



Transporting Firearms. It can be very confusing.

Transporting Firearms:

(Disclaimer-we're not lawyers. Any user of this information shall consult with an attorney for advice on interpreting the material contained herein before taking any action in reliance thereon, which could affect his or her own rights or the rights of others)

Intuitively, you probably think that if you lawfully own a firearm, you can, without a License to Carry Firearms, unload it, secure it, separate it from ammo, and take it anywhere you want. While there are Federal laws that allow you to stow unloaded firearms outside of the reach of driver and passengers, and travel unmolested across the Nation, you need to be aware of the restrictions that Pennsylvania puts on its residents who do NOT have a License to Carry Firearms (LTCF).

Please try to use the correct term of License to Carry Firearms (LTCF) instead of CCW, permit, and other terms so that we can educate other gun owners and be clear in our message to politicians. License is defined differently and has constitutional implications. Other States have CCW's, Permits, and so on. The only "permit" that Pennsylvania has falls under hunting laws. It's called a Sportsman's firearms permit, and if you hunt, you should know the Game Laws. We're not going to address the Sportsman's firearms permit here.

Q. Where can I find the rules regarding transporting firearms without a License to Carry Firearms?

A. Pennsylvania Title 18, section 6106 (b)

Q. What are the penalties for breaking the laws that govern transporting a firearm?

A. Title 18, 6106 (a) (1) and (2) call out , in (1), a Felony 3 "Except as provided in paragraph (2), any person who carries a firearm in any vehicle or any person who carries a firearm concealed on or about his person, except in his place of abode or fixed place of business, without a valid and lawfully issued license under this chapter commits a felony of the third degree." When you read (2), "A person who is otherwise eligible to possess a valid license under this chapter but carries a firearm in any vehicle or any person who carries a firearm concealed on or about his person, except in his place of abode or fixed place of business, without a valid and lawfully issued license and has not committed any other criminal violation commits a misdemeanor of the first degree."

So, as you can see, even if you are eligible to have a LTCF, but don't have one, if convicted under (2) of an M1, you still lose your rights to own a firearm forever! Of special note, do you see the word loaded anywhere? That's right. An empty gun will STILL get you in trouble.

We often have folks ask us, well, wait a minute, there has to be some way to lawfully drive to my favorite gun shop, buy a gun, and bring it home as long as its unloaded, right? Of course you can. For the average Joe or Jill, who does NOT have a LTCF, there are a few exceptions to 6106 (a) and (b).

Read on and you'll see why we encourage every gun owner to obtain a License to Carry Firearms. If you don't have one, here are all of the exceptions. We'll put some italicized comments after each one. We caution you that we are not lawyers, and you should go back to the top of the page and read the disclaimer very carefully.

Q. So, what are the exceptions and where can I see them?

A. The exceptions are listed below, with comments, and you can see them in Title 18, 6106(b):

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

- Constables, sheriffs, prison or jail wardens, or their deputies, policemen of this Commonwealth or its political subdivisions, or other law-enforcement officers. -----*you're probably not in this category. It won't help you at all.*
- Members of the Army, Navy, Marine Corps, Air Force or Coast Guard of the United States or of the National Guard or organized reserves when on duty. -----*For the Guard and Reserve Forces-Does this mean weekend drills, two week summer camps, or while deployed and home on leave? This is NOT as clear as you would think, and you would be wise to contact your JAG if you're a service member. For Active Duty members, we advise you to contact an attorney to find out if you can lawfully TRANSPORT a firearm. This does not apply to carrying a loaded firearm on or about your person, whether you are active or reserve.*
- The regularly enrolled members of any organization duly organized to purchase or receive such firearms from the United States or from this Commonwealth-----*This covers ceremonial drill teams, such as VFW, Marine Corps League, American Legion, and honor guards travelling to and from military funerals, parades, and other such functions.*
- Any persons engaged in target shooting with a firearm, if such persons are at or are going to or from their places of assembly or target practice and if, while going to or from their places of assembly or target practice, the firearm is not loaded.----- *Have you given any thought as to how you can prove you're going to, or coming from, the range? In addition, NOWHERE does this give you a right to carry any firearm, unloaded of course, except DIRECTLY to and from the places shown above. Don't even think about stopping for groceries, gas, a restroom, or even your buddy's house to show off a new purchase.*
- Officers or employees of the United States duly authorized to carry a concealed firearm. -----*If you are an FBI agent, a US Marshall, or other alphabet agency member authorized to carry a gun, this applies to you. Most of you will find this exception to be of no help at all.*
- Agents, messengers and other employees of common carriers, banks, or business firms, whose duties require them to protect moneys, valuables and other property in the discharge of such duties. -----*What this does not say is that if you're not engaged in your employment, that is, you're off the clock, you can't rely on this exception. Common sense would tell you that home to work, and work to home should be covered, but that's not what the law says.*
- Any person engaged in the business of manufacturing, repairing, or dealing in firearms, or the agent or representative of any such person, having in his possession, using or carrying a firearm in the usual or ordinary course of such business.-----*If you don't work as a gunsmith, or work for a gun dealer, this won't help. Note that it does NOT cover loaded firearms.*
- Any person while carrying a firearm which is not loaded and is in a secure wrapper from the place of purchase to his home or place of business, or to a place of repair, sale or appraisal or back to his home or place of business, or in moving from one place of abode or business to another or from his home to a vacation or recreational home or dwelling or back, or to recover stolen property under section 6111.1(b)(4) (relating to Pennsylvania State Police), or to a place of instruction intended to teach the safe handling, use or maintenance of firearms or back or to

a location to which the person has been directed to relinquish firearms under 23 Pa.C.S. § 6108 (relating to relief) or back upon return of the relinquished firearm or to a licensed dealer's place of business for relinquishment pursuant to 23 Pa.C.S. § 6108.2 (relating to relinquishment for consignment sale, lawful transfer or safekeeping) or back upon return of the relinquished firearm or to a location for safekeeping pursuant to 23 Pa.C.S. § 6108.3 (relating to relinquishment to third party for safekeeping) or back upon return of the relinquished firearm.--
----This is the Big One! Nowhere does this give you a right to carry any firearm, unloaded of course, except DIRECTLY to and from the places shown above. Don't even think about stopping for groceries, gas, a restroom, or even your buddy's house to show off a new purchase.

- Persons licensed to hunt, take furbearers or fish in this Commonwealth, if such persons are actually hunting, taking furbearers or fishing as permitted by such license, or are going to the places where they desire to hunt, take furbearers or fish or returning from such places.-Don't even dream about using this one unless you have a hunting license, and it's open season, and the gun is UNLOADED!
- Persons training dogs, if such persons are actually training dogs during the regular training season.-----**This still addresses empty firearms only. Woof, woof, arf, woof. Which in dog means "don't blame me because you didn't read the law."**
- Any person while carrying a firearm in any vehicle, which person possesses a valid and lawfully issued license for that firearm which has been issued under the laws of the United States or any other state.---**THIS means if you have a LTCF issued by or recognized by the Commonwealth.**
- A person who has a lawfully issued license to carry a firearm pursuant to section 6109 (relating to licenses) and that said license expired within six months prior to the date of arrest and that the individual is otherwise eligible for renewal of the license.---**Do yourself a favor. Don't let your LTCF expire. While this exception will protect you, it's going to cost you thousands to clear your good name if the police arrest you for an expired LTCF.**
- Any person who is otherwise eligible to possess a firearm under this chapter and who is operating a motor vehicle which is registered in the person's name or the name of a spouse or parent and which contains a firearm for which a valid license has been issued pursuant to section 6109 to the spouse or parent owning the firearm.-----**This gives you some protection if you're driving your wife's car, you don't have a LTCF, but she does, and she left her gun in the car. Note this does not say LOADED firearm.**
- A person lawfully engaged in the interstate transportation of a firearm as defined under 18 U.S.C § 921(a)(3) (relating to definitions) in compliance with 18 U.S.C. § 926A (relating to interstate transportation of firearms).----**This is the Federal safe journey law that nearly 99.9% of jurisdictions will honor, but the gun has to be empty, secure, and separated from any ammo, and not accessible to driver or passengers.**
- Any person who possesses a valid and lawfully issued license or permit to carry a firearm which has been issued under the laws of another state, regardless of whether a reciprocity agreement exists between the Commonwealth and the state under section 6109(k), provided:
 - The state provides a reciprocal privilege for individuals licensed to carry firearms under section 6109.

- The Attorney General has determined that the firearm laws of the state are similar to the firearm laws of this Commonwealth.
- ***This used to be crystal clear. The current AG has killed reciprocity with Florida, Idaho, and some other States, if you have a non-resident LTCF, CCW, Permit or whatever they call it. You have to be really sharp. The current AG is killing the right to keep and bear arms one State at a time.***
- Any person holding a license in accordance with section 6109(f)(3).---***Yes, we had to look this one up, too. "Notwithstanding paragraph (1) or any other provision of law to the contrary, a license to carry a firearm that is held by a member of the United States Armed Forces or the Pennsylvania National Guard on Federal active duty and deployed overseas that is scheduled to expire during the period of deployment shall be extended until 90 days after the end of the deployment"---Yikes, an actual common sense gun law!***

At the end of the day, it's fairly easy to see why we recommend two things, and they are;

- (1) Secure and maintain a License to Carry Firearms.
- (2) If you find yourself run afoul of the law, lawyer up immediately. Make no statements. NONE!
Anything you say really can and will be used against you in a court of law.

Firearm Owners Against Crime (FOAC) is non-partisan, non-connected Political Action Committee organized to empower all gun owners, outdoors enthusiasts and supporters of the 2nd Amendment to the Bill of Rights of the U.S. Constitution and Article 1 Section 21 of the PA Constitution with the tools and information necessary to protect this freedom from transgression. Candidates for office are evaluated every election cycle, approved, placed on an FOAC voter guide and distributed throughout the region.