2) where the species is a single white-tailed deer or a single wild turkey is a summary offense of the first degree and may result in forfeiture of the privilege to hunt or take wildlife anywhere within this Commonwealth for a period of three years. A second violation of subsection (a)(2) where the species is a single white-tailed deer or a single wild turkey within a seven-year period is a misdemeanor and may result in forfeiture of the privilege to hunt or take wildlife anywhere within this Commonwealth for a period of five years. A third offense within a seven-year period where the species is a single white-tailed deer or a single wild turkey is a misdemeanor of the first degree and may result in the forfeiture of the privilege to hunt or take wildlife anywhere within this Commonwealth for a period of ten years.

(iv) Any other game or wildlife is a summary offense of the first degree and may result in the forfeiture of the privilege to hunt or take game or wildlife anywhere within this Commonwealth for a period of three years.

(d) Contraband.--Any craft or vehicle or attachments thereto, and all artificial lights and any firearm or paraphernalia being unlawfully used, and any game or wildlife unlawfully taken, killed or possessed are contraband.

(Mar. 29, 1996, P.L.41, No.13, eff. imd.; Dec. 19, 1996, P.L.1442, No.184, eff. 60 days; July 3, 2007, P.L.79, No.26, eff. 60 days; July 9, 2010, P.L.387, No.54, eff. 60 days)

2010 Amendment. Act 54 amended subsecs. (a)(2) and (c). See section 6 of Act 54 in the appendix to this title for special provisions relating to public notice.

2007 Amendment. Act 26 amended subsecs. (b) and (c). Section 2 of Act 26 provided that Act 26 shall apply to offenses committed on or after the effective date of section 2.

§ 2311. Restrictions on recreational spotlighting.

(a) Unlawful acts.--It is unlawful for any person to cast or to assist any other person in casting the rays of a spotlight, vehicle headlight or any other artificial light of any kind from any vehicle, watercraft, airborne craft or any attachment to such vehicles or crafts:

(1) Upon any building at any time.

(2) In any manner which frightens, excites or harasses any livestock, poultry or other farm animal.

(3) To search for or locate for any purpose any game or wildlife anywhere within this Commonwealth, other than specified in paragraph (4), daily between the hours of 11 p.m. and sunrise on the following day.

(4) To search for or locate for any purpose any game or wildlife anywhere within this Commonwealth at any time during the antlered deer rifle season and during the antlerless deer rifle season.

(5) Upon photoelectric cell lights.

The provisions of this subsection shall not apply if it is proven that the headlights of a vehicle or conveyance were being used while traveling on a roadway in the usual way.

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

(June 28, 1993, P.L.178, No.37, eff. 60 days)

§ 2312. Buying and selling game.

(a) General rule.--Unless otherwise provided, it is unlawful for any person to buy, sell or barter, or aid, abet, assist or conspire to buy, sell or barter, or offer for sale or barter, or have in possession or

transport for sale or barter, any game or the edible parts of game or any protected bird or animal or parts of any protected bird or animal.

(b) Imported game.--It is unlawful for any person to sell or barter, or offer for sale or barter, any game or wildlife protected by this title imported, either dead or alive, from another state or nation unless there is attached to the carton containing the game or wildlife or to the individual carcasses a tag identifying the game or wildlife in English and giving the state or nation from which originally shipped.

(c) Exception.--

(1) Nothing in this section shall be construed to prevent:

(i) The purchase or sale of game raised under the authority of a propagating permit in this Commonwealth.

(ii) The capture and sale of game or wildlife after securing a permit from the director and payment of any fees established by the commission.

(iii) The sale of the tanned, cured or mounted heads or skins, or parts thereof, of any game or wildlife not killed in a wild state in this Commonwealth.

(iv) The sale or purchase of any inedible part thereof, from game or wildlife lawfully killed, if such parts are disposed of by the original owner within 90 days after the close of the season in which the game or wildlife was taken.

(v) The sale of mounted specimens by any auctioneer licensed by the Commonwealth. The commission shall require no permit for such action. Any licensed auctioneer who sells ten or more mounted specimens during any one sale at a registered auction house must report those sales to the commission within 15 days of the completion of the sale.

(2) The commission may by regulation authorize the buying and selling of inedible parts of game and wildlife as it deems appropriate.

(3) This subsection shall not be construed to permit any individual or agency other than the commission to sell the skins or parts of game or wildlife killed as a protection to crops, or accidentally killed upon the highways, or seized as contraband.

(d) Penalty.--A violation of this section relating to:

(1) Threatened or endangered species shall be graded as follows:

(i) A first offense is a misdemeanor of the second degree and may result in forfeiture of the privilege to hunt or take game or wildlife anywhere within this Commonwealth for a period of seven years.

(ii) A second offense within a seven-year period or during the same criminal episode is a misdemeanor of the first degree and may result in forfeiture of the privilege to hunt or take game or wildlife anywhere within this Commonwealth for a period of ten years.

(iii) A third or subsequent violation of this section within a seven-year period or during the same criminal episode is a felony of the third degree and may result in forfeiture of the privilege to hunt or take wildlife anywhere within this Commonwealth for a period of 15 years.

(2) Big game animals shall be graded as follows:

(i) A first offense or a second offense during the same criminal episode is a misdemeanor and may result in forfeiture of the privilege to hunt or take game or wildlife anywhere within this Commonwealth for a period of five years.

(ii) A second offense within a seven-year period or a third or fourth offense during the same criminal episode is a misdemeanor of the first degree and may result in the forfeiture of the privilege to hunt or take game or wildlife anywhere within this Commonwealth for a period of ten years.

(iii) A fifth or subsequent offense during the same criminal episode or third offense within a seven-year period is a felony of the third degree and may result in forfeiture of the privilege to hunt or take game or wildlife anywhere within this Commonwealth for a period of 15 years.

(3) The selling and buying of venison up to 20 pounds and the buying and selling of other game or wildlife is a summary offense of the first degree and may result in the forfeiture of the privilege to hunt or take game or wildlife anywhere within this Commonwealth for a period of three years.
(Dec. 21, 1998, P.L.1274, No.166, eff. 60 days; July 9, 2008, P.L.920, No.65, eff. imd.; July 9, 2010, P.L.387, No.54, eff. 60 days)

2010 Amendment. Act 54 amended subsecs. (a) and (d). See section 6 of Act 54 in the appendix to this title for special provisions relating to public notice.

2008 Amendment. Act 65 amended subsec. (c)(1).

§ 2313. Investigation and seizure of game or wildlife.

(a) **Response to questions.**--(Deleted by amendment).

(b) **Seizure.**--Any officer making an inquiry pursuant to subsection (a) who is not satisfied as to the legal possession or ownership of the game or wildlife being transported may seize and take possession of the game or wildlife pending further investigation. If, after appropriate investigation, the officer is satisfied that the game or wildlife was lawfully taken, possessed and transported, the seized game or wildlife shall be returned to the owner.

(c) **Penalty.**--A violation of this section is a summary offense of the fifth degree.

(d) **Contraband.**--Any game or wildlife transported in violation of this section is contraband.

(June 30, 2025, P.L. , No.26, eff. 60 days)

2025 Amendment. Act 26 deleted subsec. (a).

§ 2314. Trespass on private property while hunting.

(a) **Trespass.**--A person, while engaged in hunting or furtaking, commits an offense if, knowing that the person is not licensed or privileged to do so, the person:

(1) enters or remains on any land of another without authorization to do so, when the land is posted in a manner prescribed by law or reasonably likely to come to the person's attention;

(2) enters or remains on any land of another without authorization and defies an order not to enter or to leave that has been personally communicated to the person by the owner of the land or other authorized person;

(3) enters or remains on any land of another without authorization to do so, when the land is fenced or enclosed in a manner manifestly designed to exclude trespassers; or

(4) subject to subsection (b), enters or remains on any land of another without authorization to do so when notice against trespass is given by the placement of identifying purple paint marks on trees or posts on the property, in accordance with 18 Pa.C.S. § 3503(b)(1)(vi) (relating to criminal trespass).

(b) **Applicability.**--This section shall not apply to an unarmed person who enters onto posted property for the sole purpose of retrieving a hunting dog.

(1) (Deleted by amendment).

(2) (Deleted by amendment).

(c) **Penalty.**--An offense under this section shall be graded as follows:

(1) A person who violates subsection (a)(1), (3) or (4) commits a summary offense of the second degree and may result in forfeiture of the privilege to hunt or take game or wildlife anywhere within this Commonwealth for a period of up to one year.

(2) A person who violates subsection (a)(2) commits a misdemeanor and shall result in forfeiture of the privilege to hunt or take game or wildlife anywhere within this Commonwealth for a period of three years.

(3) A person who commits a second or subsequent violation of this section within a seven-year period commits a misdemeanor, and the second or subsequent violation shall result in forfeiture of the privilege to hunt or take game or wildlife anywhere within this Commonwealth for a period of five years.

(c.1) **Restoration.**--Upon the dismissal or dropping of charges under this section against a person, or upon a finding that a person is not guilty of a violation of

this section, the person's privilege to hunt or take game or wildlife within this Commonwealth shall immediately be restored.

(d) **Enforcement.**--The director shall authorize the police department of each municipal corporation to assist in the enforcement of this section as necessary, in addition to those under section 903 (relating to delegation of enforcement powers). (Dec. 22, 2005, P.L.467, No.90, eff. 60 days; July 9, 2010, P.L.387, No.54, eff. 60 days; Nov. 27, 2019, P.L.739, No.107, eff. 90 days; July 9, 2025, P.L. , No.36, eff. 60 days)

2025 Amendment. Act 36 amended subsecs. (a) and (c) and added subsec. (c.1).

2010 Amendment. See section 6 of Act 54 in the appendix to this title for special provisions relating to public notice.

§ 2315. Hunting on Sunday without written permission (Repealed).

2025 Repeal. Section 2315 was repealed July 9, 2025, P.L. , No.36, effective in 60 days.

SUBCHAPTER B HUNTING BIG GAME

Sec.

2321. Unlawful killing or taking of big game.

2322. Prohibited devices and methods.

2323. Tagging and reporting big game kills.

2324. Parties hunting big game.

2325. Cooperation after lawfully killing big game.

2326. Excess kill of big game.

2327. Subsequent kill if big game unfit for human consumption.

2328. Shipping or transporting big game.

2329. Additional penalty for poaching (Repealed).

§ 2321. Unlawful killing or taking of big game.

(a) **General rule.**--Except as provided in this title or by regulation of the commission, it is unlawful for any person to:

(1) Take, injure, kill, possess or transport or knowingly or intentionally aid, abet, assist, attempt or conspire in any manner to take, injure, kill, possess or transport any big game animal during closed season.

(2) Take, injure, kill, possess or transport or knowingly or intentionally aid, abet, assist, attempt or conspire in any manner to take, injure, kill, possess or transport any big game animal beyond established daily or season limits.

(3) (Deleted by amendment).

(b) **Exception.**--This section shall not be construed to prohibit the transportation or possession of one or more big game animals which are lawfully killed and properly tagged.

(c) **Evidence of unlawful killing.**--Unless the head is attached in a natural manner and properly tagged as provided in section 2323 (relating to tagging and reporting big game kills), the possession, transportation or control of any big game or a part or parts of such big game shall be prima facie evidence that the big game was unlawfully killed within this Commonwealth. Under such circumstances, the person possessing, transporting or controlling the big game shall immediately, upon demand of an officer of the commission, produce the head of the big game or the name and address of the person killing the big game or other satisfactory evidence that the carcass in possession or under the person's control is part of a lawfully taken big game.

(d) **Penalty.**--

(1) (i) Except as otherwise provided in paragraph (2), a violation of this section or a second violation of this section during the same criminal episode is a misdemeanor and may result in forfeiture of the privilege to

hunt or take wildlife anywhere within this Commonwealth for a period of five years.

(ii) A third or fourth violation of this section during the same criminal episode or a second violation of this section within a seven-year period is a misdemeanor of the first degree and may result in forfeiture of the privilege to hunt or take wildlife anywhere within this Commonwealth for a period of ten years.

(iii) A fifth or subsequent violation of this section during the same criminal episode or third offense within a seven-year period is a felony of the third degree and may result in forfeiture of the privilege to hunt or take wildlife anywhere within this Commonwealth for a period of 15 years.

(2) (i) A violation of subsection (a)(1) or (2) where the species is a single white-tailed deer or a single wild turkey is a summary offense of the first degree and may result in forfeiture of the privilege to hunt or take wildlife anywhere within this Commonwealth for a period of three years. A second violation of subsection (a)(1) or (2) where the species is a single white-tailed deer or a single wild turkey within a seven-year period is a misdemeanor and may result in forfeiture of the privilege to hunt or take wildlife anywhere within this Commonwealth for a period of five years. A third offense within a seven-year period where the species is a single white-tailed deer or a single wild turkey is a misdemeanor of the first degree and may result in the forfeiture of the privilege to hunt or take wildlife anywhere within this Commonwealth for a period of ten years.

(ii) (A) A second violation of subsection (a)(1) or (2) during the same criminal episode where the species taken, injured, killed, possessed or transported is white-tailed deer or wild turkey is a misdemeanor and may result in forfeiture of the privilege to hunt or take wildlife anywhere within this Commonwealth for a period of five years.

(B) A third or fourth violation of subsection (a)(1) or (2) during the same criminal episode where the species is white-tailed deer or wild turkey is a misdemeanor of the first degree and may result in forfeiture of the privilege to hunt or take wildlife anywhere within this Commonwealth for a period of ten years.

(C) A fifth or subsequent violation of subsection (a)(1) or (2) during the same criminal episode where the species is white-tailed deer or wild turkey is a felony of the third degree and may result in forfeiture of the privilege to hunt or take wildlife anywhere within this Commonwealth for a period of 15 years.

(July 9, 2010, P.L.387, No.54, eff. 60 days)

2010 Amendment. See section 6 of Act 54 in the appendix to this title for special provisions relating to public notice.

§ 2322. Prohibited devices and methods.

(a) General rule.--Except as otherwise provided in this title or commission regulation, no person shall hunt, kill or take or attempt, aid, abet, assist or conspire to hunt, kill or take any big game, except wild turkey, with any of the following devices or methods:

(1) Any device other than a centerfire or muzzle-loading firearm or bow and arrow.

(2) Any automatic or semiautomatic firearm, except that any semiautomatic firearm modified to permit one shell in the chamber and no more than four shells in a magazine may be used by a person who suffered an amputation or lost the total use of one or both hands.

(3) Any firearm propelling more than one projectile per discharge.

(4) Any projectile which is not all lead or which is not designed to expand on contact.

(5) When any big game is swimming.

(6) By any other method or device which is not specifically authorized or permitted by this title or commission regulation.

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

(c) Contraband.--Any big game killed contrary to this section is contraband.

§ 2323. Tagging and reporting big game kills.

(a) Tags issued with licenses.--

(1) Each licensed person who kills any big game shall, immediately after the killing and before removing the big game from the location of the killing, fully complete the proper game kill tag in compliance with the instructions printed on the tag and attach only the game kill tag to the big game. The attached game kill tag shall remain on the big game until such time as the big game is processed for consumption or prepared for mounting.

(2) In any year in which the commission establishes check stations, each person shall, within 24 hours after killing any big game, present the big game for examination and tagging.

(3) Within ten days of the kill, the person shall report the killing of big game as required in the manner or methods prescribed by commission regulations.

(b) Killings by persons without license.--Any person not required to secure a license who lawfully kills any big game shall make and attach a tag to the big game which contains in English the person's name, address, date, township, if known, and county where the big game was killed. Within five days following the kill, the person shall mail, to the headquarters of the commission at Harrisburg, a statement setting forth the information required on the tag and the sex of the big game.

(c) Licenses issued without tags.--Any person who is issued a license without the required tags or accompanying report cards and who kills any big game shall comply with the provisions of subsection (b) and shall also place the license number and letter on the tag and postcard report.

(d) Existing tags invalidated by replacement license.--The issuance of any replacement license shall automatically invalidate any remaining game kill tags issued with the lost license, and the only valid game kill tags shall be those issued with the replacement license last procured. It is unlawful to use any game kill tag invalidated by this subsection to tag any big game.

(e) Duplicated tags unlawful.--It is unlawful to prepare and use any duplicated game kill tag or to use any game kill tag to mark a second big game animal or to remove any tag from any big game contrary to the provisions of this title.

(f) Possession of tags after killing legal limit.--It is unlawful for any person, after killing the legal limit of big game, to be in possession of a big game kill tag while in the fields, forests or on the waters or highways within or bordering this Commonwealth.

(g) Penalty.--

(1) Except as provided in paragraph (2), a violation of this section is a summary offense of the fifth degree.

(2) A violation of subsection (a)(3) is a summary offense of the eighth degree.

(h) Contraband.--Any big game or any other game or wildlife found in possession of any person contrary to this section is contraband.

(Nov. 29, 2004, P.L.1298, No.162, eff. 60 days)

2004 Amendment. Act 162 amended subsec. (a)(3).

Cross References. Section 2323 is referred to in sections 2306, 2321 of this title.

§ 2324. Parties hunting big game.

(a) Power of commission.--The commission may establish limitations applicable to groups or parties of persons hunting together or in unison or in any other manner cooperating with others while hunting for big game.

(b) Inspection of roster.--(Deleted by amendment).

(b.1) Exclusion.--Limitations established by the commission under this section shall not include a roster requirement.

(c) Penalty.--A violation of this section is a summary offense of the seventh degree.

(Nov. 27, 2013, P.L.1148, No.103, eff. 60 days)

Cross References. Section 2324 is referred to in section 2701 of this title.

§ 2325. Cooperation after lawfully killing big game.

(a) General rule.--Except as provided in section 2301(b) (relating to lawful cooperation or assistance) and subsection (a.1), it is unlawful for any person who has lawfully killed any big game to hunt for or cooperate with any other person hunting for big game of the same species while carrying a loaded firearm of any kind, a bow and nocked arrow or any other device capable of killing any big game.

(a.1) Exception.--Nothing in this section shall prohibit any person from carrying a loaded handgun in the field provided that person is in compliance with 18 Pa.C.S. § 6109 (relating to licenses).

(b) Penalty.--A violation of this section is a summary offense of the fourth degree.

(Apr. 13, 1988, P.L.350, No.52, eff. July 1, 1988)

§ 2326. Excess kill of big game.

(a) General rule.--It is unlawful for any body of persons hunting in unison or cooperating in any manner with each other while hunting to kill or be in possession of more than the lawful number of big game as fixed by commission regulation.

(b) Individual liability.--Every person hunting together or in any manner cooperating with others in hunting for big game shall be individually liable for the penalty imposed for such big game killed in excess of the number set by commission regulation.

(c) Excess kill delivered to commission.--In all circumstances where more than the lawful number of big game is killed by a hunting party, any excess big game shall be turned over to the nearest officer of the commission within 12 hours after killing.

(d) Penalties.--

(1) Any violation of this section relating to a bear or elk is a summary offense of the second degree.

(2) Any violation of this section relating to any other big game is a summary offense of the fourth degree.

(e) Contraband.--Any big game killed contrary to this section is contraband.

§ 2327. Subsequent kill if big game unfit for human consumption.

Any person who legally kills any big game and discovers that the flesh of the big game was unfit for human consumption at the time of killing shall, within 12 hours following the discovery, deliver the entire carcass, less entrails, but including the head and hide, to any commission officer who, being satisfied that the big game was unfit for human consumption at the time killed, shall issue a written authorization to the person to kill a second animal or bird of the same species during the unexpired portion of the season for that species.

§ 2328. Shipping or transporting big game.

(a) General rule.--Unless properly tagged, it is unlawful for any person to ship or transport the carcass of any big game. The tag shall contain in English the name, address and license number of the owner and the location where the big game was killed.

(b) Portions of big game.--Any person may transport an unmarked part of a big game carcass that has been legally taken and cut up. Such person shall, upon request of any law enforcement officer, furnish the name, address and license number of the person killing the big game and any other information required to properly establish legal possession.

(c) False information.--It is unlawful to furnish false or misleading information concerning the carcass or parts thereof in question.

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

§ 2329. Additional penalty for poaching (Repealed).

2010 Repeal. Section 2329 was repealed July 9, 2010, P.L.387, No.54, effective in 60 days.

SUBCHAPTER C HUNTING SMALL GAME

Sec.

2341. Possession and transportation of small game.

§ 2341. Possession and transportation of small game.

(a) **General rule.**--Except as otherwise provided in this title, it is unlawful for any person to transport any small game in excess of the daily possession limits established by the commission unless the small game is accompanied by the owner or is carried upon the same conveyance with the owner.

(b) **Transportation without owner present.**--Properly tagged small game unaccompanied by the owner may be transported if a hand-made tag is attached to the small game containing in English the name, address, license number and the signature of the person who killed the small game.

(c) **Open to inspection.**--All small game transported pursuant to subsection (a) or (b) shall be carried to permit easy inspection.

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

(e) **Contraband.**--Any small game transported in violation of this section is contraband.

SUBCHAPTER D FUR TAKING REGULATIONS

Sec.

2361. Unlawful acts concerning taking of furbearers.

2362. Permitted acts.

2363. Trapping exception for certain persons.

2364. Penalties.

Cross References. Subchapter D is referred to in section 2362 of this title.

§ 2361. Unlawful acts concerning taking of furbearers.

(a) **General prohibitions.**--Except as otherwise provided in this title, it is unlawful for any person to:

(1) Take, kill, wound, capture or have in possession, or attempt, aid, abet, assist or conspire to take, kill, wound or capture, any furbearers except during the open furtaking season and in such numbers or by such methods as fixed by the commission or this title.

(2) Have in possession the green pelt, or any part thereof, of any furbearers taken except during the open season and for ten days thereafter without first securing a permit from an officer of the commission.

(3) Stake out or set traps for furbearers prior to the date and hour fixed as the open season for taking such animals.

(4) Stake out, set or tend, or attempt to stake out, set or tend, traps of any kind in an attempt to take, kill or capture any furbearers without first securing, possessing and displaying any licenses or permits required by this title.

(5) Buy or sell, or offer to buy or sell, or export from this Commonwealth any furbearer, or any part thereof, which has been

unlawfully taken, possessed, killed, transported, imported, exported or improperly tagged regardless of where the furbearer was taken.

(6) Possess live furbearers taken from the wild without securing a permit from an officer of the commission.

(7) Set traps closer than five feet from any hole or den except in the case of an underwater set.

(8) Use a pole trap, deadfall, poison, explosive, chemical, leg-hold trap with teeth on the jaws or with a jaw spread exceeding six and one-half inches or any device prohibited by regulation of the commission.

(9) Smoke out or dig out any den or house of any kind or cut den trees.

(10) Use any trap of any kind unless visited and all animals and birds released or removed at least once every 36 hours.

(11) Use or set a body-gripping trap of any description outside any established watercourse, waterway, marsh, pond or dam.

(12) Set a trap of any description unless each device is marked with a durable identification tag attached to the trap or trap chain which, at the option of the trapper, must legibly set forth in English the first name, last name and legal home address of the person setting or tending the trap or must bear a number issued by the commission. All information under this paragraph shall be subject to the provisions of section 325 (relating to limitation on disclosure of certain records).

(13) Bait a trap with meat or animal products if the bait is visible from the air.

(14) Let traps set after the close of the furtaking season.

(15) Except as provided in subsection (b), disturb the traps of another person.

(16) Remove any wildlife from the trap of another person without specific permission to do so.

(17) Set or place a cage or box trap in the water.

(18) Use any cage or box trap not approved by the commission.

(19) Destroy or disturb or interfere with the dams or houses of beavers without the specific permission of a commission officer.

(b) Permissible disturbance of certain traps.--When traps are set on private property without the permission of the landowner, lessees or their employees, the owner, lessees or their employees may remove the traps and notify an officer of the commission within 48 hours. All traps removed shall be turned over to a commission officer. The officer shall notify the trapper within ten days to claim the traps. If the traps are not claimed within 30 days following notification or the trapper cannot be located, the traps shall be forfeited to the commission.

(May 28, 1992, P.L.262, No.45, eff. July 1, 1992)

1992 Amendment. Act 45 amended subsec. (a)(12).

Cross References. Section 2361 is referred to in section 325 of this title.

§ 2362. Permitted acts.

Nothing contained in this subchapter shall prevent:

(1) The possession of imported green pelts which were lawfully taken and exported from another state or nation which have attached positive proof in English of where and when they were taken and marked or tagged in accordance with the requirements of that state or nation.

(2) The killing of lawfully taken furbearers with a firearm as prescribed by regulations of the commission.

(3) The lawful taking of furbearers by any resident of this Commonwealth 12 years of age or older after first securing a furtaking license.

(4) The sale of pelts or carcasses of lawfully taken furbearers.

§ 2363. Trapping exception for certain persons.

Except for section 2704(c) (relating to furtaker's certificate of training), the remaining provisions of this title shall not be construed to prevent or prohibit any person under 12 years of age from trapping furbearers. Persons covered by this section shall not use any firearm other

than a .22 caliber rimfire rifle or sidearm and then only when accompanied by an adult.

Cross References. Section 2363 is referred to in section 2711 of this title.

§ 2364. Penalties.

Any violation of this subchapter relating to bobcat or otter is a summary offense of the fourth degree. Except for threatened or endangered species, any other violation of this subchapter is a summary offense of the fifth degree.

SUBCHAPTER E
DOGS PURSUING GAME OR WILDLIFE

Sec.

2381. Dogs pursuing, injuring or killing game or wildlife.

2382. Training dogs on small game.

2383. Dogs pursuing, injuring or killing big game.

2384. Declaring dogs public nuisances.

2385. Destruction of dogs declared public nuisances.

2386. Penalties.

§ 2381. Dogs pursuing, injuring or killing game or wildlife.

Except as otherwise provided in this title or by commission regulation, it is unlawful for any person controlling or harboring a dog to permit the dog to chase, pursue, follow upon the track of, injure or kill any game or wildlife at any time.

§ 2382. Training dogs on small game.

(a) General rule.--Unless otherwise provided by commission regulation, it is lawful to train a dog or dogs during any time of the calendar year. Persons who are solely training dogs and who comply with the provisions of this section shall not be required to have a hunting or furtaking license. The commission may, by regulation, prohibit or further restrict or relax the training period for specific breeds of dogs on game or wildlife.

(b) Restrictions.--

(1) Any dog being trained pursuant to subsection (a) shall be accompanied by and under the control of the owner or a handler.

(2) The owner or handler or any other person shall not carry a bow and arrow or a firearm fired from the shoulder while training a dog.

(3) No dog shall be permitted to kill or inflict any injury upon the pursued game or wildlife.

(c) Sunday limitation.--It is unlawful to train dogs on privately owned property on Sunday. This limitation shall not apply to:

(1) National or State forest land.

(2) State game lands.

(3) Privately owned property when the consent of the person in charge of the land is first obtained.

(Dec. 19, 1996, P.L.1442, No.184, eff. 60 days)

Cross References. Section 2382 is referred to in section 2386 of this title.

§ 2383. Dogs pursuing, injuring or killing big game.

(a) General rule.--Except as provided in subsection (b), it is unlawful for any person to make use of a dog in any manner to hunt for or to take big game or to permit a dog owned, controlled or harbored by that person to pursue, harass, chase, scatter, injure or make use of a dog to kill any big game.

(b) Exception.--It shall be lawful to do any of the following:

(1) Make use of a dog to pursue, chase, scatter and track wild turkeys during the fall wild turkey season.

(2) Make use of a leashed tracking dog to track a white-tailed deer, bear or elk in an attempt to recover an animal which has been

legally killed or wounded during any open season for white-tailed deer, bear or elk.
(June 30, 2007, P.L.62, No.18, eff. imd.; Mar. 26, 2018, P.L.86, No.11, eff. imd.)

Cross References. Section 2383 is referred to in section 2386 of this title.

§ 2384. Declaring dogs public nuisances.

Any dog pursuing or following upon the track of any big game animal in such close pursuit as to endanger the big game animal or to be in the act of attacking the big game animal at any time is hereby declared to be a public nuisance and may be destroyed as provided in this title.

Cross References. Section 2384 is referred to in section 2385 of this title; section 5511 of Title 18 (Crimes and Offenses).

§ 2385. Destruction of dogs declared public nuisances.

(a) General rule.--A dog declared a public nuisance pursuant to section 2384 (relating to declaring dogs public nuisances) may be killed by any commission officer at any time or by any person when the dog is found to be in the act of attacking a big game animal.

(b) Reports after killing dog.--Any person who kills a licensed dog pursuant to subsection (a) and section 2384 shall notify the owner or a commission officer within 48 hours after the dog was killed. The person who killed the dog or the commission officer who receives the report shall disclose to the owner of the dog the time, place, circumstances relating to the death of the dog and the location of the dog's remains. All equipment found on the dog, including collar, name tag, license tag or any other personal property, shall be returned to the owner of the dog within ten days after conclusion of any prosecution or immediately if no prosecution is contemplated.

(c) Inapplicability of certain laws.--

(1) The provisions of 18 Pa.C.S. Ch. 55 Subch. B (relating to cruelty to animals) shall not apply to any person killing any dog pursuant to subsection (a).

(2) The provisions of 42 Pa.C.S. Ch. 85 (relating to matters affecting government units) shall not apply to any agency, commission or department or any officers charged by law with enforcing the provisions of this title.

(June 28, 2017, P.L. 215, No.10 eff. 60 days)

2017 Amendment, Act 10 amended subsec. (c)(1).

Cross References. Section 2385 is referred to in section 5511 of Title 18 (Crimes and Offenses).

§ 2386. Penalties.

(a) General penalty.--Except as provided in subsection (b), a violation of this subchapter is a summary offense of the fifth degree.

(b) Specific penalties.--

(1) A violation of section 2382(b)(3) (relating to training dogs on small game) is a summary offense of the fourth degree. In addition to the imposition of a penalty, the violator shall also be liable for the replacement costs of the game or wildlife killed or injured as determined by commission regulations.

(2) A violation of section 2383 (relating to dogs pursuing, injuring or killing big game) is a summary offense of the third degree. In addition to the imposition of a penalty, the violator shall also be liable for the replacement costs of the game or wildlife killed or injured as determined by commission regulation.

(c) Second or subsequent conviction.--Any conviction for a second or subsequent offense shall result in a fine that is double the amount for the first offense.

CHAPTER 25
PROTECTION OF PROPERTY AND PERSONS

Subchapter

- A. Protection of Property
- B. Protection of Persons

Enactment. Chapter 25 was added July 8, 1986, P.L.442, No.93, effective July 1, 1987.

SUBCHAPTER A
PROTECTION OF PROPERTY

Sec.

- 2501. Hunting or furtaking prohibited while under influence of alcohol or controlled substance.
- 2502. Chemical test to determine amount of alcohol.
- 2503. Loaded firearms in vehicles.
- 2504. Shooting on or across highways.
- 2505. Safety zones.
- 2506. Prohibitions within burial grounds.
- 2507. Restrictions on shooting.
- 2508. Protection of institutions, parks and resorts.
- 2509. Damage to property.
- 2510. Littering and restrictions on vehicles.
- 2511. Damage to trees.
- 2512. Unlawful acts on commission lands or waters.

§ 2501. Hunting or furtaking prohibited while under influence of alcohol or controlled substance.

(a) General rule.--It is unlawful to hunt or take game, furbearers or wildlife or aid, abet, assist or conspire to hunt or take game, furbearers or wildlife anywhere in this Commonwealth while in possession of a firearm of any kind or a bow and arrow if:

- (1) under the influence of alcohol to a degree which renders the person incapable of safe hunting or furtaking;
- (2) under the influence of any controlled substance, as defined by the laws of this Commonwealth and rules and regulations promulgated thereunder, to a degree which renders the person incapable of safe hunting or furtaking;
- (3) under the combined influence of alcohol and a controlled substance to a degree which renders the person incapable of safe hunting or furtaking;
- (4) the amount of alcohol by weight in the blood of:
 - (i) an adult is 0.10% or greater; or
 - (ii) a minor is 0.02% or greater.

(a.1) Prima facie evidence.--

- (1) It is prima facie evidence that:
 - (i) an adult had 0.10% or more by weight of alcohol in his or her blood at the time of hunting or taking of game, furbearers or wildlife or the aiding, abetting, assisting or conspiring to hunt or take game, furbearers or wildlife if the amount of alcohol by weight in the blood of the person is equal to or greater than 0.10% at the time a chemical test is performed on a sample of the person's breath, blood or urine; or
 - (ii) a minor had 0.02% or more by weight of alcohol in his or her blood at the time of hunting or taking of game, furbearers or wildlife or the aiding, abetting, assisting or conspiring to hunt or take game, furbearers or wildlife if the amount of alcohol by weight in the blood of the minor is equal to or greater than 0.02% at the

time a chemical test is performed on a sample of the minor's breath, blood or urine.

(2) For the purpose of this section, the chemical test of the sample of the person's or minor's breath, blood or urine shall be from a sample obtained:

(i) within three hours after the person or minor hunted or took game, furbearers or wildlife or aided, abetted, assisted or conspired to hunt or take game, furbearers or wildlife; or

(ii) within a reasonable additional time after the person or minor hunted or took game, furbearers or wildlife or aided, abetted, assisted or conspired to hunt or take game, furbearers or wildlife if the circumstances of the incident prevented collecting the sample within three hours.

(a.2) Legal use no defense.--The fact that any person charged with violating this section is or has been legally entitled to use alcohol or controlled substances is not a defense to a charge of violating this section.

(a.3) Exception.--A person who is furtaking shall not be deemed in violation of subsection (a) if that person is not in possession of a firearm.

(b) Penalty.--A violation of the provisions of this section shall be a misdemeanor. In addition to any penalty, the violator shall be denied the right to hunt or trap in this Commonwealth, with or without a license, for a period of one year.

(c) Definition.--As used in this section, the term "controlled substance" shall have the meaning ascribed to it by the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act.

(Dec. 19, 1996, P.L.1442, No.184, eff. 60 days; Oct. 24, 2012, P.L.1205, No.150, eff. 60 days)

2012 Amendment. Act 150 amended subsec. (b).

Cross References. Section 2501 is referred to in sections 2502, 2741 of this title.

§ 2502. Chemical test to determine amount of alcohol.

(a) General rule.--Any person who hunts or takes or attempts, aids, abets, assists or conspires to hunt or take game, furbearers or wildlife shall be deemed to have given consent to a chemical test of breath, blood or urine for the purpose of determining the alcoholic content of blood or the presence of a controlled substance if any officer whose duty it is to enforce this title shall have reasonable grounds to believe the person to have been hunting or taking, or assisting or attempting to hunt or take, game, furbearers or wildlife while under the influence of alcohol or a controlled substance. The test shall be administered by personnel and equipment approved by regulation of the commission.

(b) Suspension for refusal.--

(1) If any person apprehended for hunting or taking, or aiding or assisting to hunt or take, game, furbearers or wildlife while under the influence of alcohol or a controlled substance, or both, is requested to submit to a chemical test and refuses to do so, the test shall not be given, but, upon notice by the officer, the commission shall, in addition to any other penalty which may be imposed under this section:

(i) suspend the hunting and trapping privileges of the person for a period of one year; or

(ii) revoke the hunting and trapping privileges of the person for a period of three years for a second or subsequent refusal within a period of three years.

(2) It shall be the duty of the officer to inform the person that the person's hunting and trapping privileges will be suspended or revoked upon refusal to submit to a chemical test.

Any person whose hunting and trapping privileges are suspended under the provisions of this section shall have the same right of appeal as provided for in cases of suspension or revocation for other reasons.

(c) Test results admissible in evidence.--In any summary proceeding or criminal proceeding in which the defendant is charged with hunting or taking, or assisting, aiding or attempting to hunt or take, game, furbearers or wildlife while under the influence of alcohol or a controlled substance, the amount of alcohol or controlled substance in the defendant's blood, as shown by a chemical testing of his breath, blood or urine, which testing was conducted with equipment of a type approved by regulation of the commission and operated by approved personnel, shall be admissible in evidence.

(d) Presumptions from amount of alcohol.--If chemical analysis of a person's breath, blood or urine shows:

(1) That the amount of alcohol by weight in the blood of the person tested is 0.05% or less, it shall be presumed that the person tested was not under the influence of alcohol, and the person shall not be charged with any violation under section 2501 (relating to hunting or furtaking prohibited while under influence of alcohol or controlled substance), or, if the person was so charged prior to the test, the charge shall be void ab initio.

(2) That the amount of alcohol by weight in the blood of the person tested is in excess of 0.05% but less than 0.10%, this fact shall not give rise to any presumption that the person tested was or was not under the influence of alcohol, but this fact may be considered with other competent evidence in determining whether the person was or was not under the influence of alcohol.

(3) That the amount of alcohol by weight in the blood of the person tested is 0.10% or more, it shall be presumed that the defendant was under the influence of alcohol.

(e) Other evidence admissible.--Subsections (a) through (d) shall not be construed as limiting the introduction of any other competent evidence bearing upon the question of whether or not the defendant was under the influence of alcohol or a controlled substance.

(f) Test results available to defendant.--Upon the request of the person tested, the results of any chemical test shall be made available to that person or his attorney.

(g) Blood test in lieu of breath test.--If for any reason a person is physically unable to supply enough breath to complete a chemical test, a physician or nurse, or a technician acting under a physician's direction, may withdraw blood for the purpose of determining its alcoholic content. The chemical analysis of the blood taken under these circumstances shall be admissible in evidence in the same manner as are the results of the breath chemical test. The hunting and trapping privileges of any person who refuses to allow a blood test under these circumstances shall be suspended pursuant to subsection (b).

(h) Test by personal physician.--The person tested shall be permitted to have a physician of his own choosing administer an additional breath, blood or urine chemical test, and the results of the test shall also be admissible in evidence. The chemical test given at the direction of a commission-approved officer shall not be delayed by a person's attempt to obtain an additional test.

(i) Immunity from civil liability.--No physician, nurse or technician or hospital employing the physician, nurse or technician or other employer of the physician, nurse or technician shall be civilly liable for the withdrawing of blood and reporting of test results at the request of the commission officer pursuant to this section.

(j) Prearrest breath test authorized.--An officer of the commission, having reasonable suspicion to believe a person is hunting or furtaking while under the influence of alcohol, may require that person prior to arrest to submit to a preliminary breath test on a device approved by the commission for this purpose. The sole purpose of this preliminary breath

test is to assist the officer in determining whether or not the person should be placed under arrest. The preliminary breath test shall be in addition to any other requirements of this section. No person has any right to expect or demand a preliminary breath test. Refusal to submit to this test shall not be considered for purposes of subsections (b) and (e).

§ 2503. Loaded firearms in vehicles.

(a) General rule.--Except as otherwise provided in this title, it is unlawful for any person to have a firearm of any kind in or on or against any conveyance propelled by mechanical power or its attachments at any time whether or not the vehicle or its attachment is in motion unless the firearm is unloaded. The exceptions in this subsection do not apply when attempting to locate game or wildlife with an artificial light or when exercising any privileges granted by this title which may be exercised only when not in the possession of a firearm.

(b) Exceptions.--This section shall not be construed to apply to:

(1) A police officer engaged in the performance of his official duty.

(2) A commission officer engaged in the performance of his duty.

(3) A person carrying a loaded pistol or revolver when in possession of a valid firearms license issued by the chief or head of any police force or the sheriff of a county when the license is issued for protection under 18 Pa.C.S. Ch. 61 Subch. A (relating to Uniform Firearms Act).

(4) Any person as defined in section 2121(c) (relating to killing game or wildlife to protect property) while on lands they control and when not hunting or trapping for game or wildlife.

(5) Any motorboat or other craft having a motor attached or any sailboat if the motor has been completely shut off or the sail furled and its progress therefrom has ceased.

(6) Any political subdivision, its employees or agents, which has a valid deer control permit issued under section 2902(c) (relating to general categories of permits).

The exceptions in paragraphs (1) through (5) do not apply when attempting to locate game or wildlife with an artificial light or when exercising any privileges granted by this title which may be exercised only when not in the possession of a firearm.

(c) Penalty.--A violation of this section is a summary offense of the fourth degree if the vehicle is in motion. Otherwise the violation is a summary offense of the fifth degree.

(Mar. 29, 1996, P.L.41, No.13, eff. imd.; Dec. 19, 1996, P.L.1442, No.184, eff. 60 days)

1996 Amendment. Acts 13 and 184 amended subsec. (b).

§ 2504. Shooting on or across highways.

(a) General rule.--It is unlawful for any person to shoot at any game or wildlife while it is on a public highway or on a highway open to use or used by the public or to shoot across a public highway or a highway or roadway open to use or used by the public unless the line of fire is high enough above the elevation of the highway to preclude any danger to the users of the highway. It shall be unlawful for any person, after alighting from a motor vehicle being driven on or stopped on or along a public highway or road open to public travel, to shoot at any wild bird or wild animal while the person doing the shooting is within 25 yards of the traveled portion of the public highway or road open to public travel.

(b) Penalty.--A violation of this section is a summary offense of the fourth degree.

§ 2505. Safety zones.

(a) General rule.--Except as otherwise provided in this title or to any political subdivision, its employees or agents, which has a valid deer control permit issued under section 2902(c) (relating to general categories of permits), it is unlawful for any person, other than the lawful occupant,

while hunting game or wildlife, taking furbearers of any kind, or pursuing any other privilege granted by this title, to hunt for, take, trap, pursue, disturb or otherwise chase any game or wildlife or to discharge, for any reason, any firearm, arrow or other deadly weapon within or through a safety zone, or to shoot at any game or wildlife while it is within the safety zone without the specific advance permission of the lawful occupant thereof.

(b) Penalty.--A violation of this section is a summary offense punishable by a fine of not less than \$200 nor more than \$500. A second or subsequent offense within two calendar years is a summary offense punishable by a fine of not less than \$500 nor more than \$1,000.

(c) Definition.--As used in this section, the term "safety zone" means:

(1) Except as otherwise provided in paragraph (2), the area within 150 yards around and that area which is below the highest point of any occupied dwelling house, residence, or other building or camp occupied by human beings, or any barn, stable, or other building used in connection therewith or any attached or detached playground of any school, nursery school or day-care center.

(2) When applied to properly licensed persons hunting with bow and arrow or crossbow and persons properly licensed for falconry, the area within 50 yards around and that area which is below the highest point of any occupied dwelling house, residence or other building or camp occupied by human beings or any barn, stable or other building used in connection therewith and the area within 150 yards around and that area which is below the highest point of any attached or detached playground of any school, nursery school or day-care center.

(Nov. 25, 1988, P.L.1082, No.125, eff. imd.; Mar. 29, 1996, P.L.41, No.13, eff. imd.; Dec. 19, 1996, P.L.1442, No.184, eff. 60 days; June 28, 2002, P.L.474, No.79, eff. 60 days; June 23, 2004, P.L.435, No.43, eff. July 1, 2004; July 9, 2008, P.L.920, No.65, eff. imd.)

2008 Amendment. Act 65 amended subsec. (c)(2).

Cross References. Section 2505 is referred to in section 2741 of this title.

§ 2506. Prohibitions within burial grounds.

(a) General rule.--It is unlawful for any person at any time to hunt, take or trap game or wildlife of any kind or to discharge any firearm or other deadly weapon into or within, or to dress out game or wildlife within, any cemetery or other burial grounds.

(b) Penalty.--A violation of this section is a summary offense of the fourth degree.

§ 2507. Restrictions on shooting.

(a) General rule.--It is unlawful for any person during the open season for the taking of any big game other than turkey to:

(1) Shoot at any mark or target other than legal game or wildlife with a firearm of any kind or a bow and arrow.

(2) Discharge at any time any firearm or release an arrow at random in the general direction of any game or wildlife not plainly visible for the purpose of routing or frightening them.

(3) Discharge at any time any firearm or release an arrow at random or in any other manner contrary to this section.

(b) Exceptions.--This section shall not be construed to apply in any manner to:

(1) The discharge of any firearm for the sole purpose of signaling for aid or assistance while in distress.

(2) The use of rifle, pistol or archery ranges owned, leased or maintained by a State or Federal military or police organization or by any regularly organized rifle, pistol, shotgun or archery range, shooting association or club while shooting at a regularly established and properly safeguarded range or to any public shooting exhibition

properly safeguarded and conducted under the direction of any organization for the promotion of marksmanship.

(3) The discharge of a muzzle-loading firearm at a proper target for the purpose of safe transportation of the muzzle-loaded firearm.

(4) Shooting at a properly constructed target or mark or a dead tree protected by a natural or artificial barrier so that the ball, bullet or arrow cannot travel more than 15 yards beyond the target aimed at, after making due allowance for deflection in any direction not to exceed an angle of 45 degrees. Target shooting shall only be lawful when it is done:

(i) Upon property owned by the shooter or by a guest of the property owner.

(ii) Within 200 yards of the camp or other headquarters where the person shooting is quartered or is an invited guest or visitor.

(c) Penalty.--A violation of this section is a summary offense of the fourth degree.

§ 2508. Protection of institutions, parks and resorts.

(a) General rule.--Subject to the posting requirements of subsection (b), it is unlawful for any person to hunt for or take any game or wildlife or to discharge a firearm or bow of any description into or upon any of the following areas:

(1) The lands, waters or premises of any public or private hospital or sanatorium or health care facility.

(2) The lands, waters or premises of any park or resort set aside for the use of the public where people may congregate in the open for health, recreation or pleasure.

(3) The lands, waters or premises of any publicly owned institution where people are hospitalized, quartered or incarcerated at public expense.

(b) Posting boundaries.--The boundaries of the lands, waters or premises set forth in subsection (a) shall be clearly defined by appropriate posters or markers calling attention to the fact that the land or water within the boundary has been set apart for the specific purpose for which it was intended and that hunting upon or shooting on the property is prohibited. No privileges shall be granted by those owning or operating the posted lands or waters to any other person to hunt for any game or wildlife upon the property; nor shall the person or persons owning or in charge of the lands be eligible to hunt for any game or wildlife on the lands or waters.

(c) Exceptions.--Subsection (a) shall not apply to:

(1) Any properly constructed and designated pistol, rifle, shotgun or archery range upon the lands of a hospital, sanatorium, park, resort or other institution.

(2) Any part of the lands of any hospital, sanatorium, park, resort or institution which lie outside of the posted areas and are open to the public for hunting.

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

§ 2509. Damage to property.

(a) General rule.--It is unlawful for any person while hunting game or wildlife or taking furbearers of any kind to:

(1) Cause or assist in causing damage or injury, in any manner whatsoever, to either real or personal property of any kind.

(2) Leave gates or bars open.

(3) Break down, destroy or injure fences.

(4) Tear down or scatter rail, post, wood or stone piles.

(5) Harass, injure or kill livestock of any kind.

(6) Hunt or trap in or upon unharvested buckwheat, corn, sorghum or soybean fields without the permission of the owner or person in charge of such property.

(b) Additional restrictions.--In addition to the restrictions imposed by subsection (a), it shall be unlawful for any person hunting foxes by means of horses and hounds to hunt on any land which is not controlled by them.

(c) Removal of wounded game or wildlife.--Subsection (a) shall not be construed to prevent the removal of mortally wounded game or wildlife from its place of refuge in a rail, post, wood or stone pile or fence if permission has first been obtained from the owner or person in charge of the property and the property is restored to the condition in which it was found.

(d) Penalty.--A violation of this section is a summary offense of the fifth degree, and, in addition, a violator shall be liable for damages pursuant to subsection (e).

(e) Costs for damages.--

(1) Any person who shall cause damage to real or personal property, including crops of any kind shall, upon conviction, be sentenced to pay the penalty prescribed in this section and, in addition thereto, shall be liable to pay, upon demand of the person having legal control of the property, the sum equal to the amount of the damages determined by a court of competent jurisdiction.

(2) The court may appoint a competent appraiser to determine the amount of such damage. The amount of the damage determined by the court shall be assessed against the defendant and paid to the court for disposition. The court shall deliver the amount collected to the person having legal control over the land where the damage occurred.

(3) The court-appointed appraiser shall be entitled to a reasonable fee for services rendered which shall be assessed against the defendant as additional costs for delivery to the appraiser by the court.

Cross References. Section 2509 is referred to in section 2741 of this title.

§ 2510. Littering and restrictions on vehicles.

(a) General rule.--It is unlawful for any person while hunting or furtaking or while on lands or waters open to hunting or furtaking to:

(1) Deposit or leave any garbage, bottles, cartons, containers, glass, paper or other rubbish or debris other than in a place or receptacle maintained for that purpose. The provisions of this paragraph shall not apply to any spent shotgun shell or spent rifle shell casing which is ejected during normal hunting activities.

(2) Drive a motor vehicle on any cleared field, whether public or private, except with the permission of the owner, tenant or other person in charge of the land.

(3) Park or leave standing any motor vehicle in such manner as to block the means of ingress or egress to any person's property, mailbox, cattleways or fields.

(b) Penalties.--

(1) When litter is transported from another location and is deposited on lands or waters open to hunting or furtaking, the violation is a summary offense of the third degree. Any person convicted of a second or subsequent violation of this paragraph shall pay twice the fine imposed for the first offense. A conviction for a violation of this section shall not bar any civil action by the property owner.

(2) Except as provided in paragraph (1), any other violation of this section is a summary offense of the seventh degree.

(3) In addition to the fine imposed by section 925 (relating to jurisdiction and penalties), an additional fine of \$10 may be imposed for each item of litter thrown, discarded, left, emitted or deposited in violation of this section.

(c) Definition.--As used in this section, the term "normal hunting activities" shall not include a circumstance when a person has fired more than six rounds from a stationary position.

(Dec. 19, 1996, P.L.1442, No.184, eff. 60 days; Mar. 24, 2004, P.L.157, No.20, eff. imd.)

§ 2511. Damage to trees.

(a) General rule.--It is unlawful while hunting or while preparing to hunt for any game or wildlife:

(1) To cause damage to any tree or trees located upon any public or privately owned lands as a result of constructing any tree stand, platform or any other manmade support of any description or as a result of using any portable tree stand or any other implement or device of any description to climb any tree.

(2) To use or occupy any tree stand, platform or any other manmade support of any description which, when constructed, damaged any tree or trees.

This section shall not apply to a private landowner upon land which he owns or to any person to whom he has given written permission in advance.

(b) Penalties.--

(1) A violation of this section is a summary offense of the fifth degree.

(2) Upon summary conviction, the defendant shall be sentenced to remove the tree stand, platform or any other manmade support or climbing device of any description.

(3) In addition to any other penalty imposed, the defendant shall be liable to pay to the one in control of a tree the amount of any damage done by the defendant to the tree. The amount of the damage to the tree shall be determined by the magisterial district judge. If a reasonable settlement for damage to the tree is not reached, the magisterial district judge may appoint a competent appraiser to determine the amount of the damage. The amount of the damage determined shall be assessed against the defendant and paid to the magisterial district judge for disposition. The magisterial district judge shall deliver the amount collected to the person or governmental agency having legal control over the land where the damage occurred. The appraiser appointed by the magisterial district judge shall be entitled to a reasonable fee for services rendered which shall be assessed against the defendant as additional costs.

(Nov. 30, 2004, P.L.1618, No.207, eff. 60 days)

2004 Amendment. Act 207 amended subsec. (b) (3). See section 29 of Act 207 in the appendix to this title for special provisions relating to construction of law.

§ 2512. Unlawful acts on commission lands or waters.

(a) General rule.--On any lands or waters owned, leased or controlled by the commission, it is unlawful, without first securing consent or a permit from the commission, to:

(1) Go upon any lands or waters which are posted against entry for any purpose.

(2) Cut down or otherwise destroy any trees, shrubs or other flora.

(3) Do or cause to be done any act to the detriment of such lands, structures, roads, trails, trees, shrubs or flora thereon.

(4) Remove any material, either organic or inorganic.

(5) Destroy, mutilate or remove any sign or placard.

(6) Fish, swim or boat on or in any waters posted against such acts.

(7) Post any of the commission's signs or placards, or any signs or placards similar in appearance thereto, on any lands not owned or controlled by the commission.

(8) Violate any regulations of the commission pertaining to the use and protection of such lands or waters or the users of such lands or waters.

(b) Penalties.--

(1) A violation of this section is a summary offense of the fifth degree.

(2) Upon conviction, the defendant shall pay for all damages done or materials removed.

(3) In addition to any other penalty imposed, where the damages or materials removed are extreme or an agreeable arrangement cannot be reached between the concerned parties, the case shall be heard by the appropriate magisterial district judge who, if necessary, may appoint an independent person to appraise the damage to be paid to the commission.

Any costs for the appraiser shall be added to costs of prosecution.

(Nov. 30, 2004, P.L.1618, No.207, eff. 60 days)

2004 Amendment. Act 207 amended subsec. (b) (3). See section 29 of Act 207 in the appendix to this title for special provisions relating to construction of law.

SUBCHAPTER B PROTECTION OF PERSONS

Sec.

2521. Incident reports.

2522. Shooting at or causing injury to human beings.

2523. Rendering assistance after incidents.

2524. Protective material required.

2525. Possession of firearm for protection of self or others.

§ 2521. Incident reports.

(a) General rule.--Every person who causes or is involved in an incident in which a human being is injured by any firearm or bow and arrow while hunting or taking game, wildlife or furbearers or incurs a self-inflicted injury with any firearm or bow and arrow while hunting or taking game, wildlife or furbearers shall render a report to the commission at Harrisburg or deliver the report to any officer of the commission on duplicate forms provided for that purpose. The report shall be delivered within 72 hours after the injury. Each 24-hour period thereafter shall constitute a separate offense. If the person is physically incapable of making the required report, it shall be the duty of the person or persons involved in the incident to designate an agent to file the report within the specified time.

(b) Penalty.--

(1) A violation of this section involving a nonfatal incident is a summary offense of the fifth degree.

(2) A violation of this section involving a fatal incident is a summary offense of the fourth degree.

(Dec. 19, 1996, P.L.1442, No.184, eff. 60 days)

§ 2522. Shooting at or causing injury to human beings.

(a) General rule.--It is unlawful for any person while hunting or furtaking, through carelessness or negligence, to shoot at, injure or kill any human being through the use of a firearm, bow and arrow or other deadly weapon.

(b) Penalty.--The penalty to be imposed for any violation of this section shall be determined pursuant to the following classifications:

(1) To shoot at but not hit or injure or to shoot at and cause bodily injury to a human being is a summary offense of the first degree.

(2) To shoot at and cause serious bodily injury to a human being is a misdemeanor of the second degree.

(3) To kill a human being is a misdemeanor of the first degree. Fines imposed against a violator of this paragraph shall be distributed to the next of kin as an asset of the estate of the deceased, other provisions of law to the contrary notwithstanding.

(c) Denial of privileges.--In addition to the penalty imposed pursuant to subsection (b), any person who shoots at, injures or kills a human being shall be denied the privilege to hunt or take game or wildlife anywhere in this Commonwealth, with or without license, for the following periods:

(1) To shoot at but not hit or injure or to shoot at and cause bodily injury to a human being, the denial shall be for a period of two years.

(2) To shoot at and cause serious bodily injury to a human being, the denial shall be for a period of not less than five years nor more than ten years.

(3) To kill a human being, the denial shall be for a period of 15 years.

(d) Nonpayment of fine.--In addition to any sentence imposed pursuant to subsection (b), any person who fails to pay the fine imposed by this section within 180 days shall undergo imprisonment not in excess of one year or until the fine is paid in full.

(e) Imprisonment for violation of sentence.--It is unlawful for a person to hunt or take game or wildlife or attempt to hunt or take game or wildlife, with or without license, contrary to a sentence imposed under subsection (b). Upon conviction, the person shall be sentenced to undergo imprisonment for a period of not less than three months nor more than six months.

(f) Mandatory remedial hunter education.--Any person whose privilege to hunt or take game is suspended under subsection (c) shall, prior to obtaining a license after the period of suspension, present evidence of the successful completion of a remedial hunter education course as provided by the director and approved by the commission.

(g) Mandatory vision examination.--Any person whose privilege to hunt or take game is suspended under subsection (c) shall present to the commission, prior to obtaining a license after the period of suspension, evidence of having taken and the results of a vision examination administered by a licensed ophthalmologist or optometrist subsequent to the suspension of the license. The commission, based on the results of the vision examination, may deny a person a license or place on the license a restriction requiring the person to wear corrective lenses when the person hunts or takes game.

(h) Civil remedies preserved.--Nothing in this section shall bar the recovery of any damages in any civil action by any aggrieved party.

(Dec. 19, 1996, P.L.1442, No.184, eff. 60 days; Dec. 20, 2000, P.L.783, No.111, eff. July 1, 2001)

2000 Amendment. Act 111 amended subsec. (f).

Cross References. Section 2522 is referred to in sections 925, 929, 2741 of this title; section 9758 of Title 42 (Judiciary and Judicial Procedure).

§ 2523. Rendering assistance after incidents.

(a) General rule.--It is unlawful for any person who has inflicted injury or witnessed the infliction of injury to a human being with any firearm or bow and arrow, while hunting or furtaking, to flee or to fail or refuse to render immediate and full assistance to the person injured.

(b) Penalties.--

(1) A violation of this section by the person inflicting such injury where a human being is injured but not killed is a misdemeanor of the second degree. In addition to the fine imposed, the defendant forfeits the privilege to hunt or take wildlife anywhere in this Commonwealth, with or without a license, for a period of ten years.

(2) A violation of this section by the person inflicting such injury where a human being is killed is a misdemeanor of the first degree. In addition to the fine imposed, the defendant forfeits the privilege to hunt or take wildlife anywhere within this Commonwealth, with or without a license, for a period of 15 years.

(3) A violation of this section by a person witnessing such injury where a human being is injured but not killed is a summary offense of the third degree.

(4) A violation of this section by a person witnessing such injury where a human being is killed is a summary offense of the first degree.

(5) A person convicted of a second or subsequent violation of this section shall be sentenced to pay a fine of twice the amount of the penalty imposed by this section and, in addition thereto, forfeits the privilege to hunt or take wildlife anywhere in this Commonwealth, with or without a license, for an additional period of ten years.
(Dec. 19, 1996, P.L.1442, No.184, eff. 60 days)

Cross References. Section 2523 is referred to in section 2741 of this title.

§ 2524. Protective material required.

(a) General rule.--Unless further restricted by regulations of the commission, every person hunting for or assisting to hunt for deer, bear or woodchucks shall wear either a minimum of 250 square inches of daylight fluorescent orange-colored material on the back and front combined or, in lieu thereof, a hat of the same color material. The material shall be worn so it is visible in a 360-degree arc. Unless otherwise specified by regulations of the commission, the provision of this section shall not apply to any season for using muzzle-loading firearms only or season for using bows and arrows only.

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

Cross References. Section 2524 is referred to in sections 901, 2701 of this title.

§ 2525. Possession of firearm for protection of self or others.

(a) General rule.--It is lawful for a law enforcement officer or any person who possesses a valid license to carry a firearm issued under 18 Pa.C.S. § 6109 (relating to licenses) to be in possession of a loaded or unloaded firearm while engaged in any activity regulated by this title.

(b) Construction.--

(1) This section shall supersede any prohibition on the possession of a firearm or ammunition contained in any other provision of this title.

(2) This subsection shall not be construed to permit the hunting or harvesting of any wildlife with a firearm or ammunition not otherwise permitted by this title.

(c) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Firearm." As defined in 18 Pa.C.S. § 6102 (relating to definitions).

"Law enforcement officer." As defined in 18 Pa.C.S. § 6102 (relating to definitions).

(Nov. 29, 2006, P.L.1462, No.162, eff. 60 days)

2006 Amendment. Act 162 added section 2525.

CHAPTER 27
HUNTING AND FURTAKING LICENSES

Subchapter

- A. General Provisions
- B. Agents
- C. License Denials or Revocations

Enactment. Chapter 27 was added July 8, 1986, P.L.442, No.93, effective July 1, 1987.

Cross References. Chapter 27 is referred to in sections 2923, 2945 of this title; section 4355 of Title 23 (Domestic Relations).

SUBCHAPTER A
GENERAL PROVISIONS

Sec.

- 2701. License requirements.
- 2702. Residents.
- 2703. Nonresidents.
- 2704. Eligibility for license.
- 2705. Classes of licenses.
- 2706. Resident license and fee exemptions.
- 2706.1. Complimentary nonresident licenses.
- 2706.2. Elk hunting licenses.
- 2707. License periods.
- 2708. Application requirements.
- 2709. License costs and fees.
- 2710. Replacement of lost licenses.
- 2711. Unlawful acts concerning licenses.
- 2712. Vouchers for licenses and permits.

§ 2701. License requirements.

(a) General rule.--Except in defense of person or property or pursuant to exemptions authorized in this title or by regulation of the commission for implementing a mentored hunting program, every person, prior to engaging in any of the privileges granted by this title, shall first obtain the applicable license subject to any conditions or other requirements imposed by this title.

(b) Only one license valid.--Only one full-term or distinct hunting license and furtaking license shall be valid during any full-term license year. The issuance of any replacement license or the purchase of a second or subsequent license of any class shall immediately and automatically invalidate any license of the same kind which had been previously issued.

(c) Exception.--Any person who has never held a hunting license in Pennsylvania or any other state may participate in the hunting and trapping activities authorized under this title or commission regulations without compliance with subsection (a) or section 2704 (relating to eligibility for license) if that person satisfies all of the following requirements:

(1) The person who participates in the hunting or trapping activities must always be in sight of and close enough to a licensed hunter who is at least 18 years of age to clearly hear and understand instructions communicated to the person through normal conversation without the aid of any device. The licensed hunter shall have a valid hunting license for the game or wildlife they are hunting or qualify for license and fee exemptions under section 2706 (relating to resident license and fee exemptions).

(2) The unlicensed person may not possess, convey or use any firearm, bow or any other device that may be used to harvest game or furbearers.

(3) The unlicensed person must be in compliance with section 2524 (relating to protective material required) and with any regulations promulgated by the commission related to protective material.

(4) The unlicensed person who participates in any hunting party shall be listed on any required hunting roster and shall count as a member of the hunting party for purposes of section 2324 (relating to roster of parties hunting big game) and commission regulations relating to big game animal hunting roster and parties hunting small game.

(5) For the purposes of this section, at no time shall a licensed hunter accompany more than one unlicensed person.
(June 28, 2004, P.L.452, No.48, eff. imd.; Dec. 22, 2005, P.L.452, No.86, eff. 60 days; May 15, 2013, P.L.26, No.7, eff. 60 days)

2013 Amendment. Act 7 amended subsec. (a).

Cross References. Section 2701 is referred to in section 2301 of this title.

§ 2702. Residents.

(a) General rule.--Any person who has been domiciled in this Commonwealth for a period of 30 consecutive days preceding the date of application for a license and who establishes identity, age and the fact of bona fide residency to the satisfaction of the commission by production of a motor vehicle driver's license, proof of payment of State or local personal income taxes or some other positive means of identification shall for the purpose of this chapter be a resident of this Commonwealth.

(b) Commonwealth residents in armed forces.--Nothing in this chapter shall deny any qualified serviceman or servicewoman domiciled in but residing outside this Commonwealth while serving on active duty in the armed forces of the United States or in the United States Coast Guard, or any family member living in his or her home and residing outside this Commonwealth to meet military requirements, from eligibility to procure a resident hunter's license or other license when domicile within this Commonwealth is a requirement. Proof that a serviceman's or servicewoman's military home of record is in Pennsylvania shall be sufficient to establish domicile in this Commonwealth.

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

(d) Cooperation with other agencies.--To the maximum extent feasible, the commission shall be entitled to request and receive and shall utilize and be provided with such facilities, resources and data of any court, department, division, board, bureau, commission or agency of the Commonwealth or any political subdivision thereof as it may reasonably request to carry out properly its powers and duties hereunder.

(e) Information to be confidential.--The commission shall not disclose information received under subsection (d) so as to divulge the identities of the persons to whom it relates except as is necessary to carry out the purposes of this title.

(Nov. 25, 1988, P.L.1082, No.125, eff. imd.)

1988 Amendment. Act 125 amended subsecs. (b) and (c), retroactive to July 1, 1987.

Cross References. Section 2702 is referred to in section 2703 of this title.

§ 2703. Nonresidents.

For the purpose of this title, any person unable to meet the requirements of section 2702 (relating to residents) shall be a nonresident.

§ 2704. Eligibility for license.

(a) General rule.--Persons meeting the requirements of this title who have reached or will reach their 12th birthday in the calendar year of application or who are older, whose hunting and furtaking privileges are valid and who shall meet the application requirements set forth in this title and pay the prescribed license cost and issuance fee shall be eligible to obtain the applicable hunting or furtaking license.

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

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

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

(c) Furtaker's certificate of training.--No resident or nonresident furtaker's license shall be issued to any applicant unless the applicant presents to the agent authorized to issue the license any one of the following:

(1) Evidence that the applicant has held a trapping or furtaker's license issued by another state or nation.

(2) A certificate of training issued under this section.

(3) A certification signed by the applicant on the furtaker's license application that the applicant completed a voluntary trapping course sponsored by the commission or that the applicant has previously hunted or trapped furbearers within the last five years.

The provisions of this section shall not apply to those persons under 12 years of age who trap furbearers under the direct supervision of an adult licensed furtaker 18 years of age or older.

(d) Duties of commission.--

(1) The commission shall provide for a course of instruction, approved by the director, in the safe and ethical utilization of firearms and traps or other devices used for taking furbearers. The commission may cooperate with any reputable association or organization in presentation of this course.

(2) The commission may designate any person who the commission determines to be competent to give instruction in the handling of firearms, traps or other devices to act as an instructor. The appointed person shall give the course of instruction and shall issue to each person who successfully completes the course of instruction a certificate of training in the handling of firearms, traps or other devices. No charge shall be made for the course of instruction, except as may be provided by this title or by regulations promulgated under this title.

(3) The commission shall furnish information on the requirements of the furtaker's education program which shall be distributed, free of charge, to applicants for furtaker licenses by the persons appointed and authorized to issue the licenses.

(4) The provisions of this section shall not apply to those persons under 12 years of age who trap furbearers under the direct supervision of an adult licensed furtaker 18 years of age or older.

(e) Compliance by certification.--The requirements of subsection (b) or (c) shall be deemed met by a certification signed by the applicant on the license application stating that the applicant has held a license issued by the Commonwealth or another state or nation in a prior year but is unable to produce evidence of holding such license.

(f) Courses combined.--Subject to the approval of the commission, the director may combine the courses of instruction in hunter education and furtaker's training into one comprehensive course.

(g) Hunter education in public schools.--Upon request of the commission, all public school districts in this Commonwealth shall make a school facility under their control available for the purpose of conducting a hunter education course. Classes may occur as an after-school or weekend function or any other day when school is not in session. The commission shall, to the best of its ability, work with the school to schedule classes for a time that best suits both the school and the commission. All classes shall comply with curriculum standards and program policies established by the director. The commission shall compensate the school for the actual cost incurred by the school related to the commission's use of the facility. Fees may not be charged to the public for the service under this section.

(Nov. 25, 1988, P.L.1082, No.125, eff. imd.; June 22, 1993, P.L.102, No.23, eff. imd.; Dec. 20, 2000, P.L.783, No.111, eff. July 1, 2001; June 5, 2020, P.L. , No.27, eff. 60 days)

2020 Amendment. Act 27 added subsec. (g).

2000 Amendment. Act 111 amended subsec. (d).

1993 Amendment. Act 23 amended subsec. (a). Section 2 of Act 23 provided that Act 23 shall apply to the license year beginning July 1, 1993, and to each license year thereafter.

1988 Amendment. Act 125 amended subsec. (b).

Cross References. Section 2704 is referred to in sections 327, 2363, 2701, 2706 of this title; section 913 of Title 18 (Crimes and Offenses).

§ 2705. Classes of licenses.

Unless otherwise provided, any person wishing to exercise any of the privileges granted by this title shall first secure the applicable resident or nonresident hunting or furtaker license as follows:

(1) Adult resident hunting licenses to residents who have reached their 17th birthday but have not reached their 65th birthday.

(2) Junior resident hunting licenses to residents who have reached or will reach their 12th birthday in the license year of application for a license but who have not reached their 17th birthday prior to the date of the application for the license and who present a written request, bearing the signature of a parent or guardian, for the issuance of a license. The actual hunting privileges granted to the holder of a junior license shall not be exercised until that person in fact is 12 years of age.

(3) Senior resident hunting licenses or, at the option of the applicant, a senior lifetime resident hunting license to residents who have reached or will reach their 65th birthday in the license year of the application for the license. The commission shall develop, implement and administer a system to provide tags, report cards and applications to those residents who hold a senior lifetime resident hunting license issued under this paragraph. The system shall require the applicant or license holder to pay any approved fee assessed by the issuing agent.

(4) Adult resident furtaker licenses to residents who have reached their 17th birthday but have not reached their 65th birthday.

(5) Junior resident furtaker licenses to residents who have reached or will reach their 12th birthday in the license year of application for a license but who have not reached their 17th birthday prior to the date of the application for the license and who present a written request, containing the signature of a parent or guardian, for the issuance of a license. The actual furtaking privileges granted to the holder of a junior license shall not be exercised until that person in fact is 12 years of age.

(6) Senior resident furtaker licenses or, at the option of the applicant, a senior lifetime resident furtaker license to residents who have reached or will reach their 65th birthday in the license year of the application for the license.

(7) Senior lifetime resident combination hunting and furtaking license, including archery and muzzleloader privileges, to residents who have reached or will reach their 65th birthday in the license year of the application for the license. The commission shall develop, implement and administer a system to provide tags, report cards and applications to those residents who hold a senior lifetime resident hunting license issued under this paragraph. The system shall require the applicant or license holder to pay any approved fee assessed by the issuing agent.

(7.1) Junior resident combination hunting and furtaker license, including archery and muzzleloader privileges, to residents who have reached or will reach their 12th birthday in the license year of application for a license but who have not reached their 17th birthday prior to the date of the application for the license and who present a written request, containing the signature of a parent or guardian, for the issuance of a license. The actual privileges granted to the holder of a junior resident combination license shall not be exercised until that person in fact is 12 years of age.

(8) Adult nonresident hunting licenses to all nonresidents of 17 years of age or older.

(9) Junior nonresident hunting licenses to all nonresidents who have reached or will reach their 12th birthday in the license year of application for a license but who have not reached their 17th birthday prior to the date of the application for the license and who present a written request, bearing the signature of a parent or guardian, for the issuance of a license. The actual hunting privileges granted to the holder of a junior license shall not be exercised until that person in fact is 12 years of age.

(10) Adult nonresident furtaker licenses to nonresidents of 17 years of age or older.

(11) Junior nonresident furtaker licenses to nonresidents who have reached or will reach their 12th birthday in the license year of application for a license but who have not reached their 17th birthday prior to the date of the application for the license and who present a written request, containing the signature of a parent or guardian, for the issuance of a license. The actual furtaking privileges granted to the holder of a junior license shall not be exercised until that person in fact is 12 years of age.

(11.1) Junior nonresident combination hunting and furtaker license, including archery and muzzleloader privileges, to nonresidents who have reached or will reach their 12th birthday in the license year of application for a license but who have not reached their 17th birthday prior to the date of the application for the license and who present a written request, containing the signature of a parent or guardian, for the issuance of a license. The actual privileges granted to the holder of a junior nonresident combination license shall not be exercised until that person in fact is 12 years of age.

(12) Seven-day nonresident small game license to persons eligible to procure a nonresident hunting license. The license shall be valid for a period of seven consecutive days. The holder of the license shall be entitled to hunt for, take or kill crows and small game.

(13) Antlerless deer licenses, bear licenses, archery licenses, muzzleloader licenses and any other license required to insure just and proper administration of this title and sound game or wildlife conservation to eligible persons, subject to the regulations, requirements and conditions which the commission shall establish. Any such license shall be made available to residents serving on active duty in the armed forces of the United States or in the United States Coast Guard without regard to quota limitations or application deadlines.

(14) Migratory game bird licenses for hunting all migratory game birds to eligible persons, subject to the regulations, requirements and conditions which the commission shall establish. Any such license shall be made available to residents serving on active duty in the armed forces of the United States or in the United States Coast Guard without regard to quota limitations or application deadlines.

(15) Elk hunting license to persons eligible for classes of licenses in paragraphs (1), (2), (3), (7), (7.1), (8), (9) and (11.1). Notwithstanding any other provisions of this title or the regulations promulgated thereunder, elk licenses under this paragraph shall not be subject to the provisions of sections 2706 (relating to resident license and fee exemptions) and 2706.1 (relating to complimentary nonresident licenses). To ensure sound management of Pennsylvania's wild elk population, the commission may promulgate regulations to establish a limited number of licenses. The commission may establish a nonrefundable application fee at a cost of \$10.

(16) Special wild turkey license to be used in conjunction with an adult or junior resident license, adult or junior nonresident license, senior resident license, senior resident lifetime license, senior lifetime resident combination hunting and furtaking license and junior resident and nonresident combination hunting and furtaking license when the commission by regulation authorizes the harvest of wild turkeys over and above the number of turkey harvest tags attached to the preceding licenses.

(Nov. 25, 1988, P.L.1082, No.125, eff. imd.; Dec. 17, 1990, P.L.687, No.170, eff. imd.; Aug. 5, 1991, P.L.217, No.24, eff. July 1, 1992; June 22, 1993, P.L.102, No.23, eff. imd.; Apr. 4, 1996, P.L.55, No.19, eff. imd.; Dec. 21, 1998, P.L.1274, No.166, eff. July 1, 1999; Dec. 20, 2000, P.L.783, No.111; July 2, 2004, P.L.467, No.53, eff. 60 days)

2004 Amendment. Act 53 added par. (16).

2000 Amendment. Act 111 amended the entire section, effective in 60 days as to par. (15) and immediately as to the remainder of the section.

Cross References. Section 2705 is referred to in sections 327, 2711, 2923 of this title.

§ 2706. Resident license and fee exemptions.

(a) Agricultural lands.--Unless the privilege to hunt or take furbearers has been denied, any person domiciled within this Commonwealth who has reached their 12th birthday and attained accreditation as provided in section 2704 (relating to eligibility for license) and, as a primary means of gaining a livelihood, is regularly and continuously engaged in cultivating the soil for general farm crop purposes, commercial truck growing, commercial orchards or commercial nurseries, as either the owner, lessee or tenant of these lands, or as a member of the family or household, or regularly hired help of the owner, lessee or tenant, shall be eligible to hunt and take furbearers on these lands, including the woodlands connected therewith and operated as a part thereof, without a hunter's or furtaker's license as required in this title. Any of these persons may hunt or take furbearers on detached land which is operated under written lease as a part of the same farm and is within ten air miles of the home farm. Any person eligible to hunt or take furbearers on these lands without securing the required license may also, by and with the written consent of the owner or lessee thereof, hunt or take game or wildlife upon any lands other than those publicly owned which lie immediately adjacent to and are connected with the lands upon which these persons may lawfully hunt or take game or wildlife without securing a license.

(b) Disabled veterans.--

(1) Any resident disabled veteran who has a disability incurred in any war or armed conflict which consists of the loss of one or more limbs, or the loss of the use of one or more limbs, or who is 100% disabled as certified by the United States Department of Veterans Affairs, and who meets all other qualifications of this title and is otherwise mentally and physically fit, shall be issued a free regular hunting or furtaking license upon application to the commission or a county treasurer.

(1.1) Any disabled veteran who has a disability incurred in any war or armed conflict and possesses a disability rating between 60% and 99% as certified by the United States Department of Veterans Affairs and who meets all other qualifications of this act and is otherwise mentally and physically fit shall be issued a resident hunting or furtaking license at the cost of \$1 upon application to the commission or a county treasurer.

(2) The application for the issuance of a license under paragraph (1) or (1.1) shall, in addition to the other information required by the commission, contain a statement that the applicant is a war or armed conflict veteran and that the qualifying disability was service incurred.

(3) The issuing agent or the commission may require the production of the discharge papers of the applicant.

(4) If a disabled veteran who qualifies for issuance of a license under paragraph (1) presents documentation to show that the qualifying disability is permanent, the county treasurer shall issue the disabled veteran a lifetime hunting or furtaking license.

(5) In a county where there is no county treasurer by virtue of a home rule charter or optional plan of government, the county official who performs the functions of a county treasurer and who has been designated an issuing agent by the commission shall issue licenses under this subsection.

(b.1) Prisoners of war.--A former prisoner of war shall be entitled to purchase a resident hunting license at the cost of \$1 plus the current issuing fee upon application to the commission. An application under this subsection shall contain the same information as is required for other resident hunting license applications. As used in this subsection, the term "former prisoner of war" means an individual who was imprisoned by enemy forces while in the service of the armed forces of the United States as certified by the appropriate branch of the armed forces of the United States.

(c) Landowner antlerless deer license.--Eligible landowners who own 50 or more contiguous acres of land within any county where the landowners desire to hunt antlerless deer shall be entitled to obtain one antlerless deer license for that county, at the prescribed fee, issued to one and only one person whose name appears on the deed. These antlerless deer licenses shall be allocated in advance of their availability to the general public from the quota established by the commission for the county where the land is situated to landowners who meet all of the following requirements:

(1) The 50 or more contiguous acres of land are owned by a natural person individually or as tenants by the entirety, or by a corporation of four or fewer shareholders, or by tenants in common of four or fewer natural persons.

(2) The 50 or more contiguous acres of land are open to public hunting and trapping and shall remain open to hunting and trapping during the hunting license year for which the antlerless deer license is issued.

(3) The applicant for an antlerless deer license shall furnish proof of ownership of 50 or more contiguous acres of land to the county treasurer within the county where the land is situated.

(d) Owners or possessors of land open to public hunting.--A resident owner or possessor of land, comprising greater than 80 contiguous acres farmed under a conservation plan which does not conflict with the act of June 22, 1937 (P.L.1987, No.394), known as The Clean Streams Law, and which meets the requirements of 25 Pa. Code Ch. 102 (relating to erosion control), shall, if he permits public hunting as evidenced by enrollment in a Cooperative Public Access Program, be entitled to purchase a Landowners Hunting License at the cost of \$3 plus the current issuing fee. The 80-acre requirement shall be exclusive of safety zones in excess of 20% of the total acreage. The license shall be issued to the owner or possessor or an immediate family member of either the owner or possessor living in the same household so designated by the owner or possessor in the case of a single owner or possessor and to the individual so designated in the case of more than one owner or possessor. No person shall be issued a hunting license under this subsection unless the person is 12 years of age or older, has met the requirements prescribed in section 2704 and has not been denied the privilege to hunt. A person entitled to receive a hunting license under this subsection shall certify to the commission in the form and manner prescribed by the commission that the land tract he owns or possesses is presently in his ownership or possession.

(e) Military personnel hunting licenses.--Resident military personnel hunting licenses shall be issued by the commission, county treasurer or issuing agent to persons who satisfy all of the following requirements:

(1) Are residents of this Commonwealth.

(2) Are on active and full-time duty in the United States Armed Forces.

(3) Are assigned to a facility outside this Commonwealth.

(4) Are on temporary leave in this Commonwealth.

Such persons shall comply with the regulations of the commission.

(f) Pennsylvania National Guard hunting licenses.--

(1) Pennsylvania National Guard hunting licenses shall be issued by the commission, county treasurer or issuing agent to any person otherwise eligible for a resident hunting license in this Commonwealth who provides documentation that within the previous 24 months the person was deployed overseas as a member of the Pennsylvania Army National Guard or Air National Guard on active Federal service for a period of 60 consecutive days or more or was released early from such service because of an injury or disease incurred in the line of duty. Only one Pennsylvania National Guard hunting license under this subsection may be issued for each qualifying deployment of a person applying for the license.

(2) The commission may promulgate regulations to implement this subsection.

(g) Reserve component of armed forces hunting licenses.--

(1) Reserve component of the armed forces hunting licenses shall be issued by the commission, county treasurer or issuing agent to any person otherwise eligible for a resident hunting license in this Commonwealth who provides documentation that within the previous 24 months the person was deployed overseas as a member of the reserve component of the armed forces pursuant to 51 Pa.C.S. § 7301 (relating to definitions) for a period of 60 consecutive days or more or was released early from service because of an injury or disease incurred in the line of duty. Only one hunting license under this subsection may be issued for each qualifying deployment of a person applying for the license.

(2) The commission may promulgate regulations to implement this subsection.

(h) Volunteer instructor license.--

(1) A volunteer instructor license shall be issued by the commission to an individual who meets all of the following:

(i) Is a resident of this Commonwealth.

(ii) Is certified by the commission as qualified to teach any of the hunter or trapper education curricula offered by the commission.

(2) This subsection may not apply to a full-time employee of the commission.

(Dec. 17, 1990, P.L.687, No.170, eff. July 1, 1991; Dec. 19, 1996, P.L.1442, No.184, eff. July 1, 1997; Dec. 30, 2003, P.L.436, No.63, eff. July 1, 2004; July 5, 2005, P.L.55, No.19, eff. imd.; July 5, 2005, P.L.56, No.20, eff. imd.; July 7, 2011, P.L.283, No.64, eff. 60 days; June 13, 2012, P.L.637, No.64, eff. imd.; June 26, 2014, P.L.803, No.80, eff. 60 days; Jan. 22, 2022, P.L.14, No.3, eff. 60 days)

2022 Amendment. Act 3 added subsec. (h).

2014 Amendment. Act 80 amended subsec. (b).

2012 Amendment. Act 64 amended subsecs. (f)(1) and (g)(1).

2011 Amendment. Act 64 amended subsecs. (e), (f) and (g).

2005 Amendments. Act 19 added subsec. (b.1) and Act 20 added subsecs. (f) and (g).

1990 Amendment. Act 170 added subsec. (d).

Cross References. Section 2706 is referred to in sections 2701, 2704, 2705, 2709 of this title.

§ 2706.1. Complimentary nonresident licenses.

(a) Authority to issue.--Subject to the limitations of subsection (b), the commission is authorized to issue complimentary nonresident hunting licenses to any of the following:

(1) The Chief Executive of the United States.

(2) The governor of any state.

(3) Authorized representatives of the conservation agencies of other states.

(4) Federal officials engaged in conservation work.

(5) Authorized officials of national conservation organizations.

(6) Conservation officials of any foreign country or major subdivisions of that foreign country.

(7) Representatives of the press, television, movie or other media whose activities enhance tourism potential for the Commonwealth.

(b) **Limitation.**--Complimentary licenses issued under subsection (a) shall be limited to 100 annually.

(c) **Fees.**--All complimentary licenses shall be issued without fee and shall be designated in a unique manner by the commission.

(d) **Report.**--The commission shall make an annual report listing each person who received a license under subsection (a) to all of the following:

- (1) The Appropriations Committee of the Senate.
- (2) The Appropriations Committee of the House of Representatives.
- (3) The Game and Fisheries Committee of the Senate.
- (4) The Game and Fisheries Committee of the House of Representatives.

(June 28, 1993, P.L.178, No.37, eff. imd.)

1993 Amendment. Act 37 added section 2706.1.

Cross References. Section 2706.1 is referred to in section 2705 of this title.

§ 2706.2. Elk hunting licenses.

(a) **Application limitation.**--Whenever the commission makes a determination to authorize a hunting season for the taking of elk, no person may submit more than one application for an elk hunting license in any license year. The commission shall hold a random drawing of applications for the issuance of elk licenses under this subsection at the Elk Country Visitor Center in the Township of Benezette.

(b) **Special conservation license auction.**--The commission is authorized to auction off a special license to hunters interested in the opportunity to hunt one elk subject to the following:

- (1) One license shall be auctioned annually.
- (2) The auction shall be open to residents and nonresidents of this Commonwealth.
- (3) The commission may, under 62 Pa.C.S. Pt. I (relating to Commonwealth Procurement Code), contract with a wildlife conservation organization to implement and conduct the auction. The commission shall promulgate regulations for the use of the license, remitting funds to the commission and conduct of the auction.
- (4) The contracted organization under paragraph (3):
 - (i) May retain administrative costs associated with the auction. The administrative costs shall be determined and agreed to by the contracted organization receiving the license prior to the license being awarded.
 - (ii) Shall return the proceeds remaining after retention of administrative costs under subparagraph (i) to the commission to be used pursuant to the contract under paragraph (3) in a manner consistent with the commission's elk management plan.
 - (iii) Shall report annually to the commission on the use of the proceeds from the auction. The commission shall, in its annual report to the General Assembly, include the use of all proceeds from the auction.
- (5) All license fees shall be paid to the commission.
- (6) (Deleted by amendment)..

(c) **Special-license fundraiser.**--In addition to any other elk license provided for under this section, the commission may hold a special-license fundraiser for hunters interested in the opportunity to hunt one elk, subject to the following:

- (1) The commission may enter into a contract with a Pennsylvania-based nonprofit organization whose primary mission is the advancement of education, stewardship and habitat for the elk population in this Commonwealth and that is a participant in a public-private partnership for the management and operation of the Elk Country Visitor Center in Benezette Township, Elk County, to auction or raffle one elk license annually.
- (2) The entity which contracts with the commission under paragraph (1) may conduct a fundraiser for the opportunity for interested hunters to purchase the elk license. The fundraiser shall be open to all residents and nonresidents of this Commonwealth who wish to obtain the license. The subsequent use of the license must meet Federal and State hunting regulations.
- (3) The entity which contracts with the commission under paragraph (1) may retain administrative costs associated with the auction. The administrative

costs shall be determined and agreed to by the entity receiving the license prior to the license being awarded.

(4) The proceeds remaining after retention of administrative costs under paragraph (3) shall be returned to the commission and shall be used pursuant to the contract under paragraph (1) in a manner consistent with the commission's elk management plan.

(5) The entity shall report annually to the commission on the use of the proceeds from the special-license fundraiser. The commission shall, in its annual report to the General Assembly, include the use of all proceeds from the special-license fundraiser.

(6) (Deleted by amendment).

(d) **Background check.**--A recipient selected to receive a license under subsection (b) or (c) must be subjected to a background check prior to being awarded the license. If one or more serious game law violations resulting in license revocation within the preceding ten years or three or more game law violations within the preceding ten years are found, the license may not be awarded to the recipient, and another recipient shall be chosen.

(Dec. 20, 2000, P.L.783, No.111, eff. 60 days; Oct. 9, 2008, P.L.1375, No.101, eff. 60 days; July 9, 2014, P.L.1016, No.116, eff. imd.; Nov. 21, 2016, P.L.1317, No.168, eff. 60 days)

2016 Amendment. Act 168 deleted subsec. (c)(6).

2014 Amendment. Act 116 reenacted and amended the entire section.

§ 2707. License periods.

Licenses shall be issued for the period beginning July 1 and ending June 30 of the year next following. The effective and expiration dates of additional distinct licenses required or authorized by this title or by regulation of the commission shall be fixed by regulation of the commission.

§ 2708. Application requirements.

(a) **General rule.**--Applicants for any class of license shall be required to submit a legible application or to provide such information as may be required by the director, including the class of license desired, in such form as may be required by the director. The submission of an application or the transmission of required information to the commission and the signature of the licensee on the license shall certify the correctness of all information.

(b) **Electronic filing.**--On electronically filed license applications and affidavits, signature requirements shall be deemed met upon conferral of the applicant's valid credit or debit card number and expiration date. On electronically filed junior license applications and affidavits, signature requirements shall be deemed met upon conferral of the parent or guardian's valid credit or debit card number and expiration date.

(c) **Additional policies.**--The director, with approval of the commission, may establish additional policies and procedures as necessary for accepting and processing electronically filed license applications and affidavits.

(Dec. 20, 2000, P.L.783, No.111, eff. 60 days)

§ 2709. License costs and fees.

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

(1) (i) Junior resident hunting - \$5.

- (ii) Junior resident combination hunting and furtaker - \$8.
- (2) (i) Adult resident hunting - \$19.
 - (ii) Resident military personnel hunting - \$1.
 - (iii) Former prisoner of war hunting - \$1.
 - (iv) Pennsylvania National Guard hunting - \$1.
 - (v) Reserve component of the armed forces hunting - \$1.
 - (vi) Volunteer instructor license - \$1.
- (3) (i) Senior resident hunting - \$12.
 - (ii) Senior lifetime resident hunting - \$50.
 - (iii) Senior lifetime resident combination hunting and furtaker - \$100.
- (4) Bear hunting:
 - (i) Resident - \$15.
 - (ii) Nonresident - \$35.
- (5) Antlerless deer:
 - (i) Resident, including resident military, resident disabled veteran and landowner - \$5.
 - (ii) Nonresident - \$25.
- (6) Archery deer:
 - (i) Resident - \$15.
 - (ii) Nonresident - \$25.
- (7) Muzzleloader deer:
 - (i) Resident - \$10.
 - (ii) Nonresident - \$20.
- (8) (Reserved).
- (9) Adult nonresident hunting - \$100.
- (10) (i) Junior nonresident hunting - \$40.
 - (ii) Junior nonresident combination hunting and furtaker - \$50.
- (11) Seven-day nonresident small game - \$30.
- (12) Junior resident furtakers - \$5.
- (13) Adult resident furtakers - \$19.
- (14) (i) Senior resident furtakers - \$12.
 - (ii) Senior lifetime resident furtaker - \$50.
- (15) Adult nonresident furtaker - \$80.
- (16) Junior nonresident furtaker - \$40.
- (17) Resident disabled veteran hunting or furtaker under section 2706(b) (relating to disabled veterans) - no cost.
- (18) Replacement license - \$5. Antlerless deer and bear licenses shall be replaced by the original issuing agent only.
- (19) Owners or possessors of land open to public hunting under section 2706(d) (relating to owners or possessors of land open to public hunting) - \$3.
- (20) Migratory game bird hunting license:
 - (i) Resident - \$2.
 - (ii) Nonresident - \$5.
- (21) Elk hunting license:
 - (i) Resident - \$25.
 - (ii) Nonresident - \$250.
- (22) Special wild turkey license:
 - (i) Resident - \$20.
 - (ii) Nonresident - \$40.

(b) Refunds.--Except as provided in section 501 (relating to refund of moneys paid erroneously or unjustly), license fees are not refundable.

(c) Agent fee.--Issuing agents shall be entitled to and may retain as full compensation for their services an additional sum of \$1 for each license or replacement license.

(d) PALS transaction costs.--The fee for the transaction costs associated with the Pennsylvania Automated Licensing Service shall be limited to actual costs and may not exceed \$1.

(Dec. 17, 1990, P.L.687, No.170; Apr. 4, 1996, P.L.55, No.19, eff. imd.; Dec. 21, 1998, P.L.1274, No.166, eff. July 1, 1999; Dec. 20, 2000, P.L.783, No.111, eff. 60 days; Dec. 30, 2003, P.L.436, No.63, eff. 60 days; July 2, 2004, P.L.467, No.53, eff. 60 days; July 5, 2005, P.L.55, No.19, eff. imd.; July 5, 2005, P.L.56, No.20, eff. imd.; July 17, 2009, P.L.91, No.22, eff. imd.; Jan. 26, 2022, P.L.14, No.3, eff. 60 days)

2022 Amendment. Act 3 added subsec. (a)(2)(vi).

2009 Amendment. Act 22 added subsec. (d).

2005 Amendments. Act 19 amended subsec. (a)(2) and Act 20 amended subsec.

(a)(2). Act 20 overlooked the amendment by Act 19, but the amendments do not conflict in substance and have both been given effect in setting forth the text of subsec. (a)(2).

2004 Amendment. Act 53 added subsec. (a)(22).

2003 Amendment. Act 63 amended subsec. (a).

Cross References. Section 2709 is referred to in section 2712 of this title.

§ 2710. Replacement of lost licenses.

(a) **Regular licenses.**--Any holder of a license who in any manner suffers the theft, destruction, mutilation or loss of the license shall be issued a replacement license upon:

- (1) Application to the commission or to any issuing agent.
- (2) The execution of the affidavit and application form provided for that purpose.
- (3) The forfeiture of any remaining portions of the lost license.
- (4) The payment of the prescribed cost and fee.

The issuing agent shall indicate on the face of the license the word "replacement," together with the number of the original license.

(b) **Special licenses.**--Special licenses lost in or by the United States Postal Service shall be replaced by the issuing agent at a reasonable fee set by the commission. An affidavit shall be submitted by the applicant for the replacement of any lost special license.

§ 2711. Unlawful acts concerning licenses.

(a) **General rule.**--Except as otherwise provided in this title, it is unlawful for any person to:

- (1) Hunt or take any game or wildlife by any means or manner or device, including the use of dogs, without first securing and personally signing the required license. The required license must be carried on person when hunting, furtaking or taking any game or wildlife within this Commonwealth.
- (2) Procure a license in a name other than the person's legal name, furnish an address other than his legal place of residence and domicile or make any false or misleading statement whatsoever in securing a license.
- (3) Lend or transfer in any manner whatsoever a license or game or wildlife kill tag to any other person regardless of the purpose.
- (4) Issue, acquire or aid, assist or conspire, either for that person or any other person, in procuring any hunting or furtaking license for which that person is not legally entitled thereto.
- (5) Possess while hunting or taking game or wildlife or going to or from hunting or taking game or wildlife any report card, license tag, license stamp or game or wildlife kill tag belonging to another.
- (6) Except as provided under section 2705 (relating to classes of licenses), receive a hunting or furtaking license under any circumstances if under 12 years of age.
- (7) Receive a hunting or furtaking license without presenting a written request executed by a parent or legally constituted guardian if under 17 years of age.
- (8) Use firearms of any kind or a bow and arrow for the purpose of hunting any game or wildlife or attempting to take or kill any game or wildlife by hunting or trapping if under 12 years of age or when hunting or trapping any game

or wildlife if between 12 and 14 years of age, unless accompanied by a parent or a person 18 years of age or older serving in loco parentis or as guardian or some other family member 18 years of age or older or when hunting if between 14 and 16 years of age, unless accompanied by a person 18 years of age or older. For the purpose of this paragraph "accompany" means close enough that verbal instructions and guidance can be easily understood. The provisions of this paragraph shall not apply to section 2363 (relating to trapping exception for certain persons).

(9) (Deleted by amendment).

(10) Hunt or take, or aid, assist or attempt to hunt or take, furbearers or take any game or wildlife anywhere in this Commonwealth, either with or without a license, or make application, receive or attempt or conspire to receive any license required by this chapter, during any period that these privileges have been denied or withdrawn by this title, by the director or by a magisterial district judge or court.

(11) Conspire to or duplicate, reproduce, alter, forge or counterfeit any permit, license, tag or stamp required by this title.

(12) While exercising any of the privileges granted by any license provided for in this title, refuse or fail to satisfactorily provide positive identification or proof of license to any landowner upon whose land that person may be occupying or to any officer whose duty it is to enforce this title.

(13) Violate any regulations promulgated under the authority of this subchapter.

(a.1) Exemption.--For the sole purpose of implementing and enhancing a mentored hunting program within this Commonwealth, the commission may establish regulations exempting certain limited hunting activities from the prohibitions specified in subsection (a)(1), (3), (5) and (8). Such exemption shall include a provision limiting a mentored person participating in a mentored hunting program to the receipt of no more than one antlerless deer license in each license year. A person 17 years of age or older may participate in a mentored hunting program as a mentored hunter in no more than three licensing years.

(b) Penalties.--A violation of this subchapter relating to:

(1) Subsection (a)(1) insofar as it relates to hunting or furtaking without a valid license or licenses required is a summary offense of the third degree.

(2) Subsection (a)(1) insofar as it relates to signing a license is a summary offense of the eighth degree.

(3) Subsection (a)(2), (3), (4), (5) or (12) is a summary offense of the fifth degree.

(4) Subsection (a)(6), (7) or (8) is a summary offense of the seventh degree.

(5) Subsection (a)(10) or (11) is a summary offense of the first degree and may result in forfeiture of the privilege to hunt or take game or wildlife anywhere within this Commonwealth for a period of five years.

(6) Any of the other provisions of this subchapter or the regulations promulgated thereunder is a summary offense of the fifth degree.

(c) Separate offenses.--Each day of violation or each illegal act constitutes a separate offense.

(June 22, 1993, P.L.102, No.23, eff. imd.; Nov. 30, 2004, P.L.1618, No.207, eff. 60 days; July 9, 2010, P.L.387, No.54, eff. 60 days; June 24, 2011, P.L.46, No.9, eff. imd.; Dec. 15, 2011, P.L.441, No.107, eff. 60 days; May 15, 2013, P.L.26, No.7, eff. 60 days)

2013 Amendment. Act 7 amended subsec. (a.1).

2011 Amendment. Act 107 amended subsecs. (a)(1) and (12) and (b)(2) and (3) and deleted subsec. (a)(9).

2010 Amendment. Act 54 amended subsecs. (a)(4) and (b). See section 6 of Act 54 in the appendix to this title for special provisions relating to public notice.

2004 Amendment. Act 207 amended subsec. (a)(10). See section 29 of Act 207 in the appendix to this title for special provisions relating to construction of law.

1993 Amendment. Act 23 amended subsec. (a)(6). Section 2 of Act 23 provided that Act 23 shall apply to the license year beginning July 1, 1993, and to each license year thereafter.

Cross References. Section 2711 is referred to in section 2923 of this title.

§ 2712. Vouchers for licenses and permits.

(a) General rule.--The commission may make available, at its offices and through its issuing agents, vouchers for licenses and permits that may be purchased on behalf of a third party. The voucher shall be in the format prescribed by the commission and shall contain the following information:

- (1) A voucher number.
- (2) The identifying number of the issuing agent.
- (3) The type of license or permit for which the voucher may be redeemed.
- (4) The date of issuance.
- (5) The date of expiration.

(b) Fees.--A person purchasing a voucher shall pay the costs for the type of license or permit being purchased and the issuing agent fee as provided in sections 2709 (relating to license costs and fees) and 2904 (relating to permit fees).

(c) Redemption.--The voucher shall only be redeemed for the type of license or permit indicated on the voucher and for which the applicable fees have been paid by the voucher purchaser. Vouchers shall be redeemed prior to their expiration date. No issuing agent fee shall be paid at the time of redemption. A voucher shall be redeemed by any issuing agent regardless of where the voucher was purchased. At the time of redemption, the bearer of a voucher shall establish that the bearer meets the eligibility requirements for the type of license or permit indicated on the voucher, and the issuing agent that redeems the voucher shall secure positive proof of identification, residency and age from the bearer.

(d) Restrictions.--The bearer of a voucher is subject to all restrictions relating to the issuance, denial or revocation of a license or permit provided in this title or any other title, law or regulation. A voucher does not constitute a hunting or furtaker license or permit, and it is unlawful to use a voucher in lieu of a hunting or furtaker license or permit.

(e) Regulations.--The commission may promulgate regulations to implement this section.

(f) Penalties.--Any person violating this section or the regulations promulgated under this section commits a summary offense of the fifth degree.

(July 9, 2008, P.L.927, No.67, eff. 60 days)

2008 Amendment. Act 67 added section 2712.

SUBCHAPTER B AGENTS

Sec.

- 2721. License issuance supervision.
- 2722. Authorized license-issuing agents.
- 2723. Agent bonding requirements.
- 2724. Record of license sales.
- 2725. Remitting funds to commission.

2726. Unlawful acts concerning agents.

§ 2721. License issuance supervision.

The issuance of all hunting and furtaking licenses and other essential related functions shall be under the direct supervision of the commission and made upon forms provided for that purpose and in accordance with the regulations of the commission.

§ 2722. Authorized license-issuing agents.

(a) **County treasurer and commission employees.**--Each county treasurer or, in home rule or optional plan counties, the person whose duties encompass those of a county treasurer, whose agency has not been recalled under this title, shall accept applications and issue licenses in accordance with this title. The director may also designate commission employees at commission facilities to issue licenses.

(b) **Agents for issuing antlerless deer licenses.**--Antlerless deer licenses shall be issued only by the commission or by authorized license-issuing agents designated by the director and shall be available through the Pennsylvania Automated Licensing Service.

(c) **Agent for issuing bear and nonresident furtaker licenses.**--Bear and nonresident furtaker licenses shall be issued only by the commission or by authorized license-issuing agents designated by the director.

(d) **Appointment of additional agents.**--The commission may appoint such number of qualified persons, with similar authority, as it deems necessary for the efficient distribution of licenses required by this title.

(e) **Agent responsible for employees.**--The authorized agent shall be solely responsible for each person acting under his direction.

(f) **Recall of appointment or authority.**--The director may recall the appointment or authority of any county treasurer or other agent at any time.

(g) **Regulations.**--The commission shall adopt regulations for:

(1) The appointment of hunting or furtaker license-issuing agents and shall establish the appropriate administrative fee for creating and maintaining these issuing agents. County treasurers shall be exempt from the payment of any administrative fee established by the commission.

(2) The administration, control and performance of activities conducted pursuant to the provisions of this chapter.

(Dec. 17, 1990, P.L.687, No.170, eff. imd.; Nov. 3, 2022, P.L.2133, No.148, eff. 60 days)

2022 Amendment. Act 148 amended subsec. (b).

§ 2723. Agent bonding requirements.

Except for agents already under bond to receive and disburse public funds, every other agent shall furnish security in a form satisfactory to the commission and in an amount approved by the commission.

§ 2724. Record of license sales.

(a) **Daily record.**--Each place where licenses are sold shall maintain a complete daily record of all license and voucher transactions, including applications received, in the manner and form prescribed by the director. The applications, licenses and records shall be made available, during normal business hours, for immediate inspection to any officer charged with the enforcement of this title or any representative of the Office of the Auditor General or Attorney General.

(b) **Monthly report.**--Within five days following the first day of each month, each issuing agent shall forward to the director, on forms supplied by the commission, a complete report of licenses and vouchers issued, in correct numerical sequence, together with all moneys collected from the sale of licenses and any other information required by the director.

(July 9, 2008, P.L.927, No.67, eff. 60 days)

§ 2725. Remitting funds to commission.

(a) **Deposit of funds.**--All funds derived from this source shall be deposited in the Game Fund.

(b) **Failure to comply.**--Any issuing agent who fails to comply with any of the provisions of this title or regulations adopted thereunder relating to the

issuance, recording of data or remitting costs for licenses issued shall not be entitled to retain the sum fixed for his services. These sums shall be paid to the commission and, if not paid, may be recovered by the commission, by suit. Delinquent agents are subject to a penalty of 10% payable to the commission on any outstanding balance of license money due the commission, which penalty shall be compounded on a monthly basis. Delinquent agents shall be recalled after a delinquency period of 30 days.

§ 2726. Unlawful acts concerning agents.

(a) **General rule.**--It is unlawful for an agent or his representative to knowingly:

(1) Issue any license:

- (i) To any person not fully qualified for or entitled to the license.
 - (ii) To one whose privilege to hunt or take game or wildlife has been denied by the commission or by a magisterial district judge or court.
 - (iii) Without first securing the fees, affidavits, applications or other documents required by this title.
 - (iv) Without first securing satisfactory identification.
 - (v) At a fee greater than the fee prescribed in this title or by the commission.
- (2) Violate any of the other provisions of this subchapter.

(b) **Penalty.**--A violation of this subchapter or regulations promulgated thereunder is a summary offense of the fifth degree. Each license, stamp or permit involved in a violation constitutes a separate offense.
(Nov. 30, 2004, P.L.1618, No.207, eff. 60 days)

2004 Amendment. Act 207 amended subsec. (a)(1). See section 29 of Act 207 in the appendix to this title for special provisions relating to construction of law.

SUBCHAPTER C
LICENSE DENIALS OR REVOCATIONS

Sec.

2741. Denial or revocation of licenses.

2742. Period of revocation.

2743. Notice of denial or revocation.

§ 2741. Denial or revocation of licenses.

(a) **Grounds for denial.**--A hunting or furtaking license shall be refused any person who:

(1) Has been denied the privilege to secure that license in any manner by this title.

(2) Has been certified to the commission by a licensed medical authority or by any court of this Commonwealth having jurisdiction to be mentally or physically unfit or addicted to alcohol or controlled substances to the degree that the person is unfit to exercise any of the privileges of this title.

(b) **Violations.**--In addition to any penalty and costs imposed by this title, the commission may revoke any hunting or furtaking license and deny any person the privilege to secure a license or to hunt or take furbearers anywhere in this Commonwealth, with or without a license, if the licensee or person:

(1) Has either been convicted or signed an acknowledgment of guilt of violating any of the provisions of this title for such periods as are specified in this subchapter.

(2) Has been accused of having violated any of the following provisions even though such person has not been convicted of a violation of these sections:

Section 2501 (relating to hunting or furtaking prohibited while under influence of alcohol or controlled substance).

Section 2505 (relating to safety zones).

Section 2509 (relating to damage to property).

Section 2522 (relating to shooting at or causing injury to human beings).

Section 2523 (relating to rendering assistance after incidents).

(c) Authority of court.--Any magisterial district judge or court having jurisdiction in any case coming before it involving any of the offenses contained in this title may revoke a hunting or furtaking license and deny the privilege to secure a license or to hunt or take furbearers anywhere in this Commonwealth, with or without a license, as set forth in this title. (Dec. 30, 2003, P.L.436, No.63, eff. 60 days; Nov. 30, 2004, P.L.1618, No.207, eff. 60 days)

2004 Amendment. Act 207 amended subsec. (c). See section 29 of Act 207 in the appendix to this title for special provisions relating to construction of law.

§ 2742. Period of revocation.

(a) First offense.--Except as otherwise provided, for the first offense any person convicted or having signed an acknowledgment of guilt of violating any of the provisions of this title may be denied the privilege to hunt or take wildlife anywhere in this Commonwealth, with or without a license, for a period not to exceed three years as the commission determines.

(b) Second or subsequent offense.--Except as otherwise provided, any person convicted or having signed an acknowledgment of guilt of a second or subsequent offense of violating any of the provisions of this title may be denied the privilege to hunt or take game or wildlife anywhere in this Commonwealth, with or without a license, for such period as the commission determines.

(c) Clemency from revocation.--The commission shall not revoke the privilege to hunt or take game or wildlife anywhere in this Commonwealth for an unlawful taking or possession of game or wildlife violation if all of the following conditions are met:

(1) The unlawful taking or possession of game or wildlife violation is the person's first unlawful taking or possession of game or wildlife offense.

(2) The person complies with all of the procedural requirements set forth in section 2306(c)(1), (2) or (3) (relating to killing game or wildlife by mistake) concerning removal of entrails, tagging, reporting, delivery of carcass and providing a written, sworn statement.

(3) The unlawful taking of game or wildlife violation occurs during:

(i) an open season within the applicable wildlife management unit for the species involved; or

(ii) a closed season within the applicable wildlife management unit for the species involved, but only if there was an open season within an adjacent wildlife management unit for the same species.

(4) The person pleads guilty to the applicable unlawful taking or possession of game or wildlife violation charged.

(5) The unlawful taking or possession of game or wildlife violation does not involve a threatened or endangered species.

(6) There are no relevant aggravating circumstances present concerning the unlawful taking or possession of game or wildlife violation.

(Feb. 15, 2018, P.L.6, No.3, eff. 60 days)

§ 2743. Notice of denial or revocation.

To revoke a license then in force or to deny any person the privilege to secure a license or to hunt or take game or wildlife anywhere in this Commonwealth for any period, the commission shall send a written notice to that effect to the person at the last known address by United States Postal Service with provisions for return of a signed receipt or a receipt of nondelivery. The return of an undeliverable notice shall be proof of service and shall not be used as a defense against the denial or revocation of the privilege to secure a license.

CHAPTER 29
SPECIAL LICENSES AND PERMITS

Subchapter

- A. General Provisions
- B. Specific Classes of Permits
- C. Permits Relating to Hunting Dogs
- D. Permits Relating to Wildlife

Enactment. Chapter 29 was added July 8, 1986, P.L.442, No.93, effective July 1, 1987.

SUBCHAPTER A
GENERAL PROVISIONS

Sec.

- 2901. Authority to issue permits.
- 2902. General categories of permits.
- 2903. Permit year.
- 2904. Permit fees.
- 2905. Examination or inspection fees.
- 2906. Records.
- 2907. Reports.
- 2908. Violations.

§ 2901. Authority to issue permits.

(a) **General rule.**--The commission may issue permits as specified in this chapter. Except as otherwise provided, permits shall be issued only to persons who are residents of this Commonwealth and 18 years of age or older. Wildlife menagerie permits and special use permits may be issued to persons who are residents of the United States and 18 years of age or older.

(b) **Regulations for permits.**--Unless otherwise provided in this title, the commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued.

(c) **Interagency cooperation.**--The commission may participate with the United States Fish and Wildlife Service or any other Federal or State governmental agency in the issuance of permits.

(d) **Waiver.**--Where hardship or extraordinary circumstance warrants, the director may waive any of the requirements of this chapter and issue a permit without fee when it is consistent with sound game or wildlife management activities or the intent of this title.

(e) **Falconry permits.**--Notwithstanding the provisions of subsection (a), falconry permits may be issued only to persons who are residents of this Commonwealth and 12 years of age or older.
(Apr. 4, 1996, P.L.55, No.19, eff. imd.; June 17, 2003, P.L.12, No.5, eff. July 1, 2003; June 24, 2011, P.L.46, No.9, eff. imd.)

2011 Amendment. Act 9 amended subsec. (e).

1996 Amendment. Act 19 amended subsec. (a).

§ 2902. General categories of permits.

(a) **Federal permits.**--Federal permits, which may be further restricted by addendum, when countersigned by the director shall become valid in this Commonwealth.

(b) **Permits relating to lands.**--The director may issue permits relating to lands owned by the commission as provided in Chapter 7 (relating to property and buildings).

(c) **Other permits.**--The director may issue other permits, with or without charge, as required to control the taking of game or wildlife for scientific study or any other purpose consistent with this title.

(d) Deer control permits in cities of the first class.--

(1) The director shall issue a permit to control deer within 30 days of receipt of an application by a city of the first class or by any department, agency, board or commission of a city of the first class. The commission may promulgate regulations to control the activities which may be performed under authority of the permit issued under this subsection.

(2) A permit for controlling deer issued to a city of the first class or to any department, agency, board or commission of a city of the first class shall not be limited by or subject to any requirement that includes public hunting or controlled hunting by licensed hunters.

(3) Activity to control deer or other game or wildlife conducted by a city of the first class or any department, agency, board or commission of a city of the first class shall not be construed to constitute "hunting" or "take" as defined in section 102 (relating to definitions).

(4) A city of the first class or any department, agency, board or commission of a city of the first class that is issued a permit to control deer may conduct deer control activity at any time or times during the term of the permit regardless of season.

(5) It is unlawful for any person to interfere with or disrupt any activities conducted by a city of the first class or any department, agency, board or commission of a city of the first class under a permit issued under this section. A violation of this subsection is a summary offense of the second degree. This subsection shall not be construed to prohibit a city of the first class from enforcing local statutes or from seeking damages suffered by such city as a result of such interference or disruption.

(Dec. 20, 2000, P.L.783, No.111, eff. imd.)

2000 Amendment. Act 111 added subsec. (d).

Cross References. Section 2902 is referred to in sections 2308, 2310, 2503, 2505 of this title.

§ 2903. Permit year.

Except as otherwise provided in this title, all permits shall be issued for a one-year, two-year or three-year time period selected by the applicant for the permit based on the fiscal year for the Commonwealth. Fees under section 2904 (relating to permit fees) shall be multiplied by the time period selected by the applicant and remitted at the time of application for the permit. Except when an application for a permit is rejected, all fees shall be nonrefundable. The permit for a disabled person to hunt from a vehicle shall be valid for the lifetime of the disabled person. There will be no reduced fees for a permit issued for less than a year.

(Nov. 25, 1988, P.L.1082, No.125, eff. imd.; Dec. 13, 2001, P.L.897, No.98, eff. imd.)

§ 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 - \$50.
- (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) (Deleted by amendment).
- (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.

(b) Disabled permit fees.--The disabled permit fee for a disabled person shall be a one-time fee of \$5, which is valid for the lifetime of the disabled person.

(c) Other fees.--The commission shall set a reasonable fee for any permit required by this title which is not specifically set forth in this section.

(Nov. 25, 1988, P.L.1082, No.125, eff. imd.; June 28, 1993, P.L.178, No.37, eff. imd.; May 22, 1996, P.L.310, No.48, eff. imd.; Dec. 13, 2001, P.L.897, No.98, eff. imd.; July 7, 2006, P.L.358, No.77, eff. 90 days; June 24, 2011, P.L.46, No.9, eff. imd.)

2011 Amendment. Act 9 amended subsec. (a)(7).

2006 Amendment. Act 77 amended subsec. (a).

Cross References. Section 2904 is referred to in sections 2712, 2903 of this title.

§ 2905. Examination or inspection fees.

(a) General rule.--The director shall fix an additional fee to cover the costs of any examination required for the issuance of any permit. No such examination fee shall be returned if the applicant fails to appear for the examination or fails to pass the examination.

(b) Fee for inspection.--If any facility fails to meet the required standards, the director shall fix a fee for any subsequent inspection.

§ 2906. Records.

Each permit holder shall keep accurate records of all transactions carried out under authority of the permit issued and any other information required by the director. The records for each year of a permit must be kept for a period of three years and shall be open to inspection by any officer of the commission during normal business hours and shall be the basis of any reports required by the commission.

(Dec. 13, 2001, P.L.897, No.98, eff. imd.)

§ 2907. Reports.

The director may require reports from any permit holder, except that no report may be required with respect to species of fox not indigenous to this Commonwealth. Annual reports shall be due within 30 days after expiration of the permit. For multiple-year permits, reports shall be submitted by July 30 of each year that the permit is in effect. The director may designate other times for reports if information is needed by the commission for its operations.

(Apr. 20, 1988, P.L.353, No.55, eff. 60 days; Dec. 13, 2001, P.L.897, No.98, eff. imd.)

§ 2908. Violations.

(a) General rule.--Except as provided for in subsection (a.1), it is unlawful to:

- (1) Exercise any of the privileges granted by a permit issued under this title without first securing the required permit.

(2) Fail to carry, show or display the permit to any officer whose duty it is to enforce this title while exercising any privilege granted by the permit.

(3) Aid, assist or conspire with any person contrary to this chapter or regulations promulgated thereunder.

(4) Make any false or misleading statement on any application or any required report.

(5) Fail to submit any report when required or to keep accurate records.

(6) Violate any other provisions of this subchapter or regulations adopted thereunder.

(a.1) Exception.--Notwithstanding any other provision of this title, it shall not be unlawful for a properly permitted nuisance wildlife control operator to use electronic means to check on the status of a trap while acting pursuant to the authority granted under the permit. If the electronic device shall malfunction or in any way cease to provide the permit holder with real-time updates on the trap, the permit holder shall be required to physically check the trap within 24 hours.

(b) Penalty.--Except for endangered or threatened species, a violation of any other provision of this subchapter is a summary offense of the fifth degree.

(June 27, 2013, P.L.153, No.29, eff. 60 days)

2013 Amendment. Act 29 amended subsec. (a) and added subsec. (a.1).

SUBCHAPTER B SPECIFIC CLASSES OF PERMITS

Sec.

2921. Bird banding permits.

2922. Collecting permits.

2923. Disabled person permits.

2924. Endangered or threatened species permits.

2925. Falconry permits.

2926. Taxidermy permits (Deleted by amendment).

2927. Protected specimen mounting permits.

2928. Regulated hunting grounds permits.

2929. Fur dealer permits.

2930. Propagating permits.

§ 2921. Bird banding permits.

(a) General rule.--Unless further provided by commission regulation, persons wishing to band birds under authority of a Federal bird banding permit shall:

(1) First pay the prescribed fee and have the Federal permit validated by the director.

(2) Submit any project outlines, reports or other information necessary for the commission to administer this title.

(b) Unlawful acts.--It is unlawful to:

(1) Trap or band protected birds without first securing valid permits as set forth in this title.

(2) Violate any other provision of this section or regulation of the commission promulgated under authority of this chapter.

(c) Penalty.--Except for endangered or threatened species, a violation of this section is a summary offense of the fifth degree. Each bird captured, banded or held constitutes a separate offense.

§ 2922. Collecting permits.

(a) Issuance.--Unless further provided by commission regulation, permits authorizing the holder to collect birds, their nests with eggs found therein and animals, protected by this title, for exhibition in public museums or for scientific study or school instruction may be issued to:

(1) Persons of known scientific attainment in either ornithology or mammalogy for scientific study, whether residents of this Commonwealth or not.

(2) Agents of public museums or institutions of learning for exhibition purposes, whether residents of this Commonwealth or not.

(b) Application and project outline.--Applicants for a collecting permit or a renewal of a collecting permit shall include an outline of the project they are working on or propose to begin. This outline shall include any benefits for game or wildlife or useable scientific information they expect to generate along with the minimum number of specimens of each species needed. The application and project outline shall be reviewed by the director who may approve, reject or modify the project.

(c) Permit conditions.--The permit shall list the number of specimens to be taken and specify the method of taking.

(d) Unlawful acts.--It is unlawful to:

(1) Take more than the number of specimens shown on the permit.

(2) Sell or offer for sale or barter any specimen obtained.

(3) Transfer control of any specimen to another person without first securing written permission from the director.

(4) Violate any other provisions of this section.

(e) Penalty.--Except for endangered or threatened species, a violation of this section is a summary offense of the fifth degree.

§ 2923. Disabled person permits.

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

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

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

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

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

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

(v) (Deleted by amendment).

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

(3) Permittees shall carry the permit upon their person while hunting. Any person named on this permit may hunt while using an

automobile or other vehicle as a blind. The permittee shall not use the vehicle to flush or locate game. The vehicle may be used only as a blind or platform from which to shoot. The firearm shall be unloaded at all times while the vehicle is in motion.

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

(a.1) Use of motorized wheelchair.--

(1) Unless further restricted by commission regulation, a lifetime permit to hunt from a motorized wheelchair outside of a vehicle may be issued to a person with permanent disabilities who qualified for a hunting license under Chapter 27 or who possesses a junior resident license under section 2705(2) and who has a permanent or irreversible physical disability and is unable to ambulate and requires a wheelchair, walker, one leg brace or external prosthesis above the knee, two leg braces or external prostheses below the knees, two crutches or two canes for mobility.

(2) Permittees shall carry the permit upon their person while hunting. Any person named on this permit may hunt while using a motorized wheelchair and may use the motorized wheelchair to flush or locate game. The firearm may be loaded while the motorized wheelchair is in motion.

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

(c) Bow and arrow or crossbow.--(Repealed).

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

(Aug. 5, 1991, P.L.217, No.24, eff. imd.; June 28, 1993, P.L.178, No.37, eff. imd.; May 22, 1996, P.L.310, No.48, eff. imd.; Dec. 21, 1998, P.L.1274, No.166, eff. 60 days; Dec. 20, 2000, P.L.783, No.111, eff. imd.; Dec. 13, 2001, P.L.897, No.98, eff. imd.; June 17, 2003, P.L.12, No.5, eff. July 1, 2003; June 17, 2003, P.L.14, No.6, eff. imd.; July 2, 2014, P.L.847, No.92, eff. 60 days; Dec. 10, 2015, P.L.446, No.76, eff. 60 days)

2015 Amendment. Act 76 added subsec. (a.1).

2014 Repeal. Act 92 repealed subsec. (c).

2003 Amendments. Act 5 amended subsec. (a) and Act 6 amended subsec.

(c).

Cross References. Section 2923 is referred to in section 2308 of this title.

§ 2924. Endangered or threatened species permits.

(a) Issuance.--The commission may issue permits for the importation, exportation, sale, exchange, taking or possession of any birds or animals classified as endangered or threatened, living or dead, or any parts thereof, including eggs.

(b) Species native to Commonwealth.--The commission may issue permits for birds or animals native to this Commonwealth which are taken from the wild in this Commonwealth and which are classified by the commission as endangered or threatened in Title 58 of the Pennsylvania Code.

(c) Species not native to Commonwealth.--The commission may join with the appropriate Federal agency in issuing joint permits for any birds or

animals not native to this Commonwealth which are classified as endangered or threatened in the Code of Federal Regulations. An endorsement by the director on a copy of a Federal permit with an addendum of any further restrictions will be considered a joint permit if no formal joint permit is issued.

(d) Unlawful acts.--It is unlawful for any person to import, export, transport, sell, resell, exchange, take or possess or conspire, aid, abet, assist or attempt to import, export, transport, sell, resell, buy, exchange, take or possess any birds or animals of any endangered or threatened species, living or dead, or any parts thereof, including eggs, or to violate any regulations pertaining to such wildlife or this section.

(e) Penalties.--

(1) A violation of subsection (b) or (c) relating to permit violations is a summary offense of the first degree.

(2) The penalty for a violation of any other provision of this section is the same as set forth in section 2167(b) and (c) (relating to endangered or threatened species).

(3) A person who proves possession of any of the items prohibited by this section on or before March 28, 1974, shall be exempt from the penalties and forfeitures for mere possession.

§ 2925. Falconry permits.

(a) Powers of commission.--The commission may adopt regulations to define, implement and provide for the issuance of falconry permits to eligible persons within this Commonwealth.

(b) Unlawful acts.--It is unlawful for any person to engage in any falconry activities without a valid falconry permit or to violate any regulation of the commission relating to falconry.

(c) Penalty.--Except for endangered or threatened species, a violation of this section or any regulation adopted by the commission regarding falconry is a summary offense of the fifth degree.

(June 24, 2011, P.L.46, No.9, eff. imd.)

2011 Amendment. Act 9 amended subsecs. (a) and (b).

§ 2926. Taxidermy permits (Deleted by amendment).

2006 Amendment. Section 2926 was deleted by amendment July 7, 2006, P.L.358, No.77, effective in 90 days.

§ 2927. Protected specimen mounting permits.

(a) Authorization.--Unless further provided by commission regulation, a permit shall allow the holder to have a protected specimen mounted for his personal use. This permit shall be issued by the director for any specimen not protected by Federal laws or regulations. The person applying for the permit shall not be involved with the killing of the protected specimen.

(b) Endorsement of Federal permit.--The director may endorse any Federal permit issued for mounting a migratory specimen which shall have the same effect as having issued a State permit, and, for which action, the same fee shall be charged as if a separate permit was issued.

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

(1) To possess a protected specimen without a permit as required by this section.

(2) (Deleted by amendment).

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

(July 7, 2006, P.L.358, No.77, eff. 90 days)

2006 Amendment. Act 77 deleted subsec. (c)(2).

§ 2928. Regulated hunting grounds permits.

(a) Eligibility.--Regulated hunting grounds require a minimum of 100 acres of land, or land and water combined, on which the permittee must release one of the following species of domestically produced game birds: namely, ringneck pheasants, bobwhite quail or mallard ducks. Any of the listed species and chukar partridges may be released only if they are listed on the permit application and propagated by the permittee or

received from a legal source. At least 100 of each species listed on the permit shall be released.

(b) Classes of permits.--The following shall be the classes of permits:

(1) Commercial - open to the public for a fee or other charge.

(2) Noncommercial - used by permittee only or guests with no fee or any charge for the use of the area or the birds.

(c) Marking boundary.--The boundary of the premises covered by a permit as a regulated hunting ground shall be marked in such manner that any intruder is warned of the purpose of the area and that it is unlawful to enter the area without permission. The commission shall recommend wording for signs to be used for this purpose.

(d) Hunting regulations.--Permittees and their guests may shoot the birds released by them during the regulated hunting grounds season which shall be set each year by the commission without regard to the general Statewide season. Persons hunting or taking game birds released under authority of the permit on regulated hunting grounds are not required to have and display a hunting license, as required by this title, but the methods of hunting and taking these game birds shall be in compliance with provisions of this title.

(e) Seasons and bag limits.--All species of game, other than those specified, found on the premises covered by the regulated hunting grounds permit may be taken on the premises only by persons in possession of a valid hunting or furtaker license and only in accordance with the general provisions of this title and regulations of the commission governing seasons and bag limits.

(f) Tagging killed birds.--Before any released bird killed under the provisions of a regulated hunting grounds permit is consumed on the premises or removed from the premises, the permittee shall attach a tag to each bird killed. The tags shall be numbered consecutively and supplied by the commission at reasonable cost and shall contain such information as the commission may require. No game bird killed on a regulated hunting ground shall have the right foot removed until a regulated hunting ground tag for the current season is attached to the bird. The tags shall remain attached to the individual birds until prepared for consumption and shall not be used more than once.

(g) Dog training and trials.--Dogs may be trained or field trials may be held at any time of the year upon the premises covered by a regulated hunting grounds permit, and retriever trials may be conducted thereon. All birds killed shall be included in the reported kill. Except during the open season for shooting, no game birds shall be killed while training dogs or conducting field trials. The special permit required in this title shall first be obtained to conduct a retriever trial thereon at any other period.

(h) Unlawful acts.--It is unlawful to:

(1) Remove from or consume on the premises covered by a regulated hunting grounds permit pheasants, bobwhite quail or mallard ducks killed in accordance with the provisions of this section which have not been tagged as required by this section.

(2) Violate any of the provisions of this chapter regarding marking and tagging of birds.

(3) Use any methods to hunt for, chase or kill birds on a regulated hunting ground which are not specifically permitted by this title.

(4) Trap any game bird or have any trap set that is capable of taking a game bird alive on any regulated hunting grounds unless authorized by this title.

(5) Hunt for or take any game on a three-day hunting license other than permitted by subsection (d).

(6) Violate any of the other provisions of this section.

(i) Penalty.--A violation of this section is a summary offense of the fifth degree. Each bird or animal involved in a violation constitutes a separate offense.

(Aug. 5, 1991, P.L.217, No.24, eff. imd.)

1991 Amendment. Act 24 amended subsecs. (d) and (e).

Cross References. Section 2928 is referred to in section 2303 of this title.

§ 2929. Fur dealer permits.

(a) **Residents.**--Holders of resident fur dealer permits shall establish a regular place of business where they and their employees may receive or buy furs for the purpose of resale. The person to whom a resident fur dealer's permit is issued may also receive or buy furs for the purpose of resale anywhere within this Commonwealth.

(b) **Nonresidents.**--Unless further restricted by commission regulation, a permit issued to a nonresident or a nonresident firm or corporation shall authorize the nonresident or a representative of the firm or corporation to receive, buy or sell raw furs anywhere in this Commonwealth for the purpose of reselling. The firm shall designate one person to act as their buyer. This person's name shall appear on the face of the permit. The permit must be carried at all times when such person is engaged in buying furs.

(c) **Unlawful acts.**--It is unlawful for any person to:

(1) Obtain furs by purchase or barter for the purpose of reselling without a permit as required by this section.

(2) Purchase furs from any person without being shown the valid furtaking license of such person.

(2.1) Sell raw furs without a valid nonresident fur dealer permit.

(3) Violate any other provisions of this section.

(d) **Penalty.**--A violation of this section is a summary offense of the third degree if the violator is a resident or a summary offense of the first degree if the violator is a nonresident.

(Nov. 25, 1988, P.L.1082, No.125, eff. imd.)

§ 2930. Propagating permits.

(a) **Authorization.**--No person shall propagate any game bird, wild bird, game animal or wild animal which is presently found in a wild state within this Commonwealth for the purpose of sale, barter, gift or other transfer of possession, or offer to sell or barter, unless that person has first obtained a permit from the commission authorizing the propagation of a game bird, wild bird, game animal or wild animal.

(b) **Form.**--Each propagating permit shall name the species covered by the permit and shall contain such other information and be in such form as the commission shall designate.

(c) **Pens, shelters and enclosures.**--The commission shall adopt regulations concerning the type and size of pens, shelters and enclosures used for propagating any species of game or wildlife. All pens, shelters or enclosures used to hold game or wildlife under authority of a propagating permit shall provide for the health and comfort of the game or wildlife and be designed to protect the public, confine the species designated on the permit and exclude any species of game or wildlife which might be present in the wild.

(d) **Marking game or wild birds.**--No person shall sell, barter, give away or otherwise transfer possession, or offer to sell or barter, any game bird, wild bird, game animal or wild animal raised or held under authority of a propagating permit unless that game bird, wild bird, game animal or wild animal is marked by any one of the following alternative methods:

(1) A toe shall be clipped from the right foot before reaching six weeks of age.

(2) A marker shall be furnished by the commission at a reasonable cost. The markers must be attached in compliance with commission regulations no later than six weeks of age.

(3) On delivery of any live game bird, wild bird, game animal or wild animal the permittee shall prepare and deliver to the shipper, purchaser or consignee a receipt, detailed invoice or consignment document which shall include the date, name and address of purchaser or person to whom sold or consigned, the quantity, sex and species of the game bird, wild bird, game animal or wild animal and the name, address and permit number of the permittee.

(4) Immediately prior to delivery and removal from the licensed premises of any local game bird, wild bird, game animal or wild animal, the permittee shall place the dead wild bird or dead wild animal, or part thereof, in a package or container, or shall attach thereto a label, which package, container or label shall have printed upon it the name, address and permit number of the permittee who produced the wild bird or wild animal. The permittee shall also issue a receipt, detailed invoice or consignment document which shall include the date of shipment or sale, the name of the shipper, purchaser or consignee, the quantity, sex and species of the animal or bird so shipped or sold and the name and address and permit number of the permittee shipping, consigning or selling the wild birds or animals. No dead wild bird or dead wild animal produced under the authority of the propagating permit shall be removed from its package or container or shall have removed from it the label provided for in this paragraph, except immediately prior to final consumption.

(5) Any reasonable method approved by the director.

(e) Disposition of game or wildlife.--Where game or wildlife of any kind is raised or eggs of game or wild birds are produced on premises under authority of a propagating permit, game or eggs and the plumage or pelts or hides of birds or animals may be sold or given away, and birds or animals may be shipped alive or may be killed within the enclosure, for sale or gift, without regard to sex or numbers, at any time of the year. A dealer or third person who arranges any trades, sales or purchases set forth in this subsection for any type of fee, reimbursement or commission shall be required to have and produce, on demand, the receipt, invoice or consignment document required under subsections (d) and (f).

(f) Receipt for shipping game or wildlife.--Each shipment of eggs, pelts, birds or animals, living or dead, or parts of birds or animals, raised or held under authority of a propagating permit shall be accompanied by a receipt, detailed invoice or consignment document issued by the permittee describing the shipment and stating the origin of the shipment, date, what is being shipped, propagating permit number, destination and any other information which may be required by the director. The receipt, detailed invoice or consignment document shall be available for examination during normal business hours until the shipment reaches its final destination at which time it becomes part of the consignee's record and must be retained for three years.

(f.1) Seasons and bag limits.--All species of game, other than those specified on the permit, found within the licensed enclosure covered by the propagating permit may be taken within the licensed enclosure only under the general provisions of this title governing seasons and bag limits.

(g) Unlawful acts.--It is unlawful to:

(1) Have any game or wildlife in possession without the required permit receipt, detailed invoice or consignment document.

(2) Violate any of the provisions of this section or regulations pertaining to this section.

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

(Mar. 29, 1996, P.L.41, No.13, eff. imd.)

1996 Amendment. Act 13 amended subsec. (e) and added subsec. (f.1).

Cross References. Section 2930 is referred to in section 2965 of this title.

SUBCHAPTER C PERMITS RELATING TO HUNTING DOGS

Sec.

2941. Dog training areas.

2942. Special retriever training areas.

2943. Field dog trials.

2944. Field dog trials for retrievers.

2945. Fox chasing.

§ 2941. Dog training areas.

(a) **Establishment.**--Upon the application of 20 or more citizens of this Commonwealth, the commission may issue a permit to the applicants authorizing the establishment and maintenance, on land owned by them or over which they have legal control, of a special dog training area where dogs may be trained at any time during the entire year and field trials may be conducted without the necessity of securing a field trial permit. No such dog training area shall be less than 50 acres nor more than 250 acres. Permits shall not be issued for more than ten special dog training areas in any one county. Persons training dogs in established dog training areas shall not be required to have a hunting or furtaking license.

(b) **Training periods.**--At any time during the year, permittees or guests may train their dogs or the dogs of other persons on the designated dog training area.

(c) **Hunting and furtaking restrictions.**--Hunting or trapping of a furbearer or other protected game animal by the permittee or any other person authorized in writing by the permittee may occur during seasons established by the commission.

(d) **Big game hunting may be permitted.**--Hunting of big game may be permitted on dog training areas during seasons fixed by the commission. A person may not hunt big game on a dog training area without permission from the permittee, unless the area is conspicuously posted open to the public for big game hunting.

(e) **Marking boundary.**--A roadway, vehicle entrance or pedestrian pathway entering or bordering a dog training area must be posted prior to October 1 of each year with either a legible notice to warn a trespasser of the purpose of the area or by legible no trespassing signs endorsed by the permittee. The endorsement must note the purpose of the area.

(f) **Unlawful acts.**--It is unlawful to:

(1) Permit, or through negligence permit, dogs to disturb game or wildlife on a dog training area contrary to the provisions of this section.

(2) Trap for any game or wildlife on a dog training area without written permission from the permittees.

(3) Willfully, negligently or maliciously cut, remove, cover up, deface or otherwise mutilate, injure or destroy any special dog training area boundary fence or wire or poster placed in accordance with the provisions of this section or willfully, negligently or maliciously destroy, vandalize or remove any equipment, vegetation, buildings or other facilities within the dog training area.

(3.1) Willfully, negligently or maliciously kill, maim, injure or interfere with a dog engaged in training or field trials within a permitted dog training area or willfully, negligently or maliciously interfere with a person training dogs or participating in field trial events or lawfully engaged in hunting or trapping within a permitted dog training area.

(3.2) Enter onto a posted dog training area without the written permission of the permittee for any purpose.

(4) Violate any other provision of this section.

(g) **Penalty.**--A violation of this section is a summary offense of the fifth degree.

(Nov. 24, 2015, P.L.236, No.65, eff. 60 days)

Cross References. Section 2941 is referred to in section 2943 of this title.

§ 2942. Special retriever training areas.

(a) **Establishment.**--Upon application of any club or organization having 20 or more members or upon the application of 20 or more citizens of this Commonwealth, the commission may issue a permit to the applicants authorizing the establishment and maintenance, on land owned by them or

over which they have legal control, of a special retriever dog training area where dogs may be trained at any time during the entire year. No dog training area shall be of less than ten acres nor more than 50 acres. No retriever dog training area shall be established within the boundary of a regulated hunting ground.

(b) Releasing tagged birds.--The permittee may release domestically produced and properly marked ringneck pheasants, bobwhite quail or mallard ducks which may be shot and retrieved with retriever dogs. The released birds shall be individually tagged prior to release with metal tags supplied by the commission, at a reasonable fee, and bearing such information as the commission shall prescribe.

(c) Shooting untagged birds.--Any untagged birds which are shot or injured shall immediately be delivered to an officer of the commission for disposition along with the sum of \$50 for each untagged bird killed. This money shall be deposited in the Game Fund.

(d) Fees and charges.--The permittee shall not impose or accept a fee or charge for the use of the area. The fee for any birds furnished to members or guests shall not be greater than the actual cost for acquiring or raising the bird.

(e) Hunter's license not required.--Every person participating in dog training or shooting birds under this section shall not be required to possess a resident or nonresident hunter's license.

(f) Training periods.--The permittee may at any time during the entire year train his own dog or the dogs of other persons on the training area or permit others to do so under such conditions as shall be mutually agreed upon.

(g) Hunting and furtaking restrictions.--Neither the permittee nor any other person shall at any time hunt or take furbearers within the confines of the training area. This limitation shall not apply while training dogs. The permittees or any person authorized by them may hunt or trap unprotected game or wildlife at any time and furbearers in season for the purpose of controlling the game or wildlife on the area and may permit the public to hunt bear and deer on the area during seasons fixed by the commission.

(h) Marking boundary.--The boundary line of a special retriever dog training area shall be plainly and conspicuously posted prior to October 1 of each year with legible notices as prescribed by the commission.

(i) Unlawful acts.--It is unlawful to violate any of the provisions of this section.

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

§ 2943. Field dog trials.

(a) Authorization.--Permits to hold dog trials on specified wild birds and animals may be issued by the director. A separate permit to hold a field trial shall not be required for any group holding a permit for a dog training area under section 2941(a) (relating to dog training areas). Participants in these trials shall not be required to have a hunting license.

(b) Trials for small game.--It is lawful to hold field trials or meets where dogs are permitted to work on liberated or native small game:

(1) During the period of the year when dog training is permitted by this title.

(2) At any time of the year on a licensed special dog training area or regulated hunting grounds if the trial or meet is sponsored by the holder of the special dog training area permit or the holder of the regulated hunting grounds permit.

(3) During the period of the year when dog training is prohibited by this title if a proper field trial permit is obtained.

(c) Trials for raccoons.--It is lawful to hold trials or meets where dogs may work on drags or live raccoons at any hour, if permission is obtained to use privately owned land when the meet or trial is to be held on Sunday:

(1) During the period of the year when dog training is permitted by this title.

(2) During the period of the year when dog training is prohibited by this title if a raccoon dog field trial permit is obtained.

(d) Unlawful acts.--It is unlawful to:

(1) Aid, abet, assist or participate in any trial or meet for dogs without a permit as required in this section.

(2) Aid, abet, assist or participate in any field trial in violation of any other provisions of this section.

(3) Release any live raccoons for any purpose under subsection (c).

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

§ 2944. Field dog trials for retrievers.

(a) Authorization.--It is lawful to hold field meets or trials for retrieving dogs, where the skill of the dogs is demonstrated by retrieving dead, wounded or trussed game birds, which have been propagated or otherwise legally acquired and released on the day of the trials, on premises owned or controlled by the club or individual conducting them at any time of the year after having secured a permit required under this section.

(b) Permit.--Permits shall be required for all retriever trials where game birds are shot and killed and for all other trials held during the closed period for training dogs.

(c) Permission to kill birds.--The permits shall authorize the holders to kill all of the birds released by the permittee on the day of the trials or from the hand while the trials are in progress.

(d) Official gun.--The person or persons designated by the committee in charge to do the shooting for the trials shall be known as the official gun or guns. No other person shall be permitted to kill, or attempt to kill, any of the birds released for the trials. Birds so released may be killed during the closed period without regard to sex or numbers.

(e) Tagging of game birds.--Before any game birds are released or killed under this section or consumed on the premises or removed therefrom, a tag shall be attached to each bird. The tags shall be numbered consecutively and supplied by the commission at reasonable cost and shall contain such information as the commission may require. The tags shall remain attached to the individual birds until prepared for consumption and shall not be used more than once.

(f) Shooting untagged birds.--Any untagged birds which are shot or injured shall immediately be delivered to an officer of the commission for disposition along with the sum of \$50 for each untagged bird killed. This money shall be deposited in the Game Fund.

(g) Unlawful acts.--It is unlawful to:

(1) Aid, abet, assist or participate in any trial for dogs without a permit as required in this section.

(2) Aid, abet, assist or participate in any retriever field trial in violation of any other provisions of this section.

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

§ 2945. Fox chasing.

(a) Authorization.--It is lawful during any period designated by the commission for any fox hunting club, fox hunting organization or individual owning and using an organized pack of five or more foxhounds to chase foxes for sport by riding after the hounds on horses or ponies after securing a permit from the commission.

(b) Permit.--The director may issue a permit to allow fox chasing by the use of hounds, horses and hole dogs during any period of time that dogs may be trained on foxes within the county in which the chase is held. Persons participating in any chase authorized by this permit shall not be required to have a furtaking license pursuant to Chapter 27 (relating to hunting and furtaking licenses).

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

(1) Chase fox by the method described in this section without first obtaining a permit.

(2) Kill or attempt to kill any fox being chased by hounds under authority of a fox chasing permit with any gun or device other than the dogs legally being used in the chase.

(3) Violate any other provisions of this section.

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

SUBCHAPTER D PERMITS RELATING TO WILDLIFE

Sec.

2961. Definitions.

2962. Exotic wildlife dealer permits.

2963. Exotic wildlife possession permits.

2964. Menagerie permits.

2965. Exclusions.

Cross References. Subchapter D is referred to in section 2961 of this title.

§ 2961. Definitions.

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

"Educational purposes." Displays by or for public or private schools, sportsmen's organizations, youth organizations, civic associations, conservation camps and school or any other organization deemed appropriate by the commission.

"Exotic wildlife." The phrase includes, but is not limited to, all bears, coyotes, lions, tigers, leopards, jaguars, cheetahs, cougars, wolves and any crossbreed of these animals which have similar characteristics in appearance or features. The definition is applicable whether or not the birds or animals were bred or reared in captivity or imported from another state or nation.

"Exotic wildlife dealer." Any person who imports into this Commonwealth, possesses, buys, sells, locates or finds for a fee, barter, donates, gives away or otherwise disposes of more than one bird or one animal classified as exotic wildlife by this subchapter.

"Menagerie." Any place where one or more wild birds or wild animals, or one or more birds or animals which have similar characteristics and appearance to birds or animals wild by nature, are kept in captivity for the evident purpose of exhibition with or without charge.

§ 2962. Exotic wildlife dealer permits.

(a) Authorization.--The commission may issue a permit to a person to act as an exotic wildlife dealer. The permit shall authorize the holder to import into this Commonwealth, possess, buy, sell, locate or find for a fee, barter, donate, give away or otherwise dispose of exotic wildlife. A dealer or third person who arranges any trades, sales or purchases set forth in section 2965 (relating to exclusions) for any type of a fee, reimbursement or commission shall be required to have an exotic wildlife dealer's permit.

(b) Shelter, care and protection.--No permit shall be granted by the commission until it is satisfied that the provisions for housing and caring for the exotic wildlife and protection for the public are proper and adequate and in accordance with the standards which may be established by regulations adopted by the commission.

(c) Unlawful acts.--It is unlawful for any person to:

(1) Import into this Commonwealth, possess, buy, sell, locate or find for a fee, barter, donate, give away or otherwise dispose of more

than one bird or one animal classified as exotic wildlife in any calendar year without first securing a permit issued under this section.

(2) Release exotic wildlife into the wild.

(3) Fail to exercise due care in safeguarding the public from attack by exotic wildlife.

(4) Recklessly engage in conduct which places or may place another person in danger of attack by exotic wildlife.

(d) Penalty.--

(1) A violation of this section relating to permits or regulations adopted thereunder is a summary offense of the first degree.

(2) Any other violation of this section is a summary offense of the sixth degree.

(3) Each day of violation shall constitute a separate offense, but, under no circumstances, shall the accumulated penalty for purposes of a field receipt exceed \$500. There shall be no limit on any accumulated penalty a court may assess.

(e) Discretion of director.--In addition to the penalties provided, the director may, for any violation of this section or the rules and regulations thereunder, revoke or suspend any permit and order the disposal of any exotic wildlife held.

(Apr. 20, 1988, P.L.353, No.55, eff. 60 days)

1988 Amendment. Act 55 amended subsec. (c).

Cross References. Section 2962 is referred to in section 2965 of this title.

§ 2963. Exotic wildlife possession permits.

(a) Authorization.--The commission may issue permits to persons to possess exotic wildlife which shall authorize the holder to purchase, receive or possess exotic wildlife from any lawful source from within or without this Commonwealth.

(b) Shelter, care and protection.--No permit provided for in this section shall be granted until the commission is satisfied that the provisions for housing and caring for such exotic wildlife and for protecting the public are proper and adequate and in accordance with the standards established by the commission.

(c) Unlawful acts.--It is unlawful for any person to:

(1) Possess, purchase or receive exotic wildlife, without first securing a permit to possess exotic wildlife issued under this section or regulations pertaining to this section.

(2) Release exotic wildlife into the wild.

(3) Fail to exercise due care in safeguarding the public from attack by exotic wildlife.

(4) Recklessly engage in conduct which places or may place another person in danger of attack by exotic wildlife.

(d) Penalty.--

(1) A violation of this section relating to permits is a summary offense of the third degree.

(2) Any other violation of this section is a summary offense of the fifth degree.

(3) Each day of violation shall constitute a separate offense, but under no circumstances shall the accumulated penalty for purposes of a field receipt exceed \$300. There shall be no limit on any accumulated penalty a court may assess.

(e) Discretion of director.--In addition to the penalties provided, the director may, for any violation of this section, revoke or suspend any permit and order the disposal of any exotic wildlife held.

(Apr. 20, 1988, P.L.353, No.55, eff. 60 days)

1988 Amendment. Act 55 amended subsec. (c).

Cross References. Section 2963 is referred to in section 2965 of this title.

§ 2964. Menagerie permits.

(a) Authorization.--The commission may issue permits for the establishment and operation of menageries.

(b) Shelter, care and protection.--Prior to the issuance of any permits, the commission shall adopt regulations for the housing, care, treatment, feeding, sanitation, purchase and disposal of wild birds and wild animals kept in menageries and for the protection of the public from such birds or animals. The commission after issuing the permit shall enforce such regulations.

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

(1) Keep any wild bird or wild animal in captivity for public exhibition, or to have any wild bird or wild animal in custody or control for such purpose, without first securing a permit issued by the commission.

(2) Violate any of the provisions of this section or to release any bird or animal into the wild.

(3) Fail to exercise due care in safeguarding the public from attack by exotic wildlife.

(4) Recklessly engage in conduct which places or may place another person in danger of attack by exotic wildlife.

(d) Penalty.--

(1) A violation of this section relating to permits or regulations adopted thereunder is a summary offense of the second degree.

(2) Any other violation of this section is a summary offense of the seventh degree.

(3) Each day of violation shall constitute a separate offense, but, under no circumstances, shall the accumulated penalty for purposes of a field receipt exceed \$300. There shall be no limit on any accumulated penalty a court may assess.

(e) Discretion of director.--In addition to the penalties provided, the director may, for any violation of this section, revoke or suspend any permit and order the disposal of any wildlife held in the menagerie.

(Apr. 20, 1988, P.L.353, No.55, eff. 60 days)

1988 Amendment. Act 55 amended subsec. (c).

Cross References. Section 2964 is referred to in section 2965 of this title; section 2380.1 of Title 3 (Agriculture).

§ 2965. Exclusions.

(a) General rule.--The provisions of sections 2930 (relating to propagating permits), 2962(a) (relating to exotic wildlife dealer permits), 2963(a) (relating to exotic wildlife possession permits) and 2964(a) (relating to menagerie permits) shall not apply to any:

(1) Public zoological garden which receives government grants or appropriations.

(2) Private zoological park or garden which is open to the public and is accredited by the American Association of Zoological Parks and Aquariums.

(3) Nationally recognized circus.

(b) Specific exclusion for exotic wildlife dealer permits.--The provisions of section 2962(a) shall not apply to any individual, partnership, association or corporation which holds a permit issued pursuant to section 2964, providing the purchase or sale of exotic wildlife or other authorized transaction is conducted for the sole purpose of maintaining stock for the menagerie.

Cross References. Section 2965 is referred to in section 2962 of this title.

APPENDIX TO TITLE 34

GAME

Supplementary Provisions of Amendatory Statutes

1986, JULY 8, P.L.442, NO.93

§ 5. Transition provisions.

(a) Continuation of members of Game Commission.--

(1) The members of the Pennsylvania Game Commission in office on the date when this act becomes effective shall constitute the Pennsylvania Game Commission and shall hold their offices as members of the Pennsylvania Game Commission until their successors are appointed as provided by 34 Pa.C.S. § 301 (relating to organization of commission).

(2) The provisions of 34 Pa.C.S. § 301(c) (relating to term of office and compensation) insofar as they impose limits on the number of terms or years of service shall not apply to the members of the Pennsylvania Game Commission in office on the effective date of this act, who shall be eligible for reappointment without regard to the limitations.

(b) Restoration of certain revoked privileges.--Any person whose hunting and trapping privileges are now revoked under the provisions of section 315(4) of The Game Law shall have such privileges restored upon the date when this act becomes effective. This subsection shall not be construed to affect any other revocation period imposed under other provisions of The Game Law.

(c) Regulations, permits, etc.--All rules, regulations, orders, permits, decisions and other actions of the Pennsylvania Game Commission shall remain in full force and effect until modified, repealed, suspended, superseded or otherwise changed by appropriate action of the Pennsylvania Game Commission.

(d) Licenses.--This act shall apply to the license year beginning July 1, 1987, and each year thereafter. For the months of July and August 1987, hunting licenses issued for the license year 1986 or for the license year 1987 shall be valid for any activities permitted under 34 Pa.C.S. (relating to game) of the Pennsylvania Consolidated Statutes.

Explanatory Note. Act 93 added Chapters 1, 3, 5, 7, 9, 21, 23, 25, 27 and 29 of Title 34.

§ 6. Saving provision.

The provisions of 34 Pa.C.S. (relating to game) as added by this act shall not affect any act done, liability incurred, or right accrued or vested, or affect any suit or prosecution pending or to be instituted to enforce any right or penalty, or punish any offense, under the authority of any statute repealed by this act.

2004, NOVEMBER 30, P.L.1618, NO.207

§ 29. Construction of law.

Nothing in this act shall be construed or deemed to provide magisterial district judges with retirement benefits or rights that are different from those available to district justices or justices of the peace immediately prior to the effective date of this act. Nothing in this act shall be construed or deemed to provide senior magisterial district judges with retirement benefits or rights that are different from those available to senior district justices immediately prior to the effective date of this act.

Explanatory Note. Act 207 amended sections 102, 925, 2511, 2512, 2711, 2726 and 2741 of Title 34.

2010, JULY 9, P.L.387, NO.54

§ 6. Public notice.

The Pennsylvania Game Commission shall provide public notice of the provisions within this act. This notice shall be included within the next edition of the Pennsylvania Hunting and Trapping Digest and summaries of the amendments shall be made available at each issuing agent.

Explanatory Note. Act 54 amended or repealed sections 102, 905, 925, 929, 932, 2167, 2306, 2307, 2310, 2312, 2314, 2321, 2329 and 2711 of Title 34.

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- § 147.903. Application for commercial and noncommercial guiding permits.
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Subchap. Z. STATE GAME LANDS RANGE PERMITS

- § 147.1001. Purpose and scope.
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- § 147.1021. Purpose and scope.
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- § 147.1023. Disabled person access permit.
- § 147.1024. Violations.

Chapter 147a. (Reserved)

- §§ 147a.1-147a.6. (Reserved).
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PART III. GAME COMMISSION

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Authority

The provisions of this Part III issued under the Game Law (34 P.S. §§ 1311.101—1311.1502) (Repealed); amended under the Game Law (34 P.S. §§ 1311.101—1311.1502) (Repealed); and 34 Pa.C.S. §§ 101—2965, unless otherwise noted.

Cross References

This part cited in 17 Pa. Code § 11.204 (relating to application of Fish and Boat Commission rules and Game Commission rules); 17 Pa. Code § 21.107 (relating to hunting, trapping and shooting); and 58 Pa. Code § 53.5 (relating to hunting and trapping).

CHAPTER 131. PRELIMINARY PROVISIONS

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131.1.	Scope.
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131.10.	Pennsylvania Hunting Heritage registration plate fee.

§ 131.1. Scope.

- (a) This part implements the act.
- (b) This part and the act are interrelated, and they shall be construed with reference to each other.
- (c) Game and wildlife may be hunted, trapped, taken, possessed, transported, shipped, exported or imported in accordance with the act and this part.

Source

The provisions of this § 131.1 amended May 26, 1972, effective May 27, 1972, 2 Pa.B. 933; amended September 16, 1983, effective September 17, 1983, 13 Pa.B. 2839; amended June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial pages (95271) to (95272).

Notes of Decisions

Discretion

The Pennsylvania Game Commission's "failure" to make findings of fact regarding whether or not there were any mitigating circumstances was a matter within the Commission's discretion even though the Commission cited no standard or regulation with respect to what would constitute mitigating circumstances. *Marich Jr. v. Game Commission*, 676 A.2d 1325 (Pa. Cmwlth. 1996).

§ 131.2. Definitions.

In addition to the definitions contained in section 102 of the act (relating to definitions), the following words and terms, when used in this part or in the act, have the following meanings, unless the context clearly indicates otherwise:

Act—Title 34 of the *Pennsylvania Consolidated Statutes* (relating to Game and Wildlife Code).

Aggregate ammunition capacity—A firearm's total cumulative ammunition capacity that includes the ammunition capacity of both the chamber and magazine.

Air gun—A firearm operated by air or gas cylinder by which a projectile can be discharged or propelled.

Antlered deer—

(i) In Wildlife Management Units 1A, 1B, 2A, 2B and 2D, a deer having three or more points on one antler, not including brow tines which is the point immediately above the antler burr.

(ii) In all other wildlife management units, a deer having three or more points to one antler.

(iii) In all wildlife management units, junior license holders, disabled person permit (to use a vehicle) holders and residents serving on active duty in the United States Armed Forces, or in the United States Coast Guard, a deer having two or more points to one antler, or with one antler 3 inches or more in length.

Antlered elk—An elk having at least one spike visible above the hairline.

Antlerless deer—A deer without antlers, or a deer with antlers both of which are less than 3 inches in length.

Antlerless elk—An elk without antlers, or an elk with no spike visible above the hairline.

Arrow—A projectile shot from a bow with an overall length exceeding the brace height of the bow with fletching designed only for guidance at the aft end and a broadhead mounted on the fore end. No electronic device may be a part of or attached to the arrow. No device, material or system capable of causing damage or injury to the animal in excess of that inflicted by the cutting edges of the broadhead may be a part of or attached to any arrow.

Beekeeper's agent—A person who accepts the responsibility of bees, hives and related equipment in the absence of the owner, and who is willing and able to reset disrupted hives, maintain fencing where present and report damage done by bears to the nearest available Commission officer as soon as practical, but, in any event, within 10 days of the damage. The agent shall be domiciled within 300 yards of the beehives.

Bottle-necked cartridge—A cartridge having a main diameter and a distinct angular shoulder stepping down to a smaller diameter at the neck position of the case. This term does not include straight-walled cartridges.

Bow—In addition to the definition in section 102 of the act, a device for launching an arrow, which derives its propulsive energy solely from the bending and recovery of two limbs. The energy used to propel the arrow may not be derived from another source. These limitations may not exclude the mechanical leverage advantage provided by eccentric wheels or cams so long as the available energy stored in the bent limbs of the bow is the sole result of a single, continuous and direct pulling effort by the shooter. The bowstring shall be drawn, held and released as a direct and conscious action of the shooter. Release shall be accomplished by either relaxing the tension of the fingers or triggering the release action of a manually held release aid.

Broadhead—A fixed or mechanical tip affixed to the fore end of an arrow or bolt having sharpened cutting edges consisting of metal or naturally occurring stone.

Clay bird range—An area where saucer-shaped targets, usually made of baked clay or limestone, are launched and targeted by a shooter using a firearm that discharges multiple projectile ammunition.

Closed season—Periods of the calendar year and hours during which it is unlawful to take game or wildlife.

Commission—The Game Commission of the Commonwealth.

Crossbow—A device consisting of a bow fixed transversely on a stock, the string of which is released by a trigger mechanism, has a mechanical safety and propels an arrow.

Crossbow bolt—An arrow propelled by a crossbow.

Decoy—For the purpose of section 2308(b)(6) of the act (relating to unlawful devices and methods), an artificial representation or facsimile of a bird or animal used to attract other birds or animals. The term does not include living birds or animals.

Deputy Game Commission officer—A deputy wildlife conservation officer.

Director—The Executive Director of the Commission.

Driving—An act accomplished when one or more persons chase or flush, or attempt to chase or flush, wildlife towards or in the general direction of other persons, or when two or more persons travel in the same general direction to chase or flush, or attempt to chase or flush, wildlife into view.

Early small game hunting season—A designated period when the only resident small game which may be hunted and taken are woodchucks, squirrels and grouse.

Game Commission officer—A wildlife conservation officer.

Handgun range—An area where paper targets are placed on or affixed to a stationary backer and targeted by a shooter using a handgun that discharges single projectile ammunition.

Import—To bring or have transported into this Commonwealth.

Institutions of higher learning—Colleges and universities accredited by the Department of Education.

Meat or animal products—For the purpose of section 2361(a)(13) of the act (relating to unlawful acts concerning taking of furbearers), meat or animal products include artificial representation or facsimiles.

Multiple projectile ammunition—Cartridge or shell ammunition that is loaded with shot pellets or multiple loose projectiles designed to spread or scatter upon discharge from a firearm.

Muzzleloading firearm—

(i) A firearm designed and manufactured to be loaded with loose ammunition components (projectile and propellant charge) from the muzzle or forward, open end of the firearm's barrel.

(ii) The term includes full or partial breech-loading rifles and handguns that fire loose ammunition components comparable to a muzzleloading firearm.

(iii) The term does not authorize a firearm that accepts cartridge ammunition that contains both the projectile and propellant charge.

Plugged shotgun—For the purpose of section 2308(a)(4) of the act, any shotgun containing a one-piece plug, stop or filler in the magazine to reduce ammunition capacity that is incapable of removal without disassembling the shotgun or magazine.

Point—An antler projection at least 1 inch in length from base to tip. The main beam tip shall be counted a point regardless of length.

Protected birds—See § 133.2 (relating to protected birds).

Protected deer—A deer not defined as an antlered deer or an antlerless deer.

Protected mammals—See § 133.1 (relating to protected mammals).

Regular firearms deer season—The designated period of time when deer may be hunted and taken by any person who possesses a General Hunting License or a General Hunting License and Antlerless License only.

Regular small game hunting season—The designated period of time when resident small game species may be hunted and taken.

Rifle range—An area where paper targets are placed on or affixed to a stationary backer and targeted by a shooter using a firearm that discharges single projectile ammunition.

Shotgun patterning range—An area where paper targets are placed on or affixed to a stationary backer and targeted by a shooter using a firearm that discharges multiple projectile ammunition.

Shotgun range—A firearms range designated by the Commission as a clay bird range or shotgun patterning range.

Single projectile ammunition—A cartridge or shell ammunition that is loaded with a single projectile designed to remain intact upon discharge from a firearm.

Slow, no wake speed—The slowest possible speed of a motorboat required to maintain maneuverability so that the wake or wash created by the motorboat on the surface of the water is minimal.

Special firearms deer season—Any firearms deer season, except muzzle-loader season, that precedes the regular firearms deer season.

Straight-walled cartridge—A cartridge having straight or slightly tapered walls down to the projectile. This term does not include bottle-necked cartridges.

Sustained yield—As used in section 546(b)(2) of the act (relating to limitation on expenditures for deterrent fencing), continuous and planned forest production through accepted forestry management practices.

Venison—For the purpose of section 2312 of the act (relating to buying and selling game), any meat derived from a white-tailed deer.

Authority

The provisions of this § 131.2 amended under 34 Pa.C.S. §§ 721(a), 2102, 2722(g)(2) and 2901(b).

Source

The provisions of this § 131.2 adopted February 7, 1975, effective February 8, 1975, 5 Pa.B. 249; amended June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended December 11, 1987, effective December 12, 1987, 17 Pa.B. 5129; amended May 29, 1992, effective July 1, 1992, 22 Pa.B. 2839; amended June 1, 2001, effective June 2, 2001, 31 Pa.B. 2791; amended August 9, 2002, effective August 10, 2002, 32 Pa.B. 3945; amended October 24, 2003, effective October 25, 2003, 33 Pa.B. 5314; amended June 16, 2006, effective June 17, 2006, 36 Pa.B. 2971; amended May 27, 2011, effective May 28, 2011, 41 Pa.B. 2687; amended August 10, 2012, effective August 11, 2012, 42 Pa.B. 5213; amended May 23, 2014, effective May 24, 2014, 44 Pa.B. 3091; amended May 12, 2017, effective May 13, 2017, 47 Pa.B. 2710; amended September 3, 2021, effective September 4, 2021, 51 Pa.B. 5603; amended November 4, 2022, effective November 5, 2022, 52 Pa.B. 6857 and 6858; amended March 24, 2023, effective March 25, 2023, 53 Pa.B. 1668. Immediately preceding text appears at serial pages (411836), (413177) to (413178) and (411839).

Cross References

This section cited in 58 Pa. Code § 143.243 (relating to general); 58 Pa. Code § 147.121 (relating to definitions); 58 Pa. Code § 147.555 (relating to antlerless deer only); 58 Pa. Code § 147.662 (relating to application); 58 Pa. Code § 147.722 (relating to definitions); and 58 Pa. Code § 147.804 (relating to general).

§ 131.3. Enforcement.

In addition to Wildlife Conservation Officers or Deputy Wildlife Conservation Officers, the Director designates and empowers the following persons to enforce the act and this part while acting within the scope of their employment and jurisdiction.

- (1) Pennsylvania State Police.
- (2) Pennsylvania Waterways Conservation Officers.
- (3) Pennsylvania Deputy Waterways Conservation Officers.
- (4) Pennsylvania Department of Conservation and Natural Resources personnel with enforcement powers.
- (5) Commonwealth, municipality or Federal agency employees with written approval of the Director.

Authority

The provisions of this § 131.3 amended under 34 Pa.C.S. § 2102(a).

Source

The provisions of this § 131.3 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended November 16, 2012, effective November 17, 2012, 42 Pa.B. 7106. Immediately preceding text appears at serial pages (363050) and (328383).

§ 131.4. Civil liability for wildlife killed.

(a) If a voluntary settlement cannot be reached, the Director or an officer designated by the Director may bring a civil action in the name of the Commission against a person killing or unlawfully in possession of wildlife, or part thereof, and may seek to recover an amount not less than the penalties prescribed in section 2307(e) of the act (relating to unlawful taking or possession of game or wildlife).

(b) A verdict or judgment recovered by the Commission in the action may not be for less than the sum fixed in subsection (a). The action for damages may be joined with an action for possession. Recovery may be for possession as well as damage.

(c) The pendency or determination of an action for damages or payment of a judgment, or the pendency or determination of a criminal prosecution for the same taking, wounding, killing or possession, is not a bar to the other; nor does either affect the right of seizure under other provisions of laws relating to game and wildlife.

(d) Funds recovered under this section shall be placed in the Game Fund.

Authority

The provisions of this § 131.4 amended under 34 Pa.C.S. §§ 2102(a) and 2307(e).

Source

The provisions of this § 131.4 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended June 1, 2001, effective June 2, 2001, 31 Pa.B. 2791. Immediately preceding text appears at serial pages (267197) to (267198).

Notes of Decisions*License Revocation Proper*

The petitioner testified that he read both the Pennsylvania and Federal regulations on a regular basis; therefore, petitioner had four opportunities to read the Federal regulations and thereby realize that the seven duck bonus had been eliminated. Therefore, petitioner's arguments that the regulations were vague or confusing was rejected and petitioner's hunting license was properly revoked for one year. *Marich Jr. v. Game Commission*, 676 A.2d 1325 (Pa. Cmwlth. 1996).

§ 131.5. Chemical tests.

(a) The devices, equipment and training required for administering chemical tests, test procedures and accuracy certifications for breath test devices that apply to prosecutions under 75 Pa.C.S. (relating to vehicles) apply to prosecutions under section 2502 of the act (relating to chemical tests to determine amount of alcohol).

(b) The Commission approves the devices, equipment and training required for administering chemical tests, test procedures and accuracy certifications for breath test devices prescribed jointly by the Department of Health and Department of Transportation at 67 Pa. Code Chapter 77 (relating to equipment and training required for administering chemical tests; test procedures and accuracy certification for breath test devices) and prescribed by the Department of Health at 28 Pa. Code §§ 5.101—5.104 (relating to equipment to determine blood alcohol content under the Vehicle Code and the Fish and Boat Code) and in other regulations.

Source

The provisions of this § 131.5 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464.

§ 131.6. Administration of police powers by wildlife conservation officers.

(a) *General.*

(1) Section 901(a)(17) of the act (relating to powers and duties of enforcement officers) authorizes wildlife conservation officers, when acting within the scope of their employment, to pursue, apprehend or arrest any individual suspected of violating any provision of 18 Pa.C.S. (relating to Crimes Code) or any other offense classified as a misdemeanor or felony and, in addition, to serve and execute warrants and subpoenas for these offenses.

(2) For the purposes of enforcement of the authority granted by section 901(a)(17) of the act, "when acting within the scope of their employment" means that period of time that a wildlife conservation officer is currently engaged in any activity the officer is employed to perform at the time and places the officer is authorized to perform the activity.

(b) *Limitation.* A wildlife conservation officer will arrest or take other appropriate enforcement action pursuant to the authority vested by section 901(a)(17) of the act only in one or more of the following circumstances:

(1) The offense occurs in the officer's presence.

- (2) The offense occurs on lands or waters owned, leased or otherwise controlled by the Commission.
- (3) The offense arises out of Commission operations.
- (4) Another law enforcement agency has reasonably requested the assistance.

Authority

The provisions of this § 131.6 amended under the Game and Wildlife Code, 34 Pa.C.S. §§ 322 and 901(a)(17).

Source

The provisions of this § 131.6 adopted May 3, 1991, effective July 1, 1991, 21 Pa.B. 2009; amended June 29, 2007, effective June 30, 2007, 37 Pa.B. 2947; amended May 27, 2016, effective May 28, 2016, 46 Pa.B. 2664. Immediately preceding text appears at serial pages (364464) and (379461).

Notes of Decisions

Scope of Employment

Game Commission officers were acting within the scope of their duty when they encountered the driver in a dump truck parked diagonally across a public highway and observed his colorable conduct, as they were en route on an official call at the time; furthermore, the officers were conscious of the limits of their authority and took care not to overstep those limits, where they did not arrest the driver, but merely detained him during an investigatory stop until the State Police arrived to administer sobriety testing and execute the resulting arrest. *Commonwealth v. Schatzel*, 724 A.2d 362 (Pa. Super. 1998), appeal denied 1999 Pa. LEXIS 2204 (Pa. July 26, 1999).

Where a wildlife conservation officer acting within the scope of his employment by driving to deposit a deer carcass to the game lands building encountered a vehicle ahead of him which had crossed the center line once by the time the officer reached the entrance to the game lands building, the officer did not possess sufficient information, while acting within the scope of his employment, to arrest the driver for driving under the influence, and the officer's subsequent observations after following the vehicle past the game lands building were made after the officer ceased acting within the scope of his employment. *Commonwealth v. Carlson*, 705 A.2d 468 (Pa. Super. 1998).

§ 131.7. Use of the field acknowledgment of guilt in Philadelphia County.

The field acknowledgment of guilt may be used by district wildlife conservation officers to accept penalties on guilty pleas for summary violations of the act and its attendant regulations in Philadelphia County for both resident and nonresident offenders.

Source

The provisions of this § 131.7 adopted August 13, 1999, effective August 14, 1999, 29 Pa.B. 4351.

§ 131.8. Replacement costs for wildlife killed.

Under section 925(i) of the act (relating to jurisdiction and penalties), in addition to any fines and costs imposed for violations of the act and this title, any

person who unlawfully kills or possesses wildlife may be assessed replacement costs according to the following minimum cost scale:

(1) *General class.*

- (i) Each threatened or endangered bird or mammal, \$5,000.
- (ii) Each bald eagle, golden eagle, osprey or peregrine falcon, \$2,500.
- (iii) Each elk or black bear, \$1,500.
- (iv) Each white-tailed deer, \$800.
- (v) Each bobcat or otter, \$500.
- (vi) Each wild turkey or beaver, \$300.
- (vii) Any other wildlife, \$200.

(2) *Trophy class.*

- (i) Each elk with a Boone and Crockett green score of 200 inches or more, \$5,000.
- (ii) Each white-tailed deer with a Boone and Crockett green score of 115 inches or more, \$5,000.
- (iii) Each black bear with a field dressed weight of 350 pounds or more, \$5,000.

Authority

The provisions of this § 131.8 issued under the Game and Wildlife Code, 34 Pa.C.S. §§ 925(i) and 2102; amended under the Game and Wildlife Code, 34 Pa.C.S. §§ 925 and 2102(a).

Source

The provisions of this § 131.8 adopted June 1, 2001, effective June 2, 2001, 31 Pa.B. 2791; amended June 5, 2009, effective June 6, 2009, 39 Pa.B. 2791; amended November 6, 2015, effective November 7, 2015, 45 Pa.B. 6501; amended March 10, 2017, effective March 11, 2017, 47 Pa.B. 1467; amended October 22, 2021, effective October 23, 2021, 51 Pa.B. 6608. Immediately preceding text appears at serial page (387080).

§ 131.9. Disclosure of certain records.

In accordance with the Right-to-Know Law (65 P.S. §§ 67.101—67.3104), public access to the following records, wherever located, will only be made as set forth in paragraphs (1)—(3):

(1) *Wind power records.* Commission annual reports and Pennsylvania Natural Heritage Program clearance correspondence respecting existing or proposed windpower facilities will be provided upon request, but redacted as necessary. All other records are predeliberative, proprietary or tending to identify the location of threatened or endangered species and will not be disclosed.

(2) *Pennsylvania Natural Heritage Program records.* Pennsylvania Natural Heritage Program clearance correspondence will be provided upon request, but redacted as necessary. All other records are predeliberative, proprietary or tending to identify the location of threatened or endangered species and will not be disclosed.

(3) *License records.* All annual accounts of license sales, all fiscal reports of license sales revenues and all summary wildlife harvest report records will be provided upon request. Under the limitations of section 325 of the act (relating to limitation on disclosure of certain records), individual license information or related harvest information will not be disclosed.

(4) *Personal identifying information.* Any request, the response to which includes personal identifying information will be redacted so as to only provide that information necessary to identify the person to the Commission. Personal identifying information will not be disclosed as predeliberative, proprietary or tending to result in a substantial and demonstrable risk of physical harm to the person or the personal security of an individual and will not be disclosed without due process of law authorizing and ordering the disclosure.

Authority

The provisions of this § 131.9 issued under the Game and Wildlife Code, 34 Pa.C.S. §§ 2102(a) and 2722(g).

Source

The provisions of this § 131.9 adopted August 6, 2010, effective August 7, 2010, 40 Pa.B. 4386.

§ 131.10. Pennsylvania Hunting Heritage registration plate fee.

Applicants seeking authorization to request a Pennsylvania Hunting Heritage registration plate issued under 75 Pa.C.S. § 1355.1 (relating to Pennsylvania Hunting Heritage registration plates) will be assessed a fee of \$25 in addition to fees collected by the Department of Transportation under 75 Pa.C.S. § 1931(b) (relating to personal and organization registration plates).

Authority

The provisions of this § 131.10 issued under the Game and Wildlife Code, 34 Pa.C.S. § 2102(a).

Source

The provisions of this § 131.10 adopted January 30, 2015, effective January 31, 2015, 45 Pa.B. 560.

[Next page is 133-1.]

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CHAPTER 133. WILDLIFE CLASSIFICATION

Subchap.		Sec.
A.	GENERAL	133.1
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Subchapter A. GENERAL

Sec.	
133.1.	Protected mammals.
133.2.	Protected birds.
133.3.	[Reserved].
133.4.	Definitions.
133.5.	Furbearers.
133.6.	Eurasian collared-dove.
133.7.	Hungarian partridge.

§ 133.1. Protected mammals.

Wild mammals not defined in the act as furbearers or game animals shall be classified as protected mammals to be taken only under the act and this part. See Chapter 21, Subchapters B and C of the act (relating to destruction for agricultural protection; and destruction of game or wildlife in self-defense) and § 141.3 (relating to protection removed under certain circumstances).

Source

The provisions of this § 133.1 adopted January 6, 1966; reserved June 18, 1982, effective June 19, 1982, 12 Pa.B. 1868; amended June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial page (104913).

Cross References

This section cited in 58 Pa. Code § 131.2 (relating to definitions); and 58 Pa. Code § 147.121 (relating to definitions).

§ 133.2. Protected birds.

Wild birds not defined in the act as game birds shall be classified as protected birds to be taken only under the act and this part. See Chapter 21, Subchapters B and C of the act (relating to destruction for agricultural protection; and destruction of game or wildlife in self-defense) and § 141.3 (relating to protection removed under certain circumstances).

Source

The provisions of this § 133.2 adopted December 18, 1958; reserved June 18, 1982, effective June 19, 1982, 12 Pa.B. 1868; amended June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial page (104913).

Notes of Decisions*Excessive Killing of Wildlife*

The petitioner testified that he read both the Pennsylvania and Federal regulations on a regular basis; therefore, petitioner had four opportunities to read the federal regulations and thereby realize that the seven duck bonus had been eliminated. Therefore petitioner's arguments that the regulations were vague or confusing was rejected. *Marich, Jr. v. Game Commission*, 676 A.2d 1325 (Pa. Cmwlth. 1996).

Cross References

This section cited in 58 Pa. Code § 131.2 (relating to definitions); and 58 Pa. Code § 147.121 (relating to definitions).

§ 133.3. [Reserved].**Source**

The provisions of this § 133.3 adopted April 21, 1970; amended June 18, 1982, effective June 19, 1982, 12 Pa.B. 1868; amended November 18, 1983, effective November 19, 1983, 13 Pa.B. 3668; amended February 21, 1986, effective February 22, 1986, 16 Pa.B. 525; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial pages (104913) to (104915).

§ 133.4. Definitions.

In addition to the definitions contained in section 102 of the act (relating to definitions), the following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Endangered—Species in imminent danger of extinction or extirpation throughout their range in this Commonwealth if the deleterious factors affecting them continue to operate. The term includes:

(i) Species whose numbers have already been reduced to a critically low level or whose habitat has been so drastically reduced or degraded that immediate action is required to prevent their extirpation from this Commonwealth.

(ii) Species whose extreme rarity or periphery places them in potential danger of precipitous declines or sudden extirpation throughout their range in this Commonwealth.

(iii) Species that have been classified as “Pennsylvania Extirpated”, but which are subsequently found to exist in this Commonwealth as long as the conditions listed in subparagraph (i) or (ii) are met.

(iv) Species determined to be “endangered” under the Endangered Species Act of 1973 (16 U.S.C.A. §§ 1531—1544).

Threatened—Species that may become endangered within the foreseeable future throughout their range in this Commonwealth unless the casual factors affecting the organism are abated. The term includes:

(i) Species whose populations within this Commonwealth are decreasing or have been heavily depleted by adverse factors and while not actually endangered, are still in critical condition.

(ii) Species whose populations may be relatively abundant in this Commonwealth but are under severe threat from serious adverse factors that have been identified and documented.

(iii) Species whose populations are rare or peripheral and in possible danger of severe decline throughout their range in this Commonwealth.

(iv) Species determined to be “threatened” under the Endangered Species Act of 1973, that are not listed as “Pennsylvania Endangered.”

Source

The provisions of this § 133.4 adopted November 30, 1990, effective December 1, 1990, 20 Pa.B. 5939.

§ 133.5. Furbearers.

The following species of wildlife are reclassified as furbearers:

(1) Coyote (*Canis latrans*). For the purpose of licensing, coyotes may be hunted with a hunting license or hunted and trapped with a furtakers license as described in section 2705 of the act (relating to classes of licenses).

(2) Porcupine (*Erethizon dorsatum*). For the purpose of licensing, porcupines may be hunted with a hunting license or hunted and trapped with a furtakers license as described in section 2705 of the act.

Source

The provisions of this § 133.5 adopted October 8, 1993, effective October 9, 1993, 23 Pa.B. 4793; amended August 19, 2016, effective August 20, 2016, 46 Pa.B. 5084. Immediately preceding text appears at serial page (379463).

§ 133.6. Eurasian collared-dove.

The Eurasian collared-dove (*Streptopelia decaocto*) is classified as a game bird. For the purpose of licensing, Eurasian collared-doves may be hunted with a general hunting license and a migratory bird license.

Authority

The provisions of this § 133.6 issued under 34 Pa.C.S. §§ 322(c)(8) and 2102(a).

Source

The provisions of this § 133.6 adopted August 1, 2014, effective August 2, 2014, 44 Pa.B. 5190.

§ 133.7. Hungarian partridge.

Notwithstanding the listing of the Hungarian partridge in the definition of a game bird in section 102 of the act (relating to definitions), the Hungarian partridge shall be reclassified as a wild bird generally and will no longer be classified as a game bird.

Authority

The provisions of this § 133.7 issued under 34 Pa.C.S. §§ 322(c)(8) and 2102(c).

Source

The provisions of this § 133.7 adopted November 16, 2018, effective November 17, 2018, 48 Pa.B. 7212.

Subchapter B. BIRDS

Sec.

133.21. Classification of birds.

§ 133.21. Classification of birds.

The following birds are classified:

- (1) *Endangered.*
 - (i) King Rail (*Rallus elegans*)
 - (ii) Short-eared Owl (*Asio flammeus*)
 - (iii) Black Tern (*Chlidonias niger*)
 - (iv) Least Bittern (*Ixobrychus exilis*)
 - (v) Piping Plover (*Charadrius melodus*)
 - (vi) Loggerhead Shrike (*Lanius ludovicianus*)
 - (vii) American Bittern (*Botaurus lentiginosus*)
 - (viii) Great Egret (*Ardea alba*)
 - (ix) Yellow-crowned Night-Heron (*Nyctanassa violacea*)
 - (x) Common Tern (*Sterna hirundo*)
 - (xi) Blackpoll Warbler (*Setophaga striata*)
 - (xii) Black-crowned Night-Heron (*Nycticorax nycticorax*)
 - (xiii) Dickcissel (*Spiza americana*)
 - (xiv) Sedge Wren (*Cistothorus stellaris*)
 - (xv) Yellow-bellied Flycatcher (*Empidonax flavi-ventris*)
 - (xvi) Upland Sandpiper (*Batramia longicauda*)
 - (xvii) American Goshawk (*Accipiter atricapillus*)
- (2) *Threatened.*
 - (i) Northern Harrier (*Circus hudsonius*)
 - (ii) Long-eared Owl (*Asio otus*)
 - (iii) [Reserved]
 - (iv) Red Knot (*Calidris canutus rufa*)
 - (v) Black Rail (*Laterallus jamaicensis*)

Authority

The provisions of this § 133.21 amended under 34 Pa.C.S. §§ 322(c)(8), 2102(a), 2167(a) and 2901(b).

Source

The provisions of this § 133.21 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended November 30, 1990, effective December 1, 1990, 20 Pa.B. 5939; amended November 20, 1992, effective November 21, 1992, 22 Pa.B. 5608; amended February 26, 1999, effective February 27, 1999, 29 Pa.B. 1071; amended December 2, 2005, effective December 3, 2005, 35 Pa.B. 6534; amended November 16, 2012, effective November 17, 2012, 42 Pa.B. 7106; amended March 14, 2014, effective March 15, 2014, 44 Pa.B. 1429; amended March 20, 2015, effective March 21, 2015, 45 Pa.B. 1363; amended March 10, 2017, effective March 11, 2017, 47 Pa.B. 1467; amended March 22, 2019, effective March 23, 2019, 49 Pa.B. 1362; amended October 22, 2021, effective October 23, 2021, 51 Pa.B. 6609; amended June 9, 2023, effective June 10, 2023, 53 Pa.B. 3084; amended March 15, 2024, effective March 16, 2024, 54 Pa.B. 1315; amended October 25, 2024, effective October 26, 2024, 54 Pa.B. 6707. Immediately preceding text appears at serial pages (418666) and (395959).

Cross References

This section cited in 7 Pa. Code § 128.102 (relating to protected designated areas); and 58 Pa. Code § 147.745 (relating to exclusions).

Subchapter C. MAMMALS

Sec.

133.41. Classification of mammals.

§ 133.41. Classification of mammals.

The following mammals are classified:

- (1) *Endangered.*
 - (i) Indiana Bat (*Myotis sodalis*)
 - (ii) Least Shrew (*Cryptotis parva*)
 - (iii) Northern flying squirrel (*Glaucomys sabrinus macrotis*)
 - (iv) Northern long-eared bat (*Myotis septentrionalis*)
 - (v) Little brown bat (*Myotis lucifugus*)
 - (vi) Tri-colored bat (*Perimyotis subflavus*)
- (2) *Threatened.*
 - (i) Small-footed Myotis (*Myotis leibii*)
 - (ii) Allegheny Woodrat (*Neotoma magister*)
 - (iii) West Virginia Water Shrew (*Sorex palustris punctulatus*)

Authority

The provisions of this § 133.41 amended under the Game and Wildlife Code, 34 Pa.C.S. §§ 322(a)(8) and (c)(8), 2102(a) and 2167(a).

Source

The provisions of this § 133.41 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended November 30, 1990, effective December 1, 1990, 20 Pa.B. 5939; amended December 21, 2007, effective December 22, 2007, 37 Pa.B. 6748; amended November 6, 2015, effective November 7, 2015, 45 Pa.B. 6501; amended March 22, 2019, effective March 23, 2019, 49 Pa.B. 1362. Immediately preceding text appears at serial page (394633).

Cross References

This section cited in 7 Pa. Code § 128.102 (relating to protected designated areas).

[Next page is 135-1.]

133-6

CHAPTER 135. LANDS AND BUILDINGS

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Subchapter A. GENERAL PROVISIONS

Sec.	
135.1.	Scope.
135.2.	Unlawful actions.
135.3.	[Reserved].
135.4.	[Reserved].
135.5.	[Reserved].
135.6.	[Reserved].
135.7.	[Reserved].
135.8.	[Reserved].
135.9.	[Reserved].
135.10.	[Reserved].

§ 135.1. Scope.

This chapter regulates and controls the use and administration of lands, waters and buildings under Commission ownership, lease or jurisdiction.

Source

The provisions of this § 135.1 adopted June 3, 1969; reserved June 18, 1982, effective June 19, 1982, 12 Pa.B. 1869; amended June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended June 11, 2010, effective June 12, 2010, 40 Pa.B. 3095. Immediately preceding text appears at serial page (326569).

§ 135.2. Unlawful actions.

In addition to the prohibitions in the act on lands, waters or buildings under Commission ownership, lease, agreement, control or jurisdiction, it is unlawful, except with the permission of the person in charge of the lands, or the written permission of the Director to:

- (1) Camp or use campsites.
- (2) Plant, gather, cut, dig, remove or otherwise injure plants or parts thereof, including trees, shrubs, vines, flowering plants, cultivated crops, mushrooms and fruits of berry-producing plants.
- (3) Travel on lands by means of vehicle or conveyance propelled by motorized power. This provision is not intended to restrict travel by certain devices used for persons with mobility disabilities as specifically authorized under Subchapter C (relating to State game lands).

- (4) Swim in a dam, pond, lake or stream.
- (5) Injure, destroy or cause damage to property—real, personal or mixed.
- (6) Remove or attempt to remove any manmade or natural object except wildlife and fish lawfully taken. Objects which may not be removed include animals, rocks, minerals, sand and historical or archaeological artifacts.
- (7) Participate in, become a part of, contribute to or engage in disorderly conduct as defined in 18 Pa.C.S. §§ 5503 and 5505 (relating to disorderly conduct; and public drunkenness).
- (8) Kindle, use or maintain an open fire.
- (9) Travel on roads open to vehicular travel with vehicle or conveyance propelled by motorized power which is not licensed or authorized for operation on a public highway under 75 Pa.C.S. (relating to the Vehicle Code).
- (10) Violate, fail or neglect to follow instructions posted on signs authorized by the Director.
- (11) Travel by mechanical or motorized conveyance or ride animals on newly constructed, seeded or planted roads, or other areas, when posted against the travel.
- (12) Possess, maintain, operate, occupy or travel by snowmobile or ATV in a manner not in accordance with the standards in 75 Pa.C.S. Chapter 77 (relating to Snowmobile and All-Terrain Vehicle Law).
- (13) Construct, place, maintain, occupy, use, leave or abandon structures or other tangible property, except in the manner otherwise authorized and limited by § 135.41(c)(11) (relating to State game lands).
- (14) Use or possess a controlled substance or drug paraphernalia as defined or classified under The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. §§ 780-101—780-144).

Authority

The provisions of this § 135.2 amended under 34 Pa.C.S. §§ 322(c)(10), 709, 721(a) and (b), 722(a), 729, 901(a)(17), 902, 925(b)(9), 2102(a), 2901(b) and 2923.

Source

The provisions of this § 135.2 adopted October 17, 1959; amended June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended July 12, 1991, effective immediately and apply retroactively to July 1, 1991, 21 Pa.B. 3141; amended April 4, 1997, effective April 5, 1997, 27 Pa.B. 1647; amended August 30, 2002, effective February 1, 2003, 32 Pa.B. 4235; amended July 16, 2004, effective July 17, 2004, 34 Pa.B. 3703; amended July 15, 2005, effective July 16, 2005, 35 Pa.B. 3924; amended November 16, 2012, effective November 17, 2012, 42 Pa.B. 7107; amended May 29, 2015, effective May 30, 2015, 45 Pa.B. 2596; amended March 23, 2018, effective March 24, 2018, 48 Pa.B. 1677; amended March 15, 2024, effective March 16, 2024, 54 Pa.B. 1316. Immediately preceding text appears at serial pages (414475) to (414476).

Cross References

This section cited in 58 Pa. Code § 135.41 (relating to State game lands); 58 Pa. Code § 135.61 (relating to State game farms); 58 Pa. Code § 135.81 (relating to Commission administrative lands); 58 Pa. Code § 135.101 (relating to designation of special wildlife management areas); 58 Pa. Code § 135.121 (relating to Federal-owned lands); 58 Pa. Code § 135.123 (relating to political subdivision-owned lands); 58 Pa. Code § 135.141 (relating to privately-owned lands); 58 Pa. Code § 135.161 (relating to Commission-owned or leased); 58 Pa. Code § 135.181 (relating to rifle and handgun ranges); 58 Pa. Code § 135.182a (relating to shotgun ranges); 58 Pa. Code § 135.183 (relating to archery ranges); and 58 Pa. Code § 147.1003 (relating to range permit).

§ 135.3. [Reserved].

Source

The provisions of this § 135.3 adopted January 15, 1971, effective January 15, 1971, 1 Pa.B. 942; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial pages (104918) to (104919).

§ 135.4. [Reserved].**Source**

The provisions of this § 135.4 adopted October 21, 1969; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial page (104919).

§ 135.5. [Reserved].**Source**

The provisions of this § 135.5 adopted July 8, 1937; reserved July 13, 1984, effective July 14, 1984, 14 Pa.B. 2413. Immediately preceding text appears at serial pages (51534) to (51535).

§ 135.6. [Reserved].**Source**

The provisions of this § 135.6 adopted July 8, 1937; reserved July 13, 1984, effective July 14, 1984, 14 Pa.B. 2413. Immediately preceding text appears at serial pages (51535) and (71009).

§ 135.7. [Reserved].**Source**

The provisions of this § 135.7 adopted April 4, 1958; reserved February 21, 1986, effective February 22, 1986, 16 Pa.B. 525. Immediately preceding text appears at serial page (91621).

§ 135.8. [Reserved].**Source**

The provisions of this § 135.8 adopted June 3, 1969; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial page (104920).

§ 135.9. [Reserved].**Source**

The provisions of this § 135.9 adopted September 18, 1981, effective September 19, 1981, 11 Pa.B. 3218; reserved April 30, 1982, effective May 1, 1982, 12 Pa.B. 1393. Immediately preceding text appears at serial pages (63561) to (63562).

§ 135.10. [Reserved].**Source**

The provisions of this § 135.10 adopted February 21, 1986, effective February 22, 1986, 16 Pa.B. 526; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial pages (104921) to (104922).

Subchapter B. [Reserved]**§ 135.21. [Reserved].****Source**

The provisions of this § 135.21 adopted June 18, 1982, effective June 19, 1982, 12 Pa.B. 1869; amended December 10, 1982, effective December 11, 1982, 12 Pa.B. 4249; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial pages (104922) to (104923).

§ 135.22. [Reserved].**Source**

The provisions of this § 135.22 adopted June 18, 1982, effective June 19, 1982, 12 Pa.B. 1869; amended December 10, 1982, effective December 11, 1982, 12 Pa.B. 4249; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial pages (104923) to (104924).

§ 135.23. [Reserved].**Source**

The provisions of this § 135.23 adopted June 18, 1982, effective June 19, 1982, 12 Pa.B. 1869; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial page (104924).

§ 135.24. [Reserved].**Source**

The provisions of this § 135.24 adopted June 18, 1982, effective June 19, 1982, 12 Pa.B. 1869; amended December 10, 1982, effective December 11, 1982, 12 Pa.B. 4249; amended February 25, 1983, effective February 26, 1983, 13 Pa.B. 836; amended February 21, 1986, effective February 22, 1986, 16 Pa.B. 525; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial pages (104924) to (104936).

§ 135.25. [Reserved].**Source**

The provisions of this § 135.25 adopted June 18, 1982, effective June 19, 1982, 12 Pa.B. 1869; amended December 10, 1982, effective December 11, 1982, 12 Pa.B. 4249; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial page (104936).

§ 135.26. [Reserved].**Source**

The provisions of this § 135.26 adopted June 18, 1982, effective June 19, 1982, 12 Pa.B. 1869; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial page (104937).

§ 135.27. [Reserved].**Source**

The provisions of this § 135.27 adopted June 18, 1982, effective June 19, 1982, 12 Pa.B. 1869; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial page (104937).

Subchapter C. STATE GAME LANDS**Sec.**

- 135.41. State game lands.
- 135.42. Appalachian Trail.
- 135.43. [Reserved].
- 135.44. [Reserved].
- 135.45. [Reserved].
- 135.46. [Reserved].
- 135.47. [Reserved].
- 135.48. Purpose and scope.
- 135.49. Definitions.
- 135.50. State game lands open to wheelchair access.
- 135.51. Designated routes open to mobility devices and motor vehicles.
- 135.52. Towing vehicle placard for persons using mobility devices.
- 135.53. Operation of mobility devices and motor vehicles on designated routes.
- 135.54. Transport of passengers restricted.
- 135.55. Unlawful acts; penalties.

Cross References

This subchapter cited in 58 Pa. Code § 135.2 (relating to unlawful actions); and 58 Pa. Code § 147.1023 (relating to disabled person access permits).

§ 135.41. State game lands.

(a) *Restrictions limited.* The following exceptions to § 135.2 (relating to unlawful actions) pertain to lands and waters designated as State game lands:

- (1) Mushrooms and fruits of berry-producing plants may be picked.
- (2) Small open fires for cooking or warming purposes may be kindled, used and maintained by persons exercising the privileges of a valid hunting, furtaking or fishing license and through hikers within the corridor of the Appalachian Trail as is defined in § 135.42 (relating to Appalachian Trail). This exception to the prohibition on fires in § 135.2(8) is applicable only when the small fires are located at places where adequate precautions are taken to prevent the spread of fire and the small fires are attended at all times and completely extinguished before leaving the sites of the fires. This exception does not apply when the fire index rating used by the Department of Conservation and Natural Resources is high, very high or extreme for that area. A person causing a wildfire, in addition to possible criminal penalty, is liable for all damages, cost of extinguishing and fines.
- (3) Snowmobiles, as defined in 75 Pa.C.S. § 7702 (relating to definitions) may be driven beginning on the third Sunday in January through April 1 on designated areas, roads and trails marked with appropriate signs, so long as

snowmobiles are registered and display valid registration decal as required under 75 Pa.C.S. §§ 7711.1 and 7711.2 (relating to registration of snowmobile or ATV; and limited registration of snowmobile or ATV).

(b) *Closure of game lands.*

(1) When the threat of forest fires exists, the Director has emergency authority to restrict the use of smoking materials on State game lands or to close State game lands to hunting, trapping, fishing, recreational use and other activity which may be or become detrimental to those lands or the flora or fauna thereon until the Director removes the restrictions. Emergency restrictions or closures will be announced to the news media.

(2) The Director has the authority to close State game lands or portions thereof, to recreational or other uses, when the specified uses may be or have become detrimental to those lands or the flora or fauna thereon, or where the uses conflict with legal hunting, furtaking or fishing activities or the Commission's management or administration of State game lands. The closure may be seasonal or year-round and shall remain in effect until the Director removes the restrictions.

(3) It is unlawful to violate restrictions or closure placed on these lands by the Director.

(c) *Additional prohibitions.* In addition to the prohibitions contained in the act pertaining to State game lands and § 135.2, except with the written permission of the Director, it is unlawful to:

(1) Contaminate, pollute or degrade groundwaters or surface waters or any waterways.

(2) Graze or permit the grazing of livestock, place or maintain beehives or beekeeping apparatus.

(3) Solicit, or place advertisements, signs or posters.

(4) Ride a nonmotorized vehicle, conveyance or animal, except on roads normally open to public travel, or designated routes as posted, or while lawfully engaged in hunting, trapping or fishing.

(5) Ride a nonmotorized vehicle, conveyance or animal from the last Saturday in September until the third Saturday in January, and before 1 p.m. from the second Saturday in April through the last Saturday in May inclusive, except on Sundays or while lawfully engaged in hunting, trapping or fishing.

(6) Ride a nonmotorized vehicle, conveyance or animal on roads open to foot travel only.

(7) Drive motor vehicles with or without attachments having a registered gross vehicle weight in excess of 12,000 pounds.

(8) Use a boat propelled by a motor or operate a boat in excess of slow, no wake speed. Boats propelled by electric motors are authorized for use on waterways when operated at slow, no-wake speed unless the waterway is otherwise posted closed to all boats or all boats propelled by a motor.

(9) Consume, possess or transport any alcohol, liquor, beer, malt or brewed alcoholic beverage.

(10) Use or possess any controlled substance or drug paraphernalia as defined or classified under The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. §§ 780-101—780-143).

(11) Construct, place, maintain, occupy, use, leave or abandon any structures or other tangible property, except that portable hunting blinds or stands may be used subject to the following restrictions:

(i) Use may not cause damage to trees.

(ii) Except as provided in subparagraph (iii), overnight placement of portable hunting blinds or stands may not occur sooner than 2 weeks prior to the opening of the first deer season nor later than 2 weeks after the close of the last deer season within each wildlife management unit.

(iii) Overnight placement of portable hunting blinds is additionally permitted during the spring turkey season within each wildlife management unit.

(iv) Portable hunting blinds or stands placed under subparagraph (ii) or (iii) must be conspicuously marked with a durable identification tag that legibly sets forth in the owner's first name, last name and legal home address in English or must bear a number issued by the Commission for this purpose.

(12) Feed wildlife or lay or place any food, fruit, hay, grain, chemical, salt or other minerals.

(13) Release domestic animals, captive bred or captive raised game or wildlife.

(14) Operate a motor vehicle in willful and wanton disregard for the safety of persons or property or in excess of posted speed limits, or where no speed limit is posted, in excess of 25 miles per hour.

(15) Target shoot with firearms, bows and arrows or devices capable of launching projectiles, unless the person is in possession of a valid hunting or furtaker license signed by its holder. Exercise of privileges shall be done in a manner as to not cause injury to persons or property, or on areas not otherwise posted closed to those activities.

(16) Except as provided in Subchapter J (relating to shooting ranges), discharge any firearm, bow and arrow, or device capable of launching projectiles that is not a lawful device to hunt game or wildlife.

(17) Engage in an activity or event involving more than ten persons, which may conflict with the intended purposes or uses as defined in section 722 of the act (relating to use of property), or poses a potential environmental or safety problem.

(18) Sell, distribute, deliver, service, guide or rent any equipment, material or commodity or otherwise transact or engage in any commercial activity. Commercial activity is any activity in which a person directly or indirectly accepts consideration of value as compensation for the provision of goods or services, including transportation.

(19) Use State game lands for any personal, organizational or commercial purpose other than the intended use as defined in section 722 of the act.

(20) Operate under authority of a contract, lease, agreement or permit and fail to abide by the terms and conditions contained in the contract, lease, agreement or permit.

(21) Be present on State game lands from November 15 through December 15 inclusive when not engaged in lawful hunting or trapping and fail to wear a minimum of 250 square inches of daylight fluorescent orange-colored material on the head, chest and back combined or, in lieu thereof, a hat of the same colored material. The material shall be worn so it is visible in a 360° arc. Persons using shooting ranges are exempted from this requirement.

(22) Shoot clay birds anywhere except areas designated by the Director by signs stating that clay bird shooting is permitted.

(23) Operate, control, retrieve or launch an unmanned aerial vehicle of any size, design or specification on or from lands or waters designated as State game lands. This provision may not be construed to limit activities specifically authorized by the Commission in writing or Federal, State or local governmental response to fire, rescue, police or other emergency matter, or engagement in legitimate governmental function.

(24) Engage in dog training activities on small game from the Monday prior to the start of the youth pheasant season until the opening of the regular pheasant season in § 139.4 (relating to seasons and bag limits for the license year). This paragraph may not be construed to limit dog training activities on any other public or private lands or waters not designated as State game lands.

Authority

The provisions of this § 135.41 amended under 34 Pa.C.S. §§ 322(c)(8), 721(a), 741(b), 2102(a) and (d), 2167(a) and 2901(b).

Source

The provisions of this § 135.41 adopted June 18, 1982, effective June 19, 1982, 12 Pa.B. 1869; amended June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended August 1, 1997, effective August 2, 1997, 27 Pa.B. 3788, amended August 30, 2002, effective February 1, 2003, 32 Pa.B. 4235; amended June 13, 2003, effective June 14, 2003, 33 Pa.B. 2748; amended March 23, 2007, effective March 24, 2007, 37 Pa.B. 1309; amended August 28, 2009, effective August 29, 2009, 39 Pa.B. 5121; amended March 25, 2011, effective March 26, 2011, 41 Pa.B. 1621; amended April 1, 2011, effective April 2, 2011, 41 Pa.B. 1764; amended March 14, 2014, effective March 15, 2014, 44 Pa.B. 1429; corrected March 28, 2014, effective March 15, 2014, 44 Pa.B. 1883; amended May 29, 2015, effective May 30, 2015, 45 Pa.B. 2596; amended August 19, 2016, effective August 20, 2016, 46 Pa.B. 5084; amended May 5, 2017, effective May 6, 2017, 47 Pa.B. 2600; amended September 18, 2020, effective September 19, 2020, 50 Pa.B. 4743; amended March 24, 2023, effective March 25, 2023, 53 Pa.B. 1668. Immediately preceding text appears at serial pages (390827) to (390828) and (402639) to (402640).

Cross References

This section cited in 58 Pa. Code § 135.2 (relating to unlawful actions); 58 Pa. Code § 135.61 (relating to State game farms); 58 Pa. Code § 135.81 (relating to Commission administrative lands); 58 Pa. Code § 135.101 (relating to designation of special wildlife management areas); and 58 Pa. Code § 147.1003 (relating to range permit).

§ 135.42. Appalachian Trail.

(a) *Scope.* This section regulates through hikers who camp overnight on State Game Lands within the corridor of the trail.

(b) *Definitions.* The following words and terms, when used in this section, have the following meanings, unless the context clearly indicates otherwise:

- (1) *Public access area*—An area where the public enters or exits the trail on game lands.
- (2) *Spring*—A source of water issuing from the ground.
- (3) *Stream*—A body of running water flowing on the earth.
- (4) *Through hikers*—Persons walking the trail from a beginning area to an exit area on the trail which is not the place of beginning.

(5) *Trail*—The Appalachian Trail as authorized by the Pennsylvania Appalachian Trail Act (64 P. S. §§ 801—805).

(c) *Overnight camping*. Overnight camping along the trail shall be lawful only in accordance with the act and this part.

(d) *Unlawful acts*. It is unlawful to camp:

- (1) Overnight at a distance more than 200 feet from the designated trail.
- (2) More than one night at the same location.
- (3) Within 500 feet of a spring, stream or public access area.

Source

The provisions of this § 135.42 adopted June 18, 1982, effective June 19, 1982, 12 Pa.B. 1869; amended June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial page (104938).

Cross References

This section cited in 58 Pa. Code § 135.41 (relating to State game lands).

§ 135.43. [Reserved].

Source

The provisions of this § 135.43 adopted June 18, 1982, effective June 19, 1982, 12 Pa.B. 1869; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial page (104939).

§ 135.44. [Reserved].

Source

The provisions of this § 135.44 adopted June 18, 1982, effective June 19, 1982, 12 Pa.B. 1869; amended February 21, 1986, effective February 22, 1986, 16 Pa.B. 525; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial pages (104939) to (104941).

§ 135.45. [Reserved].

Source

The provisions of this § 135.45 adopted June 18, 1982, effective June 19, 1982, 12 Pa.B. 1869; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial pages (104941) to (104942).

§ 135.46. [Reserved].

Source

The provisions of this § 135.46 adopted June 18, 1982, effective June 19, 1982, 12 Pa.B. 1869; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial page (104942).

§ 135.47. [Reserved].

Source

The provisions of this § 135.47 adopted June 18, 1982, effective June 19, 1982, 12 Pa.B. 1869; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial page (104942).

§ 135.48. Purpose and scope.

It is the policy of the Commission to promote public access to State game lands for persons with mobility disabilities in compliance with the United States Department of Justice regulations in 28 CFR Part 35 (relating to nondiscrimination on the basis of disability in state and local government services). Sections 135.49—135.55 set forth how, where and when persons with mobility disabilities may access State game lands with powered wheel-chairs, powered mobility devices and motor vehicles.

Authority

The provisions of this § 135.48 amended under the Game and Wildlife Code, 34 Pa.C.S. §§ 721(a), 2102 and 2901(b).

Source

The provisions of this § 135.48 adopted December 8, 1989, effective December 9, 1989, 19 Pa.B. 5215; amended August 24, 1990, effective September 24, 1990, 20 Pa.B. 4488; amended May 3, 1991, effective July 1, 1991, 21 Pa.B. 2009; amended October 8, 1993, effective October 9, 1993, 23 Pa.B. 4793; amended November 8, 1996, effective November 9, 1996, 26 Pa.B. 5440; amended September 27, 2002, effective September 28, 2002, 32 Pa.B. 4709; amended September 17, 2004, effective September 18, 2004, 34 Pa.B. 5153; amended August 28, 2009, effective August 29, 2009, 39 Pa.B. 5122; amended March 23, 2018, effective March 24, 2018, 48 Pa.B. 1677. Immediately preceding text appears at serial page (371420).

§ 135.49. Definitions.

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

ATV—All-terrain vehicle—A device meeting the definition in 75 Pa.C.S. § 7702 (relating to definitions).

Designated route—

- (i) State game land access or maintenance roads and trails that have been designated by the Director to be open for travel by persons with mobility disabilities using certain powered vehicles and conveyances.
- (ii) The term does not include roads that are open to motor vehicle access by the general public.

Disability—A person's physical or mental impairment that substantially limits his mobility.

Disabled person access permit—A permit issued by the Commission under Chapter 147, Subchapter AA (relating to disabled person access permit) to authorize persons with mobility disabilities to utilize mobility devices and motor vehicles to access designated routes on State game lands.

Mobility device—

- (i) A power-driven device, other than a wheelchair, that is used by a person with a mobility disability for the purpose of locomotion. The term includes ATVs, golf carts, Segways® and other mobility devices designed to operate in areas without defined pedestrian routes, regardless of whether it is designed primarily for use by persons with mobility disabilities.
- (ii) This term does not include motor vehicles.

Transport vehicle placard—A placard provided by the Commission to disabled person access permit holders that must be displayed on the dashboard or in a window of the transport vehicle.

Universal access symbol—A symbol displaying a wheelchair, generally blue and white, that is widely recognized as evidence that the person who is displaying the symbol is disabled.

Wheelchair—

- (i) A manually-operated or power-driven device designed primarily for use by individuals with mobility disabilities for the main purpose of indoor or outdoor locomotion, or both.
- (ii) The term includes power-driven scooters.
- (iii) For the purposes of this subchapter, a wheelchair may not be construed as a mobility device.

Authority

The provisions of this § 135.49 issued under the Game and Wildlife Code, 34 Pa.C.S. § 721(a); amended under the Game and Wildlife Code, 34 Pa.C.S. §§ 721(a) and 2901(b).

Source

The provisions of this § 135.49 adopted July 16, 1999, effective July 17, 1999, 29 Pa.B. 3734; amended March 23, 2018, effective March 24, 2018, 48 Pa.B. 1677. Immediately preceding text appears at serial pages (371420) and (361951).

Cross References

This section cited in 58 Pa. Code § 135.48 (relating to purpose and scope).

§ 135.50. State game lands open to wheelchair access.

(a) Persons with mobility disabilities may use wheelchairs to access any portion of State game lands where pedestrian foot travel is authorized. In the event the Commission restricts pedestrian foot travel in any location through posted signage, wheelchair access will also be restricted.

(b) Access to State game lands under this section does not require a permit issued under section 2923 of the act (relating to disabled person permits) or Chapter 147, Subchapter AA (relating to disabled person access permit).

(c) Persons using motorized wheelchairs are subject to the restrictions of section 2308(a)(7) of the act (relating to unlawful devices and methods) concerning on the use of power-driven vehicles or conveyances to hunt, except as may otherwise be authorized under section 2923 of the act.

(d) Persons using motorized wheelchairs on State game lands are subject to the restrictions on loaded firearms in, on or against a vehicle under section 2503 of the act (relating to loaded firearms in vehicles), except as may otherwise be authorized under section 2923 of the act.

Authority

The provisions of this § 135.50 issued under the Game and Wildlife Code, 34 Pa.C.S. § 721(a); amended under the Game and Wildlife Code, 34 Pa.C.S.

Source

The provisions of this § 135.50 adopted July 16, 1999, effective July 17, 1999, 29 Pa.B. 3734; amended March 8, 2002, effective March 9, 2002, 32 Pa.B. 1305; amended June 22, 2012, effective June 23, 2012, 42 Pa.B. 3581; amended March 23, 2018, effective March 24, 2018, 48 Pa.B. 1677. Immediately preceding text appears at serial page (361951).

Cross References

This section cited in 58 Pa. Code § 135.48 (relating to purpose and scope).

§ 135.51. Designated routes open to mobility devices and motor vehicles.

(a) Persons in possession of a valid disabled person access permit issued under Chapter 147, Subchapter AA (relating to disabled person access permit) may use mobility devices and motor vehicles to access designated routes on State game lands that have been approved by the Director. Designated routes will be classified to authorize mobility device and motor vehicle combined access or mobility device only access, as determined by route selection assessment criteria approved by the Director.

(b) Designated routes will be open for use by persons with disabled person access permits from 14 days prior to the opening day of the archery season to the closing day of the late muzzleloader/archery season and during the spring turkey season. Travel authorized by this section is subject to further limitation based upon existing weather or road conditions or the need for emergency or administrative closure, as indicated by conspicuous signage or postings.

Authority

The provisions of this § 135.51 issued under the Game and Wildlife Code, 34 Pa.C.S. § 721(a); amended under the Game and Wildlife Code, 34 Pa.C.S. §§ 721(a) and 2901(b).

Source

The provisions of this § 135.51 adopted July 16, 1999, effective July 17, 1999, 29 Pa.B. 3734; amended March 23, 2018, effective March 24, 2018, 48 Pa.B. 1677. Immediately preceding text appears at serial pages (361951) to (361952).

Cross References

This section cited in 58 Pa. Code § 135.48 (relating to purpose and scope).

§ 135.52. Towing vehicle placard for persons using mobility devices.

A vehicle used to transport a mobility device for use on designated routes must be marked with a transport vehicle placard issued by the Commission if the transport vehicle is parked on State game lands. The transport vehicle placard must be conspicuously displayed on the dashboard or in a window of the transport vehicle. A transport vehicle placard will be issued by the Commission upon issuance of a disabled person access permit issued under Chapter 147, Subchapter AA (relating to disabled person access permit).

Authority

The provisions of this § 135.52 issued under the Game and Wildlife Code, 34 Pa.C.S. § 721(a); amended under the Game and Wildlife Code, 34 Pa.C.S. §§ 721(a) and 2901(b).

Source

The provisions of this § 135.52 adopted July 16, 1999, effective July 17, 1999, 29 Pa.B. 3734; amended March 23, 2018, effective March 24, 2018, 48 Pa.B. 1677. Immediately preceding text appears at serial page (361952).

Cross References

This section cited in 58 Pa. Code § 135.48 (relating to purpose and scope).

§ 135.53. Operation of mobility devices and motor vehicles on designated routes.

Persons with a valid disabled person access permit issued under Chapter 147, Subchapter AA (relating to disabled person access permit) may operate mobility devices and motor vehicles on designated routes subject to all of the following conditions:

(1) *Safe operation.* Mobility devices and motor vehicles may not be operated on a designated route:

- (i) In negligent disregard for the safety of persons or property.
- (ii) In excess of 25 miles per hour on any designated route classified for mobility device and motor vehicle combined access.
- (iii) In excess of 5 miles per hour on any designated route classified for mobility device only access.

(2) *Marking required.* Mobility devices operated on designated routes must be marked with a universal access symbol placard or sticker that is at least 3 inches by 3 inches in size and displayed in a conspicuous manner.

(3) *ATVs and snowmobiles as mobility devices.* An ATV or snowmobile used as a mobility device on a designated route must be registered with either:

- (i) The Department of Conservation and Natural Resources and display the valid registration plate or registration decal as required under 75 Pa.C.S. §§ 7711.1 and 7711.2 (relating to registration of snowmobile or ATV; and limited registration of snowmobile or ATV); or
- (ii) The Department of Transportation as a neighborhood electric vehicle or NEV and display the valid registration plate and “25 MPH Vehicle” decal as required under 75 Pa.C.S. §§ 3592 and 3594 (relating to required equipment; and same treatment as passenger cars).

(4) *Spark arrestors required.* Mobility devices powered by an internal combustion engine must be equipped with a fully functional spark arrestor while operation on a designated route.

(5) *Classification of designated route.* Mobility devices meeting the requirements of this subchapter may access designated routes classified for mobility device and motor vehicle combined access and mobility device only access. Motor vehicles meeting the requirements of this subchapter may access only designated routes classified for motor vehicle access.

(6) *Limited deviation from designated route authorized.* Persons with a valid disabled person access permit issued under Chapter 147, Subchapter AA may traverse a maximum of 100 yards perpendicular to the nearest designated route road or trail edge to establish a hunting or trapping location, and may not traverse streams, springs, wet areas, food plots or other areas posted against travel.

(7) *Size, weight and noise limited.* Mobility devices may not exceed 65 inches in width and 1,800 pounds in weight. The noise level may not exceed 99 decibels when measured at 20 inches.

(8) *Use of vehicle to hunt restricted.* Persons using mobility devices and motor vehicles on designated routes are subject to the restrictions of section 2308(a)(7) of the act (relating to unlawful devices and methods) concerning the use of power-driven vehicles or conveyances to hunt.

(9) *Loaded firearms.* Persons using mobility devices and motor vehicles on designated routes are subject to the restrictions on loaded firearms in, on or against a vehicle under section 2503 of the act (relating to loaded firearms in vehicles), except as may otherwise be authorized under section 2923 of the act (relating to disabled person permits).

Authority

The provisions of this § 135.53 issued under the Game and Wildlife Code, 34 Pa.C.S. § 721(a); amended under the Game and Wildlife Code, 34 Pa.C.S. §§ 721(a) and 2901.

Source

The provisions of this § 135.53 adopted July 16, 1999, effective July 17, 1999, 29 Pa.B. 3734; amended March 8, 2002, effective March 9, 2002, 32 Pa.B. 1305; amended March 23, 2018, effective March 24, 2018, 48 Pa.B. 1677; amended May 1, 2020, effective May 2, 2020, 50 Pa.B. 2257. Immediately preceding text appears at serial pages (390835) to (390836).

Cross References

This section cited in 58 Pa. Code § 135.48 (relating to purpose and scope).

§ 135.54. Transport of passengers restricted.

A person with a valid disabled person access permit issued under Chapter 147, Subchapter AA (relating to disabled person access permit) who is incapable of operating the mobility device or motor vehicle, whichever is applicable, may be accompanied by up to one other person who will serve as the operator, provided the mobility device or motor vehicle is designed and manufactured to carry a passenger. Additional passengers are not authorized.

Authority

The provisions of this § 135.54 issued under the Game and Wildlife Code, 34 Pa.C.S. § 721(a); amended under the Game and Wildlife Code, 34 Pa.C.S. §§ 721(a) and 2901(b).

Source

The provisions of this § 135.54 adopted July 16, 1999, effective July 17, 1999, 29 Pa.B. 3734; amended March 23, 2018, effective March 24, 2018, 48 Pa.B. 1677. Immediately preceding text appears at serial page (356395).

Cross References

This section cited in 58 Pa. Code § 135.48 (relating to purpose and scope).

§ 135.55. Unlawful acts; penalties.

It is unlawful to operate a mobility device, motor vehicle or other conveyance on State game lands outside of the authorizations in this subchapter. A person who violates a provision of this subchapter shall be subject to the penalties provided in the act.

Authority

The provisions of this § 135.55 issued under the Game and Wildlife Code, 34 Pa.C.S. § 721(a); amended under the Game and Wildlife Code, 34 Pa.C.S. §§ 721(a) and 2901(b).

Source

The provisions of this § 135.55 adopted July 16, 1999, effective July 17, 1999, 29 Pa.B. 3734; amended March 23, 2018, effective March 24, 2018, 48 Pa.B. 1677. Immediately preceding text appears at serial pages (356395) to (356396).

Cross References

This section cited in 58 Pa. Code § 135.48 (relating to purpose and scope).

Subchapter D. STATE GAME FARMS

Sec.

- 135.61. State game farms.
- 135.62. [Reserved].
- 135.63. [Reserved].
- 135.64. [Reserved].
- 135.65. [Reserved].
- 135.66. [Reserved].
- 135.67. [Reserved].

§ 135.61. State game farms.

In addition to the following restrictions, §§ 135.2 and 135.41 (relating to unlawful actions; and State game lands) pertain to lands and waters owned by the Commission and designated as State game farms. It is unlawful to:

- (1) Take wildlife within the boundary of a State Game Farm, except by permission of the Director or a designee.
- (2) Enter or approach pens, fenced fields, barns or other buildings or enclosures.
- (3) Feed game birds or animals, or both.
- (4) Enter the area with dogs or guns, except by special permission of the Director.

Authority

The provisions of this § 135.61 amended under the Game and Wildlife Code, 34 Pa.C.S. § 2102(d).

Source

The provisions of this § 135.61 adopted June 18, 1982, effective June 19, 1982, 12 Pa.B. 1869; amended June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended March 25, 2011, effective March 26, 2011, 41 Pa.B. 1621. Immediately preceding text appears at serial page (300809).

§ 135.62. [Reserved].**Source**

The provisions of this § 135.62 adopted June 18, 1982, effective June 19, 1982, 12 Pa.B. 1869; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial page (104943).

§ 135.63. [Reserved].**Source**

The provisions of this § 135.63 adopted June 18, 1982, effective June 19, 1982, 12 Pa.B. 1869; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial pages (104943) to (104944).

§ 135.64. [Reserved].**Source**

The provisions of this § 135.64 adopted June 18, 1982, effective June 19, 1982, 12 Pa.B. 1869; amended February 21, 1986, effective February 22, 1986, 16 Pa.B. 525; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial pages (104944) to (104946).

§ 135.65. [Reserved].**Source**

The provisions of this § 135.65 adopted June 18, 1982, effective June 19, 1982, 12 Pa.B. 1869; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial page (104946).

§ 135.66. [Reserved].**Source**

The provisions of this § 135.66 adopted June 18, 1982, effective June 19, 1982, 12 Pa.B. 1869; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial page (104947).

§ 135.67. [Reserved].**Source**

The provisions of this § 135.67 adopted June 18, 1982, effective June 19, 1982, 12 Pa.B. 1869; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial page (104947).

Subchapter E. COMMISSION ADMINISTRATIVE LANDS

Sec.

135.81. Commission administrative lands.

§ 135.81. Commission administrative lands.

Sections 135.2 and 135.41 (relating to unlawful actions; and State game lands) pertain to lands and waters owned by the Commission, designated as regional offices, central offices, radio tower sites or visitor centers.

Authority

The provisions of this § 135.81 amended under the Game and Wildlife Code, 34 Pa.C.S. § 721(a).

Source

The provisions of the § 135.81 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended October 24, 2003, effective October 25, 2003, 33 Pa.B. 5315. Immediately preceding text appears at serial page (202736).

Subchapter F. SPECIAL WILDLIFE MANAGEMENT AREAS

Sec.

- 135.101. Designation of special wildlife management areas.
- 135.102. Designation of areas within an established special wildlife management area.
- 135.103. Controlled hunting and trapping area access permit procedures.
- 135.104. Controlled hunting and trapping area access requirements and limitations.
- 135.105. Hunting hours in a controlled hunting area.
- 135.106. Controlled hunting and trapping area harvest limitations.
- 135.107. Unlawful acts.

§ 135.101. Designation of special wildlife management areas.

(a) *Authority to designate special wildlife management areas.* The Commission may designate any lands and waters it owns, leases or otherwise controls as a special wildlife management area. The Commission will mark any area designated as a special wildlife management area with conspicuous signage designating its boundaries.

(b) *Authority to designate areas within special wildlife management areas.* The Commission may designate any lands or waters within an established special wildlife management area as a public recreation area, propagation area, open public hunting or trapping area, controlled hunting or trapping area, or any other designation consistent with the intended use of the lands and waters. The Commission will mark any internally designated area within a special wildlife management area with conspicuous signage designating its boundaries and stating the intended purpose of the area.

(c) *Designated special wildlife management areas.* The following areas of this Commonwealth are designated as a special wildlife management area:

(1) *Middle Creek Wildlife Management Area.* The area otherwise known as State Game Land No. 46, that is located in Clay, Elizabeth and West Cocalico Townships, Lancaster County and Heidelberg Township, Lebanon County.

(2) *Pymatuning Wildlife Management Area.* The area otherwise known as State Game Land No. 214, that is located in North Shenango, Pine, Sadsbury and West Fallowfield Townships, Crawford County.

(3) *Poquessing Creek Wildlife Management Area.* The area otherwise known as State Game Land No. 339, that is located in Philadelphia County.

(d) *Scope.* In addition to the requirements and limitations of §§ 135.2, 135.41 and 135.161 (relating to unlawful actions; State game lands; and Commission-owned or leased), the provisions of this subchapter shall govern public use and access to any area designated as a special wildlife management area.

Authority

The provisions of this § 135.101 amended under 34 Pa.C.S. § 721(a).

Source

The provisions of this § 135.101 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended August 24, 1990, effective September 24, 1990, 20 Pa.B. 4488; amended June 9, 2023, effective June 10, 2023, 53 Pa.B. 3085; amended April 3, 2026, effective April 4, 2026, 56 Pa.B. 1811. Immediately preceding text appears at serial page (414479).

§ 135.102. Designation of areas within an established special wildlife management area.

(a) *Public recreation areas.* An area designated by the Director as a public recreation area within an established special wildlife management area is open to public access for recreation purposes. Hunting and trapping opportunities are closed within any area designated as a public recreation area. The Director may also impose further travel or use restrictions within a public recreation area with appropriate signage or postings.

(b) *Propagation areas.* An area designated by the Director as a propagation area within an established special wildlife management area is generally closed to public access. Entry into and hunting and trapping within a propagation area is controlled by an access permit authorization under §§ 135.103 and 135.161 (relating to controlled hunting and trapping area access permit procedures; and Commission-owned or leased).

(c) *Open public hunting and trapping areas.* An area designated by the Director as an open hunting and trapping area within an established special wildlife management area is open to public access for general hunting and trapping activities. The Director may impose further travel or use restrictions within an open hunting and trapping area with appropriate signage or postings.

(d) *Controlled hunting and trapping areas.* An area designated by the Director as a controlled hunting or trapping area within an established special wildlife management area is limited to hunting or trapping of designated game and wildlife by access permit only. The Director may impose further travel or use restrictions within a controlled hunting or trapping area with appropriate signage or postings.

Authority

The provisions of this § 135.102 amended under 34 Pa.C.S. § 721(a).

Source

The provisions of this § 135.102 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended August 13, 1999, effective August 14, 1999, 29 Pa.B. 4351; amended June 9, 2023, effective June 10, 2023, 53 Pa.B. 3085. Immediately preceding text appears at serial pages (388067) to (388068).

§ 135.103. Controlled hunting and trapping area access permit procedures.

(a) *Authority to establish and cancel dates and quotas.* The Director will establish the dates and number of available access permits each year for any authorized hunting or trapping activities approved for an established controlled hunting or trapping area. The Director may treat any area designated as a propagation area within a special wildlife management area in the same manner as a controlled hunting or trapping area as it relates to the authorization of hunting and trapping by access permit. The Director may cancel or suspend any authorized hunting or trapping dates for an established controlled hunting or trapping area when the Commission determines that an adequate number of the respective

game or wildlife has been taken, a game or wildlife health or disease concern has been identified, or some other circumstance warrants suspension or closure.

(b) *Notice.* The Commission will provide notice of the opening or closure of limited hunting or trapping opportunities for designated game and wildlife within an established controlled hunting or trapping area through a public announcement, web site or other means reasonably intended to reach the widest audience. Notice of the opening of limited hunting or trapping opportunities within an established controlled hunting or trapping area will also include information concerning the application process.

(c) *Application.*

(1) *Eligibility.* An applicant must possess a valid and current hunting or trapping license, whichever is applicable, plus any other license, stamp or permit that is required for the designated game or wildlife, to be eligible to make application for an access permit. An applicant is eligible to submit only one application per drawing for an access permit to participate in a controlled hunting or trapping activity on any established special wildlife management area.

(2) *Timeliness, form and content.* Applications for a controlled hunting or trapping permit shall be submitted on a form, in the manner and by the deadline established by the Commission. Applications must include the applicant's name, Commission-issued Customer Identification Number and any other information required by the Commission. Incomplete, illegible, duplicate or late applications will be rejected.

(d) *Drawing.*

(1) The Commission will conduct a random drawing of applications to select participants for each authorized hunting or trapping activity approved for an established controlled hunting or trapping area. Successful applicants will be issued an access permit specifying the date(s) and the authorized species for the applicable hunting or trapping activity. Access permits are not transferable. The Commission may conduct special random drawings prior to scheduled regular drawings for controlled hunting or trapping area access permits that are reserved for:

(i) Junior license holders and persons in possession of a valid mentored youth permit issued under Chapter 147, Subchapter X (relating to Mentored Hunting Program Permit). An adult who accompanies a junior license holder or mentored youth permit holder on an established special youth day may participate in the hunt by calling, but may not harvest any game or wildlife.

(ii) Persons in possession of a disabled person permit issued under section 2923(a) of the act (relating to disabled person permits).

(iii) Persons in possession of a resident disabled veteran license, a reduced fee resident disabled veteran license or persons who possess a senior lifetime resident license or senior lifetime resident combination hunting

license who can provide documentation evidencing their eligibility for the resident disabled veteran license or a reduced fee resident disabled veteran license.

(iv) Persons in possession of a resident general hunting license, senior lifetime resident license or senior lifetime resident combination hunting license who can provide documentation evidencing their veteran status.

(2) The Commission will include all unsuccessful applications from special random drawings with all other standard applications awaiting the regular drawings.

(e) *Unclaimed permits.* If one or more successful applicants cancels or fails to appear for check-in by 1/2 hour prior to open hunting hours on the scheduled date and time for their hunting or trapping opportunity for any controlled hunt that requires in-person check-in, the Commission may void the issued access permits and conduct a random drawing to reassign unclaimed access permits. If the Commission determines that a drawing to reassign unclaimed access permits is necessary, a drawing will be conducted using the same or substantially equivalent random selection process used in the original drawing until all openings are filled. The Commission will conduct unclaimed access permit drawings immediately prior to the opening of lawful hunting hours on the day of the scheduled hunt.

Authority

The provisions of this § 135.103 amended under 34 Pa.C.S. §§ 322(c)(6), 721(a), 2102(a) and 2722(g).

Source

The provisions of this § 135.103 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended August 19, 1994, effective August 20, 1994, 24 Pa.B. 4197; corrected December 1, 1995, effective January 7, 1995, 25 Pa.B. 5508; amended August 13, 1999, effective August 14, 1999, 29 Pa.B. 4351; amended August 11, 2000, effective August 12, 2000, 30 Pa.B. 4250; amended July 15, 2005, effective July 16, 2005, 35 Pa.B. 3926; amended August 28, 2009, effective August 29, 2009, 39 Pa.B. 5119; amended August 19, 2016, effective August 20, 2016, 46 Pa.B. 5085; amended August 25, 2017, effective August 26, 2017, 47 Pa.B. 4982; amended March 22, 2019, effective March 23, 2019, 49 Pa.B. 1363; amended June 9, 2023, effective June 10, 2023, 53 Pa.B. 3085. Immediately preceding text appears at serial pages (388068) and (395961) to (395962).

Cross References

This section cited in 58 Pa. Code § 135.102 (relating to designation of areas within an established special wildlife management area); 58 Pa. Code § 135.104 (relating to controlled hunting and trapping area access requirements and limitations); 58 Pa. Code § 141.26 (relating to early Canada goose hunting season on Middle Creek Wildlife Management Area); and 58 Pa. Code § 141.27 (relating to early Canada goose hunting season on Pymatuning Wildlife Management Area).

§ 135.104. Controlled hunting and trapping area access requirements and limitations.

(a) *Check-in.* A person issued an access permit shall check-in upon arrival at the special wildlife management area in the manner set forth in the instructions provided with their permit, which may include physical presentation of their permit to Commission staff at a designated registration area. A person issued a 1-day access permit must check-in on the scheduled date within 1/2 hour before open hunting hours for that day, otherwise the Commission may void the access permit and conduct a random drawing to reassign the unclaimed access permit as set forth in § 135.103(e) (relating to controlled hunting and trapping area access permit procedures).

(b) *Check-out.* A person issued a controlled hunting or trapping area access permit shall check-out upon departure from the assigned controlled hunting or trapping area in the manner set forth in the instructions provided with their permit, which may include physical presentation of the permit and any game or wildlife harvested to Commission staff at a designated registration area or the mailing of a harvest report card supplied with the permit by the deadline specified on the permit. A person issued a controlled hunting area access permit shall check-out of the controlled hunting area no later than 1 hour after the close of hunting hours for the day as set forth in § 141.4 (relating to hunting hours) or within 1 hour of the closing time specified on their access permit.

(c) *Access restricted.*

(1) Except as provided in this subsection, entry into a controlled hunting or trapping area without a valid controlled hunting or trapping area access permit is prohibited.

(2) A person in possession of a valid access permit may enter only the controlled hunting or trapping area or hunting blind designated on their access permit.

(3) A person may recover wounded or harvested game or wildlife from a controlled hunting or trapping area that is not designated on their access permit only after receipt of specific advance permission from the Commission. A person may seek this permission by contacting the Commission using the telephone number provided in the materials accompanying their access permit.

(4) A person with a valid controlled hunting or trapping area access permit is prohibited from entering or remaining in a controlled hunting or trapping area at any time outside of 1 hour before or 1 hour after legal hunting hours as set forth in § 141.4 or as specified on their access permit without specific advance permission from the Commission.

Authority

The provisions of this § 135.104 amended under 34 Pa.C.S. §§ 322, 721(a), 2102(b) and 2722(g).

Source

The provisions of this § 135.104 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended May 29, 1998, effective May 30, 1998, 28 Pa.B. 2504; amended August 13, 1999, effective August 14, 1999, 29 Pa.B. 4351; amended November 6, 2015, effective November 7, 2015, 45 Pa.B. 6502; amended August 25, 2017, effective August 26, 2017, 47 Pa.B. 4982; amended June 9, 2023, effective June 10, 2023, 53 Pa.B. 3085. Immediately preceding text appears at serial pages (395962) and (388071).

Cross References

This section cited in 58 Pa. Code § 141.26 (relating to early Canada goose hunting season in Middle Creek Wildlife Management Area); and 58 Pa. Code § 141.27 (relating to early Canada goose hunting season on Pymatuning Wildlife Management Area).

§ 135.105. Hunting hours in a controlled hunting area.

A person hunting game or wildlife within a controlled hunting area shall comply with the hunting hours provisions set forth in § 141.4 (relating to hunting hours) or as specified on their access permit.

Authority

The provisions of this § 135.105 amended under 34 Pa.C.S. § 721(a).

Source

The provisions of this § 135.105 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended June 9, 2023, effective June 10, 2023, 53 Pa.B. 3085. Immediately preceding text appears at serial pages (388071) and (387085).

§ 135.106. Controlled hunting and trapping area harvest limitations.

(a) *Species restriction.* A person with a valid controlled hunting or trapping area access permit is authorized to hunt, trap or harvest, whichever is applicable, only the game or wildlife species designated on their access permit. Other hunting, trapping or harvesting is prohibited.

(b) *Nontoxic shot restrictions.*

(1) *Small game other than waterfowl.* Notwithstanding the authorizations under § 141.22(a)(2) and (c)(1)(ii) (relating to small game seasons), a person hunting small game, other than waterfowl, in a small game controlled hunting area is prohibited from using multiple-projectile ammunition containing lead shot. Multiple-projectile ammunition is authorized only if it contains nontoxic shot of the sizes and compositions as are otherwise authorized in § 141.22(a)(2) or (c)(1)(ii), whichever is applicable.

(2) *Waterfowl.* A person hunting waterfowl in a waterfowl controlled hunting area is prohibited from using multiple-projectile ammunition containing lead shot. Multiple-projectile ammunition is authorized only if it contains nontoxic shot of the sizes and compositions as are otherwise authorized in § 141.23 (relating to nontoxic shot).

(c) *Controlled hunting or trapping area restrictions.*

(1) *Parking.* If the Commission assigns a parking placard to an access permit holder for any controlled hunting or trapping activity, the permit holder

shall park only in assigned parking areas and shall display the parking placard on the dashboard of their vehicle in a manner that allows it to be visible from the exterior of the vehicle.

(2) *Restriction on dogs.* A person hunting or trapping game or wildlife within a controlled hunting or trapping area is prohibited from allowing a dog to run unaccompanied or without direction and control.

(3) *Shooting on, along or from a road or parking area.* A person hunting or trapping game or wildlife within a controlled hunting or trapping area is prohibited from shooting on, along or from parking areas.

(d) *Controlled waterfowl hunting area specific restrictions.*

(1) A person hunting waterfowl in a controlled waterfowl hunting area or blind is authorized to begin the hunt and thereafter possess or discharge no more than ten rounds of ammunition. This paragraph does not prohibit one member of a party in a controlled waterfowl hunting area or blind from giving part of their original ten-round allotment to another member of the same hunting party. The Director may waive the limitations of this paragraph for any designated youth waterfowl hunting day.

(2) A person hunting waterfowl in a controlled waterfowl hunting area is prohibited from removing any waterfowl from the person's assigned waterfowl hunting area or blind prior to final check-out for that day.

(3) A person hunting waterfowl in a controlled waterfowl hunting area is prohibited from harvesting more than one Canada goose per person per day. Seasons and daily limits for all other waterfowl shall conform with Chapter 139 (relating to seasons and bag limits) and 50 CFR Part 20 (relating to migratory bird hunting).

Authority

The provisions of this § 135.106 amended under 34 Pa.C.S. § 721(a).

Source

The provisions of this § 135.106 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended July 7, 1989, effective July 8, 1989, 19 Pa.B. 2956; amended July 24, 1992, effective July 25, 1992, 22 Pa.B. 3897; amended October 27, 1995, effective October 28, 1995, 25 Pa.B. 4611; amended August 13, 1999, effective August 14, 1999, 29 Pa.B. 4351; amended August 11, 2000, effective August 12, 2000, 30 Pa.B. 4250; amended May 5, 2017, effective May 6, 2017, 47 Pa.B. 2599; amended June 9, 2023, effective June 10, 2023, 53 Pa.B. 3085. Immediately preceding text appears at serial pages (387085) to (387087).

§ 135.107. Unlawful acts.

A person violating any provision of this subchapter may be prosecuted under section 721 of the act (relating to control of property) or other applicable provision of the act and, upon conviction, be sentenced to pay the fine prescribed in

the act. Furthermore, the Director may deny, revoke or suspend a permit for any violation of this subchapter upon written notice to the permittee.

Authority

The provisions of this § 135.107 amended under 34 Pa.C.S. §§ 322(c)(2), 721(a) and 2102(a).

Source

The provisions of this § 135.107 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended October 27, 1995, effective October 28, 1995, 25 Pa.B. 4611; amended September 6, 1996, effective September 7, 1996, 26 Pa.B. 4339; amended August 13, 1999, effective August 14, 1999, 29 Pa.B. 4351; amended August 26, 2005, effective August 17, 35 Pa.B. 4825; amended December 1, 2006, effective December 2, 2006, 36 Pa.B. 7248; amended June 9, 2023, effective June 10, 2023, 53 Pa.B. 3085. Immediately preceding text appears at serial pages (387087) to (387088).

Subchapter G. PUBLICLY-OWNED LANDS

Sec.

135.121. Federal-owned lands.

135.122. State-owned lands.

135.123. Political subdivision-owned lands.

§ 135.121. Federal-owned lands.

In addition to § 135.2 (relating to unlawful actions), the following exceptions pertain to lands and waters owned by the Federal government under Commission lease or control, or both:

- (1) Boats propelled by a motor may be utilized, in accordance with the regulations posted on the area.
- (2) Swimming shall be in accordance with the regulations posted on the area.
- (3) Fires shall be in accordance with the regulations posted on the area.

Authority

The provisions of this § 135.121 amended under 34 Pa.C.S. § 721(a).

Source

The provisions of this § 135.121 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended October 24, 2003, effective October 25, 2003, 33 Pa.B. 5315. Immediately preceding text appears at serial page (267962).

§ 135.122. State-owned lands.

Section 135.2 (relating to unlawful actions) pertains to lands and waters owned by the Commonwealth under Commission lease or control, or both.

Authority

The provisions of this § 135.122 amended under 34 Pa.C.S. § 721(a).

Source

The provisions of this § 135.122 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended October 24, 2003, effective October 25, 2003, 33 Pa.B. 5315. Immediately preceding text appears at serial page (267962).

§ 135.123. Political subdivision-owned lands.

Section 135.2 (relating to unlawful actions) pertains to lands and waters owned by a political subdivision under Commission lease or control, or both.

Authority

The provisions of this § 135.123 amended under 34 Pa.C.S. § 721(a).

Source

The provisions of this § 135.123 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended October 24, 2003, effective October 25, 2003, 33 Pa.B. 5315. Immediately preceding text appears at serial page (267962).

Subchapter H. PRIVATELY-OWNED LANDS

Sec.
135.141. Privately-owned lands.

§ 135.141. Privately-owned lands.

Section 135.2 (relating to unlawful actions) pertains to lands and waters under cooperative agreement to the Commission.

Source

The provisions of this § 135.141 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464.

Subchapter I. PROPAGATION AREAS

Sec.
135.161. Commission-owned or leased.
135.162. Privately-owned.

§ 135.161. Commission-owned or leased.

In addition to § 135.2 (relating to unlawful actions) the following pertain to lands and waters under Commission ownership, lease or jurisdiction, designated as propagation areas:

- (1) Entry is prohibited, except as authorized by Commission personnel.
- (2) The Director may authorize the opening of a propagation area for purposes of hunting, trapping, or both, in conformity with established seasons and bag limits.

Source

The provisions of this § 135.161 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464.

Cross References

This section cited in 58 Pa. Code § 135.101 (relating to designation of special wildlife management areas); and 58 Pa. Code § 135.102 (relating to designation of areas within an established special wildlife management area).

§ 135.162. Privately-owned.

In addition to § 135.2 (relating to unlawful actions), the following pertain to lands and waters under agreement to the Commission, designated as propagation areas:

- (1) Entry is prohibited, except to the owner or tenant of a tract of land on which a propagation area is established, or a member of his family or authorized employee, who shall be privileged to go upon the area any time of the year, without dog, trap, firearm or bow and arrow, in connection with normal and customary management of the lands, if no attempt is made to drive or disturb the wildlife.

(2) If a seriously wounded game bird or mammal enters a propagation area, the hunter who wounded it, in order to retrieve it, shall report to an officer of the Commission or to the person in charge of the lands, who may investigate, accompanied by the hunter without firearm or bow and arrow. If the bird or mammal is found to be seriously crippled, it may be secured by the officer or person in charge of the lands and turned over to the hunter.

(3) If a dog, without encouragement, enters a propagation area, it may be recovered by the owner or person in control by entering the area without firearm or bow and arrow.

Source

The provisions of this § 135.162 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464.

Subchapter J. SHOOTING RANGES

Sec.

135.181. Rifle and handgun ranges.

135.182. {Reserved}.

135.182a. Shotgun ranges.

135.183. Archery ranges.

Cross References

This subchapter cited in 58 Pa. Code § 135.41 (relating to State Game Lands).

§ 135.181. Rifle and handgun ranges.

(a) *General provisions.* In addition to § 135.2 (relating to unlawful actions), the following pertain to lands under Commission ownership, lease or jurisdiction designated as rifle or handgun ranges:

(1) Rifle and handgun ranges are open from 8 a.m., prevailing time, until sunset Monday through Saturday and from 12 noon to sunset Sunday, unless otherwise posted; except the Sunday immediately preceding and any Sunday throughout the duration of the regular firearms deer seasons and the regular firearms bear seasons, when the hours are 8 a.m. to sunset.

(2) A range may be reserved for exclusive use by an organized group from January 1 through October 1. Applications for a range reservation shall be made through the appropriate regional director or a designee at least 20 days in advance.

(3) An individual may not use the range during any period reserved by an organized group.

(4) An individual or an organized group using the range is responsible for keeping the area clean and free of debris, and may not discard, deposit, leave or throw litter except in approved refuse containers. Range users shall remove targets from range backboards when shooting is completed and prior to leaving the range.

(5) The Commission is not responsible for anyone injured on the range. An individual using Commission- owned ranges does so at his own risk and assumes all responsibility for injuries to a person or property caused by or to him.

(6) When more than one person is using the range, a range officer shall be designated.

(7) An individual under 16 years of age may not use the range unless accompanied by a person 18 years of age or older.

(8) The appropriate regional director or designee may close a range by posting signs to that effect. An individual or organized group may not use the range during a period when it is posted as closed.

(b) *Prohibited acts.* At a rifle and handgun range located on land under Commission ownership, lease or jurisdiction, except when authorized by the appropriate regional director or a designee, it is unlawful to do any of the following:

(1) Discharge a firearm from any location on the range other than an established shooting station on the firing line.

(2) Discharge a firearm at any target other than:

(i) A paper target placed on a permanent target backboard mounted by the Commission; or

(ii) A steel target placed and mounted by the Commission.

Users are prohibited from intentionally shooting at or damaging the frames or stands constructed by the Commission to mount permanent target backboards or steel targets.

(3) Discharge armor piercing, incendiary, explosive, tracer or multiple projectile ammunition.

(4) Be intoxicated, use or possess an intoxicating beverage or controlled substance on the range.

(5) Discharge an automatic firearm.

(6) Load or discharge a firearm that contains more than six rounds of single projectile ammunition.

(7) Shoot clay birds anywhere except areas designated by the Director by signs stating that clay bird shooting is permitted.

(8) Load or discharge a firearm or use a range facility for any reason without possessing a valid Pennsylvania hunting or furtaker license or a Commission-issued range permit signed by its holder. This prohibition does not apply to persons 15 years of age or younger or up to one person accompanying another person in possession of a valid Pennsylvania hunting or furtaker license or a Commission-issued range permit.

(9) Operate, manipulate or discharge a firearm in negligent disregard for the safety of other persons present at or nearby the range. This is specifically intended to include loading a firearm, operating or manipulating a loaded firearm, or discharging a firearm anywhere on the firing range while another person is downrange.

(10) Use a Commission range in violation of any other requirement of this section or posted signage.

(c) *Range designation.* The default designation for Commission ranges, regardless of length or size, is as a rifle range. The Commission may designate any range as a handgun only range by posting appropriate signage.

Authority

The provisions of this § 135.181 amended under 34 Pa.C.S. §§ 322(c)(4) and (6), 721(a), 2102(a) and 2901(b).

Source

The provisions of this § 135.181 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended December 1, 1995, effective January 7, 1995, 25 Pa.B. 5508; amended March 23, 2007, effective March 24, 2007, 37 Pa.B. 1309; amended April 1, 2011, effective April 2, 2011, 41 Pa.B. 1764; amended May 12, 2017, effective May 13, 2017, 47 Pa.B. 2715; amended November 4, 2022, effective November 5, 2022, 52 Pa.B. 6858; amended May 23, 2025, effective May 24, 2025, 55 Pa.B. 3570. Immediately preceding text appears at serial pages (411843) to (411845).

Cross References

This section cited in 58 Pa. Code § 147.1003 (relating to range permit).

§ 135.182. [Reserved].**Authority**

The provisions of this § 135.182 deleted under 34 Pa.C.S. § 721(a).

Source

The provisions of this § 135.182 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended March 8, 1991, effective March 9, 1991, 21 Pa.B. 949; deleted November 4, 2022, effective November 5, 2022, 52 Pa.B. 6858. Immediately preceding text appears at serial page (392067).

§ 135.182a. Shotgun ranges.

(a) *Shotgun ranges.* In addition to § 135.2 (relating to unlawful actions), the following pertain to lands under Commission ownership, lease or jurisdiction designated as shotgun ranges:

(1) Shotgun ranges are open for use from 8 a.m., prevailing time, until sunset Monday through Saturday and from 12 p.m. to sunset Sunday, unless posted otherwise by the Commission.

(2) A person using a shotgun range is responsible for keeping the area clean and free of debris, and may not discard, deposit, leave or throw litter, except in approved refuse containers. Range users shall remove all targets from range backboards, if applicable, and collect used cartridge casings or shotshell hulls when their shooting is completed and prior to leaving the range.

(3) The Commission is not responsible for anyone injured on a shotgun range. An individual using a shotgun range does so at their own risk and assumes all responsibility for injuries to a person or property caused by or to them.

(4) When more than one person is using a shotgun range, a range officer shall be designated.

(5) A person under 16 years of age may not use a shotgun range unless they are properly accompanied and supervised by a person 18 years of age or older.

(6) The Commission or any designated local representative may close a shotgun range by posting appropriate signs to that effect. A person may not use a shotgun range during a period when the range is designated as closed.

(b) *Prohibited acts.* At a shotgun range located on land under Commission ownership, lease or jurisdiction, except when authorized by the appropriate regional director or a designee, it is unlawful to:

(1) Discharge a firearm from any location other than an established shooting station or shooting location on the designated firing line.

(2) Discharge a firearm on a shotgun patterning range at any target other than a paper target placed on a stationary target backboard mounted by the Commission.

(3) Discharge armor piercing, incendiary, explosive, tracer or single projectile ammunition.

(4) Be intoxicated, use or possess an intoxicating beverage or controlled substance.

(5) Discharge an automatic firearm.

(6) Load or discharge a firearm that contains more than three rounds of multiple projectile ammunition.

(7) Target or shoot at clay birds anywhere on the range except areas designated by the director by signs stating that clay bird shooting is permitted.

(8) Load or discharge a firearm or use a range facility for any reason without possessing a valid Pennsylvania hunting or furtaker license or a Commission-issued range permit signed by its holder. This prohibition does not apply to persons 15 years of age or younger or up to one person accompanying another person in possession of a valid Pennsylvania hunting or furtaker license or a Commission-issued range permit.

(9) Operate, manipulate or discharge a firearm in negligent disregard for the safety of other persons present at or nearby the range. This prohibition is specifically intended to include loading a firearm, operating or manipulating a loaded firearm, or discharging a firearm anywhere on a shotgun range while another person is downrange of the firing line.

(10) Use or discharge any single projectile ammunition.

(11) Use or discharge multiple projectile ammunition on a clay bird range that is larger than # 4 lead, # 2 steel or # 4 of any other composition or alloys of nontoxic shot approved by the Director of the United States Fish and Wildlife Service or an authorized representative under 50 CFR 20.134 (relating to approval of nontoxic shot types and shot coatings).

(12) Throw, target or shoot clay birds on a clay bird range that are composed of any substance other than baked clay, limestone or other biodegradable material.

(13) Throw clay birds on a clay bird range from any location other than the designated firing line.

(14) Use the range in violation of any other requirement of this section or posted signage.

Authority

The provisions of this § 135.182a added under 34 Pa.C.S. § 721(a).

Source

The provisions of this § 135.182a added November 4, 2022, effective November 5, 2022, 52 Pa.B. 6858.

§ 135.183. Archery ranges.

(a) *General provisions.* In addition to § 135.2 (relating to unlawful actions) the following provisions pertain to lands under Commission ownership, lease or jurisdiction designated as archery ranges:

(1) Archery ranges are open from dawn until dusk each day of the week.

(2) A range may be reserved for exclusive use by an organized group from January 1 through October 1. An application for a range reservation shall be made through the appropriate regional director or a designee at least 20 days in advance.

(3) An individual may not use the range during any period reserved by an organized group.

(4) An individual or an organized group using the range is responsible for keeping the area clean and free of debris, and may not discard, deposit, leave or throw litter except in approved refuse containers. Range users shall remove targets from range bales when shooting is completed and prior to leaving the range.

(5) The Commission is not responsible for anyone injured on the range. Individuals using Commission-owned ranges do so at their own risk and assume all responsibility for injuries to a person or property caused by or to them.

(6) When more than one person is using the range, a range officer shall be designated.

(7) An individual under 16 years of age may not use the range unless accompanied by a person 18 years of age or older.

(8) The appropriate regional director or a designee may close a range by posting signs to that effect. An individual or organized group may not use the range during a period when it is posted as closed.

(b) *Prohibited acts.* At an archery range located on land under Commission ownership, lease or jurisdiction, except when authorized by the appropriate regional director or a designee, it is unlawful to:

(1) Discharge a bow or crossbow from any location on the range other than an established shooting station on the firing line.

(2) Discharge a bow or crossbow at any target other than a paper target placed on a permanent target bale mounted by the Commission. Users are prohibited from intentionally shooting at or damaging the frames, stands or other structures constructed by the Commission to mount permanent target bales.

(3) Discharge any arrow or bolt equipped with a broadhead or other cutting device, except at a broadhead shooting station designated by the Commission.

(4) Be intoxicated, use or possess an intoxicating beverage or controlled substance on the range.

(5) Discharge a bow or crossbow more than six times successively if another person is using the range.

(6) Discharge a firearm or use firearm ammunition or other explosive materials.

(7) Operate, manipulate or discharge a bow or crossbow in negligent disregard for the safety of other persons present at or nearby the range. This is specifically intended to include loading a bow or crossbow, operating or manipulating a loaded bow or crossbow, or discharging a bow or crossbow anywhere on the firing range while another person is downrange.

(8) Use a Commission range in violation of any other requirement of this section or posted signage.

Authority

The provisions of this § 135.183 issued under 34 Pa.C.S. § 721(a).

Source

The provisions of this § 135.183 adopted May 25, 2018, effective May 26, 2018, 48 Pa.B. 3082.

**Subchapter K. IMPLEMENTATION OF KEYSTONE RECREATION,
PARK AND CONSERVATION FUND ACT**

Sec.

135.201. Definitions.

135.202. Project identification.

135.203. Project approval.

Authority

The provisions of this Subchapter K issued under sections 8 and 12 of the Keystone Recreation, Park and Conservation Fund Act (32 P.S. §§ 2018 and 2022), unless otherwise noted.

Source

The provisions of this Subchapter K adopted November 4, 1994, effective November 5, 1994, 24 Pa.B. 5561, unless otherwise noted.

§ 135.201. Definitions.

(a) The definitions of “acquisition,” “development,” “planning,” “rehabilitation,” “natural areas,” “recreational areas” and “technical assistance” set forth in section 3 of the Keystone Recreation, Park and Conservation Fund Act (act) (32 P. S. § 2011) shall be used for this program.

(b) The definition of “game lands,” as used in this subchapter means lands, waters, buildings, structures and facilities, under ownership, lease or control of the Commission, acquired, developed, constructed, erected, maintained or rehabilitated for hunting, trapping and the protection and management of wildlife habitat, including lands or easements, parking areas, storage facilities, offices, maintenance buildings, roads or related facilities.

(c) “Recreation areas” has the same meaning as “recreational areas” set forth in section 3 of act.

§ 135.202. Project identification.

(a) The staff will identify and recommend proposed projects to be funded using bond revenues to the Executive Office.

(b) The Executive Office will provide members of the Commission information about projects proposed for funding with bond issue revenues.

§ 135.203. Project approval.

The Commission will approve or disapprove projects to be funded with bond revenues by a majority vote of the members of the Commission who are present and voting at a public meeting.

Subchapter L. LICENSES FOR RIGHTS-OF-WAY

Sec.

135.221. Scope.

135.222. Definitions.

135.223. Application process and application and processing fee.

135.224. Damage assessments.

135.225. Annual fees and security requirements.

Authority

The provisions of this Subchapter L issued under the Game and Wildlife Code, 34 Pa.C.S. §§ 721(a) and 2102(a), unless otherwise noted.

Source

The provisions of this Subchapter L adopted March 23, 2007, effective March 24, 2007, 37 Pa.B. 1309, unless otherwise noted.

§ 135.221. Scope.

This subchapter provides for licensing rights-of-way across land to which title has been acquired for the Commission’s use. Except as noted, this subchapter does not apply to Letters of Authorization or leases for natural resources recovery that are approved by the Commission under other provisions of law.

§ 135.222. Definitions.

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

Application and processing fee—A one time cost recovery charge that reimburses the Commission in advance for some of the expected administrative costs incurred in the processing of right-of-way applications, assignments and amendments.

Double stumpage—A multiple of two times the value of timber as calculated under standard operating procedure of the Commission.

Inflationary provision—An automatic adjustment to the license fee.

Late fee—A charge imposed upon license fees remaining unpaid after the due date.

License fee—A yearly charge that compensates the Commission annually in advance for the privilege of using the property as outlined in the license.

License for right-of-way—A revocable permission for uses as allowed under section 725 of the code (relating to rights-of-way, easements and licenses).

Surface damage assessment—A one time cost recovery fee that reimburses the Commission in advance for loss of shrubs and herbaceous growth, wildlife food and cover, or other habitat and management impacts and environmental degradation, whether permanent or temporary in nature.

Temporary road use permits—Temporary permit for use of existing State game lands roads which would otherwise be licenses for rights-of-way, but which are limited in duration to 12 months or less.

Timber damage assessment—A one time cost recovery charge that reimburses the Commission in advance for timber damage, whether permanent or temporary in nature.

§ 135.223. Application and processing fee.

(a) *Application.* A person or entity requesting a license for right-of-way shall submit a completed application on a form supplied by the Commission. A description of alternatives considered in the project location and design shall be included with the application.

(b) *Processing fee.* A nonrefundable fee of \$150 payable to the Pennsylvania Game Commission shall be submitted with the application. This fee is nonrefundable whether the license is approved or denied.

§ 135.224. Damage assessments.

(a) *Surface damage assessment.* A minimum fee of \$400 per acre or partial acre, prorated for each acre over 1, will be charged.

(b) *Timber damage assessment.* Cutting of timber products shall be assessed the greater of double stumpage value or as assessed by conducting a comprehensive timber value assessment. Values for timber or areas not originally assessed but damaged during the construction process, may be assessed at any time and billed to the licensee.

(c) *Multiple assessment.* Both surface damage assessments and timber damage assessments will be charged.

§ 135.225. Annual fees and security requirements.

(a) *License fee.* The Commission will negotiate charges and fees as it deems conditions and circumstances warrant, with an assessed minimum annual license fee consisting of an areal minimum of \$200 per acre or partial acre impacted, prorated for every acre over 1, plus a linear minimum of 5¢ per foot. Rates and fees established may be adjusted annually in accordance with the Consumer Price Index (CPI) of the immediately preceding license year.

(b) *Late fees.* Late fees may be assessed in accordance with Commonwealth or Commission policies, or regulations governing late payments.

(c) *Security requirements.* Licenses shall require a bond or other security. The amount of the bond shall be based upon the estimated cost of the removal of the facilities, reclamation and revegetation of the site. Licenses which include reclamation, revegetation and maintenance of Commission roads require security at a minimum of \$2,500 per mile.

Subchapter M. PURCHASE OF PROPERTIES AT AUCTION AND TAX SALES

Sec.

135.241. Delegation of authority.

§ 135.241. Delegation of authority.

(a) The Commission will delegate authority to the Director to bid on real estate, oil, gas or mineral rights at auction or tax sale and to request down payment checks to bid on property at auction.

(b) The exercise of this authority delegated to the Director is limited to the following:

(1) The Director will notify the Board of Commissioners of the pending auction sale date and verify that due to unforeseen time constraints the Director deems there to be an immediate need to react to the sale in the best interest of the Commission and sportsmen.

(2) The purchase price at auction may not exceed \$500,000 without further additional approval from the majority of the Board of Commissioners.

(3) Successful bids shall be made known to the general public at the next regularly scheduled meeting of the Board of Commissioners.

(c) Further action will not be necessary on the part of the Board of Commissioners to hold settlement, pay the remainder of the purchase price or consummate the transaction.

Authority

The provisions of this § 135.241 issued under the Game and Wildlife Code, 34 Pa.C.S. §§ 322(c)(12) and 2102(a).

Source

The provisions of this § 135.241 adopted June 11, 2010, effective June 12, 2010, 40 Pa.B. 3095.

[Next page is 137-1.]

135-28

CHAPTER 137. WILDLIFE

Sec.

- 137.1. Importation, possession, sale and release of certain wildlife.
- 137.2. Release of animals.
- 137.3. [Reserved].
- 137.4. [Reserved].
- 137.5. [Reserved].
- 137.6. [Reserved].
- 137.7. [Reserved].
- 137.8. [Reserved].
- 137.9. [Reserved].
- 137.10. [Reserved].
- 137.11. [Reserved].
- 137.12. [Reserved].
- 137.14. [Reserved].
- 137.15. [Reserved].
- 137.16. [Reserved].
- 137.17. [Reserved].
- 137.18. [Reserved].
- 137.19. [Reserved].
- 137.21. [Reserved].
- 137.23. [Reserved].
- 137.24. [Reserved].
- 137.25. [Reserved].
- 137.26. [Reserved].
- 137.27. [Reserved].
- 137.28. [Reserved].
- 137.29. [Reserved].
- 137.30. [Reserved].
- 137.31. Possession of live wildlife.
- 137.32. [Reserved].
- 137.33. Feeding of certain wildlife prohibited.
- 137.34. Wildlife disease and emergency authority of Director.
- 137.35. Chronic Wasting Disease restrictions.

§ 137.1. Importation, possession, sale and release of certain wildlife.

(a) Unless otherwise provided in this section or the act, it is unlawful for a person to import, possess, sell, offer for sale or release within this Commonwealth the following wild animals or wild birds or the eggs of the birds or a crossbreed or hybrid of the wild animals or wild birds, which are similar in appearance:

- (1) *In the family Felidae*. Species and subspecies, except species which are commonly called house cats which may be possessed but not released into the wild. Lawfully acquired bobcats—*Lynx rufus*—may be imported or possessed, or both, by licensed propagators specifically for propagation for fur farming purposes. Importation permits and transfer permits as mentioned in subsections (d) and (e) are not required for bobcats imported for propagation for fur farm-

ing purposes. Bobcats imported under this exception and their progeny may not be sold or transferred for wildlife pet purposes or released into the wild.

(2) *In the family Canidae.* Species and subspecies of the coyote, the red and gray fox and a full-blooded wolf or crossbreed thereof not licensed by the Department of Agriculture. Lawfully acquired coyotes and red or gray foxes may be imported or possessed, or both, by licensed propagators specifically for propagation for fur farming purposes. Coyotes and red and gray foxes imported under this exception and their progeny may not be sold or transferred for wildlife pet purposes or released into the wild. This subsection does not permit the sale for release or the release of the mammals into the wild.

(3) *In the family Ursidae.* All species of the bears.

(4) *In the family Procyonidae.* All species of raccoons.

(5) *In the family Capromyidae.* The nutria.

(6) *In the family Mustelidae.* All species of the skunks.

(7) The order Primates. All families of nonhuman primates.

(8) An animal, bird or egg of a bird listed by the Commonwealth or the United States Department of the Interior as threatened, endangered or injurious.

(9) The Monk Parakeet, *Myiopsitts monachus*, sometimes referred to as the Quaker Parakeet or Gray-headed Parakeet.

(10) Game or wildlife taken alive from the wild, except the Commission may import wildlife taken from the wild for enhancement of this Commonwealth's wild fauna.

(11) *Game or wild held captive.* Game or wildlife held in captivity or captive bred in another state or nation.

(b) Nothing in this section prevents a Nationally recognized circus from temporarily bringing wildlife into this Commonwealth in connection with presenting circus performances.

(c) Nothing in this section prevents zoological gardens from importing wildlife.

(d) A person wishing to import lawfully acquired wildlife, or parts thereof, shall first obtain an importation permit from the Commission subject to the following:

(1) Importation permits will be issued for a fee of \$50 for each transaction.

(2) A person wishing to import wildlife for a menagerie, exotic wildlife possession, exotic wildlife dealer or propagation purposes shall be in possession of a menagerie, exotic wildlife possession, exotic wildlife dealer or propagation permit prior to submitting the application for an import permit. See Chapter 147 (relating to special permits).

(3) An application for an importation permit shall state the name and address of the applicant, name and address of the person supplying the wildlife, the common and scientific name and the number of wildlife to be covered by the permit, the purpose for which the wildlife is being imported, the quali-

fications of the applicant to use the wildlife for the stated purpose and the location where the wildlife will be housed or retained.

(4) Menagerie permittees who also possess a USDA Class C Exhibitor permit and who operate a menagerie facility as their primary means of making a livelihood, are exempt from the possession prohibition of this section, and may import lawfully acquired wildlife pursuant to an importation permit.

(e) Transfer of wildlife imported under subsection (d), or its progeny, or parts thereof, to a second party by sale, trade, barter or gift may only be done subject to the following:

(1) A permit issued by the Commission is required to transfer by sale, trade, barter or gift, wildlife or its progeny, or a part thereof.

(2) The fee for a transfer permit is \$50.

(3) Transfer is limited to persons authorized to lawfully import wildlife.

(f) Live wildlife imported for any reason shall be accompanied by a certificate of veterinary inspection signed by an accredited veterinarian.

Authority

The provisions of this § 137.1 amended under the Game and Wildlife Code, 34 Pa.C.S. §§ 2102(a) and (c), 2163(a), and 2901(b).

Source

The provisions of this § 137.1 adopted June 8, 1953; amended June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended July 22, 1988, effective upon publication and applies retroactively to July 1, 1988, 18 Pa.B. 3213; amended December 8, 1989, effective December 9, 1989, 19 Pa.B. 5215; amended August 24, 1990, effective September 24, 1990, 20 Pa.B. 4488; amended May 29, 1992, effective July 1, 1992, 22 Pa.B. 2839; amended March 21, 2003, effective March 22, 2003, 33 Pa.B. 1471; amended March 23, 2007, effective March 24, 2007, 37 Pa.B. 1310; amended June 27, 2008, effective June 28, 2008, 38 Pa.B. 3499; amended January 26, 2010, effective April 3, 2010, 40 Pa.B. 1736. Immediately preceding text appears at serial pages (335303) to (335305).

§ 137.2. Release of animals.

(a) Except as otherwise provided, it is unlawful to release captive held or captive raised game or wildlife on any lands, public or private, without first securing a permit from the Commission. Lawfully acquired mallard ducks, ring-neck pheasant, bobwhite quail, chukar partridge and Hungarian partridge may be released for dog training or hunting purposes.

(b) It is unlawful to release any animal that is a member of the *suidae* family into the wild.

(c) A person violating this section is subject to the penalties provided in the act.

Authority

The provisions of this § 137.2 amended under the Game and Wildlife Code, 34 Pa.C.S. §§ 322(c)(8) and (9), 2101(a) and (c) and 2102(c).

Source

The provisions of this § 137.2 adopted January 9, 1947; amended December 18, 1958; amended June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended March 10, 1989, effective March 11, 1989, 19 Pa.B. 1020; amended September 17, 2004, effective September 18, 2004, 34 Pa.B. 5155; amended June 29, 2007, effective June 30, 2007, 37 Pa.B. 2948; amended November 16, 2018, effective November 17, 2018, 48 Pa.B. 7212. Immediately preceding text appears at serial page (349001).

§ 137.3. [Reserved].**Source**

The provisions of this § 137.3 adopted January 8, 1948; amended April 23, 1976, effective April 24, 1976, 6 Pa.B. 961; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial page (63565).

§ 137.4. [Reserved].**Source**

The provisions of this § 137.4 amended November 23, 1973, effective November 24, 1973, 3 Pa.B. 2728; amended November 28, 1980, effective November 29, 1980, 10 Pa.B. 4468; amended July 10, 1981, effective July 11, 1981, 11 Pa.B. 2491; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial pages (63565) and (83613) to (83614).

§ 137.5. [Reserved].**Source**

The provisions of this § 137.5 adopted December 18, 1958; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial pages (83614) and (51542).

§ 137.6. [Reserved].**Source**

The provisions of this § 137.6 adopted December 18, 1958; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial page (51542).

§ 137.7. [Reserved].**Source**

The provisions of this § 137.7 adopted December 18, 1958; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial pages (51542) to (51543).

§ 137.8. [Reserved].**Source**

The provisions of this § 137.8 adopted October 19, 1971, effective November 6, 1971, 1 Pa.B. 2080; reserved June 19, 1987, July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial page (51543).

§ 137.9. [Reserved].**Source**

The provisions of this § 137.9 adopted November 23, 1979, effective November 24, 1979, 9 Pa.B. 3875; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial pages (51543) and (71035).

§ 137.10. [Reserved].**Source**

The provisions of this § 137.10 adopted April 10, 1966; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial pages (71035) to (71036).

§ 137.11. [Reserved].**Source**

The provisions of this § 137.11 adopted April 27, 1971, effective May 29, 1971, 1 Pa.B. 1314; corrected August 14, 1981, effective April 25, 1981, 11 Pa.B. 2854; amended April 30, 1982, effective May 1, 1982, 12 Pa.B. 1394; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial page (71036).

§ 137.12. [Reserved].**Source**

The provisions of this § 137.12 adopted October 12, 1967; reserved December 10, 1982, effective December 11, 1982, 12 Pa.B. 4249. Immediately preceding text appears at serial page (71037).

§ 137.14. [Reserved].**Source**

The provisions of this § 137.14 adopted June 2, 1970, effective June 3, 1970, 1 Pa.B. 84; amended July 5, 1974, effective July 6, 1974, 4 Pa.B. 1375; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial pages (83615) to (83616).

§ 137.15. [Reserved].**Source**

The provisions of this § 137.15 adopted June 3, 1971, effective July 3, 1971, 1 Pa.B. 1474; amended July 6, 1979, effective September 1, 1979, 9 Pa.B. 2264; amended July 10, 1981, effective July 11, 1981, 11 Pa.B. 2491; amended September 17, 1982, effective September 18, 1982, 12 Pa.B. 3295; amended September 16, 1983, effective September 17, 1983, 13 Pa.B. 2839; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial pages (83616) to (83620).

§ 137.16. [Reserved].**Source**

The provisions of this § 137.16 adopted June 1, 1972, effective June 2, 1972, 2 Pa.B. 1075; amended June 27, 1980, effective June 28, 1980, 10 Pa.B. 2599; amended April 30, 1982, effective May 1, 1982, 12 Pa.B. 1394; amended September 17, 1982, effective September 18, 1982, 12 Pa.B. 3295; amended September 16, 1983, effective September 17, 1983, 13 Pa.B. 2840; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial pages (83620) to (83625).

§ 137.17. [Reserved].**Source**

The provisions of this § 137.17 adopted April 27, 1971, effective May 29, 1971, 1 Pa.B. 1318; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial pages (83625) and (56184).

§ 137.18. [Reserved].**Source**

The provisions of this § 137.18 adopted June 22, 1963; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial page (56184).

§ 137.19. [Reserved].**Source**

The provisions of this § 137.19 adopted April 4, 1958; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial pages (56184) to (56185).

§ 137.21. [Reserved].**Source**

The provisions of this § 137.21 adopted December 18, 1958; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial pages (56185) and (66953).

§ 137.23. [Reserved].**Source**

The provisions of this § 137.23 adopted April 27, 1971, effective May 29, 1971, 1 Pa.B. 1317; amended June 27, 1980, effective June 28, 1980, 10 Pa.B. 2599; amended December 4, 1981, effective December 5, 1981, 11 Pa.B. 4193; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial pages (66953) to (66954).

§ 137.24. [Reserved].**Source**

The provisions of this § 137.24 adopted October 21, 1960; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial pages (66954) and (110909).

§ 137.25. [Reserved].**Source**

The provisions of this § 137.25 adopted June 1, 1972, effective June 24, 1972, 2 Pa.B. 1075; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial page (110909).

§ 137.26. [Reserved].**Source**

The provisions of this § 137.26 adopted October 9, 1972, effective October 28, 1972, 2 Pa.B. 2079; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial page (110909).

§ 137.27. [Reserved].**Source**

The provisions of this § 137.27 adopted November 15, 1974, effective November 16, 1974, 4 Pa.B. 2379; amended November 14, 1975, effective November 15, 1975, 5 Pa.B. 2981; amended May 2, 1980, effective May 3, 1980, 10 Pa.B. 1777; amended January 23, 1981, effective January 10, 1981, 11 Pa.B. 419; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial pages (110909) to (110910).

§ 137.28. [Reserved].**Source**

The provisions of this § 137.28 adopted June 30, 1978, effective July 1, 1978, 8 Pa.B. 1765; amended April 6, 1979, effective April 7, 1979, 9 Pa.B. 1174; amended July 11, 1986, effective July 12, 1986, 16 Pa.B. 2527; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial pages (110910) to (110911).

§ 137.29. [Reserved].**Source**

The provisions of this § 137.29 adopted April 4, 1958; reserved July 11, 1986, effective July 12, 1986, 16 Pa.B. 2527. Immediately preceding text appears at serial page (110911).

§ 137.30. [Reserved].**Source**

The provisions of this § 137.30 adopted May 2, 1980, effective May 3, 1980, 10 Pa.B. 1777; corrected January 23, 1981, effective January 10, 1981, 11 Pa.B. 419; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial page (110911).

§ 137.31. Possession of live wildlife.

(a) It is unlawful for a person to possess live wildlife taken from a wild state within this Commonwealth except:

(1) A permit to possess no more than five live foxes may be issued to a person for the sole purpose of collecting fox urine. The permit to possess live fox will expire on the last day of the fox-trapping season. Any foxes held under the authority of this permit shall be euthanized and may be pelted and the pelt may be sold. No fox held under the authority of this permit may be released into the wild.

(2) A person lawfully operating under the authority of a permit issued in accordance with the act is excluded from this section.

(3) Sanitation and housing specifications for foxes held under authority of this permit shall be in accordance with §§ 147.283 and 147.285(4)(xvii) (relating to sanitation; and specifications).

(b) A person violating this subchapter will be subject to the penalties provided in section 2307 of the act (relating to unlawful taking or possession of game or wildlife).

Authority

The provisions of this § 137.31 amended under the Game and Wildlife Code, 34 Pa.C.S. § 2901(b).

Source

The provisions of this § 137.31 adopted August 24, 1990, effective September 24, 1990, 20 Pa.B. 4488; amended November 2, 2001, effective November 3, 2001, 31 Pa.B. 6051. Immediately preceding text appears at serial page (202755).

§ 137.32. [Reserved].

Source

The provisions of this § 137.32 adopted October 27, 1995, effective October 28, 1995, 25 Pa.B. 4611; reserved June 16, 2006, effective June 17, 2006, 36 Pa.B. 2972. Immediately preceding text appears at serial page (316094).

§ 137.33. Feeding of certain wildlife prohibited.

It is unlawful to, except for normal or accepted farming, habitat management practices, oil and gas drilling, mining, forest management activities or other legitimate commercial or industrial practices, intentionally lay or place food, fruit, hay, grain, chemical, salt or other minerals anywhere in this Commonwealth for the purpose of feeding bear or elk, or to intentionally lay or place food, fruit, hay, grain, chemical, salt or other minerals that may cause bear or elk to congregate or habituate an area. If otherwise lawful feeding is attracting bear or elk, the Commission may provide written notice prohibiting the activity.

Authority

The provisions of this § 137.33 issued under the Game and Wildlife Code, 34 Pa.C.S. § 103; and amended under the Game and Wildlife Code, 34 Pa.C.S. §§ 103(a) and 2102(a).

Source

The provisions of this § 137.33 adopted March 21, 2003, effective March 22, 2003, 33 Pa.B. 1470; amended September 17, 2004, effective September 18, 2004, 34 Pa.B. 5154; amended June 16, 2006, effective June 17, 2006, 36 Pa.B. 2972. Immediately preceding text appears at serial pages (316094) to (316095).

§ 137.34. Wildlife disease and emergency authority of Director.

(a) The Director has emergency authority to take actions to mitigate risk factors and to determine the prevalence and geographic distribution of wildlife diseases, if the Director concludes that the introduction or spread of wildlife diseases poses a threat to human, domestic and wild animal, and environmental health and safety within or adjacent to this Commonwealth.

- (1) The Director has emergency authority to:
 - (i) Institute importation and exportation restrictions to mitigate disease transmission risk factors.
 - (ii) Define and designate Disease Management Areas (DMA) in this Commonwealth.
- (2) The Director has emergency authority within designated DMAs to:
 - (i) Allow the taking of wildlife without regard to established seasons and bag limits and methods of take.
 - (ii) Require mandatory disease testing or disposal of wildlife or wildlife parts.
 - (iii) Prohibit the movement of high-risk wildlife parts.
 - (iv) Prohibit the rehabilitation of wildlife.
 - (v) Prohibit the use and possession of wildlife products.
 - (vi) Prohibit the feeding of wildlife.
 - (vii) Prohibit the issuance of new permits and allow the suspension or modification of existing permits to possess or transport live wildlife.
- (3) Notwithstanding paragraphs (1) and (2), the emergency authority of the Director will not be construed to extend to:
 - (i) The regulation of captive wildlife held under 3 Pa.C.S. Chapter 23 (relating to Domestic Animal Law) or the requirements of a lawful quarantine order issued by the Department of Agriculture.
 - (ii) The unilateral regulation of wildlife concurrently managed by the Commonwealth and the Federal government.
- (b) It is unlawful for a person to violate a provision of an Executive Order issued by the Director under the authority of this section. A person violating this section will, upon conviction, be sentenced to pay the fine prescribed in the act.

Authority

The provisions of this § 137.34 issued under 34 Pa.C.S. §§ 103(a) and 322(c)(9); and amended under 34 Pa.C.S. § 2102(a).

Source

The provisions of this § 137.34 adopted December 2, 2005, effective December 3, 2005, 35 Pa.B. 6526; amended December 23, 2011, effective December 24, 2011, 41 Pa.B. 6879; amended March 12, 2021, effective March 13, 2021, 51 Pa.B. 1313. Immediately preceding text appears at serial pages (360056) and (389063).

Cross References

This section cited in 58 Pa. Code § 137.35 (relating to Chronic Wasting Disease restrictions); and 58 Pa. Code § 141.18 (relating to permitted devices).

§ 137.35. Chronic Wasting Disease restrictions.

(a) *Importation.*

(1) *General rule.* It is unlawful to import any high-risk parts or materials from cervids harvested, taken or killed outside of this Commonwealth.

(2) *Exceptions.* This subsection may not be construed to:

- (i) Limit the importation of non-high-risk parts or materials from cervids harvested, taken or killed outside of this Commonwealth.

(ii) Limit the importation of high-risk parts or materials from cervids harvested, taken or killed outside of this Commonwealth if the parts or materials are transported directly to any location or facility designated and approved in advance by the Commission to receive high-risk cervid parts for waste disposal, taxidermy, or butchering purposes. Locations or facilities designated and approved to receive high-risk cervid parts for waste disposal, taxidermy or butchering purposes will be made known through public announcement, web site and other means reasonably intended to reach the widest audience. The following apply:

(A) *Application.* A location or facility seeking approval to receive high-risk cervid parts for waste disposal, taxidermy or butchering purposes shall submit a completed application on a form and in the manner established by the Commission. Applications must include the applicant's name, business address, phone number, name of current commercial refuse pickup service or other approved disposal method, and any other information required by the Commission.

(B) *Approved locations and facilities.* A location or facility approved by the Commission to receive high-risk cervid parts for waste disposal, taxidermy, or butchering purposes shall dispose of all high-risk cervid parts through a commercial refuse pickup service or other method approved by the Commission. An approved location or facility shall keep and maintain records of their use of an approved disposal method and provide access to these records upon request of the Commission. An approved location or facility shall also provide the Commission access to its location or facility during normal business hours to collect biological data and samples from harvested cervids.

(b) *Exportation.*

(1) *General rule.* It is unlawful to remove or export any high-risk parts or materials from cervids harvested, taken or killed, including by vehicular accident, within any Disease Management or Established Area established within this Commonwealth.

(2) *Exceptions.* This subsection may not be construed to:

(i) Limit the removal or exportation of non-high-risk parts or materials from cervids harvested, taken or killed within any Disease Management or Established Area established within this Commonwealth.

(ii) Limit the removal or exportation of high-risk parts or materials from cervids harvested, taken or killed in any Disease Management or Established Area established within this Commonwealth if the parts or materials are transported directly to any location or facility designated and approved in advance by the Commission to receive high-risk cervid parts for waste disposal, taxidermy, butchering or harvest reporting purposes. Locations or facilities designated and approved to receive high-risk cervid parts for waste disposal, taxidermy, butchering or harvest reporting purposes will be made

known through public announcement, web site and other means reasonably intended to reach the widest audience. The following apply:

(A) *Application.* A location or facility seeking approval to receive high-risk cervid parts for waste disposal, taxidermy, butchering or harvest reporting purposes shall submit a completed application on a form and in the manner established by the Commission. Applications must include the applicant's name, business address, phone number, name of current commercial refuse pickup service or other approved disposal method, and any other information required by the Commission.

(B) *Approved locations and facilities.* A location or facility approved by the Commission to receive high-risk cervid parts for waste disposal, taxidermy, butchering or harvest reporting purposes shall dispose of high-risk cervid parts only through a commercial refuse pickup service or other method approved by the Commission. An approved location or facility shall keep and maintain records of their use of an approved disposal method and provide access to these records upon request of Commission. An approved location facility shall also provide the Commission access to their location or facility during normal business hours to collect biological data and samples from harvested cervids.

(b.1) *Additional restrictions.*

(1) All cervids harvested, taken or killed within any Disease Management or Established Area established within this Commonwealth or imported into this Commonwealth are subject to disease testing. This testing may require hunters to present cervids, or cervid parts, for checking and sampling at prescribed locations under conditions in a forthcoming notice. The submission process, if any, will be made known through public announcement, web site and other means reasonably intended to reach the widest audience. The cost of testing, sampling and analysis will be borne by the Commission.

(2) It is unlawful to rehabilitate wild, free-ranging cervids within any Disease Management or Established Area established within this Commonwealth.

(3) It is unlawful to use or possess cervid urine-based attractants in any outdoor setting within any Disease Management or Established Area established within this Commonwealth.

(4) It is unlawful to directly or indirectly feed wild, free-ranging cervids within any Disease Management or Established Area established within this Commonwealth. This prohibition may not be construed to apply to normal or accepted agricultural, habitat management, oil and gas drilling, mining, forest management, or other legitimate commercial or industrial practices. If otherwise lawful feeding is attracting cervids, the Commission may provide written notice prohibiting this activity. Failure to discontinue this activity is a violation of this section.

(5) The Commission will not issue any new permit to possess or transport live cervids within any Disease Management or Established Area established within this Commonwealth.

(6) It is unlawful to transport or move a cervid harvested, taken or killed outside of this Commonwealth or within any Disease Management or Established Area from the location of harvest or kill and thereafter place or dispose of any high-risk cervid parts on the landscape anywhere within the Commonwealth. High-risk cervid parts shall be disposed of only through a commercial refuse pickup service or other method approved by the Commission.

(c) *Nonapplicability.*

(1) Nothing in this section shall be construed to extend to the regulation of Captive cervids held under 3 Pa.C.S. Chapter 23 (relating to Domestic Animal Law) or the requirements of a lawful quarantine order issued by the Department of Agriculture.

(2) Nothing in this section shall be construed to limit the Commission's authority to establish or enforce additional importation, exportation, possession, transportation, or testing requirements or restrictions on cervid parts or materials under the authority of § 137.34 (relating to wildlife disease and emergency authority of Director).

(d) *Authority to designate.* The Executive Director has the authority to designate and publish Disease Management and Established Areas established within this Commonwealth. The Executive Director will publish this list and any updates in the *Pennsylvania Bulletin*.

(e) *Definitions.* The following words and terms, when used in this section, have the following meanings, unless the context clearly indicates otherwise:

CWD—Chronic Wasting Disease—The transmissible spongiform encephalopathy of cervids.

Cervid—Any member of the family Cervidae (deer), specifically including, but not limited to, the following species: black-tailed deer; caribou; elk; fallow deer; moose; mule deer; red deer; sika deer; white-tailed deer; and any hybrids thereof.

Disease Management Area—Any geographic area of this Commonwealth influenced by a positive case of CWD and targeted by the Commission for CWD management activities.

Established Area—Any geographic area of this Commonwealth that is within a Disease Management Area and has a higher concentration of disease prevalence that is targeted by the Commission for enhanced CWD management activities.

Feeding—The act of placing any artificial or natural substance for the use or consumption of wild, free-ranging cervids on an annual, seasonal or emergency basis.

High-risk parts or materials—Any parts or materials, derived from cervids, which are known to accumulate abnormal prions. This includes any of the following: head (including brain, tonsils, eyes and lymph nodes); spinal cord/backbone (vertebra); spleen; skull plate with attached antlers, if visible brain or spinal cord material is present; cape, if visible brain or spinal cord material is

present; upper canine teeth, if root structure or other soft material is present; any object or article containing visible brain or spinal cord material; and brain-tanned hide.

Non-high-risk parts or materials—Any parts or materials, derived from cervids, which are not known to accumulate abnormal prions. This includes any of the following: meat, without the backbone; skull plate with attached antlers, if no visible brain or spinal cord material is present; tanned hide or rawhide with no visible brain or spinal cord material present; cape, if no visible brain or spinal cord material is present; upper canine teeth, if no root structure or other soft material is present; and taxidermy mounts, if no visible brain or spinal cord material is present.

(f) *Violations.* A person violating a requirement or restriction in this section may be prosecuted under section 2102 or 2307 of the act (relating to regulations; and unlawful taking or possession of game or wildlife) and, upon conviction, be sentenced to pay the fine prescribed in the act. The Commission may deny, revoke or suspend a location or facility's authorization to receive high-risk cervid parts for waste disposal, taxidermy, butchering or harvest reporting purposes from any cervid harvested, taken or killed outside of this Commonwealth or within any Disease Management or Established Area as set forth in section 929(a) of the act (relating to revocation, suspension or denial of license, permit or registration).

Authority

The provisions of this § 137.35 issued and amended under 34 Pa.C.S. § 2102(a).

Source

The provisions of this § 137.35 adopted May 5, 2017, effective May 6, 2017, 47 Pa.B. 2601; amended March 12, 2021, effective March 13, 2021, 51 Pa.B. 1313; amended June 9, 2023, effective June 10, 2023, 53 Pa.B. 3088. Immediately preceding text appears at serial pages (404347) to (404350).

Cross References

This section cited in 58 Pa. Code § 141.18 (relating to permitted devices).

[Next page is 139-1.]

137-14

CHAPTER 139. SEASONS AND BAG LIMITS

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139.4.	Seasons and bag limits for the license year.
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139.10.	[Reserved].
139.11.	[Reserved].
139.12.	[Reserved].
139.13.	[Reserved].
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139.15.	[Reserved].
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139.17.	Wildlife management units.
139.18.	Elk management area and hunt zones.

Cross References

This chapter cited in 58 Pa. Code § 135.106 (relating to controlled hunting and trapping area harvest limitations).

§ 139.1. Scope.

This chapter relates to the hunting and trapping of game and wildlife for the license year.

Source

The provisions of this § 139.1 amended September 1, 1978, effective September 2, 1978, 8 Pa.B. 2455; amended November 23, 1984, effective November 24, 1984, 14 Pa.B. 4285; amended June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended June 3, 1988, effective June 4, 1988, 18 Pa.B. 2530. Immediately preceding text appears at serial page (118681).

§ 139.2. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Daily limit—The maximum number permitted to be taken by one person in 1 day during the open season.

Field possession limit—The maximum number of legally taken wildlife of a species which a person may legally possess or transport between the place of taking and the person's permanent place of residence.

Season limits—The maximum number of wildlife which may be taken during a designated open season or license year.

Authority

The provisions of this § 139.2 issued under 34 Pa.C.S. §§ 322(c)(1) and 2102(a) and (b)(1).

Source

The provisions of this § 139.2 adopted June 3, 1971, effective July 17, 1971, 1 Pa.B. 1542; amended October 9, 1972, effective October 28, 2 Pa.B. 2080; amended June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended May 12, 2000, effective May 13, 2000, 30 Pa.B. 2366; amended June 1, 2001, effective June 2, 2001, 31 Pa.B. 2791; corrected August 17, 2001, effective May 13, 2000, 31 Pa.B. 4536; amended August 17, 2001, effective August 18, 2001, Pa.B. 4536; amended August 9, 2002, effective August 10, 2002, 32 Pa.B. 3945; amended June 20, 2003, effective June 21, 2003, 33 Pa.B. 2878; amended July 15, 2005, effective July 16, 2005, 35 Pa.B. 3927; amended June 16, 2006, effective June 17, 2006, 36 Pa.B. 2971; amended August 22, 2008, effective August 23, 2008, 38 Pa.B. 4615. Immediately preceding text appears at serial pages (320707) to (320708).

§ 139.3. Authority to alter seasons and bag limits.

(a) *Alteration of hunting seasons.* If it is determined following review of wildlife surveys and inventory data, that certain wildlife species are available in sufficient number throughout this Commonwealth or in specific areas, or it is determined that inclement weather conditions or other factors resulted in an underharvest of certain species of wildlife, the Director has authority by order to:

- (1) Extend hunting or trapping seasons set forth in this chapter.
- (2) Designate specific areas where hunting and trapping seasons may be extended.
- (3) Increase the bag limits for those species of wildlife listed in this chapter.

(b) *Emergency authority of Director.* The Director has emergency authority to remove protection on wildlife Statewide, or in a designated area and prohibit its possession alive and order the method of disposal, if he determines the spread of a disease poses a threat to human safety, farm animals, pets and wildlife within or adjacent to this Commonwealth.

(c) *Removal of protection on wildlife.*

(1) If the Director removes the protection on wildlife in designated areas, except for animals or their parts submitted for laboratory analysis, it is unlawful to:

- (i) Remove the wildlife or their carcasses from the areas.
- (ii) Possess the wildlife alive.
- (2) Nothing in this subsection prevents removal of dried or cured skins of wildlife from the areas where the protection has been removed, if removal poses no threat to other areas of this Commonwealth.

(d) *Restrictions.* If it is determined due to drought, storm, cold, heat or other uncontrollable circumstances that a specific wildlife population is not at a sufficient level to permit the seasons or bag limits established, the Director may shorten seasons or further restrict bag limits until the conditions improve.

Source

The provisions of this § 139.3 adopted July 1, 1948; amended June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended August 24, 1990, effective September 24, 1990, 20 Pa.B. 4488; amended July 15, 2005, effective July 16, 2005, 35 Pa.B. 3927; amended June 16, 2006, effective June 17, 2006, 36 Pa.B. 2971. Immediately preceding text appears at serial pages (312309) to (312310).

§ 139.4. Seasons and bag limits for the license year.

**2025-2026 OPEN HUNTING AND FURTAKING SEASONS, DAILY
LIMIT, FIELD POSSESSION LIMIT AND SEASON LIMIT OPEN
SEASON INCLUDES FIRST AND LAST DATES LISTED**

SMALL GAME

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After Second Day</i>
<i>Squirrel</i> —(Combined species) ¹ Eligible Junior Hunters, with or without the required junior license, and Mentored Permit Holders 16 years of age and under	Sept. 13		Sept. 27	6	18
<i>Squirrel</i> —(Combined species) ²	Sept. 13		Nov. 15	6	18
	Sun. ³ , Nov. 16	and	Sun. ³ , Nov. 16		
	Nov. 17		Nov. 22		
	Sun. ³ , Nov. 23	and	Sun. ³ , Nov. 23		
	Nov. 24	and	Nov. 28		
	Dec. 15	and	Dec. 24		

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After Second Day</i>
	Dec. 26	and	Feb. 28, 2026		
<i>Ruffed Grouse</i> ²	Oct. 18 Sun. ³ , Nov. 16 Nov. 17 Sun. ³ , Nov. 23 Nov. 24 Dec. 15	and and and and and	Nov. 15 Sun. ³ , Nov. 16 Nov. 22 Sun. ³ , Nov. 23 Nov. 28 Dec. 24	2	6
<i>Rabbit, Cottontail</i> ¹ Eligible Junior Hunters, with or without the required junior license, and Mentored Permit Holders 16 years of age and under	Oct. 4		Oct. 18	4	12
<i>Rabbit, Cottontail</i> ²	Oct. 18 Sun. ³ , Nov. 16	and and	Nov. 15 Sun. ³ , Nov. 16	4	12

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After Second Day</i>
	Nov. 17 Sun. ³ , Nov. 23 Nov. 24 Dec. 15 Dec. 26	and and and and	Nov. 22 Sun. ³ , Nov. 23 Nov. 28 Dec. 24 Feb. 28, 2026		
<i>Ring-necked Pheasant</i> Central Susquehanna and Franklin County Wild Pheasant Recovery Areas <i>Male only</i> ¹	As authorized by the Executive Order.				
<i>Ring-necked Pheasant—Male or Female</i> ¹ Junior License Holders and Mentored Permit Holders ⁴	Oct. 11		Oct. 18	2	6
<i>Ring-necked Pheasant—Male or Female</i> ²	Oct. 25 Sun. ³ , Nov. 16 Nov. 17	and and and	Nov. 15 Sun. ³ , Nov. 16 Nov. 22	2	6

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After Second Day</i>
	Sun. ³ , Nov. 23		Sun. ³ , Nov. 23		
	Nov. 24	and	Nov. 28		
	Dec. 15	and	Dec. 24		
	Dec. 26	and	Feb. 28, 2026		
<i>Bobwhite Quail</i> —There is no open season for the taking of bobwhite quail in the area surrounding the Letterkenny Bobwhite Quail Focus Area, as designated in § 141.30 (relating to bobwhite quail recovery area).					
<i>Bobwhite Quail</i> ²	Sept. 1		Nov. 15	Unlimited	
	Sun. ³ , Nov. 16	and	Sun. ³ , Nov. 16		
	Nov. 17	and	Nov. 22		
	Sun. ³ , Nov. 23	and	Sun. ³ , Nov. 23		
	Nov. 24	and	Nov. 28		

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After Second Day</i>
	Dec. 15 Dec. 26	and and	Dec. 24 Mar. 31, 2026		
<i>Woodchuck (Groundhog)²</i>	July 1 Sun. ³ , Nov. 16 Nov. 17 Sun. ³ , Nov. 23 Nov. 24 Dec. 15	and and and and and	Nov. 15 Sun. ³ , Nov. 16 Nov. 22 Sun. ³ , Nov. 23 Nov. 28 June 30, 2026	Unlimited	
<i>Crow³</i> (Hunting permitted on Thursday, Friday, Saturday and Sunday only)	Aug. 21		Mar. 22, 2026	Unlimited	
<i>Starling and English Sparrow³</i>	No closed season, except season closed during the regular firearms deer seasons.			Unlimited	

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
<i>Snowshoe or Varying Hare</i> ¹	Dec. 26		Jan. 1, 2026	1	3

MIGRATORY GAME BIRDS

Except as further restricted by this chapter, the seasons, bag limits, hunting hours and hunting regulations for migratory game birds shall conform to regulations adopted by the United States Secretary of the Interior under authority of the Migratory Bird Treaty Act (16 U.S.C. §§ 703—712) and as published in the *Pennsylvania Bulletin*.

Exceptions:

- (a) Hunting hours in § 141.4 (relating to hunting hours).
- (b) Nontoxic shot as approved by the Director of the United States Fish and Wildlife Service is required for use Statewide in hunting and taking of migratory waterfowl.
- (c) Hunting on Sunday not authorized.¹

FALCONRY

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After Second Day</i>
<i>Squirrel</i> —(Combined species) ²	Sept. 1		Nov. 15	6	18
	Sun. ³ , Nov. 16	and	Sun. ³ , Nov. 16		
	Nov. 17	and	Nov. 22		
	Sun. ³ , Nov. 23	and	Sun. ³ , Nov. 23		
	Nov. 24	and	Nov. 29		
	Sun. ³ , Nov. 30	and	Sun. ³ , Nov. 30		
	Dec. 1	and	Mar. 31, 2026		

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After Second Day</i>
<i>Quail</i> ²	Sept. 1 Sun. ³ , Nov. 16 Nov. 17 Sun. ³ , Nov. 23 Nov. 24 Sun. ³ , Nov. 30 Dec. 1	and and and and and and	Nov. 15 Sun. ³ , Nov. 16 Nov. 22 Sun. ³ , Nov. 23 Nov. 29 Sun. ³ , Nov. 30 Mar. 31, 2026	Unlimited	
<i>Ruffed Grouse</i> ²	Sept. 1 Sun. ³ , Nov. 16 Nov. 17 Sun. ³ , Nov. 23 Nov. 24 Sun. ³ , Nov. 30 Dec. 1	and and and and and and	Nov. 15 Sun. ³ , Nov. 16 Nov. 22 Sun. ³ , Nov. 23 Nov. 29 Sun. ³ , Nov. 30 Mar. 31, 2026	2	6

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After Second Day</i>
<i>Cottontail Rabbits</i> ²	Sept. 1 Sun. ³ , Nov. 16 Nov. 17 Sun. ³ , Nov. 23 Nov. 24 Sun. ³ , Nov. 30 Dec. 1	and and and and and and	Nov. 15 Sun. ³ , Nov. 16 Nov. 22 Sun. ³ , Nov. 23 Nov. 29 Sun. ³ , Nov. 30 Mar. 31, 2026	4	12
<i>Ring-necked Pheasant—Male and Female (Combined)</i> ²	Sept. 1 Sun. ³ , Nov. 16 Nov. 17 Sun. ³ , Nov. 23 Nov. 24 Sun. ³ , Nov. 30 Dec. 1	and and and and and and	Nov. 15 Sun. ³ , Nov. 16 Nov. 22 Sun. ³ , Nov. 23 Nov. 29 Sun. ³ , Nov. 30 Mar. 31, 2026	2	6

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After Second Day</i>
<i>Mink, Muskrat, Fox, Opossum, Raccoon, Striped Skunk and Weasel</i> ²	Sept. 1 Sun. ³ , Nov. 16 Nov. 17 Sun. ³ , Nov. 23 Nov. 24 Sun. ³ , Nov. 30 Dec. 1	and and and and and and	Nov. 15 Sun. ³ , Nov. 16 Nov. 22 Sun. ³ , Nov. 23 Nov. 29 Sun. ³ , Nov. 30 Mar. 31, 2026	Unlimited	
<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
<i>Snowshoe or Varying Hare</i> ²	Sept. 1 Sun. ³ , Nov. 16 Nov. 17 Sun. ³ , Nov. 23 Nov. 24	and and and and and	Nov. 15 Sun. ³ , Nov. 16 Nov. 22 Sun. ³ , Nov. 23 Nov. 29	1	3

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
	Sun. ³ , Nov. 30 Dec. 1	and	Sun. ³ , Nov. 30 Mar. 31, 2026		

*Migratory Game Bird*¹—Except as further restricted by this chapter, the seasons, bag limits, hunting hours and hunting regulations for migratory game birds shall conform to regulations adopted by the United States Secretary of the Interior under authority of the Migratory Bird Treaty Act and as published in the *Pennsylvania Bulletin*.

Exceptions:

- (a) Hunting hours in § 141.4.
- (b) Nontoxic shot as approved by the Director of the United States Fish and Wildlife Service is required for use Statewide in hunting and taking of migratory waterfowl.
- (c) Hunting on Sunday not authorized.¹

WILD TURKEY

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
<i>Turkey, Fall—Male or Female</i> ¹				1	1
WMUs 1A, 2G, 3A, 4A, 4B and 4D	Nov. 1		Nov. 15		
WMUs 1B, 3D, 4C and 4E	Nov. 1		Nov. 8		
WMUs 2A, 2F, 3B and 3C	Nov. 1		Nov. 15		
	Nov. 26	and	Nov. 28		
WMUs 2B, 2C, 2D and 2E	Nov. 1		Nov. 21		
	Nov. 26	and	Nov. 28		

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
WMUs 5A and 5B	Nov. 1		Nov. 4		
WMUs 5C and 5D	Closed to fall turkey hunting				
<i>Turkey, Spring</i> ¹ Bearded Bird only, Junior License Holders and Mentored Permit Holders 16 years of age and under	Apr. 25, 2026		Apr. 25, 2026	1	1
<i>Turkey, Spring</i> ^{1,5} Bearded Bird only	May 2, 2026		May 16, 2026	1	2
				May be hunted 1/2 hour before sunrise to 12 noon.	
	May 18, 2026	and	May 30, 2026	May be hunted 1/2 hour before sunrise to 1/2 hour after sunset.	

WHITE-TAILED DEER

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Season Limit</i>
<i>Deer, Archery (Antlered and Antlerless)</i> ^{2,6} With the required archery license	Oct. 4		Nov. 15	One antlered deer, and an antlerless deer with each required antlerless license.
WMUs 1A, 1B, 2A, 2C, 2D, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 4E, 5A and 5B	Sun. ³ , Nov. 16	and	Sun. ³ , Nov. 16	
	Nov. 17	and	Nov. 21	
	Dec. 26	and	Jan. 19, 2026	

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Season Limit</i>
<i>Deer, Archery (Antlered and Antlerless)</i> ^{2,6} With the required archery license WMUs 2B, 5C and 5D	Sept. 20 Sun. ³ , Nov. 16 Nov. 17 Sun. ³ , Nov. 23 Nov. 24 Dec. 26	and and and and and	Nov. 15 Sun. ³ , Nov. 16 Nov. 22 Sun. ³ , Nov. 23 Nov. 28 Jan. 24, 2026	One antlered deer, and an antlerless deer with each required and antlerless license.
<i>Deer, Muzzleloader (Antlerless only)</i> ¹ With the required muzzleloading license	Oct. 18		Oct. 25	An antlerless deer with each required antlerless license.
<i>Deer, Special firearms (Antlerless only)</i> Only Junior and Senior License Holders ⁷ , Mentored Permit Holders ⁴ , Commission Disabled Person Permit Holders (to use a vehicle as a blind) and Residents serving on active duty in the United States Armed Forces or United States Coast Guard	Oct. 23		Oct. 25	An antlerless deer with each required antlerless license.
<i>Deer, Regular Firearms (Antlered and Antlerless)</i> ^{2,6} Statewide	Nov. 29 Sun. ³ , Nov. 30	and	Nov. 29 Sun. ³ , Nov. 30	One antlered deer, and an antlerless deer with each required antlerless license.

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Season Limit</i>
	Dec. 1	and	Dec. 13	
<i>Deer, Flintlock (Antlered or Antlerless)</i> ^{1,6} With the required muzzleloading license WMUs 1A, 1B, 2A, 2C, 2D, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 4E, 5A and 5B	Dec. 26		Jan. 19, 2026	One antlered or one antlerless deer, plus an additional antlerless deer with each required antlerless license.
<i>Deer, Flintlock (Antlered or Antlerless)</i> ^{1,6} With the required muzzleloading license WMUs 2B, 5C and 5D	Dec. 26		Jan. 24, 2026	One antlered or one antlerless deer, plus an additional antlerless deer with each required antlerless license.
<i>Deer, Extended Regular firearms (Antlerless)</i> ¹ WMUs 2B, 5C and 5D	Dec. 26		Jan. 24, 2026	An antlerless deer with each required antlerless license.
<i>Deer, Extended Regular firearms (Antlerless)</i> ¹ Statewide, only on properties enrolled in the Deer Management Assistance Program (DMAP)	Dec. 26		Jan. 24, 2026	An antlerless deer with each required DMAP harvest coupon.
<i>Deer, Extended Regular firearms (Antlerless)</i> ¹ WMUs 4A, 4C, 4D and 5A	Jan. 2, 2026		Jan. 19, 2026	An antlerless deer with each required antlerless license.
<i>Deer, Antlerless</i> ¹ (Letterkenny Army Depot, Franklin County and New Cumberland Army Depot, York County and Fort Detrick, Raven Rock Site, Adams County)	Hunting is permitted on days established by the United States Department of the Army.			An antlerless deer with each required antlerless license.

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Season Limit</i>
<i>Deer, Agricultural Deer Control (Antlerless)</i> ² With required agriculture deer control harvest permit	Aug. 1, 2025		Apr. 15, 2026	An antlerless deer with each required agriculture deer control harvest permit.

BLACK BEAR

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Season Limit</i>
<i>Bear, Archery</i> ^{2,8} WMUs 2B, 5C and 5D	Sept. 20 Sun. ³ , Nov. 16 Nov. 17 Sun. ³ , Nov. 23 Nov. 24	and and and and	Nov. 15 Sun. ³ , Nov. 16 Nov. 22 Sun. ³ , Nov. 23 Nov. 28	1
<i>Bear, Archery</i> ^{2,8} WMU 5B	Oct. 4 Sun. ³ , Nov. 16 Nov. 17	and and	Nov. 15 Sun. ³ , Nov. 16 Nov. 21	1
<i>Bear, Archery</i> ^{1,8} WMUs 1A, 1B, 2A, 2C, 2D, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 4E and 5A	Oct. 18		Oct. 25	1
<i>Bear, Muzzleloader</i> ^{1,8} (Statewide)	Oct. 23		Oct. 25	1

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Season Limit</i>
<i>Bear, Special firearms</i> ⁸ Only Junior and Senior License Holders ⁷ , Mentored Permit Holders ⁴ , Commission Disabled Person Permit Holders (to use a vehicle as a blind), and Residents serving on active duty in the United States Armed Forces or in the United States Coast Guard (Statewide)	Oct. 23		Oct. 25	1
<i>Bear, Regular Firearms</i> ^{2,8} (Statewide)	Nov. 22 Sun. ³ , Nov. 23 Nov. 24	and and	Nov. 22 Sun. ³ , Nov. 23 Nov. 25	1
<i>Bear, Extended firearms</i> ^{2,8} WMUs 2B, 5B, 5C and 5D	Nov. 29 Sun. ³ , Nov. 30 Dec. 1	and and	Nov. 29 Sun. ³ , Nov. 30 Dec. 13	1
<i>Bear, Extended firearms</i> ^{2,8} WMUs 3A, 3B, 3C, 3D, 4C, 4E and 5A	Nov. 29 Sun. ³ , Nov. 30 Dec. 1	and and	Nov. 29 Sun. ³ , Nov. 30 Dec. 6	1

ELK

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Season Limit</i>
<i>Elk, Special Conservation Tag^{1,9} and Special-License Tag^{1,9} (Antlered and Antlerless)</i>	July 1		Nov. 8	1
<i>Elk, Archery^{1,9} (Antlered and Antlerless)</i>	Sept. 13		Sept. 27	1
<i>Elk, Regular^{1,9} (Antlered and Antlerless)</i>	Nov. 3		Nov. 8	1
<i>Elk, Late^{1,9} (Antlered and Antlerless)</i>	Dec. 27		Jan. 3, 2026	1

FUR TAKING—TRAPPING

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
<i>Mink and Muskrat</i>	Nov. 22		Jan. 11, 2026	Unlimited	
<i>Beaver</i>	Dec. 20		Mar. 31, 2026		
WMUs 1A and 1B (Combined)				20	60
WMUs 2A, 2B and 3C (Combined)				20	40
WMUs 2C, 2D, 2E, 2F, 3A, 3B, 3D, 5C and 5D (Combined)				20	20
WMUs 2G, 4A, 4B, 4C, 4D, 4E, 5A and 5B (Combined)				5	5
<i>Coyote, Fox, Opossum, Raccoon, Striped Skunk and Weasel</i>	Oct. 25		Feb. 22, 2026	Unlimited	

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
<i>Coyote and Fox</i> Use of cable restraint devices authorized with required certification	Dec. 26		Feb. 22, 2026		Unlimited
<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Season Limit</i>	
<i>Bobcat, with required bobcat permit</i> WMUs 2A, 2B, 2C, 2D, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D and 4E	Dec. 20		Jan. 11, 2026	1	
<i>Fisher, with required fisher permit</i> WMUs 1B, 2C, 2D, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D and 4E	Dec. 20		Jan. 11, 2026	1	
<i>River Otter, with required otter permit</i> WMUs 1A, 1B, 2F, 3B, 3C, 3D and 4E	Feb. 14, 2026		Feb. 21, 2026	1	

FURTAKING—HUNTING

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
<i>Coyote—(Outside of any big game season)³</i>	May be taken with a hunting license or a furtaker's license.			Unlimited	
<i>Coyote—(During any big game season)</i>	May be taken while lawfully hunting big game or with a furtaker's license.			Unlimited	

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
<i>Opossum, Striped Skunk, Weasel</i> ²	July 1 Sun. ³ , Nov. 16 Nov. 17 Sun. ³ , Nov. 23 Nov. 24 Sun. ³ , Nov. 30 Dec. 1	and and and and and and	Nov. 15 Sun. ³ , Nov. 16 Nov. 22 Sun. ³ , Nov. 23 Nov. 29 Sun. ³ , Nov. 30 June 30, 2026		Unlimited May be hunted any hour, day or night, on open dates from July 1—Nov. 28 and Dec. 14—June 30, 2026. May only be hunted from 1/2 hour after sunset to 1/2 hour before sunrise from Nov. 29—Dec. 13.
<i>Fox</i> ³	Oct. 25		Feb. 21, 2026		Unlimited May be hunted any hour, day or night, from Oct. 25—Nov. 28 and Dec. 14—Feb. 21, 2026. May only be hunted from 1/2 hour after sunset to 1/2 hour before sunrise from Nov. 29—Dec. 13.

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
<i>Raccoon</i> ²	Oct. 25 Sun. ³ , Nov. 16 Nov. 17 Sun. ³ , Nov. 23 Nov. 24 Sun. ³ , Nov. 30 Dec. 1	and and and and and and	Nov. 15 Sun. ³ , Nov. 16 Nov. 22 Sun. ³ , Nov. 23 Nov. 29 Sun. ³ , Nov. 30 Feb. 21, 2026	Unlimited May be hunted any hour, day or night, on open dates from Oct. 25—Nov. 28 and Dec. 14— Feb. 21, 2026. May only be hunted from 1/2 hour after sunset to 1/2 hour before sunrise from Nov. 29— Dec. 13.	
<i>Bobcat, with required bobcat permit</i> ¹ WMUs 2A, 2B, 2C, 2D, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D and 4E	Jan. 10, 2026		Feb. 4, 2026	1	1
<i>Porcupine</i> ²	Oct. 11 Sun. ³ , Nov. 16 Nov. 17 Sun. ³ , Nov. 23 Nov. 24 Dec. 15 Dec. 26	and and and and and and	Nov. 15 Sun. ³ , Nov. 16 Nov. 22 Sun. ³ , Nov. 23 Nov. 28 Dec. 24 Jan. 31, 2026	3	10

No open seasons on other wild birds or wild mammals.

¹ No hunting on Sunday authorized. See 34 Pa.C.S. § 2303 (relating to hunting on Sunday prohibited).

² Hunting on Sunday authorized on separately delineated Sunday dates only. See 34 Pa.C.S. § 2303.

³ Hunting on Sunday is authorized. See 34 Pa.C.S. § 2303.

⁴ Includes mentored youth and mentored adults with a valid mentored hunter permit issued under Chapter 147, Subchapter X (relating to Mentored Hunting Program permit).

⁵ Only persons who possess a special wild turkey license as provided for in 34 Pa.C.S. § 2709 (relating to license costs and fees) may take a second spring gobbler during the hunting license year; all other persons, including mentored youth hunters, may take only one spring gobbler. A maximum of two spring gobblers per license year may be taken by any combination of licenses or exceptions for mentored youth.

⁶ Only one antlered deer (buck) may be taken during the hunting license year.

⁷ Includes resident and nonresident license holders who have reached or will reach their 65th birthday in the year of the application for the license and hold a valid adult license or qualify for license and fee exemptions under 34 Pa.C.S. § 2706 (relating to resident license and fee exemptions).

⁸ Only one bear may be taken during the hunting license year with the required bear license.

⁹ Only one elk may be taken during the hunting license year with the required elk license.

Appendix A. [Reserved]

Authority

The provisions of this § 139.4 issued and amended under 34 Pa.C.S.

Source

The provisions of this § 139.4 adopted June 3, 1971, effective July 3, 1971, 1 Pa.B. 1473; amended July 8, 1977, effective July 9, 1977, 7 Pa.B. 1915; amended April 30, 1982, effective May 1, 1982, 12 Pa.B. 1396; amended June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended October 30, 1987, effective October 31, 1987, 17 Pa.B. 4320; amended June 3, 1988, effective June 4, 1988, 18 Pa.B. 2530; amended April 28, 1989, effective April 29, 1989, 19 Pa.B. 1842; amended May 25, 1990, effective July 1, 1990, 20 Pa.B. 2752; amended May 29, 1992, effective July 1, 1992, 22 Pa.B. 2839; amended November 27, 1992, effective November 28, 1992, 22 Pa.B. 5685; amended May 28, 1993, effective July 1, 1993, 23 Pa.B. 2565; amended June 3, 1994, effective June 4, 1994, 24 Pa.B. 2797; amended May 26, 1995, effective from July 1, 1995, to June 30, 1996, 25 Pa.B. 2072; amended October 27, 1995, effective from December 1995, to June 30, 1996, 25 Pa.B. 4614; amended September 6, 1996, effective July 1, 1996, to June 30, 1997, 26 Pa.B. 4339; amended May 16, 1997, effective May 17, 1997, 27 Pa.B. 2417; amended May 29, 1998, effective May 30, 1998, 28 Pa.B. 2504; amended October 30, 1998, effective October 31, 1998, 28 Pa.B. 5486; amended May 7, 1999, effective May 8, 1999, 29 Pa.B. 2454; amended May 12, 2000, effective May 13, 2000, 30 Pa.B. 2366; amended June 1, 2001, effective July 1, 2001, to June 30, 2002, 31 Pa.B. 2793; amended July 12, 2002, effective July 13, 2002, and apply retroactively to July 1, 2002, 32 Pa.B. 3392; amended June 20, 2003, effective June 21, 2003, 33 Pa.B. 2872; amended July 16, 2004, effective July 17,

2004, and apply retroactively to July 1, 2004, 34 Pa.B. 3705; amended July 15, 2005, effective from July 1, 2005, to June 30, 2006, 35 Pa.B. 3928; amended June 30, 2006, effective July 1, 2006, 36 Pa.B. 3244; amended June 29, 2007, effective June 30, 2007, 37 Pa.B. 2949; amended June 27, 2008, effective June 28, 2008, 38 Pa.B. 3491; amended June 5, 2009, effective July 1, 2009, 39 Pa.B. 2792; amended June 11, 2010, effective June 12, 2010, 40 Pa.B. 3096; amended September 24, 2010, effective September 25, 2010, and remain in effect until June 30, 2011, 40 Pa.B. 5454; amended May 27, 2011, effective from July 1, 2011, to June 30, 2012, 41 Pa.B. 2688; amended June 22, 2012, effective from July 1, 2012, to June 30, 2013, 42 Pa.B. 3581; amended May 31, 2013, effective July 1, 2013, to June 30, 2014, 43 Pa.B. 2999; amended May 23, 2014, effective July 1, 2014, to June 30, 2015, 44 Pa.B. 3091; amended May 29, 2015, effective July 1, 2015, to June 30, 2016, 45 Pa.B. 2596; amended May 27, 2016, effective July 1, 2016, to June 30, 2017, 46 Pa.B. 2665; amended May 5, 2017, effective July 1, 2017, to June 30, 2018, 47 Pa.B. 2603; amended May 25, 2018, effective July 1, 2018, to June 30, 2019, 48 Pa.B. 3082; amended May 17, 2019, effective July 1, 2019, to June 30, 2020, 49 Pa.B. 2500; amended May 1, 2020, effective July 1, 2020, to June 30, 2021, 50 Pa.B. 2258; amended May 21, 2021, effective July 1, 2021, to June 30, 2022, 51 Pa.B. 2929; amended June 9, 2023, effective July 1, 2023, to June 30, 2024, 53 Pa.B. 3090; amended May 31, 2024, effective July 1, 2024, to June 30, 2025, 54 Pa.B. 3021; amended May 23, 2025, effective July 1, 2025, to June 30, 2026, 55 Pa.B. 3571. Immediately preceding text appears at serial pages (419933) to (419953).

Cross References

This section cited in 58 Pa. Code § 135.41 (relating to State game lands); 58 Pa. Code § 139.6 (relating to field possession and transportation limits); 58 Pa. Code § 143.42 (relating to antlerless deer license required); 58 Pa. Code § 143.206 (relating to validity of elk licenses); 58 Pa. Code § 143.243 (relating to general); 58 Pa. Code § 147.315 (relating to purpose); 58 Pa. Code § 147.553 (relating to agriculture deer control harvest permit); 58 Pa. Code § 147.556 (relating to lawful devices and methods); 58 Pa. Code § 147.664 (relating to permit); 58 Pa. Code § 147.701 (relating to general); and 58 Pa. Code § 147.804 (relating to general).

§ 139.5. Regulated hunting grounds.

(a) The period to hunt on regulated hunting areas will be the first Monday in September through the last Saturday in April for both private and commercial areas. Sunday hunting is prohibited on commercial areas.

(b) Shooting hours are 1/2 hour before sunrise to sunset.

(c) Seasons for taking unmarked mallard ducks and other waterfowl on regulated hunting grounds will conform with established waterfowl seasons.

(d) This section may be amended to comply with further restrictions or modifications as established by the Director, the Commission or Federal authority fixing hunting hours and seasons.

Authority

The provisions of this § 139.5 amended under 34 Pa.C.S. §§ 101—2965.

Source

The provisions of this § 139.5 adopted June 3, 1971, effective July 3, 1971, 1 Pa.B. 1473; amended April 23, 1976, effective April 24, 1976, 6 Pa.B. 959; amended July 10, 1981, effective July 11, 1981, 11 Pa.B. 2492; amended June 17, 1983, effective June 18, 1983, 13 Pa.B. 1941; amended July 5, 1985, effective July 6, 1985, 15 Pa.B. 2462; amended June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended June 3, 1988, effective June 4, 1988, 18 Pa.B. 2530; amended May 25, 1990, effective July 1, 1990, 20 Pa.B. 2752; amended February 17, 1995, effective February 18, 1995, 25 Pa.B. 613. Immediately preceding text appears at serial page (191437).

§ 139.6. Field possession and transportation limits.

(a) *Opening day of season.* It is unlawful for a person to possess or transport game or wildlife in excess of the daily limit as set forth in § 139.4 (relating to seasons and bag limits for the license year).

(b) *Second day of season.* On the second day of the season, it is unlawful for a person to possess or transport game or wildlife, at or between the place where taken and his place of permanent residence, in excess of twice the daily limit, or the season limit, whichever applies, as set forth in § 139.4.

(c) *Following the second day of season.* After second day of the season, it is unlawful for a person to possess or transport game or wildlife, at or between the place where taken and his place of permanent residence, in excess of triple the daily limit, or the season limit, whichever applies, as set forth in § 139.4.

Authority

The provisions of this § 139.6 amended under 34 Pa.C.S. §§ 101—2965.

Source

The provisions of this § 139.6 adopted July 9, 1976, effective September 1, 1976, 6 Pa.B. 1633; amended November 23, 1984, effective November 24, 1984, 14 Pa.B. 4285; amended July 11, 1986, effective July 12, 1986, 16 Pa.B. 2527; amended June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended June 3, 1988, effective June 4, 1988, 18 Pa.B. 2530; amended April 28, 1989, effective April 29, 1989, 19 Pa.B. 1842; amended May 5, 2017, effective May 6, 2017, 47 Pa.B. 2609. Immediately preceding text appears at serial page (381015).

§ 139.7. {Reserved}.**Source**

The provisions of this § 139.7 adopted June 10, 1966; amended September 1, 1978, effective September 2, 1978, 8 Pa.B. 2456; amended July 13, 1984, effective July 14, 1984, 14 Pa.B. 2413; amended February 21, 1986, effective February 22, 1986, 16 Pa.B. 526. Immediately preceding text appears at serial pages (110914) to (110916).

§ 139.8. {Reserved}.**Source**

The provisions of this § 139.8 adopted June 3, 1971, effective July 3, 1971, 1 Pa.B. 1473; amended July 6, 1979, effective September 1, 1979, 9 Pa.B. 2264; amended July 10, 1981, effective July 11, 1981, 11 Pa.B. 2492; amended April 30, 1982, effective May 1, 1982, 12 Pa.B. 1395; amended June 17, 1983, effective June 18, 1983, 13 Pa.B. 1941; amended December 16, 1983, effective December 17, 1983, 13 Pa.B. 3879; amended July 13, 1984, effective July 14, 1984, 14 Pa.B. 2414; amended July 11, 1986, effective July 12, 1986, 16 Pa.B. 2527; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial pages (110916) to (110917).

§ 139.9. {Reserved}.**Source**

The provisions of this § 139.9 adopted July 6, 1979, effective September 1, 1979, 9 Pa.B. 2265; amended July 10, 1981, effective July 11, 1981, 11 Pa.B. 2493; amended June 17, 1983, effective June 18, 1983, 13 Pa.B. 1941; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial page (110918).

§ 139.10. [Reserved].**Source**

The provisions of this § 139.10 adopted November 15, 1974, effective November 16, 1974, 4 Pa.B. 2380; amended September 1, 1978, effective September 2, 1978, 8 Pa.B. 2456; reserved July 13, 1984, effective July 14, 1984, 14 Pa.B. 2413. Immediately preceding text appears at serial page (110918).

§ 139.11. [Reserved].**Source**

The provisions of this § 139.11 amended March 6, 1981, effective March 7, 1981, 11 Pa.B. 810; amended September 18, 1981, effective September 19, 1981, 11 Pa.B. 3218; amended December 4, 1981, effective December 5, 1981, 11 Pa.B. 4193; amended February 12, 1982, effective February 13, 1982, 12 Pa.B. 645; amended April 30, 1982, effective May 1, 1982, 12 Pa.B. 1395; amended June 18, 1982, effective June 19, 1982, 12 Pa.B. 1870; corrected November 5, 1982, 12 Pa.B. 3905; amended November 18, 1983, effective November 19, 1983, 13 Pa.B. 3669; amended July 11, 1986, effective July 12, 1986, 16 Pa.B. 2527; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial pages (110918) to (110919).

§ 139.12. [Reserved].**Source**

The provisions of this § 139.12 adopted March 4, 1977, effective March 5, 1977, 7 Pa.B. 609; amended September 12, 1980, effective September 13, 1980, 10 Pa.B. 3668; amended February 21, 1986, effective February 22, 1986, 16 Pa.B. 525; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial pages (110918) to (110920) and (104959) to (104966).

§ 139.13. [Reserved].**Source**

The provisions of this § 139.13 adopted June 1, 1972, effective June 2, 1972, 2 Pa.B. 1074; amended April 23, 1976, effective April 24, 1976, 6 Pa.B. 960; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial page (104966).

§ 139.14. [Reserved].**Source**

The provisions of this § 139.14 adopted July 5, 1985, effective July 6, 1985, 15 Pa.B. 2463; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial page (104967).

§ 139.15. [Reserved].**Source**

The provisions of this § 139.15 adopted June 17, 1983, effective June 18, 1983, 13 Pa.B. 1941; amended July 5, 1985, effective July 6, 1985, 15 Pa.B. 2462; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial page (104967).

§ 139.16. [Reserved].

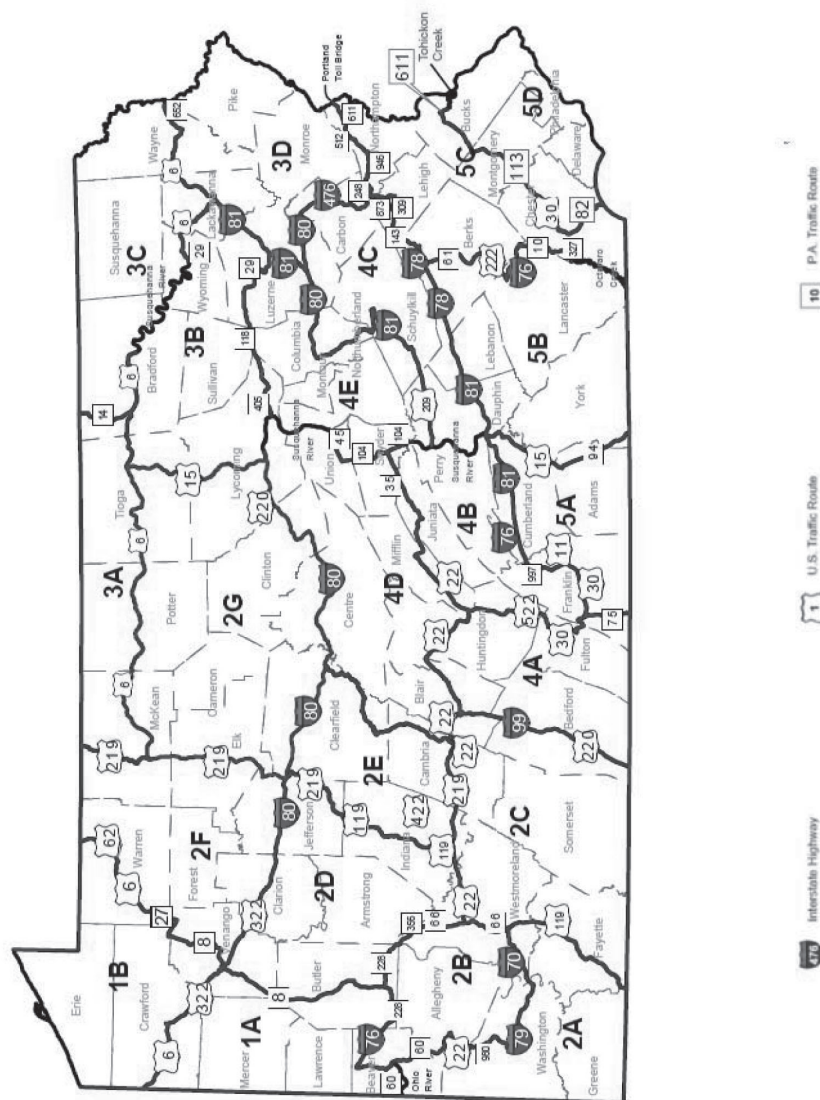
Source

The provisions of this § 139.16 adopted May 14, 1999, effective May 15, 1999, 29 Pa.B. 2576; corrected June 11, 1999, effective May 15, 1999, 29 Pa.B. 2999; reserved August 24, 2001, effective August 25, 2001, 31 Pa.B. 4650. Immediately preceding text appears at serial page (280077).

§ 139.17. Wildlife management units.

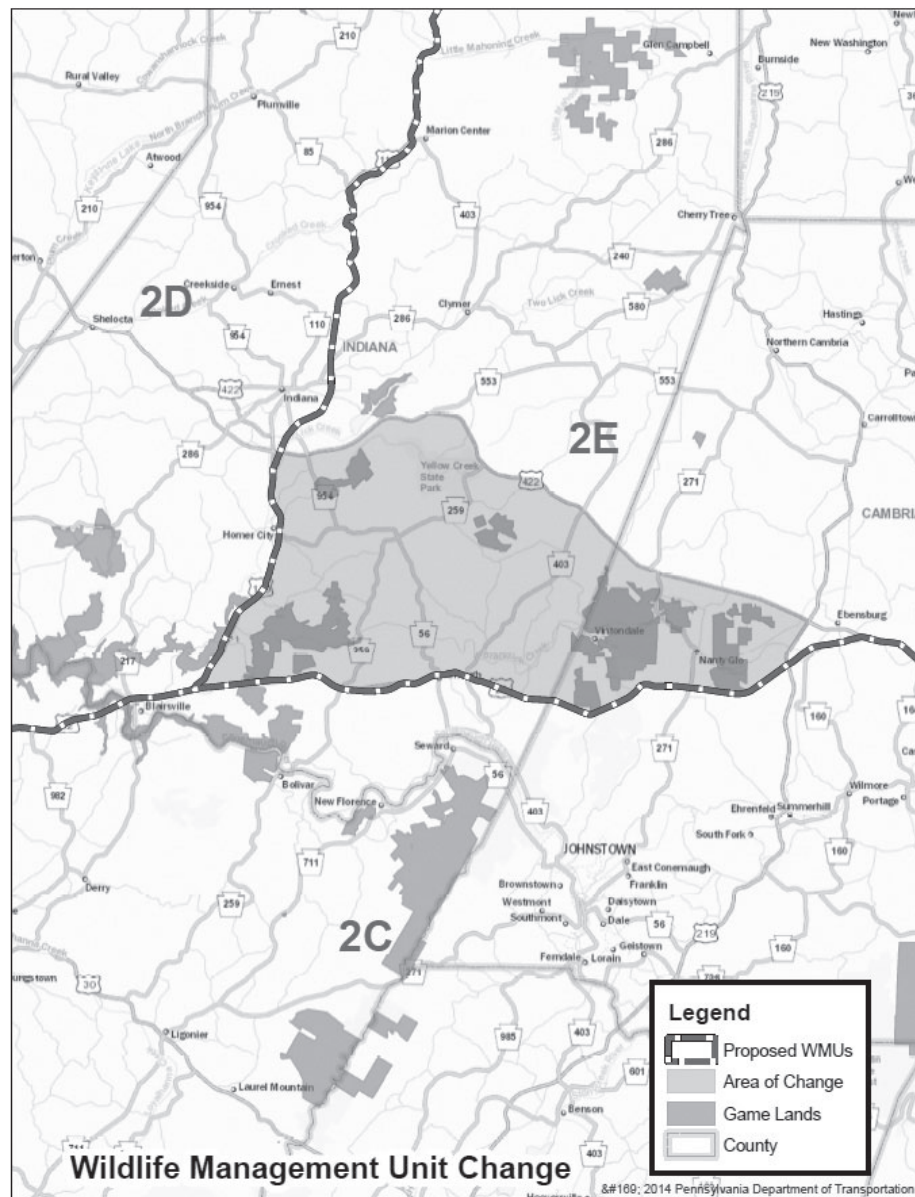
- (a) The divisional line between two or more wildlife management units shall be the center of the highway, natural water course or other natural boundary.
- (b) The outline map of Pennsylvania sets forth wildlife management units.

Wildlife Management Units



New WMU 2C—From the West Virginia/PA state line, US Route 119 north to Toll Road Route 66 near New Stanton. Toll Road Route 66 north to US Route 22 near Delmont. US Route 22 east to I-99 near Hollidaysburg. I-99 south to US Route 220 near Bedford. US Route 220 south to the Maryland/PA state line.

New WMU 2E—From near DuBois, I-80 east to PA Route 53 near Kylertown. PA Route 53 south to US Route 22 near Cresson. US Route 22 west to US Route 119 near Blairsville. US Route 119 north to US Route 219 near DuBois. US Route 219 north to I-80 near DuBois.



Authority

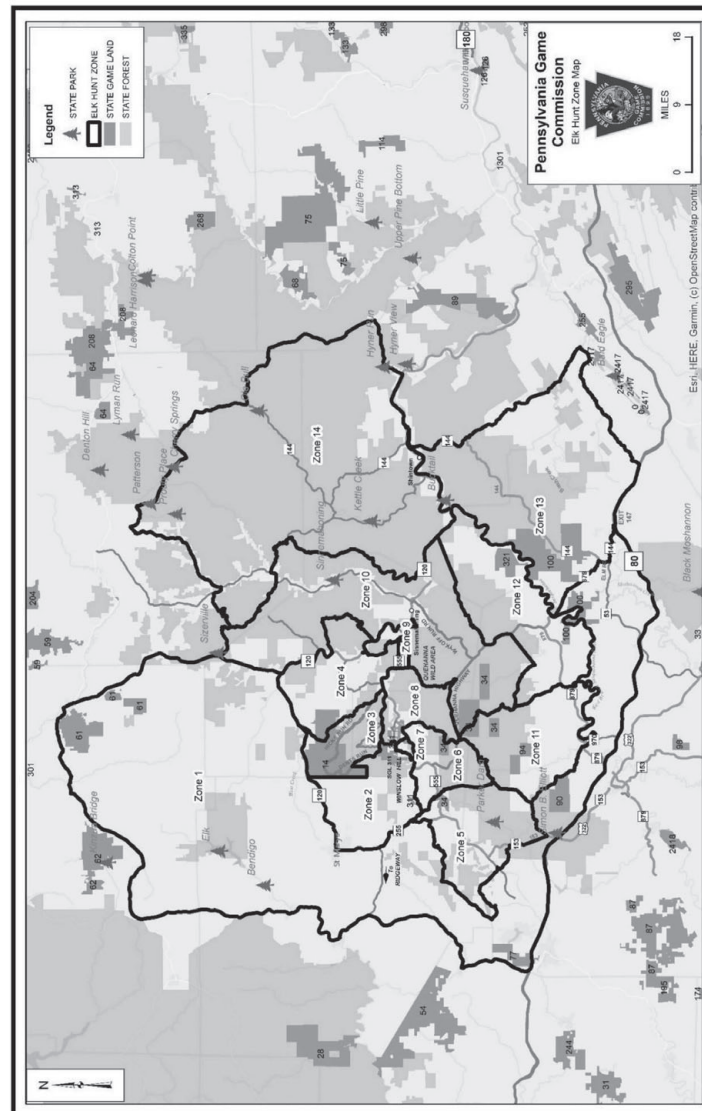
The provisions of this § 139.17 issued under 34 Pa.C.S. §§ 322(c)(1) and (4) and 2102(a); amended under 34 Pa.C.S. §§ 322(c)(4) and (6) and 2102(a).

Source

The provisions of this § 139.17 adopted June 20, 2003, effective June 21, 2003, 33 Pa.B. 2878; corrected December 5, 2008, effective June 28, 2008, 38 Pa.B. 6615; amended May 31, 2013, effective June 1, 2013, 43 Pa.B. 3006; amended May 29, 2015, effective May 30, 2015, 45 Pa.B. 2603; amended May 27, 2016, effective May 28, 2016, 46 Pa.B. 2671; amended May 12, 2017, effective May 13, 2017, 47 Pa.B. 2717; amended June 9, 2023, effective June 10, 2023, 53 Pa.B. 3100. Immediately preceding text appears at serial pages (404723) to (404725).

§ 139.18. Elk management area and hunt zones.

- (a) The elk management area is broad geographical range used for management of the Commonwealth's elk population.
- (b) Elk hunt zones are those individual and distinct areas within the elk management area in which elk may be hunted according to annual elk allocations.
- (c) The division line between two or more hunt zones shall be the center of the highway, road, natural water course or other natural boundary.
- (d) The outline map of the elk management area sets forth the elk hunt zones.



Authority

The provisions of this § 139.18 added under 34 Pa.C.S. §§ 2102(a) and 2722(g).

Source

The provisions of this § 139.18 adopted May 21, 2021, effective May 22, 2021, 51 Pa.B. 2937.

[Next page is 141-1.]

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CHAPTER 141. HUNTING AND TRAPPING

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Subchapter A. GENERAL

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§ 141.1. Special regulations areas.

(a) *Name.* The areas shall be known and referred to as special regulations areas.

(b) *Descriptions.*

(1) *Southwest area.* Includes the County of Allegheny.

(2) *Southeast area.* Includes the Counties of Bucks, Montgomery, Chester, Delaware and Philadelphia and also includes Tyler and Ridley Creek State Parks and other publicly-owned lands therein.

(c) *Prohibitions.*

(1) *Restricted devices.* Notwithstanding the authorizations of §§ 141.22, 141.43—141.45, 141.47 and 141.67, it is unlawful to:

(A) Hunt, take, kill or to attempt, aid, abet, assist or conspire to hunt, take or kill any game or wildlife through the use of a firearm that dis-

charges bottle-necked centerfire cartridges or to possess bottle-necked centerfire cartridges or any firearm that is designed to discharge bottle-necked centerfire cartridges while hunting any game or wildlife within any special regulations area.

(B) Hunt, take, kill or to attempt, aid, abet, assist or conspire to hunt, take or kill any game or wildlife through the use of a centerfire or muzzle-loading firearm or to possess centerfire cartridges or muzzleloading ammunition or any firearm that is designed to discharge centerfire cartridges or muzzleloading ammunition while hunting any game or wildlife within the following parts of the southeast special regulations area: Philadelphia County, Ridley Creek State Park, Delaware County and Tyler State Park, Bucks County.

(2) [Reserved].

(3) *Restricted feeding.* It is unlawful to, except for normal or accepted farming, habitat management practices, oil and gas drilling, mining, forest management activities, or other legitimate commercial or industrial practices, intentionally lay or place food, fruit, hay, grain, chemical, salt or other minerals anywhere in the southeast special regulations area for the purpose of feeding white-tailed deer, or to intentionally lay or place food, fruit, hay, grain, chemical, salt or other minerals that may cause white-tailed deer to congregate or habituate an area. If otherwise lawful feeding is attracting white-tailed deer, the Commission may provide written notice prohibiting this activity.

(d) *Permitted acts.* It is lawful to:

(1) [Reserved].

(2) [Reserved].

(3) [Reserved].

(i) [Reserved].

(ii) [Reserved].

(4) [Reserved].

(i) [Reserved].

(ii) [Reserved].

(5) [Reserved].

(6) Hunt or take deer during any deer season through the use of or by taking advantage of bait on private property currently operating under a valid deer control permit where approval for limited baiting activities has previously been obtained under § 147.552 (relating to application). This limited authorization is valid only to the extent that persons comply with the standards and conditions in § 147.556 (relating to lawful devices and methods).

(7) Hunt or take deer in the southeast special regulations area during regular open hunting seasons for white-tailed deer through the use of or by taking advantage of bait on private, township or municipal property only as set forth in this paragraph.

(i) *Purpose.* The purpose of this paragraph is to authorize eligible persons to hunt through the use of or otherwise take advantage of approved bait to enhance the harvest rate of white-tailed deer on private, township or municipal property within the southeast special regulations area where landowners have suffered material damage to their real property and traditional hunting and deer control methods have proven ineffective in controlling local deer populations.

(ii) *Operation.* Landowners and persons they permit to hunt on their property may hunt through the use of or otherwise take advantage of approved bait for the purpose of enhancing the harvest rate of white-tailed deer. This authorization is subject to the following conditions:

(A) This authorization only applies during regular open hunting seasons for white-tailed deer in the affected portion of each wildlife management unit located on private, township or municipal property within the southeast special regulations area.

(B) A bait site may not be located less than 250 yards from any previously established bait site authorized under this paragraph.

(C) Approved bait may be distributed at each bait site by approved feeders from 2 weeks prior to the opening of the first white-tailed deer season through the close of the last white-tailed deer season within the applicable wildlife management unit.

(D) Approved feeders are limited to sealed, waterproof, automatic, mechanical feeders that are set to distribute bait up to a maximum of three times per day during legal hunting hours only. The feeder must be visibly tagged or labeled with the full name and address of the landowner or an individual authorized by the landowner to use or place the approved feeder.

(E) Bait accumulation at any one bait site may not exceed 5 gallons total volume at any given time.

(F) Approved bait is limited to shelled corn and protein pellet supplements.

(G) It is the sole responsibility of landowners and persons they permit to hunt on their property to ensure that the area bait site is in compliance with this paragraph prior to hunting in that area.

(H) The landowner and persons they permit to hunt on their property may not, under any circumstances, hunt, take, kill or harvest any game or wildlife other than white-tailed deer at the bait site or coming to and from the bait site.

(iii) *Suspension.* The Commission may suspend the operation of any bait site if one or more of the following conditions is determined to exist:

(A) The baiting activity is causing conflict with other lawful hunting.

(B) The baiting activity is causing public safety hazards.

(C) The operation of the baiting site is not in compliance with the requirements of this paragraph.

(D) The operation if the baiting site is detrimental to the health and welfare of any wildlife, including white-tailed deer.

(E) Chronic Wasting Disease has been detected within 10 air miles of the southeast special regulations area. This suspension may remain indefinitely until the Commission determines that resumption of baiting activities will not create an unreasonable future risk of spreading of the disease on the landscape.

(iv) *Violations.* Violations of this paragraph will be prosecuted under section 2308 of the act (relating to unlawful devices and methods).

Authority

The provisions of this § 141.1 amended under 34 Pa.C.S. § 2102(d).

Source

The provisions of this § 141.1 amended July 6, 1979, effective September 1, 1979, 9 Pa.B. 2265; amended July 10, 1981, effective July 11, 1981, 11 Pa.B. 2493; amended April 30, 1982, effective May 1, 1982, 12 Pa.B. 1396; amended June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended May 25, 1990, effective July 1, 1990, 20 Pa.B. 2752; amended May 3, 1991, effective July 1, 1991, 21 Pa.B. 2009; amended May 28, 1993, effective July 1, 1993, 23 Pa.B. 2565; amended September 6, 1996, effective September 7, 1996, 26 Pa.B. 4339; amended May 26, 2000, effective May 27, 2000, 30 Pa.B. 2601; amended November 17, 2000, effective November 18, 2000, 30 Pa.B. 5960; corrected December 1, 2000, effective December 2, 2000, 30 Pa.B. 6209; amended March 9, 2001, effective March 10, 2001, 31 Pa.B. 1370; amended May 18, 2001, effective May 19, 2001, 31 Pa.B. 2577; amended September 27, 2002, effective September 28, 2002, 32 Pa.B. 4712; amended June 13, 2003, effective June 14, 2003, 33 Pa.B. 2751; amended December 1, 2006, effective December 26, 2006, 36 Pa.B. 7250; amended August 22, 2008, effective August 23, 2008, 38 Pa.B. 4615; amended May 27, 2011, effective May 28, 2011, 41 Pa.B. 2694; amended June 22, 2012, effective June 23, 2012, 42 Pa.B. 3588; amended May 23, 2014, effective May 24, 2014, 44 Pa.B. 3098; amended May 29, 2015, effective May 30, 2015, 45 Pa.B. 2606; amended November 17, 2017, effective November 18, 2017, 47 Pa.B. 7048; amended May 25, 2018, effective May 26, 2018, 48 Pa.B. 3089; amended September 3, 2021, effective September 4, 2021, 51 Pa.B. 5603. Immediately preceding text appears at serial pages (392089) to (392090) and (401523) to (401524).

Cross References

This section cited in 58 Pa. Code § 141.22 (relating to small game seasons); and 58 Pa. Code § 147.556 (relating to lawful devices and methods).

§ 141.2. Pesticide products to control nuisance wildlife.

(a) A person acting under the authority of the act or this part is authorized to use pesticide products registered and labeled as approved for wildlife control by the Department of Agriculture, to control wildlife destroying or damaging crops.

(b) Failure to follow methods, amounts and procedures prescribed by the manufacturer, or the Department of Agriculture or to use pesticides inconsistent with labeling and application instructions is a violation of this section.

Source

The provisions of this § 141.2 amended July 6, 1979, effective September 1, 1979, 9 Pa.B. 2265; amended July 10, 1981, effective July 11, 1981, 11 Pa.B. 2493; amended April 30, 1982, effective May 1, 1982, 12 Pa.B. 1396; reserved June 17, 1983, effective June 18, 1983, 13 Pa.B. 1941; amended June 17, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial page (91645).

§ 141.3. Protection removed under certain circumstances.**(a) General.**

(1) Protection is removed from wildlife, except migratory birds, big game and threatened or endangered species, when personal property, other than an agricultural crop, is being destroyed or damaged.

(2) Wildlife may only be taken by the owner or person in charge of the personal property affected.

(3) Wildlife taken to protect personal property shall be taken in a humane and lawful manner.

(b) Disposition.

(1) Wildlife taken to protect personal property shall be turned over to a Commission representative as required in section 2125 of the act (relating to surrender of carcass to commission officer).

(2) Wildlife, or a part thereof, taken under this section, may not be retained alive, sold or given away.

(3) Wildlife taken alive may be relocated to a natural setting unless otherwise restricted or prohibited.

(c) Diseased or sick wildlife.

(1) Protection is removed from wildlife, except migratory birds, big game and threatened or endangered species, when it is obvious that an animal is sick or diseased and poses a threat to human safety, farm animals or pets.

(2) The wildlife may only be taken by, or under the direct supervision of, the person in charge of the property where the threat exists.

(3) The wildlife shall be taken in a safe, expeditious and lawful manner.

(d) Disposition of diseased or sick wildlife.

(1) Wildlife taken under authority of subsection (c) shall be disposed of in one of the following ways:

(i) Buried on the site where taken.

(ii) Destroyed by incineration or other proper disposal.

(iii) Submitted for laboratory analysis.

(2) Wildlife or parts thereof taken under subsection (c) may not be retained alive, sold or given away.

Source

The provisions of this § 141.3 amended July 6, 1979, effective September 1, 1979, 9 Pa.B. 2265; amended July 10, 1981, effective July 11, 1981, 11 Pa.B. 2493; reserved April 30, 1982, effective May 1, 1982, 12 Pa.B. 1396; amended June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended

December 11, 1987, effective December 12, 1987, 17 Pa.B. 5129. Immediately preceding text appears at serial pages (118693) to (118694).

Cross References

This section cited in 58 Pa. Code § 133.1 (relating to protected mammals); and 58 Pa. Code § 133.2 (relating to protected birds).

§ 141.4. Hunting hours.

Except as otherwise provided, wild birds and mammals may be hunted 1/2 hour before sunrise to 1/2 hour after sunset as illustrated in Appendix G (relating to hunting hours).

(1) {Reserved}.

(2) *Furbearer seasons.* Raccoon, fox, skunk, opossum, coyote, bobcat and weasel may be hunted any hour, day or night.

(3) *Spring turkey season.* Turkey may be hunted 1/2 hour before sunrise to 12 noon from the opening day of the spring gobbler season through the third Saturday and for the remainder of the season from 1/2 hour before sunrise to 1/2 hour after sunset.

(4) *Migratory bird seasons.* Migratory birds may only be hunted 1/2 hour before sunrise until sunset, except during the snow goose conservation season and the September resident goose season, when geese may be hunted 1/2 hour before sunrise until 1/2 hour after sunset.

Authority

The provisions of this § 141.4 amended under 34 Pa.C.S. §§ 322(c)(1), 2102(a) and (b)(1), 2524 and 2901.

Source

The provisions of this § 141.4 amended July 6, 1979, effective September 1, 1979, 9 Pa.B. 2265; amended July 10, 1981, effective July 11, 1981, 11 Pa.B. 2493; amended July 13, 1984, effective July 14, 1984, 14 Pa.B. 2414; amended June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended July 7, 1989, effective July 8, 1989, 19 Pa.B. 2956; amended May 26, 1990, effective July 1, 1990, 20 Pa.B. 2752; amended April 9, 1993, effective April 10, 1993, 23 Pa.B. 1719; amended May 28, 1993, effective July 1, 1993, 23 Pa.B. 2565; amended March 25, 1994, effective March 26, 1994, 24 Pa.B. 1582; amended July 23, 1999, effective July 24, 1999, 29 Pa.B. 3886; amended February 11, 2000, effective February 12, 2000, 30 Pa.B. 765; amended May 26, 2000, effective May 27, 2000, 30 Pa.B. 2601; amended August 11, 2000, effective August 12, 2000, 30 Pa.B. 4250; amended August 9, 2002, effective August 10, 2002, 32 Pa.B. 3945; amended June 13, 2003, effective June 14, 2003, 33 Pa.B. 2752; amended October 24, 2003, effective October 25, 2003, 33 Pa.B. 5316; amended April 30, 2004, effective July 1, 2004, 34 Pa.B. 2328; amended June 29, 2007, effective June 30, 2007, 37 Pa.B. 1323; amended March 28, 2008, effective March 29, 2008, 38 Pa.B. 1472; amended June 11, 2010, effective June 12, 2010, 40 Pa.B. 3103; amended May 27, 2011, effective May 28, 2011,

41 Pa.B. 2695; amended May 31, 2013, effective June 1, 2013, 43 Pa.B. 3006; amended May 25, 2018, effective July 1, 2018, to June 30, 2019, 48 Pa.B. 3089; amended August 26, 2022, effective July 1, 2022, to June 30, 2023, 52 Pa.B. 5466; amended May 23, 2025, effective July 1, 2025, to June 30, 2026, 55 Pa.B. 3583. Immediately preceding text appears at serial pages (419956) to (419957).

Cross References

This section cited in 58 Pa. Code § 135.104 (relating to controlled hunting and trapping area access requirements and limitations); 58 Pa. Code § 135.105 (relating to hunting hours in a controlled hunting area); 58 Pa. Code § 139.4 (relating to seasons and bag limits for the license year); 58 Pa. Code § 147.553 (relating to agriculture deer control harvest permit); and 58 Pa. Code § 147.783 (relating to permit).

§ 141.5. {Reserved}.

Source

The provisions of this § 141.5 amended July 6, 1979, effective September 1, 1979, 9 Pa.B. 2265; amended July 10, 1981, effective July 11, 1981, 11 Pa.B. 2493; amended April 30, 1982, effective May 1, 1982, 12 Pa.B. 1396; amended June 18, 1982, effective June 19, 1982, 12 Pa.B. 1870; amended June 17, 1983, effective June 18, 1983, 13 Pa.B. 1941; corrected June 24, 1983, 13 Pa.B. 1999; amended December 16, 1983, effective December 17, 1983, 13 Pa.B. 3879; amended July 13, 1984, effective July 14, 1984, 14 Pa.B. 2414; amended October 18, 1984, effective October 19, 1984, 14 Pa.B. 3866; amended July 5, 1985, effective July 6, 1985, 15 Pa.B. 2463; amended July 5, 1985, effective July 6, 1985, 15 Pa.B. 2465; amended July 11, 1986, effective July 12, 1986, 16 Pa.B. 2527; amended June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended May 26, 2000, effective May 27, 2000, 30 Pa.B. 2601; amended May 18, 2001, effective May 19, 2001, 31 Pa.B. 2577; reserved July 16, 2004, effective July 17, 2004, 34 Pa.B. 3712. Immediately preceding text appears at serial pages (297347) to (297348).

§ 141.6. Illegal devices.

It is unlawful to:

- (1) Use electronic calls to take wildlife except bobcats, foxes, raccoons, coyotes and crows.
- (2) Use snares to take wildlife or furbearers except beavers may be taken with snares completely or partially submerged in water in a waterway or water-course, marsh, pond or dam.
- (3) Use body gripping traps with a spread larger than 6 1/2" × 6 1/2" for any furbearer, except beaver and otter.
- (4) Use a cage or box trap capable of catching more than one furbearer at a time.
- (5) Use a semi-automatic shotgun or magazine shotgun for coyotes or crows unless the shotgun is plugged to a two-shell capacity in the magazine.
- (6) Hunt or take wildlife through the use of an electronic contrivance or device not permitted by Commission regulation.

Authority

The provisions of this § 141.6 amended under 34 Pa.C.S. §§ 322(c) and 2102(a) and (d).

Source

The provisions of this § 141.6 amended July 6, 1979, effective September 1, 1979, 9 Pa.B. 2265; amended July 10, 1981, effective July 11, 1981, 11 Pa.B. 2493; amended April 30, 1982, effective May 1, 1982, 12 Pa.B. 1396, 12 Pa.B. 1396; amended September 17, 1982, effective September 18, 1982, 12 Pa.B. 3295; amended June 17, 1983, effective June 18, 1983, 13 Pa.B. 1941; amended July 13, 1984, effective July 14, 1984, 14 Pa.B. 2414; amended June 19, 1987, effective July 1, 1987, 17

Pa.B. 2464; amended July 7, 1989, effective July 8, 1989, 19 Pa.B. 2956; amended March 8, 1991, effective March 9, 1991, 21 Pa.B. 949; amended August 7, 1998, effective August 8, 1998, 28 Pa.B. 3801; amended May 26, 2000, effective May 27, 2000, 30 Pa.B. 2601; amended March 24, 2023, effective March 25, 2023, 53 Pa.B. 1669. Immediately preceding text appears at serial pages (410927) to (410928).

Cross References

This section cited in 58 Pa. Code § 141.18 (relating to permitted devices).

§ 141.7. Use of artificial lights.

(a) Coyotes are added to the list of animals in section 2310(b) of the act (relating to unlawful use of lights while hunting) which may be hunted with a light.

(b) For the purpose of enforcing section 2311 of the act (relating to restrictions on recreational spotlighting), the terms “antlered deer rifle season” and “antlerless deer rifle season” mean that period of time from 12:01 a.m. on the first day of the regular firearms deer season to 12 midnight on the last day of the antlerless season including Sundays within each individual wildlife management unit.

Authority

The provisions of this § 141.7 amended under 34 Pa.C.S. § 2102(a), (b)(1) and (d).

Source

The provisions of this § 141.7 amended July 6, 1979, effective September 1, 1979, 9 Pa.B. 2265; amended July 10, 1981, effective July 11, 1981, 11 Pa.B. 2493; amended April 30, 1982, effective May 1, 1982, 12 Pa.B. 1396; amended July 13, 1984, effective July 14, 1984, 14 Pa.B. 2414; amended June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; corrected June 26, 1987, 17 Pa.B. 2603; amended June 13, 2003, effective June 14, 2003, 33 Pa.B. 2749; amended June 16, 2006, effective June 17, 2006, 36 Pa.B. 2974; amended March 25, 2011, effective March 26, 2011, 41 Pa.B. 1622. Immediately preceding text appears at serial page (349870).

§ 141.8. [Reserved].**Source**

The provisions of this § 141.8 amended July 6, 1979, effective September 1, 1979, 9 Pa.B. 2265; amended July 10, 1981, effective July 11, 1981, 11 Pa.B. 2493; amended April 30, 1982, effective May 1, 1982, 12 Pa.B. 1396; amended July 13, 1984, effective July 14, 1984, 14 Pa.B. 2414; amended July 5, 1985, effective July 6, 1985, 15 Pa.B. 2465; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial page (100889).

§ 141.8a. Accompanying junior hunters.

It is unlawful while accompanying junior hunters under section 2711(a)(8) of the act (relating to unlawful acts concerning licenses) to be out of sight of or unable to physically or verbally control the junior hunter or to fail to comply with fluorescent orange requirements. Verbal instructions given through the use of an electronic or other sound amplification device do not meet this requirement.

Authority

The provisions of this § 141.8a issued under the Game and Wildlife Code, 34 Pa.C.S. §§ 2102(a) and 2711(a)(8).

Source

The provisions of this § 141.8a adopted September 27, 2002, effective September 28, 2002, 32 Pa.B. 4711.

§ 141.9. [Reserved].**Source**

The provisions of this § 141.9 amended July 6, 1979, effective September 1, 1979, 9 Pa.B. 2265; amended July 10, 1981, effective July 11, 1981, 11 Pa.B. 2493; amended April 30, 1982, effective May 1, 1982, 12 Pa.B. 1396; amended September 16, 1983, effective September 17, 1983, 13 Pa.B. 2840; amended July 13, 1984, effective July 14, 1984, 14 Pa.B. 2414; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial pages (100889) to (100890) and (91653).

§ 141.10. [Reserved].**Source**

The provisions of this § 141.10 amended July 6, 1979, effective September 1, 1979, 9 Pa.B. 2265; amended July 10, 1981, effective July 11, 1981, 11 Pa.B. 2493; amended April 30, 1982, effective May 1, 1982, 12 Pa.B. 1396; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial page (91653).

§ 141.11. [Reserved].**Source**

The provisions of this § 141.11 amended July 6, 1979, effective September 1, 1979, 9 Pa.B. 2265; amended July 10, 1981, effective July 11, 1981, 11 Pa.B. 2493; amended December 4, 1981, effective December 5, 1981, 11 Pa.B. 4194; amended April 30, 1982, effective May 1, 1982, 12 Pa.B. 1396; amended June 17, 1983, effective June 18, 1983, 13 Pa.B. 1941; amended July 13, 1984, effective July 14, 1984, 14 Pa.B. 2414; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial pages (91653) to (91654).

§ 141.12. [Reserved].**Source**

The provisions of this § 141.12 amended July 6, 1979, effective September 1, 1979, 9 Pa.B. 2265; amended July 10, 1981, effective July 11, 1981, 11 Pa.B. 2493; reserved April 30, 1982, effective May 1, 1982, 12 Pa.B. 1396. Immediately preceding text appears at serial page (91654).

§ 141.13. [Reserved].**Source**

The provisions of this § 141.13 amended July 6, 1979, effective September 1, 1979, 9 Pa.B. 2265; amended July 10, 1981, effective July 11, 1981, 11 Pa.B. 2493; amended April 30, 1982, effective May 1, 1982, 12 Pa.B. 1396; amended June 17, 1983, effective June 18, 1983, 13 Pa.B. 1941; amended July 13, 1984, effective July 14, 1984, 14 Pa.B. 2414; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial pages (91654) to (91655).

§ 141.14. [Reserved].**Source**

The provisions of this § 141.14 amended July 6, 1979, effective September 1, 1979, 9 Pa.B. 2265; amended July 10, 1981, effective July 11, 1981, 11 Pa.B. 2493; amended April 30, 1982, effective May 1, 1982, 12 Pa.B. 1396; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial page (91655).

§ 141.15. Loaded firearms or devices in vehicles.

For the purpose of enforcing section 2503 of the act (relating to loaded firearms in vehicles), the term “loaded firearm” includes the following meanings:

- (1) Any centerfire or rimfire firearm that has a live shell or cartridge in either the chamber or magazine.
- (2) Any muzzleloading firearm that has a live charge of ammunition in its firing chamber and a primer, flash powder or a battery, whichever is applicable, properly positioned in the firing mechanism of the firearm rendering it capable of discharge.
- (3) Any crossbow that has been cocked and has a bolt affixed onto the string or positioned into the firing mechanism of the device.
- (4) Any air gun that has a pellet or bullet ammunition in either the chamber or magazine.

Authority

The provisions of this § 141.15 amended under the Game and Wildlife Code, 34 Pa.C.S. §§ 2102(a) and 2503.

Source

The provisions of this § 141.15 adopted July 22, 1988, effective upon publication and applies retroactively to July 1, 1988, 18 Pa.B. 3213; amended September 28, 2007, effective September 29, 2007, 37 Pa.B. 5255; amended August 25, 2017, effective August 26, 2017, 47 Pa.B. 4983. Immediately preceding text appears at serial page (357006).

§ 141.16. [Reserved].**Source**

The provisions of this § 141.16 adopted July 22, 1988, effective upon publication and applies retroactively to July 1, 1988, 18 Pa.B. 3213; reserved June 6, 1997, effective June 7, 1997, 27 Pa.B. 2743. Immediately preceding text appears at serial page (219560).

§ 141.17. [Reserved].**Source**

The provisions of this § 141.17 adopted December 8, 1989, effective December 9, 1989, 19 Pa.B. 5215; reserved October 24, 2003, effective October 25, 2003, 33 Pa.B. 5318. Immediately preceding text appears at serial page (297351).

§ 141.18. Permitted devices.

Notwithstanding the prohibitions in § 141.6 (relating to illegal devices), the following devices may be used to hunt or take wildlife:

(1) Firearms that use an electronic impulse to initiate discharge of ammunition. This provision is not intended to authorize use of these devices when these firearms are otherwise prohibited devices for the applicable hunting or trapping season.

(2) Electronic sound amplification devices that are incorporated into hearing protection devices and completely contained in or on the hunter's ear.

(3) Electronic devices used for locating dogs while training or hunting, including devices such as e-collars, radio-telemetry dog tracking systems and beeper collars.

(4) Electronic illuminating devices that are affixed at the aft end of a bolt or arrow and used solely for the purpose of locating or tracking bolt or arrow flight after being launched from a crossbow or bow.

(5) Electronic crow decoys used solely for hunting crows.

(6) Electronic rangefinders, including hand-held devices and those contained within a scope or archery sight. This authorization may not be construed to permit a device that emits a light beam, infrared beam, ultraviolet light beam, radio beam, thermal beam, ultrasonic beam, particle beam or other beam that is visible outside of the device or on the target.

(7) Electronically heated scent or lure dispensers. This provision is not intended to authorize use of scents and lures when use is otherwise prohibited by section 2308 of the act (relating to unlawful devices and methods) or § 137.34 or § 137.35 (relating to Chronic Wasting Disease and emergency authority of Director; and Chronic Wasting Disease restrictions).

(8) Electronic devices that generate and distribute ozone gas for scent control purposes.

(9) Electronic waterfowl decoys used solely for hunting waterfowl.

(10) Electronic dove decoys used solely for hunting dove.

(11) Electronic hand-held and firearm-mounted night-vision and infrared optics used solely for furbearer hunting.

(12) Electronic devices used to disturb water for the purpose of preventing ice formation.

Authority

The provisions of this § 141.18 amended under 34 Pa.C.S. §§ 322(c)(5) and 2102(a), (b)(1) and (d).

Source

The provisions of this § 141.18 amended March 9, 2001, effective March 10, 2001, 31 Pa.B. 1370; amended May 18, 2001, effective May 19, 2001, 31 Pa.B. 2577; amended January 14, 2005, effective January 15, 2005, 35 Pa.B. 353; amended June 30, 2006, effective July 1, 2006, 36 Pa.B. 3250; amended October 5, 2007, effective October 6, 2007, 37 Pa.B. 5377; amended November 16, 2012, effective November 17, 2012, 42 Pa.B. 7108; amended May 27, 2016, effective May 28, 2016, 46 Pa.B. 2675; amended November 17, 2017, effective November 18, 2017, 47 Pa.B. 7046; amended November 6, 2020, effective November 7, 2020, 50 Pa.B. 6208; amended March 15, 2024, effective March 16, 2024, 54 Pa.B. 1318. Immediately preceding text appears at serial pages (403155) to (403156).

§ 141.19. Killing game or wildlife to protect property.

(a) Persons authorized to kill game or wildlife under the authority of Chapter 21, Subchapter B of the act (relating to destruction for agricultural protection) shall be limited to use only those firearms and types of ammunition that have been approved by the Commission with regard to particular classifications, for the taking of game or wildlife during an open season.

(b) It is unlawful for a person to use bows and arrows or crossbows and bolts or a muzzleloading firearm of any kind to kill game or wildlife under the authority of Chapter 21, Subchapter B of the act, without advanced written permission from the District Wildlife Conservation Officer.

Authority

The provisions of this § 141.19 issued under 34 Pa.C.S. §§ 2102(a) and 2126(a)(2).

Source

The provisions of this § 141.19 adopted September 27, 2002, effective September 28, 2002, 32 Pa.B. 4711.

Cross References

This section cited in 58 Pa. Code § 147.764 (relating to subpermittees).

§ 141.20. Protective material required.

(a) The following requirements apply:

(1) *General rule.* Except as otherwise provided in subsection (b), it is unlawful to hunt or assist to hunt game or wildlife or move to or from a hunting location, from 1 hour before legal hunting hours to 1 hour after legal hunting hours outside of a motorized vehicle, at any time without wearing a minimum of 250 square inches of daylight fluorescent orange-colored material on the head, chest and back combined so that it is visible in a 360° arc. This shall

include going to or from a hunting location before or after legal shooting hours. Except as provided in subsection (b)(2), camouflage orange clothing is lawful provided it contains the minimum amount of fluorescent orange-colored material.

(2) *Additional requirements.* It is unlawful to hunt during any firearms season for deer, elk or bear from any blind meeting the requirements in section 2308(b)(3) of the act (relating to unlawful devices and methods) without placing a minimum of 100 square inches of daylight fluorescent orange-colored material within 15 feet from the blind so it is visible in a 360° arc.

(b) *Permitted acts.* It is lawful to:

(1) Hunt without wearing daylight fluorescent orange-colored material for applicable wildlife during the following seasons:

- (i) All crow seasons.
- (ii) All dove seasons.
- (iii) All waterfowl seasons.
- (iv) All falconry small game seasons.
- (v) All flintlock muzzleloading deer seasons.
- (vi) All archery deer seasons.
- (vii) All archery bear seasons.
- (viii) All furbearer seasons, except coyote seasons.
- (ix) All coyote seasons, except during the respective portion of any coyote season that runs concurrent with the legal hunting hours of any special firearms or regular firearms seasons for deer, bear or elk within each wildlife management unit, when the requirements of subsection (a) remain applicable.

- (x) All turkey seasons.
- (xi) All archery elk seasons.

(2) Hunt for woodchucks during any woodchuck season while wearing a hat made of solid daylight fluorescent orange-colored material on the head only.

(c) A person who violates this section shall be subject to the penalties as provided in the act.

Authority

The provisions of this § 141.20 issued under 34 Pa.C.S. §§ 2101(a), 2102 and 2524; amended under 34 Pa.C.S. §§ 2102(a) and 2901(b).

Source

The provisions of this § 141.20 adopted April 30, 2004, effective July 1, 2004, 34 Pa.B. 2328; amended September 17, 2004, effective September 18, 2004, 34 Pa.B. 5156; amended December 1, 2006, effective December 2, 2006, 36 Pa.B. 7249; amended June 29, 2007, effective June 30, 2007, 37 Pa.B. 2958; amended March 28, 2008, effective March 29, 2008, 38 Pa.B. 1471; amended November 27, 2009, effective January 1, 2010, 39 Pa.B. 6760; amended August 6, 2010, effective August 7, 2010, 40 Pa.B. 4387; amended May 27, 2011, effective May 28, 2011, 41 Pa.B. 2696; amended

August 10, 2012, effective August 11, 2012, 42 Pa.B. 5214; amended May 17, 2019, effective May 18, 2019, 49 Pa.B. 2506. Immediately preceding text appears at serial pages (389074) and (393863) to (393864).

Cross References

This section cited in 58 Pa. Code § 147.553 (relating to agriculture deer control harvest permit).

Subchapter B. SMALL GAME

Sec.

- 141.21. [Reserved].
- 141.22. Small game seasons.
- 141.23. Nontoxic shot.
- 141.24. Release and retrap quail for dog training purposes.
- 141.25. [Reserved].
- 141.26. [Reserved].
- 141.27. [Reserved].
- 141.28. Wild pheasant recovery areas.
- 141.29. Hunting mourning doves over managed fields.
- 141.30. Bobwhite quail recovery area.

§ 141.21. [Reserved].

Source

The provisions of this § 141.21 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; reserved June 20, 2003, effective June 21, 2003, 33 Pa.B. 2878. Immediately preceding text appears at serial page (294117).

§ 141.22. Small game seasons.

(a) *Permitted devices.* It is lawful to hunt small game, except woodchucks, during any small game season with the following devices:

- (1) A manually operated or semiautomatic rimfire rifle or manually operated rimfire handgun. The firearm must be .22 caliber or less, that propels single-projectile ammunition.
- (2) A manually operated or semiautomatic centerfire shotgun or muzzleloading shotgun. The firearm must be 10 gauge or less, that propels multiple-projectile shotgun ammunition not larger than # 4 lead, # 2 steel, or # 4 of any other composition or alloy of nontoxic shot approved by the Director of the United States Fish and Wildlife Service or an authorized representative under 50 CFR 20.134 (relating to approval of nontoxic shot types and shot coatings). A centerfire shotgun's magazine capacity may not exceed two rounds. The shotgun's total aggregate ammunition capacity may not exceed three rounds.
- (3) A muzzleloading rifle or handgun. The firearm must be .40 caliber or less, that propels single-projectile ammunition.

(4) A bow and arrow.

(5) A crossbow and bolt.

(6) A raptor. The raptor shall be lawfully possessed under a falconry permit under section 2925 of the act (relating to falconry permits).

(7) A manually operated or semiautomatic air rifle or manually operated air handgun between .177 and .22 caliber, inclusive, that propels single-projectile pellet or bullet ammunition. BB ammunition is not authorized.

(b) *Prohibitions.* While hunting small game during any small game season, except woodchucks, it is unlawful to:

(1) Use or possess single-projectile ammunition larger than .22 caliber or multiple-projectile shotgun ammunition larger than # 4 lead, # 2 steel, or # 4 of any other composition or alloy of nontoxic shot approved by the Director of the United States Fish and Wildlife Service or an authorized representative under 50 CFR 20.134, except as authorized under section 2525 of the act (relating to possession of firearm for protection of self or others).

(2) Possess a firearm while hunting with a raptor, except as authorized under section 2525 of the act.

(3) Discharge a firearm within 150 yards of a Commission vehicle releasing pheasants.

(4) Use or possess a device or ammunition not provided for in the act or in this section, except as authorized under section 2525 of the act.

(5) Hunt in a party of more than six persons. This does not apply to waterfowl or dove hunters when hunting from a blind or other stationary position.

(c) *Woodchuck (Groundhog) season.*

(1) *Permitted devices.* It is lawful to hunt woodchucks during woodchuck season with the following devices:

(i) A manually operated or semiautomatic rifle or manually operated handgun that propels single-projectile ammunition.

(ii) A manually operated or semiautomatic centerfire shotgun or muzzleloading shotgun. The firearm must be 10 gauge or less that propels multiple-projectile shotgun ammunition not larger than # 4 lead, # 2 steel, or # 4 of any other composition or alloy of nontoxic shot approved by the Director of the United States Fish and Wildlife Service or an authorized representative under 50 CFR 20.134. A centerfire shotgun's magazine capacity may not exceed two rounds. The shotgun's total aggregate ammunition capacity may not exceed three rounds.

(iii) A muzzleloading rifle or handgun that propels single-projectile ammunition.

(iv) A bow and arrow.

(v) A crossbow and bolt.

(vi) A raptor. The raptor shall be lawfully possessed under a falconry permit under section 2925 of the act.

(vii) A manually operated or semiautomatic air rifle or manually operated air handgun .22 caliber or larger that propels single-projectile pellet or bullet ammunition. BB ammunition is not authorized.

(2) *Prohibitions.* While hunting woodchucks during woodchuck season, it is unlawful to:

(i) Use or possess multiple-projectile shotgun ammunition larger than # 4 lead, # 2 steel, or # 4 of any other composition or alloy of nontoxic shot approved by the Director of the United States Fish and Wildlife Service or an authorized representative under 50 CFR 20.134, except as authorized under section 2525 of the act.

(ii) Possess a firearm while hunting with a raptor, except as authorized under section 2525 of the act.

(iii) Use or possess a device or ammunition not provided for in the act or in this section, except as authorized under section 2525 of the act.

Authority

The provisions of this § 141.22 amended under 34 Pa.C.S. §§ 322(c)(5) and (6), 2102(a), (b)(1) and (d), 2505(a) and 2524.

Source

The provisions of this § 141.22 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended April 28, 1989, effective April 29, 1989, 19 Pa.B. 1842; amended August 24, 1990, effective September 24, 1990, 20 Pa.B. 4488; amended March 27, 1992, effective July 1, 1992, 22 Pa.B. 1427; amended August 19, 1994, effective August 20, 1994, 24 Pa.B. 4197; amended November 4, 1994, effective November 5, 1994, 24 Pa.B. 5561; amended August 1, 1997, effective August 2, 1997, 27 Pa.B. 3788; corrected November 21, 1997, effective October 4, 1997, 27 Pa.B. 6092; amended November 21, 1997, effective November 22, 1997, 27 Pa.B. 6093; amended August 9, 2002, effective August 10, 2002, 32 Pa.B. 3945; amended November 29, 2002, effective November 30, 2002, 32 Pa.B. 5889; amended June 13, 2003, effective June 14, 2003, 33 Pa.B. 2751; amended April 30, 2004, effective July 1, 2004, 34 Pa.B. 2328; amended May 28, 2004, effective May 29, 2004, 34 Pa.B. 2825; amended July 16, 2004, effective July 17, 2004, 34 Pa.B. 3711; amended December 2, 2005, effective December 3, 2005, 35 Pa.B. 6537; amended June 16, 2006, effective June 17, 2006, 36 Pa.B. 2975; amended January 26, 2010, effective April 3, 2010, 40 Pa.B. 1737; amended May 12, 2017, effective May 13, 2017, 47 Pa.B. 2710; amended November 17, 2017, effective November 18, 2017, 47 Pa.B. 7048. Immediately preceding text appears at serial pages (387122) to (387124).

Cross References

This section cited in 17 Pa. Code § 21.119 (relating to group activities); 58 Pa. Code § 135.106 (relating to controlled hunting and trapping area harvest limitations); and 58 Pa. Code § 141.1 (relating to special regulations areas).

§ 141.23. Nontoxic shot.

It is unlawful to hunt for or take migratory waterfowl in this Commonwealth while possessing or using lead shot or shotshells loaded with shot of a composition or alloy and of a cartridge length not approved by the Director of the United States Fish and Wildlife Service or an authorized representative under 50 CFR 20.134 (relating to nontoxic shot). It is unlawful to hunt for or take migratory waterfowl in this Commonwealth using nontoxic shot larger than Size “T.”

Source

The provisions of this § 141.23 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended April 28, 1989, effective April 29, 1989, 19 Pa.B. 1842; amended November 4, 1994, effective November 5, 1994, 24 Pa.B. 5561; amended September 6, 1996, effective September 7, 1996, 26 Pa.B. 4339. Immediately preceding text appears at serial pages (202785) to (202786).

Cross References

This section cited in 58 Pa. Code § 135.106 (relating to controlled hunting and trapping area harvest limitations).

§ 141.24. Release and retrap quail for dog training purposes.

A person may release domestic bobwhite quail for dog training purposes and retrap them during the regular dog training season, or at any time upon special dog training areas, if the birds are tagged prior to release with tags furnished by the Commission. A trap shall be marked with the name and address of the owner. Quail possessed for this purpose shall be tagged as required. It is the responsibility of the person manning the trap to immediately release untagged quail or other game or wildlife trapped.

Source

The provisions of this § 141.24 adopted December 11, 1987, effective December 12, 1987, 17 Pa.B. 5129.

§ 141.25. [Reserved].**Source**

The provisions of this § 141.25 adopted July 24, 1992, effective July 25, 1992, 22 Pa.B. 3897; amended May 28, 1993, effective July 1, 1993, 23 Pa.B. 2565; amended March 25, 1994, effective from January 20, 1994, to June 30, 1994; amended August 19, 1994, effective from July 1, 1994, to June 30, 1995, 24 Pa.B. 4197; amended May 26, 1995, effective from July 1, 1995, to June 30, 1996, 25 Pa.B. 2072; amended September 6, 1996, effective September 7, 1996, 26 Pa.B. 4339; amended November 8, 1996, effective November 9, 1996, 26 Pa.B. 5440; amended January 17, 1997, effective retroactively to January 15, 1997, 27 Pa.B. 313; corrected January 31, 1997, effective retroactively to January 15, 1997, 27 Pa.B. 13; corrected November 21, 1997, effective October 4, 1997, 27 Pa.B. 6092; amended August 11, 2000, effective August 12, 2000, 30 Pa.B. 4250; amended June 13, 2003, effective June 14, 2003, 33 Pa.B. 2749; reserved June 16, 2006, effective June 17, 2006, 36 Pa.B. 2973. Immediately preceding text appears at serial pages (316101) and (297355).

§ 141.26. [Reserved].**Source**

The provisions of this § 141.26 adopted September 6, 1996, effective September 7, 1996, 26 Pa.B. 4339; amended May 29, 1998, effective May 30, 1998, 28 Pa.B. 2504; amended July 23, 1999, effective July 24, 1999, 29 Pa.B. 3886; amended August 11, 2000, effective August 12, 2000, 30 Pa.B. 4250; reserved June 16, 2006, effective June 17, 2006, 36 Pa.B. 2973. Immediately preceding text appears at serial pages (297355) to (297356).

§ 141.27. [Reserved].**Source**

The provisions of this § 141.27 adopted September 6, 1996, effective September 7, 1996, 26 Pa.B. 4339; reserved June 16, 2006, effective June 17, 2006, 36 Pa.B. 2973. Immediately preceding text appears at serial page (297356).

§ 141.28. Wild pheasant recovery areas.

(a) *Definition.* For the purpose of this section, the phrase “wild pheasant recovery area” (WPRA) includes and is limited to the following geographic locations.

(1) *Central Susquehanna WPRA.* Portions of WMU 4E in Northumberland, Montour and Columbia Counties, bounded and described as follows. Beginning in the southwestern extent of the WPRA at the intersection of Interstate 80 and Interstate 180, proceed north on Interstate 180 for approximately 7.2 miles to the intersection of Hughes Road. The boundary follows Hughes Road east for 0.2 mile to Susquehanna Trail. Follow Susquehanna Trail south for 0.2 mile to Schmidt Road. Follow Schmidt Road for 1.6 miles to Miller Road. Follow Miller Road east for 1.1 miles to intersection of Hockey Hill Road. Go right on Hockey Hill Road then left onto Pugmore Lane. Follow Pugmore Lane for 0.7 mile to Harrison Road. The boundary follows Harrison Road south for 0.7 mile to Showers Road. Follow Showers Road for 1.2 miles east to intersection of Gearhart Road. Turn right on Gearhart Road and go south for 0.6 mile to the intersection of Hickory Road. The boundary follows Hickory Road east for 0.6 mile then left onto Mingle Road for 0.9 mile until rejoining Hickory Road for another 0.8 mile to the intersection of Muncy Exchange Road. The boundary follows Muncy Exchange Road south for 1.4 miles to bridge over the West Branch of Chillisquaque Creek near the intersection of State Highway 44. The boundary follows the West Branch of Chillisquaque Creek south for approximately 2.1 miles to the bridge on Arrowhead Road. The boundary follows Arrowhead Road west for 0.8 mile to the intersection of State Highway 54. Follow State Highway 54 south for 2.6 miles to the intersection of State Highway 254. Follow State Highway 254 west for 6.6 miles to the intersection of Interstate 80. Follow Interstate 80 west for 3.4 miles to the intersection of Interstate 180 and the point of origin.

(2) *Franklin County WPRA.* That portion of WMUs 4A and 5A in Franklin County bounded and described as follows: Beginning at the town of Mercersburg at the intersection of PA Rt. 16 (N. Main St.) and Johnstons Ln., proceed 1.9 miles west on Johnstons Ln. At the intersection of Johnstons Ln. and Charlestown Rd., proceed 0.7 miles due west following the Montgomery/Peters Township lines to the top of Cove Mountain. Proceed south along the Montgomery/Warren Township lines following the spine of Cove Mountain 7.9 miles to its intersection with cleared gas line utility right-of-way. Proceed 4.3

miles northeast along utility right-of-way to its intersection with Blairs Valley Rd. Proceed 1 mile south on Blairs Valley Rd. to the intersection with Hunter Rd. Proceed 2.5 miles east on Hunter Rd. to the intersection with Rt. 75 (Fort Loudon Rd.). Proceed across Rt. 75 onto Garnes Rd. and follow 2.6 miles northeast to the intersection with Rt. 416 (Mercersburg Rd.). Proceed 2.4 miles north on Rt. 416 to the intersection with Rt. 16 (Buchanan Trail West). Proceed 2.7 miles northwest on Rt. 16 through the town of Mercersburg to the intersection with Johnstons Ln. at point of origin.

(b) *Prohibitions.* It is unlawful to:

(1) Release artificially propagated pheasants any time within any area designated as a WPRA.

(2) Hunt pheasants within any area designated as a WPRA, except the Director may authorize limited pheasant hunting opportunities in one or more WPRAs. During any year pheasant hunting opportunities are authorized in one or more WPRAs, the Director will designate the WPRAs where the season will be established, the dates of the season and the daily bag limit.

Authority

The provisions of this § 141.28 issued under 34 Pa.C.S. §§ 322 and 2102(c); amended under 34 Pa.C.S. §§ 322(c)(4) and 2102(a) and (c).

Source

The provisions of this § 141.28 adopted June 5, 2009, effective June 6, 2009, 39 Pa.B. 2798; amended August 6, 2010, effective August 7, 2010, 40 Pa.B. 4388; amended May 27, 2011, effective May 28, 2011, 41 Pa.B. 2698; amended June 22, 2012, effective June 23, 2012, 42 Pa.B. 3590; amended May 12, 2017, effective May 13, 2017, 47 Pa.B. 2718; amended May 25, 2018, effective May 26, 2018, 48 Pa.B. 3090; amended August 30, 2019, effective August 31, 2019, 49 Pa.B. 4953; amended May 31, 2024, effective June 1, 2024, 54 Pa.B. 3033. Immediately preceding text appears at serial pages (414534) and (410931).

§ 141.29. Hunting mourning doves over managed fields.

(a) *Limited hunting authorized.* In accordance with the authorization in 50 CFR 20.21 (relating to what hunting methods are illegal), it is lawful to hunt mourning doves on or over lands or areas that are not otherwise baited areas, and where grain or other feed has been distributed or scattered solely as the result of manipulation of an agricultural crop or other feed on the land where grown, or solely as the result of a normal agricultural operation.

(b) *Nonapplication.* This section shall not be construed to authorize the hunting of any other species of wildlife in an area where grain or other feed has been distributed or scattered as the result of manipulation of an agricultural crop or other feed.

(c) *Definition.* For the purposes of this section, “manipulation” means the alteration of natural vegetation or agricultural crops by activities that include mowing, shredding, discing, rolling, chopping, trampling, flattening, burning or

herbicide treatments. The term manipulation does not include the distributing or scattering of grain, seed or other feed after removal from or storage on the field where grown.

Authority

The provisions of this § 141.29 issued under 34 Pa.C.S. § 2102(a).

Source

The provisions of this § 141.29 adopted September 14, 2018, effective September 15, 2018, 48 Pa.B. 5727; amended May 1, 2020, effective May 2, 2020, 50 Pa.B. 2272. Immediately preceding text appears at serial pages (397205) to (397206).

§ 141.30. Bobwhite quail recovery area.

(a) *Definition.* For the purpose of this section, the phrase “bobwhite quail recovery area” includes and is limited to portions of Wildlife Management Units 4B and 5A in Franklin County, bounded and described as follows. Beginning in the southwestern extent of the bobwhite quail recovery area at the intersection of Route 30 (Lincoln Highway) and PA-75 (Path Valley Road), proceed east on Route 30 for approximately 15.3 miles to the intersection of Interstate 81. The boundary follows Interstate 81 north for 8.5 miles to exit 24 and continues left on PA-696 (Old Scotland Road). Follow Old Scotland Road north for 2 miles then continue along PA-696 which becomes South Fayette Street. Follow South Fayette Street for 0.5 miles to West King Street. Follow left on West King Street, then right onto Spring Street, bear right onto Roxbury Road. Follow Roxbury Road for 9 miles to PA-641 (meets at Newburg Road, which becomes Forge Hill Road, Timmons Road, then Spring Run Road). The boundary follows PA-641 northwest for 7.5 miles then taking a left turn on Stone Bridge Road. At the end of Stone Bridge Road take a left onto PA-75 (Path Valley Road) and follow PA-75 for 17 miles to the intersection of Route 30 and the point of origin.

(b) *Prohibitions.* It is unlawful to:

- (1) Release artificially propagated quail any time within any area designated as a bobwhite quail recovery area.
- (2) Hunt quail within any area designated as a bobwhite quail recovery area.

Authority

The provisions of this § 141.30 added under 34 Pa.C.S.

Source

The provisions of this § 141.30 added August 26, 2022, effective August 27, 2022, 52 Pa.B. 5469.

Subchapter C. BIG GAME

Sec.

- 141.41. General.
- 141.42. Parties hunting big game.
- 141.43. Deer seasons.
- 141.44. Bear seasons.
- 141.45. Turkey seasons.
- 141.46. [Reserved].
- 141.47. Elk seasons.
- 141.48. Elk management area and elk hunt zones.
- 141.49. [Reserved].

§ 141.41. General.

It is unlawful to:

- (1) Fail, within 10 days of the kill, to complete the report card supplied with the hunting license for reporting big game killed and mail the report card to the Commission in Harrisburg or by any other method designated by the Director.
- (2) Receive a DMAP permit without reporting in the manner prescribed on the permit.
- (3) Possess an expired, fulfilled, revoked, suspended or invalid big game harvest tag or hunting license while engaged in hunting or trapping activities.

Authority

The provisions of this § 141.41 amended under 34 Pa.C.S. §§ 322(c)(11), 2102, 2323 and 2524.

Source

The provisions of this § 141.41 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended July 22, 1988, effective upon publication and applies retroactively to July 1, 1988, 18 Pa.B. 3213; amended March 27, 1992, effective July 1, 1992, 22 Pa.B. 1427; amended May 7, 1999, effective May 8, 1999, 29 Pa.B. 2458; amended May 18, 2001, effective, May 19, 2001, 31 Pa.B. 2577; amended November 2, 2001, effective November 3, 2001, 31 Pa.B. 6052; amended September 27, 2002, effective September 28, 2002, 32 Pa.B. 4711, 4712; amended March 21, 2003, effective March 22, 2003, 33 Pa.B. 1473; amended April 30, 2004, effective July 1, 2004, 34 Pa.B. 2328; amended July 16, 2004, effective July 17, 2004, 34 Pa.B. 3710; amended July 15, 2005, effective July 16, 2005, 35 Pa.B. 3933; amended June 29, 2007, effective June 30, 2007, 37 Pa.B. 2955; amended August 22, 2008, effective August 23, 2008, 38 Pa.B. 4615; amended February 27, 2009, effective February 28, 2009, 39 Pa.B. 1110; amended May 27, 2011, effective May 28, 2011, 41 Pa.B. 2698; amended May 27, 2016, effective May 28, 2016, 46 Pa.B. 2674; amended May 1, 2020, effective May 2, 2020, 50 Pa.B. 2264. Immediately preceding text appears at serial page (392101).

§ 141.42. Parties hunting big game.

- (a) Parties hunting deer, bear or elk shall be limited to 25 persons.
- (b) Penalties in section 2324(c) of the act (relating to parties hunting big game) pertain to this section. Each person may be liable for penalties in this section.

Authority

The provisions of this § 141.42 amended under the Game and Wildlife Code, 34 Pa.C.S. § 2102.

Source

The provisions of this § 141.42 adopted June 3, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended May 18, 2001, effective May 19, 2001, 31 Pa.B. 2577; amended March 8, 2002, effective March 9, 2002, 32 Pa.B. 1305; amended November 7, 2014, effective November 8, 2014, 44 Pa.B. 7055. Immediately preceding text appears at serial page (372001).

Cross References

This section cited in 17 Pa. Code § 21.119 (relating to group activities).

§ 141.43. Deer seasons.

- (a) *Archery deer season.*
 - (1) *Permitted devices.* It is lawful to hunt deer during the archery deer season with any of the following devices:
 - (i) A bow and arrow. A bow must have a peak draw weight of at least 35 pounds. An arrow must be equipped with a broadhead that has an outside diameter or width of at least 7/8 inch and may not exceed 3.25 inches in length.
 - (ii) A crossbow and bolt. A crossbow must have a peak draw weight of at least 125 pounds. A bolt must be equipped with a broadhead that has an outside diameter or width of at least 7/8 inch and may not exceed 3.25 inches in length.
 - (2) *Prohibitions.* While hunting deer during the archery deer season, it is unlawful to:
 - (i) Use or possess a firearm. Exceptions:

(A) A person may possess certain firearms during the archery deer season under the authorizations of section 2525 of the act (relating to possession of firearm for protection of self or others).

(B) A person may possess and use both a bow or crossbow and a muzzleloading firearm during the overlaps of the early archery and muzzleloader deer seasons and the late archery and flintlock muzzleloading deer seasons if that person is in possession of both a valid archery deer license and a valid muzzleloader deer license and meets the greater protective material requirements for the muzzleloader deer season, if applicable.

(C) A person may possess and use both a bow or crossbow and a muzzleloading firearm during the overlaps of the early archery deer season and muzzleloader bear season if that person is in possession of both a valid archery deer license and a valid bear license and meets the greater protective material requirements for the muzzleloader bear season, if applicable.

(ii) Use or possess a device or ammunition not provided for in the act or in this subsection, except as authorized under section 2525 of the act.

(b) *Flintlock muzzleloading deer season.*

(1) *Permitted devices.* It is lawful to hunt deer during the flintlock muzzleloading deer season with a flintlock muzzleloading firearm. The firearm must be an original or similar reproduction of muzzleloading firearm manufactured prior to 1800. The firearm's ignition mechanism must consist of a hammer containing a naturally occurring stone that is spring propelled onto an iron or steel frizzen which, in turn, creates sparks to ignite a priming powder. The firearm must have open or aperture sights and be a .44 caliber or larger single-barrel long gun or a .50 caliber or larger single-barrel handgun that propels single-projectile ammunition.

(2) *Prohibitions.* While hunting deer during the flintlock muzzleloading deer season, it is unlawful to:

(i) Use manmade materials attached to the hammer or frizzen to create sparks.

(ii) Use telescopic sights.

(iii) Use or possess multiple projectile ammunition or ammunition other than required under section 2322(a)(4) of the act (relating to prohibited devices and methods), except as authorized under section 2525 of the act.

(iv) Use or possess a device or ammunition not provided for in the act or in this subsection, except as authorized under section 2525 of the act.

(c) *Muzzleloading deer season.*

(1) *Permitted devices.* It is lawful to hunt deer during the muzzleloading deer season with any of the following devices:

(i) A muzzleloading firearm. The firearm must be a .44 caliber or larger single-barrel long gun or a .50 caliber or larger single-barrel handgun that propels single-projectile ammunition.

(ii) A bow and arrow as permitted under subsection (a)(1)(i).

(iii) A crossbow and bolt as permitted under subsection (a)(1)(ii).

(2) *Prohibitions.* While hunting deer during the muzzleloading deer season, it is unlawful to:

(i) Use or possess multiple projectile ammunition or ammunition other than required under section 2322(a)(4) of the act, except as authorized under section 2525 of the act.

(ii) Use or possess a device or ammunition not provided for in the act or in this subsection, except as authorized under section 2525 of the act.

(d) *Regular and special firearms deer seasons.*

(1) *Permitted devices.* It is lawful to hunt deer during the regular and special firearms deer seasons with any of the following devices:

(i) A manually operated, centerfire rifle or handgun that propels single-projectile ammunition.

(ii) A manually operated or semiautomatic, centerfire shotgun that propels single-projectile ammunition.

(iii) A bow and arrow as permitted under subsection (a)(1)(i).

(iv) A crossbow and bolt as permitted under subsection (a)(1)(ii).

(v) A muzzleloading firearm as permitted under subsection (b)(1) or (c)(1).

(2) *Prohibitions.* While hunting deer during the regular and special firearms deer seasons, it is unlawful to:

(i) Use or possess multiple projectile ammunition or ammunition other than required under section 2322(a)(4) of the act, except as authorized under section 2525 of the act.

(ii) Use or possess a device or ammunition not provided for in the act or in this subsection, except as authorized under section 2525 of the act.

(e) *Cooperating while hunting during any deer season.* Holders of any of the appropriate licenses or stamps may cooperate while hunting antlered or antlerless deer if pertinent provisions of the act and this section are met.

Authority

The provisions of this § 141.43 amended under 34 Pa.C.S.

Source

The provisions of this § 141.43 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended July 24, 1992, effective July 25, 1992, 22 Pa.B. 3897; amended March 25, 1994, effective March 26, 1994, 24 Pa.B. 1582; amended October 27, 1995, effective October 28, 1995, 25 Pa.B. 4614; amended October 30, 1998, effective October 31, 1998, 28 Pa.B. 5486; amended May 7, 1999, effective May 8, 1999, 29 Pa.B. 2458; amended May 26, 2000, effective May 27, 2000, 30 Pa.B. 2601; amended November 17, 2000, effective November 18, 2000, 30 Pa.B. 5959; amended May 18, 2001, effective May 19, 2001, 31 Pa.B. 2577; amended August 17, 2001, effective August 18, 2001, 31 Pa.B. 4536; amended November 2, 2001, effective November 3, 2001, 31 Pa.B. 6051; amended September 27, 2002, effective September 28, 2002, 32 Pa.B. 4712, 4713; amended June 13, 2003, effective June 14, 2003, 33 Pa.B. 2753; amended October 24, 2003, effective October 25, 2003, 33 Pa.B. 5317; amended April 30, 2004, effective July 1, 2004, 34 Pa.B. 2328; amended July 16, 2004, effective July 17, 2004, 34 Pa.B. 3710 and 3711; amended June 29, 2007, effective June 30, 2007, 37 Pa.B. 2955; amended February 27, 2009, effective February 28, 2009, 39 Pa.B. 1110; amended June 5, 2009, effective June 6, 2009, 39 Pa.B. 2801; amended June 22, 2012, effective June 23, 2012, 42 Pa.B. 3591; amended May 23, 2014, effective May 24, 2014, 44 Pa.B. 3091; amended May 12, 2017, effective May 13, 2017, 47 Pa.B. 2710; amended November 17, 2017, effective November 18, 2017,

47 Pa.B. 7048; amended June 1, 2018, effective June 2, 2018, 48 Pa.B. 3325; amended May 1, 2020, effective May 2, 2020, 50 Pa.B. 2265. Immediately preceding text appears at serial pages (392102) to (392104).

Cross References

This section cited in 58 Pa. Code § 141.1 (relating to special regulations areas); 58 Pa. Code § 143.42 (relating to antlerless deer license required); and 58 Pa. Code § 147.556 (relating to lawful devices and methods).

§ 141.44. Bear seasons.

(a) *Archery bear season.*

(1) *Permitted devices.* It is lawful to hunt bear during the archery bear season with any of the following devices:

(i) A bow and arrow. A bow must have a peak draw weight of at least 35 pounds. An arrow must be equipped with a broadhead that has an outside diameter or width of at least 7/8 inch and may not exceed 3.25 inches in length.

(ii) A crossbow and bolt. A crossbow must have a peak draw weight of at least 125 pounds. A bolt must be equipped with a broadhead that has an outside diameter or width of at least 7/8 inch and may not exceed 3.25 inches in length.

(2) *Prohibitions.* While hunting bear during the archery bear season, it is unlawful to:

(i) Use or possess a firearm. Exceptions:

(A) A person may possess certain firearms during the archery bear season under the authorizations of section 2525 of the act (relating to possession of firearm for protection of self or others).

(B) A person may possess and use both a bow or crossbow and a muzzleloading firearm during the overlaps of the archery and muzzleloader bear seasons if that person is in possession of a valid bear license and meets the greater protective material requirements for the muzzleloader bear season, if applicable.

(C) A person may possess and use both a bow or crossbow and a muzzleloading firearm during the overlaps of the archery bear season and muzzleloader deer season if that person is in possession of both a valid bear license and a valid muzzleloader deer license and meets the greater protective material requirements for the muzzleloader deer season, if applicable.

(ii) Use or possess a device or ammunition not provided for in the act or in this subsection, except as authorized under section 2525 of the act.

(iii) Disturb, wound or kill a bear in a den.

(iv) Assist, conspire or use a device to locate a bear to which a transmitter has been attached.

(b) *Muzzleloading bear season.*

(1) *Permitted devices.* It is lawful to hunt bear during the muzzleloading bear season with any of the following devices:

(i) A muzzleloading firearm. The firearm must be a .44 caliber or larger single-barrel long gun or a .50 caliber or larger single-barrel handgun that propels single-projectile ammunition.

- (ii) A bow and arrow as permitted under subsection (a)(1)(i).
- (iii) A crossbow and bolt as permitted under subsection (a)(1)(ii).
- (2) *Prohibitions.* While hunting bear during the muzzleloading bear season, it is unlawful to:
 - (i) Use or possess multiple projectile ammunition or ammunition other than required under section 2322(a)(4) of the act (relating to prohibited devices and methods), except as authorized under section 2525 of the act.
 - (ii) Use or possess a device or ammunition not provided for in the act or in this subsection, except as authorized under section 2525 of the act.
 - (iii) Disturb, wound or kill a bear in a den.
 - (iv) Assist, conspire or use a device to locate a bear to which a transmitter has been attached.
- (c) *Regular and extended firearms bear seasons.*
 - (1) *Permitted devices.* It is lawful to hunt bear during the regular and extended firearms bear seasons with any of the following devices:
 - (i) A manually operated, centerfire rifle or handgun that propels single-projectile ammunition.
 - (ii) A manually operated or semiautomatic, centerfire shotgun that propels single-projectile ammunition.
 - (iii) A bow and arrow as permitted under subsection (a)(1)(i).
 - (iv) A crossbow and bolt as permitted under subsection (a)(1)(ii).
 - (v) A muzzleloading firearm as permitted under subsection (b)(1).
 - (2) *Prohibitions.* While hunting for bear during the regular and extended firearms bear seasons, it is unlawful to:
 - (i) Use or possess multiple projectile ammunition or ammunition other than required under section 2322(a)(4) of the act, except as authorized under section 2525 of the act.
 - (ii) Use or possess a device or ammunition not provided for in the act or in this subsection, except as authorized under section 2525 of the act.
 - (iii) Disturb, wound or kill a bear in a den.
 - (iv) Assist, conspire or use a device to locate a bear to which a transmitter has been attached.

Authority

The provisions of this § 141.44 amended under 34 Pa.C.S. § 2102(a) and (d).

Source

The provisions of this § 141.44 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended February 27, 2009, effective February 28, 2009, 39 Pa.B. 1110; amended June 5, 2009, effective June 6, 2009, 39 Pa.B. 2801; amended June 22, 2012, effective June 23, 2012, 42 Pa.B. 3591; amended May 23, 2014, effective May 24, 2014, 44 Pa.B. 3091; amended May 12, 2017, effective May 13, 2017, 47 Pa.B. 2710; amended June 1, 2018, effective June 2, 2018, 48 Pa.B. 3325; amended May 1, 2020, effective May 2, 2020, 50 Pa.B. 2265. Immediately preceding text appears at serial pages (302104) to (302106).

Cross References

This section cited in 58 Pa. Code § 141.1 (relating to special regulations areas).

§ 141.45. Turkey seasons.**(a) *Fall turkey season.***

(1) *Permitted devices.* It is lawful to hunt turkey during the fall turkey season with any of the following devices:

(i) [Reserved].

(ii) A manually operated or semiautomatic, centerfire shotgun or muzzleloading shotgun that propels multiple projectile shotgun ammunition no larger than # 4 lead, # 2 steel, or # 4 of any other composition or alloy of nontoxic shot approved by the Director of the United States Fish and Wildlife Service or an authorized representative under 50 CFR 20.134 (relating to approval of nontoxic shot types and shot coatings). A centerfire shotgun's magazine capacity may not exceed two rounds. The shotgun's total aggregate ammunition capacity may not exceed three rounds.

(iii) [Reserved].

(iv) *A bow and arrow.* A bow must have a peak draw weight of at least 35 pounds. An arrow must be equipped with a broadhead that has an outside diameter or width of at least 7/8 inch and may not exceed 3.25 inches in length.

(v) *A crossbow and bolt.* A crossbow must have a peak draw weight of at least 125 pounds. A bolt must be equipped with a broadhead that has an outside diameter or width of at least 7/8 inch and may not exceed 3.25 inches in length.

(2) *Prohibitions.* While hunting turkey during the fall turkey season, it is unlawful to:

(i) [Reserved].

(ii) Use drives or any method other than hand or mouth calling.

(iii) Use or possess an electronic caller or a live turkey as a decoy.

(iv) Use or possess a device or ammunition not provided for in the act or in this subsection, except as authorized under section 2525 of the act (relating to possession of firearm for protection of self or others).

(b) *Spring turkey season.*

(1) *Permitted devices.* It is lawful to hunt turkey during the spring turkey season with any of the following devices:

(i) A manually operated or semiautomatic, centerfire shotgun or muzzleloading shotgun using shot ammunition no larger than # 4 lead, # 2 steel, or # 4 of any other composition or alloy of nontoxic shot approved by the Director of the United States Fish and Wildlife Service or an authorized representative under 50 CFR 20.134. A centerfire shotgun's magazine capacity may not exceed two rounds. The shotgun's total aggregate ammunition capacity may not exceed three rounds.

(ii) A bow and arrow as permitted under subsection (a)(1)(iv).

(iii) A crossbow and bolt as permitted under subsection (a)(1)(v).

(2) *Prohibitions.* While hunting turkey during the spring turkey season, it is unlawful to:

- (i) Use or possess a centerfire, rimfire or muzzleloading firearm that propels single projectile ammunition, except as authorized under section 2525 of the act.
- (ii) Use or possess single projectile ammunition, except arrows or bolts, except as authorized under section 2525 of the act.
- (iii) Use drives or any method other than hand or mouth calling.
- (iv) Use or possess an electronic caller or a live turkey as a decoy.
- (v) Use or possess a device or ammunition not provided for in the act or in this subsection, except as authorized under section 2525 of the act.

Authority

The provisions of this § 141.45 amended under 34 Pa.C.S. §§ 322(c)(4) and (5), 2102(a) and (d) and 2524.

Source

The provisions of this § 141.45 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended August 24, 1990, effective September 24, 1990, 20 Pa.B. 4488; amended March 27, 1992, effective July 1, 1992, 22 Pa.B. 1427; amended November 4, 1994, effective November 5, 1994, 24 Pa.B. 5561; amended May 26, 1995, effective May 27, 1995, 25 Pa.B. 2072; amended October 27, 1995, effective October 28, 1995, 25 Pa.B. 4614; amended September 6, 1996, effective September 7, 1996, 26 Pa.B. 4339; amended May 26, 2000, effective May 27, 2000, 30 Pa.B. 2601; amended May 18, 2001, effective May 19, 2001, 31 Pa.B. 2577; amended June 20, 2003, effective June 21, 2003, 33 Pa.B. 2878; amended April 30, 2004, effective July 1, 2004, 34 Pa.B. 2328; amended April 28, 2006, effective April 29, 2006, 36 Pa.B. 1990; amended June 27, 2008, effective June 28, 2008, 38 Pa.B. 3489; amended February 27, 2009, effective February 28, 2009, 39 Pa.B. 1110.; amended March 25, 2011, effective March 26, 2011, 41 Pa.B. 1623; amended May 23, 2014, effective May 24, 2014, 44 Pa.B. 3091; amended May 29, 2015, effective May 30, 2015, 45 Pa.B. 2604; amended May 12, 2017, effective May 13, 2017, 47 Pa.B. 2710; amended May 21, 2021, effective May 22, 2021, 51 Pa.B. 2940; amended August 26, 2022, effective August 27, 2022, 52 Pa.B. 5470. Immediately preceding text appears at serial pages (406288) and (410043).

Cross References

This section cited in 58 Pa. Code § 141.1 (relating to special regulations areas).

§ 141.46. [Reserved].

Source

The provisions of this § 141.46 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended May 26, 1995, effective May 27, 1995, 25 Pa.B. 2072; reserved June 20, 2003, effective June 21, 2003, 33 Pa.B. 2878. Immediately preceding text appears at serial page (290365).

§ 141.47. Elk seasons.

(a) *Archery elk season.*

(1) *Permitted devices.* It is lawful to hunt elk during the archery elk season with any of the following devices:

- (i) A bow and arrow. A bow must have a peak draw weight of at least 45 pounds. An arrow must be equipped with a broadhead that has an outside diameter or width of at least 1 inch and may not exceed 3.25 inches in length.

(ii) A crossbow and bolt. A crossbow must have a peak draw weight of at least 125 pounds. A bolt must be equipped with a broadhead that has an outside diameter or width of at least 1 inch and may not exceed 3.25 inches in length.

(2) *Prohibitions.* While hunting elk during the archery elk season, it is unlawful to:

(i) Use or possess a firearm. Exceptions:

(A) A person may possess certain firearms during the archery elk season under the authorizations of section 2525 of the act (relating to possession of firearm for protection of self or others).

(B) A person may possess and use both a bow or crossbow and a muzzleloading firearm during the overlaps of the archery elk season and muzzleloader deer season if that person is in possession of both a valid elk license and a valid muzzleloader deer license and meets the greater protective material requirements for the muzzleloader deer season, if applicable.

(C) A person may possess and use both a bow or crossbow and a muzzleloading firearm during the overlaps of the archery elk season and muzzleloader bear season if that person is in possession of both a valid elk license and a valid bear license and meets the greater protective material requirements for the muzzleloader bear season, if applicable.

(ii) Use or possess a device or ammunition not provided for in the act or in this subsection, except as authorized under section 2525 of the act.

(iii) Fail to mark the kill site after lawful harvest in accordance with instructions provided by the Commission.

(iv) Drive or herd elk.

(v) Hunt within the Hick's Run no hunt zone, the area immediately adjacent to and north of Route 555, between Hick's Run Road and Huston Hill Road and within 0.3 mile of Route 555.

(b) *Regular, extended and late firearms elk seasons and elk seasons established for the Special Conservation License and the Special License.*

(1) *Permitted devices.* It is lawful to hunt elk during the regular, extended and late firearms elk seasons and elk seasons established for the Special Conservation License and the Special License with any of the following devices:

(i) A manually operated, centerfire rifle or handgun. The firearm must be a .26 caliber or larger firearm that propels single-projectile ammunition 120 grains or larger.

(ii) A manually operated or semiautomatic, centerfire shotgun. The firearm must be a 12 gauge or larger firearm that propels single-projectile ammunition.

(iii) A muzzleloading firearm. The firearm must be .50 caliber or larger single-barrel firearm that propels single-projectile ammunition 210 grains or larger.

(iv) A bow and arrow as permitted under subsection (a)(1)(i).

(v) A crossbow and bolt as permitted under subsection (a)(1)(ii).

(2) *Prohibitions.* While hunting elk during the regular, extended and late firearms elk seasons and elk seasons established for the Special Conservation License and the Special License, it is unlawful to:

- (i) Use or possess multiple projectile ammunition or ammunition other than that required under section 2322(a)(4) of the act (relating to prohibited devices and methods), except as authorized under section 2525 of the act.
- (ii) Use or possess a device or ammunition not provided for in the act or in this section, except as authorized under section 2525 of the act.
- (iii) Fail to mark the kill site after lawful harvest in accordance with instructions provided by the Commission.
- (iv) Drive or herd elk.
- (v) Hunt within the Hick's Run no hunt zone, the area immediately adjacent to and north of Route 555, between Hick's Run Road and Huston Hill Road and within 0.3 mile of Route 555.

Authority

The provisions of this § 141.47 issued under the Game and Wildlife Code, 34 Pa.C.S. § 2102; amended under the Game and Wildlife Code, 34 Pa.C.S. §§ 322(c)(4) and 2102(a) and (d).

Source

The provisions of this § 141.47 adopted May 18, 2001, effective May 19, 2001, 31 Pa.B. 2577; amended October 24, 2003, effective October 25, 2003, 33 Pa.B. 5318; amended July 16, 2004, effective July 17, 2004, 34 Pa.B. 3713; amended June 29, 2007, effective June 30, 2007, 37 Pa.B. 2955; amended February 27, 2009, effective February 28, 2009, 39 Pa.B. 1110; amended August 28, 2009, effective August 29, 2009, 39 Pa.B. 5122; amended May 23, 2014, effective May 24, 2014, 44 Pa.B. 3091, 44 Pa.B. 3099; amended May 12, 2017, effective May 13, 2017, 47 Pa.B. 2710; amended June 1, 2018, effective June 2, 2018, 48 Pa.B. 3325; amended August 30, 2019, effective August 31, 2019, 49 Pa.B. 4950; amended May 1, 2020, effective May 2, 2020, 50 Pa.B. 2265; amended May 27, 2022, effective May 28, 2022, 52 Pa.B. 3065. Immediately preceding text appears at serial pages (406289) to (406291).

Cross References

This section cited in 58 Pa. Code § 141.1 (relating to special regulations areas).

§ 141.48. Elk management area and elk hunt zones.

(a) *Elk management area.* The elk management area is comprised of that portion of Wildlife Management Unit 2G in McKean, Potter, Tioga, Elk, Cameron, Clinton, Lycoming, Clearfield and Centre Counties, bounded on the north by Route 6, on the east by Route 287, on the south by Route 220 and I-80 and on the west by Route 219.

(b) *Elk hunt zones.* The elk management area is comprised of one or more elk hunt zones as established by the Director on an annual basis prior to the opening of elk season. The divisional line between two or more elk hunt zones shall be the center of the highway, natural watercourse, other natural boundary or marked boundary.

Authority

The provisions of this § 141.48 issued under the Game and Wildlife Code, 34 Pa.C.S. § 2102; amended under the Game and Wildlife Code, 34 Pa.C.S. §§ 322(c)(4), 2102(a) and 2705(15).

Source

The provisions of this § 141.48 adopted May 18, 2001, effective May 19, 2001, 31 Pa.B. 2577; amended August 9, 2002, effective August 10, 2002, 32 Pa.B. 3945; amended June 13, 2003, effective June 14, 2003, 33 Pa.B. 2749; amended July 16, 2004, effective July 17, 2004, 34 Pa.B. 3713; amended June 27, 2008, effective June 28, 2008, 38 Pa.B. 3489; amended June 11, 2010, effective June 12, 2010, 40 Pa.B. 3107. Immediately preceding text appears at serial page (345143).

§ 141.49. [Reserved].**Source**

The provisions of this § 141.49 adopted May 18, 2001, effective May 19, 2001, 31 Pa.B. 2577; reserved August 28, 2009, effective August 29, 2009, 39 Pa.B. 5122. Immediately preceding text appears at serial page (343745).

Subchapter D. FURBEARERS

Sec.

- 141.61. Trapping hours.
- 141.62. Beaver and otter trapping.
- 141.63. Definitions.
- 141.64. [Reserved].
- 141.65. [Reserved].
- 141.66. Cable restraints.
- 141.67. Furbearer seasons.
- 141.68. Prohibited devices.
- 141.69. Artificial cubbies.

§ 141.61. Trapping hours.

Except on the opening and closing day of trapping seasons, furbearing animals may be taken by trapping any hour, day or night, during the open season. On the opening day of trapping season, it is unlawful to set, place or stake out traps prior to 7 a.m. On the closing day, traps shall be removed by sunset.

Source

The provisions of this § 141.61 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended September 6, 1996, effective September 7, 1996, 26 Pa.B. 4339. Immediately preceding text appears at serial page (202792).

§ 141.62. Beaver and otter trapping.

(a) *General.* There shall be one durable identification tag attached to each trap or snare by means of an extension wire of sufficient length so that the name tag is completely above the water or ice level and totally visible for inspection purposes. The name tag shall visibly set forth the owner's first and last name and legal home address, or a number issued by the Commission.

(b) *Unlawful acts.* It is unlawful to:

- (1) Place, or make use of, materials or products except raw native wood or stone to direct the travel of beaver or otter. Man-made materials may be used only to support traps or snares.
- (2) Place, check, reset or tend a trap or snare on an established beaver dam or beaver house, or within 15 feet of either a dam or a house. Measurement shall be from directly above the trap or snare, across the water, ice or land to the nearest point of the structure.
- (3) Set body-gripping traps larger than 10 inches in height by 12 inches in width.
- (4) Set, tend or operate any number of traps or snares for beaver trapping in excess of the limits established by this paragraph.

(i) Beaver trappers are generally limited to a combined Statewide total of 20 traps or snares, no more than 10 of which may be traps. No more than 2 of the 10 traps may be body-gripping traps, except:

(A) In Wildlife Management Units where beaver bag limits are 40 per season, all 10 traps may be body-gripping traps.

(B) In Wildlife Management Units where beaver bag limits are 60 per season, all 20 traps or snares may be body-gripping traps.

(ii) Beaver trappers are limited to using no more than five traps or snares, no more than two of which may be body-gripping traps, in any Wildlife Management Unit with an open otter trapping season. This limitation is inclusive of any otter traps or snares set under paragraph (7). This limitation is applicable during periods when the open beaver trapping season overlaps by calendar date with the open otter trapping season.

(5) Check, set, reset or otherwise maintain a beaver or otter trap or snare, or remove a beaver or otter from a trap or snare, unless the person is identified by the attached name tag as the owner. This paragraph does not prohibit the lending of assistance when the person whose name appears on the trap tag is present.

(6) Equip snares with a spring-activating mechanism or any device designed to aid the closing of the snare loop.

(7) Set, tend or operate any number of traps or snares for otter trapping in excess of the limits established by this paragraph. Otter trappers are limited to a combined Statewide total of five traps or snares, no more than two of which may be body-gripping traps. This limitation is inclusive of any beaver traps or snares set under paragraph (4)(ii).

Authority

The provisions of this § 141.62 amended under the Game and Wildlife Code, 34 Pa.C.S. §§ 2102 and 2901(b).

Source

The provisions of this § 141.62 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended July 22, 1988, effective upon publication and applies retroactively to July 1, 1988, 18 Pa.B. 3213; amended December 9, 1988, effective December 10, 1988, 18 Pa.B. 5495; amended May 25, 1990, effective July 1, 1990, 20 Pa.B. 2752; amended August 7, 1998, effective August 8, 1998, 28 Pa.B. 3801; amended May 18, 2001, effective May 19, 2001, 31 Pa.B. 2577; amended June 20, 2004, effective June 21, 2003, 33 Pa.B. 2878; amended June 11, 2010, effective June 12, 2010, 40 Pa.B. 3105; amended May 27, 2011, effective May 28, 2011, 41 Pa.B. 2699; amended June 22, 2012, effective June 23, 2012, 42 Pa.B. 3592; amended May 23, 2014, effective May 24, 2014, 44 Pa.B. 3100; amended May 29, 2015, effective May 30, 2015, 45 Pa.B. 2607; amended May 1, 2020, effective May 2, 2020, 50 Pa.B. 2268; amended September 3, 2021, effective September 4, 2021, 51 Pa.B. 5605. Immediately preceding text appears at serial pages (401536) to (401537).

Cross References

This section cited in 58 Pa. Code § 141.67 (relating to furbearer seasons).

§ 141.63. Definitions.

In addition to the definitions contained in the act and this part, the following words, when used in the enforcement of section 2361 of the act (relating to unlawful acts concerning taking of furbearers) have the following meanings, unless the context clearly indicates otherwise:

Artificial cubby—A baited enclosure constructed of natural or artificial material that is designed to house and corral a furbearer into a body-gripping trap.

Body-gripping trap—A jawed trap device designed to capture and kill a furbearer by compression of the neck or body through the operation of one or two rotating, spring-loaded jaws activated by a trigger.

Cable restraint—A galvanized stranded steel cable with a minimum diameter of 3/32 inches. The cable must be constructed of either 7 bundles comprised of 7 wires per bundle, 7 bundles comprised of 19 wires per bundle or 1 bundle comprised of 19 wires. The cable may not exceed 7 feet in length from the anchor point to the lock contacting the fully closed loop stop, must be equipped with at least one swivel device (which allows for 360° rotation) between the loop and the anchor and must have stops affixed to the cable to ensure that the circumference of the cable which makes up the loop may not be greater than 38 inches when fully open, or less than 8 inches when fully closed. Cable restraints must be equipped with an approved lock. The lock may not be constructed with moving parts. A cable restraint must include a breakaway device affixed between the lock and cable or at the end of the cable that is rated at 375 pounds or less. The cable must be maintained in good condition so that all components operate properly.

Cage or box trap—An enclosure trap designed to capture and restrain a live furbearer by confinement in a cage or box through the operation and closure of a door or portal activated by a trigger.

Foot encapsulating trap—A device that has all triggering and restraining mechanisms enclosed by a housing which, once set, allows access to the triggering mechanism through a single opening not to exceed 2 inches in diameter or diagonally and is anchored by a swivel-mounted anchoring mechanism.

Leg-hold trap—A jawed trap device designed to capture and restrain a live furbearer by the foot through operation of one or two rotating, spring-loaded jaws activated by a trigger.

Marsh, pond or dam—A standing body of water.

Snare—A looped galvanized or stainless stranded steel cable 3/32 inches in diameter equipped with an approved lock listed in § 141.66(g) (relating to cable restraints). A metal ferrule shall be crimped on the cable to prevent the snare loop from closing to a circumference less than 7 inches.

Waterway or watercourse—A riverine system that contains water which includes the semi-permanent flooded area.

Authority

The provisions of this § 141.63 amended under the Game and Wildlife Code, 34 Pa.C.S. §§ 322(c)(5) and 2102(a), (b)(1) and (d).

Source

The provisions of this § 141.63 adopted December 11, 1987, effective December 12, 1987, 17 Pa.B. 5129; amended August 7, 1998, effective August 8, 1998, 28 Pa.B. 3801; amended May 26, 2000, effective May 27, 2000, 30 Pa.B. 2601; amended April 15, 2005, effective April 16, 2005, 35 Pa.B. 2304; amended June 16, 2006, effective June 17, 2006, 36 Pa.B. 2975; amended June 29, 2007, effective June 30, 2007, 37 Pa.B. 2956; amended May 27, 2011, effective May 28, 2011, 41 Pa.B. 2699; amended May 29, 2015, effective May 30, 2015, 45 Pa.B. 2605; amended August 30, 2019, effective August 31, 2019, 49 Pa.B. 4951. Immediately preceding text appears at serial pages (387140) to (387141).

§ 141.64. [Reserved].**Source**

The provisions of this § 141.64 adopted November 30, 1990, effective December 1, 1990, 20 Pa.B. 5939; reserved June 20, 2003, effective June 21, 2003, 33 Pa.B. 2878. Immediately preceding text appears at serial page (279262).

§ 141.65. [Reserved].**Source**

The provisions of this § 141.65 adopted May 3, 1991, effective July 1, 1991, 21 Pa.B. 2009; reserved May 18, 2001, effective May 19, 2001, 31 Pa.B. 2577. Immediately preceding text appears at serial page (267213).

§ 141.66. Cable restraints.

(a) Cable restraint devices may be used from December 26 until the end of the established trapping season to harvest red fox, gray fox and coyote. Nontarget furbearing species incidentally captured in cable restraint devices during an open trapping season for that species may be taken and utilized, provided the trapper possesses all applicable licenses and permits.

(b) Cable restraint devices may only be set by furtakers who have completed a certified cable restraint training course approved by the Director and possess a valid furtakers license, qualify for license and fee exemptions under section 2706 of the act (relating to resident license and fee exemptions) or qualify for trapping exceptions under section 2363 of the act (relating to trapping exception for certain persons). The Director will establish a fee for the course and the fee will only be what is necessary to cover the cost of the course. The trapper shall have a certificate from this course in possession while setting or checking sets using cable restraints and present the certificate upon the request of any person whose duty it is to enforce this title.

(c) Cable restraints must be anchored to prevent the animal caught in the restraint from moving the restraint from the point it was originally anchored.

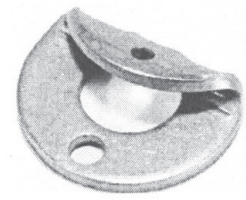
(d) Cable restraints must be set to allow the animal caught in the restraint to move freely in a 360° arc for the entire length of the restraint without the risk of the cable restraint becoming entangled by any object.

(e) Cable restraints must be set so that the bottom of the restraint cable loop is no less than 6 inches or greater than 12 inches above the first surface beneath the bottom of the cable restraint where the surface is ground, ice, crusted or packed snow or any other hard material.

(f) Cable restraints will be considered traps for the purposes of the section 2361(a)(3), (4), (7), (8), (10), (12) and (14)—(16) of the act (relating to unlawful acts concerning taking of furbearers).

(g) The following locks are approved:

(1) Reichart 180° reverse bend washer.



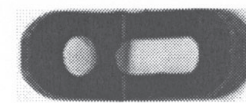
(2) Kaatz “Relax-a-Lock.”



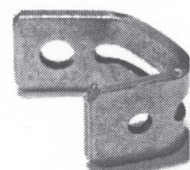
(3) Penny lock.



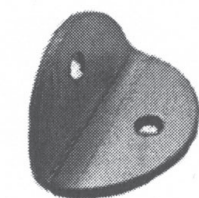
(4) MicroLock.



(5) BMI Slide Free Lock.



(6) Berkshire 90° bend washer.



(h) It is unlawful to:

- (1) Use, set, tend or operate a cable restraint having any lock that has not been approved under this section.
- (2) Set any cable restraint where entanglement may occur or in any manner which could result in an animal held in the restraint being suspended.
- (3) Use a device commonly known as a drag with any cable restraint.
- (4) Equip cable restraints with a spring-activating mechanism or any device designed to aid the closing of the cable loop.
- (5) Fail to comply with any other provisions of this section.

Authority

The provisions of this § 141.66 issued under 34 Pa.C.S. §§ 322(c)(5) and 2102(a), (b)(1) and (d); amended under 34 Pa.C.S. § 2102(d).

Source

The provisions of this § 141.66 adopted April 15, 2005, effective April 16, 2005, 35 Pa.B. 2304; amended June 29, 2007, effective June 30, 2007, 37 Pa.B. 2956; amended June 5, 2009, effective June 6, 2009, 39 Pa.B. 2800; amended June 11, 2010, effective June 12, 2010, 40 Pa.B. 3105; amended May 29, 2015, effective May 30, 2015, 45 Pa.B. 2605. Immediately preceding text appears at serial pages (372011) to (372012).

Cross References

This section cited in 58 Pa. Code § 141.63 (relating to definitions); and 58 Pa. Code § 141.67 (relating to furbearer seasons).

§ 141.67. Furbearer seasons.

(a) *Permitted devices.* It is lawful to hunt or take furbearers during any fur-taking season with the following devices:

- (1) A manually operated or semiautomatic rifle or manually operated handgun that propels single-projectile ammunition.
- (2) A manually operated or semiautomatic, centerfire shotgun or muzzle-loading shotgun. The firearm must be 10 gauge or less, that propels single-projectile ammunition or multiple-projectile shotgun ammunition not larger than # 4 buckshot. The centerfire shotgun's magazine capacity may not exceed two rounds. The shotgun's total aggregate ammunition capacity may not exceed three rounds.
- (3) A muzzleloading rifle or handgun that propels single-projectile ammunition.
- (4) A bow and arrow.
- (5) A crossbow and bolt.
- (6) A manually operated or semiautomatic air rifle or manually operated air handgun .22 caliber or larger that propels single-projectile pellet or bullet ammunition. BB ammunition is not authorized.
- (7) A leg-hold trap, except as prohibited under section 2361(a)(8) of the act (relating to unlawful acts concerning taking of furbearers).
- (8) A body-gripping trap, except as prohibited under section 2361(a)(11) of the act.
- (9) A cable restraint device authorized by § 141.66 (relating to cable restraints).
- (10) A snare, except as prohibited under § 141.62(b) (relating to beaver and otter trapping).

(11) A cage or box trap, except as prohibited under section 2361(a)(17) of the act.

(12) *A raptor.* The raptor shall be lawfully possessed under a falconry permit under section 2925 of the act (relating to falconry permits).

(b) *Prohibitions.* While hunting furbearers during any furbearer hunting or trapping season, it is unlawful to:

(1) Use or possess multiple-projectile shotgun ammunition larger than # 4 buckshot, except as authorized under section 2525 of the act (relating to possession of firearm for protection of self or others).

(2) Use or possess a device or ammunition not provided for in the act or in this section, except as authorized under section 2525 of the act.

(3) Use any firearm, other than authorized in this paragraph, to dispatch legally trapped furbearers during the overlap with the regular or special firearms deer seasons:

(i) A manually operated or semiautomatic rimfire rifle or manually operated rimfire handgun .22 caliber or less.

(ii) A manually operated or semiautomatic air rifle or manually operated air handgun between .177 and .22 caliber, inclusive, that propels single-projectile pellet or bullet ammunition. BB ammunition is not authorized.

(4) Hunt any furbearer using a dog during the overlap with any regular firearms deer season or regular firearms bear season.

Authority

The provisions of this § 141.67 issued under 34 Pa.C.S. § 2102(a) and (d); amended under 34 Pa.C.S. § 2102(d).

Source

The provisions of this § 141.67 adopted December 2, 2005, effective December 3, 2005, 35 Pa.B. 6537; amended May 12, 2017, effective May 13, 2017, 47 Pa.B. 2710; amended November 17, 2017, effective November 18, 2017, 47 Pa.B. 7048; amended August 30, 2019, effective August 31, 2019, 49 Pa.B. 4951; amended June 9, 2023, effective June 10, 2023, 53 Pa.B. 3105; amended March 15, 2024, effective March 16, 2024, 54 Pa.B. 1319. Immediately preceding text appears at serial pages (414537) to (414538).

Cross References

This section cited in 58 Pa. Code § 141.1 (relating to special regulations areas).

§ 141.68. Prohibited devices.

It is unlawful to take furbearers through the use of the following devices:

(1) Fish hooks, snagging hooks or any other hooks of similar design.

(2) Implements that are not lawful traps, snares, cable restraints, firearms, bows or crossbows.

Authority

The provisions of this § 141.68 issued under 34 Pa.C.S. § 2102(d); amended under 34 Pa.C.S.

Source

The provisions of this § 141.68 adopted April 1, 2011, effective April 2, 2011, 41 Pa.B. 1765; amended August 30, 2019, effective August 31, 2019, 49 Pa.B. 4951. Immediately preceding text appears at serial page (389084).

§ 141.69. Artificial cubbies.

(a) *General rule.* Furtakers are permitted to trap furbearers through the use of body-gripping traps set in artificial cubbies when the following conditions are met:

(1) The artificial cubby is placed within an established watercourse, waterway, marsh, pond or dam.

(2) The entrance to the artificial cubby does not exceed 50 square inches.

(3) The triggering mechanism of the trap is recessed within the artificial cubby at least 7 inches from the entrance.

(4) The artificial cubby is anchored in a manner so that it cannot be moved or rolled.

(b) *Exception.* Subsection (a)(2)—(4) does not apply to body-gripping traps that are 5 1/2 inches or less and set in artificial cubbies to target mink or muskrat.

Authority

The provisions of this § 141.69 issued under the Game and Wildlife Code, 34 Pa.C.S. § 2102(a) and (d).

Source

The provisions of this § 141.69 adopted May 27, 2011, effective May 28, 2011, 41 Pa.B. 2699.

Appendix A. [Reserved]**Source**

The provisions of this Appendix A amended July 7, 1989, effective July 8, 1989, 19 Pa.B. 2956; amended August 24, 1990, effective September 24, 1990, 20 Pa.B. 4488; reserved May 3, 1991, effective July 1, 1991, 21 Pa.B. 2009; corrected June 28, 1991, effective July 1, 1992, 21 Pa.B. 2896. Immediately preceding text appears at serial page (153836).

Appendix B. [Reserved]**Source**

The provisions of this Appendix B amended July 7, 1989, effective July 8, 1989, 19 Pa.B. 2956; amended August 24, 1990, effective September 24, 1990, 20 Pa.B. 4488; amended June 9, 2000, effective June 10, 2000, 30 Pa.B. 2907; amended May 18, 2001, effective May 19, 2001, 31 Pa.B. 2577; reserved June 20, 2003, effective June 21, 2003, 33 Pa.B. 2878. Immediately preceding text appears at serial pages (279264) to (279265).

Appendix C. [Reserved]**Source**

The provisions of this Appendix C amended June 3, 1988, effective June 4, 1988, 18 Pa.B. 2530; amended July 7, 1989, effective July 8, 1989, 19 Pa.B. 2956; amended August 24, 1990, effective September 24, 1990, 20 Pa.B. 4488; amended May 26, 1995, effective May 27, 1995, 25 Pa.B. 2072; amended March 1, 1996, effective March 2, 1996, 26 Pa.B. 884; amended May 18, 2001, effective May 19, 2001, 31 Pa.B. 2577; reserved June 20, 2003, effective June 21, 2003, 33 Pa.B. 2878. Immediately preceding text appears at serial page (279266).

Appendix D. [Reserved]**Source**

The provisions of this Appendix D adopted November 30, 1990, effective December 1, 1990, 20 Pa.B. 5939; reserved June 20, 2003, effective June 21, 2003, 33 Pa.B. 2878. Immediately preceding text appears at serial pages (279267) to (279268).

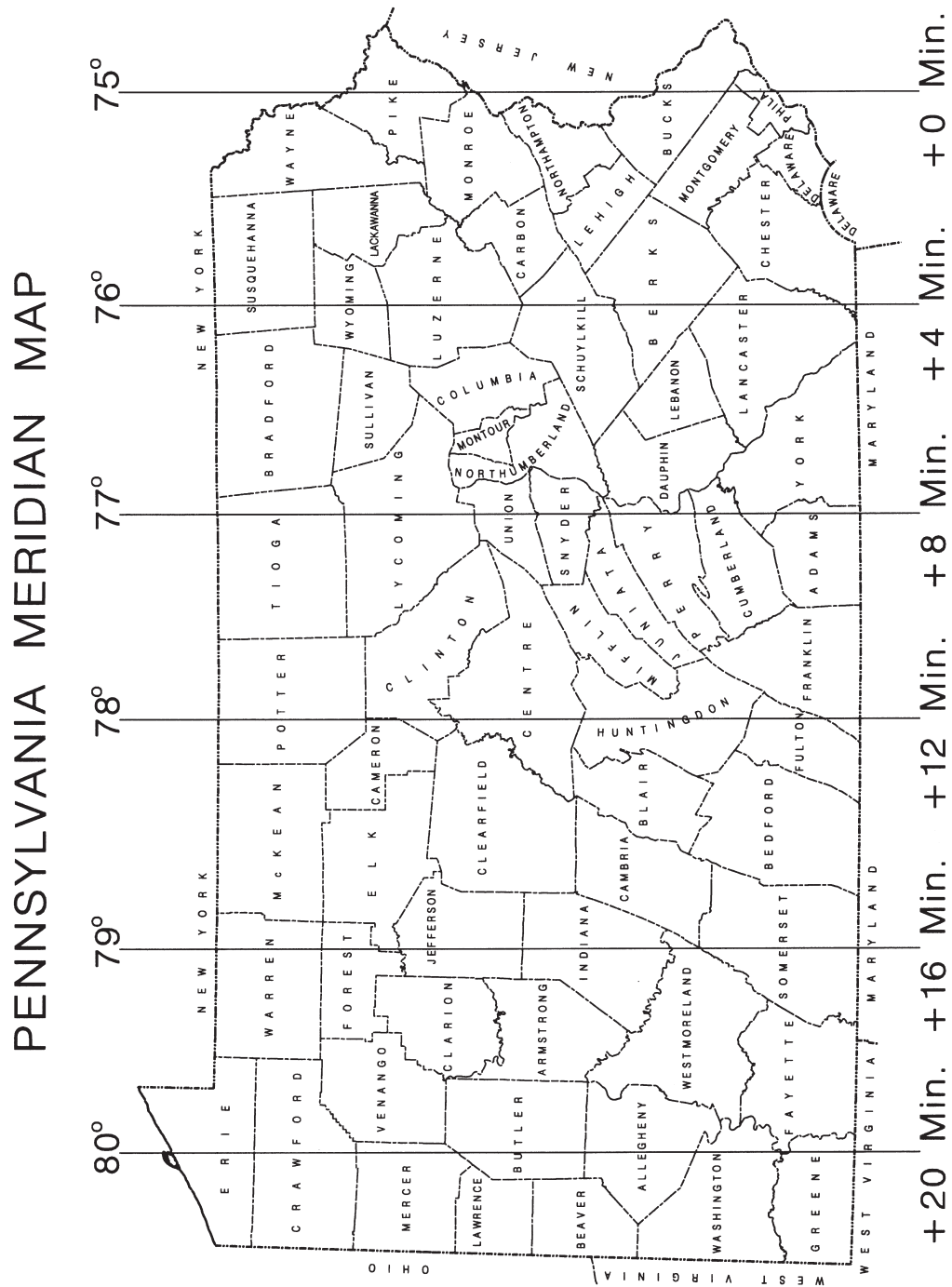
Appendix E. [Reserved]**Source**

The provisions of this Appendix E adopted January 17, 1997, effective retroactively to January 15, 1997, 27 Pa.B. 313; reserved August 11, 2001, effective August 12, 2001, 31 Pa.B. 4250. Immediately preceding text appears at serial pages (279269) to (279270).

Appendix F. [Reserved].**Source**

The provisions of this Appendix F adopted May 18, 2001, effective May 19, 2001, 31 Pa.B. 2577; amended August 9, 2002, effective August 10, 2002, 32 Pa.B. 3945; amended June 13, 2003, effective June 14, 2003, 33 Pa.B. 2749; reserved July 16, 2004, effective July 17, 2004, 34 Pa.B. 3713. Immediately preceding text appears at serial pages (297367) to (297368).

Appendix G. HUNTING HOURS



**HUNTING HOURS TABLE
FOR JULY 1, 2025, THROUGH JUNE 30, 2026**

<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>
July 1—5	5:08	9:02
July 6—12	5:12	9:00
July 13—19	5:18	8:56
July 20—26	5:24	8:50
July 27—Aug. 2	5:30	8:43
Aug. 3—9	5:37	8:35
Aug. 10—16	5:44	8:25
Aug. 17—23	5:50	8:15
Aug. 24—30	5:57	8:05
Aug. 31—Sept. 6	6:03	7:54
Sept. 7—13	6:10	7:42
Sept. 14—20	6:17	7:30
Sept. 21—27	6:23	7:19
Sept. 28—Oct. 4	6:30	7:08
Oct. 5—11	6:37	6:57
Oct. 12—18	6:45	6:46
Oct. 19—25	6:52	6:36
Oct. 26—Nov. 1	7:00	6:28
Nov. 2—8 **Ends	6:08	5:20
Nov. 9—15	6:16	5:14
Nov. 16—22	6:24	5:09
Nov. 23—29	6:31	5:06
Nov. 30—Dec. 6	6:38	5:05
Dec. 7—13	6:44	5:05
Dec. 14—20	6:49	5:06

<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>
Dec. 21—27	6:51	5:09
Dec. 28—Jan. 3	6:53	5:13
Jan. 4—10	6:53	5:19
Jan. 11—17	6:52	5:26
Jan. 18—24	6:49	5:33
Jan. 25—31	6:45	5:41
Feb. 1—7	6:39	5:50
Feb. 8—14	6:32	5:58
Feb. 15—21	6:23	6:07
Feb. 22—28	6:14	6:15
Mar. 1—7	6:04	6:23
Mar. 8—14 *Begins	6:53	7:30
Mar. 15—21	6:42	7:38
Mar. 22—28	6:31	7:45
Mar. 29—Apr. 4	6:19	7:52
Apr. 5—11	6:08	7:59
Apr. 12—18	5:57	8:06
Apr. 19—25	5:47	8:13
Apr. 26—May 2	5:37	8:20
May 3—9	5:28	8:27
May 10—16	5:20	8:34
May 17—23	5:14	8:41
May 24—30	5:08	8:47
May 31—June 6	5:04	8:53
June 7—13	5:02	8:57
June 14—20	5:02	9:01
June 21—27	5:04	9:03

<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>
June 28—30	5:07	9:03

Daylight Saving Time:

*Begins

**Ends

**MIGRATORY GAME BIRD HUNTING HOURS TABLE FOR
JULY 1, 2025, THROUGH JUNE 30, 2026**

<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>
July 1—5	5:08	8:32
July 6—12	5:12	8:30
July 13—19	5:18	8:26
July 20—26	5:24	8:20
July 27—Aug. 2	5:30	8:13
Aug. 3—9	5:37	8:05
Aug. 10—16	5:44	7:55
Aug. 17—23	5:50	7:45
Aug. 24—30	5:57	7:35
Aug. 31—Sept. 6	6:03	7:24
Sept. 7—13	6:10	7:12
Sept. 14—20	6:17	7:00
Sept. 21—27	6:23	6:49
Sept. 28—Oct. 4	6:30	6:38
Oct. 5—11	6:37	6:27
Oct. 12—18	6:45	6:16
Oct. 19—25	6:52	6:06
Oct. 26—Nov. 1	7:00	5:58
Nov. 2—8 **Ends	6:08	4:50
Nov. 9—15	6:16	4:44

<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>
Nov. 16—22	6:24	4:39
Nov. 23—29	6:31	4:36
Nov. 30—Dec. 6	6:38	4:35
Dec. 7—13	6:44	4:35
Dec. 14—20	6:49	4:36
Dec. 21—27	6:51	4:39
Dec. 28—Jan. 3	6:53	4:43
Jan. 4—10	6:53	4:49
Jan. 11—17	6:52	4:56
Jan. 18—24	6:49	5:03
Jan. 25—31	6:45	5:11
Feb. 1—7	6:39	5:20
Feb. 8—14	6:32	5:28
Feb. 15—21	6:23	5:37
Feb. 22—28	6:14	5:45
Mar. 1—7	6:04	5:53
Mar. 8—14 *Begins	6:53	7:00
Mar. 15—21	6:42	7:08
Mar. 22—28	6:31	7:15
Mar. 29—Apr. 4	6:19	7:22
Apr. 5—11	6:06	7:29
Apr. 12—18	5:57	7:36
Apr. 19—25	5:47	7:43
Apr. 26—May 2	5:37	7:50
May 3—9	5:28	7:57
May 10—16	5:20	8:04
May 17—23	5:14	8:11

<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>
May 24—30	5:08	8:17
May 31—June 6	5:04	8:23
June 7—13	5:02	8:27
June 14—20	5:02	8:31
June 21—27	5:04	8:33
June 28—30	5:04	8:33

Daylight Saving Time:

*Begins

**Ends

Authority

The provisions of this Appendix G amended under 34 Pa.C.S.

Source

The provisions of this Appendix G adopted June 13, 2003, effective June 14, 2003, 33 Pa.B. 2752; amended July 16, 2004, effective July 17, 2004, 34 Pa.B. 3713; amended August 26, 2005, effective August 27, 2005, 35 Pa.B. 4826; amended June 30, 2006, effective July 1, 2006, 36 Pa.B. 3251; amended June 29, 2007, effective June 30, 2007, 37 Pa.B. 1323; amended August 15, 2008, effective August 16, 2008, 38 Pa.B. 4511; amended June 5, 2009, effective June 6, 2009, 39 Pa.B. 2801; amended June 11, 2010, effective June 12, 2010, 40 Pa.B. 3103; amended May 27, 2011, effective May 28, 2011, 41 Pa.B. 2695; amended June 22, 2012, effective July 1, 2012, to June 30, 2013, 42 Pa.B. 3593; amended May 31, 2013, effective June 1, 2013, 43 Pa.B. 3006; amended May 23, 2014, effective July 1, 2014, to June 30, 2015, 44 Pa.B. 3101; amended May 29, 2015, effective July 1, 2015, to June 30, 2016, 45 Pa.B. 2606; amended May 27, 2016, effective July 1, 2016, to June 30, 2017, 46 Pa.B. 2675; amended May 5, 2017, effective July 1, 2017, to June 30, 2018, 47 Pa.B. 2610; amended May 25, 2018, effective July 1, 2018, to June 30, 2019, 48 Pa.B. 3089; amended May 17, 2019, effective July 1, 2019, to June 30, 2020, 49 Pa.B. 2507; amended May 1, 2020, effective May 2, 2020, 50 Pa.B. 2269; amended May 21, 2021, effective May 22, 2021, 51 Pa.B. 2942; amended August 26, 2022, effective July 1, 2022, to June 30, 2023, 52 Pa.B. 5466; amended June 9, 2023, effective July 1, 2023, to June 30, 2024, 53 Pa.B. 3103; amended May 31, 2024, effective July 1, 2024, to June 30, 2025, 54 Pa.B. 3030; amended May 23, 2025, effective July 1, 2025, to June 30, 2026, 55 Pa.B. 3583. Immediately preceding text appears at serial pages (414540) and (419963) to (419967).

Cross References

This section cited in 58 Pa. Code § 135.106 (relating to Pymatuning Wildlife Management Area); and 58 Pa. Code § 147.553 (relating to agriculture deer control harvest permit).

[Next page is 143-1.]

141-42

CHAPTER 143. HUNTING AND FURTAKER LICENSES

Subchap.		Sec.
A.	GENERAL	143.1
B.	APPOINTMENT OF AGENTS	143.21
C.	ANTLERLESS DEER LICENSES	143.41
D.	BEAR LICENSES	143.61
E.	{Reserved}	143.81
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Subchapter A. GENERAL

Sec.	
143.1.	Definitions.
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143.11.	Internet license sales.
143.12.	Hunter education training.
143.13.	Change of residency registration.

§ 143.1. Definitions.

The following words and terms, when used in this part, have the following meanings, unless the context clearly indicates otherwise:

Agent—A person appointed under Chapter 27, Subchapter B of the act (relating to agents) who is authorized to issue the licenses provided for in the act and this part.

Customer ID number—The unique customer identifier permanently assigned to each customer of the Commission's PALS.

License—A physical or digital document issued by the Commission authorizing the holder to hunt for, take, kill and possess certain types of game or wildlife during a specified period.

PALS—Pennsylvania Automated Licensing System—The Commission's computer-based automated licensing system that facilitates the purchase and creation of license products at the agent location.

Authority

The provisions of this § 143.1 amended under The Game Law (34 P.S. §§ 1311.101—1311.1502) (Repealed); and the Game and Wildlife Code, 34 Pa.C.S. §§ 101—2965.

Source

The provisions of this § 143.1 amended May 2, 1980, effective September 1, 1980, 10 Pa.B. 1806; amended July 10, 1981, effective July 11, 1981, 11 Pa.B. 2496; amended April 30, 1982, effective May 1, 1982, 12 Pa.B. 1399; amended May 27, 1983, effective May 28, 1983, 13 Pa.B. 1778; amended September 16, 1983, effective September 17, 1983, 13 Pa.B. 2841; amended July 13, 1984, effective July 14, 1984, 14 Pa.B. 2419; amended July 11, 1986, effective July 12, 1986, 16 Pa.B. 2527; amended June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended March 20, 2009, effective March 21, 2009, 39 Pa.B. 1388; amended May 21, 2021, effective May 22, 2021, 51 Pa.B. 2945. Immediately preceding text appears at serial pages (363055) to (363056).

§ 143.2. Display of licenses.

It is unlawful to fail or neglect to follow instructions given for display of licenses, tags or stamps required by the act, this part or on the tag.

Authority

The provisions of this § 143.2 amended under The Game Law (34 P.S. §§ 1311.101—1311.1502) (Repealed); and the Game and Wildlife Code, 34 Pa.C.S. §§ 101—2965.

Source

The provisions of this § 143.2 adopted September 18, 1981, effective September 19, 1981, 11 Pa.B. 3219; amended April 30, 1982, effective May 1, 1982, 12 Pa.B. 1399; amended May 27, 1983, effective May 28, 1983, 13 Pa.B. 1780; amended July 13, 1984, effective July 14, 1984, 14 Pa.B. 2419; amended February 22, 1985, effective February 23, 1985, 15 Pa.B. 680; amended July 5, 1985, effective July 6, 1985, 15 Pa.B. 2468; amended July 11, 1986, effective July 12, 1986, 16 Pa.B. 2527; amended June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial pages (110928) to (110930) and (113257).

§ 143.3. {Reserved}.**Source**

The provisions of this § 143.3 adopted March 5, 1982, effective March 6, 1982, 12 Pa.B. 874; amended February 21, 1986, effective February 22, 1986, 16 Pa.B. 527; amended November 7, 1986, effective November 8, 1986, 16 Pa.B. 4405; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial pages (113257) to (113259).

§ 143.4. {Reserved}.**Source**

The provisions of this § 143.4 adopted July 1, 1983, effective July 2, 1983, 13 Pa.B. 2066; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial page (113259).

§ 143.5. {Reserved}.**Source**

The provisions of this § 143.5 adopted July 13, 1984, effective July 14, 1984, 14 Pa.B. 2419; amended July 5, 1985, effective July 6, 1985, 15 Pa.B. 2468; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial pages (113259) to (113260).

§ 143.5a. Digital hunting and furtaking licenses.

This section applies only to persons that have elected to conduct hunting and furtaking license transactions by electronic means as determined from the context and surrounding circumstances of the acquisition and production of these digital license documents. Upon the Commission establishing a system to distribute and make available digital license documents, holders of these issued digital documents may produce them as required under the act or this part in digital or printed

physical form in the same manner as physical printed licenses issued directly by the Commission or any of its agents, subject to the following:

(1) *Digital documents.* Digital license documents issued by the Commission and stored on a personal electronic device must be capable of immediate retrieval and clear display of the digital document to ensure the readability of all license information contained on the digital document, including any bar codes or QR codes. Failure to retrieve and produce this digital document or its physical alternative to any landowner upon whose land that person may be occupying or to any officer whose duty it is to enforce this title shall constitute a violation under section 2711(a)(12) of the act (relating to unlawful acts concerning licenses).

(2) *Printed digital license documents.* Digital license documents issued by the Commission and subsequently reduced to physical form must be printed on paper or another substantially equivalent medium of such quality, color and contrast to clearly display and ensure the readability of all license information contained on the digital document, including any bar codes or QR codes. Failure to produce this printed digital document or its original physical alternative to any landowner upon whose land that person may be occupying or to any officer whose duty it is to enforce this title shall constitute a violation under section 2711(a)(12) of the act.

(3) *Harvest tags.* The Commission will not issue any digital harvest tags with digital license documents. The Commission or any of its eligible issuing agents will issue harvest tags directly to the holder in physical form only. No further reproduction of these physical documents, digital or otherwise, is authorized to satisfy tagging or marking requirements under the act or this part, except as may be authorized by section 2710 of the act (relating to replacement of lost licenses). Section 2323(c) of the act (relating to tagging and reporting big game kills) regarding licenses issued without tags shall not be construed to apply to digitally issued license documents supplemented by the issuance of physical harvest tags.

(4) *Electronic Transaction Act.* The Electronic Transactions Act, (73 P.S. §§ 2260.101—2260.5101), as amended, shall apply to any automated transaction conducted under this section. It is specifically intended that any license acquired and used in a digital format under the authorizations of this section is deemed to be electronically signed and certified by the holder of the document. Digital license documents issued by the Commission and subsequently reduced to physical form shall be signed and certified by the holder in the same manner as physical printed licenses issued directly by the Commission or any of its agents.

Authority

The provisions of this § 143.5a issued under the Game and Wildlife Code, 34 Pa.C.S. § 2722(g).

Source

The provisions of this § 143.5a adopted May 21, 2021, effective May 22, 2021, 51 Pa.B. 2945.

Cross References

This section cited in 58 Pa. Code § 143.11 (relating to Internet license sales).

§ 143.6. [Reserved].**Source**

The provisions of this § 143.6 adopted February 11, 1984, effective February 12, 1984, 14 Pa.B. 450; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial page (104973).

§ 143.7. [Reserved].**Source**

The provisions of this § 143.7 adopted July 13, 1984, effective July 14, 1984, 14 Pa.B. 2420; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial pages (104973) to (104974).

§ 143.8. [Reserved].**Source**

The provisions of this § 143.8 adopted July 5, 1985, effective July 6, 1985, 15 Pa.B. 2468; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial page (104974).

§ 143.9. Application period for senior licenses.

For the purpose of issuing a senior license, the year of application shall be the period beginning July 1 and ending June 30 of the year next following to coincide with the license year.

Authority

The provisions of this § 143.9 issued under The Game and Wildlife Code, 34 Pa.C.S. §§ 2707 and 2722(g).

Source

The provisions of this § 143.9 adopted August 18, 2000, effective August 19, 2000, 30 Pa.B. 4354.

§ 143.10. Fee for return postage.

An additional fee, based on prevailing first-class postage rates and set through written authorization of the Executive Director, shall be remitted by an applicant who applies for a general hunting or furtaker license by mail order, fax or over the Internet. For this fee, licenses will be returned to applicants by standard first-class mail.

Authority

The provisions of this § 143.10 issued under the Game and Wildlife Code, 34 Pa.C.S. § 2722(g).

Source

The provisions of this § 143.10 adopted March 16, 2001, effective March 17, 2001, 31 Pa.B. 1460; amended March 8, 2002, effective March 9, 2002, 32 Pa.B. 1305. Immediately preceding text appears at serial page (282125).

§ 143.11. Internet license sales.

For individuals who have previously acquired and possess a valid hunting license and opt to purchase an archery, muzzleloader, migratory game bird license online, the license holder shall either print the license, sign in the space provided and carry the printed license while afield or, in the alternative, carry a digital copy of the license while afield as authorized by § 143.5a (relating to digital hunting and furtaking licenses).

Authority

The provisions of this § 143.11 issued under the Game and Wildlife Code, 34 Pa.C.S. §§ 2708 and 2722(g)(2); and amended under the Game and Wildlife Code, 34 Pa.C.S. § 2722(g).

Source

The provisions of this § 143.11 adopted June 8, 2001, effective June 9, 2001, 31 Pa.B. 2926; amended March 20, 2009, effective March 21, 2009, 39 Pa.B. 1388; amended May 21, 2021, effective May 22, 2021, 51 Pa.B. 2945. Immediately preceding text appears at serial page (376471).

§ 143.12. Hunter education training.

(a) *Course registration fees.* Upon application for enrollment in each fee-based hunter education course, a student shall remit the associated, nonrefundable course registration fee in the form of cash, credit card, check or money order. Checks or money orders must be made payable to the “Pennsylvania Game Commission.”

(b) *Online hunter-trapper education independent study.* The Commission may develop and implement an online hunter-trapper education course of study as a convenience to license buyers seeking first-time or supplemental training and certification. The Director will establish the course of instruction and assess vendor fees that may be incurred through this course of instruction and certification.

(c) *Training certificate.* The Commission will issue an appropriate certificate of training to each student who successfully completes an approved hunter education course. The Commission will issue a replacement hunter education training certificate to a person who provides sufficient affirmation or evidence of successful completion of that course of instruction. A certificate replacement fee shall be remitted by any person requesting a replacement hunter education training certificate.

(d) *Waiver.* The Director may waive any course registration fee required by this section when the waiver is determined to be consistent with the Commission’s hunter education training program or the intent of the act.

(e) *Establishment of fees.* The Director will establish the value of a course registration fee or certificate replacement fee required under this section.

Authority

The provisions of this § 143.12 issued under 34 Pa.C.S. §§ 2102(a) and 2722(g)(2).

Source

The provisions of this § 143.12 adopted January 14, 2005, effective January 15, 2005, 35 Pa.B. 354; corrected March 28, 2008, effective March 29, 2008, 39 Pa.B. 1990; amended May 31, 2013, effective June 1, 2013, 43 Pa.B. 3007; amended March 20, 2015, effective March 21, 2015, 45 Pa.B. 1365. Immediately preceding text appears at serial pages (371421) to (371422).

§ 143.13. Change of residency registration.

(a) *General rule.* A change in residency status from resident to nonresident or from nonresident to resident, as defined in sections 102, 2702 and 2703 of the act (relating to definitions; residents; and nonresidents), automatically invalidates a person’s hunting or furtaking license 30 days after the change in status unless the licensee completes and submits a change in residency registration to the Commission on the form provided.

(b) *Possession and production.* A change in residency registration shall be maintained with and as a part of the person’s license materials until the close of the current license year and shall be produced as a part of the person’s license materials upon request or demand of a landowner or officer whose duty it is to enforce the act.

(c) *Fee.* A fee of \$6 will be assessed for a change of residency registration.

Source

The provisions of this § 143.13 adopted August 10, 2012, effective August 11, 2012, 42 Pa.B. 5215.

Subchapter B. APPOINTMENT OF AGENTS

Sec.

- 143.21. Appointment of agents.
- 143.22. [Reserved].
- 143.23. Minimum sales requirement.
- 143.24. Fee for reapplication.
- 143.25. [Reserved].
- 143.26. [Reserved].
- 143.27. Conditions for appointment.
- 143.28. Application period.
- 143.29. [Reserved].
- 143.30. Notice of disapproved applications.
- 143.31. Agencies at separate locations.

§ 143.21. Appointment of agents.

A person desiring appointment as an agent shall apply to the Commission on the form provided. An application fee of \$200 is required for each location, in the form of a negotiable check or money order payable to “Pennsylvania Game Commission.” The completed application, along with the application fee, shall be forwarded to: Pennsylvania Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

Authority

The provisions of this § 143.21 issued under The Game Law (34 P.S. §§ 1311.101—1311.1502) (Repealed); and 34 Pa.C.S. §§ 101—2965; amended under 34 Pa.C.S. § 2722(g)(2).

Source

The provisions of this § 143.21 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended February 17, 1995, effective February 18, 1995, 25 Pa.B. 613; amended November 3, 2023, effective November 4, 2023, 53 Pa.B. 6844. Immediately preceding text appears at serial page (371423).

§ 143.22. [Reserved].**Authority**

The provisions of this § 143.22 issued under The Game Law (34 P.S. §§ 1311.101—1311.1502) (Repealed); and 34 Pa.C.S. §§ 101—2965; amended under 34 Pa.C.S. §§ 2102(a) and 2722(g); deleted under 34 Pa.C.S. § 2722(g)(2)

Source

The provisions of this § 143.22 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended March 14, 2014, effective March 15, 2014, 44 Pa.B. 1430; deleted November 3, 2023, effective November 4, 2023, 53 Pa.B. 6844. Immediately preceding text appears at serial page (371423).

§ 143.23. Minimum sales requirement.

To continue as an agent, a minimum of 25 license or permit products shall be sold each license year. Qualifying licenses, for the purpose of calculating 25

hunting licenses, will be the regular resident, nonresident hunting and furtakers licenses and mentored hunting permits. Archery, muzzleloader, bear, special wild turkey, migratory game bird and replacement licenses are not included as qualifying licenses. In addition, an agent shall continue to meet the requirements in § 143.27 (relating to conditions for appointment).

Authority

The provisions of this § 143.23 issued under The Game Law (34 P.S. §§ 1311.101—1311.1502) (Repealed); and 34 Pa.C.S. §§ 101—2965; amended under 34 Pa.C.S. §§ 2102(a) and 2722(g).

Source

The provisions of this § 143.23 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended March 14, 2014, effective March 15, 2014, 44 Pa.B. 1430; amended November 3, 2023, effective November 4, 2023, 53 Pa.B. 6844. Immediately preceding text appears at serial pages (371423) to (371424).

§ 143.24. Fee for reapplication.

If an agent sells less than the required 25 qualifying licenses in a given license year, and is removed by the Commission, or if an agent voluntarily withdraws, a subsequent reapplication requires payment of the application fee.

Authority

The provisions of this § 143.24 issued under The Game Law (34 P.S. §§ 1311.101—1311.1502) (Repealed); and 34 Pa.C.S. §§ 101—2965; amended under 34 Pa.C.S. §§ 2102(a) and 2722(g).

Source

The provisions of this § 143.24 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended March 14, 2014, effective March 15, 2014, 44 Pa.B. 1430; amended November 3, 2023, effective November 4, 2023, 53 Pa.B. 6844. Immediately preceding text appears at serial page (371424).

§ 143.25. [Reserved].

Authority

The provisions of this § 143.25 issued under The Game Law (34 P.S. §§ 1311.101—1311.1502) (Repealed); and 34 Pa.C.S. §§ 101—2965; amended under 34 Pa.C.S. §§ 2102(a) and 2722(g); deleted under 34 Pa.C.S. § 2722(g)(2).

Source

The provisions of this § 143.25 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended March 14, 2014, effective March 15, 2014, 44 Pa.B. 1430; deleted November 3, 2023, effective November 4, 2023, 53 Pa.B. 6844. Immediately preceding text appears at serial page (371424).

§ 143.26. [Reserved].

Authority

The provisions of this § 143.26 issued under The Game Law (34 P.S. §§ 1311.101—1311.1502) (Repealed); and 34 Pa.C.S. §§ 101—2965; deleted under 34 Pa.C.S. § 2722(g)(2).

Source

The provisions of this § 143.26 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended March 20, 2009, effective March 21, 2009, 39 Pa.B. 1388; deleted November 3, 2023, effective November 4, 2023, 53 Pa.B. 6844. Immediately preceding text appears at serial page (371424).

§ 143.27. Conditions for appointment.

A person desiring consideration for appointment as an agent shall meet the following conditions:

- (1) Be a resident of this Commonwealth or an entity registered to do business in this Commonwealth.
- (2) Operate a bona fide sporting goods sales outlet where the public expects to find this service.
- (3) Be open to the public during reasonable daylight and evening hours.
- (4) Not operate on a seasonal or part-time basis.
- (5) Agree to and demonstrate ability to provide full license service and cooperation to the public throughout the entire license sales period, and keep records required by the Commission and by statute.
- (6) Provide security to the Commission in an amount of at least \$11,000.

Authority

The provisions of this § 143.27 issued under The Game Law (34 P.S. §§ 1311.101—1311.1502) (Repealed); and amended under 34 Pa.C.S. § 2722(g).

Source

The provisions of this § 143.27 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended February 11, 2000, effective February 12, 2000, 30 Pa.B. 765; amended November 3, 2023, effective November 4, 2023, 53 Pa.B. 6844. Immediately preceding text appears at serial page (414547).

Cross References

This section cited in 58 Pa. Code § 143.23 (relating to minimum sales requirement).

§ 143.28. Application period.

A person requesting appointment as an agent may submit the appropriate completed application form to the Commission in Harrisburg at any time through the license year.

Authority

The provisions of this § 143.28 issued under The Game Law (34 P.S. §§ 1311.101—1311.1502) (Repealed); and 34 Pa.C.S. §§ 101—2965; amended under 34 Pa.C.S. §§ 2102(a) and 2722(g).

Source

The provisions of this § 143.28 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended March 14, 2014, effective March 15, 2014, 44 Pa.B. 1430; corrected March 21, 2014, effective March 15, 2014, 44 Pa.B. 1768; amended November 3, 2023, effective November 4, 2023, 53 Pa.B. 6844. Immediately preceding text appears at serial page (414547).

§ 143.29. [Reserved].**Authority**

The provisions of this § 143.29 issued under The Game Law (34 P.S. §§ 1311.101—1311.1502) (Repealed); and 34 Pa.C.S. §§ 101—2965; reserved under 34 Pa.C.S. §§ 2102(a) and 2722(g).

Source

The provisions of this § 143.29 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; reserved March 14, 2014, effective March 15, 2014, 44 Pa.B. 1430. Immediately preceding text appears at serial page (342324).

§ 143.30. Notice of disapproved applications.

The Commission will provide prompt written notice of its disapproval of an application submitted under this subchapter and return the application fee to the applicant.

Authority

The provisions of this § 143.30 issued under The Game Law (34 P.S. §§ 1311.101—1311.1502) (Repealed); and 34 Pa.C.S. §§ 101—2965; amended under 34 Pa.C.S. § 2722(g)(2).

Source

The provisions of this § 143.30 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended November 3, 2023, effective November 4, 2023, 53 Pa.B. 6844. Immediately preceding text appears at serial page (414548).

§ 143.31. Agencies at separate locations.

An agent desiring to operate an agency at additional locations shall meet the requirements in this subchapter.

Authority

The provisions of this § 143.31 issued under The Game Law (34 P.S. §§ 1311.101—1311.1502) (Repealed); and 34 Pa.C.S. §§ 101—2965.

Source

The provisions of this § 143.31 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464.

Subchapter C. ANTLERLESS DEER LICENSES

Sec.

- 143.41. General.
- 143.42. Antlerless deer license required.
- 143.43. Antlerless deer license eligibility and application.
- 143.44. Antlerless deer license application schedule.
- 143.45. Antlerless deer license application limits.
- 143.46. [Reserved].

- 143.47. [Reserved].
- 143.48. [Reserved].
- 143.49. [Reserved].
- 143.50. [Reserved].
- 143.51. [Reserved].
- 143.52. [Reserved].
- 143.53. [Reserved].
- 143.54. [Reserved].
- 143.55. [Reserved].
- 143.56. [Reserved].

§ 143.41. General.

(a) The purpose of this subchapter is to implement a structure and process that provides for the fair and equitable distribution of the antlerless deer licenses allocated by the Commission to each wildlife management unit annually.

(b) The Commission will establish the annual allocation of antlerless deer licenses for each wildlife management unit after its review of available management data.

(c) The Commission will accept applications for antlerless deer licenses allocated to each wildlife management unit on a first-come, first-served basis through one or more sales rounds that will continue until the supply of licenses is exhausted for each wildlife management unit.

(d) [Reserved].

(e) Except as provided in subsection (f), notwithstanding the provisions of this subchapter limiting the total number of antlerless deer licenses allocated to each wildlife management unit, the Commission will establish a review process to authorize the issuance of licenses outside of the allocations established in each wildlife management unit to:

(1) A resident of this Commonwealth serving on active duty in the United States Armed Forces or in the United States Coast Guard or within 60 days of discharge from active duty under honorable conditions from the United States Armed Forces or United States Coast Guard.

(2) A disabled veteran as defined in § 2706(b)(1) and (1.1) of the act (relating to resident license and fee exemptions).

(3) An applicant whom the Commission has determined to have been erroneously denied an antlerless deer license.

(f) Except for subsection (e)(3), an eligible applicant may receive no more than one antlerless license each license year under any outside-of-allocation exception set forth in subsection (e). Should an applicant be eligible for two or more conditions, only one exception may be exercised each license year.

Authority

The provisions of this § 143.41 issued under The Game Law (34 P. S. §§ 1311.101—1311.1502) (Repealed); and 34 Pa.C.S. §§ 101—2965; amended under 34 Pa.C.S. § 2722(g).

Source

The provisions of this § 143.41 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended July 31, 1987, effective August 1, 1987, 17 Pa.B. 3228; amended July 7, 1989, effective July 8, 1989, 19 Pa.B. 2956; amended March 21, 2003, effective March 22, 2003, 33 Pa.B. 1475; amended March 20, 2009, effective March 21, 2009, 39 Pa.B. 1388; amended June 9, 2023, effective June 10, 2023, 53 Pa.B. 3106. Immediately preceding text appears at serial pages (388075) to (388076).

§ 143.42. Antlerless deer license required.

(a) *General rule.* Except as provided in subsection (b), a person must acquire and possess a valid antlerless deer license for an applicable wildlife management unit to lawfully hunt and take each antlerless deer within that unit during any open antlerless deer season established in § 139.4 (relating to seasons and bag limits for the license year). Each antlerless deer license is valid for taking only one antlerless deer only in the wildlife management unit designated on the license.

(b) *Exceptions.* The licensure requirements of subsection (a) do not apply to persons lawfully hunting antlerless deer in accordance with allowances and requirements of:

- (1) The agricultural lands license exemption as set forth in section 2706(a) of the act (relating to resident license and fee exemptions).
- (2) An applicable antlerless deer special permit issued by the Commission.
- (3) The lawful cooperation and assistance authorizations or exceptions set forth in sections 2301(b) and 2325 of the act (relating to prima facie evidence of hunting; and cooperation after lawfully killing big game) and also § 141.43(e) (relating to deer seasons).

Authority

The provisions of this § 143.42 issued under The Game Law (34 P. S. §§ 1311.101—1311.1502) (Repealed); and 34 Pa.C.S. §§ 101—2965; amended under 34 Pa.C.S. §§ 721(a), 2102 and 2722(g).

Source

The provisions of this § 143.42 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended July 22, 1988, effective upon publication and applies retroactively to July 1, 1988, 18 Pa.B. 3213; corrected August 5, 1988, effective upon publication and applies retroactively to July 1, 1988, 18 Pa.B. 3213, 18 Pa.B. 3432; amended July 7, 1989, effective July 8, 1989, 19 Pa.B. 2956; amended November 20, 1992, effective July 1, 1993, 22 Pa.B. 5608; corrected December 11, 1992, effective July 1, 1993, 22 Pa.B. 5950; corrected December 24, 1992, effective July 1, 1993, 22 Pa.B. 6120; amended March 13, 1998, effective March 14, 1998, 28 Pa.B. 1316; amended October 30, 1998, effective October 31, 1998, 28 Pa.B. 5487; amended May 19, 2000, effective May 20, 2000, 30 Pa.B. 2475; amended June 8, 2001, effective June 9, 2001, 31 Pa.B. 2926; corrected July 27, 2001, effective August 4, 2001, 31 Pa.B. 4088; amended March 21, 2003, effective March 22, 2003, 33 Pa.B. 1475; amended March 20, 2009, effective March 21, 2009, 39 Pa.B. 1388; amended August 25, 2017, effective August 26, 2017, 47 Pa.B. 4982; amended June 9, 2023, effective June 10, 2023, 53 Pa.B. 3106. Immediately preceding text appears at serial pages (388076) and (404745).

§ 143.43. Antlerless deer license eligibility and application.

(a) The Commission will make antlerless deer licenses available to eligible applicants for purchase through PALS online and at each of its current issuing agent locations across this Commonwealth.

(b) The Commission will only accept an application for an antlerless deer license from a person who meets all of the following criteria:

(1) The person either currently possesses a valid base hunting license or is making a contemporaneous purchase of a valid base hunting license with the application for an antlerless deer license.

(2) At the time of application, the person has not exceeded application limits for antlerless deer licenses as set forth in § 143.45 (relating to antlerless deer license application limits).

(3) The person has paid the applicable cost of the antlerless deer license, plus any applicable transactional and issuing agent fees established in section 2709 of the act (relating to license cost and fees).

(4) At the time of application, the person is not subject to any active hunting or furtaking license suspension or revocation.

Authority

The provisions of this § 143.43 issued under The Game Law (34 P.S. §§ 1311.101—1311.1502) (Repealed); and amended under 34 Pa.C.S. § 2722(g).

Source

The provisions of this § 143.43 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended July 7, 1989, effective July 8, 1989, 19 Pa.B. 2956; amended March 21, 2003, effective March 22, 2003, 33 Pa.B. 1475; amended March 20, 2009, effective March 21, 2009, 39 Pa.B. 1388; amended June 9, 2023, effective June 10, 2023, 53 Pa.B. 3106. Immediately preceding text appears at serial page (404745).

§ 143.44. Antlerless deer license application schedule.

(a) *Application schedule.* The Commission will make antlerless deer licenses available for application through PALS online and at each of its current issuing agent locations across this Commonwealth according to the following distribution schedule:

(1) *Round 1.*

(i) Beginning the fourth Monday in June for all resident applicants.

(ii) Beginning the second Monday in July for all nonresident applicants.

(2) *Round 2.* Beginning the fourth Monday in July for all resident and nonresident applicants.

(3) *Round 3.* Beginning the second Monday in August for all resident and nonresident applicants.

(4) *Round 4.* Beginning the fourth Monday in August for all resident and nonresident applicants.

(b) *Application time.* The Commission will open sales on the date for each respective round of antlerless deer license sales beginning at 8 a.m. Eastern Daylight Time and sales will remain open thereafter for that respective round until allocations for each applicable wildlife management unit are exhausted.

Authority

The provisions of this § 143.44 issued under The Game Law (34 P.S. §§ 1311.101—1311.1502) (Repealed); and 34 Pa.C.S. §§ 101—2965.

Source

The provisions of this § 143.44 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended March 20, 2009, effective March 21, 2009, 39 Pa.B. 1388; amended June 9, 2023, effective June 10, 2023, 53 Pa.B. 3106. Immediately preceding text appears at serial page (404745).

Cross References

This section cited in 58 Pa. Code § 143.45 (relating to antlerless deer license application limits).

§ 143.45. Antlerless deer license application limits.

(a) *Application limit.* Except as otherwise provided in subsections (b) and (c), an eligible applicant may submit only one antlerless deer license application for each open antlerless deer license sales round listed in § 143.44 (relating to antlerless deer license application schedule). The Commission will reject all applications in excess of these limits.

(b) *Catch-up allowance.* An eligible applicant may submit multiple antlerless deer license applications in a single transaction if the applicant has not previously applied for an antlerless deer license during one or more previous open rounds, and only then equal to the number of rounds currently open on the date of application.

(c) *Round 4 continuous sales.*

(1) Subject to the procedures and limitations of paragraphs (2) and (3), an eligible applicant may submit multiple and continuous applications for antlerless deer licenses for each wildlife management unit whose antlerless deer license allocation remains unexhausted upon the opening of round 4 of antlerless deer license sales on the date set by the Commission as set forth in § 143.44. The authorizations of this subsection will terminate automatically for each wildlife management unit once its antlerless deer license allocation is exhausted.

(2) Except as provided in paragraph (3), an eligible applicant may make one or more applications for antlerless deer licenses under this subsection only when the Commission's PALS licensing system shows five or less active and unfulfilled antlerless deer licenses on the applicant's license profile. Once an applicant has been issued a sixth cumulative active and unfulfilled antlerless deer license, the applicant will not be eligible to make reapplication for additional antlerless licenses until one or more previously issued antlerless licenses have been exhausted by harvest and the harvest or harvests have resulted in a verified completed harvest report in PALS. Except as provided in paragraph (3), at no time is an applicant authorized to exceed six cumulative active and unfulfilled antlerless licenses in their PALS license profile.

(3) In wildlife management units 5C and 5D, an eligible applicant may make one or more applications for antlerless deer licenses under this subsection only when the Commission's PALS licensing system shows 14 or fewer active and unfulfilled antlerless deer licenses on the applicant's license profile. Once an applicant has been issued a fifteenth cumulative active and unfulfilled antlerless deer license, the applicant will not be eligible to make reapplication for additional antlerless licenses until one or more previously issued antlerless licenses have been exhausted by harvest and the harvest or harvests have resulted in a verified completed harvest report in PALS. Except as provided in this paragraph, at no time is an applicant authorized to exceed 15 cumulative active and unfulfilled antlerless licenses in their PALS license profile.

(d) *Resident agricultural lands exception.* A person exercising the privileges of the license exemption provided under section 2706(a) of the act (relating to resident license and fee exemptions) on eligible lands is not entitled or required to obtain an antlerless deer license under this subchapter, but is subject to the same antlerless deer season limits that would otherwise apply to a licensed person hunting the wildlife management units covering the eligible lands as follows:

(1) *Rounds 1, 2 and 3.* An eligible person is authorized to harvest one deer for every antlerless deer license sales round, up to round 3, that is opened for the applicable wildlife management unit as set forth in § 143.44. Authorization

to harvest an antlerless deer may not be acquired for a round subsequent to round 1, round 2 or round 3 if the allocation for the applicable wildlife management unit is exhausted before the subsequent round opens.

(2) *Round 4.* An eligible person is authorized to harvest multiple and continuous antlerless deer up to the limits and subject to the reporting requirements and closure dates of subsection (c). The authorizations of this paragraph will terminate automatically for an eligible person hunting within an applicable wildlife management unit once the wildlife management unit's antlerless license allocation is exhausted.

Authority

The provisions of this § 143.45 amended under 34 Pa.C.S. §§ 2102(a), 2705(13) and 2722(g).

Source

The provisions of this § 143.45 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended July 22, 1988, effective upon publication and applies retroactively to July 1, 1988, 18 Pa.B. 3213; amended July 7, 1989, effective July 8, 1989, 19 Pa.B. 2956; amended November 20, 1992, effective July 1, 1993, 22 Pa.B. 5608; amended May 26, 1995, effective May 27, 1995, 25 Pa.B. 2072; amended March 13, 1998, effective March 14, 1998, 28 Pa.B. 1316; amended August 7, 1998, effective August 8, 1998, 28 Pa.B. 3801; amended March 21, 2003, effective March 22, 2003, 33 Pa.B. 1475; amended May 28, 2004, effective May 29, 2004, 34 Pa.B. 2826; amended March 20, 2009, effective March 21, 2009, 39 Pa.B. 1388; amended June 11, 2010, effective June 12, 2010, 40 Pa.B. 3108; amended May 21, 2021, effective May 22, 2021, 51 Pa.B. 2944; amended June 9, 2023, effective June 10, 2023, 53 Pa.B. 3106; amended May 23, 2025, effective May 24, 2025, 55 Pa.B. 3585. Immediately preceding text appears at serial pages (414552) to (414553).

Cross References

This section cited in 58 Pa. Code § 143.43 (relating to antlerless deer license eligibility and application).

§ 143.46. {Reserved}.

Source

The provisions of this § 143.46 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended July 7, 1989, effective July 8, 1989, 19 Pa.B. 2956; amended November 20, 1992, effective July 1, 1993, 22 Pa.B. 5608; reserved March 21, 2003, effective March 22, 2003, 33 Pa.B. 1475. Immediately preceding text appears at serial pages (280091) to (280092).

§ 143.47. {Reserved}.

Source

The provisions of this § 143.47 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; reserved March 21, 2003, effective March 22, 2003, 33 Pa.B. 1475. Immediately preceding text appears at serial page (280092).

§ 143.48. {Reserved}.

Authority

The provisions of this § 143.48 issued under The Game Law (34 P.S. §§ 1311.101—1311.1502) (Repealed); amended under 34 Pa.C.S. §§ 2102(a) and 2722(g)(2); and deleted under 34 Pa.C.S. § 2722(g)(2).

Source

The provisions of this § 143.48 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended July 7, 1989, effective July 8, 1989, 19 Pa.B. 2956; amended November 20, 1992, effective July 1, 1993, 22 Pa.B. 5608; amended May 16, 1997, effective May 17, 1997, 27 Pa.B. 2417; amended March 21, 2003, effective March 22, 2003, 33 Pa.B. 1475; amended July 16, 2004, effective July 17, 2004, 34 Pa.B. 3715; amended March 20, 2009, effective March 21, 2009, 39 Pa.B. 1388; deleted June 9, 2023, effective June 10, 2023, 53 Pa.B. 3106. Immediately preceding text appears at serial page (381027).

§ 143.49. {Reserved}.**Authority**

The provisions of this § 143.49 issued under The Game Law (34 P.S. §§ 1311.101—1311.1502) (Repealed); amended under 34 Pa.C.S. §§ 2102 and 2722(g); and deleted under 34 Pa.C.S. § 2722(g)(2).

Source

The provisions of this § 143.49 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended July 7, 1989, effective July 8, 1989, 19 Pa.B. 2956; amended November 20, 1992, effective July 1, 1993, 22 Pa.B. 5608; amended May 26, 1995, effective May 27, 1995, 25 Pa.B. 2072; amended May 19, 2000, effective May 20, 2000, 30 Pa.B. 2475; amended June 8, 2001, effective June 9, 2001, 31 Pa.B. 2926; amended March 21, 2003, effective March 22, 2003, 33 Pa.B. 1475; amended March 20, 2009, effective March 21, 2009, 39 Pa.B. 1388; deleted June 9, 2023, effective June 10, 2023, 53 Pa.B. 3106. Immediately preceding text appears at serial pages (381027) to (381028).

§ 143.50. {Reserved}.**Authority**

The provisions of this § 143.50 issued under The Game Law (34 P.S. §§ 1311.101—1311.1502) (Repealed); amended under 34 Pa.C.S. § 2722(g); and deleted under 34 Pa.C.S. § 2722(g)(2).

Source

The provisions of this § 143.50 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended July 22, 1988, effective upon publication and applies retroactively to July 1, 1988, 18 Pa.B. 3213; amended July 7, 1989, effective July 8, 1989, 19 Pa.B. 2956; amended November 20, 1992, effective July 1, 1993, 22 Pa.B. 5608; amended March 21, 2003, effective March 22, 2003, 33 Pa.B. 1475; amended March 20, 2009, effective March 21, 2009, 39 Pa.B. 1388; amended May 27, 2016, effective May 28, 2016, 46 Pa.B. 2676; deleted June 9, 2023, effective June 10, 2023, 53 Pa.B. 3106. Immediately preceding text appears at serial pages (381028) and (404747).

§ 143.51. {Reserved}.**Authority**

The provisions of this § 143.51 issued under The Game Law (34 P.S. §§ 1311.101—1311.1502) (Repealed); amended under 34 Pa.C.S. § 2722(g); and deleted under 34 Pa.C.S. § 2722(g)(2).

Source

The provisions of this § 143.51 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended July 22, 1988, effective upon publication and applies retroactively to July 1, 1988, 18 Pa.B. 3213; amended July 7, 1989, effective July 8, 1989, 19 Pa.B. 2956; corrected September 8, 1989, effective July 8, 1989, 19 Pa.B. 3827; amended May 3, 1991, effective July 1, 1991, 21 Pa.B. 2009; amended July 12, 1991, effective immediately and apply retroactively to July 1, 1991, 21 Pa.B. 3141; amended November 20, 1992, effective July 1, 1993, 22 Pa.B. 5608; amended May 26, 1995, effective May 27, 1995, 25 Pa.B. 2072; amended May 16, 1997, effective May 17, 1997, 27 Pa.B. 2417; amended August 1, 1997, effective August 2, 1997, 27 Pa.B. 3788; amended March 13, 1998, effective March 14, 1998, 28 Pa.B. 1316; amended October 30, 1998, effective October 31, 1998, 28 Pa.B. 5487; amended August 27, 1999, effective August 28, 1999, 29 Pa.B. 4562; amended May 19, 2000, effective May 20, 2000, 30 Pa.B. 2475; amended June 8, 2001, effective June 9, 2001, 31 Pa.B. 2926; corrected July 27, 2001, effective August 4, 2001, 31 Pa.B. 4088; amended March 21, 2003, effective March 22, 2003, 33 Pa.B. 1475; amended March 20, 2009, effective March 21, 2009, 39 Pa.B. 1388; deleted June 9, 2023, effective June 10, 2023, 53 Pa.B. 3106. Immediately preceding text appears at serial page (404747).

§ 143.52. [Reserved].**Authority**

The provisions of this § 143.52 amended under 34 Pa.C.S. §§ 2102, 2705(13) and 2722(g); and deleted under 34 Pa.C.S. § 2722(g)(2).

Source

The provisions of this § 143.52 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended July 7, 1989, effective July 8, 1989, 19 Pa.B. 2956; amended August 24, 1990, effective September 24, 1990, 20 Pa.B. 4488; amended May 3, 1991, effective July 1, 1991, 21 Pa.B. 2009; amended July 12, 1991, effective immediately and apply retroactively to July 1, 1991, 21 Pa.B. 3141; amended November 20, 1992, effective July 1, 1993, 22 Pa.B. 5608; amended July 29, 1994, effective July 30, 1994, 24 Pa.B. 3716; amended May 26, 1995, effective May 27, 1995, 25 Pa.B. 2072; amended March 13, 1998, effective March 14, 1998, 28 Pa.B. 1316; amended March 21, 2003, effective March 22, 2003, 33 Pa.B. 1475; amended May 28, 2004, effective May 29, 2004, 34 Pa.B. 2826; amended March 28, 2008, effective March 29, 2008, 38 Pa.B. 1469; amended March 20, 2009, effective March 21, 2009, 39 Pa.B. 1388; amended May 21, 2021, effective May 22, 2021, 51 Pa.B. 2944; deleted June 9, 2023, effective June 10, 2023, 53 Pa.B. 3106. Immediately preceding text appears at serial page (404748).

§ 143.53. [Reserved].**Authority**

The provisions of this § 143.53 issued under The Game Law (34 P. S. §§ 1311.101—1311.1502) (Repealed); amended under 34 Pa.C.S. §§ 2102(a) and 2722(g)(2); and deleted under 34 Pa.C.S. § 2722(g)(2).

Source

The provisions of this § 143.53 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended July 7, 1989, effective July 8, 1989, 19 Pa.B. 2956; amended March 21, 2003, effective March 22, 2003, 33 Pa.B. 1475; amended July 16, 2004, effective July 17, 2004, 34 Pa.B. 3715; amended March 20, 2009, effective March 21, 2009, 39 Pa.B. 1388; deleted June 9, 2023, effective June 10, 2023, 53 Pa.B. 3106. Immediately preceding text appears at serial pages (404748) and (342333).

§ 143.54. [Reserved].**Authority**

The provisions of this § 143.54 amended under 34 Pa.C.S. §§ 2102 and 2722(g); and deleted under 34 Pa.C.S. § 2722(g)(2).

Source

The provisions of this § 143.54 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended July 7, 1989, effective July 8, 1989, 19 Pa.B. 2956; amended August 18, 2000, effective August 19, 2000, 30 Pa.B. 4354; amended June 8, 2001, effective June 9, 2001, 31 Pa.B. 2926; amended March 21, 2003, effective March 22, 2003, 33 Pa.B. 1475; deleted June 9, 2023, effective June 10, 2023, 53 Pa.B. 3106. Immediately preceding text appears at serial page (342333).

§ 143.55. [Reserved].**Authority**

The provisions of this § 143.55 issued under The Game Law (34 P. S. §§ 1311.101—1311.1502) (Repealed); and 34 Pa.C.S. §§ 101—2965; amended under 34 Pa.C.S. §§ 2102(a) and 2722(g)(2); and deleted under 34 Pa.C.S. § 2722(g)(2).

Source

The provisions of this § 143.55 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended July 7, 1989, effective July 8, 1989, 19 Pa.B. 2956; amended August 24, 1990, effective September 24, 1990, 20 Pa.B. 4488; amended May 3, 1991, effective July 1, 1991, 21 Pa.B. 2009; amended November 20, 1992, effective July 1, 1993, 22 Pa.B. 5608; amended March 13, 1998, effective March 14, 1998, 28 Pa.B. 1316; amended May 19, 2000, effective May 20, 2000, 30 Pa.B. 2475; amended June 8, 2001, effective June 9, 2001, 31 Pa.B. 2926; amended July 16, 2004, effective July 17, 2004, 34 Pa.B. 3715; deleted June 9, 2023, effective June 10, 2023, 53 Pa.B. 3106. Immediately preceding text appears at serial pages (342333) to (342334).

§ 143.56. [Reserved].**Authority**

The provisions of this § 143.56 issued under 34 Pa.C.S. §§ 101—2965; amended under 34 Pa.C.S. §§ 2102(a) and 2722(g)(2); and deleted under 34 Pa.C.S. § 2722(g)(2).

Source

The provisions of this § 143.56 adopted July 7, 1989, effective July 8, 1989, 19 Pa.B. 2956; amended July 16, 2004, effective July 17, 2004, 34 Pa.B. 3715; deleted June 9, 2023, effective June 10, 2023, 53 Pa.B. 3106. Immediately preceding text appears at serial page (342334).

Subchapter D. BEAR LICENSES

Sec.

143.61—143.65. [Reserved].

143.66. Purpose and scope.

143.67. Application.

143.68. Carrying the license.

143.69. Unlawful acts.

143.70. Penalties.

[Next page is 143-19]

Source

The provisions of this Subchapter D adopted May 16, 1997, effective May 17, 1997, 27 Pa.B. 2417, unless otherwise noted.

§§ 143.61—143.65. [Reserved].**Source**

The provisions of these §§ 143.61—143.65 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended April 28, 1989, effective April 29, 1989, 19 Pa.B. 1842. Immediately preceding text appears at serial pages (118726) to (118728) and (128833).

§ 143.66. Purpose and scope.

This subchapter establishes methods for the application and issuance of bear licenses and provides for the carrying of a bear license.

Source

The provisions of this § 143.66 adopted May 16, 1997, effective May 17, 1997, 27 Pa.B. 2417.

§ 143.67. Application

(a) Applications for bear licenses shall be submitted to authorized issuing agents and licenses issued by them under the act and this subchapter.

(b) Applications for bear licenses shall be submitted in accordance with periods set by the Director by persons who hold a valid regular hunting license.

Authority

The provisions of this § 143.67 amended under the Game and Wildlife Code 34 Pa.C.S. § 2722(c) and (g).

Source

The provisions of this § 143.67 adopted May 16, 1997, effective May 17, 1997, 27 Pa.B. 2417; amended July 15, 2005, effective July 16, 2005, 35 Pa.B. 3934; amended May 27, 2011, effective May 28, 2011, 41 Pa.B. 2700. Immediately preceding text appears at serial page (342335).

§ 143.68. Carrying the license.

For a bear license issued subsequent to the owner's general hunting license, the bear license shall be signed by the owner in the space provided and shall be carried on the person at all times when the owner is hunting for bear. The bear license does not need to be displayed but shall be produced for inspection upon demand of any officer authorized to enforce this title.

Source

The provisions of this § 143.68 adopted May 16, 1997, effective May 17, 1997, 27 Pa.B. 2417; amended March 20, 2009, effective March 21, 2009, 39 Pa.B. 1388. Immediately preceding text appears at serial page (312325).

§ 143.69. Unlawful acts.

The following acts are unlawful:

- (1) Issuance of a bear license without proof of applicant purchasing a regular hunting license.
- (2) Hunting bear without carrying a valid bear license on the person.
- (3) Lending a bear license to another.
- (4) Failing to produce bear license upon demand of an officer.

Source

The provisions of this § 143.69 adopted May 16, 1997, effective May 17, 1997, 27 Pa.B. 2417.

§ 143.70. Penalties.

A person who violates this subchapter shall, upon conviction, be sentenced to pay the penalties provided for in the act.

Source

The provisions of this § 143.70 adopted May 16, 1997, effective May 17, 1997, 27 Pa.B. 2417.

Subchapter E. [Reserved]**§ 143.81. [Reserved].****Source**

The provisions of this § 143.81 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; deleted March 20, 2009, effective March 21, 2009, 39 Pa.B. 1388. Immediately preceding text appears at serial page (315259).

§ 143.82. [Reserved].**Source**

The provisions of this § 143.82 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended September 27, 2002, effective September 28, 2002, 32 Pa.B. 4713; deleted March 20, 2009, effective March 21, 2009, 39 Pa.B. 1388. Immediately preceding text appears at serial page (315259).

§ 143.83. [Reserved].**Source**

The provisions of this § 143.83 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; deleted March 20, 2009, effective March 21, 2009, 39 Pa.B. 1388. Immediately preceding text appears at serial page (315260).

§ 143.84. [Reserved].**Source**

The provisions of this § 143.84 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended July 22, 1988, effective upon publication and applies retroactively to July 1, 1988, 18 Pa.B. 3213; amended July 7, 1989, effective July 8, 1989, 19 Pa.B. 2956; amended November 20, 1992, effective July 1, 1993, 22 Pa.B. 5608; amended May 7, 1999, effective May 8, 1999, 29 Pa.B. 2458; corrected May 14, 1999, effective May 8, 1999, 29 Pa.B. 2577; amended June 13, 2003, effective June 14, 2003, 33 Pa.B. 2753; amended November 11, 2005, effective November 12, 2005, 35 Pa.B. 6239; amended March 20, 2009, effective March 21, 2009, 39 Pa.B. 1388. Immediately preceding text appears at serial page (315260).

§ 143.85. [Reserved].**Source**

The provisions of this § 143.85 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; deleted March 20, 2009, effective March 21, 2009, 39 Pa.B. 1388. Immediately preceding text appears at serial pages (315260) and (280103).

§ 143.86. [Reserved].**Source**

The provisions of this § 143.86 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; deleted March 20, 2009, effective March 21, 2009, 39 Pa.B. 1388. Immediately preceding text appears at serial page (280103).

§ 143.87. [Reserved].**Source**

The provisions of this § 143.87 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; deleted March 20, 2009, effective March 21, 2009, 39 Pa.B. 1388. Immediately preceding text appears at serial page (280103).

Subchapter F. [Reserved]**§ 143.101. [Reserved].****Source**

The provisions of this § 143.101 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; reserved May 3, 1991, effective July 1, 1991, 21 Pa.B. 2009. Immediately preceding text appears at serial page (139941).

§ 143.102. [Reserved].**Source**

The provisions of this § 143.102 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; reserved May 3, 1991, effective July 1, 1991, 21 Pa.B. 2009. Immediately preceding text appears at serial page (139941).

Subchapter G. MANDATED REVOCATION OF HUNTING AND FURTAKING LICENSE AND RIGHTS

Sec.

- 143.121. Scope.
- 143.122. Starting time for revocation period.
- 143.123. Consent decree for Accelerated Rehabilitative Disposition recipients.
- 143.124. Restoration of hunting and furtaking privileges of offenders in hunting related shooting incidents, or other mandatory revocations.
- 143.125. Compliance with Commission order.
- 143.126. Unlawful acts.
- 143.127. Penalties.

§ 143.121. Scope.

The act provides, in addition to the monetary penalty, that persons convicted of certain offenses shall suffer loss of hunting and trapping rights for specified periods. In order to avoid confusion or misunderstanding and reduce the possibility of an error causing inconvenience or hardship for sportsmen and unnecessary expenditures from the Game Fund, §§ 143.122 and 143.123 (relating to starting time for revocation period; and consent decree for Accelerated Rehabilitative Disposition recipients) govern the mandated revocations.

Authority

The provisions of this § 143.121 issued under The Game Law (34 P. S. §§ 1311.101—1311.1502) (Repealed); and the Game and Wildlife Code, 34 Pa.C.S. §§ 101—2965.

Source

The provisions of this § 143.121 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464.

§ 143.122. Starting time for revocation period.

Mandatory revocations specified in the act will begin on July 1 following the conclusion of the prosecution, unless otherwise ordered by the court, and shall include both hunting and furtaking privileges.

Authority

The provisions of this § 143.122 issued under The Game Law (34 P. S. §§ 1311.101—1311.1502) (Repealed); and the Game and Wildlife Code, 34 Pa.C.S. §§ 101—2965.

Source

The provisions of this § 143.122 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464.

Cross References

This section cited in 58 Pa. Code § 143.121 (relating to scope).

§ 143.123. Consent decree for Accelerated Rehabilitative Disposition recipients.

If a mandatory revocation is required by a misdemeanor, and the case is accepted for Accelerated Rehabilitative Disposition, the accused shall agree to a consent decree imposing the mandatory revocation which shall be part of that record. If the accused does not enter into a consent decree, the revocation shall proceed as provided in the act and this part.

Authority

The provisions of this § 143.123 issued under The Game Law (34 P. S. §§ 1311.101—1311.1502) (Repealed); and the Game and Wildlife Code, 34 Pa.C.S. §§ 101—2965.

Source

The provisions of this § 143.123 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464.

Cross References

This section cited in 58 Pa. Code § 143.121 (relating to scope).

§ 143.124. Restoration of hunting and furtaking privileges of offenders in hunting related shooting incidents, or other mandatory revocations.

(a) A person whose hunting and furtaking privileges have been denied under section 2522(c) of the act (relating to shooting at or causing injury to human beings), shall, prior to having hunting and furtaking privileges restored, comply with the following:

(1) Provide to the Commission on a form provided, evidence that the offender has met the following minimum visual acuity standards:

(i) A combined vision of 20/40 or better corrected or 20/40 or better corrected vision in the sighting eye.

(ii) In the case of a single sighted offender, mono vision of 20/40 or better corrected.

(iii) A plotted visual field of at least 120° along the horizontal meridian, excepting normal blind spots.

(iv) An affirmation by a licensed optometrist or ophthalmologist that the offender is visually safe to sport hunt.

(2) Provide to the Commission on a form provided, evidence that the offender has successfully completed a Commission sponsored remedial hunter education course.

(b) A remedial hunter education course shall be a specific course of study sponsored by the Commission that is to be completed by certain offenders of the act before their license privileges are restored. It shall include lessons concerning the safe use and handling of firearms, hunting laws and regulations, responsible hunting behavior and hunter ethics.

(1) The development and administration of the remedial hunter education program shall be the responsibility of the Hunter-Trapper Education Division.

(2) A fee of \$50 shall be charged to each student to enroll in a remedial hunter education course.

Authority

The provisions of this § 143.124 amended under the Game and Wildlife Code, 34 Pa.C.S. § 922.

Source

The provisions of this § 143.124 adopted November 21, 1997, effective November 22, 1997, 27 Pa.B. 6093; amended June 8, 2001, effective June 9, 2001, 31 Pa.B. 2926. Immediately preceding text appears at serial pages (236616) to (236617).

§ 143.125. Compliance with Commission order.

When the Commission requires a person to wear corrective lenses under section 2522(g) of the act (relating to shooting at or causing injury to human beings), that person shall at all times while hunting or furtaking wear corrective lenses.

Source

The provisions of this § 143.125 adopted November 21, 1997, effective November 22, 1997, 27 Pa.B. 6093.

§ 143.126. Unlawful acts.

It is unlawful for a person whose hunting and furtaking privileges have been denied under section 2522(c) of the act (relating to shooting at or causing injury to human beings), to hunt or take fur or to purchase or attempt to purchase a hunting or furtaking license prior to complying with this subchapter.

Source

The provisions of this § 143.126 adopted November 21, 1997, effective November 22, 1997, 27 Pa.B. 6093.

§ 143.127. Penalties.

A person who violates this subchapter shall be subject to the penalties as provided in the act.

Source

The provisions of this § 143.127 adopted November 21, 1997, effective November 22, 1997, 27 Pa.B. 6093.

**Subchapter H. SUSPENSION OR DENIAL OF LICENSES FOR
FAILURE TO PAY A FINE OR ANSWER A CITATION**

Sec.

143.141. Scope.

143.142. Limitation on time.

143.143. Notification of revocation.

§ 143.141. Scope.

The act provides for suspension and denial of licenses for failure to pay a fine or failure to answer a citation. The suspension periods can be for a matter of hours or years, depending upon when the defendant shows proof of compliance with requirements of the act. To avoid confusion, misunderstanding or error which may cause inconvenience or hardship for the licensee, and unnecessary expenditures from the Game Fund, this subchapter governs the suspensions.

Authority

The provisions of this § 143.141 issued under The Game Law (34 P. S. §§ 1311.101—1311.1502) (Repealed); and the Game and Wildlife Code, 34 Pa.C.S. §§ 101—2965.

Source

The provisions of this § 143.141 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464.

§ 143.142. Limitation on time.

Suspensions provided for in section 930 of the act (relating to suspension of privileges pending payment of penalties) shall be instituted upon written notification from a wildlife conservation officer or transmitted through the judicial computer system that the requirements of section 930 of the act were not met.

Authority

The provisions of this § 143.142 issued under The Game Law (34 P. S. §§ 1311.101—1311.1502) (Repealed); and the Game and Wildlife Code, 34 Pa.C.S. §§ 101—2965.

Source

The provisions of this § 143.142 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended March 25, 1994, effective March 26, 1994, 24 Pa.B. 1582. Immediately preceding text appears at serial page (175662).

Cross References

This section cited in 58 Pa. Code § 143.143 (relating to notification of revocation).

§ 143.143. Notification of revocation.

The Director will:

(1) Upon receipt of written notice as required in § 143.142 (relating to limitation on time), notify the person of the suspension of the hunting and furtaker license and hunting and furtaker privileges.

(2) Upon receipt of verification that section 930 of the act (relating to suspension of privileges pending payment of penalties) has been satisfied, provide the person with an official certification as proof of having met the requirements of the act for presentation to a license issuing agent for purpose of obtaining a license, and will remove the claimant's name from the next list of suspensions to be printed.

Authority

The provisions of this § 143.143 issued under The Game Law (34 P. S. §§ 1311.101—1311.1502) (Repealed); and the Game and Wildlife Code, 34 Pa.C.S. §§ 101—2965.

Source

The provisions of this § 143.143 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464.

**Subchapter I. REVOCATION OF HUNTING AND FURTAKER
LICENSES AND PRIVILEGES**

Sec.

143.161. Scope.

143.162. Starting time for revocation period.

§ 143.161. Scope.

The act provides in addition to the penalty and costs imposed, that the Commission may revoke a hunting or furtaker license and deny a person the privileges to secure a license or to hunt or take furbearers in this Commonwealth with or without a license.

Authority

The provisions of this § 143.161 issued under The Game Law (34 P. S. §§ 1311.101—1311.1502) (Repealed); and the Game and Wildlife Code, 34 Pa.C.S. §§ 101—2965.

Source

The provisions of this § 143.161 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464.

§ 143.162. Starting time for revocation period.

Revocations imposed by the Commission for offenses of the act or this title will begin on July 1 following the Commission action and include both hunting and furtaker privileges.

Authority

The provisions of this § 143.162 issued under The Game Law (34 P. S. §§ 1311.101—1311.1502) (Repealed); and the Game and Wildlife Code, 34 Pa.C.S. §§ 101—2965.

Source

The provisions of this § 143.162 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464.

Subchapter J. MIGRATORY GAME BIRD LICENSE

Sec.

- 143.181. Purpose and scope.
- 143.182. Definitions.
- 143.183. Application.
- 143.184. Issuance of license.
- 143.185. The license.
- 143.186. Processing HIP surveys.
- 143.187. Unlawful acts.
- 143.188. Penalties.

Source

The provisions of this Subchapter J adopted November 8, 1996, effective November 9, 1996, 26 Pa.B. 5440, unless otherwise noted.

§ 143.181. Purpose and scope.

This subchapter establishes rules for application and issuance of Migratory Game Bird Licenses and HIP surveys.

Authority

The provisions of this § 143.181 amended under the Game and Wildlife Code, 34 Pa.C.S. §§ 2102(a), 2722(g)(2) and 2901(b).

Source

The provisions of this § 143.181 amended March 20, 2009, effective March 21, 2009, 39 Pa.B. 1388. Immediately preceding text appears at serial page (294119).

§ 143.182. Definitions.

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

HIP survey—The Migratory Game Bird Harvest Information Program (HIP) survey that will be completed at the time the license is issued.

Migratory Game Bird License—The license authorizing the holder thereof to hunt for migratory game birds. The license is not valid unless used in conjunction with a regular resident hunting license, nonresident hunting license or mentored hunting permit.

Authority

The provisions of this § 143.182 amended under the Game and Wildlife Code, 34 Pa.C.S. §§ 2102(a), 2722(g) and 2901(b).

Source

The provisions of this § 143.182 amended March 20, 2009, effective March 21, 2009, 39 Pa.B. 1388; amended November 6, 2015, effective November 7, 2015, 45 Pa.B. 6503. Immediately preceding text appears at serial pages (342343) to (342344).

§ 143.183. Application.

Application may be made when purchasing a hunting license, or at any time thereafter upon completion of the HIP survey.

Authority

The provisions of this § 143.183 amended under the Game and Wildlife Code, 34 Pa.C.S. §§ 2102(a), 2722(g)(2) and 2901(b).

Source

The provisions of this § 143.183 amended March 20, 2009, effective March 21, 2009, 39 Pa.B. 1388. Immediately preceding text appears at serial page (294119).

§ 143.184. Issuance of license.

After confirming that the HIP survey has been completed in its entirety, the issuing agent shall issue the license.

Authority

The provisions of this § 143.184 amended under the Game and Wildlife Code, 34 Pa.C.S. §§ 2102(a), 2722(g)(2) and 2901(b).

Source

The provisions of this § 143.184 amended March 20, 2009, effective March 21, 2009, 39 Pa.B. 1388. Immediately preceding text appears at serial page (294119).

§ 143.185. The license.

A Migratory Game Bird License is required for a person engaged in the hunting or taking of migratory game birds, unless the person otherwise qualifies for license and fee exemptions under section 2706 of the act (relating to resident license and fee exemptions). The Migratory Game Bird License shall be signed by the holder in the space provided and shall be carried at all times while hunting for migratory game birds. The holder shall produce the license upon demand of an officer authorized to enforce the act and this title.

Authority

The provisions of this § 143.185 amended under the Game and Wildlife Code, 34 Pa.C.S. §§ 2722(g) and 2901(b).

Source

The provisions of this § 143.185 amended November 6, 2015, effective November 7, 2015, 45 Pa.B. 6503. Immediately preceding text appears at serial page (342344).

§ 143.186. Processing HIP surveys.

HIP survey data shall be forwarded electronically to the United States Fish and Wildlife Service, Office of Migratory Bird Management, through the Commission's PALS no later than 30 days after license issuance.

Authority

The provisions of this § 143.186 amended under the Game and Wildlife Code, 34 Pa.C.S. §§ 2102(a), 2722(g)(2) and 2901(b).

Source

The provisions of this § 143.186 amended March 20, 2009, effective March 21, 2009, 39 Pa.B. 1388. Immediately preceding text appears at serial page (294120).

§ 143.187. Unlawful acts.

It is unlawful to:

- (1) Issue a Migratory Game Bird License contrary to this subchapter.
- (2) Apply for or receive a Migratory Game Bird License contrary to the act or this subchapter.
- (3) Violate other provisions of this subchapter.

Authority

The provisions of this § 143.187 amended under 34 Pa.C.S. §§ 2102(a), 2722(g)(2) and 2901(b).

Source

The provisions of this § 143.187 amended March 20, 2009, effective March 21, 2009, 39 Pa.B. 1388. Immediately preceding text appears at serial page (294120).

§ 143.188. Penalties.

A person violating this subchapter shall, upon conviction, be sentenced to pay the penalties prescribed in the act.

Subchapter K. ELK LICENSES

Sec.

- 143.201. Purpose and scope.
- 143.202. Eligibility and application for elk license.
- 143.203. Random drawing elk licenses.
- 143.203a. Special elk conservation license auction.
- 143.203b. Special-license fundraiser elk license.
- 143.204. {Reserved}.
- 143.205. {Reserved}.
- 143.206. Validity of elk licenses.
- 143.207. Unlawful acts.
- 143.208. Penalties.

Authority

The provisions of this Subchapter K issued under 34 Pa.C.S. §§ 2705(15) and 2722(g)(2), unless otherwise noted.

Source

The provisions of this Subchapter K adopted June 8, 2001, effective June 9, 2001, 31 Pa.B. 2926, unless otherwise noted.

§ 143.201. Purpose and scope.

If the Commission approves an elk hunting season, this subchapter establishes methods of applying for elk licenses. The Commission will set the number of licenses to be issued, establishing a quantity of tags for antlered and/or antlerless elk.

Authority

The provisions of this § 143.201 amended under 34 Pa.C.S. §§ 2705(15) and 2722(g).

Source

The provisions of this § 143.201 amended August 26, 2005, effective August 27, 2005, 35 Pa.B. 4827. Immediately preceding text appears at serial page (304869).

§ 143.202. Eligibility and application for elk license.

(a) *Application.* Applications for an elk license shall be made on a form provided by the Commission.

(b) *Hunting license required.* An elk license application will only be accepted from an applicant who possesses a valid Pennsylvania hunting license.

(c) *Fee.* A nonrefundable \$10 application fee shall accompany an elk license application.

Authority

The provisions of this § 143.202 amended under 34 Pa.C.S. §§ 2102(a), 2722(g) and 2901(b).

Source

The provisions of this § 143.202 amended October 24, 2003, effective October 25, 2003, 33 Pa.B. 5314; amended June 16, 2006, effective June 17, 2006, 36 Pa.B. 2976; amended May 23, 2025, effective May 24, 2025, 55 Pa.B. 3587. Immediately preceding text appears at serial page (404750).

§ 143.203. Random drawing elk licenses.

(a) The Executive Director will set the date for the random drawing of applications for the issuance of random drawing elk licenses.

(b) Each unsuccessful application submitted in the 2003-2004 license year and each subsequent license year will generate a single bonus point for the applicant for the elk season type associated with the unsuccessful application. Each current license year elk license application will also include one random number entry for each bonus point for elk season type held by the applicant. Each successfully drawn application will automatically reset to zero the applicant's bonus point count for the elk season type associated with the successful application.

(c) Beginning January 1, 2026, an applicant that is successfully drawn for a random drawing elk license entitling them to take an antlered elk, will become ineligible to submit an application for any future random drawing elk license that would entitle them to take an antlered elk.

(d) The number of random drawing elk licenses available to nonresident applicants each year shall be limited to 10% of the available allocation set by the Commission for that license year.

(e) Qualified applicants drawn for a random drawing elk license whose military obligation prevents them from hunting the current elk season shall be eligible to hunt in the next available elk season.

(f) The number of available random drawing elk licenses each year shall be limited to the allocations set by the Commission for each elk hunt zone. Any elk hunt zone that does not receive an allocation for a given hunting license year is closed to all elk hunting, unless the zone is designated as open to all elk license holders by the Commission.

Authority

The provisions of this § 143.203 amended under 34 Pa.C.S. §§ 322(c)(4), 2102(a), 2705(15) and 2722(g).

Source

The provisions of this § 143.203 amended August 9, 2002, effective August 10, 2002, 32 Pa.B. 3945; amended October 24, 2003, effective October 25, 2003, 33 Pa.B. 5319; amended July 16, 2004, effective July 17, 2004, 34 Pa.B. 3713; amended August 26, 2005, effective August 27, 2005, 35 Pa.B. 4827; amended June 27, 2008, effective June 28, 2008, 38 Pa.B. 3489; amended May 21, 2021, effective May 22, 2021, 51 Pa.B. 2937; amended May 23, 2025, effective May 24, 2025, 55 Pa.B. 3587. Immediately preceding text appears at serial pages (404750) to (404751).

Cross References

This section cited in 58 Pa. Code § 143.203a (relating to special elk conservation license auction); and 58 Pa. Code § 143.203b (relating to special-license fundraiser elk license).

§ 143.203a. Special elk conservation license auction.

(a) Each year the Commission may contract with an eligible wildlife conservation organization to conduct an auction sale of one special elk conservation license in accordance with section 2706.2(b) of the act (relating to elk hunting licenses).

(b) Upon conclusion of the auction, the wildlife conservation organization shall issue the winning bidder a license voucher which may be redeemed for a special elk conservation license under section 2712 of the act (relating to vouchers for licenses and permits).

(c) Except as authorized by § 143.206(c) (relating to validity of elk licenses), special conservation license auction elk licenses are limited to use within the elk hunt zones receiving allocation(s) for a given hunting license year under section § 143.203(f) (relating to random drawing elk licenses). Any elk hunt zone that does not receive an allocation for a given hunting license year under section § 143.203(f) is closed to all elk hunting, unless the zone is designated as open to all elk license holders by the Commission.

Authority

The provisions of this § 143.203a adopted under 34 Pa.C.S. §§ 2706.2, 2712, and 2722(g); and amended under 34 Pa.C.S. §§ 2102(a) and 2722(g).

Source

The provisions of this § 143.203a adopted November 27, 2009, effective November 28, 2009, 39 Pa.B. 6766; amended May 21, 2021, effective May 22, 2021, 51 Pa.B. 2937. Immediately preceding text appears at serial page (379533).

§ 143.203b. Special-license fundraiser elk license.

(a) Each year the Commission may contract with an eligible Pennsylvania-based nonprofit organization to conduct an auction or raffle sale of one special-

license fundraiser elk license in accordance with section 2706.2(c) of the act (relating to elk hunting licenses).

(b) Upon conclusion of the auction or raffle, the Pennsylvania-based non-profit organization shall issue the winning bidder a license voucher which may be redeemed for a special-license fundraiser elk license under section 2712 of the act (relating to vouchers for licenses and permits).

(c) Except as authorized by § 143.206(c) (relating to validity of elk licenses), special-license fundraiser elk license auction licenses are limited to use within the elk hunt zones receiving allocations for a given hunting license year under section § 143.203(f) (relating to random drawing elk licenses). Any elk hunt zone that does not receive an allocation for a given hunting license year under section § 143.203(f) is closed to all elk hunting, unless the zone is designated as open to all elk license holders by the Commission.

Authority

The provisions of this § 143.203b issued under 34 Pa.C.S. §§ 2102(a) and 2722(g).

Source

The provisions of this § 143.203b adopted May 21, 2021, effective May 22, 2021, 51 Pa.B. 2937.

§ 143.204. {Reserved}.

Source

The provisions of this § 143.204 reserved November 29, 2002, effective November 30, 2002, 32 Pa.B. 5890. Immediately preceding text appears at serial page (290370).

§ 143.205. {Reserved}.

Source

The provisions of this § 143.205 reserved November 29, 2002, effective November 30, 2002, 32 Pa.B. 5890. Immediately preceding text appears at serial page (290370).

§ 143.206. Validity of elk licenses.

(a) *Elk hunt zones.* Except as provided in subsection (c), an elk license is valid for taking elk only in the elk hunt zones designated on the elk license, unless the zone is designated as open to all elk license holders by the Commission.

(b) *Elk gender.* Except as provided in subsection (c), an elk license is valid for taking only an antlerless, antlered or either sex elk as designated on the elk license.

(c) *Exception.* Any unfilled antlered or antlerless elk license for any designated elk hunt zones are additionally valid for taking either an antlered or antlerless elk anywhere within this Commonwealth outside of the elk management area during any extended elk season established in § 139.4 (relating to seasons and bag limits for the license year) that follows the regular elk season.

Authority

The provisions of this § 143.206 issued under the Game and Wildlife Code, 34 Pa.C.S. §§ 2102(a) and 2722(g)(2); amended under the Game and Wildlife Code, 34 Pa.C.S. §§ 322(c)(4), 2102(a) and 2722(g).

Source

The provisions of this § 143.206 adopted November 29, 2002, effective November 30, 2002, 32 Pa.B. 5890; amended June 28, 2008, effective June 27, 2008, effective June 28, 2008, 38 Pa.B. 3489; amended June 11, 2010, effective June 12, 2010, 40 Pa.B. 3107; amended May 21, 2021, effective May 22, 2021, 51 Pa.B. 2937. Immediately preceding text appears at serial page (349883).

Cross References

This section cited in 58 Pa. Code § 143.203a (relating to special elk conservation license auction); and 58 Pa. Code § 143.203b (relating to special-license fundraiser elk license).

§ 143.207. Unlawful acts.

It is unlawful for a person to:

- (1) Submit more than one application for an elk license for any elk season, during any hunting license year.
- (2) Apply for or to receive a license contrary to the act or this part.
- (3) Hunt for elk in an elk hunt zone other than the elk hunt zone designated on the elk license.
- (4) Hunt or take an elk other than the antlered or antlerless elk designated on the elk license.

Authority

The provisions of this § 143.207 issued and amended under the Game and Wildlife Code, 34 Pa.C.S. §§ 322(c)(4), 2102(a) and 2722(g)(2).

Source

The provisions of this § 143.207 adopted November 29, 2002, effective November 30, 2002, 32 Pa.B. 5890; amended July 16, 2004, effective July 17, 2004, 34 Pa.B. 3713; amended June 27, 2008, effective June 28, 2008, 38 Pa.B. 3489. Immediately preceding text appears at serial pages (319744) and (322033).

§ 143.208. Penalties.

A person violating this subchapter shall, upon conviction, be sentenced to pay the fine prescribed in the act.

Authority

The provisions of this § 143.208 issued under the Game and Wildlife Code, 34 Pa.C.S. §§ 2102(a) and 2722(g)(2).

Source

The provisions of this § 143.208 adopted November 29, 2002, effective November 30, 2002, 32 Pa.B. 5890.

Subchapter L. SPECIAL WILD TURKEY LICENSES

Sec.

- 143.221. Purpose and scope.
- 143.222. Application.
- 143.223. Validity of license.
- 143.224. Unlawful acts.
- 143.225. Penalties.

Authority

The provisions of this Subchapter L issued under the Game and Wildlife Code, 34 Pa.C.S. §§ 322(c)(3), 2102(a) and (b)(1), 2705 and 2722(g), unless otherwise noted.

Source

The provisions of this Subchapter L adopted July 15, 2005, effective July 16, 2005, 35 Pa.B. 3936, unless otherwise noted.

§ 143.221. Purpose and scope.

If the Commission establishes a two-bird bag limit for the spring gobbler season, this subchapter establishes methods of applying for special wild turkey licenses.

§ 143.222. Application.

Completed applications shall be submitted as determined by the Director. For the purpose of having a unique identifier assigned to each individual in the database, permitting a crosscheck for duplicates, applicants shall provide their Social Security number or hunter ID number on the application.

Source

The provisions of this § 143.222 amended June 16, 2006, effective June 17, 2006, 36 Pa.B. 2976. Immediately preceding text appears at serial page (313270).

§ 143.223. Validity of license.

The license will be valid only during the spring gobbler season for harvesting a spring gobbler.

§ 143.224. Unlawful acts.

It is unlawful to:

- (1) Submit more than one application for a special wild turkey license during any hunting license year.
- (2) Apply for or receive a license contrary to the act or this part.
- (3) Fail to tag any wild turkey taken with a special wild turkey license in accordance with the act relating to tagging big game.
- (4) Fail to complete and submit harvest report information in accordance with instructions provided on the report card.

Source

The provisions of this § 143.224 amended June 16, 2006, effective June 17, 2006, 36 Pa.B. 2976. Immediately preceding text appears at serial page (313270).

§ 143.225. Penalties.

A person violating this subchapter shall, upon conviction, be sentenced to pay the fine prescribed in the act.

Subchapter M. [Reserved]**Source**

The provisions of this Subchapter M adopted July 21, 2006, effective July 22, 2006, 36 Pa.B. 3813; reserved June 5, 2009, effective June 6, 2009, 39 Pa.B. 2802. Immediately preceding text appears at serial pages (342349) to (342351), unless otherwise noted.

§ 143.241. [Reserved].

§ 143.242. [Reserved].

§ 143.243. [Reserved].

Source

The provisions of this § 143.243 amended December 19, 2008, effective December 20, 2008, 38 Pa.B. 6927; reserved June 5, 2009, effective June 6, 2009, 39 Pa.B. 2802. Immediately preceding text appears at serial page (342350).

§ 143.244—143.247. [Reserved].

[Next page is 145-1.]

143-36

CHAPTER 145. HEARING PROCEDURES

Subchap.	Sec.
A.	GENERAL HEARING AND APPEALS PROCEDURE145.1
B.	SPECIAL HEARING PROCEDURES.....145.21

Authority

The provisions of this chapter issued under section 506 of The Administrative Code of 1929 (71 P. S. § 186); sections 305 and 315 of the act of June 3, 1937 (P. L. 1225, No. 316) (34 P. S. §§ 1311.305 and 1311.315) (Repealed); 45 Pa.C.S. §§ 501, 503, 506 and 507; and 2 Pa.C.S. §§ 101—106; amended under: the act of June 3, 1937 (P. L. 1225, No. 316) (34 P. S. §§ 1311.101—1311.1502) (Repealed); and 34 Pa.C.S. §§ 101—2965, unless otherwise noted.

Source

The provisions of this Chapter 145 adopted May 8, 1981, effective May 9, 1981, 11 Pa.B. 1577, unless otherwise noted.

Subchapter A. GENERAL HEARING AND APPEALS PROCEDURE

Sec.	
145.1.	Purpose and scope.
145.2.	Definitions.
145.3.	Request for a hearing.
145.4.	Time of filing.
145.5.	Form, content and filing.
145.6.	Scheduling of the hearing.
145.7.	Continuances.
145.8.	Conduct of the formal hearing.
145.9.	Purpose of the hearing.
145.10.	Stenographic record.
145.11.	Order of formal hearing.
145.12.	Hearing authority.
145.13.	Decision of the Director or Commission.
145.14.	Transcripts.

§ 145.1. Purpose and scope.

(a) A complaint or a request for a hearing presented to the Commission within one of the following categories shall be governed by this chapter:

(1) A complaint involving a final order, decree, decision, determination or ruling by the Commission affecting personal or property rights, privileges, immunities, duties, liabilities or obligations or a party to a Commission proceeding who deems himself adversely affected by Commission action. Excluded from this category are orders based upon a proceeding before a court of law and orders which involve the seizure or forfeiture of property.

(2) A request for a hearing by a person whose hunting or furtaking privileges, or both, have been revoked under section 2741 of the act (relating to denial or revocation of licenses).

(3) A request for a hearing by a person whose response to an order to show cause does not raise issues requiring a hearing or further proceedings.

(b) Except where inconsistent with this chapter, appeals shall be governed by 1 Pa. Code Part II (relating to general rules of administrative practice and procedure).

(c) Matters relating to personnel actions and procedural matters relating to promulgation of regulations are excluded from this chapter.

Authority

The provisions of this § 145.1 amended under the act of June 3, 1937 (P. L. 1225, No. 316) (34 P. S. §§ 1311.101—1311.1502) (Repealed); and 34 Pa.C.S. §§ 101—2965.

Source

The provisions of this § 145.1 adopted July 10, 1981, effective July 11, 1981, 11 Pa.B. 2496; amended June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial pages (104975) to (104976).

Cross References

This section cited in 58 Pa. Code § 145.3 (relating to request for a hearing).

§ 145.2. Definitions.

(a) The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Adverse action—An action or a decision not to act which directly affects a respondent and with which a respondent disagrees.

Applicant—The party who makes or on whose behalf the applications are made.

Central office—The central office of the Commission.

Complainant—A person who complains of a Commission regulation or general order, or anything done or omitted in violation of a statute or other delegated authority administered by the Commission that directly affects that person's personal property rights.

Hearing—A proceeding where the relevant facts and applicable law will be heard and considered.

Hearing officer—A person designated by the Director to preside at hearings, take evidence and make factual and legal findings.

Party—The Commission, a complainant or a respondent.

Respondent—A party bringing an appeal, or a party against whom a complaint is brought.

(b) Subsection (a) supplements 1 Pa. Code § 31.3 (relating to definitions).

Authority

The provisions of this § 145.2 amended under the act of June 3, 1937 (P. L. 1225, No. 316) (34 P. S. §§ 1311.101—1311.1502) (Repealed); and 34 Pa.C.S. §§ 101—2965.

Source

The provisions of this § 145.2 adopted July 10, 1981, effective July 11, 1981, 11 Pa.B. 2496; amended February 21, 1986, effective February 22, 1986, 16 Pa.B. 527; amended June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial pages (104976) to (104977).

§ 145.3. Request for a hearing.

A request for a hearing may be made by a party applying for relief under § 145.1 (relating to purpose and scope).

Authority

The provisions of this § 145.3 amended under the act of June 3, 1937 (P. L. 1225, No. 316) (34 P. S. §§ 1311.101—1311.1502) (Repealed); and 34 Pa.C.S. §§ 101—2965.

Source

The provisions of this § 145.3 adopted July 10, 1981, effective July 11, 1981, 11 Pa.B. 2496; amended February 21, 1986, effective February 22, 1986, 16 Pa.B. 527; amended June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial pages (104977) to (104978).

§ 145.4. Time of filing.

(a) Requests for hearings shall be filed with the Director within 30 days following issuance of a notice of adverse action or central office recommended resolution.

(b) Subsection (a) supplements 1 Pa. Code § 31.11 (relating to timely filing required).

Authority

The provisions of this § 145.4 amended under the act of June 3, 1937 (P. L. 1225, No. 316) (34 P. S. §§ 1311.101—1311.1502) (Repealed); and 34 Pa.C.S. §§ 101—2965.

Source

The provisions of this § 145.4 adopted July 10, 1981, effective July 11, 1981, 11 Pa.B. 2496; amended February 21, 1986, effective February 22, 1986, 16 Pa.B. 527; amended June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial pages (104978) and (113261).

§ 145.5. Form, content and filing fee.

(a) Requests for hearings shall be in writing and captioned “Petition for review” and shall contain the following information:

- (1) The name, address and telephone number of the complainant.
- (2) The name, address and telephone number of the respondent.

(3) A concise statement of relevant facts and grounds on which the petition is based.

(4) The relief being sought.

(b) Requests for hearings shall be accompanied by a nonrefundable filing fee of \$35 in the form of a money order, certified check or bank cashier's check made payable to "Commonwealth of Pennsylvania."

(1) A filing fee shall be submitted by each individual requesting a hearing under § 145.1 (relating to purpose and scope). Hearings requested under § 145.21 (relating to Deputy Game Protector hearing procedure) are exempted from filing fees.

(2) A hearing will not be conducted, nor a request deemed filed, until the complete filing fees are received by the Commission in the form specified and within the time frame designated. If a filing fee is received after the time frame designated, or in a form not specified, the request for review will be deemed abandoned and dismissed. A filing fee received contrary to this section will be returned to the sender.

(c) Subsection (b) supplements 1 Pa. Code §§ 32.21 and 32.22 (relating to filing fees; and mode of payment fees).

Authority

The provisions of this § 145.5 amended under the act of June 3, 1937 (P. L. 1225, No. 316) (34 P. S. §§ 1311.101—1311.1502) (Repealed); and 34 Pa.C.S. §§ 101—2965.

Source

The provisions of this § 145.5 adopted July 10, 1981, effective July 11, 1981, 11 Pa.B. 2496; amended February 21, 1986, effective February 22, 1986, 16 Pa.B. 527; amended November 7, 1986, effective November 8, 1986, 16 Pa.B. 4406; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended October 27, 1995, effective October 28, 1995, 25 Pa.B. 4611. Immediately preceding text appears at serial page (118740).

§ 145.6. Scheduling of the hearing.

(a) Upon receipt of a petition for review, the Director will order a hearing officer to conduct the hearing.

(b) The hearing officer shall notify the parties of the date, time and location of the hearing. A minimum of 10 days between issuance of a hearing notice and the date of the hearing will be given to allow notification of parties and their representatives.

(c) Subsection (b) supplements 1 Pa. Code § 35.121 (relating to initiation of hearings).

Authority

The provisions of this § 145.6 amended under the act of June 3, 1937 (P. L. 1225, No. 316) (34 P. S. §§ 1311.101—1311.1502) (Repealed); and 34 Pa.C.S. §§ 101—2965.

Source

The provisions of this § 145.6 adopted July 10, 1981, effective July 11, 1981, 11 Pa.B. 2496; amended February 21, 1986, effective February 22, 1986, 16 Pa.B. 527; amended June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial pages (113261) to (113262).

§ 145.7. Continuances.

(a) Requests for continuances shall comply with the following:

(1) Hearings shall commence on the day and time scheduled. Continuances may not be granted by the hearing officer except in extraordinary circumstances.

(2) Requests for a continuance shall be in writing and delivered to the hearing officer and all parties or their attorneys.

(3) A party requesting a continuance shall first consult the opposing party to seek agreement to the request. The written request shall state whether the request is unopposed.

(4) Objections to a continuance shall be in writing and delivered to the hearing officer and all parties or their attorneys.

(b) If a respondent or respondent's representative fails to appear at the scheduled hearing without good cause, as determined by the hearing officer, the complaint shall be deemed abandoned and dismissed with prejudice.

(c) Subsection (a) supplements 1 Pa. Code § 31.15 (relating to extensions of time).

Authority

The provisions of this § 145.7 amended under the act of June 3, 1937 (P. L. 1225, No. 316) (34 P. S. §§ 1311.101—1311.1502) (Repealed); and 34 Pa.C.S. §§ 101—2965.

Source

The provisions of this § 145.7 adopted July 10, 1981, effective July 11, 1981, 11 Pa.B. 2496; amended February 21, 1986, effective February 22, 1986, 16 Pa.B. 527; amended June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial pages (113262) to (104981).

§ 145.8. Conduct of the formal hearing.

(a) Unless deemed in the best interest of the Commission by the Director or a designee, hearings shall be conducted at the central office.

(b) The hearing officer appointed by the Director shall preside at the hearing.

(c) Subsection (b) supplements 1 Pa. Code § 35.123 (relating to conduct of hearings).

Authority

The provisions of this § 145.8 amended under the act of June 3, 1937 (P. L. 1225, No. 316) (34 P. S. §§ 1311.101—1311.1502) (Repealed); and 34 Pa.C.S. §§ 101—2965.

Source

The provisions of this § 145.8 adopted February 21, 1986, effective February 22, 1986, 16 Pa.B. 527; corrected March 7, 1986, 16 Pa.B. 686; amended June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial page (104981).

§ 145.9. Purpose of the hearing.

- (a) Afford the respondent an opportunity to appear in person and present testimony, witnesses and documentary evidence relevant to the issue in question.
- (b) Afford the parties an opportunity to cross-examine the opposing party's witnesses.
- (c) Assure that documents and records presented or referred to during the course of the hearing are made part of the hearing transcript.

Authority

The provisions of this § 145.9 issued under the act of June 3, 1937 (P. L. 1225, No. 316) (34 P. S. §§ 1311.101—1311.1502) (Repealed); and 34 Pa.C.S. §§ 101—2965.

Source

The provisions of this § 145.9 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464.

§ 145.10. Stenographic record.

- (a) A stenographic record or electronic recording shall be made of the proceedings.
- (b) Subsection (a) supplements 1 Pa. Code § 35.131 (relating to recording of proceedings).

Authority

The provisions of this § 145.10 issued under the act of June 3, 1937 (P. L. 1225, No. 316) (34 P. S. §§ 1311.101—1311.1502) (Repealed); and 34 Pa.C.S. §§ 101—2965.

Source

The provisions of this § 145.10 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464.

§ 145.11. Order of formal hearing.

- (a) At the outset, the hearing officer shall state:
 - (1) The purpose of the hearing.
 - (2) The procedure the hearing will follow.
 - (3) The deciding authority.
 - (4) The manner in which the decision will be transmitted to the parties.
- (b) The hearing officer may ask each party to state the issue being contested.
- (c) The parties may present their case through witnesses or documentary evidence.
- (d) The hearing officer may question any witness to clarify the witness's testimony.

(e) When documentary evidence is introduced, the hearing officer may rely solely upon documents and reports introduced when satisfied as to their authenticity, relevancy and accuracy.

(f) The hearing officer shall give each party an opportunity to make a closing statement before terminating the hearing.

(g) The hearing may be recessed and continued to another date at the discretion of the hearing officer.

(h) Subsection (c) supplements 1 Pa. Code § 35.161 (relating to form and admissibility of evidence). Subsection (d) supplements 1 Pa. Code § 35.137 (relating to oral examination).

Authority

The provisions of this § 145.11 amended under the act of June 3, 1937 (P. L. 1225, No. 316) (34 P. S. §§ 1311.101—1311.1502) (Repealed); and 34 Pa.C.S. §§ 101—2965.

Source

The provisions of this § 145.11 adopted May 8, 1981, effective May 9, 1981, 11 Pa.B. 1577; amended February 21, 1986, effective February 22, 1986, 16 Pa.B. 527; amended June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial pages (104981) to (104982).

§ 145.12. Hearing authority.

(a) The hearing authority is the Director.

(b) It is the function of the hearing officer to do the following:

- (1) Determine the facts.
- (2) Determine the appropriate regulations that apply.
- (3) Interpret a regulation when the regulation is ambiguous.
- (4) Apply the law to the facts to determine the correct result.
- (5) Recommend that the Director adopt the result.

(6) The hearing officer's recommendation shall be submitted to the Director or a designee within 30 days of the conclusion of the hearing.

(c) Subsections (a) and (b) supplement 1 Pa. Code § 35.187 (relating to authority delegated to presiding officers).

Authority

The provisions of this § 145.12 issued under the act of June 3, 1937 (P. L. 1225, No. 316) (34 P. S. §§ 1311.101—1311.1502) (Repealed); and 34 Pa.C.S. §§ 101—2965.

Source

The provisions of this § 145.12 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464.

§ 145.13. Decision of the Director or Commission.

(a) Matters may be decided by the Director or, at the discretion of the Director, by the Commission. If a matter is decided by the Commission, action on the matter will be taken at a regular meeting or a special meeting of the Commission.

(b) After a recommendation has been proposed by the hearing officer, parties will not be afforded an opportunity to submit oral or written statements of their position to the Director or a designee.

(c) Findings of fact made by the hearing officer are not subject to reversal, but the Director or a designee may return the case to the hearing officer for further findings of fact.

(d) The Director or a designee will issue an Opinion and Order within 30 days of the conclusion of the hearing or at the Director's discretion, and submit it to the Commission at the earliest possible regular or special meeting.

(e) Copies of the opinion and order of the Director or action taken by the Commission will be sent to all parties.

Authority

The provisions of this § 145.13 issued under the act of June 3, 1937 (P. L. 1225, No. 316) (34 P. S. §§ 1311.101—1311.1502) (Repealed); and 34 Pa.C.S. §§ 101—2965.

Source

The provisions of this § 145.13 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464.

Notes of Decisions

The due process rights of hunters whose licenses were revoked was violated where the hearing officers acted as both judge and prosecutor at the hearing and the Commission's acceptance of the hearing officer's recommendation created an appearance of bias. *Marich v. Game Commission*, 639 A.2d 1345 (Pa. Cmwlth. 1994).

The Executive Director of the Commission has the authority to review a hearing officer's recommendation but does not have the authority to affirm or reverse a Commission decision to revoke a hunting license. [Court cited former § 145.7.] *Pfingstl v. Game Commission*, 531 A.2d 821, 833 (Pa. Cmwlth. 1987); appeal denied 542 A.2d 1373 (Pa. 1988).

§ 145.14. Transcripts.

(a) A respondent requesting copies or causing the record to be reproduced by appeal to Commonwealth Court or for another reason shall be responsible for the transcription costs. Transcripts may be received upon payment of the following fixed fees:

(1) Original transcripts—\$80 plus \$2.25 per page.

(2) Additional copies of the transcript—\$10 plus 25¢ per page.

(b) Subsection (a) supplements 1 Pa. Code § 35.133 (relating to copies of transcripts).

Authority

The provisions of this § 145.14 issued under the act of June 3, 1937 (P. L. 1225, No. 316) (34 P. S. §§ 1311.101—1311.1502) (Repealed); and 34 Pa.C.S. §§ 101—2965.

Source

The provisions of this § 145.14 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464.

Subchapter B. SPECIAL HEARING PROCEDURES

Sec.

145.21. Deputy wildlife conservation officer hearing procedure.

§ 145.21. Deputy wildlife conservation officer hearing procedure.

(a) Deputy wildlife conservation officers will not be dismissed from Commission service without first being granted an opportunity for a hearing, unless the hearing is waived by the Deputy whose dismissal is proposed.

(b) A Deputy wildlife conservation officer who is suspended and recommended for dismissal on the grounds of negligence, disregard of duties, conduct unbecoming an officer, unsatisfactory work or indiscreet act will be cited for a hearing and dismissal on the grounds of inefficiency, indiscretion or insubordination.

(c) Charges against a Deputy wildlife conservation officer for reason of negligence, disregard of duties, conduct unbecoming an officer, unsatisfactory work or indiscreet act may be brought by a superior officer, in writing, and filed with the Director.

(d) When charges are filed, the Director will promptly transmit a copy of the written charges to the Deputy, with notice the Deputy may file a written answer. A hearing shall be requested within 30 days from the date the charges are mailed to the Deputy. If no written request for a hearing is received within the 30-day period, the Deputy's commission will be recalled and the Deputy will be dismissed.

(e) If a hearing is requested, the Director will appoint a member of the staff as hearing officer to hear the charges. Hearings conducted under this subchapter are considered disciplinary matters and will be closed to the public.

(f) The hearing officer will give written notice to the Deputy charged of the hearing time, including notice that he may appear in person, with or without counsel, and that he and his witnesses will be heard. Hearings will be held at the central office of the Commission, except when deemed in the best interest of the Commission by the hearing officer.

(g) The hearing officer is not required to follow technical rules of evidence or court procedure.

(h) At the conclusion of the hearing, the hearing officer will make findings and conclusions, including a recommendation for dismissal or reinstatement of the person charged, and certify the same to the Director.

(i) The Director will review the findings of the hearing officer and decide the matter within 30 days of the hearing's conclusion.

Authority

The provisions of this § 145.21 issued under The Game Law (34 P. S. § 1311.101—1311.1502) (Repealed); and the Game and Wildlife Code, 34 Pa.C.S. §§ 101—2965.

Source

The provisions of this § 145.21 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended February 26, 1999, effective February 27, 1999, 29 Pa.B. 1071. Immediately preceding text appears at serial page (202807).

[Next page is 147-1.]

CHAPTER 147. SPECIAL PERMITS

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Cross References

This chapter cited in 58 Pa. Code § 137.1 (relating to importation, sale and release of certain wildlife).

Subchapter A. GENERAL PROVISIONS

Sec.	
147.1.	Scope.
147.2.	General.
147.3.	Reinspection fee.
147.4.	Penal provisions.

§ 147.1. Scope.

(a) This chapter regulates the activities of persons who apply for, receive or conduct activities under the authority of a permit issued under the act or this part and of persons who are excluded from basic permit requirements under section 2965 of the act (relating to exclusions), but who shall comply with animal care and public safety requirements of the act and this part.

(b) A holder of a permit shall keep a record of transactions on a form provided by the Commission in accordance with the instructions provided. A permittee shall answer, without evasion, questions that may be asked by a representative or officer of the Commission relative to ownership of a bird or mammal or part thereof, found in the permittee's possession or under the permittee's control, or which has passed through the permittee's hands.

Source

The provisions of this § 147.1 adopted June 17, 1983, effective June 18, 1983, 13 Pa.B. 1944; amended November 23, 1984, effective November 24, 1984, 14 Pa.B. 4285; amended June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended March 25, 1994, effective March 26, 1994, 24 Pa.B. 1582; amended March 13, 1998, effective March 14, 1998, 28 Pa.B. 1316. Immediately preceding text appears at serial pages (236623) to (236624).

Notes of Decisions*Constitutionality*

A summary judgment based on qualified immunity was improvidently granted in favor of an officer and his co-defendants, who were all officers or officials of the Pennsylvania Game Commission, because an objectively reasonable law enforcement officer in the defendant's position would know that searches such as the warrantless home and business search made in this case may only be carried out under a properly executed warrant. *Showers v. Spangler*, 182 F.2d 165 (3d Cir. Pa. 1999); affirmed in part reversed in part 182 F.165 (1999).

Officers of the Game Commission are still entitled to qualified immunity for their conduct during an inspection conducted pursuant to this regulation; despite the fact that the premises inspection provisions of this regulation are inconsistent with the inspection language of the authorizing statute, which render the regulation language invalid; despite the fact that this regulation fails to limit the inspecting officer's discretion through careful limitations of place and scope, rendering it unconstitutional, and; despite the fact that the inspection more closely resembled a search than an inspection. *Showers v. Spangler*, 957 F. Supp. 584 (M. D. Pa. 1997).

Search and Seizure

This regulation is insufficient to grant officers of the Pennsylvania Game Commission the type of sweeping search power the defendant/officer claims (a search for criminal physical evidence and not an inspection of a taxidermist's records), where, at best, the regulation confers a limited power to search the transaction records of permittees—albeit under all too generous terms of time (on demand) and place (the premises). *Showers v. Spangler*, 182 F.3d 165 (3d Cir. 1999).

§ 147.2. General.

(a) In addition to definitions in sections 102 and 2961 of the act (relating to definitions), the following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Exotic wildlife—Members of the family Felidae except those species commonly called house cats and members of the family Canidae except those licensed by the Department of Agriculture.

Field trial/hunt test—A club, group or organization of ten or more dog owners/handlers participating in the actual performance of sporting dogs in one of the following events advertised and registered with AKC, UKC, NAHRA or the NAVHDA:

- (i) Member trial.
- (ii) Licensed trial.
- (iii) Sanctioned trial.

Nationally recognized circus—A large public entertainment, typically presented in one or more very large tents or in an outdoor or indoor arena, featuring a number of acts including exhibitions of pageantry, feats of skill and dar-

ing, performing animals and clowns and performing on a regular basis throughout, at a minimum, a region of the United States.

Propagate—Causing game or wildlife to reproduce under captive conditions.

Zoological park or garden—A park-like arena in which live animals are kept in cages or large enclosures for public exhibition.

(b) The following letter symbols, when used in this chapter, have the following meanings:

H—Height.

L—Length.

W—Width.

(c) Persons desiring to be formally recognized by the Commission as being within the exclusions provided in section 2965 of the act (relating to exclusions) shall apply to the Commission in writing and furnish the following information:

(1) *Public zoological garden*. Evidence of having received during the past calendar year a government grant or appropriation.

(2) *Private zoological park or garden*. Evidence of accreditation by the American Association of Zoological Parks and Aquariums.

(3) *Nationally recognized circus*. A list of acts or displays included in the circus together with a current itinerary of performance dates and locations.

(d) Applications for permits issued under this part and Chapter 29 of the act (relating to special licenses and permits) shall be accompanied by written documentation from the applicant's local governmental body where the activity will take place, that the privilege granted by the permit does not violate any enacted zoning, ordinance or other local rule. Documentation shall be provided in writing by official correspondence from an authorized officer of the municipality involved.

Authority

The provisions of this § 147.2 amended under 34 Pa.C.S. § 2901.

Source

The provisions of this § 147.2 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended May 29, 1992, effective July 1, 1992, 22 Pa.B. 2839; amended March 25, 1994, effective March 26, 1994, 24 Pa.B. 1582; amended March 13, 1998, effective March 14, 1998, 28 Pa.B. 1316; amended December 3, 1999, effective December 4, 1999, 29 Pa.B. 6112. Immediately preceding text appears at serial pages (242884) to (242885).

§ 147.3. Reinspection fee.

If equipment or a facility fails to meet the standards required in this chapter, a fee of \$50 will be charged for a subsequent inspection.

Source

The provisions of this § 147.3 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464.

§ 147.4. Penal provisions.

A person who fails or neglects to conform with this chapter, or violates a provision of this chapter, is subject to penalties in the act. Each infraction constitutes a separate offense.

Source

The provisions of this § 147.4 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464.

Subchapter B. BIRD BANDING

Sec.
147.21. General.

§ 147.21. General.

(a) When conducting activities granted by a bird banding permit, it is unlawful to fail or neglect to:

- (1) Transfer injured birds to a licensed rehabilitator or dispose of the bird as directed by an officer of the Commission.
- (2) Report dead birds to an officer of the Commission within 72 hours for disposition as directed.
- (3) Mark a trap, net or device with the bander's name, address and permit number.
- (4) Release birds as soon as they have been identified and banded and the required data is recorded.
- (5) Remove birds from the trapping site except as provided in paragraphs (1) and (2).

(b) Bird banding permits may be issued to a nonresident of this Commonwealth.

Source

The provisions of this § 147.21 adopted June 17, 1983, effective June 18, 1983, 13 Pa.B. 1944; amended June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial pages (104984) to (104985).

Subchapter C. COLLECTING

Sec.
147.41. General.

§ 147.41. General.

When conducting activities granted by a collecting permit, it is unlawful to fail or neglect to:

- (1) Mark a trap or device with the permittee's name, address and permit number.

(2) Transfer injured, nontargeted wildlife to a licensed rehabilitator or a Commission officer for disposition.

(3) Report dead nontarget wildlife within 72 hours to a Commission officer for disposition.

Source

The provisions of this § 147.41 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464.

Subchapter D. DISABLED PERSONS

Sec.

147.61. Permits for certain disabled persons to use a vehicle.

§ 147.61. Permits for certain disabled persons to use a vehicle.

When exercising the privileges granted by a permit issued under authority of section 2923(a) of the act (relating to disabled person permits), it is unlawful to fail or neglect to comply with the following:

(1) If the firearm is loaded, the vehicle shall be off the right-of-way of a public highway and shall be at a complete stop with the motor turned off.

(2) No more than one firearm may be loaded in either chamber or magazine at one time.

(3) Only the permittee may discharge the firearm.

(4) Other provisions of the act and this part, including license requirements, that apply to hunting in general apply to hunting under this permit.

(5) This permit is subject to Federal regulations which prohibit taking migratory game birds—waterfowl, woodcock, snipe, rails, doves and gallinules—from or by use of a sinkbox, motor-driven conveyance, motor vehicle or aircraft.

(6) This permit does not authorize possession of a pistol or revolver contrary to 18 Pa.C.S. §§ 101—9183 (relating to the Crimes Code).

(7) This permit is valid to hunt only during established hunting hours.

Source

The provisions of this § 147.61 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464.

Subchapter E. ENDANGERED OR THREATENED SPECIES

Sec.

147.81. Scope.

§ 147.81. Scope.

(a) The permit will only be issued if it can be established that the possession of the endangered species will enhance the species as a whole.

(b) It is unlawful to fail or neglect to follow instructions or directions given on the permit.

Source

The provisions of this § 147.81 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464.

Subchapter F. FALCONRY

Sec.

- 147.101. Definitions.
- 147.102. Application, examination and fees.
- 147.103. Classes.
- 147.104. Shelter, care and protection.
- 147.105. [Reserved].
- 147.105a. Resident falconers.
- 147.106. [Reserved].
- 147.106a. Nonresident falconers.
- 147.107. [Reserved].
- 147.107a. Marking of certain raptors.
- 147.108. [Reserved].
- 147.108a. Reporting requirements.
- 147.109. [Reserved].
- 147.109a. Hunting and training with raptors.
- 147.110. [Reserved].
- 147.110a. [Reserved].
- 147.110b. Educational use of raptors.
- 147.111. [Reserved].
- 147.111a. Additional requirements for permittee.
- 147.111b. Arctic Peregrine Falcon limited take special permit.
- 147.112. [Reserved].
- 147.112a. Violations.
- 147.113. [Reserved].
- 147.114. [Reserved].

§ 147.101. Definitions.

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

Allowable take—The total number of Arctic Peregrine Falcons authorized by the United States Fish and Wildlife Service to be taken from the wild within this Commonwealth during a given permit year.

Bate—Attempt to fly.

Eyas—A young bird not yet capable of flight.

Facilities—Equipment and shelters necessary to protect and train raptors.

Falconry—The wild capture, husbandry and training of raptors for the pursuit of wildlife, and the hunting of wildlife with raptors.

Hacking—The controlled release of a raptor to the wild.

Hybrid—Any bird that results from a cross of genetic material between two separate taxa when one or both are listed in 50 CFR 10.13 (relating to list of migratory birds) and any progeny of those birds.

Imprint—For the purposes of falconry, a bird that is hand-raised in isolation from the sight of other raptors until it has fledged. An imprinted bird is considered to be so for its entire lifetime.

Nestlings or eyases—Young raptors not yet capable of flight.

Passage birds—

(i) Raptors in their first year of life, postfledging and possessing no more than two adult feathers.

(ii) A Golden Eagle taken as a juvenile must possess at least one sub-adult feather when it is taken from the wild.

Raptors—Live migratory birds of the order *Falconiformes* or the order *Strigiformes* including the Bald Eagle—*Haliaeetus leucocephalus*—and the Golden Eagle—*Aquila chrysaetos*, wherever its place of origin, whether or not raised in captivity or a hybrid of those species.

Sponsor—The holder of a general or master falconry permit with at least 2 years experience as a general class falconer, who has accepted the responsibility for the conduct and training of an apprentice falconer.

Take—In addition to the definition in section 102 of the act (relating to definitions), the term also includes the purchase or acquisition of a raptor for the purpose of falconry.

Transfer—The term includes barter, sale, purchase, loan or gift, of a raptor excluding the temporary holding as provided in this subchapter.

Authority

The provisions of this § 147.101 amended under the Game and Wildlife Code, 34 Pa.C.S. §§ 322(c)(8), 2102(a) and 2901(b).

Source

The provisions of this § 147.101 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended March 10, 1989, effective March 11, 1989, 19 Pa.B. 1020; amended November 27, 2009, effective January 1, 2010, 39 Pa.B. 6760; amended November 12, 2010, effective November 13, 2010, 40 Pa.B. 6519; amended November 7, 2014, effective November 8, 2014, 44 Pa.B. 7056; amended March 20, 2015, effective March 21, 2015, 45 Pa.B. 1363. Immediately preceding text appears at serial pages (375070) to (375071).

§ 147.102. Application, examination and fees.

(a) *Application.* Applications for falconry permits issued under this subchapter shall be made through the regional office on the appropriate form provided by the Commission.

(1) Applications will only be accepted from persons who possess a valid hunting license or qualify for license and fee exemptions under section 2706 of the act (relating to license and fee exemptions).

(2) Applications must include the name, address and telephone number of the applicant, a photocopy of the applicant's valid Pennsylvania hunting license and a nonrefundable examination fee of \$25.

(3) An applicant who is 17 years of age or younger is additionally required to have a parent or legal guardian co-sign the application and assume legal responsibility for the applicant's falconry activities.

(b) *Examination.*

(1) New applicants shall pass a supervised examination with a minimum grade of 80%.

(2) Examinations must cover the following subjects:

- (i) Laws and regulations.
- (ii) Raptor biology and raptor identification.
- (iii) Trapping methods.
- (iv) Facilities requirements.
- (v) Care of raptors held for falconry.
- (vi) Disease and health problems of raptors.
- (vii) Training methods.

(3) Examinations will be administered by the Commission at each regional office throughout the permit year. An applicant shall schedule the examination with regional personnel in advance.

(c) *Validation.* A new applicant's falconry permit is validated at the apprentice class only upon passage of the supervised examination, passage of facility inspection, and payment of the falconry permit fee set forth in section 2904 of the act (relating to permit fees).

(d) *Lapsed permit.* A falconer whose permit lapses for 2 or more years shall apply as a new applicant.

Authority

The provisions of this § 147.102 amended under the Game and Wildlife Code, 34 Pa.C.S. §§ 2102(a) and 2901(b).

Source

The provisions of this § 147.102 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended August 24, 1990, effective September 24, 1990, 20 Pa.B. 4488; amended June 16, 2006, effective June 17, 2006, 36 Pa.B. 2978; amended November 27, 2009, effective January 1, 2010, 39 Pa.B. 6760; amended March 23, 2018, effective March 24, 2018, 48 Pa.B. 1680. Immediately preceding text appears at serial pages (376475) to (376476).

§ 147.103. Classes.

(a) *Apprentice.* Permittees of the apprentice class shall be subject to the following requirements and limitations:

- (1) Permittees shall be 12 years of age or older.
- (2) Permittees shall be sponsored, at all times, by a Pennsylvania general or master class falconry permit holder who has at least 2 years experience as a general class falconer. If a permittee's sponsorship is withdrawn or lost for any reason, the permittee shall provide written notification of the loss to the Commission within 5 days and shall be required to replace the sponsorship within 15 days.
- (3) A first year permittee of this class may take and possess only one raptor with no replacement during the first permit year. Other permittees of this class may take and possess only one raptor with only one replacement during each permit year.
- (4) Permittees are limited to taking and possessing only wild passage (no eyases) raptors of the following species:
 - (i) American Kestrel (*Falco sparverius*).
 - (ii) Red-tailed Hawk (*Buteo jamaicensis*).

(5) Permittees are required to trap their first passage raptor under the direct supervision of a Pennsylvania general or master class falconry permit holder.

(b) *General*. Permittees of the general class shall be subject to the following requirements and limitations:

(1) Permittees shall be 16 years of age or older.

(2) General class permit applicants shall have maintained their apprentice class permit status in good standing for a minimum of 2 years and during that period shall have maintained a raptor for a minimum of 12 months. An application to advance to the general class shall be accompanied by a written letter of recommendation from the permittee's sponsor representing that the permittee possesses the competency and skills necessary to become a member of the general class.

(3) A first year permittee of this class may take only one additional raptor and possess up to a total of two raptors with only one replacement during the first permit year. Other permittees of this class may possess up to a total of three raptors with two replacements during each permit year. Captive-bred and hybrid raptors shall be included in these quota limits.

(4) Except as further limited under § 147.109a (relating to hunting and training with raptors), permittees are authorized to take and possess any wild passage or eyas raptors except the following species:

- (i) Golden Eagle (*Aquila chrysaetos*).
- (ii) Bald Eagle (*Haliaeetus leucocephalus*).
- (iii) White-tailed Eagle (*Haliaeetus albicilla*).
- (iv) Steller's Sea-eagle (*Haliaeetus pelagicus*).
- (v) Other raptor species listed or classified as threatened or endangered by the United States Department of Interior or the Commission.

(c) *Master*. Permittees of the master class shall be subject to the following requirements and limitations:

(1) Permittees shall be 23 years of age or older.

(2) Master class permit applicants shall have maintained their general class permit in good standing for a minimum of 5 years and during that period shall have maintained a raptor for a minimum of 3 years.

(3) A first year permittee of this class may take only one additional raptor and possess up to a total of four raptors with only one replacement during the first permit year. Other permittees of this class may each possess a total of five raptors with two replacements during each permit year. Hybrid raptors shall be included in these quota limits. Captive-bred raptors not defined as hybrid will not be included in these quota limits.

(4) Except as otherwise provided under § 147.109a and paragraph (5), permittees are authorized to take and possess any wild passage or eyas raptors except the following species:

- (i) Golden Eagle (*Aquila chrysaetos*).
- (ii) Bald Eagle (*Haliaeetus leucocephalus*).

- (iii) White-tailed Eagle (*Haliaeetus albicilla*).
 - (iv) Steller's Sea-eagle (*Haliaeetus pelagicus*).
 - (v) Other raptor species listed or classified as threatened or endangered by the United States Department of Interior or the Commission, unless authorized in writing by the United States Department of Interior or the Commission, or both, to possess up to a maximum of one threatened or endangered raptor as part of their total possession allowance.
- (5) Upon additional written authorization provided by the Commission, permittees may possess up to a maximum of three eagles, regardless of captive-bred or wild caught, limited to golden eagles, white-tailed eagles, Steller's sea-eagles or any other eagle not covered by the Migratory Bird Treaty Act (16 U.S.C.A. §§ 703—712), as part of their total possession allowance. An application to possess eligible eagles shall be accompanied by two written letters of recommendation from persons with experience handling or flying large raptors, such as eagles, ferruginous hawks (*Buteo regalis*), goshawks (*Accipiter gentilis*) or great horned owls (*Bubo virginianus*). Each letter of reference must contain a concise history of the author's experience with large raptors and an explicit representation that the permittee possesses the competency and skills necessary to possess eagles.

Authority

The provisions of this § 147.103 amended under 34 Pa.C.S. §§ 2102(a) and 2901(b).

Source

The provisions of this § 147.103 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended June 6, 1997, effective June 7, 1997, 27 Pa.B. 2743; amended May 28, 2004, effective May 29, 2004, 34 Pa.B. 2927; amended November 27, 2009, effective January 1, 2010, 39 Pa.B. 6760; amended November 12, 2010, effective November 13, 2010, 40 Pa.B. 6519; amended November 7, 2014, effective November 8, 2014, 44 Pa.B. 7056; amended October 25, 2024, effective October 26, 2024, 54 Pa.B. 6708. Immediately preceding text appears at serial pages (390842) and (375073) to (375074).

§ 147.104. Shelter, care and protection.

(a) *Housing.* Any raptor possessed under a falconry permit shall be housed in a permanent indoor or outdoor facility that provides humane and healthful living conditions, including suitable protection from the environment, predators and disturbance.

(1) *Size.* Housing facilities must be large enough to afford the permittee easy access to provide for the care and feeding of raptors housed within. Each raptor must have an area large enough to allow it to fly if it is untethered or, if tethered, to fully extend its wings and bate without damaging its feathers or contacting other raptors.

(2) *Containment.* Housing facilities must be totally enclosed and of a design, strength, quality and condition to provide for the adequate containment of any raptor housed within and exclusion of any predators from without. If two or more raptors are housed in the same housing facilities, each raptor shall be separated from other raptors by partitioning walls or suitable tethering. Compatible raptors may be housed together.

(3) *Protection.* Housing facilities must provide areas of refuge that provide adequate protection from excessive sun, wind, inclement weather and disturbance to any raptor housed within.

(4) *Perches.* Housing facilities must provide a suitable perch for each raptor housed within.

(5) *Sunlight.* Housing facilities must provide at least one opening or window to permit the admission of sunlight. The opening or window must be protected on the inside with visible bars spaced narrower than the width of the raptor's body to deter in flight impacts.

(6) *Cleaning and drainage.* Housing facilities must be of a design and condition to permit easy cleaning and adequate drainage.

(7) *Transportation.* Raptors may be transported to and from their permanent or temporary housing facilities provided they have a suitable perch and protection from extreme temperatures, wind and excessive disturbance.

(8) *Temporary housing.* Raptors may be housed outside of their permanent housing facilities, provided they have a suitable perch and protection from extreme temperatures, wind and excessive disturbance for a period not to exceed 30 days without additional authorization from the Commission. Permittees are required to notify the district wildlife conservation officer within 5 days of the commencement of use of a temporary housing facility.

(b) *Equipment.* Permittees shall possess the following equipment suitable for the maintenance of raptors:

(1) *Jesses.* At least one pair of Aylmeri jesses or jesses of similar type or design and constructed of pliable, high quality leather or suitable synthetic material for use when free flying the raptor. Traditional one piece jesses may only be used for hunting or free flight if they do not have slits.

(2) *Leashes and swivels.* At least one flexible weather resistant leash and one strong swivel.

(3) *Bath container.* At least one suitable container accessible to each raptor for drinking and bathing purposes. The container must be 2 to 6 inches deep and wider than the length of the raptor.

(4) *Outdoor perches.* At least one suitable weathering area perch for each raptor.

(5) *Weighing device.* A reliable scale or balance suitable for weighing raptors. The device must be graduated in increments of not more than 1/2 ounce or 15 grams.

(c) *Maintenance, care and sanitation.* Permittees shall maintain all raptors and their attendant housing facilities in a safe, sanitary and humane condition.

(1) *Food.* Permittees shall provide each raptor with adequate supplies of palatable, uncontaminated and nutritionally adequate food suitable to ensuring the normal health and maintenance of raptors.

(2) *Water.* Permittees shall provide each raptor with adequate supplies of fresh, uncontaminated water that is available at all times.

(3) *Waste.* Permittees shall remove fecal, food and other waste from housing facilities as needed.

(4) *Care.* Permittees shall provide any necessary health care or seek care through a licensed veterinarian or wildlife rehabilitator for any sick or injured raptor.

(d) *Inspection.* A permittee's raptors, housing facilities, equipment and records are subject to inspection by the Commission during normal business hours on any day of the week. All housing, equipment, maintenance, care and sanitation conditions are subject to the initial and ongoing approval of the Commission. Any required modifications shall be completed within 30 days after official oral or written notice of deficiency received from the Commission.

Authority

The provisions of this § 147.104 issued under the act of June 3, 1937 (P. L. 1225, No. 316) (34 P. S. §§ 1311.101—1311.1502) (Repealed); and 34 Pa.C.S. §§ 101—2965; amended under the Game and Wildlife Code, 34 Pa.C.S. §§ 2102(a) and 2901(b).

Source

The provisions of this § 147.104 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended March 10, 1989, effective March 11, 1989, 19 Pa.B. 1020; amended November 27, 2009, effective January 1, 2010, 39 Pa.B. 6760. Immediately preceding text appears at serial pages (319748) to (319749).

Cross References

This section cited in 58 Pa. Code § 147.106a (relating to nonresident falconers).

§ 147.105. [Reserved].

Source

The provisions of this § 147.105 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; reserved November 27, 2009, effective January 1, 2010, 39 Pa.B. 6760. Immediately preceding text appears at serial pages (319749) to (319750).

§ 147.105a. Resident falconers.

Taking restrictions for resident falconers are as follows:

- (1) A valid falconry permit is required prior to obtaining a raptor.
- (2) Eyases may only be taken by a General or Master falconer. No more than two wild eyases may be taken by a permittee per permit year. A permittee may not take the last remaining eyas from the nest.
- (3) A raptor, other than an endangered or threatened species, taken under a depredation permit or rehabilitated by a licensed rehabilitator determined to be unfit for return to the wild, may, with written authorization of the Commission, be used by falconers as long as they do not exceed limits set by its classification and this subchapter.

(4) A bal-chatri type live trap, other live traps and nets may be used to take raptors if they are used in a manner that minimizes the danger of injuring the raptor.

(5) Owners of escaped raptors that are banded as required by § 147.107a (relating to marking of certain raptors) may recapture the banded raptors.

(6) Permittees may take no more than two raptors from the wild during any given permit year for replacement or other purposes regardless of their permit quota allowances.

Authority

The provisions of this § 147.105a issued under the Game and Wildlife Code, 34 Pa.C.S. §§ 2102(a) and 2901(b).

Source

The provisions of this § 147.105a adopted November 27, 2009, effective January 1, 2010, 39 Pa.B. 6760.

Cross References

This section cited in 58 Pa. Code § 147.106a (relating to nonresident falconers); and 58 Pa. Code § 147.111b (relating to Arctic Peregrine Falcon limited take special permit).

§ 147.106. {Reserved}.

Source

The provisions of this § 147.106 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; reserved November 27, 2009, effective January 1, 2010, 39 Pa.B. 6760. Immediately preceding text appears at serial page (319750).

§ 147.106a. Nonresident falconers.

(a) *Temporary importation.* A nonresident may temporarily import raptors into this Commonwealth for the purpose of attending a falconry meeting or to hunt, provided the possession and importation of the raptors is in compliance with all applicable Federal and State laws and regulations. The temporary importation may not exceed 30 days without additional authorization from the Commission.

(b) *Permanent importation.* A nonresident who moves into this Commonwealth for the purpose of becoming a resident may permanently import raptors into this Commonwealth provided the following conditions are met:

(1) Possession and importation of the raptors is otherwise in compliance with applicable State and Federal laws and regulations.

(2) Establishes permanent housing facilities for the raptors that meet or exceed the requirements of § 147.104 (relating to shelter, care and protection) within 30 days of importation.

(3) Obtain a Pennsylvania falconry permit no later than 60 days after relocation into this Commonwealth. A relocating nonresident is eligible to receive a Pennsylvania falconry permit of the same or equivalent classification. The

falconry permit issued by the former state of residence will be deemed the nonresident's temporary authority to possess and exercise imported raptors until the Pennsylvania permit is issued. This temporary authority may not be construed to permit the taking of additional raptors from the wild in this Commonwealth.

(c) *Taking restriction.* Taking restrictions for nonresidents are as follows:

(1) A nonresident permittee possessing a current and active falconry permit in the General or Master classification in a state listed in 50 CFR 21.29(k) (relating to Federal falconry standards), may apply for a special permit to take one raptor from the wild in this Commonwealth if the home state of the applicant allows the taking of raptors by nonresidents.

(2) The fee for a permit to take a raptor is \$100 and is not refundable.

(3) Applications for this permit shall be submitted directly to the Bureau of Wildlife Protection with the applicant's name, address, telephone number, date of birth, and the species desired and whether a nestling (eyas) or passage bird is requested. Copies of the applicant's current state or Federal, or both, falconry permit along with a valid import permit or letter from the applicant's home state authorizing the import of the raptor being requested shall accompany the application. A certified check or money order in the amount of \$100 payable to "Pennsylvania Game Commission" must accompany the application.

(4) Periods for taking raptors as authorized under a nonresident take permit are May 8 to July 15, inclusive for nestling (eyas) birds, or September 19 to December 31, inclusive for passage birds.

(5) A permittee may not take the last remaining nestling-eyas from a nest.

(6) The number of permits issued annually will not exceed:

<i>Number</i>	<i>Type</i>
5	Nestling (Eyas)
15	Passage

(7) Eyas Goshawk birds may not be taken.

(8) Permits will be issued under a first-come-first-served basis until the annual allocation is exhausted.

(9) The acquisition of a raptor taken from the wild as authorized by the take permit shall be reported to the United States Fish and Wildlife Service by completing a Form 3-186A (Migratory Bird Acquisition and Disposition Report) and forwarding a copy to the Bureau of Wildlife Protection within 5 days.

(10) Raptors taken under the authority of this permit shall be used for falconry purposes only.

(11) Raptors taken under the authority of this permit may only be captured by devices authorized under § 147.105a(4) (relating to resident falconers).

Authority

The provisions of this § 147.106a issued under the Game and Wildlife Code, 34 Pa.C.S. §§ 2102(a) and 2901(b); amended under the Game and Wildlife Code, 34 Pa.C.S. § 2901(b).

Source

The provisions of this § 147.106a adopted November 27, 2009, effective January 1, 2010, 39 Pa.B. 6760; amended August 25, 2017, effective August 26, 2017, 47 Pa.B. 4983. Immediately preceding text appears at serial pages (376479) to (376480) and (346723).

§ 147.107. [Reserved].**Source**

The provisions of this § 147.107 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; reserved November 27, 2009, effective January 1, 2010, 39 Pa.B. 6760. Immediately preceding text appears at serial page (319750).

§ 147.107a. Marking of certain raptors.

(a) *Banding.* Raptors used for falconry purposes shall be banded as follows:

(1) *Wildlife raptors.* The following raptors taken from the wild shall be marked immediately upon capture by a permanent, numbered, nonreusable band supplied by the Commission:

- (i) Peregrine Falcons (*Falco peregrinus*).
- (ii) Goshawks (*Accipiter gentilis*).
- (iii) Gryfalcons (*Falco rusticolus*).
- (iv) Harris's Hawks (*Parabuteo unicinctus*).

(2) *Captive bred and hybrid raptors.* Captive bred and hybrid raptors shall be marked immediately upon acquisition by a seamless numbered band supplied by the Commission.

(b) *Replacement bands.* Any band required under subsection (a) that becomes mutilated, illegible or lost shall be replaced with a permanent, numbered, nonreusable band supplied by the Commission. Permittees shall report any damage or loss requiring replacement to the Bureau of Wildlife Protection within 72 hours of the damage to or loss of the band. A mutilated or illegible band shall be returned to the Commission prior to replacement.

(c) *Return of unused bands.* Permittees shall return any unused bands in their possession by June 30 to the Bureau of Wildlife Protection.

(d) *Radio transmitters.* Permittees shall attach two radio transmitters on any hybrid raptor that is flown for falconry purposes or for a falconry demonstration.

(e) *Unlawful acts.* It is unlawful for any person to transfer, alter or deface a lawfully issued band or to use or possess a counterfeit band.

Authority

The provisions of this § 147.107a issued under the Game and Wildlife Code, 34 Pa.C.S. §§ 2102(a) and 2901(b).

Source

The provisions of this § 147.107a adopted November 27, 2009, effective January 1, 2010, 39 Pa.B. 6760.

Cross References

This section cited in 58 Pa. Code § 107.105a (relating to resident falconers).

§ 147.108. [Reserved].**Source**

The provisions of this § 147.108 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; reserved November 27, 2009, effective January 1, 2010, 39 Pa.B. 6760. Immediately preceding text appears at serial pages (319750) to (319751).

§ 147.108a. Reporting requirements.

(a) *Raptor acquisition, transfer or disposition report.* Permittees shall complete and submit a Form 3-186A (Migratory Bird Acquisition and Disposition Report) to the United States Fish and Wildlife Service and forward a copy to the Bureau of Wildlife Protection within 5 days for the following types of transactions or events:

- (1) The acquisition of a raptor taken from the wild or received by transfer from another person.
- (2) The loss of a raptor previously held through release, escape, theft or death.
- (3) The transfer of a raptor to another person.
- (4) The banding or rebanding of any raptor which requires banding.
- (5) The loss or removal of banding from any raptor that does not presently require banding.

(b) *Annual report.* Each permittee shall complete and submit an annual report to the Bureau of Wildlife Protection by July 31, on forms supplied by the Commission. The report must include an accurate accounting of all activities conducted under the authority of the permittee's falconry permit during the preceding permit year. Permittees shall complete and submit a similar report within 30 days of the termination of their permit.

Authority

The provisions of this § 147.108a issued under the Game and Wildlife Code, 34 Pa.C.S. §§ 2102(a) and 2901(b).

Source

The provisions of this § 147.108a adopted November 27, 2009, effective January 1, 2010, 39 Pa.B. 6760.

§ 147.109. [Reserved].**Source**

The provisions of this § 147.109 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended March 10, 1989, effective March 11, 1989, 19 Pa.B. 1020; amended August 24, 1990, effective September 24, 1990, 20 Pa.B. 4488; amended October 8, 1993, effective October 9, 1993, 23 Pa.B. 4793; amended February 26, 1999, effective February 27, 1999, 29 Pa.B. 1071; amended June 16, 2006, effective June 17, 2006, 36 Pa.B. 2978; reserved November 27, 2009, effective January 1, 2010, 39 Pa.B. 6760. Immediately preceding text appears at serial pages (319751) to (319752).

§ 147.109a. Hunting and training with raptors.

(a) Permittees may only hunt wildlife through the use of raptors in accordance with the requirements of the act and this part.

(b) Permittees may train raptors on propagated game birds during the period August 1 to March 31, inclusive, and are subject to the following conditions:

(1) Quarry shall be released either by hand or by means of electronic, spring or box holding devices.

(2) Game birds released shall be obtained from a licensed propagator.

(3) Released game birds which escape shall be considered wild birds, and no further attempt may be made to pursue them except during the open season for hunting small game.

(c) Permittees shall possess their hunting license and falconry permit on their person at all times while engaged in any raptor hunting or training activities.

Authority

The provisions of this § 147.109a issued under the Game and Wildlife Code, 34 Pa.C.S. §§ 2102(a) and 2901(b).

Source

The provisions of this § 147.109a adopted November 27, 2009, effective January 1, 2010, 39 Pa.B. 6760.

Cross References

This section cited in § 147.103 (relating to classes).

§ 147.110. [Reserved].**Source**

The provisions of this § 147.110 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended August 24, 1990, effective September 24, 1990, 20 Pa.B. 4488; reserved November 27, 2009, effective January 1, 2010, 39 Pa.B. 6760. Immediately preceding text appears at serial pages (319752) and (253865).

§ 147.110a. [Reserved].**Source**

The provisions of this § 147.110a adopted August 24, 1990, effective September 24, 1990, 20 Pa.B. 4488; reserved November 27, 2009, effective January 1, 2010, 39 Pa.B. 6760. Immediately preceding text appears at serial pages (253865) and (202821).

§ 147.110b. Educational use of raptors.

(a) *Falconry and raptor lectures.* General or Master class permittees may engage in noncommercial educational lecture activities using live raptors subject to the following conditions:

(1) The educational lecture activities shall be focused on the natural history of raptors, the conservation of raptors, the sport of falconry and other related topics.

(2) Raptors used in educational lecture activities may not have physical contact with members of the audience or general public.

(3) Raptors used in educational lecture activities shall be maintained either tethered and on the permittee's gloved hand or in a transport carrier. No flight is permitted.

(4) The permittee may not receive any form of compensation for the lecture.

(5) The permittee is encouraged, but not required, to notify the regional office in advance of conducting any scheduled educational lecture activities.

(b) *Falconry demonstrations.* General or Master class permittees may engage in noncommercial falconry demonstrations using live raptors subject to the following conditions:

(1) Raptors used in falconry demonstrations activities may not have any physical contact with members of the audience or general public.

(2) Outdoor raptor free-flight demonstrations may be conducted only by Master class permittees.

(3) Indoor raptor flight demonstrations shall be conducted with the raptor tethered in a manner that prevents physical contact with the audience or general public or with physical structures such as walls, windows or furniture. Indoor raptor free-flight demonstrations are prohibited.

(4) The permittee may not receive any form of compensation for the falconry demonstration.

(5) The permittee shall notify the regional office in writing at least 5 days in advance of conducting any scheduled falconry demonstration activities.

(c) *Other education uses of raptors.* Permittees may engage in other forms of noncommercial educational activities using live raptors, such as photography or filming, subject to the following conditions:

(1) The activities shall be focused on the natural history of raptors, the conservation of raptors, the sport of falconry and other related topics.

(2) The permittee may not receive any form of compensation for the activity.

(3) The permittee may not use raptors for entertainment, advertisements, promotion or endorsements of any products, merchandise, goods, services, meetings, fairs or as a representation of any business, company, corporation or other organization.

Authority

The provisions of this § 147.110b issued under the Game and Wildlife Code, 34 Pa.C.S. §§ 2102(a) and 2901(b).

Source

The provisions of this § 147.110b adopted November 27, 2009, effective January 1, 2010, 39 Pa.B. 6760.

§ 147.111. [Reserved].

Source

The provisions of this § 147.111 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; reserved November 27, 2009, effective January 1, 2010, 39 Pa.B. 6760. Immediately preceding text appears at serial page (202821).

§ 147.111a. Additional requirements for permittee.

(a) A permittee is prohibited from propagating raptors held under the authority of a falconry permit unless they possess a joint State/Federal raptor propagation permit.

(b) A permittee whose permit lapses or is otherwise suspended or revoked shall return any raptors possessed into the wild by hacking, transferring the raptors to another permitted falconer, or forfeiting the raptors to the Commission. Propagated, hybrid and nonindigenous raptors may not be released into the wild.

(c) A permittee may not sell, purchase, barter or offer to sell, purchase or barter a propagated raptor unless the raptor is marked on the metatarsus by a seamless, numbered band supplied by the United States Fish and Wildlife Service or the Commission.

(d) If a permittee's raptor unintentionally injures or kills any wildlife during a closed season while engaged in falconry activities, the permittee shall comply with the notification and reporting requirements in section 2306 of the act (relating to killing game or wildlife by mistake). The permittee will not be required to pay any restitution fees unless the injury or taking is determined to be the result of carelessness or negligence. The permittee is not required to put the carcass of the injured or killed wildlife in a place of safekeeping, but rather may leave the carcass in the field and allow the raptor to feed upon it. Once the raptor is finished feeding, it may not be hunted the rest of that day.

(e) A raptor possessed under authority of a falconry permit may be temporarily held by a person other than the permittee only if that person is otherwise

authorized to possess raptors, and only if the raptor is accompanied at all times by a properly completed United States Fish and Wildlife Service Form 3-186A designating the permittee as the possessor of record and by a signed, dated statement from the permittee. If the period of care will exceed 30 days, written permission shall be obtained from the Commission. Illness or disability of the permittee would be cause for temporary transfer of the raptors to another authorized person for care. The Commission shall be notified of this action within 5 days following the temporary transfer. Final disposition of the raptors will be at the discretion of the Commission.

(f) Molted feathers, or feathers from birds held in captivity that die, may be retained by the permittee for imping purposes only. Molted feathers and retrices from a golden eagle shall be collected and used for imping purposes or submitted to the National Eagle Repository.

(g) Carcasses of dead raptors shall be disposed in a proper waste receptacle or buried underground unless otherwise authorized by the Commission. The entire carcass of dead golden eagles, including all feathers, talons and other parts shall be submitted to the National Eagle Repository.

(h) Propagated, hybrid and nonindigenous raptors may not be intentionally released into the wild without prior written approval of the Commission.

(i) A sponsor may not have more than three apprentices at one time.

Authority

The provisions of this § 147.111a issued under the Game and Wildlife Code, 34 Pa.C.S. §§ 2102(a) and 2901(b).

Source

The provisions of this § 147.111a adopted November 27, 2009, effective January 1, 2010, 39 Pa.B. 6760.

§ 147.111b. Arctic Peregrine Falcon limited take special permit.

(a) *Purpose.* This permit is intended to permit the limited take of the Arctic Peregrine Falcon (*Falco peregrinus tundrius*) solely for use in the practice of falconry.

(b) *Application.*

(1) Applications for the Arctic Peregrine Falcon limited take special permit issued under this section shall be made on PGC-12 (Special Permit/Examination Request—Application).

(2) Applications shall be completed in full and include a copy of the applicant's falconry permit, Pennsylvania hunting license and a nonrefundable application fee of \$25.

(3) Applications shall be sent directly to the Special Permits Enforcement Division in Harrisburg.

(4) Applications will be accepted beginning May 1 and must be submitted no later than July 31 to be eligible for the drawing for that permit year.

(5) Only one application per eligible falconer may be submitted during each permit year. If more than one application is submitted by an eligible falconer, the applications submitted by the applicant will be rejected and the applicant will be ineligible for that year's drawing.

(c) *Eligibility.*

(1) Applications will only be accepted from persons who meet all of the following criteria:

(i) Applicants shall possess a current and valid master or general class falconry permit issued under this subchapter.

(ii) Applicants shall possess a current and valid Pennsylvania hunting license.

(iii) Applicants shall be a resident of this Commonwealth or a nonresident whose home state allows the taking of Arctic Peregrine Falcons by residents of this Commonwealth.

(2) Applicants who were successfully drawn for an Arctic Peregrine Falcon limited take special permit during the previous 2 permit years are ineligible to make application.

(d) *Drawing.*

(1) Each year the Commission will determine the allowable take of Arctic Peregrine Falcons for the season based on the guidelines provided by the United States Fish and Wildlife Service.

(2) If the allowable take authorized for this Commonwealth is one or more in any given year, the Commission will hold a public drawing by August 15 at a location to be determined by the Commission to determine the successful applicants.

(3) The Commission will randomly draw the names of eligible applicants up to and including the total allowable take. The number of permits issued will be based solely on the total allowable take each year. When the total allowable take number is reached, the drawing will be closed and additional permits will not be issued. Resident applications will be drawn first until either the annual allowable take quota or pool of available resident applications is exhausted. If any portion of the annual allowable take quota is available after resident applications are exhausted, then nonresident applications will be drawn until the annual allowable take quota is exhausted.

(4) The Commission will issue an Arctic Peregrine Falcon limited take special permit to successful applicants by August 31 each year.

(e) *Authorized activities.*

(1) Arctic Peregrine Falcons (*Falco peregrinus tundrius*) may only be taken by persons who have been issued a valid Arctic Peregrine Falcon limited take special permit and who continue to meet the eligibility criteria in subsection (c)(1).

(2) Arctic Peregrine Falcons (*Falco peregrinus tundrius*) may be taken only during the period of September 20 to October 20, inclusive.

(3) Banded Peregrine Falcons may not be taken under the authorizations of this section. Banded Peregrine Falcons shall be released immediately upon capture and the band numbers of the released birds shall be reported to the Special Permits Enforcement Division within 24 hours.

(4) Arctic Peregrine Falcons may only be captured by devices authorized under § 147.105a(4) (relating to resident falconers).

(5) Persons issued an Arctic Peregrine Falcon limited take special permit shall abide by other applicable State and Federal falconry laws and regulations.

(6) Upon successful capture of an Arctic Peregrine Falcon, the permittee shall notify the Special Permits Enforcement Division within 24 hours. The permittee shall arrange for inspection within 3 days of the capture as directed by the Special Permits Enforcement Division.

(7) Upon inspection by the Commission as indicated, the Arctic Peregrine Falcon shall be marked with a permanent, nonreusable numbered leg band provided by the Commission.

(f) *Conformance with Federal regulations.* If the Federal regulations regarding dates or times of application, drawing or take change, the Executive Director has the authority to conform the Commonwealth's dates to the Federal regulations for that year in which the dates under Federal regulations have changed.

(g) *Violations.* Violations of the requirements of this section are subject to the penalties in the act.

Authority

The provisions of this § 147.111b issued under the Game and Wildlife Code, 34 Pa.C.S. §§ 322(c)(8) and 2901(b); amended under the Game and Wildlife Code, 34 Pa.C.S. § 2901(b).

Source

The provisions of this § 147.111b adopted March 20, 2015, effective March 21, 2015, 45 Pa.B. 1363; amended August 25, 2017, effective August 26, 2017, 47 Pa.B. 4983. Immediately preceding text appears at serial pages (376482) to (376484).

§ 147.112. [Reserved].

Source

The provisions of this § 147.112 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; reserved November 27, 2009, effective January 1, 2010, 39 Pa.B. 6760. Immediately preceding text appears at serial pages (202821) to (202822).

§ 147.112a. Violations.

The Director may deny, revoke or suspend any permit for any violation of this subchapter upon written notice to the permittee.

Authority

The provisions of this § 147.112a issued under the Game and Wildlife Code, 34 Pa.C.S. §§ 2102(a) and 2901(b).

Source

The provisions of this § 147.112a adopted November 27, 2009, effective January 1, 2010, 39 Pa.B. 6760.

§ 147.113. [Reserved].

Source

The provisions of this § 147.113 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended December 11, 1987, effective December 12, 1987, 17 Pa.B. 5129; amended March 10, 1989, effective March 11, 1989, 19 Pa.B. 1020; amended August 24, 1990, effective September 24, 1990, 20 Pa.B. 4488; reserved November 27, 2009, effective January 1, 2010, 39 Pa.B. 6760. Immediately preceding text appears at serial pages (202822) and (326589) to (326590).

§ 147.114. [Reserved].

Source

The provisions of this § 147.114 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; reserved November 27, 2009, effective January 1, 2010, 39 Pa.B. 6760. Immediately preceding text appears at serial page (326590).

Subchapter G. [Reserved]

Sec.

147.121. [Reserved].

147.122. [Reserved].

§ 147.121. [Reserved].

Source

The provisions of this § 147.121 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended March 15, 1996, effective March 16, 1996, 26 Pa.B. 1131; amended May 23, 1997, effective May 24, 1997, 27 Pa.B. 2550; reserved March 23, 2007, effective March 24, 2007, 37 Pa.B. 1312. Immediately preceding text appears at serial pages (230320) and (315261).

§ 147.122. [Reserved].

Source

The provisions of this § 147.122 adopted May 29, 1992, effective July 1, 1992, 22 Pa.B. 2839; amended March 15, 1996, effective March 16, 1996, 26 Pa.B. 1131; amended May 23, 1997, effective May 24, 1997, 27 Pa.B. 2550; amended November 11, 2005, effective November 12, 2005, 35 Pa.B. 6240; reserved March 23, 2007, effective March 24, 2007, 37 Pa.B. 1312. Immediately preceding text appears at serial pages (315261) to (315262).

§ 147.123. [Reserved].**Source**

The provisions of this § 147.123 adopted March 15, 1996, effective March 16, 1996, 26 Pa.B. 1131; amended May 23, 1997, effective May 24, 1997, 27 Pa.B. 2550; amended September 17, 2004, effective September 18, 2004, 34 Pa.B. 5157; reserved March 23, 2007, effective March 24, 2007, 37 Pa.B. 1312. Immediately preceding text appears at serial pages (315262) and (306267).

§ 147.124. [Reserved].**Source**

The provisions of this § 147.124 adopted March 15, 1996, effective March 16, 1996, 26 Pa.B. 1131; reserved March 23, 2007, effective March 24, 2007, 37 Pa.B. 1312. Immediately preceding text appears at serial page (306267).

§ 147.125. [Reserved].**Source**

The provisions of this § 147.125 adopted March 15, 1996, effective March 16, 1996, 26 Pa.B. 1131; reserved March 23, 2007, effective March 24, 2007, 37 Pa.B. 1312. Immediately preceding text appears at serial pages (306267) to (306268).

§ 147.126. [Reserved].**Source**

The provisions of this § 147.126 adopted March 15, 1996, effective March 16, 1996, 26 Pa.B. 1131; reserved March 23, 2007, effective March 24, 2007, 37 Pa.B. 1312. Immediately preceding text appears at serial page (306268).

§ 147.127. [Reserved].**Source**

The provisions of this § 147.127 adopted March 15, 1996, effective March 16, 1996, 26 Pa. B. 1131; reserved March 23, 2007, effective March 24, 2007, 37 Pa.B. 1312. Immediately preceding text appears at serial pages (306268) and (324241).

§ 147.128. [Reserved].**Source**

The provisions of this § 147.128 adopted March 15, 1996, effective March 16, 1996, 26 Pa.B. 1131; reserved March 23, 2007, effective March 24, 2007, 37 Pa.B. 1312. Immediately preceding text appears at serial page (324241).

§ 147.129. [Reserved].**Source**

The provisions of this § 147.129 adopted March 15, 1996, effective March 16, 1996, 26 Pa.B. 1131; amended May 23, 1997, effective May 24, 1997, 27 Pa.B. 2550; reserved March 23, 2007, effective March 24, 2007, 37 Pa.B. 1312. Immediately preceding text appears at serial pages (324241) to (324242).

Subchapter H. PROTECTED SPECIMEN**Sec.**

- 147.141. Sale of wildlife and wildlife parts.
- 147.142. Possession of wildlife accidentally killed by a motor vehicle.
- 147.143. Transfer of lawful possession of abandoned venison.
- 147.144. Transfer of lawful possession of abandoned venison to food banks.
- 147.145. Unlawful acts.
- 147.146. Sale of inedible wildlife parts.

§ 147.141. Sale of wildlife and wildlife parts.

(a) Wildlife or parts of wildlife accidentally killed on the highway or by other causes, illegally taken, shot for crop damage or live deer removed from the wild, may be sold to a person under the following minimum fee schedule:

- (1) Deer antlers—\$10 per point.
- (2) Deer cape—to include entire hide—\$25.
- (3) Doe or spike buck head and hide—\$25.
- (4) Fawn deer—\$75.
- (5) Any live deer—\$150.
- (6) Deer hide only—\$5.
- (7) Pheasant, grouse, quail, squirrel, rabbit, hare, woodchuck, mink, muskrat, opossum, skunk, weasel and raccoon—\$25.
- (8) Other small mammals—\$25.
- (9) Turkey, beaver and fox—\$50.
- (10) Bobcat, otter and fisher—\$100.
- (11) Bears—minimum of \$100.
- (12) Cow or spike elk head and hide—\$100.
- (13) Elk cape—to include entire head—\$100 plus \$20 per point.
- (14) Elk antlers—\$20 per point.
- (15) Elk hide—\$25.
- (16) Live elk—minimum of \$100.
- (17) Any other species may be sold at public auction or through sealed bid.

(b) An official Commission receipt shall serve as a person's permit to possess and retain the wildlife sold under authority of subsection (a).

(c) Live deer may only be sold to persons holding an existing and current Wildlife Propagation or Wildlife Menagerie Permit.

(d) Except those accidentally killed by a vehicle, sales of wildlife or wildlife parts may not be made to the person who caused the death or removal from the wild of the bird or animal or a member of the immediate household, or a person acting on their behalf.

Authority

The provisions of this § 147.141 amended under the Game and Wildlife Code, 34 Pa.C.S. §§ 103(a) and 2102(a).

Source

The provisions of this § 147.141 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended March 10, 1989, effective March 11, 1989, 19 Pa.B. 1020; amended June 6, 1997, effective June 7, 1997, 27 Pa.B. 2743; amended September 27, 2002, effective September 28, 2002, 32 Pa.B. 4715. Immediately preceding text appears at serial pages (285092) and (242891).

Cross References

This section cited in 58 Pa. Code § 147.42 (relating to possession of deer accidentally killed by a motor vehicle).

§ 147.142. Wildlife disposition.

(a) *Consumption permit.* The Commission, in its sole discretion, may issue a consumption permit to a resident of this Commonwealth to authorize the possession and consumption of the edible portions of any wildlife carcass. A permit issued under this subsection will be valid for a period not to exceed 120 days from the date of issuance. The whole, or any part of any wildlife possessed under this subsection, may not be transferred to another person nor may any edible portion be removed from the possessor's place of residence for any purpose other than processing. Inedible portions of any wildlife possessed under this subsection shall be surrendered to the Commission or disposed of in a manner directed by the Commission.

(1) *General procedures.* Except as otherwise provided in paragraph (2), a person shall contact the Commission to obtain a paper consumption permit prior to taking possession of the carcass of any wildlife.

(2) *Special procedures for deer and turkey accidentally killed by a motor vehicle.* A person is authorized to take immediate possession of the carcass of a deer or turkey evidently killed accidentally by a motor vehicle and transport it to a place of safekeeping within this Commonwealth. A person taking possession of a deer or turkey carcass under this paragraph shall contact the Commission to obtain a permit number within 24 hours after having taken possession of the deer or turkey carcass. The issued permit number itself shall be considered a valid permit for the purposes of authorizing the continued possession of the edible portions of the deer or turkey carcass.

(b) *Furbearing species accidentally killed by a motor vehicle.* A person holding a valid Pennsylvania furtaker's license is authorized to take immediate possession of and utilize the edible and inedible portions of any furbearer, except river otters, bobcats and fishers, evidently killed accidentally by a motor vehicle. Any person taking possession of any furbearer under this subsection during the

closed season for the taking of the same shall contact the Commission to make notification of the possession within 24 hours.

(c) *Unlawful acts.* It is unlawful to:

(1) Possess the whole or any part of any wildlife without receiving any required permit, making any required notification or meeting any applicable eligibility standards within any applicable time restrictions.

(2) Fail to surrender the inedible portions of any wildlife possessed under the authorizations of subsection (a) to the Commission or to dispose of the same in the manner directed by the Commission.

(3) Violate any other provisions of this section.

(d) *Inapplicability.* This section does not limit the lawful possession of the whole or any part of any wildlife that is otherwise authorized by § 147.141 (relating to the sale of wildlife and wildlife parts).

Authority

The provisions of this § 147.142 amended under the Game and Wildlife Code, 34 Pa.C.S. §§ 103(a), 2102(a) and 2901(b).

Source

The provisions of this § 147.142 adopted November 15, 1991, effective January 1, 1992, 21 Pa.B. 5344; amended April 15, 2005, effective April 16, 2005, 35 Pa.B. 2306; corrected January 13, 2006, effective June 4, 2005, 36 Pa.B. 194; amended June 16, 2006, effective June 17, 2006, 36 Pa.B. 2979; amended December 8, 2006, effective December 9, 2006, 36 Pa.B. 7453; amended August 28, 2009, effective August 29, 2009, 39 Pa.B. 5123. Immediately preceding text appears at serial pages (326593) to (326594).

§ 147.143. Transfer of lawful possession of abandoned venison.

(a) *Definition.*

Abandoned venison—Venison which remains unclaimed by the lawful owner at a butcher shop for longer than 10 days after the lawful owner has been notified by the butcher or an employee that the venison is dressed and ready to be picked up.

(b) *Procedure for transfer of lawful possession of abandoned venison.*

(1) Lawful possession of abandoned venison may be transferred to any resident of this Commonwealth who is in possession of a valid permit to possess deer (PGC-90-LE) provided that:

(i) Prior to a transfer of possession of abandoned venison the butcher or an employee has notified the lawful owner of the venison in the butcher shop by United States registered mail to the person's last known address of the intent to dispose of the venison.

(ii) The notification gives the lawful owner of the venison 30 days to claim the venison and pay to the butcher the standard labor fee for preparing the venison for consumption.

(2) After the 30-day period has expired, the butcher may transfer the lawful possession of abandoned venison to a resident of this Commonwealth who presents a valid permit to possess deer (PGC-90-LE) and if required by the butcher pays the standard labor fee for preparing the venison for consumption.

(3) The butcher shall, within 24 hours of transferring possession of abandoned venison, send by United States mail a report setting forth the date of transfer and the name, address and telephone number of the person or organization that received the venison to the wildlife conservation officer in charge of the district where the butcher shop is located.

Source

The provisions of this § 147.143 adopted March 13, 1998, effective March 14, 1998, 28 Pa.B. 1316.

Cross References

This section cited in 58 Pa. Code § 147.144 (relating to transfer of lawful possession of abandoned venison to food banks).

§ 147.144. Transfer of lawful possession of abandoned venison to food banks.

Lawful possession of abandoned venison may be transferred to a food bank by a butcher after proper notification to the lawful owner of the venison as set forth in § 147.143(b) (relating to transfer of lawful possession of abandoned venison). Food banks or persons who receive venison from a food bank are not required to possess a permit to possess deer (PGC-90-LE), however, the report to the wildlife conservation officer as set forth in § 147.143(b) shall be made.

Source

The provisions of this § 147.144 adopted March 13, 1998, effective March 14, 1998, 28 Pa.B. 1316.

Cross References

This section cited in 58 Pa. Code § 147.145 (relating to unlawful acts).

§ 147.145. Unlawful acts.

A person who transfers possession or takes possession of abandoned venison from a butcher shop contrary to §§ 147.143(b) and 147.144 (relating to transfer of lawful possession of abandoned venison; and transfer of lawful possession of abandoned venison to food banks) shall be subject to the penalties in section 2312(d) of the act (relating to buying and selling game).

Source

The provisions of this § 147.145 adopted March 13, 1998, effective March 14, 1998, 28 Pa.B. 1316.

§ 147.146. Sale of inedible wildlife parts.

(a) Wildlife lawfully taken within this Commonwealth that has been mounted, tanned or completely prepared for study or display in accordance with generally accepted taxidermy procedures may be sold if one of the following conditions is met:

- (1) The original owner is deceased.
- (2) The original owner's assets are being liquidated.
- (3) The original owner's specimen is determined to be unclaimed as provided for in subsection (b).

(b) A specimen will be considered unclaimed when the following conditions are met:

- (1) The specimen was lawfully possessed when originally deposited with the taxidermist.

(2) The specimen was mounted, tanned or completely prepared for study or display in accordance with generally accepted taxidermy procedures.

(3) The taxidermist has made a reasonable effort to contact the original owner or depositor through any means generally available to inform the owner or depositor that the specimen is complete and should be picked up within a certain time period.

(4) The owner, or the original depositor of the specimen, has been notified by certified, first-class mail and has failed to contact the taxidermist within 30 days of receipt of the notice; or the taxidermist is notified by the postal authorities the certified mail is unclaimed or undeliverable. The specimen will be considered unclaimed after 30 days from the date the taxidermist was notified.

(c) Before selling a specimen, a permit shall be obtained from a Commission officer.

(d) An executed copy of the permit application (PGC-12) shall list the items to be sold. The permit is valid for 120 days.

(e) The fee for a permit issued under this section is \$5.

(f) The original owner of a specimen may donate the specimen to a wildlife conservation organization, which may then sell the specimen without a permit for fund raising purposes.

(g) Second and subsequent owners of wildlife parts acquired in accordance with section 2312(c)(1) of the act (relating to buying and selling of game) may sell the parts if included as part of a manufactured or finished product.

(h) Second and subsequent owners of deer hides acquired in accordance with section 2312(c)(1) of the act may buy and sell the deer hides. Deer capes may only be sold by the original owner.

(i) A person violating this section shall be subject to the penalties provided in section 2312 of the act.

Authority

The provisions of this § 147.146 issued under the Game and Wildlife Code, 34 Pa.C.S. §§ 2102(a) and 2312(c)(2); amended under the Game and Wildlife Code, 34 Pa.C.S. §§ 2102(a), 2312(c)(2) and 2901(b).

Source

The provisions of this § 147.146 adopted November 2, 2001, effective November 3, 2001, 31 Pa.B. 6052; amended March 23, 2007, effective March 24, 2007, 37 Pa.B. 1312. Immediately preceding text appears at serial pages (285093) to (285094).

Subchapter I. REGULATED HUNTING GROUNDS

Sec.
147.161. General.

§ 147.161. General.

(a) Hungarian Partridges may be released on regulated hunting grounds under the same restrictions and conditions as those species named in section 2928 of the act (relating to regulated hunting grounds permits).

(b) Signs required in section 2928(c) of the act shall:

- (1) Set forth the purpose for which the area is intended.
- (2) Warn the intruder that hunting without proper permission is prohibited.
- (3) Contain other pertinent information the permittee deems necessary.
- (4) Be displayed so they are visible to an intruder.

Source

The provisions of this § 147.161 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464.

Subchapter J. FUR DEALER

Sec.

147.181. General.

§ 147.181. General.

(a) A shipment of furs exported from this Commonwealth shall have a tag or label attached in accordance with instructions given with or on the tag or label.

(b) A copy of the tag or label shall be submitted to the Commission's Harrisburg Office within 5 working days of the shipment.

(c) A shipment of furs not in compliance with this subchapter constitutes a separate offense.

Source

The provisions of this § 147.181 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464.

Subchapter K. PROPAGATING

Sec.

147.201. General.

147.202. Marking.

147.203. Pens, shelters and enclosures.

147.204. Raptor propagation permits.

147.205. Stock used for propagation.

§ 147.201. General.

(a) The Commission will not exercise its powers to impose propagating permit restrictions upon the breeders of purely aviary species of pheasants, since the birds are not found in a wild state in this Commonwealth.

(b) A propagating permit is required to cover pheasants ordinarily used for shooting and restocking purposes, including all breeds of Chinese, Japanese, Formosan and Mongolian Ringneck pheasant, the English Blackneck, Melanistic Mutant and the Versi color pheasants. Other pheasants may be propagated for commercial purposes without a propagating permit.

Source

The provisions of this § 147.201 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464.

§ 147.202. Marking.

Marking shall be in compliance with section 2930(d) of the act (relating to propagating permits).

Source

The provisions of this § 147.202 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464.

§ 147.203. Pens, shelters and enclosures.

- (a) Pens, shelters and enclosures must be:
 - (1) Adequate to contain the wildlife to be enclosed.
 - (2) Covered and completely surrounded by appropriate materials to confine the species being propagated and exclude surrounding wildlife.
 - (3) Large enough to provide the comfort and health of species held.
- (b) Enclosures containing burrowing or digging wildlife shall be constructed to prevent escape by tunneling.
- (c) Wildlife may not be exhibited to, or handled by the public. Private showings are permitted for prospective buyers.
- (d) Wildlife which requires protection from the elements shall be provided adequate shelter or dens.
- (e) Enclosures for birds not covered on July 1, 1987 are exempt from covering. New construction or rebuilding shall be covered.

Source

The provisions of this § 147.203 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended March 23, 2007, effective March 24, 2007, 37 Pa.B. 1310. Immediately preceding text appears at serial pages (285095) and (300833).

§ 147.204. Raptor propagation permits.

- (a) *Scope.* The Director may issue raptor propagation permits to individuals who meet the requirements in 16 U.S.C.A. §§ 703—711 (relating to migratory bird treaty) and 50 CFR 21.30 (relating to raptor propagation permits).
- (b) *Privileges authorized under permit.* Permittees may perform all activities under the conditions set forth in 16 U.S.C.A. §§ 703—711 and 50 CFR 21.30.
- (c) *Application for permit.* When the Director of the United States Fish and Wildlife Service has approved an application for the issuance of a raptor propa-

gation permit, the approval, along with copies of documents submitted by the applicant, shall be forwarded to the Director for review and approval. If it is determined by the Director that the applicant meets the requirements in 16 U.S.C.A. §§ 703—711 and 50 CFR 21.30, and the issuance of the permit will not adversely affect the wildlife resources of the Commonwealth, a raptor propagation permit may be issued to the applicant.

(d) *Permit fee.* The permit fee is \$100 annually.

(e) *Permit period.* Permits shall be issued for the time period designated as the fiscal year for the Commonwealth. There is no reduced fee for a permit issued for less than 1 year.

(f) *Reports required by permittee.* Copies of reports required of the permittee in 16 U.S.C.A. §§ 703—711 and 50 CFR 21.30 shall be forwarded to the Director.

(g) *Permit renewal.* Application for the renewal shall be made on a form furnished by the Commission. The renewal application, along with the prescribed fee in the form of a check or money order made payable to the Game Commission, shall be forwarded to the Director at least 2 weeks in advance of the expiration date of the existing permit.

(h) *Penalties.* A person violating this section shall, upon conviction, be sentenced to the penalty prescribed in the act.

Source

The provisions of this § 147.204 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464.

§ 147.205. Stock used for propagation.

Stock used for the propagation of wild birds and wild animals, except raptors, may not be birds or animals which have been removed from the wild. Parent birds and animals shall be secured from a person holding a valid wildlife propagation permit, the Commission or be legally imported into this Commonwealth.

Source

The provisions of this § 147.205 adopted July 7, 1989, effective July 8, 1989, 19 Pa.B. 2956.

Subchapter L. PERMITS RELATING TO DOGS

Sec.

147.221. General.

147.222. Permits for dog trials on Commission controlled lands.

147.223. Permits for dog trials on privately-owned lands.

§ 147.221. General.

(a) Signs required in sections 2941(e) and 2942(h) of the act (relating to dog training areas; and special retriever training areas) shall be displayed so they are visible to an intruder and shall:

- (1) Set forth the purpose for which the area is intended.
- (2) Warn an intruder that hunting without proper permission is prohibited.
- (3) Contain other pertinent information the permittee deems necessary.

(b) [Reserved].

(c) If applicable, each casting point shall be set forth on every application for a permit.

(d) During field trials/hunt tests for which a permit has been issued, a firearm normally fired from the shoulder may be used with blank ammunition, if no live ammunition is possessed.

(e) No more than ten persons may be listed on the permit as “official guns.”

Source

The provisions of this § 147.221 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended July 22, 1988, effective upon publication and applies retroactively to July 1, 1988, 18 Pa.B. 3213; amended March 13, 1998, effective March 14, 1998, 28 Pa.B. 1316. Immediately preceding text appears at serial pages (230330) to (230331).

§ 147.222. Permits for dog trials on Commission controlled lands.

(a) A request for permission to hold a trial for dogs on lands under the control of the Commission shall be made in writing, at least 30 days in advance of the requested trial date, to the regional office under whose jurisdiction the lands are located.

(b) Upon approval of an applicant's request, permission to hold a trial may be granted by the issuance of a permit under the signature of the Executive Director or a designee. The permit shall list regulations governing the conduct of the trial and the use of the grounds for those purposes.

(c) A field trial may be held only during the period August 1 to April 30, excepting the regular open season for hunting small game, antlered and antlerless deer. Dates for national or State championship trials may be considered by the regional director during closed periods.

(d) A retriever trial will be permitted between June 1 and October 1 and January 15 until April 30 of each year. Dates for national or State championship trials may be considered by the regional director during closed periods.

(e) An applicant or a designee shall meet with appropriate field officers of the Commission at least 10 days prior to the date of a trial to review the regulations and to assure an understanding of the course location and layout.

(f) A field trial shall be conducted through the use of a predetermined course approved by a Commission representative.

(g) Unless otherwise approved by the Executive Director or a designee, a permittee shall provide temporary, portable headquarters for conducting the trial, including portable toilet facilities. The facilities shall be removed upon conclusion of the event.

(h) A permittee is responsible for the cleanup and removal of litter upon conclusion of the trial.

(i) Horses shall be tethered at a designated area; otherwise pasturing is prohibited. Stable facilities will not be furnished.

(j) Vehicles shall be parked only at a designated area.

(k) Riders on horseback, including officials and gallery, may not exceed 15 persons. Dependent upon ground conditions, the number of riders on horseback may be further restricted.

(l) For the appropriate conduct of the trials, marshals shall be required to keep the gallery in line and on course. Horses with riders may not be permitted outside the marked or otherwise designated trial areas.

(m) The permittee shall be wholly and solely responsible for loss or damage to property, bodily injury or death arising out of an operation conducted and agree to hold harmless the Commission for damage, loss, claims, demands, suits, costs and expenses which may be suffered by the Commission directly or indirectly by reason of the use of these lands by the permittee or its agent.

(n) After having been advised of an infraction of the regulations governing the conduct of the trial, and if the person in charge of the trial fails to correct the infractions, the Executive Director or a Commission officer will have the authority to cause the trial to terminate and to order the participants, with associated equipment, to immediately vacate the area.

Authority

The provisions of this § 147.222 amended under the Game and Wildlife Code, 34 Pa.C.S. §§ 2102(a) and 2901(b).

Source

The provisions of this § 147.222 adopted March 9, 1990, effective March 10, 1990, 20 Pa.B. 1404; amended March 13, 1998, effective March 14, 1998, 28 Pa.B. 1316; amended October 24, 2003, effective October 25, 2003, 33 Pa.B. 5320. Immediately preceding text appears at serial pages (242897) to (242898).

§ 147.223. Permits for dog trials on privately-owned lands.

(a) Applications for permits to hold dog trials or meets on privately-owned lands shall be made in writing on Commission forms at least 30 days in advance of the requested trial dates to the regional office under whose jurisdiction the lands are located.

(b) Applications for permits to hold trial for retrieving dogs on privately-owned land shall be made in writing on Commission forms at least 30 days in advance of the requested trial dates to the regional office under whose jurisdiction the lands are located.

(c) Applications for permits for dog trials not received at least 30 days in advance of the trial dates are subject to disapproval.

Source

The provisions of this § 147.223 adopted June 6, 1997, effective June 7, 1997, 27 Pa.B. 2743.

Subchapter M. EXOTIC WILDLIFE DEALER

Sec.

147.241. Scope.

147.242. Safety.

147.243. Sanitation.

147.244. Housing.

147.245. Acquisition and disposal.

147.246. Health and welfare.

§ 147.241. Scope.

(a) *General.* This subchapter relates to the housing and care of exotic wildlife, as defined in section 2961 of the act (relating to definitions), and public protection from wildlife which is being held or transported by exotic wildlife dealers.

(b) *Confinement.* It is unlawful to maintain exotic wildlife in confinement in an unsanitary or unsafe condition, or in a manner which results in maltreatment, mistreatment or neglect. No species of exotic wildlife may be confined in a pen, cage or enclosure which does not meet minimum specifications in this subchapter. An animal may not be chained or tethered, or otherwise impeded from moving freely within an enclosure unless otherwise indicated on the permit.

(c) *Housing.* Exotic wildlife maintained under section 2962 of the act (relating to exotic wildlife dealer permits) shall be housed in a safe and sanitary manner. Failure to provide sanitary surroundings or failure to adequately protect the public from exotic wildlife is a violation of this subchapter.

(d) *Bill of sale.* It is unlawful for a person to deal in exotic wildlife, except as provided in this subchapter, without a bill of sale or other documentary evidence showing the name and address of the supplier.

(e) *Permit required.* It is unlawful for a dealer to sell exotic wildlife to a person who does not have a permit required in Subchapter N (relating to exotic wildlife possession).

(f) *Permit.* A separate exotic wildlife dealer permit shall be required for each business location or facility.

(g) *Experience required.* A new applicant for an exotic wildlife dealer permit shall provide documentation of at least 2 years experience of hands-on work with the designated species, including care, feeding, handling, training and husbandry. This experience shall be from a recognized/approved facility and the owner, manager or licensee of this facility shall provide a letter of reference.

Authority

The provisions of this § 147.241 amended under the Game and Wildlife Code, 34 Pa.C.S. § 2901.

Source

The provisions of this § 147.241 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended April 4, 2003, effective April 5, 2003, 33 Pa.B. 1714. Immediately preceding text appears at serial pages (242898) to (242899) and (202833).

§ 147.242. Safety.

(a) Cage construction shall be sufficiently strong to contain exotic wildlife and protect the animals from injury from other specimens held. A cage considered unsafe by Commission personnel shall be reconstructed as directed. Reconstruction shall be completed and approved within 10 days after official notification, or before new animals are placed in the cage.

(b) It is unlawful to exhibit exotic wildlife to the public, except a private showing for prospective customers or personal friends.

(c) Exotic wildlife may not be removed from cages or directly exposed to the public.

Authority

The provisions of this § 147.242 issued under the act of June 3, 1937 (P. L. 1225, No. 316) (34 P. S. §§ 1311.101—1311.1502) (Repealed); and 34 Pa.C.S. §§ 101—2965.

Source

The provisions of this § 147.242 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464.

Cross References

This section cited in 58 Pa. Code § 147.262 (relating to restrictions).

§ 147.243. Sanitation.

(a) *Sanitation.* Exotic wildlife maintained under this section shall be kept in a sanitary manner.

(b) *Water.* Clean, fresh water shall be provided daily. Water containers shall be cleaned and disinfected daily.

(c) *Food.* Food shall be kept in a manner to prevent spoilage or contamination.

(d) *Waste.* Fecal and food waste shall be removed from cages and dens daily, and disposed of or stored in a manner to prevent noxious odors or attraction of insects or vermin. Hard floors shall be scrubbed and disinfected, at least weekly. Large pens with dirt floors shall be raked every 3 days, and the waste removed.

(e) *Drainage and pools.* Cages and pens shall be designed to provide adequate drainage of the enclosure. Standing water may not be allowed except in the case of species requiring water for wading, submersing or swimming. Pools provided for exotic wildlife shall be cleaned as often as needed to ensure good water quality.

(f) *General requirements.* Procedures for sanitation, water disposal and proper disposition of feces and other waste material shall be in compliance with the requirements of local, State or Federal authorities.

Authority

The provisions of this § 147.243 issued under the act of June 3, 1937 (P. L. 1225, No. 316) (34 P. S. §§ 1311.101—1311.1502) (Repealed); and 34 Pa.C.S. §§ 101—2965.

Source

The provisions of this § 147.243 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464.

Cross References

This section cited in 58 Pa. Code § 147.262 (relating to restrictions).

§ 147.244. Housing.

(a) *Specifications.* Minimum pen specifications and caging requirements for captive exotic wildlife are as follows:

(1) A cage or enclosure shall be covered at the top to prevent escape.

(2) A cage or enclosure shall be provided with bedding required for the animal's comfort and to protect them from inclement weather. A suitable shield for protection against the hot rays of the sun shall be provided on outside enclosures. If the natural climate of wildlife held differs from the climate of the area where the dealer's facility is located, provisions shall be made to adjust holding conditions to natural habitat.

(3) A cage shall have a secure locking device and shall be key locked or padlocked.

(b) *Permanent housing.* The following are required when exotic wildlife is held more than 10 days:

(1) *Bears.*

(i) *Number or size.* Single animal.

(ii) *Cage size.* 25'L by 12'W by 12'H. For a pair, the cage shall be 30'L by 15'W by 12'H.

(iii) *Accessories.* A pool 6'W by 10'L by 4' deep is mandatory for polar bears. Either the large pool or a freshwater drinking pool 2'W by 2'L by 18"

deep with facilities for spraying or wetting the animals during hot weather periods is required for other bears.

(2) *Lions and tigers.*

(i) *Number or size.* Single animal.

(ii) *Cage size.* 15'L by 10'W by 8'H. For a pair, the cage shall be 20'L by 10'W by 8'H.

(iii) *Accessories.* At least two claw logs, one shelf 30"W, 10'L at one end and 40"H off the floor level.

(3) *Leopards, jaguars and cougars.*

(i) *Number or size.* Single animal.

(ii) *Cage size.* 10'L by 8'W by 8'H. For a pair, the cage shall be 15'L by 8'W by 8'H.

(iii) *Accessories.* At least two claw logs and one shelf 24"W, 8'L and 40"H off the floor level.

(4) *Cheetahs.*

(i) *Number or size.* Up to three animals.

(ii) *Cage size.* 40'L by 20'W by 8'H.

(iii) *Accessories.* A shelf 30"W by 6'L and 36" off the floor level is required for a single animal. For one pair, lengthen the shelf to 10 feet.

(5) *Lesser cats. Bobcats, lynx, serval, caracal, ocelots and the like.*

(i) *Number or size.* Single animal.

(ii) *Cage size.* 8'L by 4'W by 6'H. For each additional animal, increase cage length 2 feet.

(iii) *Accessories.* At least two claw logs and a shelf 14"W by 4'L and 36" off the floor level are required. A den or retreat area is also required.

(6) *Geoffroy's cats, leopard cats, margay and other wild cats up to 10 pounds adult weight.*

(i) *Number or size.* Single animal.

(ii) *Cage size.* 4'L by 4'W by 6'H. For each additional animal, increase cage length by 1 foot.

(iii) *Accessories.* At least two claw logs and one shelf 6"W by 3'L and 36" off the floor level are required. A den or retreat area is also required.

(7) *Foxes, jackals and the like.*

(i) *Number or size.* One pair.

(ii) *Cage size.* 8'L by 4'W by 6'H.

(iii) *Accessories.* One shelf 18"W by 4'L and 36" off the floor level is required in addition to a den or retreat area.

(8) *Coyotes, cape hunting dogs, dingos and the like.*

(i) *Number or size.* Single animal.

(ii) *Cage size.* 10'L by 8'W by 6'H. For each additional animal, increase cage length by 10 feet.

(iii) *Accessories.* A secluded den area that is 4'W by 4'L for a single animal is required. Add 3 feet in length for each additional animal.

- (9) *Wolves, hyenas.*
- (i) *Number or size.* Single animal.
 - (ii) *Cage size.* 15'L by 8'W by 6'H. For a pair, double the cage length. For each additional animal after two, add 10 feet to the cage length.
 - (iii) *Accessories.* A secluded den area 4'W by 4'L is required for a single animal. Add 3 feet in length for each additional animal.
- (c) *Temporary housing.* Required when exotic wildlife is held 10 days or less.
- (1) *Number or size.* Single animal.
 - (2) *Cage size.* Cage length shall be at least double the animal's body length, excluding tail. Cage width shall equal or exceed body length. Cage height shall extend at least 2 feet above the standing animal's head to ensure proper ventilation. For two or more animals kept together, add 1/3 more cage length for each additional animal.
 - (3) *Accessories.* The cage shall be constructed of steel or case-hardened aluminum. The cage shall have a secure locking device and shall be key locked or padlocked. The cage shall be well ventilated.
- (d) *Traveling cage.* A traveling cage shall be used only in the actual transportation of exotic wildlife.
- (1) *Number or size.* Single animal.
 - (2) *Cage size.* The size of traveling cages for wildlife in transit shall be as follows: the animal shall be able to turn around and stand up on all fours with head clearance.
 - (3) *Accessories.* The cage shall be constructed of steel or case-hardened aluminum with one solid side or portable divider panel so that no animal can harm another. A steel floor with wood surface suitable for drainage of urine is necessary. A cage shall have a secure locking device and shall be key locked or padlocked. The cage shall be well ventilated. A cage exposed directly to the public shall be constructed of steel or alloy bars no more than 1 1/2 inches apart.
 - (4) *Ventilation.* Exotic wildlife shall travel in air conditioned or well ventilated vehicles that may be adjusted to weather conditions. Animals shall be provided fresh water while in transit twice in 24 hours and be fed at least once every 24 hours.

Authority

The provisions of this § 147.244 issued under the act of June 3, 1937 (P. L. 1225, No. 316) (34 P. S. §§ 1311.101—1311.1502) (Repealed); and 34 Pa.C.S. §§ 101—2965.

Source

The provisions of this § 147.244 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended May 26, 1995, effective May 27, 1995, 25 Pa.B. 2072. Immediately preceding text appears at serial pages (118769) to (118770) and (186919).

Cross References

This section cited in 58 Pa. Code § 147.262 (relating to restrictions).

§ 147.245. Acquisition and disposal.

(a) Exotic wildlife shall have been lawfully taken, exported, imported, transported, retained and possessed.

(b) Records shall be maintained of acquisitions and disposals of exotic wildlife as well as exotic wildlife born on the premises. Records shall be in ink, written in English and include the full name and address of the person with whom a transaction is conducted. Records shall be available for inspection by Commission personnel at reasonable hours. Entries shall be made on the day of transaction.

Authority

The provisions of this § 147.245 issued under The Game Law (34 P. S. §§ 1311.101—1311.1502) (Repealed); and the Game and Wildlife Code, 34 Pa.C.S. §§ 101—2965.

Source

The provisions of this § 147.245 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464.

Cross References

This section cited in 58 Pa. Code § 147.262 (relating to restrictions).

§ 147.246. Health and welfare.

Exotic wildlife shall be kept free from parasites, sickness or disease. If sick or diseased, exotic wildlife shall immediately be given professional medical attention, or destroyed in a humane manner.

Authority

The provisions of this § 147.246 issued under The Game Law (34 P. S. §§ 1311.101—1311.1502) (Repealed); and the Game and Wildlife Code, 34 Pa.C.S. §§ 101—2965.

Source

The provisions of this § 147.246 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464.

Cross References

This section cited in 58 Pa. Code § 147.262 (relating to restrictions).

Subchapter N. EXOTIC WILDLIFE POSSESSION

Sec.

147.261. Scope.

147.262. Restrictions.

Cross References

This subchapter cited in 58 Pa. Code § 147.241 (relating to scope).

§ 147.261. Scope.

(a) *General.* This subchapter relates to the housing and care of exotic wildlife, and public protection from exotic wildlife held or transported by a person under the act or this part.

(b) *Confinement.* It is unlawful to maintain exotic wildlife, in confinement, in unsanitary or unsafe condition, or in a manner which results in maltreatment, mistreatment or neglect. No exotic wildlife may be confined in a pen, cage or enclosure which does not meet the minimum pen specifications in this subchapter. An animal may not be chained or tethered, or otherwise impeded from moving freely within a cage or enclosure unless otherwise indicated on the permit.

(c) *Housing.* Exotic wildlife shall be housed in a safe and sanitary manner. Failure to provide sanitary surroundings for exotic wildlife or failure to adequately protect the public from exotic wildlife possessed under the act and this subchapter is a violation of this subchapter.

(d) *Bill of sale.* It is unlawful for a person to possess exotic wildlife, except as provided in this subchapter, without having a bill of sale or other documentary evidence showing the name and address of the supplier of the exotic wildlife.

(e) *Permit.* A separate exotic wildlife possession permit is required for each animal.

(f) *Experience required.* A new applicant for an exotic wildlife possession permit shall provide documentation of at least 2 years experience of hands-on work with the designated species, including care, feeding, handling, training and husbandry. This experience shall be from a recognized/approved facility and the owner, manager or licensee of this facility shall provide a letter of reference.

Authority

The provisions of this § 147.261 issued under the Game and Wildlife Code, 34 Pa.C.S. § 2901.

Source

The provisions of this § 147.261 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended March 25, 1994, effective March 26, 1994, 24 Pa.B. 1582; amended April 4, 2003, effective April 5, 2003, 33 Pa.B. 1714. Immediately preceding text appears at serial page (202838).

§ 147.262. Restrictions.

Sections 147.242—147.246 (relating to safety; sanitation; housing; acquisition and disposal; and health and welfare) pertain to all exotic wildlife possession permits.

Authority

The provisions of this § 147.262 issued under The Game Law (34 P. S. §§ 1311.101—1311.1502) (Repealed); and the Game and Wildlife Code, 34 Pa.C.S. §§ 101—2965.

Source

The provisions of this § 147.262 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464.

Subchapter O. MENAGERIES

Sec.

147.281. Scope.

147.282. Safety.

147.283. Sanitation.

147.284. Housing.

147.285. Specifications.

147.286. Acquisition and disposal.

147.287. Health and welfare.

§ 147.281. Scope.

(a) *General and definitions.* This subchapter relates to safeguards for public safety, humane care and treatment, adequate housing and nutrition, sanitation, safety, acquisition and disposal of wildlife and exotic wildlife held as part of a menagerie under the act or this part. Definitions contained in section 2961 of the act (relating to definitions) apply to this subchapter.

(b) *Confinement.* It is unlawful to maintain wildlife, in confinement, in an unsanitary or unsafe condition or in a manner which results in maltreatment, mistreatment or neglect. No wildlife may be confined in a pen, cage or enclosure which does not meet minimum pen specifications in this subchapter. An animal may not be chained or tethered, or otherwise impeded from moving freely within a cage or enclosure unless otherwise indicated on the permit.

(c) *Housing.* Wildlife maintained under section 2964 of the act (relating to menagerie permits) shall be housed in a safe and sanitary manner. Failure to provide sanitary surroundings for wildlife, or failure to adequately protect the public from wildlife possessed under this subchapter is a violation.

(d) *Bill of sale.* It is unlawful for a person to possess wildlife, for the purpose of exhibition, except as provided in this subchapter, without having a bill of sale or other documentary evidence showing the name and address of the supplier of the wildlife.

(e) *Permit.* The menagerie permit shall be produced upon demand of an officer of the Commission.

(f) *Citizenship.* Menagerie permits may be issued to a person who is a citizen of the United States.

(g) *Experience required.* A new applicant for a menagerie permit shall provide documentation of at least 2 years experience of hands-on work with the designated species, including care, feeding, handling, training and husbandry. This experience shall be from a recognized/approved facility and the owner, manager or licensee of this facility shall provide a letter of reference.

Authority

The provisions of this § 147.281 amended under 34 Pa.C.S. § 2901(b).

Source

The provisions of this § 147.281 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended March 25, 1994, effective March 26, 1994, 24 Pa.B. 1582; amended April 4, 2003, effective April 5, 2003, 33 Pa.B. 1714. Immediately preceding text appears at serial page (202839).

§ 147.282. Safety.

(a) Cage construction shall be sufficiently strong to contain the wildlife and to protect the animal from injury from other specimens on exhibit. Caging determined unsafe by Commission personnel shall be reconstructed as directed. Reconstruction shall be completed and approved within 30 days after official notification from the Commission.

(b) Except as provided in subsection (c), wildlife may not be removed from cages or directly exposed to the public. Safety barriers shall be present to adequately prevent the wildlife from touching, grasping or biting visitors. Barri-

ers, such as walls, fences, moats, retaining rails and other necessary devices shall be present to prevent the public from approaching cages, pens, enclosures or areas near enough to contact the wildlife.

(c) Removal of wildlife from cages and public human contact with the following categories of wildlife is authorized only as follows:

(1) *Category 1 wildlife.* Ruminant animals may be moved from cages or confinement and directly exposed to the public, specifically to include public human contact, without restriction.

(2) *Category 2 wildlife.* Other wildlife not defined as Category 3 wildlife in paragraph (3), may be removed from cages or confinement and directly exposed to the public, specifically to include public human contact, only if the wildlife is under the immediate control of the handler to preclude danger to the public.

(3) *Category 3 wildlife.* Public human contact is not authorized for non-human primates and members of the families Ursidae, Felidae and Canidae. Members of the families Ursidae, Felidae and Canidae may not be removed from cages or confinement or directly exposed to the public.

Authority

The provisions of this § 147.282 issued under The Game Law (34 P.S. §§ 1311.101—1311.1502) (Repealed); and 34 Pa.C.S. §§ 101—2965; amended under 34 Pa.C.S. § 2901(b).

Source

The provisions of this § 147.282 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended June 9, 2023, effective June 10, 2023, 53 Pa.B. 3109. Immediately preceding text appears at serial pages (296695) to (296696).

§ 147.283. Sanitation.

(a) *Sanitation.* Wildlife maintained under this subchapter shall be kept in a sanitary manner.

(b) *Water.* Clean, fresh water shall be provided daily. Water containers shall be cleaned and disinfected daily.

(c) *Food.* Food shall be kept in a manner to prevent spoilage or contamination.

(d) *Waste.* Fecal and food waste shall be removed from cages and dens daily and disposed of or stored in a manner to prevent noxious odors or attraction of insects or vermin. Hard floors shall be scrubbed and disinfected at least weekly. Large pens and paddocks with dirt floors shall be raked every 3 days and the waste removed.

(e) *Drainage and pools.* Cages, pens and paddocks shall be designed to provide adequate drainage of the enclosure. Standing water is not allowed except in

the case of animals requiring water for wading, submersing or swimming. Pools provided for wildlife shall be cleaned as often as needed to ensure good water quality.

(f) *General requirements.* Procedures for sanitation, water disposal and proper disposition of feces and other waste material shall be in compliance with the requirements of local, State or Federal authorities.

Authority

The provisions of this § 147.283 issued under the act of June 3, 1937 (P. L. 1225, No. 316) (34 P. S. §§ 1311.101—1311.1502) (Repealed); and 34 Pa.C.S. §§ 101—2965.

Source

The provisions of this § 147.283 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464.

§ 147.284. Housing.

(a) Cages or enclosures except paddocks, corrals, islands or grotto-type exhibits shall be covered at the top to prevent escape.

(b) A cage or enclosure shall have bedding required for the comfort and protection from inclement weather. A suitable shield for protection against the hot sun rays shall be provided on outside enclosures. If the natural climate of the wildlife being held differs from the climate of the area where the menagerie is located, provisions shall be made to adjust holding conditions to the natural habitat.

(c) Signs shall be conspicuously posted on cages or enclosures prohibiting the public from feeding, except food obtained from the permittee, or annoying the wildlife. The owner or operator is responsible for enforcement.

(d) A cage or enclosure shall be labeled in English with the proper common name of the wildlife confined. The letters shall be at least 1 inch in height.

(e) A cage shall have a secure locking device and shall be key locked or padlocked.

Authority

The provisions of this § 147.284 issued under the act of June 3, 1937 (P. L. 1225, No. 316) (34 P. S. §§ 1311.101—1311.1502) (Repealed); and 34 Pa.C.S. §§ 101—2965.

Source

The provisions of this § 147.284 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464.

§ 147.285. Specifications.

It is unlawful for a permit holder to confine wildlife in a pen, cage or enclosure which does not meet minimum specifications or caging requirements. Except as otherwise provided in this section, minimum specifications and caging requirements for captive wildlife shall comply with the following:

(1) *New World Monkeys.*

- (i) *Marmosets.*
 - (A) Number or size: One adult pair.
 - (B) Cage size: 3'L by 2'W by 4'H.
 - (C) Accessories: Two or more branch limbs for perching and a nest box.
- (ii) *Squirrel monkeys, titis, owls and other similar-sized monkeys.*
 - (A) Number or size: One to three animals.
 - (B) Cage size: 4'L by 5'W by 5'H. For colonies of up to 15 monkeys, the cage shall be 12'L by 8'W by 6'H.
 - (C) Accessories: Two or more branch limbs for perching and a nest box.
- (iii) *Medium-sized South American monkeys.* Capuchins, sakis, and the like.
 - (A) Number or size: One pair.
 - (B) Cage size: 5'L by 5'W by 6'H. For groups of four or more, the cage shall be 10'L by 5'W by 6'H.
 - (C) Accessories: Three parallel bars for swinging.
- (iv) *Large South American monkeys.* Spiders, wooleys, howlers, and the like.
 - (A) Number or size: One pair.
 - (B) Cage size: 6'L by 6'W by 8'H. For two pairs, the cage shall be 10'L by 6'W by 8'H.
 - (C) Accessories: Three parallel bars in upper part of cage for swinging, plus two or more perching areas.
- (2) *Old World Monkeys.*
 - (i) *Macaques, guenons, mangabys, langurs, and the like.*
 - (A) Number or size: One pair.
 - (B) Cage size: 6'L by 5'W by 6'H. For groups of four to six animals, the cage shall be 12'L by 8'W by 6'H.
 - (C) Accessories: Three or more perches.
 - (ii) *Baboons, mandrills, dog-faces, and the like.*
 - (A) Number or size: One pair.
 - (B) Cage size: 10'L by 6'W by 6'H. For groups of three to six animals, the cage shall be extended 3 feet in length for each additional animal.
 - (C) Accessories: Two shelves 10 inches to 12 inches wide are necessary for sleeping and resting.
- (3) *Apes.*
 - (i) *Gibbons.*
 - (A) Number or size: One pair, plus one or two offspring.
 - (B) Cage size: 12'L by 6'W by 8'H.
 - (C) Accessories: Three parallel bars at least 4 feet apart shall be provided in the top 1/3 of cage along the length of enclosure for swinging.

- (ii) Chimpanzees and orangutans.
 - (A) Number or size: Young, single animals—20 to 50 pounds.
 - (B) Cage size: 8'L by 6'W by 6'H. For adults, 50 pounds or over, the cages shall be 10'L by 6'W by 8'H. For two or three adults, double the floor area.
- (iii) Gorillas.
 - (A) Number or size: Single animal.
 - (B) Cage size: 14'L by 12'W by 8'H. For two animals, double the floor area.
- (4) *Carnivores and certain omnivores with similar requirements.*
 - (i) African lions and Asian tigers.
 - (A) Number or size: Single animal.
 - (B) Cage size: 15'L by 10'W by 8'H. For a pair, the cage shall be 20'L by 10'W by 8'H.
 - (C) Accessories: At least two claw logs, one shelf 30"W, 10'L and 40"H off the floor level.
 - (ii) Jaguars, leopards, pumas, cougars.
 - (A) Number or size: Single animal.
 - (B) Cage size: 10'L by 8'W by 8'H. For a pair, the cage shall be 15'L by 8'W by 8'H.
 - (C) Accessories: At least two claw logs and one shelf 24"W, 8'L and 40"H off the floor level.
 - (iii) Lesser cats. Bobcats, lynx, ocelots, margay, and the like.
 - (A) Number or size: Single animal.
 - (B) Cage size: 8'L by 4'W by 6'H. For a pair, the cage shall be 10'L by 4'W by 6'H.
 - (C) Accessories: At least two claw logs and one shelf 14"W, 4'L and 36"H off the floor level. A den or retreat area is also required.
 - (iv) Geoffroy's cats, leopard cats and other wild cats. Average 5 pounds adult weight.
 - (A) Number or size: Single animal.
 - (B) Cage size: 4'L by 4'W by 6'H.
 - (C) Accessories: At least two claw logs and one shelf or perch 6"W, 3'L and 36"H off the floor level.
 - (v) Cheetahs.
 - (A) Number or size: Up to three animals.
 - (B) Cage size: 40'L by 20'W by 8'H.
 - (C) Accessories: A shelf 30"W by 6'L by 36"H off the floor level is required for a single animal. For one pair, lengthen the shelf to 10 feet.
 - (vi) Bears. Six feet or more from rump to snout.
 - (A) Number or size: Single animal.
 - (B) Cage size: 25'L by 12'W by 12'H. For a pair, the cage shall be 30'L by 15'W by 12'H.

- (C) Accessories: A pool 6'W by 10'L by 4' deep is mandatory for polar bears.
- (vii) Bears. Up to 6 feet from rump to snout.
- (A) Number or size: Single animal.
- (B) Cage size: 20'L by 10'W by 10'H. For a pair, 30'L by 10'W by 10'H.
- (viii) Sun bears.
- (A) Number or size: Single animal.
- (B) Cage size: 12'L by 8'W by 6'H. For a pair, the cage shall be 15'L by 8'W by 6'H.
- (ix) Raccoons, coati-mundi, sloth, tayra and others of similar size and habitat, including North and South American porcupines and hyraxes.
- (A) Number or size: Single animal.
- (B) Cage size: 6'L by 5'W by 6'H. For two or three animals, cages shall be 8'L by 5'W by 6'H. Add 2 feet in length for each additional animal over three animals.
- (C) Accessories: One shelf per animal plus at least two limbs for climbing are also required. Sloths require upright tree trunk with lateral branches of adequate size and strength to comfortably support the animal in normal posterial modes.
- (x) Kinkajous, opossums, pottos, grissons, gallagos, tamanduas, slow loris, genets, and the like. Small climbing animals.
- (A) Number or size: Single animal.
- (B) Cage size: 4'L by 4'W by 6'H. For a pair, cages shall be 6'L by 4'W by 6'H. For additional animals, add 1 foot more of length per animal.
- (C) Accessories: At least three limbs for climbing are required.
- (xi) Squirrels, tree shrews, and the like.
- (A) Number or size: One to two animals.
- (B) Cage size: 3'L by 2'W by 4'H. Add 6 inches more in length for each additional animal.
- (C) Accessories: At least three limbs and a nest box.
- (xii) Agouti, pacas, wild rabbits, acushi, skunks and other rabbit-sized ground animals.
- (A) Number or size: Single animal.
- (B) Cage size: 6'L by 3'W by 3'H. For a pair or more, add 1 foot in length for each additional animal.
- (C) Accessories: Two or more gnawing logs are required.
- (xiii) Badger, woodchuck, large-crested porcupine and similar-sized ground animals.
- (A) Number or size: Single animal.
- (B) Cage size: 8'L by 6'W by 4'H. Add 3 feet in length for each additional animal.

- (C) Accessories: Two or more gnawing logs are required for porcupines. Nest box or retreat is required for all animals.
- (xiv) Beavers, muskrats and other semiaquatic small animals.
 - (A) Number or size: One to three animals.
 - (B) Cage size: 8'L by 4'W by 5'H. Add 2 feet in length for each additional animal.
 - (C) Accessories: A pool 4'W by 4'L by 24" deep. Two or more gnawing logs, nest box or retreat.
- (xv) Otter.
 - (A) Number or size: One pair.
 - (B) Cage size: 10'L by 6'W by 6'H.
 - (C) Accessories: A pool 4'W by 6'L by 3' deep at one end. Increase cage and pool by 25% in horizontal dimensions for each additional animal. A slide and a dry place for a sleeping retreat are required. A safety guard rail with posted signs saying "No Molesting, Extremely Dangerous" is required.
- (xvi) Pygmy hippopotamus, tapirs, capybaras, giant anteaters, and the like.
 - (A) Number or size: Single adult animal.
 - (B) Cage size: 24'L by 15'W.
 - (C) Accessories: A stepped or nonskid pool 6'W by 8'L by 4' deep—not necessary for anteaters. Increase the horizontal dimension in cage and pool size by 30% for each additional animal.
- (xvii) Foxes, jackals, and the like.
 - (A) Number or size: One pair.
 - (B) Cage size: 8'L by 4'W by 6'H.
 - (C) Accessories: One shelf 18"W by 3'H by 4'L. A den or nest box area is also required.
- (xviii) Wolves, hyenas.
 - (A) Number or size: Single animal.
 - (B) Cage size: 15'L by 8'W by 6'H. For a pair, double the cage length. For each additional animal—after two—add 10 feet to the cage length.
 - (C) Accessories: A secluded den area 4'W by 4'L is required for a single animal; add 3 feet in length for each additional animal.
- (xix) Coyotes, cape hunting dogs, dingos, wolverines, and the like.
 - (A) Number or size: Single animal.
 - (B) Cage size: 10'L by 8'W by 6'H. For a pair, double the cage length. For each additional animal after two, add 10 feet in length to the cage.
 - (C) Accessories: A secluded den area that is 4'W by 4'L for a single animal is required; add 3 feet in length for each additional animal.
- (xx) Weasels, martens, polecats, ferrets.

- (A) Number or size: One pair.
 - (B) Cage size: 6'L by 3'W by 3'H.
 - (C) Accessories: A den is required.
- (5) *Marsupials and others.*
- (i) *Kangaroos.* Large wallaby, wallaroo, and the like.
 - (A) Number or size: Single animal.
 - (B) Cage size: 20'L by 12'W by 8'H. For each additional animal add 25% surface area to cage.
 - (C) Accessories: A refuge area and shade are required. The ideal situation is an open paddock. If surface is of an artificial material, it shall be a nonskid surface.
 - (ii) *Small wallaby.*
 - (A) Number or size: One to two animals.
 - (B) Cage size: 12'L by 4'W by 6'H. Each additional animal requires a 25% increase in surface area.
 - (C) Accessories: Refuge area and shade are required. If surface is of an artificial material, it shall be a nonskid surface.
 - (iii) *Hedgehogs.*
 - (A) Number or size: One to two animals.
 - (B) Cage size: 2'L by 2'W by 2'H.
 - (C) Accessories: Cage shall be constructed with a dirt floor over a wire bottom.
 - (iv) *Armadillos.*
 - (A) Number or size: Single animal.
 - (B) Cage size: A 6-foot circular cage—if not circular, the cage shall have the same area with rounded corners having a minimum radius of 2 feet. Add 2 feet in diameter for each additional animal.
 - (C) Accessories: The cage shall be constructed with a dirt floor over a wire bottom.
- (6) *Odd- and even-toed animals, ostriches and other large running birds.*
- (i) *Large-sized.* Zebras, elk, giraffes, asses, wildebeests, camels, elands, buffaloes, bison, and the like.
 - (A) Number or size: Single animal.
 - (B) Cage size: 1,000 square foot paddock or corral. Each additional animal requires 25% more area.
 - (C) Accessories: Barn or shaded or protected area attached to or adjoining the paddock or corral.
 - (ii) *Medium-sized.* Ostriches, whitetailed deer, fallow deer, llamas, aoudads, wild goats and sheep-type animals, emus, cassowaries and rheas.
 - (A) Number or size: Single animal.
 - (B) Cage size: 500 square foot paddock or corral. Increase horizontal dimensions by 25% for each additional animal.
 - (C) Accessories: A shelter is required.

- (iii) *Small-sized*. Dikdiks, small gazelles, peccary.
 - (A) Number or size: Single animal.
 - (B) Cage size: 300 square foot paddock or corral. Increase horizontal dimension by 25% for each additional animal.
 - (C) Accessories: A shelter is required.
- (iv) *Rhinoceros*.
 - (A) Number or size: Single animal.
 - (B) Cage size: 1,500 square foot paddock or corral is required. Each additional animal requires 50% increase in horizontal dimension.
 - (C) Accessories: A heated barn or shelter and shade are required.
- (v) *Elephants*.
 - (A) Number or size: Single animal.
 - (B) Cage size: 1,500 square foot paddock or corral. Whether chained or unchained, each animal shall be able to utilize the entire 1,500 square foot area. Each additional animal requires a 50% increase in horizontal dimension.
 - (C) Accessories: A heated barn or shelter and shade are required.
- (vi) *Hippopotamus*. Nile.
 - (A) Number or size: Single animal.
 - (B) Cage size: 600 square foot plus 300 square foot pool.
 - (C) Accessories: 300 square foot nonskid ramped pool with a 5-foot depth. Each additional animal requires a 25% increase in pool and land area.
- (7) *Birds*.
 - (i) *General requirements*. Enclosures for flying birds shall either be small enough to inhibit flying altogether or large enough to permit aerial maneuvering within the enclosure. An enclosure not sufficiently large may result in injuries from birds flying into the side of the enclosure. Raptors and members of the parrot family may be caged in conformity with this subparagraph or securely tethered to a suitable perch in a manner to preclude danger to the public.
 - (ii) *Parrot-type*. Macaws, large cockatoos.
 - (A) Number or size: Single specimen.
 - (B) Cage size: Adequate room for turning and sitting on a perch without touching its tail against sides or bottom of cage is required.
 - (C) Accessories: Suitable perch that is large enough so that the claws do not meet on the underside.
 - (iii) *Medium-sized parrots*. Small cockatoos, yellow-heads, grays, Amazons.
 - (A) Number or size: Up to two specimens.
 - (B) Cage size: 18"L by 18"W by 24"H.
 - (C) Accessories: One suitable perch per bird; diameter of perch shall be large enough so that claws do not meet on the underside.

- (iv) *Small parrots*. Lovebirds, parakeets, and the like.
 - (A) Number or size: One or two birds.
 - (B) Cage size: 12"L by 24"W by 10"H. Community cages shall provide flight space.
 - (C) Accessories: One or more suitable perches—diameter shall be large enough so that claws do not meet on the underside.
- (v) *Waterfowl*.
 - (A) Number or size: Not more than two pairs of adults or one pair with offspring of the year.
 - (B) Cage size: 100 square feet of area with 25% consisting of water area.
- (vi) *Eagles, hawks, owls, vultures, toucans and toucanets*.
 - (A) Number or size: Single bird.
 - (B) Cage size: Cage shall be wide enough for the bird to spread its wings and fly-hop from floor to perch. Width shall be two times greater than wingspread. Perch to ground shall be twice as long as its body. Length of cage shall be five times the body length. Increase cage size 50% in length and 25% in width for each additional bird.
 - (C) Accessories: At least one suitable perch per bird—the diameter of the perch shall be large enough that talons do not meet on the underside. For large birds of prey, a stump high enough that when a bird is perched, the tail feathers are 6 inches off the floor. Roof of the cage shall be of sufficient height to permit the bird to rest erect on the perches.
- (vii) *Wild turkeys, peafowl and curassows*.
 - (A) Number or size: One to three birds.
 - (B) Cage size: 144 square feet of horizontal space. Male peafowl shall have adequate turning room for its tail. Enclosures shall be at least 6 feet high.
 - (C) Accessories: The cage shall have at least one roost perch approximately 4 feet from the floor.
- (viii) *Lesser game birds, pheasants, and the like*.
 - (A) Number or size: One to five birds.
 - (B) Cage size: One hundred square feet of horizontal space. Enclosures shall be at least 6 feet high. Each additional bird requires an additional 20 square feet.
 - (C) Accessories: At least one roost perch approximately 30 inches from the floor.
- (ix) *Community groups of finches and seedeaters*.
 - (A) Number or size: Community group of 25 or less.
 - (B) Cage size: 4'W by 8'L by 8'H.
- (x) *Medium-sized flight birds. Jays, starlings, doves, pigeons, and the like*.
 - (A) Number or size: One to two birds.

- (B) Cage size: 3'L by 2'W by 5'H. For a community group the cage shall be large enough to allow flying and be at least 8 feet in diameter. The birds may be kept in a parrot-style cage.
- (xi) *Wading birds*. Flamingos, ibises, spoonbills, herons, egrets, and the like.
- (A) Number or size: One to five birds.
- (B) Cage size: 144 square feet of horizontal space. Birds in open, fenced areas shall be pinioned.
- (C) Accessories: Shallow pools for wading plus dry land areas.
- (xii) *Storks and cranes*.
- (A) Number or size: One pair.
- (B) Cage size: 144 square feet of horizontal space.
- (xiii) *Pelicans, cormorants and swans*.
- (A) Number or size: Two birds.
- (B) Cage size: 144 square feet of horizontal space. Fifty percent of the area shall be water at least 18 inches deep. Add 25% more area in land and pool for each additional bird.
- (C) Accessories: Pool is required.
- (xiv) *Penguins*.
- (A) Number or size: One pair.
- (B) Cage size: 100 square feet of horizontal space of which 50% is water at least 36 inches deep. Add 10% area in water and land for each additional bird.
- (C) Accessories: Water shall be cooled to 55° Fahrenheit and be flowing. Chilled waters are not required for Humboldt's penguins.
- (8) *Traveling wildlife*.
- (i) *Large cats*. Lions, tigers, jaguars, leopards, pumas and hybrids.
- (A) Number or size: Single animal.
- (B) Cage size: The size of traveling cages for wildlife on the road shall be as follows: animals shall be able to turn around and stand up on all fours with head clearance.
- (C) Accessories: The cage shall be constructed of steel or case-hardened aluminum with one solid side or portable divider panel so that no animal can harm another. A steel floor with wood surface suitable for drainage of urine is necessary. A cage shall have a secure locking device and shall be key locked or padlocked. A cage shall be well ventilated. A cage exposed directly to the public shall be constructed of steel or alloy bars no more than 1-1/2 inch apart.
- (ii) *Bears and hyenas*.
- (A) Number or size: Single animal.
- (B) Cage size: The animal shall be able to turn around and stand up on all fours with head clearance.

(C) Accessories: The cage shall be constructed of steel or case-hardened aluminum with one solid side or portable divider panel so that no animal can harm another. A steel floor suitable for drainage of urine is necessary. A cage shall be well ventilated. A cage exposed directly to the public shall be constructed of steel or alloy bars no more than 1-1/2 inch apart.

(iii) *Primates.*

(A) Number or size: Single animal.

(B) Cage size: Primates shall be able to stand up and turn around.

(C) Accessories: The cage shall be constructed of steel bars no more than 1 inch apart and sufficiently well constructed to be escape proof. Padlocks shall be used at the top and bottom of door.

(iv) *Elephants.*

(A) Number or size: Single animal.

(B) Cage size: While on the road, elephants shall be chained by front and back legs.

(v) *Other wildlife.* Other traveling wildlife shall be transported in cages large enough to permit the wildlife to stand up and turn around.

(vi) *General.* Traveling wild animals shall travel in air conditioned or well-ventilated vehicles that may be adjusted to weather conditions. Animals shall be provided with fresh water while in transit twice in 24 hours and be fed at least once every 24 hours.

(9) *Temporary housing.* Wildlife may be housed for a period of not more than 10 consecutive days at the same location in cages meeting the minimum size specifications in subparagraphs (i)—(viii). If wildlife is displayed for more than 10 consecutive days at the same location, the wildlife shall be placed in cages meeting minimum size specifications in paragraphs (1)—(8). The minimum size specifications for temporary housing are as follows:

(i) *Large carnivores.* Lions, tigers, jaguars, leopards, pumas, wolves, bears and hybrid cats.

(A) Number or size: Single animal.

(B) Cage size: Cage length shall be at least double the body length—excluding tail—of the animal. Cage width shall equal or exceed body length. Cage height shall extend at least 2 feet above the standing animal's head to ensure proper ventilation. For two or more animals kept together, add 1/3 more cage length for each additional animal.

(ii) *Large primates.* Gorillas.

(A) Number or size: Single animal.

(B) Cage size: 8'W by 8'L. Height shall extend at least 2 feet over the standing height of the animal.

(C) Accessories. Overhead pull bar and seat.

(iii) *Adult orangutan.*

(A) Number or size: Single animal.

(B) Cage size: 7'W by 7'L. Height shall extend at least 2 feet over standing height of the animal.

(C) Accessories: The cage shall be equipped with overhead pull bar and seat.

(iv) *Adult chimpanzee.*

(A) Number or size: Single animal.

(B) Cage size: 6-1/2'W by 6-1/2'L. Height shall extend at least 2 feet over standing height of the animal.

(C) Accessories: The cage shall be equipped with overhead pull bar and seat.

(v) *Young chimpanzee.* Up to 50 pounds.

(A) Number or size: Single animal.

(B) Cage size: 5'W by 5'L. Height shall extend at least 2 feet over standing height of the animal.

(C) Accessories: The cage shall be equipped with overhead pull bar and seat.

(vi) *Macaques.*

(A) Number or size: Single animal.

(B) Cage size: 5'W by 5'L. Height shall extend at least 2 feet over standing height of animal.

(C) Accessories: The cage shall be equipped with overhead pull bar and seat.

(vii) *Primates—general.* Cages shall be well ventilated and have secure locking devices. Cages exposed directly to the public shall be constructed of steel or alloy bars not more than 1 inch apart.

(viii) *Other wildlife.* Cage length shall be at least double the body length—excluding tail—of the animal. Cage width shall equal or exceed body length. Cage height shall extend at least 1 foot above the standing animal's head. For two or more animals kept together, add 1/3 more cage length for each additional animal.

Authority

The provisions of this § 147.285 issued under The Game Law (34 P. S. §§ 1311.101—1311.1502) (Repealed); and the Game and Wildlife Code, 34 Pa.C.S. §§ 101—2965.

Source

The provisions of this § 147.285 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended March 25, 1994, effective March 26, 1994, 24 Pa.B. 1582. Immediately preceding text appears at serial page (118776).

§ 147.286. Acquisition and disposal.

(a) Wildlife at a menagerie shall have been lawfully taken, exported, imported, transported, retained and possessed.

(b) The acquisition or disposal of wildlife shall be for the sole purpose of maintaining stock for the menagerie. Disposal or transfer for any reason is limited to persons who may lawfully import the wildlife being transferred.

(c) The Commission officer approving the menagerie permit shall be notified, in writing, within 10 days after receipt of additional wildlife.

(d) The Commission officer approving the menagerie permit shall be notified, in writing, 10 days prior to disposal of wildlife when feasible.

(e) Records shall be maintained of acquisitions and disposals of wildlife as well as wildlife born or hatched at the menagerie. Records shall be in ink and written in plain English. Records shall be available for inspection by Commission personnel at any reasonable hour.

Authority

The provisions of this § 147.286 amended under the Game and Wildlife Code, 34 Pa.C.S. §§ 2102(c) and 2901(b).

Source

The provisions of this § 147.286 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended January 14, 2005, effective January 15, 2005, 35 Pa.B. 355. Immediately preceding text appears at serial pages (202851) to (202852).

§ 147.287. Health and welfare.

Wildlife shall be kept free from parasites, sickness or disease. If sick or unsightly, wildlife shall be removed from public display and immediately given professional medical attention, or be destroyed in a humane manner.

Authority

The provisions of this § 147.287 issued under The Game Law (34 P. S. §§ 1311.101—1311.1502) (Repealed); and the Game and Wildlife Code, 34 Pa.C.S. §§ 101—2965.

Source

The provisions of this § 147.287 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464.

Subchapter P. WILDLIFE REHABILITATION

Sec.

- 147.301. Definitions.
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Authority

The provisions of this Subchapter P issued under the authority of the Game and Wildlife Code, 34 Pa.C.S. §§ 101—2965, unless otherwise noted.

Source

The provisions of this Subchapter P adopted May 29, 1992, effective July 1, 1992, 22 Pa.B. 2839.

§ 147.301. Definitions.

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

Assistant—Individuals appointed by the wildlife rehabilitator to provide food and housing for wildlife being rehabilitated.

Council—The Wildlife Rehabilitation and Education Council as appointed by the Director under § 147.311 (relating to Council).

Facilities—Equipment or housing used in, or necessary for, the rehabilitation of wildlife.

RVS—Rabies vector species—All raccoons, skunks, foxes, bats, coyotes, groundhogs and other species designated by the Director.

Wildlife rehabilitation—The treatment and temporary care of injured, diseased and displaced wildlife, and the subsequent release of healthy wildlife to appropriate habitats in the wild.

Wildlife rehabilitator—A person permitted under the applicable law and this subchapter to conduct wildlife rehabilitation.

Authority

The provisions of this § 147.301 amended under the Game and Wildlife Code 34 Pa.C.S. § 2901(b).

Source

The provisions of this § 147.301 amended March 8, 2002, effective March 9, 2002, 32 Pa.B. 1307; amended December 19, 2008, effective December 20, 2008, 38 Pa.B. 6928. Immediately preceding text appears at serial page (287499).

§ 147.302. General.

(a) The Director may issue a permit to an individual who meets the requirements of 34 Pa.C.S. § 2901(a) (relating to authority to issue permits) and this subchapter for the purpose of wildlife rehabilitation, wildlife capture and transportation, and educational use of rehabilitation wildlife.

(1) A rehabilitation permittee may receive and possess wildlife for care and rehabilitation.

(2) A capture and transportation permittee may capture or receive injured or displaced wildlife for transportation to a wildlife rehabilitator.

(3) Educational use of rehabilitation wildlife permittees may utilize specified nonreleasable wildlife for educational programs or exhibits.

(4) A rehabilitation assistant may be appointed by each wildlife rehabilitator to provide care for wildlife as necessary within the established limits for each class of permit.

(5) Permitted wildlife rehabilitators may use unlicensed volunteers under their supervision, at their facility, provided that they maintain current records including name, address and phone number.

(b) A licensed veterinarian may accept injured wildlife for emergency treatment without a permit, if the wildlife is not held for more than 48 hours before contacting the Commission or a wildlife rehabilitator. Wildlife shall be transferred to a properly permitted rehabilitator as soon as specialized veterinarian care is not required. This period may be extended by the district wildlife conservation officer if necessary for completion of the emergency treatment.

(c) Rehabilitated wildlife shall be returned to the wild as soon as feasible at a suitable location agreed upon by the wildlife conservation officer having jurisdiction facility location.

(d) Releasable wildlife may not be intentionally tamed or kept longer than necessary for restoration of its health.

(e) Except as provided in subsections (f) and (g), wildlife may not be kept alive when it becomes evident that rehabilitation and release is impossible.

(f) Nonreleasable wildlife, which visibly appears to be in good condition, may be held by authority of an educational use of rehabilitation wildlife permit or transferred to a zoological park or garden which is open to the public or to the holder of a wildlife menagerie permit. Raptors may additionally be transferred to holders of falconry or raptor propagation permits. A wildlife transfer permit, available from the Bureau of Wildlife Protection, shall be obtained for each specimen prior to any transaction.

(g) Nonreleasable wildlife may be held, with the approval of the Bureau of Wildlife Protection, for cross-fostering purposes.

(h) Wildlife may be transferred to other rehabilitation permittees within this Commonwealth if better care is required and facilities are available.

(i) Wildlife may be transferred to or from properly permitted facilities outside of this Commonwealth only upon issuance of a wildlife importation or exportation permit by the Bureau of Wildlife Protection.

(j) Wildlife which is terminated shall be surrendered to the Commission as required, or disposed of in an appropriate manner.

(k) Records shall be kept by the permittee on forms supplied by the Commission and a copy shall be submitted annually with the application for permit renewal by July 30.

(l) A wildlife rehabilitation facility and its records shall be available for inspection by an officer of the Commission at any reasonable hour. These officers may remove wildlife from the custody of the permittee if it is deemed necessary for the welfare of the wildlife. During an inspection, members of the Council may accompany these officers to act in an advisory capacity.

(1) *Caging.* Cages used for the rehabilitation of wildlife must be of adequate size, design and strength to provide for the good health, comfort and secure containment of the animal.

(2) *Sanitation.* Wildlife held under this subchapter shall be kept in a sanitary manner consistent with the standards in § 147.283 (relating to sanitation).

(3) *RVS.* RVS shall be housed in a manner to prevent escape of the animal and exposure to people, pets, livestock and other captive or free-ranging wildlife. Exterior caging must be locked and improved by double fencing or solid wall barrier of adequate design and strength to ensure proper containment and exclusion of animals. RVS may not be removed from their containment except for their treatment, destruction, release or maintenance of the facility.

(m) The Director may restrict the rehabilitation of certain species of wildlife, either Statewide or in specific areas as required, due to disease, over-population or other limiting factors.

(n) The Commission, its employees, the Council or the Council members will not be responsible for costs involved in the treatment of wildlife unless specifically agreed to in writing.

(o) The renewal of a permit is contingent upon the permittee's compliance with relevant State and Federal statutes and this subchapter. Failure to comply with one or more conditions of the permit or this subchapter will be sufficient cause for recall of permit.

(p) A permitted wildlife rehabilitation facility shall be active and open to receive wildlife from the public and the Commission, unless the facility has either exceeded its capacity or otherwise provided the Commission with reasonable justification for inactivity or closure. An inactive or closure period deemed unreasonable may result in suspension, denial or recall of permit privileges.

(q) As of January 1, 2009, a new wildlife rehabilitator may not possess a menagerie, propagation, exotic wildlife possession or exotic wildlife dealer permit.

Authority

The provisions of this § 147.302 amended under the Game and Wildlife Code, 34 Pa.C.S. § 2901(b).

Source

The provisions of this § 147.302 amended March 8, 2002, effective March 9, 2002, 32 Pa.B. 1307; amended December 19, 2008, effective December 20, 2008, 38 Pa.B. 6928. Immediately preceding text appears at serial pages (287499) to (287501).

§ 147.303. Permit applications.

(a) Written application shall be made to the Director through the wildlife conservation officer in charge of the district in which the rehabilitation facilities are to be established.

(b) Each application must include the following:

(1) The name, address, telephone number and date of birth of the applicant.

(2) The location of the proposed facilities, which shall include the address, township or borough, and county.

- (3) Related educational background.
 - (4) Experience and training.
 - (5) The permit type desired. (Capture and transportation, wildlife rehabilitation or educational use of rehabilitation wildlife).
 - (6) The type of wildlife. (Mammals, nonraptor avian species, raptors of all species).
 - (7) The permit class. (Novice or general—wildlife rehabilitation only).
 - (8) A letter from a sponsoring wildlife rehabilitator. The letter must include the name, address and permit number of the sponsoring wildlife rehabilitator. (Capture and transportation and novice wildlife rehabilitation permits only).
 - (9) A letter from a sponsoring veterinarian. The letter must include the name and address of the veterinarian who will be assisting and advising the applicant (required for wildlife rehabilitation permit only).
- (c) A wildlife rehabilitator whose permit lapses for 2 or more years shall apply as a new applicant.
- (d) A wildlife rehabilitator whose permit was recalled shall be ineligible for reapplication for a minimum period of 2 years and shall be required to retest.

Authority

The provisions of this 147.303 amended under the Game and Wildlife Code, 34 Pa.C.S. § 2901(b).

Source

The provisions of this § 147.303 amended March 8, 2002, effective March 9, 2002, 32 Pa.B. 1307; amended December 19, 2008, effective December 20, 2008, 38 Pa.B. 6928. Immediately preceding text appears at serial page (287501).

§ 147.304. Wildlife rehabilitation permits.

- (a) *Wildlife rehabilitation permits.* Wildlife rehabilitation permits will be limited as follows:
- (1) A maximum of two permits, including all classes, covering all species may be issued for each county with the following exceptions:
 - (i) The estimated population of the county exceeds 300,000.
 - (ii) The land area of the county exceeds 1,000 square miles.
 - (iii) Unusual circumstances exist which create a specific recommendation from the Council for an increase in the limitation.
 - (iv) Due to the issuance of permits which limit rehabilitation to specific types of wildlife (mammals, nonraptor avian species or raptors), the number of permits issued would not exceed two of any specific species listed in this subparagraph, unless excepted by subparagraph (i), (ii) or (iii).
 - (2) Permit limits for counties excepted in subsection (a) may be increased as follows:
 - (i) One permit for each additional 300,000 in the estimated population.
 - (ii) One permit where land area exceeds 1,000 square miles.

(iii) One permit for unusual circumstances, when specifically recommended by the Council.

(3) Exceptions will be recommended by the Council and approved by the Bureau of Wildlife Protection.

(b) *Novice class wildlife rehabilitation permits.*

(1) *Qualifications.*

(i) New applicants shall successfully pass a supervised examination with a minimum score of 80%.

(ii) The applicant shall appear for and successfully pass an oral examination/interview which shall be conducted by members of the Council and the Bureau of Wildlife Protection. The applicant shall submit photographs or videotape with commentary of their facility for review.

(2) *Permit conditions.*

(i) The permittee shall have facilities established which are adequate for the proper care and rehabilitation of the wildlife types listed on the permit. These facilities shall be inspected and approved by the district wildlife conservation officer prior to accepting wildlife for rehabilitation.

(ii) The permittee may not hold endangered or threatened species for rehabilitation. An endangered or threatened species received shall immediately be transferred to the nearest properly permitted wildlife rehabilitator.

(iii) Educational use of rehabilitation wildlife permits will not be issued to novice wildlife rehabilitators unless specifically recommended by the Council and approved by the Bureau of Wildlife Protection.

(iv) A novice wildlife rehabilitator may list no more than five capture and transportation permittees on its permits.

(v) A novice wildlife rehabilitator may appoint no more than five responsible individuals to assist in providing food and housing for wildlife being rehabilitated. It is the permittee's responsibility to notify the Bureau of Wildlife Protection in writing of the names, addresses and telephone numbers of the appointees and necessary changes as they occur.

(vi) A novice wildlife rehabilitator shall only renew his permit for 1 permit year at a time.

(vii) A novice wildlife rehabilitator may only remain as a novice for a period not to exceed 2 years. After the second year is reached, the permit will be voided and game or wildlife held under that permit shall be removed and relocated to another permitted facility, unless the novice has applied for an upgrade or as otherwise directed by the Director.

(viii) A novice wildlife rehabilitator shall have outside conditioning or prerelease cages established before an upgrade to a general class will be approved.

(ix) A novice wildlife rehabilitator request for upgrade to the class of general shall be reviewed and considered during the month of April only.

(c) *General class wildlife rehabilitation permits.*

(1) *Qualifications.*

(i) The applicant shall have actively rehabilitated wildlife for a minimum of 2 years as a novice wildlife rehabilitator or equivalent experience approved by the Council and the Bureau of Wildlife Protection.

(ii) [Submit photographs or videotape with commentary of the permittee's facility to the Bureau of Law Enforcement for review by the Council.

(iii)] The applicant shall appear for and successfully pass an oral examination/interview conducted by members of the Council and the Bureau of Wildlife Protection. The applicant shall also submit photographs or videotape with commentary of his facility for review.

(2) *Permit conditions.*

(i) A permittee claiming equivalent experience under qualifications may not accept wildlife for rehabilitation prior to a facility's inspection and approval by the district wildlife conservation officer.

(ii) A permittee may accept endangered, threatened or RVS for rehabilitation following proper additional certification under § 147.306 (relating to endangered, threatened RVS certification).

(iii) A general class wildlife rehabilitator may list no more than ten capture and transportation permittees in its permit.

(iv) A general class wildlife rehabilitator may appoint no more than ten responsible individuals to assist in providing food and housing for wildlife being rehabilitated, with the exception of endangered or threatened species. It shall be the permittee's responsibility to notify the Bureau of Wildlife Protection in writing of the names, addresses and telephone numbers of the appointees and necessary changes as they occur.

(v) Additional capture and transportation permittees and assistants may be listed, only with the advance approval of the Council and the Bureau of Wildlife Protection. A request must be in writing with justification for an increase.

Authority

The provisions of this § 147.304 amended under 34 Pa.C.S. § 2901(b).

Source

The provisions of this § 147.304 amended March 8, 2002, effective March 9, 2002, 32 Pa.B. 1307; amended December 19, 2008, effective December 20, 2008, 38 Pa.B. 6928. Immediately preceding text appears at serial pages (287502) to (287503).

§ 147.305. Wildlife capture and transportation permits.

(a) Issuance of wildlife capture and transportation permits will be limited to the number authorized by the permit class of the sponsoring wildlife rehabilitator.

(b) Qualifications are as follows:

(1) The applicant shall be sponsored by a wildlife rehabilitation permittee.

(2) The applicant shall successfully pass a Council-approved wildlife capture and transport written examination with a minimum score of 80%.

(3) The applicant, upon completion of testing, shall obtain a certificate from the Council-approved written examination. This certificate, along with a permit application shall be mailed to the district wildlife conservation officer to receive a permit.

(c) Permit conditions are as follows:

(1) A permittee may capture and transport injured or displaced wildlife when necessary.

(2) Wildlife shall be immediately transported to the sponsoring permittee or to the nearest properly permitted wildlife rehabilitator.

(3) Wildlife may not be captured or transported by a permittee outside of the area serviced by a sponsoring permittee except when advance permission from the wildlife rehabilitator has been obtained.

(d) *Monthly reports.* A permittee shall submit a monthly report to the district wildlife conservation officer documenting the species and quantity of all wildlife captured or transported, the location where the wildlife is captured, the location where the wildlife is transported to and the disposition of deceased wildlife.

Authority

The provisions of this § 147.305 amended under 34 Pa.C.S.

Source

The provisions of this § 147.305 amended December 19, 2008, effective December 20, 2008, 38 Pa.B. 6928; amended August 26, 2022, effective August 27, 2022, 52 Pa.B. 5471. Immediately preceding text appears at serial pages (341034) to (341035).

§ 147.306. Endangered, threatened or RVS certification.

(a) A written request for the endangered, threatened or RVS certification examination shall be made to the Bureau of Wildlife Protection.

(b) The request shall include:

(1) The name, address and permit number of the applicant.

(2) The wildlife species to be included in certification.

(3) Related education, training and experience of the applicant.

(4) A description and photograph or videotape of facilities available.

(c) Attend a certification workshop or seminar as established by the Council and the Bureau of Wildlife Protection.

(d) RVS-certified permittees shall operate their facilities in accordance with the guidelines in the RVS protocol established by the Council, the Commission and the Department of Health.

Authority

The provisions of this § 147.306 amended under 34 Pa.C.S. § 2901(b).

Source

The provisions of this § 147.306 amended March 8, 2002, effective March 9, 2002, 32 Pa.B. 1307; amended December 19, 2008, effective December 20, 2008, 38 Pa.B. 6928. Immediately preceding text appears at serial page (287504).

Cross References

This section cited in 58 Pa. Code § 147.304 (relating to wildlife rehabilitation permits).

§ 147.307. Areas of service.

(a) The area serviced by wildlife rehabilitators will be restricted to the county or portion of a county in which facilities are established unless otherwise approved by the Bureau of Wildlife Protection.

(b) Capture and transportation permittees will be restricted to the area serviced by their sponsoring permittee unless otherwise approved by the Bureau of Wildlife Protection.

Source

The provisions of this § 147.307 amended December 19, 2008, effective December 20, 2008, 38 Pa.B. 6928. Immediately preceding text appears at serial page (287504).

§ 147.308. Training and education requirements.

(a) A wildlife rehabilitator and capture and transportation permittee will be required to attend a minimum of one training program or symposium conducted by the Council or the Commission within a 2-year period when this training is made available, or an equivalent training as approved by the Council.

(b) The failure to meet training and education requirements will result in permit recall.

Authority

The provisions of this § 147.308 amended under 34 Pa.C.S. § 2901(b).

Source

The provisions of this § 147.308 amended March 8, 2002, effective March 9, 2002, 32 Pa.B. 1307. Immediately preceding text appears at serial page (202858).

§ 147.309. Educational use of rehabilitation wildlife permits.

(a) Wildlife native to this Commonwealth which is held under the authority of a wildlife rehabilitation permit may be utilized for educational programs or exhibits by wildlife rehabilitators or their designated assistants only when in the possession of a valid educational use of rehabilitation wildlife permit.

(b) Permit applications must be made in writing to the Bureau of Wildlife Protection and include the following:

- (1) The name, address and permit number of the applicant.
- (2) The name, address and telephone number of designated assistants, if any.
- (3) A list of wildlife species to be utilized.
- (4) The area, county or counties, in which the programs will be conducted.
- (5) The educational experience or background of the applicant and the designated assistants.
- (6) A general outline setting forth program goals and objectives.

(c) Permit applications will be approved by the Council and the Bureau of Wildlife Protection.

(d) Permit conditions are as follows:

(1) Only nonreleasable wildlife which visibly appears to be in good condition may be utilized.

(2) Not more than ten specimens of wildlife which are determined to be nonreleasable may be used by the permittee for educational exhibits or programs held away from the established rehabilitation facility, unless further restricted by State or Federal permits.

(3) Human contact may not be permitted with the wildlife and the wildlife shall be restrained to preclude danger to the public or injury to the specimen. Free flying of any species is prohibited.

(4) RVS may not be used for educational programs or exhibits.

(e) Records shall be maintained by the permittee and include the date, location and listing of wildlife used for each exhibit or program conducted. These records shall be retained for 2 years and be available for inspection by the wildlife conservation officer or other officers of the Commission at any reasonable hour. A copy of these records shall be made available to the Bureau of Wildlife Protection upon request.

(f) Educational use of rehabilitation wildlife permit holders may apply for salvage permits.

(g) Failure to comply with one or more conditions of the permit will be reason for suspension, denial or recall of the permit.

Authority

The provisions of this § 147.309 amended under the Game and Wildlife Code, 34 Pa.C.S. § 2901(b).

Source

The provisions of this § 147.309 amended March 8, 2002, effective March 9, 2002, 32 Pa.B. 1307; amended December 19, 2008, effective December 20, 2008, 38 Pa.B. 6928. Immediately preceding text appears at serial pages (287505) to (287506).

§ 147.310. United States Fish and Wildlife Service permits.

(a) A wildlife rehabilitation permittee authorized to rehabilitate migratory birds shall be in possession of a valid United States Fish and Wildlife Service special purpose rehabilitation permit.

(b) A capture and transportation permittee who handles migratory birds shall be listed as a subpermittee on the sponsoring wildlife rehabilitator's United States Fish and Wildlife Service permit.

(c) An educational use of rehabilitation wildlife permittee utilizing migratory birds shall have their United States Fish and Wildlife Service permit amended to authorize educational use of nonreleasable wildlife. A designated assistant shall be listed as a subpermittee.

§ 147.311. Council.

The Director may appoint up to seven competent citizens of this Commonwealth to serve as members of the Council. Members of the Council shall serve as advisers to the Director on matters relating to wildlife rehabilitation and public education associated with this activity, assist the Bureau of Law Enforcement in devising tests to be administered under this subchapter and conduct other activities associated with wildlife rehabilitation as the Director may request. Members of the Council will not receive compensation for services rendered.

Source

The provisions of this § 147.311 amended July 29, 1994, effective July 30, 1994, 24 Pa.B. 3716. Immediately preceding text appears at serial page (169585).

Cross References

This section cited in 58 Pa. Code § 147.301 (relating to definitions).

§ 147.312. Unlawful acts.

It is unlawful for a person to accept, possess, transport or display wildlife contrary to this subchapter or the act.

Subchapter Q. PHEASANT PERMIT

Sec.

147.315. Purpose.

147.316. Application.

147.317. Permit.

147.318. Violations.

Authority

The provisions of this Subchapter Q issued under the authority of the Game and Wildlife Code, 34 Pa.C.S. § 2901(b), unless otherwise noted.

Source

The provisions of this Subchapter Q adopted May 12, 2017, effective May 13, 2017, 47 Pa.B. 2720, unless otherwise noted.

§ 147.315. Purpose.

The purpose of this subchapter is to define and implement the Pheasant Hunting Permit Program in this Commonwealth and provide for the issuance of hunting permits authorizing eligible individuals to hunt pheasants during applicable pheasant hunting seasons established in § 139.4 (relating to seasons and bag limits for the license year).

§ 147.316. Application.

(a) *Form and content.* Applications for pheasant hunting permits issued under this subchapter shall be made through the Commission or any of its authorized license-issuing agents on the appropriate form designated by the Commission for this purpose. Each application must include the applicant's name, address, date of birth, Commission-issued Customer Identification Number and any other information required by the Commission.

(b) *Eligibility.*

(1) Adult pheasant hunting permit applications are available for submission by applicants in possession of a valid resident or nonresident adult or senior hunting license, or a valid mentored adult hunting permit. The fee for an adult pheasant hunting permit is \$25, plus any applicable transactional and issuing agent fees.

(2) Junior pheasant hunting permit applications are available for submission by applicants in possession of a valid resident or nonresident junior hunting license. There is not a fee for a junior pheasant hunting permit.

Authority

The provisions of this § 147.316 amended under 34 Pa.C.S. § 2901(b).

Source

The provisions of this § 147.316 amended May 25, 2018, effective May 26, 2018, 48 Pa.B. 3091. Immediately preceding text appears at serial pages (387154) and (388091).

§ 147.317. Permit.

(a) A pheasant hunting permit is required for any person to hunt or take pheasants by any means or manner or device, including the use of dogs, in this Commonwealth.

(b) A pheasant hunting permit shall be signed and carried on person when hunting or taking pheasants in this Commonwealth.

(c) This section and subchapter may not be construed to require a permit for individuals engaged in:

(1) Lawful pheasant hunting activities under a valid commercial or non-commercial regulated hunting grounds or special retriever training area permit issued under sections 2928 and 2942 of the act (relating to regulated hunting grounds permits; and special retriever training areas).

(2) Lawful dog training activities under a valid dog training area, special retriever area, field dog trial or field dog trial for retrievers permit issued under sections 2941—2944 of the act.

(3) Lawful hunting of pheasants they have acquired and released on private lands not otherwise designated as cooperative access lands under sections 709 and 729 of the act (relating to cooperative agreements relating to land; and public access projects). Any pheasants hunted, taken or possessed under this paragraph shall be banded, tagged, marked or receipted in accordance with section 2930 of the act (relating to propagating permits).

(4) Lawful hunting of pheasants by persons that previously acquired a senior lifetime resident hunting license or senior lifetime resident combination hunting and furtaking license, as defined under 2705 of the act (relating to classes of licenses), prior to May 13, 2017.

Authority

The provisions of this § 147.317 amended under 34 Pa.C.S. § 2901(b).

Source

The provisions of this § 147.317 amended May 25, 2018, effective May 26, 2018, 48 Pa.B. 3091. Immediately preceding text appears at serial page (388091).

§ 147.318. Violations.

Violations of this subchapter will be prosecuted under section 2908 of the act (relating to violations). Furthermore, the Director may deny, revoke or suspend a permit for a violation of this subchapter upon written notice to the permittee.

Subchapter R. DEER CONTROL**POLITICAL SUBDIVISIONS**

Sec.

- 147.321. Scope.
- 147.322. Application for deer control permit.
- 147.323. Permit.
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- 147.325. Special conditions of permit.
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- 147.551. General.
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- 147.661. General.
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- 147.663. Fencing.
- 147.664. Permit.
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- 147.667. Carcass handling.
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DEER MANAGEMENT ASSISTANCE PROGRAM PERMITS

- 147.671. Purpose and scope.
- 147.672. Definitions.
- 147.673. Eligibility and application for DMAP.
- 147.674. Issuance of DMAP harvest permits.
- 147.675. Validity of permit.
- 147.676. Unlawful acts.
- 147.681. [Reserved].
- 147.682. [Reserved].
- 147.683. [Reserved].
- 147.684. [Reserved].
- 147.685. [Reserved].
- 147.686. [Reserved].
- 147.687. [Reserved].

POLITICAL SUBDIVISIONS

§ 147.321. Scope.

This subchapter regulates the activities of persons, as defined in section 102 of the act (relating to definitions), who apply for, receive or conduct activities under a deer control permit issued under the authority of section 2902 of the act (relating to general categories of permits) or this part.

Source

The provisions of this § 147.321 adopted July 29, 1994, effective July 30, 1994, 24 Pa.B. 3716.

§ 147.322. Application for deer control permit.

(a) An application for a deer control permit shall be completed and submitted by an authorized officer or employee of the political subdivision, homeowners association or nonprofit land-holding organization in the form and manner required by the Director.

(b) An application for a deer control permit must contain the following information:

(1) *Description.* A comprehensive description of the background and scope of the white-tailed deer population or damage problem, or both. The description must include a report of all alternative solutions or other steps taken by the applicant to mitigate the white-tailed deer population or damage problem, or both, prior to application for this permit.

(2) *Public hunting requirement.* The application must specifically define how licensed public hunting for white-tailed deer has been utilized in the problem area and what results hunting activities have had on the population or damage problem, or both. The application must list the name, C.I.D. number

and hunter harvest information related to public hunting activities that have previously taken place in the problem area.

(3) *Deer management plan.* A comprehensive deer management plan which sets forth the applicant's white-tailed deer management goals, recommended implementation plan and a reference to the specific number of animals sought to be removed. The applicant shall specifically define how licensed public hunting for white-tailed deer will be utilized in the problem area during the term of the requested deer control permit.

(4) *Map.*

(i) A map or set of maps showing the proposed project area and its boundaries and clearly illustrating all of the following distinct features and areas within the proposed project area:

- (A) Land uses.
- (B) Cover types.
- (C) Areas open to public hunting for white-tailed deer.
- (D) Areas damaged by white-tailed deer.
- (E) Areas of white-tailed deer congregation.
- (F) Applicable safety zones.
- (G) Proposed white-tailed deer control areas.

(ii) The map must indicate the individual acreage values for each of the listed features and acres.

(c) Public land within the proposed boundaries shall be open to lawful public hunting unless otherwise prohibited under this title or as otherwise authorized or waived by the Director. Private land within the proposed boundaries may be closed to public hunting at the landowner's discretion. However, if closed, deer control activities may not occur thereon.

(d) For the purposes of this section, the term "public hunting" shall be defined as hunting opportunity that is available, in whole or in part, to members of the general public, but shall not include hunting opportunity that is afforded to an individual or class of individuals solely by virtue of their public employment.

Authority

The provisions of this § 147.322 amended under the Game and Wildlife Code, 34 Pa.C.S. §§ 103 and 2901(b).

Source

The provisions of this § 147.322 adopted July 29, 1994, effective July 30, 1994, 24 Pa.B. 3716; amended December 19, 2008, effective December 20, 2008, 38 Pa.B. 6928; amended August 19, 2016, effective August 20, 2016, 46 Pa.B. 5086; amended November 16, 2018, effective November 17, 2018, 48 Pa.B. 7213; amended August 30, 2019, effective August 31, 2019, 49 Pa.B. 4955. Immediately preceding text appears at serial pages (394637) to (394638).

§ 147.323. Permit.

An application shall show the name, address, date of birth and telephone number for each permittee and subpermittee.

Source

The provisions of this § 147.323 adopted July 29, 1994, effective July 30, 1994, 24 Pa.B. 3716.

§ 147.324. Privileges authorized under the permit.

Deer shall be taken:

- (1) Regardless of age or sex.
- (2) From February 1 to September 30, unless otherwise authorized by the Director and listed on the permit.

- (3) At any hour, day or night, and with or without an artificial light.
- (4) With any lawful firearm for big game as described in section 2322(a) of the act (relating to prohibited devices and methods) or other device authorized by the Director and listed on the permit.
- (5) Only in areas designated by the political subdivision, homeowners association or nonprofit land-holding organization.

Source

The provisions of this § 147.324 adopted July 29, 1994, effective July 30, 1994, 24 Pa.B. 3716; amended December 19, 2008, effective December 20, 2008, 38 Pa.B. 6928. Immediately preceding text appears at serial page (297379).

§ 147.325. Special conditions of permit.

- (a) Special conditions specific to the applicant's area will be listed on the permit.
- (b) Permits shall list the applicant's name, who shall be an authorized officer or employee of the political subdivision, homeowners association or nonprofit land-holding organization responsible for the activities conducted under this permit and list all subpermittees.
- (c) A copy of the permit shall be carried by the permittee and subpermittees when engaged in activities granted by the permit. The permit shall be shown to any officer of the Commission or person empowered to enforce the act or this part.
- (d) Unless otherwise exempted under this title, a permittee or subpermittee who engages in the taking of deer shall first apply for and receive a nuisance wildlife control operator permit as provided in Chapter 147, Subchapter T (relating to nuisance wildlife control operator).

Source

The provisions of this § 147.325 adopted July 29, 1994, effective July 30, 1994, 24 Pa.B. 3716; amended December 19, 2008, effective December 20, 2008, 38 Pa.B. 6928. Immediately preceding text appears at serial pages (297379) to (297380).

§ 147.326. Carcass handling.

- (a) Each deer harvested shall have the entrails removed at a suitable location away from where the animal was taken.
- (b) Each deer shall be tagged or marked with a tag supplied by the Commission.

(c) Due care shall be taken with each carcass to preserve the meat for human consumption.

(d) Deer suitable for human consumption shall be utilized through a food bank or needy family or as otherwise determined by the Director.

(e) Antlers from deer taken under the authority of this permit shall be submitted to the Commission for disposal by the Director.

Source

The provisions of this § 147.326 adopted July 29, 1994, effective July 30, 1994, 24 Pa.B. 3716.

§ 147.327. Reports.

(a) Deer taken under the authority of this permit shall be reported to the Director on forms supplied by the Commission.

(b) Reports shall be submitted on a monthly basis when deer are taken.

Source

The provisions of this § 147.327 adopted July 29, 1994, effective July 30, 1994, 24 Pa.B. 3716.

§ 147.328. Permit renewal.

(a) Permits will be issued on a fiscal basis of July 1 to June 30 next following.

(b) Renewal of the permit will be subject to the review of progress towards deer management plan objectives.

Source

The provisions of this § 147.328 adopted July 29, 1994, effective July 30, 1994, 24 Pa.B. 3716.

§ 147.329. Violations.

The Director may revoke a permit for a violation of this subchapter, conditions of a permit, or if a report is not received, as required, upon written notice to the permittee.

Source

The provisions of this § 147.329 adopted July 29, 1994, effective July 30, 1994, 24 Pa.B. 3716.

MILITARY INSTALLATIONS

§ 147.441. General.

Sections 147.442—147.448 provide for permits to be issued to Department of Defense installations or other military installations for the purpose of deer control in the confines of the specific reserve.

Source

The provisions of this § 147.441 adopted August 19, 1994, effective August 20, 1994, 24 Pa.B. 4197.

§ 147.442. Application on military installations.

The application shall provide technical and historical data on the installation to include the following:

- (1) A complete map showing the boundaries of the installation and indicating the areas to be hunted.
- (2) Information to show that the areas to be hunted are completely fenced so that public access is restricted.
- (3) Information that estimates herd size within the enclosure.
- (4) Previous harvest data in relation to herd size, if applicable.
- (5) The proposed hunting dates and a projected harvest.
- (6) A deer management plan which provides deer density estimates and what the desired tolerable level should be for the land area.
- (7) A Memorandum of Understanding (MOU) or cooperative management plan, or both, between each installation applying for a permit and the Commission which is in effect at the time of application.

Source

The provisions of this § 147.442 adopted August 19, 1994, effective August 20, 1994, 24 Pa.B. 4197.

Cross References

This section cited in 58 Pa. Code § 147.441 (relating to general).

§ 147.443. Special conditions for military installations.

Special conditions for permits to be granted on military installations are as follows:

- (1) Pennsylvania licensed hunters are eligible to apply to hunt on the installation.
- (2) A public lottery shall be conducted by the installation to determine the subpermittees.
- (3) The military installation shall be in charge of issuance of the subpermits.
- (4) The number of subpermits will be based on the number of deer that are needed to be removed formulated with a hunter success ratio and approved by the Commission.
- (5) Only antlerless deer may be taken under the authority of this permit.
- (6) If the number of subpermits is not exhausted at a public lottery, names may be drawn until the allotment is filled, allowing for more than one subpermit to be issued to an individual.

(7) The hunting areas shall be open to Commission wildlife conservation officers for enforcement activities in accordance with the Memorandum of Understanding or cooperative plan agreement.

Source

The provisions of this § 147.443 adopted August 19, 1994, effective August 20, 1994, 24 Pa.B. 4197.

Cross References

This section cited in 58 Pa. Code § 147.441 (relating to general).

§ 147.444. Permit fee.

A charge will not be made for the permit. A \$5 fee will be assessed for every subpermit requested and remitted to the Commission with the application.

Source

The provisions of this § 147.444 adopted August 19, 1994, effective August 20, 1994, 24 Pa.B. 4197.

Cross References

This section cited in 58 Pa. Code § 147.441 (relating to general).

§ 147.445. Carcass tagging.

Each deer carcass removed from the installation shall have attached a deer carcass tag.

(1) Carcass tags will be provided by the Commission.

(2) The tag shall be completed and attached to the head of the animal in accordance with the tagging requirements in section 2323(b) of the act (relating to tagging and reporting big game kills), except the reporting shall be done by the installation at the completion of the hunting.

Source

The provisions of this § 147.445 adopted August 19, 1994, effective August 20, 1994, 24 Pa.B. 4197.

Cross References

This section cited in 58 Pa. Code § 147.441 (relating to general).

§ 147.446. Reports.

(a) Deer taken under the authority of this permit shall be reported to the Director on forms supplied by the Commission. Each report shall be completed with the required information and be submitted within 30 days after the hunt.

(b) The installation is required to submit a list of the subpermittees on forms supplied by the Commission.

Source

The provisions of this § 147.446 adopted August 19, 1994, effective August 20, 1994, 24 Pa.B. 4197.

Cross References

This section cited in 58 Pa. Code § 147.441 (relating to general).

§ 147.447. Renewal.

(a) Permits will be issued on a fiscal basis of July 1 to June 30 next following.

(b) Renewal of permit will be subject to the review of progress towards the deer management plan goals.

Source

The provisions of this § 147.447 adopted August 19, 1994, effective August 20, 1994, 24 Pa.B. 4197.

Cross References

This section cited in 58 Pa. Code § 147.441 (relating to general).

§ 147.448. Violations.

The Director may revoke a permit for a violation of this subpart, conditions of the permit or if a report is not received as required, upon written notice to the permittee.

Source

The provisions of this § 147.448 adopted August 19, 1994, effective August 20, 1994, 24 Pa.B. 4197.

Cross References

This section cited in 58 Pa. Code § 147.441 (relating to general).

AGRICULTURE**§ 147.551. General.**

Sections 147.552, 147.553, 147.555—147.559 (relating to agriculture) establish rules for the submission of applications and the issuance of agriculture deer control harvest permits on lands enrolled in the agriculture deer control program.

Authority

The provisions of this § 147.551 amended under 34 Pa.C.S.

Source

The provisions of this § 147.551 adopted October 27, 1995, effective October 28, 1995, 25 Pa.B. 4611; amended May 27, 2022, effective November 1, 2022, 52 Pa.B. 3066. Immediately preceding text appears at serial page (328434).

Cross References

This section cited in 58 Pa. Code § 147.559 (relating to violations).

§ 147.551a. Definitions.

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

Agriculture deer control permit—The permit issued to a qualified person that authorizes its holder to issue harvest permit coupons to aid in the removal of deer by shooting on lands under their ownership or control, or both.

Coupon—The coupon issued by the Commission to the holder of an approved agriculture deer control area permit for distribution to qualified hunters entitling the holder to one agriculture deer control harvest permit for the area indicated on the coupon.

Harvest permit—The numbered agriculture deer control harvest permit issued through the Commission's Pennsylvania Automated Licensing System (PALS), authorizing the holder thereof to hunt antlerless deer in the area indicated on the coupon. Each harvest permit has its own antlerless deer ear tag attached to be used only for tagging an antlerless deer harvested in the designated area.

Qualified person—An individual defined as a person, as defined in section 2121(c) of the act (relating to killing game or wildlife to protect property). This term also includes political subdivisions as applicants for a conglomeration of separate, but otherwise individually eligible properties located within the jurisdictional boundaries of the political subdivision as set forth in § 147.558a (relating to political subdivisions as applicants).

Authority

The provisions of this § 147.551a added under 34 Pa.C.S.

Source

The provisions of this § 147.551a added May 27, 2022, effective November 1, 2022, 52 Pa.B. 3066.

§ 147.552. Eligibility and application for agriculture deer control permit.

(a) An application for an agriculture deer control permit shall be made on a form provided by the Commission.

(b) An applicant shall certify that he is the owner or lessee of both the agricultural interest adversely affected by material damage caused by white-tailed deer and the hunting rights of the land to be covered by the permit application.

(c) The applicant shall designate the location and boundaries of the area to be covered by the permit in a manner approved by the Commission.

(d) By default, the Commission will allocate one agriculture deer control coupon for every 5 acres of land that the agriculture deer control permit holder has under cultivation. Applicants may submit a request to the Commission for the issuance of additional coupons. This request must be accompanied by a written deer management plan describing in detail current deer population data and landscape conditions relative to the applicant's land use goals and objectives. The request must also identify the specific number of additional coupons requested. The Commission, in its sole discretion, may approve a request for the issuance of additional coupons if the applicant's deer management plan both justifies an increase and such increase does not conflict with the Commission's broader deer management goals and objectives for any affected Wildlife Management Units.

(e) There is no fee to apply for the agriculture deer control permit.

(f) {Reserved}.

Authority

The provisions of this § 147.552 amended under 34 Pa.C.S.

Source

The provisions of this § 147.552 adopted October 27, 1995, effective October 28, 1995, 25 Pa.B. 4611; amended February 26, 1999, effective February 27, 1999, 29 Pa.B. 1072; amended August 24, 2001, effective August 25, 2001, 31 Pa.B. 4650; amended June 30, 2006, effective July 1, 2006, 36 Pa.B. 3251; amended April 1, 2011, effective April 2, 2011, 41 Pa.B. 1767; amended August 10, 2012, effective August 11, 2012, 42 Pa.B. 5216; amended May 5, 2017, effective May 6, 2017, 47 Pa.B. 2611; amended May 27, 2022, effective November 1, 2022, 52 Pa.B. 3066; amended May 23, 2025, effective May 24, 2025, 55 Pa.B. 3588. Immediately preceding text appears at serial pages (410953) to (410954).

Cross References

This section cited in 58 Pa. Code § 141.1 (relating to special regulations areas); 58 Pa. Code § 147.551 (relating to general); 58 Pa. Code § 147.558a (relating to political subdivisions as applicants); and 58 Pa. Code § 147.559 (relating to violations).

§ 147.553. Agriculture deer control harvest permit.

(a) *Validity.* An agriculture deer control harvest permit is valid during an agriculture deer control season established in § 139.4 (relating to seasons and bag limits for the license year) and during legal hunting hours as set forth in § 141.4 and Chapter 141, Appendix G (relating to hunting hours).

(b) *Fee for permit.* Coupon holders shall submit a valid, completed coupon and pay the applicable transaction and issuing agent fees to receive a harvest permit.

(c) *Hunting license or exemption.* A harvest permit will only be issued to a person who possesses a valid Pennsylvania hunting license or qualifies for license and fee exemptions under section 2706 of the act (relating to resident license and fee exemptions) for the property covered by the agriculture deer control permit.

(d) *Protective material requirements.* A person issued a harvest permit shall comply with the protective material requirements of § 141.20(a) (relating to protective material required) at all times while engaged in activities authorized by the permit.

(e) *Possession of permit.* A person issued a harvest permit shall possess the permit at all times while engaged in activities authorized by the permit.

Authority

The provisions of this § 147.553 amended under 34 Pa.C.S.

Source

The provisions of this § 147.553 adopted October 27, 1995, effective October 28, 1995, 25 Pa.B. 4611; amended February 11, 2000, effective February 12, 2000, 30 Pa.B. 767; corrected June 1, 2001, effective February 12, 2000, 31 Pa.B. 2798; amended August 24, 2001, effective August 25, 2001, 31 Pa.B. 4650; amended March 8, 2002, effective March 9, 2002, 32 Pa.B. 1307; amended June 30, 2006, effective July 1, 2006, 36 Pa.B. 3251; amended September 28, 2007, effective September 29, 2007, 37 Pa.B. 5255; amended May 5, 2017, effective May 6, 2017, 47 Pa.B. 2611; amended May 27, 2022, effective November 1, 2022, 52 Pa.B. 3066; amended May 23, 2025, effective May 24, 2025, 55 Pa.B. 3588. Immediately preceding text appears at serial pages (410954) to (410955).

Cross References

This section cited in 58 Pa. Code § 147.551 (relating to general); 58 Pa. Code § 147.556 (relating to lawful devices and methods); and 58 Pa. Code § 147.559 (relating to violations).

§ 147.554. {Reserved}.**Authority**

The provisions of this § 147.554 amended under 34 Pa.C.S. §§ 2102 and 2901(b); deleted under 34 Pa.C.S.

Source

The provisions of this § 147.554 adopted October 27, 1995, effective October 28, 1995, 25 Pa.B. 4611; amended February 11, 2000, effective February 12, 2000, 30 Pa.B. 767; amended August 24, 2001, effective August 25, 2001, 31 Pa.B. 4650; amended June 30, 2006, effective July 1, 2006, 36 Pa.B. 3251; deleted May 27, 2022, effective November 1, 2022, 52 Pa.B. 3066. Immediately preceding text appears at serial page (387160).

§ 147.555. Antlerless deer only.

Only antlerless deer may be taken under this subchapter, unless otherwise authorized by the Director. For the purposes of enforcing this chapter, the term “antlerless deer” has the meaning as defined in § 131.2 (relating to definitions).

Authority

The provisions of this § 147.555 amended under 34 Pa.C.S.

Source

The provisions of this § 147.555 adopted October 27, 1995, effective October 28, 1995, 25 Pa.B. 4611; amended May 27, 2022, effective November 1, 2022, 52 Pa.B. 3066. Immediately preceding text appears at serial page (361993).

Cross References

This section cited in 58 Pa. Code § 147.551 (relating to general); and 58 Pa. Code § 147.559 (relating to violations).

§ 147.556. Lawful devices and methods.**(a) Devices.**

(1) *General rule.* Except as provided in paragraph (2), a person issued an agriculture deer control harvest permit is authorized to hunt and take deer with a lawful device as may be authorized for hunting deer during the regular firearms deer season as provided in the act and § 141.43(d) (relating to deer seasons).

(2) *Exception.* During the overlap with a traditional white-tailed deer hunting season established in § 139.4 (relating to seasons and bag limits for the license year), a person issued an agriculture harvest permit is authorized to hunt and take deer with a lawful device authorized for hunting deer during the applicable white-tailed deer season as provided in the act and § 141.43.

(b) *Methods.* A person issued a harvest permit for an agriculture deer control area in the southeast special regulations area is authorized to hunt or take deer through the use of or by taking advantage of bait in the manner set forth in § 141.1(d)(7) (relating to special regulations areas).

(c) *Further restrictions.* An agriculture deer control permit holder may further restrict the use of devices and methods authorized under this section on lands under the agriculture deer control permit holder’s ownership or control, or both.

Authority

The provisions of this § 147.556 amended under 34 Pa.C.S.

Source

The provisions of this § 147.556 adopted October 27, 1995, effective October 28, 1995, 25 Pa.B. 4611; amended April 1, 2011, effective April 2, 2011, 41 Pa.B. 1767; amended May 27, 2022, effective November 1, 2022, 52 Pa.B. 3066; amended May 23, 2025, effective May 24, 2025, 55 Pa.B. 3588. Immediately preceding text appears at serial pages (410955) to (410956).

Cross References

This section cited in 58 Pa. Code § 141.1 (relating to special regulations areas); 58 Pa. Code § 147.551 (relating to general); and 58 Pa. Code § 147.559 (relating to violations).

§ 147.557. Reporting requirements.

A person issued an agriculture deer control harvest permit shall report either a positive or negative harvest report, whichever is applicable, on a form provided by the Commission by April 30 each year.

Authority

The provisions of this § 147.557 amended under 34 Pa.C.S.

Source

The provisions of this § 147.557 adopted October 27, 1995, effective October 28, 1995, 25 Pa.B. 4611; amended February 11, 2000, effective February 12, 2000, 30 Pa.B. 767; amended May 27, 2022, effective November 1, 2022, 52 Pa.B. 3066. Immediately preceding text appears at serial pages (361993) to (361994).

Cross References

This section cited in 58 Pa. Code § 147.551 (relating to general); and 58 Pa. Code § 147.559 (relating to violations).

§ 147.558. Tagging requirements.

A person who harvests a deer under the authorization of a harvest permit shall tag the deer in accordance with the requirements of section 2323(a)(1) of the act (relating to tagging and reporting big game kills).

Authority

The provisions of this § 147.558 amended under 34 Pa.C.S.

Source

The provisions of this § 147.558 adopted October 27, 1995, effective October 28, 1995, 25 Pa.B. 4611; amended May 27, 2022, effective November 1, 2022, 52 Pa.B. 3066. Immediately preceding text appears at serial page (361994).

Cross References

This section cited in 58 Pa. Code § 147.551 (relating to general); and 58 Pa. Code § 147.559 (relating to violations).

§ 147.558a. Political subdivisions as applicants.

(a) *Eligibility.* Political subdivisions are authorized to apply for an agriculture deer control permit under this subchapter for the limited purpose of managing the agriculture deer control activities occurring on a conglomeration of separate, but otherwise individually eligible properties located within the jurisdictional boundaries of the political subdivision. Any lands, other than those publicly owned, which lie immediately adjacent to and are connected with otherwise individually eligible lands may be included in the conglomeration of properties with the written consent of the owner or lessee thereof.

(b) *Application.* Political subdivisions applying for an agriculture deer control permit are responsible for the collection and submission of the application records required under § 147.552 (relating to eligibility and application for agriculture deer control permit) for each of the properties included in the conglomeration.

Authority

The provisions of this § 147.558a adopted under 34 Pa.C.S. § 2901(b); amended under 34 Pa.C.S.

Source

The provisions of this § 147.558a adopted November 27, 2009, effective November 28, 2009, 39 Pa.B. 6767; amended May 27, 2022, effective November 1, 2022, 52 Pa.B. 3066. Immediately preceding text appears at serial pages (361994) and (356421).

Cross References

This section cited in 58 Pa. Code § 147.551 (relating to general); 58 Pa. Code § 147.551a (relating to definitions); and 58 Pa. Code § 147.559 (relating to violations).

§ 147.559. Violations.

- (a) It is unlawful to:
 - (1) {Reserved}.
 - (2) Use or possess or attempt to use or possess an agriculture deer control harvest permit that was issued to another person.
 - (3) Lend or transfer an agriculture deer control harvest permit to any other person regardless of the purpose.
 - (4) Issue more than four coupons to any person for a specific agriculture deer control area in any permit year.
 - (5) Fail to tag any deer taken with an agriculture deer control harvest permit in accordance with provisions of this part and the act relating to tagging big game.
 - (6) Fail to submit harvest report and survey information in accordance with instructions provided.
 - (7) Charge or accept any fee or consideration for a coupon.
 - (8) Fail to comply with any other provisions of §§ 147.551—147.553 and 147.555—147.558a (relating to agriculture).
- (b) The Director may revoke a permit for a violation of this subchapter upon written notice to the agriculture deer control permit holder.

Authority

The provisions of this § 147.559 amended under 34 Pa.C.S.

Source

The provisions of this § 147.559 adopted October 27, 1995, effective October 28, 1995, 25 Pa.B. 4611; amended May 27, 2022, effective November 1, 2022, 52 Pa.B. 3066; amended April 3, 2026, effective April 4, 2026, 56 Pa.B. 1812. Immediately preceding text appears at serial page (410957).

Cross References

This section cited in 58 Pa. Code § 147.551 (relating to general).

§ 147.661. General.

This section and §§ 147.662—147.668 (relating to forestry) provide for permits to be issued to qualified persons to remove deer by shooting on lands under their ownership or control or both if the lands are contained within a properly maintained fence designed to exclude deer.

Authority

The provisions of this § 147.661 issued under 34 Pa.C.S. § 2901(b).

Source

The provisions of this § 147.661 adopted May 19, 2000, effective May 20, 2000, 30 Pa.B. 2479.

§ 147.662. Application.

(a) Application for the deer control permit shall be made through the district wildlife conservation officer on a form provided by the Commission.

(b) Applications will only be accepted from persons who have been enrolled in the Commission's Forest Game Program for at least two hunting seasons immediately preceding their applications; or from persons who have been enrolled in one of the other Commission public access programs (Farm Game Project or Safety Zone - P.1-2-3) for a minimum of 2 years and are currently enrolled in the Program. Applications will also be made available to Managers of Department of Conservation and Natural Resources Lands and Allegheny National Forest Lands, which are open to public deer hunting.

(c) An application for a deer control permit shall contain the following information:

(1) A copy of a deed, lease or legal agreement showing the applicant to be the owner or have control, or both, of the land to be permitted shall accompany the application.

(2) A complete map showing the boundaries of the entire property and the location and boundaries of the fenced enclosure being considered.

(3) A statement from the applicant that the land within the enclosure is being managed on a sustained yield basis as defined in § 131.2 (relating to definitions).

(4) The names of all individuals who may act under authority of this permit.

(5) Certification that the fence will be properly maintained to exclude deer, as designed and intended, for the full length of the permit period.

Authority

The provisions of this § 147.662 issued under the Game and Wildlife Code, 34 Pa.C.S. § 2901(b).

Source

The provisions of this § 147.662 adopted May 19, 2000, effective May 20, 2000, 30 Pa.B. 2479.

Cross References

This section cited in 58 Pa. Code § 147.661 (relating to general).

§ 147.663. Fencing.

Fences shall be inspected and approved by a Commission officer as part of the application.

(1) The fence shall form a complete enclosure. Buildings may form a part of the enclosure provided there are no gaps.

(2) The fence shall be constructed of woven wire according to the design and specifications approved by the Director, or high tensile electrified wire at least 5 feet high. Woven wire fencing may not have openings larger than 6 inches square. Individual wires on electrified fencing may not be spaced greater than 10 inches apart. Other designs of barrier-type fencing enclosures may be acceptable if the Commission is satisfied the design will exclude deer. Fences constructed after April 4, 2000, shall be woven wire as described in this paragraph to be eligible for a deer control forestry permit.

(3) The Commission officer will examine the entire perimeter of the enclosure. If the basic design of the fence, or its state of maintenance, is such that deer can enter the enclosure, the Commission officer will not approve the permit.

(4) Gates shall be closed except during actual times of ingress and egress.

(5) The applicant shall have made a reasonable effort to drive deer from the enclosure.

(6) There shall be a reasonable number of hunter access points along the enclosure. "Reasonable" means a minimum of one point for every 4,000 feet of fenceline or part thereof. Gates used as hunter access points shall have a self-closing mechanism.

Authority

The provisions of this § 147.663 amended under the Game and Wildlife Code, 34 Pa.C.S. §§ 2102(a) and 2901(b).

Source

The provisions of this § 147.663 adopted May 19, 2000, effective May 20, 2000, 30 Pa.B. 2479; amended January 14, 2005, effective January 15, 2005, 35 Pa.B. 356. Immediately preceding text appears at serial pages (267241) to (267242).

Cross References

This section cited in 58 Pa. Code § 147.661 (relating to general).

§ 147.664. Permit.

(a) The deer control permit is subject to annual renewal and shall authorize the permittee or the permittee's legitimate employees to remove deer from the enclosed property by shooting:

(1) Any time between February 1 and September 30, outside the established deer hunting seasons as set by the Commission in § 139.4 (relating to seasons and bag limits for the license year).

(2) With any lawful firearm for big game as described in section 2322 (a) of the act (relating to prohibited devices and methods).

(3) At any time of the day or night with, or without, an artificial light.

(b) The appropriate Commission regional office shall be notified of the date and time of anticipated deer removal.

(c) Deer killed shall be reported to the appropriate Commission regional office immediately after killing.

(d) For the purposes of this section, "legitimate employee" means an employee of record, one for which the employer deducts taxes or other fees required by any local, state or Federal government and is listed on the permit.

(e) A copy of the permit shall be carried by an authorized person when engaged in activities described and presented upon request of an officer of the Commission or person empowered to enforce the act or this part.

Authority

The provisions of this § 147.664 issued under the Game and Wildlife Code, 34 Pa.C.S. § 2901(b).

Source

The provisions of this § 147.664 adopted May 19, 2000, effective May 20, 2000, 30 Pa.B. 2479.

Cross References

This section cited in 58 Pa. Code § 147.661 (relating to general); and 58 Pa. Code § 147.665 (relating to reporting of deer taken).

§ 147.665. Reporting of deer taken.

In addition to the requirements of § 147.664(c) (relating to permit), the permittee shall report on a form provided by the Commission, the number of deer killed and other information the Commission deems necessary. The completed report shall be submitted to the district wildlife conservation officer within 5 days after

the end of each month while the permit is valid. If no deer are killed, a negative report shall be submitted. Copies of all completed reports shall be forwarded to all Commissioners.

Authority

The provisions of this § 147.665 issued under the Game and Wildlife Code, 34 Pa.C.S. § 2901(b).

Source

The provisions of this § 147.665 adopted May 19, 2000, effective May 20, 2000, 30 Pa.B. 2479.

Cross References

This section cited in 58 Pa. Code § 147.661 (relating to general).

§ 147.666. Tagging of deer taken.

Deer taken under the authority of the permit shall immediately be tagged with a tag provided by the Commission. The tag shall be attached to the head of the deer and may not be removed. Unused tags shall be returned to the district wildlife conservation officer within 5 days of the expiration of the permit.

Authority

The provisions of this § 147.666 issued under the Game and Wildlife Code, 34 Pa.C.S. § 2901(b).

Source

The provisions of this § 147.666 adopted May 19, 2000, effective May 20, 2000, 30 Pa.B. 2479.

Cross References

This section cited in 58 Pa. Code § 147.661 (relating to general).

§ 147.667. Carcass handling.

(a) The Commission will determine the disposition of all deer killed. Disposition shall be through a food bank, to a needy family, proper disposal by the permittee, or turned over to a Commission officer.

(b) Each deer harvested shall have the entrails removed and due care shall be taken with each carcass to preserve the meat for human consumption.

(c) Antlers from deer taken under the authority of this permit shall be submitted to the Commission for disposal by the Director.

Authority

The provisions of this § 147.667 issued under the Game and Wildlife Code, 34 Pa.C.S. § 2901(b).

Source

The provisions of this § 147.667 adopted May 19, 2000, effective May 20, 2000, 30 Pa.B. 2479.

Cross References

This section cited in 58 Pa. Code § 147.661 (relating to general).

§ 147.668. Violations.

In addition to penalties provided in the act, the Director may revoke a permit for a violation of this subchapter, conditions of a permit or failure to maintain the enclosure fence.

Authority

The provisions of this § 147.668 issued under the Game and Wildlife Code, 34 Pa.C.S. § 2901(b).

Source

The provisions of this § 147.668 adopted May 19, 2000, effective May 20, 2000, 30 Pa.B. 2479.

Cross References

This section cited in 58 Pa. Code § 147.661 (relating to general).

**DEER MANAGEMENT ASSISTANCE
PROGRAM PERMITS****§ 147.671. Purpose and scope.**

Sections 147.672—147.676 establish rules for application and issuance of DMAP harvest permits for use on lands enrolled in a DMAP.

Authority

The provisions of this § 147.671 issued under the Game and Wildlife Code, 34 Pa.C.S. § 2901(b).

Source

The provisions of this § 147.671 adopted June 13, 2003, effective June 14, 2003, 33 Pa.B. 2754.

Cross References

This section cited in 58 Pa. Code § 147.672 (relating to definitions); and 58 Pa. Code § 147.676 (relating to unlawful acts).

§ 147.672. Definitions.

The following words and terms, when used in this section and §§ 147.671 and 147.673—147.676, have the following meanings unless the context clearly indicates otherwise:

Coupon—The coupon issued by the Commission to approved DMAP areas entitling the holder to one DMAP harvest permit for the DMAP area indicated on the coupon.

DMAP—Deer Management Assistance Program.

DMAP harvest permit—The numbered permit which is issued through the Commission's PALS, authorizing the holder thereof to hunt antlerless deer in a specific DMAP area in accordance with provisions in the act and this part as they pertain to lawfully hunting deer. Each DMAP harvest permit has its own antlerless deer ear tag attached to be used only for tagging an antlerless deer harvested.

Hunting club—A corporation or legal cooperative which owns its enrolled acres in fee title, was established prior to January 1, 2000, and has provided its club charter and list of current members to the Commission.

Private land—Land not defined as public land.

Public land—Any land owned or controlled by a Federal or State agency, or municipal political subdivision.

Authority

The provisions of this § 147.672 issued under 34 Pa.C.S. § 2901(b); amended under 34 Pa.C.S. §§ 322(c)(4), 2102(a) and 2901(b).

Source

The provisions of this § 147.672 adopted June 13, 2003, effective June 14, 2003, 33 Pa.B. 2754; amended July 16, 2004, effective July 17, 2004, 34 Pa.B. 3716; amended July 15, 2005, effective July 16, 2005, 35 Pa.B. 3936; amended March 20, 2009, effective March 21, 2009, 39 Pa.B. 1388; amended August 26, 2022, effective August 27, 2022, 52 Pa.B. 5472. Immediately preceding text appears at serial pages (363690) and (400757).

Cross References

This section cited in 58 Pa. Code § 147.671 (relating to purpose and scope); and 58 Pa. Code § 147.676 (relating to unlawful acts).

§ 147.673. Eligibility and application for DMAP.

(a) Owners or lessees of private land, hunting clubs or authorized officers or employees of political subdivisions or government agencies are eligible to make application for a DMAP.

(1) Applications shall be submitted on a form provided by the Commission to a regional office by July 1 immediately preceding the first fall deer season and include the name of the owner, lessee, political subdivision or government agency that is applying for the DMAP and the name and address of the contact person for the DMAP as well as other information required on the application.

(2) One DMAP harvest permit will be allocated for every 5 acres of land enrolled in the DMAP where material destruction of cultivated crops, fruit trees or vegetables by deer has been or can be documented. One DMAP harvest permit will be allocated for every 50 acres of land enrolled in the DMAP for all other lands. Additional DMAP harvest permits may be allocated dependent on current conditions relative to goals and objectives outlined in a Commission-approved management plan.

(3) Applications will not be accepted for the following areas without an approved management plan:

(i) Areas within 1 air mile of another DMAP area that is owned, leased or controlled by the same person, political subdivision or governmental agency.

(ii) Areas owned or leased by a Federal agency, State agency or municipal political subdivision.

(iii) Areas with less than 5 acres of cultivated crops, fruit trees or vegetables, or less than 50 acres of other lands.

- (iv) Collective areas comprised of distinct, privately-owned and publically-owned lands managed by a local political subdivision or government agency applicant.
- (b) Management plans must include at least the following information:
 - (1) A map showing the location and boundaries of the area and the county, township and Commission wildlife management unit the site is located in.
 - (2) A description of the management area delineated on the map in paragraph (1) including the size in acres, cover types (forested or nonforested), principle land uses, huntable areas and safety zones.
 - (3) An explanation of the deer management goals and objectives for the area.
 - (4) An explanation to substantiate why the person in control of the land wants to increase the harvest of antlerless deer by allowing the use of DMAP in the area. Area specific information shall be provided that supports the deer management goals and objectives.
- (c) Upon approval of the application, the location and boundaries of the area shall be designated in a manner approved by the Commission.
- (d) Approved applicants will receive one coupon for each DMAP permit the DMAP area is entitled to. In DMAP areas designated by the Director, DMAP harvest permits may be made available directly through authorized issuing agents without coupons being issued.

Authority

The provisions of this § 147.673 issued under 34 Pa.C.S. § 2901(b); amended under 34 Pa.C.S. §§ 322(c)(4), 2102(a) and 2901(b).

Source

The provisions of this § 147.673 adopted June 13, 2003, effective June 14, 2003, 33 Pa.B. 2754; amended July 16, 2004, effective July 17, 2004, 34 Pa.B. 3716; amended March 20, 2009, effective March 21, 2009, 39 Pa.B. 1388; amended April 1, 2011, effective April 2, 2011, 41 Pa.B. 1766; amended March 14, 2014, effective March 15, 2014, 44 Pa.B. 1432; corrected June 26, 2015, effective June 4, 2011, 45 Pa.B. 3362; amended May 5, 2017, effective May 6, 2017, 47 Pa.B. 2612; amended May 21, 2021, effective May 22, 2021, 51 Pa.B. 2947. Immediately preceding text appears at serial pages (401543) to (401544).

Cross References

This section cited in 58 Pa. Code § 147.671 (relating to purpose and scope); 58 Pa. Code § 147.672 (relating to definitions); and 58 Pa. Code § 147.676 (relating to unlawful acts).

§ 147.674. Issuance of DMAP harvest permits.

- (a) DMAP harvest permits will be made available without regard to quota limitations and will be issued through the Commission's PALS.
- (b) Four harvest permits for the DMAP area may be issued each license year to persons who possess a valid Pennsylvania hunting license, except for those DMAP areas designated by the Commission that will remain at a maximum of two harvest permits per person.
- (c) Coupon holders shall submit the completed coupons and remittance as determined by the Director. The fee for the harvest permit is \$10 for residents and \$35 for nonresidents. A fee of \$6 will be assessed for the replacement of any DMAP harvest permit.
- (d) While hunting deer, the DMAP harvest permit shall be possessed by the hunter at all times.

(e) In DMAP areas designated by the Director, applicants may apply for DMAP harvest permits without possessing a coupon as long as harvest permits remain available for that area.

Authority

The provisions of this § 147.674 issued under the Game and Wildlife Code, 34 Pa.C.S. § 2901(b); amended under the Game and Wildlife Code, 34 Pa.C.S. §§ 322(c)(4), 2102(a), 2722(g) and 2901(b).

Source

The provisions of this § 147.674 adopted June 13, 2003, effective June 14, 2003, 33 Pa.B. 2754; amended July 16, 2004, effective July 17, 2004, 34 Pa.B. 3716; amended January 14, 2005, effective January 15, 2005, 35 Pa.B. 357; amended July 15, 2005, effective July 16, 2005, 35 Pa.B. 3936; amended June 16, 2006, effective June 17, 2006, 36 Pa.B. 2976; amended June 29, 2007, effective June 30, 2007, 37 Pa.B. 2959; amended March 20, 2009, effective March 21, 2009, 29 Pa.B. 1388; amended May 1, 2020, effective May 2, 2020, 50 Pa.B. 2273. Immediately preceding text appears at serial pages (387162) and (392125).

Cross References

This section cited in 58 Pa. Code § 147.671 (relating to purpose and scope); 58 Pa. Code § 147.672 (relating to definitions); and 58 Pa. Code § 147.676 (relating to unlawful acts).

§ 147.675. Validity of permit.

- (a) DMAP harvest permits are valid during open seasons for hunting antlered or antlerless deer.
- (b) DMAP harvest permits are valid only on the DMAP area indicated on the permit.
- (c) DMAP harvest permits are valid only to harvest antlerless deer.

Authority

The provisions of this § 147.675 issued under the Game and Wildlife Code, 34 Pa.C.S. § 2901(b).

Source

The provisions of this § 147.675 adopted June 13, 2003, effective June 14, 2003, 33 Pa.B. 2754; amended August 15, 2008, effective August 16, 2008, 38 Pa.B. 4512; amended March 20, 2009, effective March 21, 2009, 39 Pa.B. 1388. Immediately preceding text appears at serial page (335723).

Cross References

This section cited in 58 Pa. Code § 147.671 (relating to purpose and scope); 58 Pa. Code § 147.672 (relating to definitions); and 58 Pa. Code § 147.676 (relating to unlawful acts).

§ 147.676. Unlawful acts.

It is unlawful to:

- (1) Use, possess or attempt to use or possess more than two DMAP harvest permits for a specific DMAP area in any license year.
- (2) Use or possess or attempt to use or possess a DMAP harvest permit that was issued to another person.
- (3) Lend or transfer in any manner whatsoever a DMAP harvest permit to any other person regardless of the purpose.

- (4) Issue more than two coupons to any person for a specific DMAP area in any license year.
- (5) Fail to tag any deer taken with a DMAP harvest permit in accordance with provisions of this part and the act relating to tagging big game.
- (6) Fail to submit harvest report and survey information in accordance with instructions provided.
- (7) Charge or accept any fee or consideration for a DMAP coupon.
- (8) Apply for, receive or possess a resident DMAP permit if you are a nonresident.
- (9) Fail to comply with any other provisions of §§ 147.672—147.675.

Authority

The provisions of this § 147.676 issued under the Game and Wildlife Code, 34 Pa.C.S. § 2901(b); amended under the Game and Wildlife Code, 34 Pa.C.S. §§ 322(c)(4), 2102(a) and 2901(b).

Source

The provisions of this § 147.676 adopted June 13, 2003, effective June 14, 2003, 33 Pa.B. 2754; amended July 16, 2004, effective July 17, 2004, 34 Pa.B. 3716; amended July 15, 2005, effective July 16, 2005, 35 Pa.B. 3936; amended March 20, 2009, effective March 21, 2009, 39 Pa.B. 1388. Immediately preceding text appears at serial pages (335723) to (335724).

Cross References

This section cited in 58 Pa. Code § 147.671 (relating to purpose and scope); 58 Pa. Code § 147.672 (relating to definitions); and 58 Pa. Code § 147.804 (relating to general).

§ 147.681. [Reserved].

Authority

The provisions of this § 147.681 issued under the Game and Wildlife Code, 34 Pa.C.S. § 2102(a); reserved under the Game and Wildlife Code, 34 Pa.C.S. §§ 2012(a) and 2308(a)(8) and (b)(2)(iii).

Source

The provisions of this § 147.681 adopted May 23, 2014, effective July 1, 2014, and expire and are rendered void on June 30, 2017, unless the Commission further authorizes the legal effectiveness prior to this termination date, 44 Pa.B. 3098; amended May 29, 2015, effective May 30, 2015, 45 Pa.B. 2606; reserved May 25, 2018, effective May 26, 2018, 48 Pa.B. 3089. Immediately preceding text appears at serial page (388094).

§ 147.682. [Reserved].

Authority

The provisions of this § 147.682 issued under the Game and Wildlife Code, 34 Pa.C.S. § 2102(a); reserved under the Game and Wildlife Code, 34 Pa.C.S. §§ 2102(a) and 2308(a)(8) and (b)(2)(iii).

Source

The provisions of this § 147.682 adopted May 23, 2014, effective July 1, 2014, and expire and are rendered void on June 30, 2017, unless the Commission further authorizes the legal effectiveness prior to this termination date, 44 Pa.B. 3098; amended May 29, 2015, effective May 30, 2015, 45 Pa.B. 2606; reserved May 25, 2018, effective May 26, 2018, 48 Pa.B. 3089. Immediately preceding text appears at serial pages (388094) to (388095).

§ 147.683. [Reserved].**Authority**

The provisions of this § 147.683 issued under 34 Pa.C.S. § 2102(b); reserved under 34 Pa.C.S. §§ 2102(a) and 2308(a)(8) and (b)(2)(iii).

Source

The provisions of this § 147.683 adopted May 23, 2014, effective July 1, 2014, and expire and are rendered void on June 30, 2017, unless the Commission further authorizes the legal effectiveness prior to this termination date, 44 Pa.B. 3098; amended May 29, 2015, effective May 30, 2015, 45 Pa.B. 2606; reserved May 25, 2018, effective May 26, 2018, 48 Pa.B. 3089. Immediately preceding text appears at serial pages (388095) to (388096).

§ 147.684. [Reserved].**Authority**

The provisions of this § 147.684 issued under 34 Pa.C.S. § 2102(b); reserved under 34 Pa.C.S. §§ 2102(a) and 2308(a)(8) and (b)(2)(iii).

Source

The provisions of this § 147.684 adopted May 23, 2014, effective July 1, 2014, and expire and are rendered void on June 30, 2017, unless the Commission further authorizes the legal effectiveness prior to this termination date, 44 Pa.B. 3098; reserved May 25, 2018, effective May 26, 2018, 48 Pa.B. 3089. Immediately preceding text appears at serial pages (388096) to (388097).

§ 147.685. [Reserved].**Authority**

The provisions of this § 147.685 issued under 34 Pa.C.S. § 2102(b); reserved under 34 Pa.C.S. §§ 2102(a) and 2308(a)(8) and (b)(2)(iii).

Source

The provisions of this § 147.685 adopted May 23, 2014, effective July 1, 2014, and expire and are rendered void on June 30, 2017, unless the Commission further authorizes the legal effectiveness prior to this termination date, 44 Pa.B. 3098; reserved May 25, 2018, effective May 26, 2018, 48 Pa.B. 3089. Immediately preceding text appears at serial page (388097).

§ 147.686. [Reserved].**Authority**

The provisions of this § 147.686 issued under 34 Pa.C.S. § 2102(b); reserved under 34 Pa.C.S. §§ 2102(a) and 2308(a)(8) and (b)(2)(iii).

Source

The provisions of this § 147.686 adopted May 23, 2014, effective July 1, 2014, and expire and are rendered void on June 30, 2017, unless the Commission further authorizes the legal effectiveness prior to this termination date, 44 Pa.B. 3098; reserved May 25, 2018, effective May 26, 2018, 48 Pa.B. 3089. Immediately preceding text appears at serial page (388097).

§ 147.687. [Reserved].**Authority**

The provisions of this § 147.687 issued under 34 Pa.C.S. § 2102(a); reserved under 34 Pa.C.S. § 2901(b).

Source

The provisions of this § 147.687 adopted May 23, 2014, effective July 1, 2014, and expire and rendered void on June 30, 2017, unless the Commission further authorizes the legal effectiveness prior to this termination date, 44 Pa.B. 3098; reserved August 25, 2017, effective August 26, 2017, 47 Pa.B. 4984. Immediately preceding text appears at serial page (376944).

Subchapter S. FURBEARER HUNTING-TRAPPING PERMITS**Sec.**

147.701. General.

147.702. Unlawful acts.

Authority

The provisions of this Subchapter S issued under 34 Pa.C.S. §§ 2901(b), 2902(c) and 2904(18), unless otherwise noted.

Source

The provisions of this Subchapter S adopted May 19, 2000, effective May 20, 2000, 30 Pa.B. 2477, unless otherwise noted.

§ 147.701. General.

This section provides for permits to be issued for the hunting and trapping of bobcat and the trapping of otter and fisher during the seasons established and in areas designated under § 139.4 (relating to seasons and bag limits for the license year).

(1) A permit will only be issued to those who possess a valid furtakers license, junior combination license or senior combination license.

(2) Permits will be made available through the Commission's Pennsylvania Automated Licensing System (PALS). The fee for the permit is \$5.

(3) Applications shall be submitted in accordance with periods set by the Director.

(4) Tagging requirements are as follows:

(i) A permitted person taking a bobcat, fisher or otter shall immediately, before removing the animal from the location of the taking, fully complete and attach to the animal a carcass tag furnished with the permit. The carcass tag must remain attached to the animal until a Convention on International Trade in Endangered Species (CITES) tag is attached, if applicable, or the animal is mounted, tanned, made into a commercial fur or prepared for consumption.

(ii) A permitted person taking a bobcat, fisher or otter shall report the harvest to the Commission within 48 hours of the taking by a means specified by the Director.

(iii) A CITES tag for a bobcat or otter taken under this permit will be provided by the Commission in the event that the bobcat, otter or any parts thereof are exported internationally or upon request of the permittee. The CITES tag shall immediately be locked through the eyes of the pelt or, in the

event of any other part, locked through and attached to the part. The CITES tag must remain attached to the animal until it is mounted, tanned, made into a commercial fur or prepared for consumption.

(iv) A permitted person taking a bobcat, otter or fisher shall surrender the carcass of this animal within 30 days if requested by the Commission.

Authority

The provisions of this § 147.701 amended under 30 Pa.C.S. §§ 2102(a), 2722(g)(2), 2901(b), 2902 and 2904 and 34 Pa.C.S.

Source

The provisions of this § 147.701 amended June 8, 2001, effective June 9, 2001, 31 Pa.B. 2926; amended November 2, 2001, effective November 3, 2001, 31 Pa.B. 6054; amended June 13, 2003, effective June 14, 2003, 33 Pa.B. 2748; corrected June 20, 2003, effective June 21, 2003, 33 Pa.B. 2871; amended October 24, 2003, effective October 25, 2003, 33 Pa.B. 5314; amended April 15, 2005, effective April 16, 2005, 35 Pa.B. 2304; amended June 16, 2006, effective June 17, 2006, 36 Pa.B. 2976; amended June 27, 2008, effective June 28, 2008, 38 Pa.B. 3497; amended June 11, 2010, effective June 12, 2010, 40 Pa.B. 3109; amended December 23, 2011, effective December 24, 2011, 41 Pa.B. 6880; amended May 29, 2015, effective May 30, 2015, 45 Pa.B. 2607; amended March 24, 2023, effective March 25, 2023, 53 Pa.B. 1670. Immediately preceding text appears at serial pages (392128) to (392129).

§ 147.702. Unlawful acts.

A person who fails or neglects to conform with or violates this subchapter or a permit issued under this subchapter shall be subject to penalties provided in the act.

Subchapter T. NUISANCE WILDLIFE CONTROL OPERATOR

Sec.

- 147.721. General.
- 147.722. Definitions.
- 147.723. Application.
- 147.724. Nuisance wildlife control operator examination.
- 147.724a. [Reserved].
- 147.725. Records and reports.
- 147.726. Operation.
- 147.727. Humane methods.
- 147.728. Unlawful acts.
- 147.729. Exemptions.

Authority

The provisions of this Subchapter T issued under 34 Pa.C.S. § 2901(b), unless otherwise noted.

Source

The provisions of this Subchapter T adopted November 2, 2001, effective November 3, 2001, 31 Pa.B. 6054, unless otherwise noted.

§ 147.721. General.

A nuisance wildlife control operator permit is required for any resident or non-resident person to take, harass, transport, release or dispatch designated wildlife for another person or to solicit or offer his services to another to take, harass, transport or dispatch designated wildlife that is creating a nuisance, causing damage to property or is a risk to human health or safety. This permit authorizes the agent to control designated wildlife for another at any time of the year.

Authority

The provisions of this § 147.721 amended under 34 Pa.C.S. § 2901(b).

Source

The provisions of this § 147.721 amended May 28, 2004, effective May 29, 2004, 34 Pa.B. 2827; amended December 19, 2008, effective December 20, 2008, 38 Pa.B. 6930. Immediately preceding text appears at serial pages (335342) and (304165).

§ 147.722. Definitions.

In addition to the definitions contained in the act and § 131.2 (relating to definitions), the following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

Agent—A holder of a valid Nuisance Wildlife Control Operator Permit or a legitimate employee.

Humane manner—When dispatching an animal, death shall be induced as quickly and painlessly as possible by any of the methods in § 147.727 (relating to humane methods).

Legitimate employee—An employee of record, one for which the employer deducts or pays taxes or other fees required by any local, state or the Federal government and is listed on the permit.

Source

The provisions of this § 147.722 amended December 19, 2008, effective December 20, 2008, 38 Pa.B. 6930. Immediately preceding text appears at serial page (304165).

Cross References

This section cited in 58 Pa. Code § 147.728 (relating to unlawful acts).

§ 147.723. Application.

(a) An application for examination shall be submitted on a form supplied by the Commission. A nonrefundable fee of \$25 for each test shall be submitted with the application for new agents only. An additional \$50 shall be submitted for each permit if the examination is passed.

(b) Experience and qualifications shall be listed on the application. If applicable, the business name shall also be included.

(c) Conviction of a violation of the act within 5 years of the date of application shall preclude the issuance of a permit.

(d) An agent whose permit lapses for 2 or more years shall apply as a new applicant.

Source

The provisions of this § 147.723 amended December 19, 2008, effective December 20, 2008, 38 Pa.B. 6930. Immediately preceding text appears at serial page (304165).

§ 147.724. Nuisance wildlife control operator examination.

(a) New agents are required to obtain a minimum score of 80% on a supervised written examination approved by the Director.

(b) The examination must cover the following subject matter:

- (1) Biology, life history and habits of pertinent wildlife.
- (2) Control methods, care and handling and euthanasia.
- (3) Laws and regulations.
- (4) Diseases and parasites.
- (5) Public relations.

(c) New or existing agents seeking certification to control white-tailed deer are required to pass an additional separate examination after passing the basic examination. This examination is subject to the same examination subject matter and minimum score standards under subsections (a) and (b).

(d) New or existing agents applying for certification shall take the required examination within 180 days of final approval of their applications by the Bureau of Wildlife Protection.

(e) New or existing agents are eligible to take each certification examination a maximum of two times each permit year.

Authority

The provisions of this § 147.724 amended under section 2102(a) of the Game and Wildlife Code (34 Pa.C.S. § 2102(a)).

Source

The provisions of this § 147.724 amended December 19, 2008, effective December 20, 2008, 38 Pa.B. 6930; amended November 16, 2012, effective November 17, 2012, 42 Pa.B. 7109. Immediately preceding text appears at serial pages (341045) to (341046).

§ 147.724a. [Reserved].**Authority**

The provisions of this § 147.724a reserved under section 2102(a) of the Game and Wildlife Code (34 Pa.C.S. § 2102(a)).

Source

The provisions of this § 147.724a adopted December 19, 2008, effective December 20, 2008, 38 Pa.B. 6930; reserved November 16, 2012, effective November 17, 2012, 42 Pa.B. 7109. Immediately preceding text appears at serial page (341046).

§ 147.725. Records and reports.

(a) A record of all activities conducted under authority of the permit shall be kept on a form supplied by the Commission according to instructions on the form. The records shall be kept for 3 years and shall be the basis of any reports required by the Commission.

(b) Records shall be available for inspection during normal business hours at the request of a wildlife conservation officer.

(c) A report of activities shall be submitted, on a form supplied by the Commission, to the district wildlife conservation officer by the tenth day of each month. The report shall list the number of each species taken and the disposition of the wildlife.

(d) Nonresidents shall submit their report forms directly to the Bureau of Wildlife Protection.

Source

The provisions of this § 147.725 amended December 19, 2008, effective December 20, 2008, 38 Pa.B. 6930. Immediately preceding text appears at serial pages (304165) to (304166).

§ 147.726. Operation.

(a) Approved methods and devices are as follows:

(1) Foot hold traps, body gripping traps, box traps, clover traps, cage traps, nets and snares.

(2) Agents who are certified pesticide applicators may take vertebrate species with pesticides in accordance with the regulations of the Department of Agriculture. See 7 Pa. Code Chapter 128 (relating to pesticides).

(3) Shooting with a firearm that will induce death as quickly and painlessly as possible.

(4) Dogs used to harass nuisance geese. The authorization to harass geese with dogs is prohibited at any time when goslings are present at the site and during the period from June 16 to July 20, when the majority of adult birds are flightless.

(5) Raptors may be utilized for nuisance wildlife abatement by a permitted nuisance wildlife control operator only when the permitted nuisance wildlife control operator possesses a valid Special Purpose—Abatement Using Raptors Permit issued by the United States Fish and Wildlife Service. Other regulations pertaining to nuisance wildlife control operators apply to persons using this approved method and device.

(b) The agent shall have the approval of the property owner or lessee and confine all activities to that property.

(c) The permit shall be carried at all times and presented upon the request of any officer whose duty it is to enforce this part.

(d) Except as otherwise provided, it is unlawful to sell, trade, barter or transfer to another person any live or dead animal or parts taken under authority of this permit. Furbearer pelts are excluded from this provision provided the particular species is taken during the hunting or trapping season by the holder of a valid hunting or furtaking license as required.

(e) Devices shall be tagged or labeled with the permit number, or trapper I.D. number.

(f) Devices shall be checked by the agent or property owner at least once each calendar day, but only the agent may remove an animal from a trap.

(g) Nuisance wildlife captured alive shall within 24 hours be dispatched in a humane manner or released in an area open to hunting or trapping. Nontarget animals may be released at the site of capture, with the following exceptions:

(1) Except as provided in paragraph (2), rabies vector species (RVS), as defined in § 147.301 (relating to definitions) shall be euthanized in a humane manner rather than released.

(2) An agent may not, without special written permission from the director, destroy or euthanize five or more bats at any one location.

(h) Carcasses shall be disposed of by incineration or in an approved landfill in a manner consistent with the solid waste laws of the Commonwealth. The taking of any white-tailed deer shall be reported within 24 hours and turned over to the District Wildlife Conservation Officer, unless alternative arrangements are accepted by the District Wildlife Conservation Officer.

(i) Nuisance wildlife control operators are authorized to collect and properly dispose of deer carcasses from roadways and private property with or without a fee.

Authority

The provisions of this § 147.726 amended under 34 Pa.C.S. § 2901(b).

Source

The provisions of this § 147.726 amended December 19, 2008, effective December 20, 2008, 38 Pa.B. 6930; amended March 20, 2015, effective March 21, 2015, 45 Pa.B. 1366; amended August 26, 2022, effective August 27, 2022, 52 Pa.B. 5474. Immediately preceding text appears at serial pages (376488) to (376489).

Cross References

This section cited in 58 Pa. Code § 147.728 (relating to unlawful acts).

§ 147.727. Humane methods.

Animals shall be dispatched using the following methods:

(1) Birds shall be dispatched through the use of: inhalant anesthetics, carbon monoxide, carbon dioxide, barbiturates, gunshot, cervical dislocation, decapitation.

(2) Furbearers, small game and other small mammals shall be dispatched through the use of: inhalant anesthetics, carbon monoxide, carbon dioxide, barbiturates, gunshot or penetrating captive bolt.

(3) Big game shall be dispatched through the use of: barbiturates, gunshot, penetrating captive bolt or chloral hydrate.

Cross References

This section cited in 58 Pa. Code § 147.722 (relating to definitions).

§ 147.728. Unlawful acts.

It is unlawful to:

- (1) Except as otherwise provided in § 147.726 (relating to operation), control any white-tailed deer, black bear, elk, wild turkey, beaver, fisher, otter or bobcat without prior approval of the District Wildlife Conservation Officer.
- (2) Control any migratory birds unless the agent has the appropriate valid United States Fish and Wildlife Service depredation permit.
- (3) Control any threatened or endangered species without proper permits and approval of the Commission.
- (4) Fail to list or delete an employee from the permit.
- (5) Dispatch any animal in any manner not defined as a humane manner in § 147.722 (relating to definitions).
- (6) Conduct roundups or gather large numbers of resident Canada geese for removal from an area without prior approval from the Bureau of Wildlife Protection. Prior to authorization of a roundup, an applicant shall have conducted at least 2 consecutive years of nonlethal harassment techniques.
- (7) Violate other provisions of this subchapter.

Authority

The provisions of this § 147.728 amended under 34 Pa.C.S.

Source

The provisions of this § 147.728 amended December 19, 2008, effective December 20, 2008, 38 Pa.B. 6930; amended August 26, 2022, effective August 27, 2022, 52 Pa.B. 5474. Immediately preceding text appears at serial page (376490).

§ 147.729. Exemptions.

(a) A nuisance wildlife control operator permit will not be required for municipal, State or Federal employees conducting animal control activities if the following conditions are met:

- (1) The municipal, State or Federal employee has agreed, in writing, to conduct animal control in accordance with this subchapter. However, permit testing and permit possession requirements do not apply.
- (2) Written request for exemption shall be made to the district wildlife conservation officer on letterhead from the municipal, State or Federal entity. The request must state that the employee is a legitimate employee of the entity, is employed as an animal control officer and that the entity has accepted responsibility for the employee's training and supervision as it relates to this subchapter.
- (3) This exemption is valid only if an animal control officer is acting within his scope of duty.

Source

The provisions of this § 147.729 adopted December 19, 2008, effective December 20, 2008, 38 Pa.B. 6930.

Subchapter U. DEPREDATION

Sec.

147.741. Definitions.

147.742. Depredation permits for migratory birds other than waterfowl.

147.743. Disposition of birds destroyed.

147.744. Depredation permits for migratory waterfowl.

147.745. Exclusions.

147.746. Exceptions for resident Canada geese.

Authority

The provisions of this Subchapter U issued under the Game and Wildlife Code, 34 Pa.C.S. §§ 2102(a), 2103(a) and 2901(b), unless otherwise noted.

Source

The provisions of this Subchapter U adopted April 30, 2004, effective May 1, 2004, 34 Pa.B. 2329, unless otherwise noted.

§ 147.741. Definitions.

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

Applicant—The owner or principal officer of an aquaculture facility, which is suffering severe economic loss, or a person suffering property damage from migratory birds.

Aquaculture—The controlled culture of aquatic organisms, particularly fin-fish, under artificial circumstances—that is, ponds, raceways—for economic profit or by the Fish and Boat Commission. Net pens are excluded for the purpose of this definition.

WCO—Wildlife Conservation Officer.

WS—United States Department of Agriculture Wildlife Services.

§ 147.742. Depredation permits for migratory birds other than waterfowl.

(a) A depredation permit issued by the United States Fish and Wildlife Service to an applicant may be co-signed under the following circumstances:

(1) A visit to the applicant's facility has been made by a WCO or the WS representative and a problem is verified to exist. A copy of WS Migratory Bird Damage Project Report will be furnished to the Commission by the WS investigator before submitting the form to the United States Fish and Wildlife Service.

(2) The applicant has exhausted all recommendations for reasonable non-lethal control methods provided by the Commission and the WS representative.

(3) The applicant agrees to implement WS/Commission recommendations for working towards a permanent solution within a period of time agreed to by the applicant, if economically feasible for the facility.

(b) Upon receipt of an application for a United States Fish and Wildlife Service depredation permit that meets the requirements of subsection (a)(1)—(3), the Commission will review the application and if approved forward the application to the United States Fish and Wildlife Service Migratory Bird Permit office.

§ 147.743. Disposition of birds destroyed.

Unless otherwise specified in a particular permit, the following apply:

(1) Within 48 hours of killing birds, the permittee shall notify the Commission by phone of the killing and of the number of birds killed and the species of birds killed.

(2) Birds shall be disposed of as specified in the permit or as directed by the Commission.

§ 147.744. Depredation permits for migratory waterfowl.

(a) A depredation permit issued by the United States Fish and Wildlife Service to an applicant may be co-signed by the Commission when the following criteria are met:

(1) Subsequent to a complaint, the site has been visited by a WCO to verify that a problem exists. A Commission waterfowl complaint form will be furnished to the Commission by the WCO. A copy of the Federal depredation permit application will be furnished to the complainant by the WCO.

(2) The applicant has demonstrated the site is open to hunting and hunting has been ineffective or hunting is impractical.

(3) The applicant shall demonstrate that reasonable nonlethal control methods have been attempted. Nonlethal control methods shall include the following:

- (i) Feeding of waterfowl is prohibited. The applicant shall address this issue and include evidence of the enforcement of a “no feeding” policy.
- (ii) Exclusion and harassment measures (fencing, repellents, scare devices, and the like).
- (iii) Habitat manipulation (eliminate feeding areas, resting and breeding habitat).

(b) The following control methods are approved for population reduction and will be specifically identified in the depredation permit:

- (1) Oiling, addling or freezing of eggs.
- (2) Shooting may be used to reinforce nonlethal measures according to the following guidelines:
 - (i) The permit will specify the number of birds to be shot with no more than 10% of the nuisance flock to be killed except on airports covered by Airport Safety Control permits issued by the Commission.
 - (ii) Waterfowl may only be taken with shotgun using nontoxic shot no larger than size T.
 - (iii) The use of blinds, bait, decoys and calls is prohibited.
- (3) Depopulation of waterfowl by the applicant, its employees, wildlife control agents, WS or authorized Federal or State wildlife agency personnel will be specified in the permit under the following guidelines:
 - (i) The number of birds to be killed may not exceed that specified in the permit.
 - (ii) Killing will be conducted only by persons specified in the permit by shooting with shotguns using nontoxic shot no larger than size T, or capturing birds and euthanasia by chemical or mechanical devices approved for use by the Executive Director or a designee.

(c) Waterfowl carcasses taken under depredation permits will be used according to the following guidelines:

- (1) Care will be taken to preserve carcasses for human consumption and shall be made available to food banks or others specified in the permit. Birds euthanized by chemical means will not be utilized for human consumption.
- (2) When the condition of the birds is unsuitable for human consumption or food banks, or individuals are not available to accept carcasses, the birds may be disposed of in a sanitary method by burying, incineration or depositing in approved landfills or refuse facilities.

Cross References

This section cited in 58 Pa. Code § 147.746 (relating to exceptions for resident Canada geese).

§ 147.745. Exclusions.

(a) A permit is not required for red winged and rusty blackbirds, cowbirds and grackles which are listed in the United States Fish and Wildlife Service's standing depredation order (50 CFR 21.43 (relating to depredation order for blackbirds, cowbirds, grackles, crows and magpies)).

(b) A depredation permit will not be issued for the taking of any endangered or threatened species, as defined in 50 CFR Part 17 (relating to endangered and threatened wildlife and plants).

(c) Depredation permits for waterfowl will only be issued during the waterfowl hunting season, where hunting cannot be used as a control method.

(d) A depredation permit will not be renewed if the permittee has not made a good faith effort to implement nonlethal control recommendations by the Commission or WS.

Source

The provisions of this § 147.745 amended June 16, 2006, effective June 17, 2006, 36 Pa.B. 2977. Immediately preceding text appears at serial pages (303771) to (303772).

§ 147.746. Exceptions for resident Canada geese.

(a) *Egg addling and nest destruction.* Private landowners and managers of public lands and their employees or agents may destroy the nests and eggs of resident Canada geese on lands under their jurisdiction when necessary to resolve or prevent injury to people or damage to property or agricultural crops without the need for a joint state/Federal permit when the following conditions have been met:

(1) Private landowners or managers of public land have registered with the United States Fish and Wildlife Service at <https://epermits.fws.gov/eRCGR/geSI.aspx>. Each person who will be conducting the activity shall be registered at this site prior to implementing control activities.

(i) Eggs may be addled by shaking, freezing with CO₂ or oiling. If addled by oil, only 100% corn oil may be used.

(ii) Nests and eggs may be disposed of by burying or burning.

(2) Persons exercising privileges authorized by this subchapter shall file a report with the United States Fish and Wildlife Service at <https://epermits.fws.gov/eRCGR/geSI.aspx> no later than October 31 of each year. Failure to file a report may result in the denial of permission to addle the eggs or destroy the nests of resident Canada geese in subsequent years.

(3) It shall be unlawful to interfere with the nest or eggs of resident Canada geese without first registering with the United States Fish and Wildlife Service as required by this subchapter.

(b) *Agricultural facilities.*

(1) *Commercial agricultural production.* Persons actively engaged in commercial agriculture production may apply for a State-issued resident Canada

goose depredation permit. This permit allows a commercial agricultural producer and its legitimate employees and agents to engage in the shooting or capture of resident Canada geese when necessary to prevent damage to agricultural crops and other interests by resident Canada geese. The permit will prescribe the method of taking and the number of resident Canada geese that may be taken. The permit will be valid from April 1—August 31 of the year in which the permit was issued. The permittee shall file a written report on a form provided by the Commission, regarding the activities authorized by the permit no later than October 31 of the year in which the permit was issued. Failure to file the report as required may result in future applications being denied.

(2) *Application fee.* An application fee of \$50 in the form of check or money order shall be remitted to the Commission by the applicant at the time of application.

(c) *Airports and military airfields.*

(1) *Federal requirement.* Airports that are part of the National Plan of Integrated Airport Systems and have received Federal grant-in aid assistance and military airfields may control resident Canada geese on property that is under their jurisdiction without the need for a State or joint state/Federal depredation permit if they comply with 50 CFR 21.49 (relating to control order for resident Canada geese at airports and military airfields).

(2) *Unlawful acts.* It shall be unlawful to control resident Canada geese on airport or military airfield property through lethal control or to destroy eggs and nests of resident Canada geese unless the participants are in compliance with 50 CFR 21.49 or are in possession of a joint state/Federal Canada goose depredation permit as prescribed in § 147.744 (relating to depredation permits for migratory waterfowl).

Source

The provisions of this § 147.746 adopted March 23, 2007, effective March 24, 37 Pa.B. 1311; amended November 6, 2020, effective November 7, 2020, 50 Pa.B. 6209. Immediately preceding text appears at serial pages (326604) and (333681).

Subchapter V. AGRICULTURAL DAMAGE DEPREDATION PERMIT

Sec.

- 147.761. Purpose and scope.
- 147.762. Application.
- 147.763. Permit.
- 147.764. Subpermittee.
- 147.765. Violations.

Authority

The provisions of this Subchapter V adopted under 34 Pa.C.S. §§ 2121 and 2901.

Source

The provisions of this Subchapter V adopted March 28, 2008, effective March 29, 2008, 38 Pa.B. 1473, unless otherwise noted.

§ 147.761. Purpose and scope.

The purpose of this subchapter is to provide for depredation permits to be issued to qualified agricultural landowners to authorize them to secure the assistance of subpermittees, not otherwise individually qualified by section 2121 of the act (relating to killing game or wildlife to protect property) themselves, to destroy game or wildlife causing agricultural damage on lands owned, leased or otherwise controlled by the agricultural landowners.

§ 147.762. Application.

(a) Applications for depredation permits issued under this subchapter shall be made through the district wildlife conservation officer on the appropriate form provided by the Commission.

(b) Applications must identify the name and contact information of the permit applicant, the names and contact information of the subpermittees, the specific location of the subject property owned, leased or otherwise controlled by the applicant, the species of game or wildlife causing damage, the specific nature and extent of the damage caused by the game or wildlife and any additional information the Commission may require.

(c) Applications will only be accepted from persons meeting the following criteria:

(1) The permit applicant meets the definition of a qualified “person,” as defined in section 2121(c) of the act (relating to killing game or wildlife to protect property).

(2) {Reserved}.

(3) The permit applicant possesses a valid agriculture deer control permit if the species sought to be destroyed is white-tailed deer.

(d) An applicant shall certify that they are the owner or lessee of both the agricultural interest adversely affected by material damage caused by white-tailed deer and the hunting rights of the land to be covered by the permit application.

Authority

The provisions of this § 147.762 amended under 34 Pa.C.S. § 2901(b).

Source

The provisions of this § 147.762 amended September 12, 2025, effective September 13, 2025, 55 Pa.B. 6538. Immediately preceding text appears at serial page (403160).

§ 147.763. Permit.

A depredation permit issued under this subchapter authorizes the permittee to enlist the aid of a limited number of subpermittees for the purpose of destroying game or wildlife causing agricultural damage on lands owned, leased or otherwise controlled by the permittee.

- (1) The maximum number of subpermittees listed may not exceed two per permit, unless the district wildlife conservation officer recommends an increase due to warranted circumstances.
- (2) A depredation permit issued under this subchapter is valid at any hour, day or night, but only for the duration of the current permit year.
- (3) An annual report shall be submitted on forms supplied by the Commission by July 31 of each permit year.

§ 147.764. Subpermittees.

A depredation permit issued under this subchapter authorizes a limited number of subpermittees, selected by the permittee, to act on behalf of the permittee by destroying game or wildlife causing agricultural damage on lands owned, leased or otherwise controlled by the permittee.

- (1) *Qualifications.* A subpermittee shall be a resident of this Commonwealth, possess a valid resident hunting license or qualify for license and fee exemptions under section 2706 of the act (relating to resident license and fee exemptions) and have no prior record of violations of the act or related license revocations within the previous 10 years.
- (2) *Eligibility.* A subpermittee may destroy game or wildlife upon lands owned, leased or otherwise controlled by the permittee only when the game or wildlife is either actually engaged in the material destruction of cultivated crops, fruit trees, vegetables, livestock, poultry or beehives, immediately following the destruction or when there is just cause for reasonable apprehension of additional imminent destruction.
- (3) *Lawful devices and methods.* A subpermittee shall comply with the arms, ammunition and method restrictions located in section 2126 of the act (relating to unlawful activities) and § 141.19 (relating to killing game or wildlife to protect property). A permittee may further restrict or limit the usage of specific arms, ammunition or methods of destruction as deemed appropriate.
- (4) *Reporting.* A subpermittee shall report all wildlife destroyed within 24 hours to the Commission in the manner required by section 2122 of the act (relating to report to commission officer).
- (5) *Surrender of carcass.* The allowances of section 2124 of the act (relating to retention of edible carcass for food) do not extend to subpermittees. A subpermittee shall surrender the entire carcass, including the head and hide, of all game or wildlife destroyed under this subchapter to the Commission in the manner provided by sections 2123 and 2125 of the act (relating to safekeeping

edible carcass pending disposition; and surrender of carcass to commission officer). A subpermittee who surrenders the entire carcass of any game or wildlife destroyed under this subchapter to a food bank or a butcher operating on behalf of a food bank, at the express direction of the district wildlife conservation officer, shall be deemed to have met the surrender requirement.

§ 147.765. Violations.

The Director may deny, revoke or suspend any permit for any violation of this subchapter, specifically including violations of the conditions of the permit or reporting requirements, upon written notice to the permittee.

Subchapter W. SNOW GOOSE CONSERVATION HUNT PERMIT

Sec.

- 147.781. Purpose and scope.
- 147.782. Application.
- 147.783. Permit.
- 147.784. Violations.

Authority

The provisions of this Subchapter W adopted under the Game and Wildlife Code, 34 Pa.C.S. §§ 2102 and 2901.

Source

The provisions of this Subchapter W adopted March 28, 2008, effective March 29, 2008, 38 Pa.B. 1473, unless otherwise noted.

§ 147.781. Purpose and scope.

The purpose of this subchapter is to provide for snow goose conservation hunt permits to be issued to licensed migratory bird hunters. This permit will authorize migratory bird hunters to harvest snow geese during a time specified by the Director when all waterfowl seasons are closed and require hunter activity and harvest reporting carried out under the permit.

§ 147.782. Application.

(a) A permit will only be issued to persons who possess a valid hunting license, a valid migratory game bird license and, if the applicant is 16 years of age or older, a valid Federal duck stamp.

(b) Applications for snow goose conservation hunt permits issued under this subchapter shall be made on the form and in a manner provided by the Commission.

(c) Applications must include the name and contact information of the permit applicant.

§ 147.783. Permit.

(a) A snow goose conservation hunt permit issued under this subchapter authorizes the permittee to harvest snow geese within this Commonwealth during a period of time when all waterfowl seasons are closed.

(b) The permittee is required to maintain records specifying hunting activity and harvest by day, time of day, and any other detail required by the Commission. An annual report of this hunting record shall be submitted in a manner specified by the Commission within 30 days of the last hunting day of the conservation hunt period.

(c) Except as otherwise provided in this subchapter, all State and Federal requirements and limitations relating to the hunting and taking of snow geese during regular open seasons apply to any activities conducted pursuant to the authorizations of a snow goose conservation hunt permit. The following specific exceptions apply:

(1) *Hunting hours.* All hunting and taking activities conducted pursuant to the authorizations of a snow goose conservation hunt permit shall be conducted in accordance with the adjusted hunting hours authorized for the snow goose conservation season provided in § 141.4 (relating to hunting hours).

(2) *Electronic devices.* Notwithstanding the general prohibition against the use of electronic devices found in section 2308 of the act (relating to unlawful devices and methods) and § 141.6 (relating to illegal devices), the limited use of electronic calls and electronic decoys shall be authorized for all hunting and taking activities conducted pursuant to the authorizations of a snow goose conservation hunt permit.

Authority

The provisions of this § 147.783 amended under 34 Pa.C.S. § 2901(b).

Source

The provisions of this § 147.783 amended March 6, 2009, effective March 7, 2009, 39 Pa.B. 1205; amended March 25, 2011, amended March 26, 2011, 41 Pa.B. 1624. Immediately preceding text appears at serial page (343761).

§ 147.784. Violations.

The Director may deny permit applications received from persons who failed to complete and submit harvest reports and survey information from the prior season.

Subchapter X. MENTORED HUNTING PROGRAM PERMIT

Sec.

- 147.801. Purpose and scope.
- 147.802. Definitions.
- 147.803. Application.
- 147.804. General.
- 147.805. Safety.
- 147.806. Liability.
- 147.807. Violations.

Authority

The provisions of this Subchapter X issued under 34 Pa.C.S. § 2701(a); amended under 34 Pa.C.S. § 2901(b), unless otherwise noted.

Source

The provisions of this Subchapter X adopted June 5, 2009, effective June 6, 2009, 39 Pa.B. 2802; amended May 23, 2014, effective May 24, 2014, 44 Pa.B. 3102, unless otherwise noted. Immediately preceding text appears at serial pages (356425) to (356426) and (366429) to (366430).

Cross References

This Subchapter X cited in 58 Pa. Code § 135.103 (relating to controlled hunting and trapping area access permit procedures); and 58 Pa. Code § 139.4 (relating to seasons and bag limits for the license year).

§ 147.801. Purpose and scope.

(a) The purpose of this subchapter is to define and implement the Mentored Hunting Program within this Commonwealth and provide for the issuance of hunting permits to eligible individuals.

(b) The Mentored Hunting Program is intended to provide mentors who are dedicated to promoting and sharing this Commonwealth's hunting heritage with others, the opportunity to provide these unlicensed individuals with one-on-one, hands-on experience and in-field training on the mechanical, ethical, safety, responsibility and enjoyment aspects of the hunting experience.

§ 147.802. Definitions.

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

Lawful hunting device—Any firearm or implement that is lawful to be possessed during the current season and used to harvest the particular species hunted.

Mentor—A licensed person, 21 years of age or older who is serving as a guide to a mentored youth or mentored adult while engaged in hunting or related activities.

Mentored adult—An unlicensed person, 17 years of age or older, who is accompanied by a mentor while engaged in hunting or related activities.

Mentored youth—An unlicensed person, under 17 years of age who is accompanied by a mentor while engaged in hunting or related activities.

Stationary—The state or condition where a person is still, fixed in place or static, indicated by a cessation of all forward, backward or lateral movement, whether in the standing, kneeling, sitting or prone position.

Source

The provisions of this § 147.802 amended March 22, 2019, effective March 23, 2019, 49 Pa.B. 1364. Immediately preceding text appears at serial page (372036).

§ 147.803. Application.

(a) *Form and content.* Applications for mentored hunting permits issued under this subchapter shall be made through the Commission or any of its authorized license-issuing agents on the appropriate form designated by the Commission for this purpose. Each application must include the name, address, telephone number, date of birth, Social Security number of the applicant and any other information required by the Commission.

(b) *Eligibility.*

(1) Mentored youth hunting permits are available to youth applicants under 12 years of age or 12 years of age or older, but under 17 years of age, who have never held a prior hunting license within this Commonwealth or another state or nation. Mentored youth hunting permits are available to eligible youth applicants under 12 years of age for an unrestricted number of license years. Mentored youth hunting permits are available to eligible junior applicants 12 years of age or older, but under 17 years of age, except when the applicant has previously held a mentored youth permit for a total of 3 license years, including years when under 12 years of age. In these circumstances, an applicable junior hunting license is required.

(2) Mentored adult hunting permits are available to adult applicants 17 years of age or older who have never held a prior hunting license within this Commonwealth or another state or nation. Mentored adult hunting permits are available to eligible adult applicants for a total of 3 license years, including years when under 17 years of age. In these circumstances, an applicable adult hunting license is required.

(c) *Minors.* Applications may be submitted on behalf of an eligible mentored youth upon presentation of a written request executed by a parent or legally constituted guardian.

(d) *Fee.*

(1) The fee for a mentored youth hunting permit will be:

(i) \$1, plus any applicable transactional and issuing agent fees, for resident and nonresident applicants under 12 years of age.

(ii) \$5, plus any applicable transactional and issuing agent fees, for resident applicants 12 years of age or older, but under 17 years of age.

(iii) \$40, plus any applicable transactional and issuing agent fees, for nonresident applicants 12 years of age or older, but under 17 years of age.

(2) The fee for a mentored adult hunting permit will be:

(i) For residents, \$19, plus any applicable transactional and issuing agent fees.

(ii) For nonresidents, \$100, plus any applicable transactional and issuing agent fees.

Source

The provisions of this § 147.803 amended March 22, 2019, effective March 23, 2019, 49 Pa.B. 1364. Immediately preceding text appears at serial pages (372036) and (379471).

§ 147.804. General.

(a) *License required.* A mentor shall possess a valid Pennsylvania hunting license or qualify for license and fee exemptions under section 2706 of the act (relating to resident license and fee exemptions) prior to engaging in any mentored hunting activities.

(b) *Permit required.* A mentored youth or mentored adult shall possess a valid applicable mentored hunting permit prior to engaging in any mentored hunting activities. Purchase of a hunting license by an eligible mentored youth or mentored adult shall automatically invalidate any mentored permit and associated harvest tags held by same.

(c) *Species limitation.* A mentored youth's or mentored adult's hunting eligibility is restricted to the following species: rabbit, hare, ruffed grouse, mourning dove, bobwhite quail, pheasant, crow, squirrel, porcupine, woodchuck, coyote, deer, waterfowl, bear and wild turkey.

(d) *Seasons and bag limits.* A mentored youth's and mentored adult's hunting eligibility is further constrained by applicable hunting seasons, daily limits, field possession limits and season limits provided in § 139.4 (relating to seasons and bag limits for the license year).

(e) *Applicability of junior seasons and antler restrictions.* A mentored youth is eligible to hunt during any special youth hunting seasons that apply to any species specified in subsection (c) and are subject to the same antler restrictions that apply to junior license holders in § 131.2 (relating to definitions).

(f) *Tagging requirements.* Mentored youth and mentored adults shall tag and report all big game harvested in the manner provided in section 2323 of the act (relating to tagging and reporting big game kills).

(g) {Reserved}.

(h) {Reserved}.

(i) {Reserved}.

(j) {Reserved}.

(k) {Reserved}.

(l) *Application for and issuance of big game harvest tags.* Mentored youth and mentored adult hunting permits will be issued with an antlered deer, fall turkey and spring turkey harvest tag. Except as provided below, mentored youth and mentored adults are additionally eligible to make application for a bear license, a special wild turkey license, and one antlerless deer license and as many DMAP harvest permits and agriculture deer control harvest permits that are within the eligibility standards and limitations of these programs. A mentored youth who is under 7 years of age at the time of application is ineligible to apply for and receive a bear license.

(m) *Application for and issuance of add-on licenses and permits.* Mentored youth and mentored adults are exempt from requirements to obtain archery and muzzleloader add-on licenses or stamps applicable to hunting archery or muzzleloader seasons for any species listed in subsection (c). Unless otherwise exempted by existing program standards, all mentored youth and mentored adults are required to obtain migratory bird licenses, snow goose conservation permits and pheasant permits to participate in hunting during applicable seasons for any associated species listed in subsection (c).

(n) {Reserved}.

Authority

The provisions of this § 147.804 amended under 34 Pa.C.S. §§ 2102(a), 2701(a), 2722(g) and 2901(b).

Source

The provisions of this § 147.804 amended August 12, 2011, effective August 13, 2011, 41 Pa.B. 4419; amended June 22, 2012, effective June 23, 2012, 42 Pa.B. 3594; corrected July 6, 2012, effective June 23, 2012, 42 Pa.B. 4305; amended April 26, 2013, effective April 27, 2013, 43 Pa.B. 2311; amended May 23, 2014, effective May 24, 2014, 44 Pa.B. 3102; amended May 29, 2015, effective May 30, 2015, 45 Pa.B. 2608; amended November 6, 2015, effective November 7, 2015, 45 Pa.B. 6503; amended March 22, 2019, effective March 23, 2019, 49 Pa.B. 1364; amended May 1, 2020, effective May 2, 2020, 50 Pa.B. 2276; amended September 3, 2021, effective September 4, 2021, 51 Pa.B. 5606; amended September 12, 2025, effective September 13, 2025, 55 Pa.B. 6539; amended April 3, 2026, effective June 1, 2026, 56 Pa.B. 1813. Immediately preceding text appears at serial pages (406299) to (406300) and (425137) to (425138).

§ 147.805. Safety.

While engaged in mentored hunting activities:

(1) A mentored youth shall be stationary, within arm's reach and subject to the immediate control of the mentor at all times while in possession of any lawful hunting device. This limitation may not be construed to apply to mentored adults. Mentored adults shall be accompanied by the mentor within eyesight and in close proximity so that verbal instruction and guidance can easily be understood without the aid of electronic communication devices or sound amplification devices.

(2) A mentor may not accompany more than three mentored youth or mentored adults at any given time. A mentor may accompany a junior hunter in addition to accompanying a mentored youth or mentored adult within the same maximum total of three. The authorizations of this paragraph are not intended to expand the lawful hunting device limitation set forth in paragraph (3).

(3) A mentor and mentored youth may not collectively possess more than one lawful hunting device at any given time. This limitation may not be construed to apply to mentors and mentored adults participating in the mentored adult hunting program or junior hunters joining a mentored youth hunt.

(4) A mentor and mentored youth or mentored adult shall each comply with section 2524 of the act (relating to protective material required) and with any regulations promulgated by the Commission relating to protective material.

Authority

The provisions of this § 147.805 amended under 34 Pa.C.S. §§ 2711(a)(8) and 2901(b).

Source

The provisions of this § 147.805 amended September 6, 2024, effective September 7, 2024, 54 Pa.B. 5615. Immediately preceding text appears at serial pages (406302) to (406303).

§ 147.806. Liability.

A mentor is responsible and accountable for all actions of the mentored youth or mentored adult occurring while engaged in mentored hunting activities. A mentor who causes or allows a mentored youth or mentored adult to engage in

an unlawful act shall be punishable as the principal offender as provided in section 924 of the act (relating to liability for actions of others).

§ 147.807. Violations.

It is unlawful for a mentor, mentored youth or mentored adult to fail to comply with any of the requirements, standards or limitations of this subchapter. A person violating this subchapter shall, upon conviction, be sentenced to pay the fine prescribed in the act. The Director may additionally deny, revoke or suspend any permit for any violation of this subchapter upon written notice to the permittee.

Subchapter Y. GUIDING PERMIT

Sec.

147.901. Purpose and scope.

147.902. Definitions.

147.903. Application for commercial and noncommercial guiding permits.

147.904. Permit.

147.904.1. Records and reports of commercial guides.

147.905. Violations.

Authority

The provisions of this Subchapter Y issued under 34 Pa.C.S. § 2901 (b), unless otherwise noted.

Source

The provisions of this Subchapter Y adopted August 28, 2009, effective August 29, 2009, unless otherwise noted.

§ 147.901. Purpose and scope.

The purpose of this subchapter is to provide for the issuance of guiding permits to authorize eligible applicants to serve as guides for persons hunting, trapping or otherwise taking certain designated species of game or wildlife.

Authority

The provisions of this § 147.901 amended under 34 Pa.C.S. § 2901(b).

Source

The provisions of this § 147.901 amended May 1, 2020, effective May 2, 2020, 50 Pa.B. 2274. Immediately preceding text appears at serial page (395969).

§ 147.902. Definitions.

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

Commercial guiding activity—Any guiding activity provided by any person to another person for any fee, remuneration or other economic gain, including bartered goods or services.

Guide—A person who assists another person in any manner to hunt, trap or otherwise take certain designated species of game or wildlife.

Guiding activity—

(i) The act of assisting or conspiring to assist another person in any manner to hunt, trap or otherwise take certain designated species of game or wildlife by locating, calling or directing another person to the quarry.

(ii) The term is not intended to include or authorize any assistance taking the form of any overt act directly connected with harvesting game or wildlife by the guide discharging a firearm, bow or crossbow or setting or resetting a trap or cable restraints.

Non-commercial guiding activity—Any guiding activity provided by any person to another person for the species Elk, where there is no fee, remuneration or economic gain to the guide including bartered goods or services.

Authority

The provisions of this § 147.902 amended under 34 Pa.C.S. §§ 721(a), 2102(a) and 2901(b).

Source

The provisions of this § 147.902 amended January 26, 2010, effective April 3, 2010, 40 Pa.B. 1739; amended May 1, 2020, effective May 2, 2020, 50 Pa.B. 2274. Immediately preceding text appears at serial page (395969).

§ 147.903. Application for commercial and noncommercial guiding permits.

(a) Applications for commercial and noncommercial guiding permits issued under this subchapter shall be made through the applicable Commission regional office local to the applicant on the appropriate form provided by the Commission.

(b) Applications for commercial and noncommercial guiding permits shall include the name, address, telephone number, customer identification number and date of birth of the primary applicant and each subpermittee, if applicable, as well as the specific eligible species of wildlife sought to be covered by the permit.

(c) Applications for commercial and noncommercial guiding permits will only be accepted if the applicant and each listed subpermittee possesses a valid hunting or furtaking license, whichever is applicable to the single species or multiple species designated on the permit application. Applicants for a noncommercial elk guiding permit must also possess a valid elk license.

(d) Applications for commercial and noncommercial guiding permits will only be accepted if the applicant and each listed subpermittee have no documented prior record of game or wildlife violations of the act or this title or related license revocations within the previous 10 years. This subsection shall not be construed to apply to the permittee listed on the application for a noncommercial elk guiding permit, but this provision remains effective for each subpermittee listed the permittee's application.

(e) The fee for a commercial or noncommercial guiding permit will be:

(1) Except as provided in paragraphs (2) and (3) for elk guiding permits, \$25 for residents and \$50 for nonresidents for each respective eligible species of wildlife to be covered by the permit.

(2) \$500 for residents and nonresidents for commercial elk guiding permits. This fee also covers up to four subpermittees at no additional cost. Additional subpermittees beyond the first four may be added for an additional \$50 per additional subpermittee.

(3) No cost for a noncommercial elk guiding permits. This no cost fee also covers up to four subpermittees at no additional cost. Additional subpermittees beyond the first four may be added for an additional \$25 per additional subpermittee.

Authority

The provisions of this § 147.903 amended under 34 Pa.C.S. § 2901(b).

Source

The provisions of this § 147.903 amended May 1, 2020, effective May 2, 2020, 50 Pa.B. 2274. Immediately preceding text appears at serial pages (395969) to (395970).

§ 147.904. Permit.

(a) *General rule.* A guiding permit issued under this subchapter is required for any person to engage in any commercial or noncommercial guiding activity anywhere within this Commonwealth for the following designated species of wildlife: elk and bobcat. A guiding permit is also required for any person to engage in any commercial guiding activity for coyotes on any lands designated as State game lands.

(b) *Additional permits.* Possession of a commercial or noncommercial guiding permit issued under this subchapter does not diminish an individual's obligation to obtain any other applicable Federal, State or local permits concerning the guiding activities.

(c) *Guiding on State game lands.* Notwithstanding the general prohibitions of § 135.41 (relating to state game lands), a commercial guiding permit issued under this subchapter authorizes its holder to engage in commercial guiding activities on lands designated as State game lands for each species of game wildlife designated on the commercial guiding permit. This subsection shall not be construed to require a commercial or noncommercial guiding permit for noncommercial guiding activities occurring on lands designated as State game lands.

(d) *Licenses, permits and stamps required.* A commercial or noncommercial guide shall maintain valid licenses, permits and stamps applicable to each species for which they are conducting commercial or noncommercial guiding activities, excepting only elk licenses, if applicable. A guide shall carry these licenses, permits and stamps required by this subsection on their person while engaged any commercial or noncommercial guiding activities and shall produce same, upon demand, to any officer whose duty it is to enforce the title.

Authority

The provisions of this § 147.904 amended under 34 Pa.C.S. §§ 721(a), 2102(a) and 2901(b).

Source

The provisions of this § 147.904 amended January 26, 2010, effective April 3, 2010, 40 Pa.B. 1739; amended May 1, 2020, effective May 2, 2020, 50 Pa.B. 2274. Immediately preceding text appears at serial page (395970).

§ 147.904.1. Records and reports of commercial guides.

(a) *Records.* A commercial guide shall maintain legible, accurate and complete field records of all commercial guiding activities conducted under the authority of a commercial guiding permit on a form supplied by the Commission. These field records shall be maintained and made available for inspection in accordance with section 2906 of the act (relating to records). A commercial guide shall complete the field records form according to the instructions on the form and must contain the following information for each commercial guiding activity:

- (1) Name, address and customer identification number for each client.
- (2) Date of guided activity.
- (3) Quantity and species of game or wildlife harvested by each client.
- (4) Name and guide permit number of any accompanying guide permit holder for each guided activity.

(b) *Reports.* All field records shall be submitted to the Commission annually in accordance with section 2907 of the act (relating to reports).

Authority

The provisions of this § 147.904.1 issued under 34 Pa.C.S. § 2901(b).

Source

The provisions of this § 147.904.1 adopted May 1, 2020, effective May 2, 2020, 50 Pa.B. 2274.

§ 147.905. Violations.

Violations of this subchapter will be prosecuted under section 2908 of the act (relating to violations). The Director may deny, revoke or suspend any permit for any violation of the act or this subchapter by the permittee or any subpermittee, upon written notice to the permittee.

Authority

The provisions of this § 147.905 amended under 34 Pa.C.S. § 2901(b).

Source

The provisions of this § 147.905 amended May 1, 2020, effective May 2, 2020, 50 Pa.B. 2274. Immediately preceding text appears at serial page (395970).

Subchapter Z. STATE GAME LANDS RANGE PERMITS

Sec.

147.1001. Purpose and scope.

147.1002. Eligibility and application.

147.1003. Range permit.

147.1004. Violations.

Authority

The provisions of this Subchapter Z issued under 34 Pa.C.S. §§ 721(a) and 2901(b), unless otherwise noted.

Source

The provisions of this Subchapter Z adopted April 1, 2011, effective April 2, 2011, 41 Pa.B. 1764, unless otherwise noted.

§ 147.1001. Purpose and scope.

This subchapter provides for range permits to be issued to eligible persons to authorize their holders to utilize established rifle or handgun ranges or designated clay bird shooting areas located on State game lands.

§ 147.1002. Eligibility and application.

(a) Range permits will only be issued to persons 16 years of age or older who do not possess a valid Pennsylvania hunting or furtaker license.

(b) Applications for range permits issued under this subchapter shall be made on a form provided by the Commission.

(c) Applications must include the name and contact information of the permit applicant.

(d) The fee for a range permit will be \$30 for residents and nonresidents.

§ 147.1003. Range permit.

(a) A range permit issued under this subchapter authorizes the permittee to utilize established rifle or handgun ranges or designated clay bird shooting areas located on State game lands.

(b) Permittees shall utilize established rifle or handgun ranges or designated clay bird shooting areas located on State game lands in a manner consistent with applicable requirements, conditions and restrictions provided for in the act and §§ 135.2, 135.41 and 135.181 (relating to unlawful actions; State game lands; and rifle and handgun ranges).

§ 147.1004. Violations.

The Director may deny, revoke or suspend any permit for any violation of this subchapter upon written notice to the permittee.

Subchapter AA. DISABLED PERSON ACCESS PERMIT

Sec.

147.1021. Purpose and scope.

147.1022. Eligibility and application.

147.1023. Disabled person access permits.

147.1024. Violations.

Authority

The provisions of this Subchapter AA issued under 34 Pa.C.S. §§ 721(a) and 2901(b), unless otherwise noted.

Source

The provisions of this Subchapter AA adopted March 23, 2018, effective March 24, 2018, 48 Pa.B. 1677, unless otherwise noted.

Cross References

This subchapter cited in 58 Pa. Code § 135.49 (relating to definitions); 58 Pa. Code § 135.50 (relating to State game lands open to wheelchair access); 58 Pa. Code § 135.51 (relating to designated routes open to mobility devices and motor vehicles); 58 Pa. Code § 135.52 (relating to towing vehicle placard for persons using mobility devices); 58 Pa. Code § 135.53 (relating to operation of mobility devices and motor vehicles on designated routes); and 58 Pa. Code § 135.54 (relating to transport of passengers restricted).

§ 147.1021. Purpose and scope.

This subchapter provides for disabled person access permits to be issued to eligible persons to authorize their holders to utilize mobility devices and motor vehicles to access designated routes on State game lands.

§ 147.1022. Eligibility and application.

(a) A disabled person access permit will only be issued to a person who provides satisfactory evidence of a mobility disability, which includes any of the following:

(1) A disability parking placard issued by the Department of Transportation (Department). This proof can be either the placard or an identification card issued by the Department documenting the issuance of a disability parking placard.

(2) A disability vehicle registration plate issued by the Department. This proof will be the vehicle registration card bearing a registration number beginning in "PD."

(3) A formal document issued by a state other than the Commonwealth, the District of Columbia, Puerto Rico, Guam, American Samoa, Virgin Islands, Trust Territory of the Pacific Islands and Northern Mariana Islands officially recognizing the existence of a mobility disability.

(4) A disabled person permit issued by the Commission under section 2923 of the act (relating to disabled person permits).

(5) A formal document issued by a medical doctor certifying that the applicant has a mobility disability.

(6) Other satisfactory evidence indicating that the applicant has a mobility disability.

(b) A state-issued proof of a mobility disability must be in the applicant's name and unexpired. If the state-issued proof of a mobility disability evidences an expiration date or the mobility disability is temporary in nature, the Commission will apply a corresponding expiration date to a permit issued under this subchapter.

(c) An application for a disabled person access permit issued under this subchapter shall be made on a form provided by the Commission.

(d) An application must include the name, customer identification number and contact information of the permit applicant.

(e) There is not a fee for a disabled person access permit.

§ 147.1023. Disabled person access permits.

A disabled person access permit issued under this subchapter authorizes the permittee to use mobility devices and motor vehicles to access designated routes

on State game lands as is more specifically set forth in Chapter 135, Subchapter C (relating to State game lands).

§ 147.1024. Violations.

The Director may deny, revoke or suspend a permit for a violation of this subchapter upon written notice to the permittee.

[Next page is 147a-1.]

CHAPTER 147a. [Reserved]**Source**

The provisions of this Chapter 147a adopted January 20, 1995, effective January 21, 1995, 25 Pa.B. 244; reserved April 30, 2004, effective May 1, 2004, 34 Pa.B. 2329. Immediately preceeding text appears at serial pages (276245) to (276246).

§§ 147a.1—147a.6. [Reserved].

[Next page is 147b-1.]

147a-2

CHAPTER 147b. [Reserved]

Source

The provisions of this Chapter 147b adopted August 25, 1995, effective August 26, 1995, 25 Pa.B. 3491; reserved April 30, 2004, effective May 1, 2004, 34 Pa.B. 2329. Immediately preceeding text appears at serial pages (276247) to (276249).

§§ 147b.1—147b.4. [Reserved].

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