

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1402 Session of
2012

INTRODUCED BY ALLOWAY, SOLOBAY, FONTANA, MENSCH, RAFFERTY,
YUDICHAK, PIPPY, EICHELBERGER, KASUNIC, BOSCOLA, BRUBAKER,
WOZNIAK, BAKER AND BLAKE, JANUARY 31, 2012

SENATOR CORMAN, APPROPRIATIONS, RE-REPORTED AS AMENDED,
SEPTEMBER 25, 2012

AN ACT

1 Amending Title 30 (Fish) of the Pennsylvania Consolidated
2 Statutes, further providing for the definition of "fishing,"
3 for organization of commission, for deputy waterways
4 conservation officers and for volunteer program; providing
5 for damage to property; further providing for control of
6 property, for powers and duties of waterways conservation
7 officers and deputies and for enforcement of other laws;
8 providing for unlawful use of computer and for liability for
9 conduct of another and for complicity; further providing for
10 suspension of privileges pending payment of penalties, for
11 misuse of property and waters, for littering, for possession
12 and display of licenses, for lost fishing licenses, for
13 institutional licenses, for exemptions from license
14 requirements, for eel chute licenses, for net permits, for
15 boat and net licenses for boundary lakes, for penalties, for
16 fees, for boating education, for general boating regulations,
17 for chemical testing to determine amount of alcohol or
18 controlled substance and for period of registration;
19 providing for unauthorized operation of boats, for permitting
20 violations and for duties of operators involved in boating
21 accidents; and making editorial changes.

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

24 Section 1. The definition of "fishing" in section 102 of
25 Title 30 of the Pennsylvania Consolidated Statutes is amended to
26 read:

1 § 102. Definitions.

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

7 * * *

8 "Fishing." The act of angling, or to catch, take, kill or
9 remove or the attempt to catch, take, kill or remove from any
10 lands within or waters [or other areas] within or bordering on
11 this Commonwealth any fish by any means or method for any
12 purpose whatsoever.

13 * * *

14 Section 2. Sections 301(a), 305(a) and (b) and 327(d) (4) of
15 Title 30 are amended to read:

16 § 301. Organization of commission.

17 (a) Composition.--The Pennsylvania Fish and Boat Commission
18 is continued as an independent administrative commission and
19 shall consist of ten competent citizens of this Commonwealth who
20 shall be appointed by the Governor by and with the advice and
21 consent of [two-thirds] a majority of the members elected to the
22 Senate for terms of eight years and until their successors are
23 appointed and qualified.

24 * * *

25 § 305. Deputy waterways conservation officers.

26 (a) Appointment and training.--The executive director, with
27 the approval of the commission, may appoint deputy waterways
28 conservation officers to act anywhere within this Commonwealth.
29 Newly appointed deputy waterways conservation officers,
30 excluding reappointments, shall attend such training programs as

1 may be required by the commission, which shall include at a
2 minimum:

3 (1) Successful completion of training and obtaining a
4 certificate of qualification under the act of October 10,
5 1974 (P.L.705, No.235), known as the Lethal Weapons Training
6 Act, or equivalent training as determined by the executive
7 director, prior to appointment.

8 (2) Successful completion of not less than 250 hours of
9 law enforcement classroom and on-the-job training.

10 All deputy waterways conservation officers, including
11 reappointments, shall attend all annual in-service training as
12 may be required by the commission. Persons appointed under this
13 section may exercise the powers of their appointments until
14 December 31 of each year unless their appointment is sooner
15 revoked, suspended or withdrawn.

16 (b) Compensation.--Deputy waterways conservation officers
17 shall not be entitled to any salary, compensation or expenses
18 for their services from the Commonwealth, unless [detailed in
19 writing for duty] authorized by the executive director of the
20 commission, in which case they shall receive compensation and/or
21 reasonable expenses in accordance with a Statewide pay scale and
22 standards as established by the Executive Board. [Only such
23 duties or assignments as are approved in advance by the
24 executive director or his designee shall be eligible for
25 compensation and/or reasonable expenses.] Deputy waterways
26 conservation officers are volunteers. When acting within the
27 scope of their official duties, deputy waterways conservation
28 officers shall be authorized to operate Commonwealth vehicles
29 and watercraft and shall be treated as employees of the
30 Commonwealth for the purposes of automotive and general

liability and the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act.

* * *

§ 327. Volunteer program.

* * *

(d) Status of volunteers.--

* * *

(4) No volunteer shall be assigned to any full-time or wage position that is covered by any labor agreement, presently filled, vacant or authorized in the commission.

* * *

Section 3. Title 30 is amended by adding a section to read:

§ 703. Damage to property.

It is unlawful to intentionally or recklessly destroy or cause damage to property owned, leased or otherwise controlled by the commission or any improvements thereon. Any person who intentionally causes pecuniary loss in excess of \$5,000 commits a felony of the third degree. Any person who intentionally causes pecuniary loss in excess of \$1,000 commits a misdemeanor of the second degree. Any person who intentionally or recklessly causes pecuniary loss in excess of \$500 commits a misdemeanor of the third degree. Otherwise destroying or causing damage to commission property or any improvements thereon is a summary offense of the first degree.

Section 4. Sections 741(a) and 901(a)(12), (13) and (16) and 902 of Title 30 are amended to read:

§ 741. Control of property.

(a) General rule.--The entire control of all lands or waters owned, leased or otherwise controlled shall be under the sole direction of the commission and the commission may promulgate

1 such rules and regulations for its use and protection as it
2 deems necessary or in the best interests of the Commonwealth.
3 The acquisition, use and management of such lands or waters
4 owned, leased or otherwise controlled by the commission shall
5 not be subject to regulation by counties or municipalities.

6 * * *

7 § 901. Powers and duties of waterways conservation officers and
8 deputies.

9 (a) Waterways conservation officers.--Every waterways
10 conservation officer shall have the power and duty to:

11 * * *

12 (12) When [acting within the scope of their employment,
13 to] in the performance of their duties, pursue, apprehend or
14 arrest any individual suspected of violating any provision of
15 Title 18 (relating to crimes and offenses) or any other
16 offense classified as a misdemeanor or felony. They shall
17 also have the power to serve and execute warrants issued by
18 the proper authorities for offenses referred to in this
19 paragraph and to serve subpoenas issued for examination. All
20 powers as provided for in this paragraph will be limited by
21 such administrative procedure as the executive director, with
22 the approval of the commission, shall prescribe.

23 (13) Arrange for the administration of chemical tests of
24 breath, blood or urine to persons operating or in actual
25 physical control of watercraft for the purpose of determining
26 the alcoholic content of blood or the presence of a
27 controlled substance under section 5125 (relating to chemical
28 testing to determine amount of alcohol or controlled
29 substance), by qualified personnel of a State or local police
30 department, qualified waterways [patrolmen] conservation

1 officers or qualified personnel of a clinical laboratory
2 licensed and approved by the Department of Health. A
3 waterways [patrolman] conservation officer may administer
4 chemical tests under this paragraph if he is qualified and
5 the executive director designates him to do so.

6 * * *

7 (16) [Operate a Commonwealth-owned and marked vehicle,
8 permanently or temporarily equipped with a type of flashing
9 or rotating red light or lights or audible device, or both,
10 upon any street or highway within this Commonwealth when
11 performing duties within the scope of employment.] Operate
12 any vehicle owned or leased by the Commonwealth and used for
13 law enforcement purposes, equipped with flashing or rotating
14 lights of such color and combination and audible devices as
15 authorized in the definition of "emergency vehicle" in 75
16 Pa.C.S. § 102 (relating to definitions) upon any street or
17 highway within this Commonwealth in the performance of their
18 duties. Drivers of Commonwealth-owned or Commonwealth-leased
19 vehicles equipped with lights and audible devices as
20 authorized in this subchapter may exercise the privileges and
21 shall be subject to the conditions as set forth in 75 Pa.C.S.
22 § 3105 (relating to drivers of emergency vehicles).

23 * * *

24 § 902. Enforcement of other laws.

25 All waterways [patrolmen] conservation officers and deputy
26 waterways [patrolmen] conservation officers are authorized to
27 enforce all the laws of this Commonwealth, and rules and
28 regulations promulgated thereunder, relating to game, parks and
29 forestry, under the direction of the Pennsylvania Game
30 Commission and of the [Department of Environmental Resources]

1 Department of Conservation and Natural Resources, respectively.

2 Section 5. Title 30 is amended by adding sections to read:

3 § 910. Unlawful use of computer.

4 It is unlawful to use a computer, computer network or
5 electronic device with the intent to falsify or forge electronic
6 mail transmissions, electronic transactions or other electronic
7 information in any manner in connection with the purchase of a
8 fishing license, boat registration or other commission-issued
9 license, permit or privilege through or into the computer
10 network of an electronic mail service provider, Internet service
11 provider or computer system of the commission and its agents.

12 Any person violating this section commits a misdemeanor of the
13 second degree.

14 § 911. Liability for conduct of another; complicity.

15 (a) General rule.--A person is guilty of an offense under
16 this title if it is committed by his own conduct or by the
17 conduct of another person for which he is legally accountable,
18 or both.

19 (b) Conduct of another.--A person is legally accountable for
20 the conduct of another person when:

21 (1) acting with the kind of culpability that is
22 sufficient for the commission of the offense, he causes an
23 innocent or irresponsible person to engage in such conduct;

24 (2) he is made accountable for the conduct of such other
25 person by this title or by the law defining the offense; or

26 (3) he is an accomplice of such other person in the
27 commission of the offense.

28 (c) Accomplice defined.--A person is an accomplice of
29 another person in the commission of an offense if:

30 (1) with the intent of promoting or facilitating the

1 commission of the offense, he:

2 (i) solicits such other person to commit it; or

3 (ii) aids or agrees or attempts to aid such other
4 person in planning or committing it; or

5 (2) his conduct is expressly declared by law to
6 establish his complicity.

7 (d) Culpability of accomplice.--When causing a particular
8 result is an element of an offense, an accomplice in the conduct
9 causing such result is an accomplice in the commission of that
10 offense, if he acts with the kind of culpability, if any, with
11 respect to that result that is sufficient for the commission of
12 the offense.

13 (e) Status of the actor.--In any prosecution for an offense
14 in which criminal liability of the defendant is based upon the
15 conduct of another person under this section, it is no defense
16 that the offense in question, as defined, can be committed only
17 by a particular class or classes or person, and the defendant,
18 not belonging to such class or classes, is for that reason
19 legally incapable of committing the offense in an individual
20 capacity.

21 (f) Exceptions.--Unless otherwise provided by this title or
22 by the law defining the offense, a person is not an accomplice
23 in an offense committed by another person if:

24 (1) he is a victim of that offense;

25 (2) the offense is so defined that his conduct is
26 inevitably incident to its commission; or

27 (3) he terminates his complicity prior to the commission
28 of the offense and:

29 (i) wholly deprives it of effectiveness in the
30 commission of the offense; or

1 (ii) gives timely warning to the law enforcement
2 authorities or otherwise makes proper efforts to prevent
3 the commission of the offense.

4 (g) Prosecution of accomplice only.--An accomplice may be
5 convicted on proof of the commission of the offense and of his
6 complicity therein, though the person claimed to have committed
7 the offense has not been prosecuted or convicted or has been
8 convicted of a different offense or degree of offense or has an
9 immunity to prosecution or conviction or has been acquitted.

10 Section 6. Sections 929, 2501, 2503(c), 2703(a), 2704, 2708,
11 2709(e), 2901, 2902, 2903(b), (c) and (h), 2908, 3102, 5103(i),
12 5123(b), 5125(b)(2)(ii) and 5308 of Title 30 are amended to
13 read:

14 § 929. Suspension of privileges pending payment of penalties.

15 All fishing and boating privileges granted by this title
16 shall automatically be suspended if a defendant fails to respond
17 to a citation or summons within 30 days or fails to pay all
18 penalties in full within 90 days following conviction or a
19 guilty plea.

20 § 2501. Misuse of property and waters.

21 (a) General rule.--It is unlawful for any person to commit
22 any of the following acts in or along any waters or lands
23 adjacent to or contiguous to waters within or bordering on this
24 Commonwealth:

25 (1) Park or leave standing any motor vehicle or other
26 means of conveyance in such a manner as to obstruct the owner
27 or his lessee ingress, egress or regress to his property or
28 cattleways without the permission of the owner or lessee of
29 the land.

30 (2) Drive a motor vehicle, all terrain vehicle or other

1 type of conveyance on or over any lands or waters, including
2 frozen waters, without the permission of the owner or lessee
3 of the land.

4 (3) Start, build, tend or abandon any open fire without
5 the permission of the owner or lessee of the land.

6 (4) Dig, cut or disturb in any manner lands, shrubs,
7 trees or other vegetation without the permission of the owner
8 or lessee of the land.

9 (5) Sever fences or cause any other change or damage to
10 public or private property without the permission of the
11 owner or lessee of the land.

12 (6) Run any vehicle, except fording in the most direct
13 manner, in any stream.

14 (7) Refuse to identify himself upon request to the owner
15 or the lessee of the land or waters upon which he is present.

16 (8) While in the act of fishing, fish in a water area or
17 enter a riparian area clearly marked and posted by the
18 commission as a no fishing zone.

19 (b) Penalty.--

20 (1) Except as provided in paragraph (2), any person
21 violating any of the provisions of this section commits a
22 summary offense of the second degree.

23 (2) Any person who violates subsection (a)(1), (3) [or],
24 (7) or (8) commits a summary offense of the third degree.

25 (3) Any person convicted of violations under paragraph
26 (1) or (2) may, in addition to any penalty imposed, have his
27 fishing license revoked for a period of one year.

28 § 2503. Littering.

29 * * *

30 (c) Penalty.--Any person who deposits or otherwise disposes

1 of a thing or substance in violation of this section which
2 causes or may cause damage to, or destruction of, fish commits a
3 summary offense of the first degree. Any person who transports
4 household refuse or garbage from another location and disposes
5 of it by leaving it on lands or waters open to fishing or
6 boating commits a summary offense of the second degree. Any
7 person who otherwise violates this section commits a summary
8 offense of the third degree. In addition to the penalties set
9 forth in section 923 (relating to classification of offenses and
10 penalties), an additional penalty of [\$10] not less than \$20 nor
11 more than \$50 for each item or piece of litter thrown,
12 discarded, left, emitted or deposited in violation of this
13 section may be imposed on any person who is convicted or
14 acknowledges guilt of a violation of this section.

15 § 2703. Possession and display of licenses.

16 (a) General rule.--No person 16 years of age or older shall
17 fish in any of the waters of this Commonwealth [or], in any
18 boundary waters or on land without first procuring the proper
19 license required by this chapter. The license shall be kept
20 about the person while fishing and shown upon the request of any
21 waterways conservation officer or other officer designated by
22 the commission. In addition to showing the license to the
23 officer, the holder thereof shall, upon demand, establish his
24 further identity to the satisfaction of the officer by producing
25 some other positive means of identification. The commission may
26 promulgate rules and regulations for the displaying of the
27 license certificate, license button or other device, as it deems
28 necessary.

29 * * *

30 § 2704. Lost fishing licenses.

1 In case a license certificate is lost or [detroyed]
2 destroyed, a new license may be secured from the commission or
3 any issuing agent [upon making affidavit to that effect and] by
4 paying the replacement license fee and issuing agent fee set
5 forth in section 2715 (relating to license and issuing fees).
6 § 2708. Institutional licenses.

7 Any resident of this Commonwealth who is a resident patient
8 in a Commonwealth owned [and supported institution for mental
9 disability, geriatric center, tubercular hospital] or supported
10 medical or rehabilitation institution or county home or
11 hospital, [or any veteran who is] is a veteran and a patient in
12 a United States Government Veterans' Administration Hospital or
13 in a State veterans' home, or [who] is a juvenile of a State
14 youth development center or forestry camp, and who may benefit
15 from recreational fishing during the course of treatment,
16 rehabilitation or hospitalization [may be issued a resident
17 fishing license without paying a license fee] is eligible for
18 inclusion on an institutional license issued by the commission
19 to a qualifying institution at no cost. [Licenses authorized by
20 this section may be issued by the superintendent or chief
21 medical officer of the institution who shall sign an affidavit
22 certifying that recreational fishing may be of benefit to the
23 rehabilitation of the patient and that the patient is an
24 inpatient of the institution. The affidavits, and records of the
25 number and to whom the licenses were issued, shall be forwarded
26 to the commission on such forms as the commission shall
27 provide.] The commission shall establish policies and procedures
28 for the issuance of institutional licenses. The commission may
29 revoke license issuing privileges of any institution for failure
30 to comply with any provisions of this chapter [or], the

1 regulations promulgated thereunder and the policies and
2 procedures established hereunder.

3 § 2709. Exemptions from license requirements.

4 * * *

5 (e) [Students participating in biological field project.--A
6 student enrolled in a secondary or undergraduate course of
7 instruction shall not be required to possess a fishing license
8 to gather specimens while participating in an educationally
9 sponsored biological field project that is under the direct
10 supervision of a high school or accredited institution of
11 postsecondary education as long as the educational institution
12 has applied for and received the written permission of the
13 commission.] Participants in educational programs.--A
14 participant in an educational program shall not be required to
15 possess a fishing license while participating in the educational
16 program provided that the program meets the standards
17 established by the executive director and is under the direct
18 supervision of an instructor who possesses a valid fishing
19 license and the program sponsor has applied for and received the
20 written permission of the executive director.

21 * * *

22 [§ 2901. Eel chute licenses.

23 Upon application by any person to the commission for a
24 special license to catch eel by the use and operation of eel
25 chutes and the payment of a fee of \$25, the applicant shall be
26 entitled to a special eel chute license which shall give him the
27 right to use and operate an eel chute:

28 (1) In the Susquehanna River below the boundary line of
29 the City of Pittston and Duryea Borough line on the north
30 branch and below the bridge at the Northumberland-Lycoming

1 County line on the west branch.

2 (2) Below Mount Union in the Juniata River.

3 (3) In the Delaware River.]

4 § 2902. Net permits.

5 The commission may issue permits to [make, sell or] use or
6 possess nets larger than four feet square or four feet in
7 diameter, or any other seine, trawl or gill net in or along
8 waters of this Commonwealth. The permits when issued shall
9 specify when and where the nets shall be used and for what
10 purposes by the owner or the persons in possession thereof at a
11 fee of \$10 of the nets. ←

12 § 2903. Boat and net licenses for boundary lakes.

13 * * *

14 (b) Issuance and fees.--The commission may issue a
15 commercial fishing license to a person who has signed and
16 submitted his application and paid a fee as follows:

17 [(5) Boats less than 60 feet in length used in fishing
18 with a trawl net: residents, \$200; nonresidents, \$400.

19 (6)] (1) Trap nets: residents, \$80; nonresidents, \$160.

20 [(7)] (2) Seines: residents, \$50; nonresidents, \$100.

21 [(8) Outlines: residents, \$10; plus valid fishing
22 license; nonresidents, \$20 plus valid fishing license.]

23 (c) Carrying and display.--The licenses shall be carried by
24 the operator of any boat, net or device so licensed and by each
25 person employed on the boat and shall be shown on demand to any
26 waterways [patrolman] conservation officer or other authorized
27 representative of the commission.

28 * * *

29 (h) Gill nets.--

30 [(1) On and after January 1, 1996, the] The use of gill

1 nets for fishing on boundary lakes shall be prohibited.

2 [(2) The commission shall establish a gill net licensee
3 recompense program whereby persons holding 1992 licenses to
4 use gill nets on boundary lakes shall be recompensed as
5 provided in this paragraph. The amount of the payment to each
6 licensee shall be based on the average of the licensee's two
7 highest years of catches taken with gill nets for the years
8 1990, 1991, 1992, 1993 and 1994. The payment shall be the
9 product of such average catch multiplied by the average value
10 received for such catch as reported to the commission.]

11 § 2908. Penalties.

12 (a) General rule.--Except as otherwise provided in this
13 chapter, a person engaging in any activity for which a permit or
14 special license is required under this chapter without acquiring
15 the license or permit commits a summary offense of the second
16 degree. [A] Except as otherwise provided in this chapter, a
17 person who violates any other provision of this chapter or the
18 regulations promulgated thereunder commits a summary offense of
19 the third degree.

20 (b) Boundary lakes.--A person engaged in any activity for
21 which a permit or special license under section 2903 (relating
22 to boat and net licenses for boundary lakes) is required without
23 obtaining such license or permit or who violates any provision
24 of section 2903 or the regulations promulgated thereunder
25 concerning seasons, size limits, total allowable catch, trap
26 nets and landing of catch commits a misdemeanor of the third
27 degree. A person who violates any other regulation promulgated
28 under section 2903 commits a summary offense of the first
29 degree.

30 § 3102. Fees.

1 (a) Class A lakes.--The annual license fee for a Class A
2 regulated fishing lake (except [portable trout] temporary
3 fishing ponds operated as regulated fishing lakes) shall be
4 based on the total area of fishing water on the premises to be
5 licensed, whether the area consists of one body of water or more
6 than one.

7 (1) Where the total area of water is less than 20 acres,
8 the fee shall be \$100.

9 (2) Where the total water area is 20 acres or more but
10 less than 40 acres, the fee shall be \$250.

11 (3) Where the area is 40 acres or more, the fee shall be
12 \$500.

13 (b) Class B lakes.--The annual license fee for a Class B
14 regulated fishing lake (except [portable trout] temporary
15 fishing ponds operated as regulated fishing lakes) shall be
16 based on the total area of fishing water on the premises to be
17 licensed, whether the area consists of one body of water or more
18 than one.

19 (1) Where the total area of water is less than 30 acres,
20 the fee shall be \$50.

21 (2) Where the total area of water is 30 acres or more,
22 the fee shall be \$100.

23 (c) [Portable] Temporary fishing ponds.--

24 (1) [The] Except as otherwise provided in paragraph (3),
25 the annual license fee for a [portable trout] temporary
26 fishing pond which the operator seeks to operate as a Class A
27 regulated fishing lake shall be \$200.

28 (2) The annual license fee for a [portable trout]
29 temporary fishing pond which the operator seeks to operate as
30 a Class B regulated fishing lake shall be \$50.

1 (3) The annual license fee for a temporary fishing pond
2 which is operated as a Class A regulated fishing lake
3 exclusively by or on behalf of a nonprofit sportsmen's,
4 conservation or charitable organization shall be \$25.

5 § 5103. Boating education.

6 * * *

7 (i) Other valid documentation.--

8 (1) In lieu of a certificate of boating safety education
9 issued by the Commonwealth, a certificate of boating safety
10 education issued [in] to a resident of another state in
11 accordance with criteria of the National Association of State
12 Boating Law Administrators is sufficient to comply with the
13 requirements of this section.

14 (2) In lieu of a certificate of boating safety education
15 issued by the commission, a license issued by the United
16 States Coast Guard is sufficient to comply with the
17 requirements of this section.

18 * * *

19 § 5123. General boating regulations.

20 * * *

21 (b) Penalties.--Any person who violates a rule or regulation
22 promulgated under this section which the commission designates
23 as being for the protection of the health and safety of persons
24 as provided by subsection (a)(1) commits a summary offense of
25 the second degree. Any person who violates any other regulation
26 promulgated under this section commits a summary offense of the
27 third degree. In addition to any other penalty, any person who
28 is convicted or acknowledges guilt for an offense of possessing
29 insufficient, nonapproved or unserviceable safety equipment on a
30 boat, or for passengers, or persons being towed by a boat on the

waters of this Commonwealth may be fined an additional [\$20]
penalty of not less than \$20 nor more than \$50 for every piece
of safety equipment required that is missing, not worn when
required, not of an approved type or unserviceable.

§ 5125. Chemical testing to determine amount of alcohol or
controlled substance.

* * *

(b) Suspension for refusal.--

* * *

(2) It is the duty of the waterways conservation officer
to inform the person that:

* * *

(ii) if the person refuses to submit to chemical
testing, upon conviction or plea for violating section
5502(a)(1), the person will be subject to the penalties
provided in section [5502(c)(3)] 5502(c.1)(3).

* * *

§ 5308. Period of registration.

Registrations issued under this subchapter to owners and
dealers shall be valid from April 1 of one year to March 31 of
the succeeding year and shall be renewable. A registration for
any year shall be valid and may properly be displayed prior to
April 1 within that year. The commission may determine to issue
registrations valid for a period not to exceed three years upon
payment of a fee equal to the annual registration fee times the
number of years for which the multiple-year registration is
valid. A multiple-year registration shall be valid from April 1
of the year of its issuance until March 31 of the last year of
its validity, but a multiple-year [license] registration issued
prior to April 1 of any year is valid and may be displayed at

1 any time within that year. The commission may, by regulation,
2 provide for the transfer of multiple-year registrations upon the
3 sale or conveyance of a boat upon payment of the fee provided in
4 section 5104(8) (relating to fees).

5 Section 7. Title 30 is amended by adding sections to read:

6 § 5505. Unauthorized operation of boats.

7 (a) Consent required.--It is unlawful for a person to
8 operate the boat of another without the consent of the owner.

9 (b) Defense.--It is a defense to prosecution under this
10 section that the operator reasonably believed that the owner
11 would have consented to the operation had the owner known of it.

12 (c) Penalty.--Any person violating this section commits a
13 summary offense of the first degree.

14 § 5506. Permitting violations.

15 (a) Offense.--It is unlawful for a person to authorize or
16 knowingly permit a boat owned by him or under his control to be
17 operated in violation of any of the provisions of this title.

18 (b) Penalty.--Any person violating this section commits a
19 summary offense of the first degree. If the operator of the boat
20 is convicted under section 5502 (relating to operating
21 watercraft under influence of alcohol or controlled substance),
22 5502.1 (relating to homicide by watercraft while operating under
23 influence) or 5502.2 (relating to homicide by watercraft), the
24 person violating this section shall also be subject to
25 revocation under section 928 (relating to revocation, suspension
26 or denial of license, permit or registration).

27 § 5507. Duties of operators involved in boating accidents.

28 (a) General rule.--The operator of a watercraft involved in
29 an accident shall immediately stop the watercraft at the scene
30 of the accident or as close thereto as possible. Every stop

1 shall be made without obstructing the safe navigation of other
2 watercraft more than is necessary.

3 (b) Duty to give information.--The operator of a watercraft
4 involved in an accident resulting in injury to or death of a
5 person or damage to property shall give his name, address and
6 the registration number of his watercraft to an officer
7 authorized to enforce this title, the operator or occupants of
8 any other watercraft involved in the accident and a person who
9 owns or is in control of any property damaged in the accident.

10 (c) Duty to render aid.--The operator of a watercraft
11 involved in an accident involving injury or death shall render
12 reasonable assistance to a person injured in the accident if the
13 operator can reasonably do so without endangering persons or
14 property.

15 (d) Duty to remain at or near scene.--The operator of a
16 watercraft involved in a watercraft accident involving injury to
17 or death of a person or damage to property other than the
18 operator's watercraft or other property contained therein shall
19 remain at or near the scene of the accident until he has
20 fulfilled the duties described in subsection (b) if the operator
21 can reasonably do so without obstructing navigation of other
22 watercraft or endangering persons or property. When
23 circumstances make it clearly impractical to remain at or near
24 the scene of the accident on the water, the operator may fulfill
25 the requirements of this subsection by going to shore at a
26 location near the scene of the accident.

27 (e) Penalties.--

28 (1) Except as otherwise provided in this section, any
29 person violating this section commits a misdemeanor of the
30 first degree.

1 (2) If a victim of an accident dies, any person
2 violating subsection (d) commits a felony of the third
3 degree.
4 Section 8. This act shall take effect in 60 days.