

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.
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§ 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.

(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)

2014 Repeal. Act 92 repealed subsec. (c).

2003 Amendments. Act 5 amended subsec. (a) and Act 6 amended subsec. (c).

§ 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 100 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.**--Neither the permittees nor any other person shall at any time hunt or take furbearers within the confines of the dog training area. The permittees, or any person authorized by them, may hunt or trap unprotected game or wildlife for the purpose of population control. A permit must be secured from the director permitting the removal of any protected game or wildlife.

(d) **Big game hunting may be permitted.**--Hunting of big game may be permitted on dog training areas during seasons fixed by the commission. Action of the permittees to permit big game hunting shall be conspicuously posted in the vicinity of the area at least two weeks prior to any such season.

(e) **Marking boundary.**--The boundary line of a special dog training area shall be plainly and conspicuously posted prior to October 1 of each year with legible notices at least 10 by 12 inches in size, placed in such a manner that any intruder is warned of the purpose of the area and bearing such information as the commission may require.

(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 a permit.
- (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.
- (4) Violate any other provision of this section.

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

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.