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TITLE 30
FISH

Part

I. General Provisions
II. Fish and Fishing
III. Boats and Boating
IV. Miscellaneous Provisions

Enactment. Unless otherwise noted, the provisions of Title 30 were added October 16, 1980, P.L.996, No.175, effective in 90 days.

PART I
GENERAL PROVISIONS

Chapter

1. Preliminary Provisions
3. Pennsylvania Fish and Boat Commission
5. Fiscal Affairs
7. Property and Waters
9. Enforcement

Enactment. Part I was added October 16, 1980, P.L.996, No.175, effective in 90 days.

CHAPTER 1

Sec.
101. Short title of title.
102. Definitions.

Enactment. Chapter 1 was added October 16, 1980, P.L.996, No.175, effective in 90 days.

§ 101. Short title of title.

This title shall be known and may be cited as the "Fish and Boat Code."

§ 102. Definitions.

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

"Amphibian." Any of the cold-blooded, scaleless, vertebrates of the class amphibia, such as frogs, toads and salamanders, the young usually being aquatic and breathing by gills and the adults usually losing the gills and breathing by lungs.

"Aquatic organism." Any plant or animal that grows or lives in or upon the water.

"Artificial propagation." The rearing of any species of fish, during any stage of the species life cycle from inception by natural or artificial means to the adult stage of the species.

"Bait fish." Unless otherwise provided by commission regulation, the following fish:

(1) All forms of the minnow family (Cyprinidae) except carp and goldfish.

(2) Suckers, chubs, fallfish, lampreys and eels measuring less than eight inches in length.

(3) All forms of darters, killifishes and madtoms (otherwise known as stonecats).

"Board." The Boating Advisory Board established under this title.

"Boat." Every description of watercraft constructed or sold for the primary purpose of being used as a means of transportation on the water. The term does not include:

(1) Surfboards and other similar nonpowered contrivances used primarily as swimming aids.

(2) Commercial craft subject to Federal manning and inspection requirements.

(3) Seaplanes.

"Boundary lake." Such part or parts of any lake lying between this Commonwealth and any other state or foreign country over which the Commonwealth may have jurisdiction.

"Boundary waters." All natural or artificially constructed ponds or lakes, bays, peninsular waters or flowing streams or rivers which border on this Commonwealth.

"Commission." The Pennsylvania Fish and Boat Commission of the Commonwealth.

"Deputy waterways conservation officers." Officers formerly designated as deputy waterways patrolmen appointed under section 305 (relating to deputy waterways patrolmen).

"Deputy waterways patrolman." A deputy waterways conservation officer.

"Endangered species." All species and subspecies of fish which:

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

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

"Executive director." The executive director of the Pennsylvania Fish and Boat Commission.

"Fish."

(1) When used as a noun, includes all game fish, fish bait, bait fish, amphibians, reptiles and aquatic organisms.

(2) When used as a verb, the act of fishing.

"Fishing." The act of angling, or to catch, take, kill or remove or the attempt to catch, take, kill or remove from any lands within or waters within or bordering on this Commonwealth any fish by any means or method for any purpose whatsoever.

"Fish bait." Unless otherwise provided by commission regulation, crayfish or crabs, mussels, clams and the nymphs, larvae and pupae of all insects spending any part of their life cycle in the water.

"Game fish." Unless otherwise provided by commission regulation, the following fish: Brook trout, Salvelinus fontinalis; brown trout, Salmo trutta; and rainbow trout, Salmo gairdneri, and the salmon family, Salmoidae; walleye, Stizostedion vitreum; chain pickerel, Esox niger; northern pike, Esox lucius; muskellunge, Esox masquinongy; fallfish, Semotilus corporalis; smallmouth bass, Micropterus dolomieui; largemouth bass, Micropterus salmoides; crappies, Pomoxis sp.; rock bass, Ambloplites rupestris; yellow perch, Perca flavescens; striped bass or rockfish, morone saxatili; suckers, Catostomidae; eels, Anguilla rostrata; chubs, Semotilus and Nocomis, measuring at least eight inches in length; sturgeon, Acipenser oxyrhynchus; white perch, morone americana; and all other species or varieties of fish except bait fish.

"Iceboat." Every description of icecraft or motor-driven contrivance used, or capable of being used, as a means of transportation on ice.

"Inland waters." Any nontidal stream, river, lake, artificial or natural body of water within this Commonwealth.

"Motorboat." Any boat equipped with propelling machinery.

"Operate." As applied to watercraft, to navigate or otherwise use a boat or watercraft.

"Owner." As applied to watercraft, a person, other than a lienholder, having the property in or title to a boat. The term includes a person entitled to the use or possession of a boat subject to the interest of another person reserved or created by agreement and securing payment or performance of an obligation. The term does not include a lessee under a lease not intended as security.

"Passenger." Any person on a boat.

"Passenger-carrying boat." Any boat that carries more than six passengers either for hire or as part of a commercial enterprise. The following persons shall not be counted in determining the number of passengers:

(1) The owner or his representative.

(2) The operator and bona fide members of the crew who have contributed no consideration for their carriage and who may be paid for their services.

(3) Any guest on board a boat used exclusively for pleasure purposes who has not contributed any consideration, directly or indirectly, for his carriage when there are no other passengers on board who have paid any such consideration and when only the owner or owners of the boat are bearing the costs of operating the boat.

The term shall not include any boat operated exclusively as a part of a cavern operation.

"Person." Includes individuals, partnerships, associations, corporations, political subdivisions, municipality authorities, the Commonwealth or any other legal entities.

"Regulated fishing lake." Any artificial or man-made pond or lake owned, leased or controlled in any manner by any person where fishing is permitted for payment of a fee and in which all fish stocked are artificially propagated by commercial hatcheries or purchased from persons licensed to sell fish.

"Reptiles." Any of the various species of cold-blooded vertebrates of the class Reptilia.

"Special marine event." Any unusual congregation of boats for a specific purpose including events such as races, regattas, rodeos, demonstrations, exhibitions and marine parades.

"Threatened species." All species and subspecies of fish which:

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

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

"Vessel." A boat.

"Watercraft." Every description of device used on the water or ice or capable of being used as a means of transport on water or ice. The term includes boats, motorboats, iceboats, all terrain or amphibious vehicles when they are operated on water and all such other devices. The term does not include seaplanes.

"Waters of this Commonwealth." Includes all inland, tidal and boundary waters, whether navigable or nonnavigable, under the jurisdiction of the Commonwealth. The term includes ice that forms on these waters.

"Waterways conservation officers." Officers formerly designated as waterways patrolmen appointed under section 304 (relating to waterways patrolmen and employees).

"Waterways patrolman." A waterways conservation officer. (May 24, 1984, P.L.335, No.66, eff. 60 days; Dec. 12, 1991, P.L.368, No.39, eff. imd.; Dec. 9, 2002, P.L.1542, No.199, eff. 60 days; Nov. 1, 2012, P.L.1716, No.211, eff. 60 days)

2012 Amendment. Act 211 amended the def. of "fishing."

2002 Amendment. Act 199 amended the def. of "passenger-carrying boat."

1991 Amendment. Act 39 amended the defs. of "commission" and "executive director."

1984 Amendment. Act 66 added the defs. of "deputy waterways conservation officers," "deputy waterways patrolman," "waterways conservation officers" and "waterways patrolman."

CHAPTER 3

Subchapter

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

Enactment. Chapter 3 was added October 16, 1980, P.L.996, No.175, effective in 90 days.

Chapter Heading. The heading of Chapter 3 was amended March 19, 1992, P.L.18, No.7, effective immediately.

SUBCHAPTER A
ORGANIZATION, OFFICERS AND EMPLOYEES

Sec.

301. Organization of commission.
302. Executive director.
303. Assistant executive directors.
304. Waterways patrolmen and employees.
305. Deputy waterways conservation officers.
306. Boating Advisory Board.
307. Designation of law enforcement officers.
308. Designation of commission.

§ 301. Organization of commission.

(a) Composition.--The Pennsylvania Fish and Boat Commission is continued as an independent administrative commission and shall consist of ten competent citizens of this Commonwealth who shall be appointed by the Governor by and with the advice and consent of a majority of the members elected to the Senate.

(b) Qualifications.--Two members of the commission shall serve at-large and be experienced in boating and water safety education and be a registered boat owner in Pennsylvania. The two boatmen members shall represent the various geographical sections and boating interests of this Commonwealth. The remaining eight members shall be persons well informed on the subject of conservation, restoration, fish and fishing and boats and boating and shall be appointed, insofar as practicable, on a bipartisan basis and from the various geographic districts of this Commonwealth so that at all times one and only one member shall be a resident of each of the following districts:

(1) First district, consisting of the counties of Erie, Crawford, Mercer, Lawrence, Venango, Butler, Warren, Forest and Clarion.

(2) Second district, consisting of the counties of Beaver, Allegheny, Washington, Greene, Armstrong, Indiana, Westmoreland and Fayette.

(3) Third district, consisting of the counties of McKean, Elk, Jefferson, Potter, Cameron, Clearfield, Clinton and Centre.

(4) Fourth district, consisting of the counties of Cambria, Somerset, Blair, Bedford, Huntingdon, Fulton, Mifflin and Juniata.

(5) Fifth district, consisting of the counties of Tioga, Lycoming, Union, Snyder, Bradford, Sullivan, Columbia, Montour and Northumberland.

(6) Sixth district, consisting of the counties of Franklin, Perry, Cumberland, Adams, Dauphin, York, Lebanon and Lancaster.

(7) Seventh district, consisting of the counties of Susquehanna, Wyoming, Luzerne, Lackawanna, Carbon, Wayne, Pike and Monroe.

(8) Eighth district, consisting of the counties of Schuylkill, Berks, Chester, Northampton, Lehigh, Bucks, Montgomery, Philadelphia and Delaware.

(c) Terms of office and compensation.--The members shall hold office for terms of four years each and may continue to hold office for a period of time not to exceed six months or until a successor is appointed and qualified, whichever occurs first. A member who serves three consecutive terms shall not be eligible for reappointment to the commission. The members shall receive no compensation for their services but may be reimbursed for travel expenses. When performing any function on behalf of the commission or acting within the scope of their official duties, members of the commission shall be authorized to operate Commonwealth vehicles and watercraft and shall be treated as employees of the 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.

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

(e) Meetings, officers and quorum.--The commission shall have an office in the Harrisburg area and shall hold meetings in the Harrisburg area in January and July and at such other times and places within this Commonwealth as the commission shall designate for the transaction of business. At the meeting held in July of each year, the commission shall elect one of its members as president and one of its members as vice president who shall hold office for one year. Six members shall constitute a quorum.

(f) Powers of waterways patrolmen.--Except for the power conferred by section 925 (relating to acknowledgment of guilt and receipts for payment), members of the commission may exercise any of the powers conferred by this title on waterways patrolmen.

(Feb. 24, 1984, P.L.90, No.16, eff. 60 days; Dec. 12, 1991, P.L.368, No.39, eff. imd.; Dec. 19, 1996, P.L.1454, No.185, eff. 60 days; Jan. 29, 1998, P.L.31, No.7, eff. imd.; June 28, 2011, P.L.77, No.16, eff. imd.; Nov. 1, 2012, P.L.1716, No.211, eff. 60 days; Mar. 19, 2014, P.L.364, No.24, eff. 60 days)

2014 Amendment. Act 24 amended subsecs. (a) and (c). Section 2 of Act 24 provided that the amendment shall apply to members of the Pennsylvania Fish and Boat Commission who are appointed on or after the effective date of Act 24.

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

1984 Amendment. Act 16 amended subsecs. (a), (b) and (e).

§ 302. Executive director.

(a) Appointment and compensation.--The commission shall appoint to serve at its pleasure and, with the approval of the Governor, fix the compensation of an executive director who shall be the chief executive officer of the commission and attend to its administrative work and have charge of all activities under the jurisdiction of the commission. The executive director shall be the chief waterways patrolman of the commission and shall have charge of, direct, supervise, and control all waterways patrolmen, deputy waterways patrolmen and employees of the commission. No member of the commission nor any person who has served as a member thereof within one year shall be eligible for appointment as executive director.

(b) Power to catch, kill or possess fish.--The executive director or his agent may catch, take, kill or possess any fish at any time, in any season of the year and with any kind of net or device.

§ 303. Assistant executive directors.

(a) Appointment and compensation.--The executive director, with the approval of the commission, may, in accordance with law and the classification and compensation plans of the Commonwealth as established by the Executive Board, appoint and fix the compensation of two assistant executive directors, one of whom shall be in charge of and responsible for watercraft safety and the other of whom shall be in charge of and responsible for fisheries and engineering.

(b) Assistant for watercraft safety.--The assistant executive director of the commission in charge of watercraft safety shall reside in this Commonwealth at the time of appointment and have five or more years of experience with ships or boats and have either a college degree or at least ten years experience in administration. The assistant executive director shall:

(1) Direct, administer and coordinate the activities of the commission relating to watercraft, boats and boating, including the enforcement of Part III (relating to boats and boating) and the rules and regulations promulgated thereunder, and the improvement and maintenance of waterway facilities including aids to navigation.

(2) Coordinate and supervise all expenditures from the Boat Fund.

(3) Administer the boating education programs of the commission.

(Dec. 20, 2000, P.L.828, No.115, eff. imd.)

2000 Amendment. Act 115 amended subsec. (a).

§ 304. Waterways patrolmen and employees.

(a) Appointment and compensation.--The executive director, with the approval of the commission, shall, in accordance with law and the classification and compensation plans of the Commonwealth as established by the Executive Board, appoint and fix the compensation of such number of waterways patrolmen and other employees as the commission deems necessary to enforce and carry out the provisions of this title and perform the functions and work of the commission.

(b) Status.--(Repealed).

(Dec. 20, 2000, P.L.828, No.115, eff. imd.; Oct. 29, 2020, P.L.738, No.90, eff. 60 days)

2020 Repeal. Act 90 repealed subsec. (b).

2000 Amendment. Act 115 amended subsec. (a).

Cross References. Section 304 is referred to in section 102 of this title.

§ 305. Deputy waterways conservation officers.

(a) Appointment and training.--The executive director, with the approval of the commission, may appoint deputy waterways conservation officers to act anywhere within this Commonwealth. Newly appointed deputy waterways conservation officers, excluding reappointments, shall attend such training programs as may be required by the commission, which shall include at a minimum:

(1) Successful completion of training and obtaining a certificate of qualification under the act of October 10, 1974 (P.L.705, No.235), known as the Lethal Weapons Training

Act, or equivalent training as determined by the executive director, prior to appointment.

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

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

(b) Compensation.--Deputy waterways conservation officers shall not be entitled to any salary, compensation or expenses for their services from the Commonwealth, unless authorized by the executive director of the commission, in which case they shall receive compensation and/or reasonable expenses in accordance with a Statewide pay scale and standards as established by the Executive Board. Deputy waterways conservation officers are volunteers. When acting within the scope of their official duties, deputy waterways conservation officers shall be authorized to operate Commonwealth vehicles and watercraft and shall be treated as employees of the 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.

(c) Powers and duties.--Deputy waterways conservation officers appointed under the authority of this section may exercise the powers and duties of their appointments until December 31 of each year and no longer unless their commissions are sooner revoked, suspended or withdrawn. The powers and duties of deputy waterways conservation officers shall be subject to such limitations as the executive director, with the approval of the commission, shall prescribe. The executive director may authorize deputy waterways conservation officers to exercise the same powers and perform the same duties as waterways conservation officers except that deputy waterways conservation officers shall not exercise the powers and duties set forth in section 901(a)(12) (relating to powers and duties of waterways conservation officers and deputies).

(Jan. 29, 1998, P.L.31, No.7, eff. imd.; Nov. 3, 1999, P.L.447, No.41, eff. Jan. 1, 2000; Dec. 20, 2000, P.L.828, No.115, eff. imd.; Nov. 1, 2012, P.L.1716, No.211, eff. 60 days)

2012 Amendment. Act 211 amended subsecs. (a) and (b).

Cross References. Section 305 is referred to in section 102 of this title.

§ 306. Boating Advisory Board.

(a) Composition.--There is hereby continued within the commission a Boating Advisory Board. The board shall consist of the Secretary of Environmental Resources, or his designee, the executive director of the commission and the assistant executive director of the commission in charge of watercraft safety, all of whom shall be ex officio members, and five volunteer members to be appointed by the Governor for terms of five years or, in the case of a vacancy, for the remainder of the unexpired term.

(b) Qualifications.--The members appointed by the Governor shall be experienced boaters as evidenced by the operation of a boat and active membership in representative boating associations, yacht clubs or similar organizations. As far as possible, the membership of the board shall be bipartisan and shall represent the various geographical sections and boating interests of this Commonwealth.

(c) Officers.--The board shall annually select one of the volunteer members as the chairman. The assistant executive director for watercraft safety shall serve as secretary.

(d) Compensation.--The volunteer members of the board shall receive no salary but may, subject to the approval of the commission, receive travel expenses. When performing any function on behalf of the commission or acting within the scope of their official duties, volunteer members of the board shall be authorized to operate Commonwealth vehicles and watercraft and shall be treated as employees of the 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.

(e) Meetings and quorum.--The board shall meet at such place and at such time as may be specified upon the call of the chairman, three members of the board or the commission. Five members of the board, including three volunteer members, shall constitute a quorum.

(f) Powers and duties.--The board shall advise the commission on all matters relating to boating and make recommendations to the commission with regard to any proposed rules or regulations affecting the equipment or operation of boats.

(Jan. 29, 1998, P.L.31, No.7, eff. imd.)

1998 Amendment. Act 7 amended subsec. (d).

§ 307. Designation of law enforcement officers.

(a) Waterways patrolmen.--Waterways patrolmen of the commission are designated as waterways conservation officers. The commission may substitute the term "waterways conservation officer" for the term "waterways patrolman" on its documents and materials on a schedule it deems appropriate.

(b) Deputy waterways patrolmen.--Deputy waterways patrolmen of the commission are designated deputy waterways conservation officers. The commission may substitute the term "deputy waterways conservation officer" for the term "deputy waterways patrolman" on its documents and materials on a schedule it deems appropriate.

(c) Savings provision.--Prosecutions, enforcement actions and other official duties of waterways conservation officers and deputy waterways conservation officers shall not be affected by the use of the designation waterways patrolmen or deputy waterways patrolmen on forms, documents, materials, badges and other items issued or prepared by the commission.

(May 24, 1984, P.L.335, No.66, eff. 60 days)

1984 Amendment. Act 66 added section 307.

§ 308. Designation of commission.

The Pennsylvania Fish Commission is designated the Pennsylvania Fish and Boat Commission. Prosecutions, licenses, contracts, deeds, enforcement actions and other official actions by the commission shall not be affected by the use of the designation of the commission as the Pennsylvania Fish Commission. The commission may continue to use the name Pennsylvania Fish Commission on badges, citations, field acknowledgments, contracts, licenses, registrations, stationery or any other official documents or emblems until existing supplies are exhausted. The commission may substitute the title "Pennsylvania Fish and Boat Commission" for the title "Pennsylvania Fish Commission" on its documents and materials on such schedule as it deems appropriate.

(Dec. 12, 1991, P.L.368, No.39, eff. imd.)

1991 Amendment. Act 39 added section 308. See section 5 of Act 39 in the appendix to this title for special provisions relating to use of existing forms, stationery, etc.

SUBCHAPTER B
POWERS AND DUTIES IN GENERAL

Sec.
321. Administration and enforcement.
322. Rules and regulations.
322.1. Power to set fees.
323. Publications.
324. Commission records.
325. Use of credit and debit cards.
326. Limitation on regulatory jurisdiction.
327. Volunteer program.
328. Cooperative agreements.

§ 321. Administration and enforcement.

The commission shall administer and enforce this title and other laws of this Commonwealth relating to:

(1) The encouragement, promotion and development of the fishery interests.

(2) The protection, propagation and distribution of fish.

(3) The management of boating and the operation of boats.

(4) The encouragement, promotion and development of recreational boating.

(Dec. 22, 1989, P.L.735, No.102, eff. Jan. 1, 1990)

§ 322. Rules and regulations.

The commission may promulgate rules and regulations concerning:

(1) Fishing to aid in the better protection, preservation and management of fish.

(2) Boating and the management and operation of boats.

§ 322.1. Power to set fees.

(a) Authority.--

(1) Beginning July 1, 2021, the commission, in accordance with paragraph (2), may change or set the fees provided under any of the following:

(i) Section 502 (relating to service charge for uncollectible checks).

(ii) Section 2715(a)(1), (2), (3), (4), (5), (6), (6.1), (6.2) and (7), (a.1)(1), (4) and (5) and (b) (relating to license, permit and issuing agent fees).

(iii) Section 2902 (relating to net permits).

(iv) Section 2903 (relating to boat and net licenses for boundary lakes).

(v) Section 2906 (relating to permits for use of explosives).

(vi) Section 3102 (relating to fees).

(vii) Section 3509 (relating to obstructing migration of fish).

(viii) Section 5104 (relating to fees).

(ix) Section 5304 (relating to issuing agents).

(x) Section 5327 (relating to fees).

(xi) Section 5334 (relating to notice for boats and related equipment).

(2) A change or setting of a fee under this subsection shall be done as follows:

(i) The commission shall publish a notice of proposed rulemaking containing the proposed fee change in accordance with section 201 of the act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law. The commission shall give at least 30 days for the submission of written comments and shall hold at least one public hearing on the proposed change.

(ii) Prior to adoption of a final-form regulation containing a fee change, the commission shall review and consider public comments and may modify the text of the final-form regulation as the commission deems necessary under section 202 of the Commonwealth Documents Law.

(iii) After adoption of a final-form regulation containing a fee change, the commission shall submit the final-form regulation, copies of all public comments and the transcript of the public hearing to the Game and Fisheries Committee of the Senate and the Game and Fisheries Committee of the House of Representatives.

(iv) Either committee under subparagraph (iii) may report a concurrent resolution recommending disapproval of the fee change within 30 days of the submission under subparagraph (iii) or within 10 legislative session days, whichever is later. If neither committee reports a concurrent resolution recommending disapproval within the time prescribed in this subparagraph, the fee change shall be deemed approved.

(v) If either committee reports a concurrent resolution under subparagraph (iv) and the General Assembly does not adopt the concurrent resolution within 30 days of the date that the concurrent resolution is reported or within 10 legislative days, whichever is later, the fee change shall be deemed approved.

(vi) If the General Assembly adopts a concurrent resolution under subparagraph (iv) within 30 days of the date that the concurrent resolution is reported or within 10 legislative session days, whichever is later, the following shall apply:

(A) The concurrent resolution shall be presented to the Governor in accordance with section 9 of Article III of the Constitution of Pennsylvania.

(B) If the Governor does not veto the concurrent resolution of the General Assembly within 10 days after the resolution is presented, the fee change shall be deemed disapproved.

(C) If the Governor vetoes the concurrent resolution within 10 days after the resolution is presented, the General Assembly may override the veto by a two-thirds vote in each house within 30 days after the veto or within 10 legislative session days, whichever is later. If the General Assembly does not override the veto within the time prescribed in this clause, the fee change shall be deemed approved. If the General Assembly overrides the veto within the time prescribed in this clause, the fee change shall be deemed disapproved.

(vii) If the fee change is deemed approved under subparagraph (iv), (v) or (vi)(C), the commission shall:

(A) submit the final-form regulation containing the fee change to the Office of Attorney General for approval as to the legality; and

(B) publish an order adopting the final-form regulation containing the fee change and deposit a

copy of the final-form regulation with the Legislative Reference Bureau in accordance with section 207 of the Commonwealth Documents Law.

(b) Expiration.--Subsection (a) shall expire July 15, 2025. Upon expiration, final-form regulations promulgated under subsection (a)(2)(vii)(B) shall remain in effect.

(c) Notice.--The commission shall provide notice of any change of a fee and shall submit to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin the change of the fee and post it on the commission's publicly accessible Internet website.

(July 10, 2020, P.L.604, No.56, eff. imd.)

2020 Amendment. Act 56 added section 322.1.

Cross References. Section 322.1 is referred to in sections 502, 2715, 2902, 2903, 2906, 3102, 3509, 5104, 5304, 5327, 5334 of this title.

§ 323. Publications.

The executive director may have printed the annual report of the commission and such bulletins, literature, posters and other printing as may be appropriate to the work of the commission including the magazine known as the Pennsylvania Angler. The commission shall from time to time establish the subscription rates for the Pennsylvania Angler and charges for its other publications. All publications published by the commission shall be nonpartisan.

§ 324. Commission records.

Any records maintained by the commission or any issuing agent or other agent of the commission that contain or include the home address of any individuals or any other personal information about individuals such as height, weight, color of hair and/or color of eyes, including but not limited to fishing licenses and applications therefor, boat registrations and applications therefor and permits and applications therefor, are not public records as defined in section 1 of the act of June 21, 1957 (P.L.390, No.212), referred to as the Right-to-Know Law.

(Apr. 8, 1982, P.L.313, No.88, eff. imd.)

1982 Amendment. Act 88 added section 324.

References in Text. Section 1 of the act of June 21, 1957 (P.L.390, No.212), referred to as the Right-to-Know Law, referred to in this section, was repealed by the act of Feb. 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.

§ 325. Use of credit and debit cards.

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

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

(Dec. 19, 1996, P.L.1454, No.185, eff. 60 days)

1996 Amendment. Act 185 added section 325.

§ 326. Limitation on regulatory jurisdiction.

The commission shall have no regulatory jurisdiction over the program whereby the Department of Environmental Protection

sprays Bacillus thuringiensis israeliensis (Bti) on Commonwealth waters for control of blackfly.
(Dec. 19, 1996, P.L.1454, No.185, eff. 60 days)

1996 Amendment. Act 185 added section 326.

§ 327. Volunteer program.

(a) Volunteer program.--The commission shall have the power and authority to do all things necessary and expedient to maintain a volunteer program and to promulgate rules and regulations under this section.

(b) Services of individuals without compensation.--The executive director or his designee is authorized to recruit, train and accept, without regard to the civil service classification laws, rules or regulations, the services of individuals without compensation as volunteers for or in aid of interpretive functions, education and information programs, boating safety and water rescue programs, conservation measures, habitat improvement and other activities related to fish and fishing and boats and boating.

(c) Expenses.--The commission is authorized to pay reasonable and necessary expenses for volunteers, in accordance with Statewide guidelines, for transportation, uniforms, lodging and subsistence.

(d) Status of volunteers.--

(1) Except as otherwise provided in this section, a volunteer shall not be deemed to be a Commonwealth employee and shall not be subject to the provisions of law relating to Commonwealth employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation and Commonwealth employee benefits.

(2) Volunteers performing work under the terms of this section acting within the scope of their volunteer duties shall be authorized to operate Commonwealth vehicles and watercraft and shall be treated for the purposes of automotive and general liability as employees of the Commonwealth.

(3) For the purposes of the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, volunteers under this section shall be deemed employees of the Commonwealth.

(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.

(5) As to civil damages, the standard of care for acts or omissions by commission volunteers acting within the scope of their duties shall be as set forth in 42 Pa.C.S. § 8332.4 (relating to volunteer-in-public-service negligence standard).

(Jan. 29, 1998, P.L.31, No.7, eff. imd.; Nov. 1, 2012, P.L.1716, No.211, eff. 60 days)

2012 Amendment. Act 211 amended subsec. (d)(4).

1998 Amendment. Act 7 added section 327.

§ 328. Cooperative agreements.

The commission may enter into cooperative agreements with any agency of the United States, any agency of any other state, any agency of the Commonwealth or Pennsylvania local government, or any educational or research institution or any other person or entity to carry out or further the programs of the commission.
(Nov. 3, 1999, P.L.447, No.41, eff. Jan. 1, 2000)

1999 Amendment. Act 41 added section 328.

CHAPTER 5
FISCAL AFFAIRS

Subchapter
A. General Provisions
B. The Fish Fund
C. The Boat Fund

Enactment. Chapter 5 was added October 16, 1980, P.L.996, No.175, effective in 90 days.

SUBCHAPTER A
GENERAL PROVISIONS

Sec.
501. Refund of moneys paid erroneously or unjustly.
502. Service charge for uncollectible checks.
503. Auditing and reporting requirements.

§ 501. Refund of moneys paid erroneously or unjustly.

Whenever the commission is satisfied that any fee, fine or any other money was erroneously or unjustly paid into the State Treasury under any of the provisions of this title, the commission may by resolution, within two years after the payment, direct the executive director to draw a requisition upon the Fish Fund or Boat Fund, as appropriate, for the amount involved. Upon receipt of the requisition and an extract of the minutes of the commission, a refund shall be paid in favor of the person from whom the fee, fine or other money was erroneously or unjustly collected.

§ 502. Service charge for uncollectible checks.

Whenever any check or similar instrument issued in payment of any fee, fine or for any other purpose under this title is returned to the commission as uncollectible, the person who makes, issues or presents the check or other instrument shall be charged $15, or a service charge as otherwise established by the commission in accordance with section 322.1 (relating to power to set fees). The service charge shall be credited to the Fish Fund or the Boat Fund, as appropriate, to cover the cost of collection.
(July 10, 2020, P.L.604, No.56, eff. imd.)

Cross References. Section 502 is referred to in section 322.1 of this title.

§ 503. Auditing and reporting requirements.

(a) Performance audit.--A performance audit of the commission for the concluding fiscal year shall be conducted by the Legislative Budget and Finance Committee and shall be submitted to the Game and Fisheries Committee and the Appropriations Committee of the Senate and the Game and Fisheries Committee and the Appropriations Committee of the House of Representatives no later than July 1, 2007. After July 1, 2007, the Legislative Budget and Finance Committee shall conduct a performance audit of the commission every three years no later than July 1.

(b) Annual report to General Assembly.--No later than January 31 of each year the commission through its executive director shall submit an annual written report to the Game and Fisheries Committee and the Appropriations Committee of the

Senate and the Game and Fisheries Committee and the Appropriations Committee of the House of Representatives which shall include the complete budget for the current fiscal year and for the next fiscal year. The commission shall meet with the specified committees of the General Assembly to receive oral testimony in relation to the annual written reports when so requested.
(Nov. 29, 2004, P.L.1286, No.159, eff. imd.)

2004 Amendment. Act 159 added section 503.

SUBCHAPTER B
THE FISH FUND

Sec.
521. Establishment and use of Fish Fund.
522. Expenditures from Fish Fund.

§ 521. Establishment and use of Fish Fund.

(a) General rule.--Except as otherwise provided in this title, all fees, royalties, fines, penalties and other moneys paid, received, recovered and collected under the provisions of this title shall be placed in a separate fund by the State Treasurer to be known as the "Fish Fund" and shall be used solely for the following purposes:

(1) The payment of all expenses incurred in processing, issuing or supervising the issuance of fishing licenses, special licenses and permits.

(2) The payment of the salaries, wages or other compensation of the executive director, other employees and other persons as may be required for the work of the commission.

(3) The payment of the travel and other expenses of the members, officers, employees and other persons as may be required for the work of the commission.

(4) The purchase of such furniture, furnishings, stationery, supplies, materials, equipment, fuel, motor vehicles and printing and binding as may be necessary to the conduct of the work of the commission, and the payment of premiums on surety bonds for such officers or employees of the commission as may be required to obtain policies of workmen's compensation insurance and policies of liability insurance covering motor vehicles and persons operating them.

(5) The payment of postage, telegrams, telephone rentals, telephone toll charges and rentals for patented leased office devices or machines.

(6) Rentals for any offices outside of the Capitol buildings or any other grounds, buildings or quarters necessary for the work of the commission.

(7) The propagation, protection, management and distribution of fish and the stocking of waters within this Commonwealth as provided by law.

(8) Necessary repairs and improvements to fish cultural stations or other buildings, offices or quarters used in the work of the commission.

(9) Field work, gathering spawn and transferring fish.

(10) The maintenance and operation of such boats as may be required for the business of the commission.

(11) Any contingent, incidental or other expenses of any kind or description reasonably necessary in carrying on the work of the commission including the costs of activities

for the promotion of public interest in recreational fishing in this Commonwealth.

(12) The direct purchase in any amount, without prior confirmation of the Department of General Services, of all fish and fish food for its fish cultural facilities and elsewhere as needed.

(13) The purchase of lands and waters and the impounding of waters and to make them available for use by the citizens of this Commonwealth for fishing, boating and other recreational purposes. The lands and waters so purchased shall be under the supervision, direction and control of the commission.

(14) The purchase and acquisition of additional land and water for Commonwealth fish cultural stations; the purchase, acquisition and erection of buildings, ponds and other extensions incidental to fish cultural stations; the propagation and protection of fish and fish cultural stations hereafter established; the distribution of fish from fish cultural stations; and the stocking of waters within this Commonwealth.

(15) The refund of fees, royalties, fines or other moneys heretofore or hereafter erroneously or unjustly paid into the Fish Fund.

(16) The lease of land, interests in land or licenses for the use thereof by the commission.

(b) Cooperative agreements.--The commission may enter into cooperative agreements with Federal, Commonwealth and other state and local government agencies and with interstate compact agencies, singly or in concert, for impounding, managing, using, maintaining and operating waters for public fishing and may expend moneys from the Fish Fund for agreed upon pro rata share of the cost of their acquisition, construction, operation and maintenance. The commission may enter into similar agreements and undertake similar expenditures in conjunction with private or commercial interests for the same purposes.

(c) Appropriation of moneys.--All moneys in the Fish Fund, from time to time, are hereby appropriated to the commission and may be expended for the purposes authorized under this title.

Cross References. Section 521 is referred to in section 701 of this title.

§ 522. Expenditures from Fish Fund.

(a) Approval of estimated expenditures.--Estimates of amounts to be expended under this subchapter, from time to time, by the commission shall be submitted to the Governor for his approval as in the case of other appropriations made to Commonwealth agencies.

(b) Expenditures not to exceed approved estimates.--The State Treasurer shall not honor any requisition for the expenditure of any moneys by the commission in excess of the estimates approved by the Governor or in excess of the amount available for the purposes for which the requisition was made.

SUBCHAPTER C
THE BOAT FUND

Sec.

531. Establishment and use of Boat Fund.
532. Expenditures from Boat Fund.

§ 531. Establishment and use of Boat Fund.

(a) General rule.--All fees, royalties, fines, penalties and other moneys paid, received, recovered and collected under the provisions of section 747 (relating to proceeds from sales and grants) and Part III (relating to boats and boating), as well as all funds received pursuant to section 17 of the act of May 21, 1931 (P.L.149, No.105), known as "The Liquid Fuels Tax Act," shall be placed in a separate fund by the State Treasurer to be known as the "Boat Fund." The use of the Boat Fund shall generally be limited to carrying out the functions of the commission that relate to boats and boating and, subject to this general limitation, the fund may be used solely for the following purposes:

(1) The payment of all expenses incurred in processing, issuing or supervising the issuance of boat registrations, special licenses and permits.

(2) The payment of the salaries, wages or other compensation of the executive director, other employees and other persons as may be required for the work of the commission.

(3) The payment of the travel and other expenses of the Boating Advisory Board, officers, employees and other persons as may be required for the work of the commission.

(4) The purchase of such furniture, furnishings, stationery, supplies, materials, equipment, fuel, motor vehicles, boats and printing and binding as may be necessary to the conduct of the work of the commission, and the payment of premiums on surety bonds for such officers or employees of the commission as may be required to obtain policies of workmen's compensation insurance and policies of liability insurance covering the motor vehicles and persons operating them.

(5) The payment of postage, telegrams, telephone rentals, telephone toll charges and rentals for patented leased office devices or machines.

(6) Rentals for any offices outside of the Capitol buildings or any other grounds, buildings or quarters necessary for the work of the commission.

(7) Necessary repairs and improvements to boating access areas and buildings, offices or quarters used in the work of the commission.

(8) The maintenance and operation of such boats as may be required for the business of the commission.

(9) Any contingent, incidental or other expenses of any kind or description reasonably necessary in carrying on the work of the commission as provided in Part III including the costs of activities for the promotion of recreational boating in this Commonwealth.

(10) The purchase of lands and waters and the impounding of waters and to make them available for use by the citizens of this Commonwealth for boating and other related recreational purposes. The lands and waters so purchased shall be under the supervision, direction and control of the commission.

(11) The refund of fees, royalties, fines or other moneys heretofore or hereafter erroneously or unjustly paid into the Boat Fund.

(12) The development and implementation of a boating safety education program.

(13) The lease of land, interests in land or licenses for the use thereof by the commission.

(b) Cooperative agreements.--The commission may enter into cooperative agreements with Federal, Commonwealth and other

state and local government agencies and with interstate compact agencies, singly or in concert, for impounding, managing, using, maintaining and operating waters for public boating and may expend moneys from the Boat Fund for agreed upon pro rata share of the cost of their acquisition, construction, operation and maintenance. The commission may enter into similar agreements and undertake similar expenditures in conjunction with private or commercial interests for the same purposes.

(c) Appropriation of moneys.--All moneys in the Boat Fund, from time to time, are hereby appropriated to the commission and may be expended for the purposes that relate to boats and boating authorized under this title.

References in Text. The act of May 21, 1931 (P.L.149, No.105), known as The Liquid Fuels Tax Act, referred to in subsec. (a) intro. par., was repealed by the act of April 17, 1997 (P.L.6, No.3).

Cross References. Section 531 is referred to in sections 701, 5502 of this title.

§ 532. Expenditures from Boat Fund.

(a) Approval of estimated expenditures.--Estimates of amounts to be expended under this subchapter, from time to time, by the commission shall be submitted to the Governor for his approval as in the case of other appropriations made to Commonwealth agencies.

(b) Expenditures not to exceed approved estimates.--The State Treasurer shall not honor any requisition for the expenditure of any moneys by the commission in excess of the estimates approved by the Governor or in excess of the amount available for the purposes for which the requisition was made.

CHAPTER 7
PROPERTY AND WATERS

Subchapter

A. General Provisions
B. Acquisition and Improvement
C. Control, Management and Disposition

Enactment. Chapter 7 was added October 16, 1980, P.L.996, No.175, effective in 90 days.

SUBCHAPTER A
GENERAL PROVISIONS

Sec.

701. Acceptance of donations of money or property.
702. Execution of contracts and leases.
703. Damage to property.

§ 701. Acceptance of donations of money or property.

The commission may accept from any person donations which, if in the form of money or securities, shall be placed in the Fish Fund or Boat Fund and used for the purposes set forth in section 521 (relating to establishment and use of Fish Fund) or section 531 (relating to establishment and use of Boat Fund), as applicable, or, if in the form of real or personal property, shall be utilized or disposed of as provided by law.

§ 702. Execution of contracts and leases.

The executive director shall represent the commission in the execution of land purchase contracts and in the execution of leases and other similar agreements approved by the commission.

§ 703. Damage to property.

(a) Unlawful act.--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.

(b) Restitution.--A person who intentionally or recklessly destroys or causes damages to commission property, or an improvement on commission property, shall, upon conviction, make restitution in addition to paying the penalty under section 923 (relating to classification of offenses and penalties). Restitution shall be based on the total cost to repair or replace the destroyed or damaged property or improvement. (Nov. 1, 2012, P.L.1716, No.211, eff. 60 days; July 1, 2020, P.L.522, No.40, eff. 60 days)

SUBCHAPTER B
ACQUISITION AND IMPROVEMENT

Sec.

721. Acquisition of property.
722. Improvements to property.
723. Rights-of-way and other rights.
724. Certification of title or title insurance.
725. Price paid for acquisitions and improvements.
726. Title to property.
727. Designation of property.
728. Exemption from taxation.

§ 721. Acquisition of property.

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

(1) Title to, or control of, lands, waters and buildings.

(2) Fishing rights, easements, rights-of-way or other interests in land and waters which are suitable for:

(i) The protection, propagation and management of fish life.

(ii) Public fishing and boating and access thereto.

(iii) Administrative purposes.

(iv) Such other uses as are provided for in this title.

(b) Consent required.--All acquisitions of lands shall be made only with the consent of a majority of the members of the commission.

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

§ 722. Improvements to property.

The commission may purchase, construct, repair and maintain buildings and other improvements on lands acquired for its use and under its control as may be deemed necessary for their

proper utilization, maintenance, protection, development, administration, propagation of fish experimental activities or any other purpose incident to the functions of the commission. The contract for and the construction of the buildings shall be in accordance with the provisions of existing law governing the erection of buildings for Commonwealth agencies.

§ 723. Rights-of-way and other rights.

The commission may lease or otherwise secure rights-of-way on and across public or private lands and waters or other rights which may be required to conduct its proper functions.

§ 724. Certification of title or title insurance.

The title records for lands acquired shall first be carefully searched and examined by the commission and when the commission is satisfied that a valid title can be secured the commission shall obtain a certification of title from an attorney at law or title insurance from a title company authorized to do business within this Commonwealth insuring the title of the commission to the lands being acquired or brought under its control.

§ 725. Price paid for acquisitions and improvements.

The commission shall pay what it considers to be a fair and reasonable price for acquisitions and improvements consistent with the purposes for which they are intended and expending, during any year, only such amount as, in its opinion, can be allotted for those purposes.

§ 726. Title to property.

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

§ 727. Designation of property.

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

§ 728. Exemption from taxation.

Lands, waters or buildings to which title has been acquired in the name of or for the use of the commission shall be exempt from the payment of all taxes except such fixed charges as apply to and are imposed upon Commonwealth forests.

SUBCHAPTER C
CONTROL, MANAGEMENT AND DISPOSITION

Sec.

741. Control of property.
742. Use of property.
743. Exchange or sale.
744. Disposition of timber and minerals.
745. Rights-of-way, easements and licenses.
746. Leases.
747. Proceeds from sales and grants.

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

(b) Penalty.--Any person violating rules and regulations promulgated under subsection (a) commits a summary offense of the third degree, but a person violating a regulation governing

parking of vehicles on commission property commits a summary offense of the fourth degree.
(Dec. 22, 1989, P.L.735, No.102, eff. Jan. 1, 1990; Nov. 3, 1999, P.L.447, No.41, eff. Jan. 1, 2000; Nov. 1, 2012, P.L.1716, No.211, eff. 60 days)

2012 Amendment. Act 211 amended subsec. (a).

§ 742. Use of property.

(a) General rule.--All or part of lands and waters to which title has been acquired for the use of the commission or which have been leased may be used to create and maintain Commonwealth fish cultural stations, Commonwealth fish propagation areas or public fishing grounds for fish propagation experiments or special preserves as provided for in this title. The commission may permit its employees to reside on those lands.

(b) Camping and boat mooring and storage.--No campsite lease may be issued to any person but camping and boat mooring and storage may be permitted on commission owned or controlled land under such rules or regulations as the commission may establish.

(c) Permits, licenses and leases.--The commission may issue permits and licenses and enter into leases for camping, boat mooring and storage and any other use of its lands other than fishing and boating and may charge such fees or rentals as it deems reasonable.

(d) Gas storage.--The commission may grant rights for underground storage of natural gas at such charge as it deems reasonable.

(e) Use of commission lakes and access areas by unpowered boats.--The commission shall, by regulations adopted within one year after the effective date of this section, provide for issuance of use permits valid for one or two years for unpowered boats, which are not registered in accordance with law, to use commission property. On and after the effective date of the regulations promulgated hereunder by the commission, the owner of an unpowered boat that uses commission property shall have the option of registering the boat or purchasing a use permit issued under the authority of this section. The commission shall establish fees for use permits issued under this section, which fees shall not exceed the fees charged by the Department of Conservation and Natural Resources for boat launch permits for State parks lakes. The commission shall, in cooperation with the department, provide for reciprocal or joint use/launch permits for unpowered boats to use both commission and State parks lakes and access areas.
(Dec. 20, 2000, P.L.828, No.115, eff. imd.)

2000 Amendment. Act 115 added subsec. (e).

§ 743. Exchange or sale.

The commission may, by resolution adopted by unanimous vote at a meeting at which at least a majority of the members are present and voting, authorize the exchange or sale of all or part, including improvements and appurtenances, of any lands, waters or buildings to which title has been acquired in return for fair market value or privately-owned lands, waters or buildings having an equal or greater value, when the commission deems such exchange or sale to be in the best interests of the Commonwealth. In addition, the commission may exchange timber cut from lands to which the commission holds title for suitable lands having an equal or greater value.

§ 744. Disposition of timber and minerals.

The commission may dispose of, by lease, sale or otherwise, timber, minerals, oil and gas, or rights therein, on or under lands to which it has acquired title.

§ 745. Rights-of-way, easements and licenses.

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

(1) Rights-of-way or licenses therefor for roads, for pipe, electric and other utility lines and for telephone and telegraph lines.

(2) Water rights or rights to maintain airway signals or forest fire observation towers when these grants will not adversely affect fish protection and propagation.

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

(c) Approval.--The commission shall approve by majority vote the granting, sale, lease or exchange of any easement, permanent right-of-way or irrevocable license for use of commission property. The executive director may approve the granting, sale, lease or exchange of a revocable license for use of commission property.

§ 746. Leases.

Notwithstanding any other provision of law, the executive director, with the approval of the commission, may lease any land or interests in land over which the commission exercises title or control for a term not to exceed 25 years when the commission determines that the lease will promote public fishing or boating or access to the waters of this Commonwealth or will otherwise further the interests of the commission.

§ 747. Proceeds from sales and grants.

All net proceeds from the sale of lands, waters, timber, oil, gas or other minerals, leases of commission lands, waters or interests or rights from the production or sale of minerals and from licenses or other rights, granted by the commission, shall be deposited in the Fish Fund or, if moneys from the Boat Fund were expended to acquire the lands, in the Boat Fund. If moneys from both the Fish Fund and the Boat Fund were expended to acquire the lands, then the proceeds shall be deposited in the respective funds in proportion to the amount expended from each fund for the acquisition of the lands.

Cross References. Section 747 is referred to in section 531 of this title.

CHAPTER 9
ENFORCEMENT

Subchapter

A. General Provisions
B. Prosecutions and Penalties

Enactment. Chapter 9 was added October 16, 1980, P.L.996, No.175, effective in 90 days.

SUBCHAPTER A
GENERAL PROVISIONS

Sec.

901. Powers and duties of waterways conservation officers and deputies.
902. Enforcement of other laws.
903. Delegation of enforcement powers.
904. Interference with officers.
905. Reciprocal enforcement on Delaware River.
906. Fleeing or attempting to elude an officer.
907. Operation of vehicle or boat without lights to avoid identification or arrest.
908. False identification or false or fraudulent statements on reports, etc.
909. Interference with lawful fishing and boating prohibited.
910. Unlawful use of computer.
911. Liability for conduct of another; complicity.

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

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

(1) Enforce all laws of this Commonwealth relating to fish and watercraft and arrest with or without warrant any person violating this title.

(2) Execute all warrants and search warrants for violations of this title.

(3) Serve subpoenas issued for the examination, investigation and trial of all offenses under this title.

(4) Carry firearms or other weapons in the performance of their duties.

(5) Stop vehicles or boats and search or inspect, where probable cause exists that a violation of this title has occurred, any boat, basket, conveyance, vehicle, fish-box, bag, coat, boot or other receptacle, when enforcing this title. The waterways patrolman shall display his badge or other insignia of identification and shall state to the person in charge of the vehicle, conveyance or otherwise the purpose of the search.

(6) Seize and take possession of any and all fish which may have been caught, taken or killed at any time, in any manner or for any purpose, or had in possession or under control, or have been shipped or about to be shipped contrary to the laws of this Commonwealth and the fish so seized shall be disposed of in any manner as the executive director may direct.

(7) Enter upon any land or water in the performance of their duties.

(8) Demand and secure proper assistance in case of emergency.

(9) Purchase fish for the purpose of securing evidence.

(10) Stop and board any boat subject to this title for the purpose of inspection for compliance with Part III (relating to boats and boating) and the rules and regulations promulgated thereunder. Any boat lying at its regular mooring or berth shall not be boarded without the consent of the owner or a search warrant.

(11) When making an arrest or apprehension or when found in the execution of a search warrant, seize all rods, reels, nets or other fishing devices of any description, fishing or boating paraphernalia, bait, boats or any unlawful device, implement or appliance used in violation of this title.

(12) When in the performance of their duties, pursue, apprehend or arrest any individual suspected of violating any provision of Title 18 (relating to crimes and offenses) or any other offense classified as a misdemeanor or felony.

They shall also have the power to serve and execute warrants issued by the proper authorities for offenses referred to in this paragraph and to serve subpoenas issued for examination. All powers as provided for in this paragraph will be limited by such administrative procedure as the executive director, with the approval of the commission, shall prescribe.

(13) Arrange for the administration of chemical tests of breath, blood or urine to persons operating or in actual physical control of watercraft for the purpose of determining the alcoholic content of blood or the presence of a controlled substance under section 5125 (relating to chemical testing to determine amount of alcohol or controlled substance), by qualified personnel of a State or local police department, qualified waterways conservation officers or qualified personnel of a clinical laboratory licensed and approved by the Department of Health. A waterways conservation officer may administer chemical tests under this paragraph if he is qualified and the executive director designates him to do so.

(14) When in the performance of their duties, take fish and operate watercraft or vehicles in manners necessary to carry out enforcement duties, subject to such limitations as the executive director may prescribe.

(15) Request a person apprehended or stopped for any offense under this title to produce positive identification or to require such person to write his or her name in the presence of the officer in order to show identity.

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

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

(b) Deputy waterways conservation officers.--Except for the power conferred by subsection (a)(12), subject to such limitations as the executive director, with the approval of the commission, shall prescribe, deputy waterways conservation officers may exercise all the powers and perform all the duties conferred by this section on waterways conservation officers.

(c) Exception to the prohibition of interception and disclosure of communications.--A waterways conservation officer whose duty it is to enforce this title and who has received training on the use of body cameras in a course approved by the Pennsylvania State Police shall be defined as a law enforcement officer for the purpose of 18 Pa.C.S. § 5704(16)(iii) (relating to exceptions to prohibition of interception and disclosure of communications). Such waterways conservation officers may wear body cameras in the performance of their official duties. This subsection shall not apply to a deputy waterways conservation officer.

(May 30, 1984, P.L.339, No.68, eff. 60 days; Dec. 22, 1989, P.L.735, No.102, eff. Jan. 1, 1990; Nov. 3, 1999, P.L.447,

No.41, eff. Jan. 1, 2000; Nov. 1, 2012, P.L.1716, No.211, eff. 60 days; Feb. 4, 2014, P.L.20, No.8, eff. 60 days; Oct. 31, 2014, P.L.3043, No.202, eff. 60 days)

2014 Amendments. Act 8 added subsec. (a)(17) and Act 202 added subsec. (c).

2012 Amendment. Act 211 amended subsec. (a)(12), (13) and (16).

1999 Amendment. Act 41 amended the section heading and subsecs. (a) intro. par. and (b) and added subsec. (a)(14), (15) and (16).

Cross References. Section 901 is referred to in sections 305, 927 of this title.

§ 902. Enforcement of other laws.

All waterways conservation officers and deputy waterways conservation officers are authorized to enforce all the laws of this Commonwealth, and rules and regulations promulgated thereunder, relating to game, parks and forestry, under the direction of the Pennsylvania Game Commission and of the Department of Conservation and Natural Resources, respectively. (Nov. 1, 2012, P.L.1716, No.211, eff. 60 days)

Transfer of Powers. Section 303(b) of Act 18 of 1995, which created the Department of Conservation and Natural Resources and renamed the Department of Environmental Resources as the Department of Environmental Protection, provided that the Department of Conservation and Natural Resources shall exercise the powers and duties conferred upon the Department of Environmental Resources by section 902.

§ 903. Delegation of enforcement powers.

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

§ 904. Interference with officers.

(a) General rule.--Any person who interferes with any officer of this Commonwealth in the performance of his duty under the provisions of this title commits a summary offense of the first degree.

(a.1) Resisting inspection or apprehension.--Any person who by force, menace, threat or in any manner resists inspection or arrest for violation of any of the provisions of this title or who refuses to go with an officer authorized to enforce this title after an arrest has been made commits a misdemeanor of the first degree.

(b) Assaulting an officer.--A violation of 18 Pa.C.S. §§ 2702 (relating to aggravated assault), that involves a person listed under 18 Pa.C.S. § 2702(c)(38), and 2702.1 (relating to assault of law enforcement officer) is an offense under this title, and the penalties set forth in 18 Pa.C.S. §§ 2702 and 2702.1 shall apply.

(c) Producing identification.--Any person required by this title or the regulations promulgated hereunder to carry positive identification who refuses to produce such identification upon request of any officer or any holder of any license or permit issued under this title who refuses to sign his name in the presence of the officer when such action is requested to establish the person's identity commits a summary offense of the second degree.

(Dec. 22, 1989, P.L.735, No.102, eff. Jan. 1, 1990; Nov. 3, 1999, P.L.447, No.41, eff. Jan. 1, 2000; Oct. 24, 2012, P.L.1205, No.150, eff. 60 days)

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

§ 905. Reciprocal enforcement on Delaware River.

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

§ 906. Fleeing or attempting to elude an officer.

(a) General rule.--A person who has been given a visual or audible signal to stop by a person authorized to enforce this title and who willfully fails or refuses to bring his vehicle or boat to a stop or who otherwise flees or attempts to elude a pursuing officer or enforcement vehicle or boat commits a summary offense of the first degree.

(b) Definition.--As used in this section, the term "visual or audible signal" includes a signal by hand, sign, voice, emergency lights, horn or siren.

(Dec. 22, 1989, P.L.735, No.102, eff. Jan. 1, 1990)

1989 Amendment. Act 102 added section 906.

§ 907. Operation of vehicle or boat without lights to avoid identification or arrest.

A person who operates a vehicle or boat without lights or who turns off any or all lights on a vehicle or boat for the purpose of avoiding identification or apprehension commits a summary offense of the first degree.

(Dec. 22, 1989, P.L.735, No.102, eff. Jan. 1, 1990)

1989 Amendment. Act 102 added section 907.

§ 908. False identification or false or fraudulent statements on reports, etc.

A person who gives false identification to an officer authorized to enforce this title or who makes any false or fraudulent statement on any report, affidavit or application required by this title, or to any representative of the commission, commits a summary offense of the first degree.

(Dec. 22, 1989, P.L.735, No.102, eff. Jan. 1, 1990; July 7, 2006, P.L.365, No.79, eff. 120 days)

§ 909. Interference with lawful fishing and boating prohibited.

(a) General rule.--Except as otherwise provided in this title, it is unlawful for a person at the location where lawful fishing or boating is taking place to intentionally obstruct or physically interfere with the lawful fishing or boating.

(b) Activities that violate section.--A person violates this section if that person intentionally or knowingly commits any of the following:

(1) Disturbs fish in their habitat for the purpose of disrupting the lawful taking of fish where another person is engaged in the process of lawful fishing.

(2) Blocks or impedes another person who is engaged in the process of lawful fishing or boating.

(3) Uses natural or artificial visual, aural, olfactory or physical stimuli to affect fish behavior in order to hinder or prevent the lawful taking of fish.

(4) Creates or erects barriers with the intent to deny ingress or egress to areas where the lawful fishing or boating is permitted.

(5) Places obstructions or objects in the waters of this Commonwealth for the purpose of hindering lawful fishing or boating.

(6) Fails to obey the order of any officer authorized to enforce this title to cease and desist from conduct in violation of this section.

(c) Exception.--The conduct declared unlawful in this section does not include any lawful activities arising from ownership and occupancy of private lands, farming, mining, forestry practices, activities associated with oil and gas drilling and production, recreation and similar activities or exercise of defendant's rights of free speech under the Constitution of the United States or the Constitution of Pennsylvania. Nothing contained in this section shall be construed to authorize any interference with or disruption of activities associated with oil and gas drilling, production site restoration or other conduct necessary for compliance with the act of June 22, 1937 (P.L.1987, No.394), known as The Clean Streams Law, the act of December 19, 1984 (P.L.1140, No.223), known as the Oil and Gas Act, or other laws or regulations of the Commonwealth by the operator of the oil and gas site. In addition, nothing contained in this section shall be construed to authorize any interference with or disruption of activities conducted pursuant to a permit or other authorization of a Federal, State or local government agency or any other government agency.

(d) Enforcement and recovery of damages.--The commission or any person who is lawfully engaged in fishing or boating who is directly affected by a violation of this section may bring an action to restrain conduct declared unlawful in this section and to recover damages.

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

(Dec. 19, 1996, P.L.1454, No.185, eff. 60 days)

1996 Amendment. Act 185 added section 909.

§ 910. Unlawful use of computer.

It is unlawful to use a computer, computer network or electronic device with the intent to falsify or forge electronic mail transmissions, electronic transactions or other electronic information in any manner in connection with the purchase of a fishing license, boat registration or other commission-issued license, permit or privilege through or into the computer network of an electronic mail service provider, Internet service provider or computer system of the commission and its agents. Any person violating this section commits a misdemeanor of the second degree.

(Nov. 1, 2012, P.L.1716, No.211, eff. 60 days)

2012 Amendment. Act 211 added section 910.

§ 911. Liability for conduct of another; complicity.

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

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

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

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

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

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

(1) with the intent of promoting or facilitating the commission of the offense, he:

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

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

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

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

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

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

(1) he is a victim of that offense;

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

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

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

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

(g) Prosecution of accomplice only.--An accomplice may be convicted on proof of the commission of the offense and of his complicity therein, though the person claimed to have committed the offense has not been prosecuted or convicted or has been convicted of a different offense or degree of offense or has an immunity to prosecution or conviction or has been acquitted. (Nov. 1, 2012, P.L.1716, No.211, eff. 60 days)

2012 Amendment. Act 211 added section 911.

SUBCHAPTER B
PROSECUTIONS AND PENALTIES

Sec.

921. Time for commencing prosecutions.
922. Possession prima facie evidence of violation.
923. Classification of offenses and penalties.
924. Costs for summary offenses.
925. Acknowledgment of guilt and receipts for payment.
926. Disposition of fines and penalties.
927. Forfeiture of fish and devices.
928. Revocation, suspension or denial of license, permit or registration.

929. Suspension of privileges pending payment of penalties.
930. Disposition of nonresident offenders.

§ 921. Time for commencing prosecutions.

Prosecutions for violating any provision of this title shall be commenced within the period provided by Chapter 55 of Title 42 (relating to limitation of time).

§ 922. Possession prima facie evidence of violation.

In all cases of violation of any provision of this title, the possession of fish or the possession or operation of nets, equipment or other devices prohibited under this title shall be prima facie evidence of the violation.

§ 923. Classification of offenses and penalties.

(a) General rule.--The following penalties shall be imposed for violations of this title:

(1) For a summary offense of the first degree, a fine of $250 or imprisonment not exceeding 90 days.

(2) For a summary offense of the second degree, a fine of $150 or imprisonment not exceeding 20 days.

(3) For a summary offense of the third degree, a fine of $75.

(4) For a summary offense of the fourth degree, a fine of $25.

(5) For a misdemeanor of the third degree, a fine of not less than $250 nor more than $5,000, or imprisonment not exceeding 90 days, or both.

(6) For a misdemeanor of the second degree, a fine of not less than $500 nor more than $5,000, or imprisonment not exceeding two years, or both.

(7) For a misdemeanor of the first degree, a fine of not less than $1,500 nor more than $10,000, or imprisonment not exceeding five years, or both.

(8) For a felony of the third degree, a fine of not less than $2,500 nor exceeding $15,000, or imprisonment not exceeding seven years, or both.

(9) For a felony of the second degree, a fine of not less than $5,000 nor more than $25,000, or imprisonment not exceeding ten years, or both.

(b) Additional fine.--In addition to the penalties in subsection (a), a fine of not less than $20 nor more than $50 may be imposed for each fish taken, caught, killed, possessed or sold in violation of this title or for each illegal device used by an angler while in the act of fishing. In computing the number of fish taken, caught, killed, possessed or sold, the number immediately returned unharmed to the water where they were taken shall be omitted.

(c) Additional penalty for fishing without license or permit or operating boat without registration.--In addition to the penalties in subsection (a), a person convicted or acknowledging guilt of the offense of fishing without a license in violation of section 2703 (relating to possession and display of licenses) or 2908 (relating to penalties) or operating an unregistered boat for which registration is required shall pay an additional penalty equal to two times the cost of the annual license, permit or registration which the person was required to possess in order to fish or operate a boat requiring registration.

(c.1) Additional penalty for serious unlawful take.--In addition to the penalties in subsections (a) and (b), a person convicted or acknowledging guilt of violating section 2109 (relating to serious unlawful take) or 2110 (relating to taking or possessing by illegal methods) shall be assessed the costs incurred by the commission for the replacement of the species involved in the violation in an amount determined by regulation

of the commission consistent with the values established by the American Fisheries Society or other recognized professional fisheries organization. Replacement costs may only be assessed for violations relating to federally listed threatened or endangered species and any other species of fish designated by the commission.

(d) Repeat offenders.--Except as provided in section 5502 (relating to operating watercraft under influence of alcohol or controlled substance), a person who is convicted or acknowledges guilt of a second or subsequent violation of this title or the regulations promulgated under this title within 12 months of a prior offense under this title shall be sentenced as a repeat offender. An extract from commission records maintained in the ordinary course of business showing that the person was convicted or acknowledged guilt of two or more offenses under this title on separate occasions within a 12-month period shall be prima facie evidence that the person is a repeat offender. In addition to the fine set forth in subsection (a), a repeat offender may be sentenced to pay an additional fine as follows:

(1) $200 if all the offenses committed within the 12-month period were classified as summary offenses under this title.

(2) $1,000 if any of the offenses committed within the 12-month period were classified as misdemeanors of the third degree and none were classified as misdemeanors of the first or second degree or felonies.

(3) $2,500 if any of the offenses committed within the 12-month period were classified as misdemeanors of the first or second degree or felonies.

(e) Title 18 inapplicable.--Title 18 (relating to crimes and offenses) is inapplicable to this title insofar as it relates to fines and imprisonment for convictions of summary offenses, misdemeanors and felonies.

(May 30, 1984, P.L.339, No.68, eff. 60 days; Dec. 22, 1989, P.L.735, No.102, eff. Jan. 1, 1990; Oct. 31, 1997, P.L.485, No.49, eff. 60 days; Nov. 3, 1999, P.L.447, No.41, eff. Jan. 1, 2000; Dec. 20, 2000, P.L.828, No.115, eff. imd.; July 8, 2007, P.L.82, No.27, eff. imd.; Oct. 24, 2012, P.L.1323, No.167, eff. imd.)

2012 Amendment. Act 167 amended subsecs. (a)(1), (2) and (3) and (b) and added subsec. (c.1). Section 5(1) of Act 167 provided that the amendment or addition of subsecs. (a)(1), (2) and (3), (b) and (c.1) shall apply to violations occurring on or after the effective date of Act 167.

2007 Amendment. Act 27 amended subsecs. (a)(6) and (7) and (d).

Cross References. Section 923 is referred to in sections 703, 2503, 3510 of this title; section 4223 of Title 3 (Agriculture).

§ 924. Costs for summary offenses.

Any person convicted of a summary offense under this title shall, in addition to the fine imposed, be sentenced to pay costs as provided or prescribed by or pursuant to 42 Pa.C.S. Ch. 17 (relating to governance of the system).

(Dec. 20, 1982, P.L.1409, No.326, eff. 60 days)

§ 925. Acknowledgment of guilt and receipts for payment.

(a) General rule.--Subject to subsection (d), a person charged with violating any provision of this title which is a summary offense may sign, within ten days of the commission of the offense, an acknowledgment of the offense committed and pay

to any authorized officer of the commission the penalty in full as fixed by this title. The printed receipt for this payment shall only prove full satisfaction of the monetary fine for the offense committed and in no way shall limit the commission from further revoking fishing or boating privileges.

(b) Notice of right to hearing.--Before any person signs an acknowledgment pursuant to this section, he will be advised of his right to a hearing in a judicial proceeding. The printed receipt shall have prominently printed thereon a statement that the person charged has a right to a hearing and that if he elects to sign the acknowledgment he is forfeiting that right.

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

(d) Limitations on acknowledgments of guilt.--On and after December 31, 1999, acknowledgments of guilt pursuant to this section shall be used only in such counties as the commission may designate by regulation for such use upon a finding that the county has summary offense procedures that differ from those used in other counties.

(Nov. 3, 1999, P.L.447, No.41, eff. Jan. 1, 2000)

Cross References. Section 925 is referred to in sections 301, 930 of this title.

§ 926. Disposition of fines and penalties.

(a) General rule.--Subject to any inconsistent procedures and standards relating to reports and transmission of funds prescribed pursuant to Title 42 (relating to judiciary and judicial procedure) and related penalties:

(1) Fines recovered in cases where the prosecutor is a salaried officer of the commission shall be immediately surrendered by the court receiving the fines to the prosecutor who, within 30 days of receipt, shall forward the fines and penalties to the executive director.

(2) Where any officer of this Commonwealth other than a salaried officer is the prosecutor, the fines and penalties shall, as soon as the case is fully determined, be forwarded by the court to the executive director through the district waterways patrolman, together with a statement of the cause for which the fines were collected.

(3) All fines received under this section shall be paid into the State Treasury for the use of the Fish Fund or Boat Fund, as appropriate.

(b) Penalty.--Any person failing to forward fines in accordance with this section commits a summary offense of the first degree.

(Dec. 20, 1982, P.L.1409, No.326, eff. 60 days)

§ 927. Forfeiture of fish and devices.

(a) General rule.--A person convicted of an offense under this title shall forfeit any fish seized under section 901(a)(6) (relating to powers and duties of waterways conservation officers and deputies) and any device confiscated under this title. Forfeitures shall be conducted in accordance with 42 Pa.C.S. §§ 5803 (relating to asset forfeiture), 5805 (relating to forfeiture procedure), 5806 (relating to motion for return of property), 5807 (relating to restrictions on use), 5807.1

(relating to prohibition on adoptive seizures) and 5808 (relating to exceptions).

(b) Disposition of confiscated property.--(Deleted by amendment).

(June 29, 2017, P.L.247, No.13, eff. July 1, 2017)

Cross References. Section 927 is referred to in section 5803 of Title 42 (Judiciary and Judicial Procedure).

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

(a) Revocation or denial.--Any fishing license, special license or permit or privilege, including boating privileges, granted under the authority of this title may be revoked by the commission, in its discretion, when the holder of the license, permit or privilege is convicted of or pleads guilty to an offense under this title. Further, the commission, in its discretion, may refuse to grant to that person any new fishing license, special license or permit or privilege for a period not exceeding five years.

(b) Suspension.--The commission shall for a period of one year suspend the privilege of operating a watercraft on the waters of this Commonwealth of any individual who is convicted of a violation of section 5502 (relating to operating watercraft under influence of alcohol or controlled substance) or 5502.1 (relating to homicide by watercraft while operating under influence) or is adjudicated delinquent based on section 5502 or 5502.1. If an individual is imprisoned for violating section 5502 or 5502.1, the period of suspension imposed under this subsection may not commence until the date of the individual's release from prison.

(c) Rules and regulations.--The commission may promulgate regulations specifying the procedures to be followed in revoking or suspending fishing licenses, special licenses and permits and privileges under this section.

(d) Penalty.--A person commits a misdemeanor of the third degree if he performs an act for which a fishing license, special license, permit or boat registration is required or exercises a privilege, including the privilege to operate a watercraft on the waters of this Commonwealth, while the license, permit or privilege is suspended or revoked. A person commits a misdemeanor of the second degree if he commits a second or subsequent violation of a suspension or revocation during its term.

(e) Safe boating course required.--In addition to or in lieu of a revocation, denial or suspension of any license or privilege under this section, the commission may, in its discretion, require the individual to successfully complete a commission-approved safe boating course in the case of boating violations or a fishing ethics/conservation course in the case of fishing violations. The commission may revoke, deny or suspend any licenses or fishing and boating privileges of a person who, having been ordered to complete a course under this subsection, fails to do so. An order to complete a course under this subsection shall be appealable in accordance with 2 Pa.C.S. Ch. 5 Subch. A (relating to practice and procedure of Commonwealth agencies) and the regulations promulgated thereunder.

(May 30, 1984, P.L.339, No.68, eff. 60 days; Nov. 3, 1999, P.L.447, No.41, eff. Jan. 1, 2000; Oct. 24, 2012, P.L.1323, No.167, eff. imd.)

2012 Amendment . Act 167 amended subsecs. (a), (b) and (d). Section 5(2) of Act 167 provided that the amendment of subsecs. (a), (b) and (d) shall apply to violations occurring on or after the effective date of Act 167.

1999 Amendment. Act 41 amended subsec. (a) and added subsec. (e).

Cross References. Section 928 is referred to in section 5506 of this title.

§ 929. Suspension of privileges pending payment of penalties.

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

(Nov. 3, 1999, P.L.447, No.41, eff. Jan. 1, 2000; Nov. 1, 2012, P.L.1716, No.211, eff. 60 days)

§ 930. Disposition of nonresident offenders.

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

(1) General rule.--Except as otherwise provided in paragraph (2), upon the apprehension of a nonresident of this Commonwealth for any violation of this title that is a summary offense, the waterways conservation officer or deputy waterways conservation officer shall issue a citation as provided by the Pennsylvania Rules of Criminal Procedure unless the nonresident offender elects to proceed under section 925 (relating to acknowledgment of guilt and receipts for payment).

(2) Arrest of nonresident.--A waterways conservation officer or deputy waterways conservation officer shall be authorized to arrest a nonresident for a summary offense violation of this title and escort him to the appropriate issuing authority for a hearing, posting of bond or payment of the applicable fine and costs only when one or more of the following circumstances exist:

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

(ii) In counties where the use of field acknowledgments of guilt is authorized under section 925 (relating to acknowledgment of guilt and receipts for payment), the nonresident offender elects not to sign a field acknowledgment of guilt and refuses to accept a citation from the waterways conservation officer.

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

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

(v) The officer has reasonable grounds to believe the nonresident offender is fishing while his fishing privileges are suspended or boating while his boating privileges are suspended.

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

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

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

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

(3) Form of payment.--The amount of fine and costs to be mailed to the issuing authority under paragraph (2) may be paid by money order, personal or other check or guaranteed arrest bond.

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

(5) Suspension of fishing and boating privileges.--The fishing privileges of a nonresident offender who fails to respond to a citation issued to him for a fishing violation shall automatically be suspended until the nonresident offender responds to the citation. The boating privileges of a nonresident offender who fails to respond to a boating violation shall automatically be suspended until the nonresident offender responds to the citation. The commission shall notify the agency or agencies with jurisdiction over fishing and boating, as applicable, of the state of a nonresident who fails to respond to citation and shall request assistance from the state of residence.

(Dec. 20, 1982, P.L.1409, No.326, eff. 60 days; Nov. 3, 1999, P.L.447, No.41, eff. Jan. 1, 2000)

PART II
FISH AND FISHING

Chapter

21. General Provisions
23. Fish Restoration and Management
25. Protection of Property and Waters
27. Fishing Licenses
29. Special Licenses and Permits
31. Regulated Fishing Lakes
33. Propagation and Sale of Fish (Repealed)
35. Dams, Bar Racks and Migration Devices

Enactment. Part II was added October 16, 1980, P.L.996, No.175, effective in 90 days.

CHAPTER 21
GENERAL PROVISIONS

Sec.

2101. Administration of part.
2102. Rules and regulations.
2103. Stocked waters open for fishing.
2104. Sunday fishing from private land.
2105. Farm fish ponds.
2106. Fishing in hatchery or nursery waters.
2107. Sale of fish taken from hatchery or nursery waters.
2108. Retrieval and disposition of fish.
2109. Serious unlawful take.
2110. Taking or possessing by illegal methods.

Enactment. Chapter 21 was added October 16, 1980, P.L.996, No.175, effective in 90 days.

§ 2101. Administration of part.

The commission shall administer and enforce this part and other laws of this Commonwealth relating to:

(1) The encouragement, promotion and development of the fishery interests.

(2) The protection, propagation and distribution of fish.

§ 2102. Rules and regulations.

(a) General rule.--The commission may promulgate such general and special rules and regulations as it deems necessary and appropriate concerning fish and fishing in the waters of, and elsewhere in, this Commonwealth, including regulations concerning the protection, preservation and management of fish and fish habitat, permitting and prohibiting fishing, the ways, manner, methods and means of fishing, and the health and safety of persons who fish or may be in the vicinity of such persons on, in or along the waters of, or elsewhere in, this Commonwealth. Any person violating a rule or regulation promulgated under this subsection which the commission designates as being for the protection of fish or fish habitat or for the health and safety of persons who fish commits a summary offense of the second degree. Any person violating any other rule or regulation promulgated under this subsection commits a summary offense of the third degree.

(b) Seasons, sizes, creel limits and devices.--The rules and regulations may establish seasons, sizes, and possession limits for fish and fishing, regulate the possession of certain species, the number and types of devices and tackle allowed, the identification of such devices and the use and possession of such devices. Any person who violates a rule or regulation promulgated under this subsection commits a summary offense of the third degree.

(c) Transportation and sale of fish.--Rules and regulations may also be promulgated concerning the transportation or introduction of, or importation into or within this Commonwealth or exporting of fish, the selling, offering for sale or purchase of fish or the disturbing of fish in their natural habitat. Unless specifically provided otherwise by this title, any person violating any rule or regulation promulgated under this subsection commits a summary offense of the second degree.

(d) Traps, seines, nets and other devices.--Rules and regulations may also be promulgated stipulating the size of traps, seines, nets and other devices, along with the minimum and maximum size of the mesh of the devices, the manner and location wherein the devices may be used, the species they may be used for, and the season when the devices may be used. Any person violating any rule or regulation promulgated under this subsection commits a summary offense of the first degree. (Dec. 22, 1989, P.L.735, No.102, eff. Jan. 1, 1990)

1989 Amendment. Act 102 amended subsecs. (a) and (b).

§ 2103. Stocked waters open for fishing.

(a) General rule.--Any water area in this Commonwealth stocked with fish furnished by the commission shall be open to the public for the purpose of free lawful fishing.

(b) Liability for property damage.--This section does not exempt any person trespassing on the lands of any person in this Commonwealth from liability for any damage he may do to

those lands or to any improvements, crops, livestock or poultry thereon.

§ 2104. Sunday fishing from private land.

(a) General rule.--No person shall fish on any Sunday from privately owned land without the express or implied consent of the owner or lessee of the land abutting on a stream or body of water and of the bed thereunder. The consent shall be implied unless the landowner takes any reasonable action to negate his consent to Sunday fishing.

(b) Penalty.--Any person who violates this section commits a summary offense of the third degree.

(Dec. 22, 1989, P.L.735, No.102, eff. Jan. 1, 1990)

§ 2105. Farm fish ponds.

(a) Exemption from regulation.--The restrictions on fishing imposed by this part do not apply to a resident owner or lessee of a farm, his family and other persons who are regularly employed upon the farm, all of the class which must permanently reside upon the farm, while fishing in an artificial pond constructed thereon holding water the source of which is wholly within the limits of the farm.

(b) Transporting fish from premises.--Any person may lawfully possess and transport any fish lawfully taken from a farm pond from the premises during the closed season for such fish when accompanied by a signed written statement from the owner or lessee of the farm showing:

(1) The date, place and by whom the fish were taken.

(2) The number and species of fish.

(3) The name and address of the person transporting the fish.

(4) The date they are being transported.

(c) Other prohibitions unaffected.--Nothing in this section shall authorize any person to transport, introduce or import any fish, bait fish or fish bait, the transportation, introduction or importation of which is prohibited by law, rule or regulation.

(d) Penalty.--Any person violating any of the provisions of this section commits a summary offense of the third degree.

(Dec. 22, 1989, P.L.735, No.102, eff. Jan. 1, 1990)

§ 2106. Fishing in hatchery or nursery waters.

(a) General rule.--No person shall fish, or trespass with intent to fish, in any hatchery waters or waters designated by the commission as nursery waters, upon the bed or bank of any such waters or upon any hatchery lands controlled, owned or occupied by the commission, Federal Government or cooperative nursery approved by the commission.

(b) Penalty.--Any person violating the provisions of this section by fishing or trespassing with intent to fish in any hatchery or nursery waters commits a summary offense of the first degree. Any person violating the provisions of this section by taking fish from hatchery or nursery waters commits:

(1) A summary offense of the first degree if the market value of the fish taken from the hatchery or nursery waters is not shown or is less than $50.

(2) A misdemeanor of the third degree if the market value of the fish taken from hatchery or nursery waters is $50 or more.

(Dec. 22, 1989, P.L.735, No.102, eff. Jan. 1, 1990)

Cross References. Section 2106 is referred to in section 2107 of this title.

§ 2107. Sale of fish taken from hatchery or nursery waters.

(a) General rule.--A person shall not sell, offer for sale or knowingly purchase fish taken from any hatchery waters or waters designated by the commission as nursery waters in violation of section 2106 (relating to fishing in hatchery or nursery waters).

(b) Penalty.--A person violating the provisions of this section commits a summary offense of the first degree if the market value of the fish sold, offered for sale or purchased is not shown or is less than $50. A person violating the provisions of this section commits a misdemeanor of the third degree if the market value or price of fish sold, offered for sale or purchased is $50 or more.

(Dec. 22, 1989, P.L.735, No.102, eff. Jan. 1, 1990)

1989 Amendment. Act 102 added section 2107.

§ 2108. Retrieval and disposition of fish.

(a) General rule.--It is unlawful for a person who kills fish while engaged in activities permitted by this title to refuse or neglect to make a reasonable effort to lawfully dispose of such fish.

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

(Dec. 22, 1989, P.L.735, No.102, eff. Jan. 1, 1990)

1989 Amendment. Act 102 added section 2108.

§ 2109. Serious unlawful take.

(a) Prohibited conduct.--It shall be unlawful to do any of the following from any waters of this Commonwealth, boundary waters or lands:

(1) During the closed season, take, catch, kill or possess fish having a replacement cost in excess of $500.

(2) Take, catch, kill or possess three or more times the daily limit of fish.

(b) Grading.--Any person violating subsection (a) commits a misdemeanor of the second degree.

(Oct. 24, 2012, P.L.1323, No.167, eff. imd.)

2012 Amendment. Act 167 added section 2109. Section 5(3) of Act 167 provided that section 2109 shall apply to violations occurring on or after the effective date of Act 167.

Cross References. Section 2109 is referred to in section 923 of this title.

§ 2110. Taking or possessing by illegal methods.

(a) Prohibited conduct.--It shall be unlawful to take, catch, kill or possess fish by any method not specifically authorized by law or regulation from any waters of this Commonwealth, boundary waters or lands.

(b) Grading.--The following shall apply:

(1) Any person violating subsection (a) relating to a single fish commits a summary offense of the second degree.

(2) Any person violating subsection (a) relating to two or more fish, up to and including the legal daily limit, commits a summary offense of the first degree.

(3) Any person violating subsection (a) relating to more than the legal daily limit of fish, or a second or subsequent violation of subsection (a), commits a misdemeanor of the second degree.

(Oct. 24, 2012, P.L.1323, No.167, eff. imd.)

2012 Amendment. Act 167 added section 2110. Section 5(4) of Act 167 provided that section 2110 shall apply to violations occurring on or after the effective date of Act 167.

Cross References. Section 2110 is referred to in section 923 of this title.

CHAPTER 23
FISH RESTORATION AND MANAGEMENT

Sec.

2301. Propagation and distribution of fish.
2302. Cooperative fish restoration projects.
2303. Federal cultural stations.
2304. Fish migration studies.
2305. Threatened and endangered species.
2306. Refuge areas.
2307. Waters limited to specific purposes.

Enactment. Chapter 23 was added October 16, 1980, P.L.996, No.175, effective in 90 days.

§ 2301. Propagation and distribution of fish.

(a) Determination of policy.--The commission shall determine policy pertaining to the propagation and distribution or planting of the fish produced at the Commonwealth fish hatcheries or otherwise acquired.

(b) False representation to procure fish.--Any person who by false representation receives fish from the commission or plants or induces the commission to stock fish in waters where the public is not allowed to fish without charge commits a summary offense of the first degree, shall be civilly liable to the commission for the value of the fish falsely procured and shall not be eligible in the future to receive fish from the commission.

§ 2302. Cooperative fish restoration projects.

The Commonwealth assents to the provisions of the Act of Congress, entitled "An Act To Provide That The United States Shall Aid the States in Fish Restoration And Management Projects And For Other Purposes," approved August 9, 1950 (16 U.S.C. § 777 et seq.), and the commission shall perform such acts as may be necessary to the conduct and establishment of cooperative fish restoration projects as defined in this Act of Congress, in compliance with that act and rules and regulations promulgated thereunder.

§ 2303. Federal cultural stations.

The Commonwealth consents and accords to the Federal Government and its agents the right to establish fish cultural stations in this Commonwealth and to conduct fish hatching and fish culture at the hatcheries in any manner and at any time the Federal Government deems necessary and proper.

§ 2304. Fish migration studies.

(a) General rule.--The commission may make comprehensive studies of the migratory habits of fish which include the stocking and tagging of shad below and above the Safe Harbor Dam, the Holtwood Dam and the Conowingo Dam.

(b) Assistance from government agencies.--The commission may cooperate with the Joint State Government Commission and invite and accept from the Federal Government cooperation and financial aid in connection with studies authorized in subsection (a).

§ 2305. Threatened and endangered species.

(a) Establishment and publication of lists.--The executive director shall establish a Pennsylvania Threatened Species List and a Pennsylvania Endangered Species List. The lists, and any revisions thereto, shall be published in the Pennsylvania Bulletin.

(b) Rules, regulations and permits.--The commission may promulgate rules and regulations governing the catching, taking, killing, importation, introduction, transportation, removal, possession, selling, offering for sale or purchasing of threatened and endangered species and, if deemed advisable, may issue permits for catching, taking or possessing any of those species.

(c) Penalty.--Any person intentionally violating any rule or regulation promulgated under this section commits a misdemeanor of the third degree. Each fish caught, taken, killed, imported, transported, removed, introduced, possessed, sold, offered for sale or purchased in violation of any rule or regulation promulgated under this section shall constitute a separate offense. Catching a threatened or endangered species shall not constitute a violation if it is immediately released where it was captured in the condition in which it was captured.
(July 8, 2007, P.L.82, No.27, eff. imd.)

§ 2306. Refuge areas.

(a) General rule.--The commission may set aside, in its discretion, such areas as it may judge best as refuge areas in which fishing or entry shall be prohibited for such periods of time as the commission prescribes. Notices of these closings shall be posted at the refuge areas.

(b) Penalty.--Any person fishing in a refuge area posted under subsection (a) commits a summary offense of the first degree. Any person entering a refuge area commits a summary offense of the third degree.
(Dec. 22, 1989, P.L.735, No.102, eff. Jan. 1, 1990)

§ 2307. Waters limited to specific purposes.

(a) General rule.--The commission may designate certain water areas for specific purposes and promulgate such rules and regulations as are deemed necessary to protect and manage the fishery therein.

(b) Penalty.--Any person violating any rule and regulation promulgated under subsection (a) commits a summary offense of the third degree.
(Dec. 22, 1989, P.L.735, No.102, eff. Jan. 1, 1990)

CHAPTER 25
PROTECTION OF PROPERTY AND WATERS

Sec.
2501. Misuse of property and waters.
2502. Disturbance of waterways and watersheds.
2503. Littering.
2504. Pollution of waters.
2505. Interference or damage to hatchery or nursery property.
2506. Commonwealth actions for damage to fish.
2507. Sale of certain fish, reptiles and amphibians prohibited.
2508. Restrictions on transport, sale, importation or release of nonnative injurious fish.

Enactment. Chapter 25 was added October 16, 1980, P.L.996, No.175, effective in 90 days.

§ 2501. Misuse of property and waters.

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

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

(2) Drive a motor vehicle, all terrain vehicle or other type of conveyance on or over any lands or waters, including frozen waters, without the permission of the owner or lessee of the land.

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

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

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

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

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

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

(b) Penalty.--

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

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

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

(Dec. 22, 1989, P.L.735, No.102, eff. Jan. 1, 1990; Nov. 3, 1999, P.L.447, No.41, eff. Jan. 1, 2000; Nov. 1, 2012, P.L.1716, No.211, eff. 60 days)

§ 2502. Disturbance of waterways and watersheds.

(a) General rule.--No person shall alter or disturb any stream, stream bed, fish habitat, water or watershed in any manner that might cause damage to, or loss of, fish without the necessary permits.

(b) Penalty.--Any person violating the provisions of this section commits a misdemeanor of the third degree.

§ 2503. Littering.

(a) General rule.--It is unlawful for any person to throw, discard, leave, emit, deposit or allow the depositing of any garbage, bottles, cans, rubbish, wire, glass, paper, cardboard or wooden boxes or cartons or any other type of debris, trash or other thing or substance in or along any waters or on any lands adjacent or contiguous to waters or in such manner that the thing or substance deposited flows into or is carried by wind into such waters or lands.

(b) Evidence.--In prosecutions for violations of this section the operator of a motor vehicle or watercraft shall be deemed to have allowed the depositing of any thing or substance thrown, discarded, emitted or deposited from such motor vehicle or watercraft.

(c) Penalty.--Any person who deposits or otherwise disposes of a thing or substance in violation of this section which causes or may cause damage to, or destruction of, fish commits a summary offense of the first degree. Any person who transports household refuse or garbage from another location and disposes of it by leaving it on lands or waters open to fishing or boating commits a summary offense of the second degree. Any person who otherwise violates this section commits a summary offense of the third degree. In addition to the penalties set forth in section 923 (relating to classification of offenses and penalties), an additional penalty of not less than $20 nor more than $50 for each item or piece of litter thrown, discarded, left, emitted or deposited in violation of this section may be imposed on any person who is convicted or acknowledges guilt of a violation of this section. In addition to the penalties under section 923, a person who is convicted or acknowledges guilt of a violation of this section shall be liable to pay, upon demand of the person having legal control of the land or water, a sum equal to the cost of disposal of the discarded item.
(Dec. 22, 1989, P.L.735, No.102, eff. Jan. 1, 1990; Nov. 1, 2012, P.L.1716, No.211, eff. 60 days; July 1, 2020, P.L.522, No.40, eff. 60 days)

2020 Amendment. Act 40 amended subsec. (c).

§ 2504. Pollution of waters.

(a) General rule.--No person, regardless of intent, shall:

(1) Put or place in any waters within or on the boundaries of this Commonwealth any electricity, explosives or any poisonous substances except that, for the purposes of research and fish management, agents of or persons authorized by the executive director may use any method or means to collect, eradicate or control fish.

(2) Allow any substance, deleterious, destructive or poisonous to fish, to be turned into or allowed to run, flow, wash or be emptied into any waters within or bordering on this Commonwealth.

(b) Evidence.--In criminal prosecutions under this section for water pollution known to be injurious to fish, it is not necessary to prove that the violation has actually caused the death of, or damage to, any particular fish.

(c) Construction of section.--This section does not repeal or supersede any of the provisions of the act of June 22, 1937 (P.L.1987, No.394), known as "The Clean Streams Law."

(d) Penalty.--Any person violating the provisions of this section commits a misdemeanor of the third degree.

§ 2505. Interference or damage to hatchery or nursery property.

(a) General rule.--No person shall destroy or tamper with any ponds, property or appliances whatsoever of the commission, Federal Government or cooperative nursery approved by the commission, nor interfere with, obstruct, pollute or affect the natural flow of water into or through any of these facilities.

(b) Penalty.--Any person violating the provisions of this section commits a misdemeanor of the third degree.

§ 2506. Commonwealth actions for damage to fish.

(a) Declaration of policy.--The Commonwealth has sufficient interest in fish living in a free state to give it standing, through its authorized agencies, to recover damages in a civil action against any person who kills any fish or who injures any streams or streambeds by pollution or littering. The proprietary ownership, jurisdiction and control of fish, living free in nature, are vested in this Commonwealth by virtue of the

continued expenditure of its funds and its efforts to protect, perpetuate, propagate and maintain the fish population as a renewable natural resource of this Commonwealth.

(b) General rule.--The commission, as an agency of the Commonwealth authorized to regulate, control, manage and perpetuate fish may, in addition to criminal penalties provided in this title, bring civil suits in trespass on behalf of the Commonwealth for the value of any fish killed or any stream or streambed destroyed or injured in violation of this chapter. In determining the value of fish killed, the commission may consider all factors that give value to such fish. These factors may include, but need not be limited to, the commercial resale value, the replacement costs or the recreational value of angling for the fish killed. In addition, the commission is entitled to recover the costs of gathering the evidence, including expert testimony, in any civil suit brought under this section where the defendant is found otherwise liable for damages.

§ 2507. Sale of certain fish, reptiles and amphibians prohibited.

(a) General rule.--No person shall purchase, sell, barter, trade or offer for sale any species of fish taken from waters wholly within this Commonwealth or illegally taken from waters outside this Commonwealth and received in interstate commerce except those species of fish which the commission determines may be sold or offered for sale. No person shall purchase, sell, barter, trade or offer for sale any species of reptiles or amphibians taken from lands or waters wholly within this Commonwealth or illegally taken from lands or waters outside this Commonwealth and received in interstate commerce except those species of reptiles and amphibians which the commission determines may be sold or offered for sale.

(b) Reports of sales of fish.--A person engaged in catching fish for market or whose business may involve the sale of fish shall, on demand of the executive director, furnish at the close of each calendar year a duplicate report of his sales of fish and the gross amount of money realized. The contents of the report shall be used by the commission entirely for statistical purposes and are not public records. Individual reports shall not be made public without the written consent of the owner.

(c) Exceptions.--This section does not prohibit the sale, purchase, offer for sale, trade or barter of any fish propagated by or from a propagator or dealer of live aquatic animals registered under 3 Pa.C.S. Ch. 42 (relating to aquacultural development), provided that such fish are a species approved for propagation in Pennsylvania and are lawfully propagated or acquired by means other than fishing from the waters of this Commonwealth in accordance with the requirements of applicable laws and regulations. This section does not prohibit the sale, purchase, offer for sale, trade or barter of any fish by or from the holder of a commercial fishing license issued under Chapter 29 (relating to special licenses and permits), provided that such fish are lawfully caught or taken in accordance with the requirements of applicable laws and regulations. This section does not prohibit the sale of mounted fish.

(d) Penalty for sale of fish, reptiles or amphibians.--Any person who violates subsection (a) by purchasing, selling, bartering, trading or offering for sale any species of fish, reptiles or amphibians with a market value or sale price in excess of $5,000 commits a misdemeanor of the second degree. Any violation of subsection (a) where the market value or sale price is greater than $250 but less than $5,000 is a misdemeanor

of the third degree. Any violation of subsection (a) where the market value or sale price is less than $250 is a summary offense of the first degree.

(e) Applicability.--This section shall not apply to hobby breeders as defined in 3 Pa.C.S. Ch. 42. This section shall not apply to the purely retail sale or offer for sale of fish by pet shops or dealers regularly engaged in retail transactions, provided that such fish are not taken from lands or waters within this Commonwealth or illegally taken from lands or waters outside this Commonwealth.

(Nov. 3, 1999, P.L.447, No.41, eff. Jan. 1, 2000)

1999 Amendment. Act 41 added section 2507.

§ 2508. Restrictions on transport, sale, importation or release of nonnative injurious fish.

(a) General rule.--No person shall transport, sell, offer for sale or release in this Commonwealth or import, bring or cause to be brought or imported into this Commonwealth a nonnative injurious fish.

(b) Regulations.--The commission shall promulgate regulations pertaining to nonnative injurious fish.

(c) Penalty.--Any person who violates this section commits a misdemeanor of the third degree.

(July 7, 2006, P.L.355, No.75, eff. 60 days)

2006 Amendment. Act 75 added section 2508.

CHAPTER 27
FISHING LICENSES

Sec.

2701. Resident fishing licenses.
2702. Nonresident and tourist licenses.
2702.1. One-day resident fishing license.
2703. Possession and display of licenses.
2704. Lost fishing licenses.
2705. Improper license use and false application.
2706. Complimentary licenses.
2707. Disabled veterans and former prisoners of war.
2707.1. Deployed Pennsylvania National Guard members.
2707.2. Reserve component of armed forces members.
2708. Institutional licenses.
2708.1. Farmlands open to public fishing.
2709. Exemptions from license requirements.
2710. Form and expiration of licenses.
2711. Issuing agents.
2712. License requirements on boundary waters.
2713. Appropriations for licenses issued without a fee (Deleted by amendment).
2714. License issuing fees.
2715. License, permit and issuing agent fees.
2716. Vouchers for licenses and permits.
2717. License and permit packaging options.

Enactment. Chapter 27 was added October 16, 1980, P.L.996, No.175, effective in 90 days.

Cross References. Chapter 27 is referred to in section 2907.2 of this title; section 4355 of Title 23 (Domestic Relations).

§ 2701. Resident fishing licenses.

(a) General rule.--For the purposes of this chapter, any person is eligible for a "Resident Annual Fishing License" when the person:

(1) Has applied to an issuing agent within this Commonwealth or to the commission.

(2) Has established the person's identity, age and the fact that the person is a bona fide resident of this Commonwealth to the satisfaction of the issuing agent or the commission by producing a motor vehicle driver's license or some other positive means of identification.

(3) Has paid the issuing agent or the commission a license fee and issuing agent fee as set forth in section 2715 (relating to license and issuing fees).

(b) Senior citizens.--A person who is or will be 65 years of age or older in the year of application who establishes the person's identity, age and the fact that the person is a bona fide resident of this Commonwealth to the satisfaction of the issuing agent or the commission by producing a motor vehicle driver's license or some other positive means of identification is eligible for a "Senior Resident Annual Fishing License" upon payment of the license fee and issuing agent fee set forth in section 2715. The application shall give the date of birth of the applicant. Any person who qualifies to purchase a Senior Resident Lifetime Fishing License may, in lieu thereof, purchase a Senior Resident Lifetime Fishing License which shall be valid for the person's lifetime upon the payment of a license fee and issuing agent fee set forth in section 2715.

(June 25, 1982, P.L.631, No.180, eff. Jan. 1, 1983; July 20, 1983, P.L.53, No.27, eff. Jan. 1, 1984; Mar. 19, 1992, P.L.18, No.7, eff. imd.; July 6, 1995, P.L.310, No.47, eff. Dec. 1, 1995)

1995 Amendment. Section 5 of Act 47 provided that the license fees and issuing agent fees established by Act 47 shall apply to fishing licenses issued for the 1996 fishing license year and thereafter.

Special Provisions in Appendix. See section 6 of Act 115 of 2000 in the appendix to this title for special provisions relating to free resident fishing licenses for permanently disabled residents.

Cross References. Section 2701 is referred to in sections 2702, 2702.1, 2707, 2707.1, 2707.2, 2708.1, 2907.2 of this title.

§ 2702. Nonresident and tourist licenses.

(a) Nonresident annual licenses.--For the purposes of this chapter, any person who does not purchase a resident fishing license under section 2701 (relating to resident fishing licenses) is eligible for a "Nonresident Annual Fishing License" when the person:

(1) Has applied to an issuing agent or to the commission.

(2) Has paid the issuing agent or the commission a license fee and issuing agent fee set forth in section 2715 (relating to license, permit and issuing agent fees).

(b) Seven-day tourist licenses.--Any person required to have a fishing license under this chapter may fish in any of the waters of this Commonwealth or in any boundary waters for a period not to exceed seven consecutive days with a "Seven-Day Tourist Fishing License" upon payment of a license fee and issuing agent fee set forth in section 2715.

(c) Three-day tourist licenses.--Any person required to have a fishing license under this chapter may fish in any of

the waters of this Commonwealth or in any boundary waters for a period not to exceed three consecutive days with a "Three-Day Tourist Fishing License" upon payment of a license fee and issuing agent fee set forth in section 2715.

(d) One-day tourist licenses.--Any person required to have a fishing license under this chapter may fish in any of the waters of this Commonwealth or in any boundary waters for a period not to exceed 24 hours, specified by the person at time of purchase, with a "One-Day Tourist Fishing License" upon payment of license fee and issuing agent fee as set forth in section 2715. One-Day Tourist Fishing Licenses shall not be issued for fishing during the period from March 15 to April 30 of any year. Holders of One-Day Tourist Fishing Licenses shall not be required to obtain special permits, including trout permits, special permits to fish in Lake Erie and tributaries or combination trout permits and Lake Erie permits.

(June 25, 1982, P.L.631, No.180, eff. Jan. 1, 1983; July 20, 1983, P.L.53, No.27, eff. Jan. 1, 1984; Mar. 19, 1992, P.L.18, No.7, eff. imd.; July 6, 1995, P.L.310, No.47, eff. Dec. 1, 1995; Nov. 29, 2004, P.L.1286, No.159, eff. imd.; July 14, 2005, P.L.306, No.54, eff. imd.; Feb. 4, 2008, P.L.3, No.2, eff. imd.; July 10, 2020, P.L.604, No.56, eff. imd.)

2020 Amendment. Act 56 amended subsec. (d).

2004 Amendment. Act 159 amended subsec. (a). Section 7 of Act 159 provided that Act 159 shall apply to all fees for licenses and permits issued on or after January 1, 2005.

§ 2702.1. One-day resident fishing license.

(a) General rule.--A person required to have a fishing license under section 2701 (relating to resident fishing licenses) may fish in any waters of this Commonwealth or in any boundary waters for a period not to exceed 24 hours, specified by the person at time of purchase, with a One-Day Resident Fishing License upon payment of a license fee and issuing agent fee set forth in section 2715 (relating to license, permit and issuing agent fees).

(b) Limitation on issue.--One-Day Resident Fishing Licenses shall not be issued for fishing during the period from March 15 to April 30 of any year.

(c) Additional stamps and permits required.--Holders of One-Day Resident Fishing Licenses shall obtain all required special permits, including trout permits, special permits to fish in Lake Erie and tributaries and combination trout permits and Lake Erie permits.

(Nov. 29, 2004, P.L.1286, No.159, eff. imd.; July 14, 2005, P.L.306, No.54, eff. imd.; Feb. 4, 2008, P.L.3, No.2, eff. imd.; July 10, 2020, P.L.604, No.56, eff. imd.)

2020 Amendment. Act 56 amended subsec. (c).

2008 Amendment. Act 2 amended subsec. (b).

2004 Amendment. Section 7 of Act 159 provided that Act 159 shall apply to all fees for licenses and permits issued on or after January 1, 2005.

§ 2703. Possession and display of licenses.

(a) General rule.--No person 16 years of age or older shall fish in any of the waters of this Commonwealth, in any boundary waters or on land without first procuring the proper license required by this chapter. The license shall be kept about the person while fishing and shown upon the request of any waterways conservation officer or other officer designated by the commission. In addition to showing the license to the officer, the holder thereof shall, upon demand, establish his further

identity to the satisfaction of the officer by producing some other positive means of identification. The commission may promulgate rules and regulations for the displaying of the license certificate, license button or other device, as it deems necessary.

(b) Penalties.--

(1) Except as provided in paragraph (2), any person who violates this section commits a summary offense of the third degree.

(2) Any person who violates any regulation concerning the displaying of the license certificate, button or other device promulgated under this section commits a summary offense of the fourth degree.

(Dec. 22, 1989, P.L.735, No.102, eff. Jan. 1, 1990; July 6, 1995, P.L.310, No.47, eff. Dec. 1, 1995; Nov. 29, 2004, P.L.1286, No.159, eff. imd.; Nov. 1, 2012, P.L.1716, No.211, eff. 60 days)

2012 Amendment . Act 211 amended subsec. (a).

2004 Amendment. Section 7 of Act 159 provided that Act 159 shall apply to all fees for licenses and permits issued on or after January 1, 2005.

Cross References. Section 2703 is referred to in section 923 of this title.

§ 2704. Lost fishing licenses.

In case a license certificate is lost or destroyed, a new license may be secured from the commission or any issuing agent by paying the replacement license fee and issuing agent fee set forth in section 2715 (relating to license and issuing fees).

(July 20, 1983, P.L.53, No.27, eff. Jan. 1, 1984; July 6, 1995, P.L.310, No.47, eff. Dec. 1, 1995; Nov. 1, 2012, P.L.1716, No.211, eff. 60 days)

§ 2705. Improper license use and false application.

(a) General rule.--No person shall alter, borrow, lend or transfer any license authorized by this title, or give any false or misleading information to an issuing agent or to the commission, its officers or agents in an application for a license.

(b) Penalty.--Any person who violates this section commits a summary offense of the second degree.

§ 2706. Complimentary licenses.

The commission may issue annually not more than 100 fishing licenses without fee and in such form as the commission may determine. Licenses may be granted to any of the following persons:

(1) The President and Vice President of the United States.

(2) The governor of any state.

(3) Authorized representatives of the conservation department of other states.

(4) Federal officials engaged in conservation work.

(5) Authorized officials of national conservation organizations.

(6) Conservation officials of any foreign country or major subdivision thereof.

§ 2707. Disabled veterans and former prisoners of war.

(a) General rule for disabled veterans.--

(1) Any disabled veteran who has a disability incurred in any war or armed conflict which consists of the loss of one or more limbs, or the loss of use of one or more limbs, or total blindness, or who is 100% disabled as certified by the United States Department of Veterans Affairs, and who

meets the qualifications of section 2701 (relating to resident fishing licenses), shall be issued a free resident fishing license upon application to the commission or a county treasurer. An application submitted by a disabled veteran shall, in addition to any information required under section 2701, contain a statement that the applicant is a war or armed conflict veteran and that the qualifying disability was service incurred. The issuing agent or the commission may require the production of the discharge papers of the applicant.

(2) Any disabled veteran who has a disability incurred in any war or armed conflict and possesses a disability rating between 60% and 99% as certified by the United States Department of Veterans Affairs and who meets the qualifications of section 2701 shall be issued a resident fishing license at the cost of $1 upon application to the commission or a county treasurer. An application submitted by a disabled veteran shall, in addition to any information required under section 2701, contain a statement that the applicant is a war or armed conflict veteran and that the qualifying disability was service incurred. The issuing agent or the commission may require the production of the discharge papers of the applicant.

(a.1) General rule for former prisoners of war.--

(1) A former prisoner of war who meets the qualifications of section 2701 shall be issued a resident fishing license at the cost of $1 upon application to the commission or a county treasurer. An application submitted by a former prisoner of war shall, in addition to any information required under section 2701, contain a statement that the applicant is a former prisoner of war.

(2) As used in this subsection, the term "former prisoner of war" means an individual who was imprisoned by enemy forces while in the service of the armed forces of the United States as certified by the appropriate branch of the armed forces of the United States.

(b) Lifetime licenses.--

(1) If a disabled veteran who qualifies for issuance of a free resident fishing license under subsection (a)(1) presents documentation to show that the qualifying disability is permanent, the commission or county treasurer shall issue a disabled veteran lifetime fishing license.

(2) A former prisoner of war who meets the qualifications of section 2701(b) shall be issued a senior resident lifetime fishing license at the cost of $1 upon application to the commission or a county treasurer.

(c) Home rule and optional plan counties.--In a county where there is no county treasurer by virtue of a home rule charter or optional plan of government, the county official who performs the functions of a county treasurer and who has been designated an issuing agent by the commission shall issue free and reduced fee resident fishing licenses to disabled veterans and reduced fee resident fishing licenses to former prisoners of war under this section.

(Dec. 19, 1996, P.L.1454, No.185, eff. 60 days; Feb. 14, 2006, P.L.31, No.11, eff. 30 days; June 26, 2014, P.L.805, No.81, eff. 60 days)

Cross References. Section 2707 is referred to in section 2907.2 of this title.

§ 2707.1. Deployed Pennsylvania National Guard members.

(a) Eligibility.--The commission or a county treasurer shall issue one annual resident fishing license at a cost of $1 to any person eligible under section 2701 (relating to resident fishing licenses) for the license who provides documentation that within the previous 24 months the person was deployed overseas as a member of the Pennsylvania Army National Guard or Air National Guard on active Federal service for a period of 60 consecutive days or more or was released early from such service because of an injury or disease incurred in the line of duty. Only one Pennsylvania National Guard fishing license under this section may be issued for each qualifying deployment of a person applying for the license.

(b) Regulations.--The commission may promulgate regulations to implement this section.

(July 5, 2005, P.L.58, No.21, eff. imd.; Apr. 12, 2012, P.L.231, No.28, eff. imd.)

2012 Amendment. Act 28 amended subsec. (a).

2005 Amendment. Act 21 added section 2707.1.

§ 2707.2. Reserve component of armed forces members.

(a) Eligibility.--The commission or a county treasurer shall issue one annual resident fishing license at a cost of $1 to any person eligible for the license under section 2701 (relating to resident fishing licenses) who provides documentation that within the previous 24 months the person was deployed overseas as a member of the reserve component of the armed forces pursuant to 51 Pa.C.S. § 7301 (relating to definitions) for a period of 60 consecutive days or more or was released early from service because of an injury or disease incurred in the line of duty. Only one fishing license under this section may be issued for each qualifying deployment of a person applying for the license.

(b) Regulations.--The commission may promulgate regulations to implement this section.

(July 5, 2005, P.L.58, No.21, eff. imd.; Apr. 12, 2012, P.L.231, No.28, eff. imd.)

2012 Amendment. Act 28 amended subsec. (a).

2005 Amendment. Act 21 added section 2707.2.

§ 2708. Institutional licenses.

Any resident of this Commonwealth who is a resident patient in a Commonwealth owned or supported medical or rehabilitation institution or county home or hospital, is a veteran and a patient in a United States Government Veterans' Administration Hospital or in a State veterans' home, or is a juvenile of a State youth development center or forestry camp, and who may benefit from recreational fishing during the course of treatment, rehabilitation or hospitalization is eligible for inclusion on an institutional license issued by the commission to a qualifying institution at no cost. The commission shall establish policies and procedures for the issuance of institutional licenses. The commission may revoke license issuing privileges of any institution for failure to comply with any provisions of this chapter, the regulations promulgated thereunder and the policies and procedures established hereunder.

(June 25, 1982, P.L.631, No.180, eff. Jan. 1, 1983; Nov. 1, 2012, P.L.1716, No.211, eff. 60 days)

§ 2708.1. Farmlands open to public fishing.

(a) Fishing agricultural lands without license.--Unless the privilege to fish has been denied, any person domiciled within

this Commonwealth who has reached his 16th birthday and, except for payment of any fee, meets the requirements prescribed in section 2701 (relating to resident fishing licenses) and, as a primary means of gaining a livelihood, is regularly and continuously engaged in cultivating the soil for general farm crop purposes, commercial truck growing, commercial orchards or commercial nurseries, as either the owner, lessee or tenant of these lands, or as a member of the family or household, or regularly hired help of the owner, lessee or tenant, shall be eligible to fish on lakes and ponds located wholly within said lands and in rivers and streams open to free public fishing flowing through these lands, including the woodlands connected therewith and operated as a part thereof, without a fishing license as required in this title. Any person eligible to fish on these lands without securing the required license may also, by and with the written consent of the owner or lessee thereof, fish upon any lands other than those publicly owned which lie immediately adjacent to and are connected with the lands upon which these persons may lawfully fish without securing a license.

(b) Reduced fee license.--A resident owner or possessor of land comprising greater than 80 contiguous acres farmed under a conservation plan which does not conflict with the act of June 22, 1937 (P.L.1987, No.394), known as The Clean Streams Law, and which meets the requirements of 25 Pa. Code Ch. 102 (relating to erosion control) and which has a stream, creek or river of at least 200 linear feet in length flowing through or a lake or pond of at least one-half acre in area on this land if that person permits free public fishing shall, if that person desires to fish in waters located off that property, be issued a resident fishing license at one-half the regular fee upon application to the commission. The license shall be issued to the owner or possessor or an immediate family member of either the owner or possessor living in the same household so designated by the owner or possessor in the case of a single owner or possessor and to the individual so designated in the case of more than one owner or possessor. No person shall be issued a fishing license under this subsection unless the person is 16 years of age or older, has met the requirements prescribed in section 2701 and has not been denied the privilege to fish. A person entitled to receive a fishing license under this subsection shall certify to the commission in the form and manner prescribed by the commission that the land tract that person owns or possesses is presently in the ownership or possession of that person and that the waters described are open to free public fishing.

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

(Nov. 3, 1999, P.L.447, No.41, eff. Jan. 1, 2000)

1999 Amendment. Act 41 added section 2708.1.

§ 2709. Exemptions from license requirements.

(a) Licensed propagators.--No person now required by law to procure a license to propagate fish for sale shall be

required, in addition, to secure a fishing license under this chapter in order to enable that person to exercise the rights conferred by the license.

(b) Persons who are blind or have certain physical or mental impairments.--The provisions of this chapter do not apply to those persons who are totally blind or have such severe physical or mental impairments that they are unable to cast or retrieve a line or bait hooks and remove fish if only one legal device is used and the person who is blind or has physical or mental impairments as described in this section is within ten feet of the device being used. The provisions of this chapter also do not apply to the attendant of the person who is blind or has physical or mental impairments described in this section while assisting in using the device.

(c) Landowners.--The provisions of this chapter do not apply to or prevent the owner of any land in this Commonwealth, who actually resides thereon throughout the year or the members of his family so residing thereon, from fishing on his lands in waters wholly within said land without a license. The exemption provided by this subsection does not apply to any person temporarily residing upon the land or any tenant thereon who is not a member of the family of the owner, nor does the exemption apply to any servant or employee of the owner.

(d) Free fishing days.--The executive director, with the approval of the commission, may designate no more than two days (which may or may not be consecutive) in each year as free fishing days. The commission may designate the waters or categories of waters to which this exemption applies.

(e) Participants in educational programs.--A participant in an educational program shall not be required to possess a fishing license while participating in the educational program provided that the program meets the standards established by the executive director and is under the direct supervision of an instructor who possesses a valid fishing license and the program sponsor has applied for and received the written permission of the executive director.

(f) Military personnel.--

(1) The provisions of this chapter shall not apply to persons who satisfy all of the following:

(i) Are residents of this Commonwealth.

(ii) Are on active and full-time duty in the United States Armed Forces.

(iii) Are assigned to a facility outside this Commonwealth.

(iv) Are on temporary leave in this Commonwealth.

(v) Have on their person while fishing evidence of Commonwealth residency, proof of their assignment to a facility outside this Commonwealth and a copy of their orders assigning them to temporary leave.

(2) Such persons shall comply with the regulations of the commission.

(June 21, 1984, P.L.429, No.88, eff. imd.; July 6, 1995, P.L.310, No.47, eff. Dec. 1, 1995; Dec. 20, 2000, P.L.828, No.115, eff. 60 days; Nov. 1, 2012, P.L.1716, No.211, eff. 60 days)

2012 Amendment. Act 211 amended subsec. (e).

2000 Amendment. Act 115 added subsec. (f).

1995 Amendment. Act 47 amended subsec. (b) and added subsec. (e).

1984 Amendment. Act 88 added subsec. (d).

§ 2710. Form and expiration of licenses.

All licenses shall be issued on forms prepared and supplied by the commission and paid for from the Fish Fund. The license shall show the name, age and residence of the licensee and the date of issue. It shall also contain the signature of the licensee and shall authorize the licensee to fish in any waters of this Commonwealth or in any boundary waters subject to the restrictions and requirements of this title and the rules and regulations promulgated thereunder. The license may contain such other information as the commission may require. Except as otherwise provided in this title, a license shall expire on December 31 of the year for which it is issued. There may be issued with each license a license button or other device bearing the license number.
(June 22, 2012, P.L.640, No.66, eff. 60 days; July 1, 2020, P.L.522, No.40, eff. 60 days)

§ 2711. Issuing agents.

(a) Appointment and bond.--The commission may appoint such persons as it deems necessary to issue fishing licenses and permits, and the persons so appointed shall be required to post a bond or other security in a form satisfactory to the commission in an amount it determines. The commission may establish administrative fees for fishing license issuing agents. County treasurers shall be exempt from payment of any administrative fee established by the commission.

(b) Compensation and fees.--For services rendered in collecting and submitting license and permit fees, issuing agents, as long as they continue to act in that capacity, may collect and retain the issuing agent fees set forth in section 2715 (relating to license, permit and issuing agent fees), which amount shall be full compensation for services rendered by them under the provisions of this title. The compensation shall be retained by the respective issuing agents and shall cover, among other things, the cost of issuing licenses, special licenses and permits, postage, mailing, returns and bonding of said agents. All license, special license and permit fees paid to an issuing agent under this title shall be paid by those agents into the State Treasury for deposit in the Fish Fund in the manner prescribed by the commission and they shall be applied to the purposes provided for in this title. An issuing agent shall make returns to the commission in the manner prescribed by the commission. Any issuing agent failing to comply with any of the provisions of this section shall not be entitled to retain the fee fixed in this subsection for the agent's services but shall pay those fees to the State Treasurer for deposit in the Fish Fund. Delinquent agents are subject to a penalty of 10% per month on any outstanding balance of license money due the commission, which penalty shall be compounded on a monthly basis. If those sums are not so paid, the Commonwealth may recover them by suit in the same manner as like amounts are now recoverable by law.

(c) Rules and regulations.--The commission may promulgate such rules and regulations to control and supervise the issuance of fishing licenses and permits and the collection and remittance of fees set forth in section 2715(a) and (a.1) by issuing agents and institutional superintendents as it may deem necessary.

(d) Proof of identification, residency and age.--Each issuing agent shall secure positive proof of identification, residency and age for each license issued.

(e) Records.--Every issuing agent shall maintain records in the manner prescribed by the commission. The records shall be available at reasonable hours for inspection by any waterways

conservation officer or other officer designated by the commission or any representative of the Department of the Auditor General.

(e.1) Equipment.--Equipment for the issuance of fishing licenses and permits in the possession of issuing agents shall be available at reasonable hours for inspection by any waterways conservation officer or other officer designated by the commission.

(f) Penalty.--

(1) Any issuing agent or institutional superintendent violating subsection (b) commits a summary offense of the first degree.

(2) Any issuing agent or institutional superintendent committing a second or subsequent violation of subsection (b) in a 12-month period commits a misdemeanor of the second degree.

(3) Any issuing agent or institutional superintendent violating any other provision of this section or the rules or regulations promulgated thereunder commits a summary offense of the second degree.

(4) The commission may, in its discretion, recall the issuing agency of any agent who violates any provision of this section or the rules and regulations promulgated thereunder.

(July 20, 1983, P.L.53, No.27, eff. Jan. 1, 1984; Dec. 22, 1989, P.L.735, No.102, eff. Jan. 1, 1990; July 6, 1995, P.L.310, No.47, eff. Dec. 1, 1995; Nov. 3, 1999, P.L.447, No.41, eff. Jan. 1, 2000; Feb. 4, 2008, P.L.3, No.2, eff. imd.)

Cross References. Section 2711 is referred to in section 2715 of this title.

§ 2712. License requirements on boundary waters.

(a) New York.--The provisions of this chapter do not apply to a person holding a fishing license issued under the laws of the State of New York when fishing in that portion of the waters of the Delaware River lying between New York and Pennsylvania within the jurisdiction of this Commonwealth if a person holding a license issued under the provisions of this title when fishing in the waters of the Delaware River lying between New York and Pennsylvania within the jurisdiction of the State of New York is not required to have a New York license.

(b) New Jersey.--The provisions of this chapter do not apply to a person holding a fishing license issued under the laws of the State of New Jersey when fishing in that portion of the waters of the Delaware River lying between New Jersey and Pennsylvania within the jurisdiction of this Commonwealth if a person holding a license issued under the provisions of this title when fishing in the waters of the Delaware River lying between New Jersey and Pennsylvania within the jurisdiction of the State of New Jersey is not required to have a New Jersey license.

(c) Ohio.--The provisions of this chapter do not apply to a person holding a fishing license issued under the laws of the State of Ohio when fishing in the waters of the Pymatuning Lake lying between Ohio and Pennsylvania within the jurisdiction of this Commonwealth if a person holding a license issued under the provisions of this title when fishing in the waters of Pymatuning Lake lying between Ohio and Pennsylvania within the jurisdiction of the State of Ohio is not required to have an Ohio license.

(d) Maryland.--The provisions of this chapter do not apply to a person holding a fishing license issued under the laws of

the State of Maryland when fishing in the waters of the Youghiogheny and Conowingo Reservoirs lying between Maryland and Pennsylvania within the jurisdiction of this Commonwealth if a person holding a license issued under the provisions of this title when fishing in the waters of the Youghiogheny and Conowingo Reservoirs lying between Maryland and Pennsylvania within the jurisdiction of the State of Maryland is not required to have a Maryland license.

§ 2713. Appropriations for licenses issued without a fee (Deleted by amendment).

1995 Amendment. Section 2713 was deleted by amendment July 6, 1995, P.L.310, No.47, effective immediately.

§ 2714. License issuing fees.

In order to help defray the issuing costs, the commission may collect an issuing fee not to exceed the fee charged by issuing agents under section 2715 (relating to license and issuing fees) on licenses and stamps issued by the commission. (Dec. 22, 1989, P.L.735, No.102, eff. Jan. 1, 1990; July 6, 1995, P.L.310, No.47, eff. Dec. 1, 1995)

§ 2715. License, permit and issuing agent fees.

(a) License fees.--Except as provided under subsection (c), the following fees apply to fishing licenses issued under this chapter and shall be paid into the Fish Fund:

(1) Resident Annual Fishing License, $21.
(2) Senior Resident Annual Fishing License, $10.
(3) Senior Resident Lifetime Fishing License, $50.
(4) Nonresident Annual Fishing License, $51.
(5) Seven-Day Tourist Fishing License, $33.
(6) Three-Day Tourist Fishing License, $25.
(6.1) One-Day Resident Fishing License, $10.
(6.2) One-Day Tourist Fishing License, $25.
(7) Replacement Fishing License, including related permits and privileges, $5.
(8) Transaction costs associated with the Pennsylvania Automated Licensing Service (PALS), actual costs not to exceed $1.

(a.1) Permit fees.--Except as otherwise provided in this title, the following fees apply to permits related to fish and fishing and shall be paid into the Fish Fund:

(1) Trout permits, $8.
(2) Resident charter boat/fishing guide permit, $100.
(3) Nonresident charter boat/fishing guide permit, $400.
(4) Special permit to fish in Lake Erie and tributaries, $8.
(5) Combination trout permit and Lake Erie permit, $14.
(6) Transaction costs associated with the Pennsylvania Automated Licensing Service (PALS), actual costs not to exceed $1.

(b) Issuing agent fees.--Except as provided under subsection (c), the issuing agent fee to be retained by the issuing agent as provided in section 2711 (relating to issuing agents) for fishing licenses and permits shall be $1.

(c) Changes to fees.--The fees listed under subsections (a)(1), (2), (3), (4), (5), (6), (6.1), (6.2) and (7), (a.1)(1), (4) and (5) and (b) may be changed by the commission in accordance with section 322.1 (relating to power to set fees). (July 6, 1995, P.L.310, No.47, eff. Dec. 1, 1995; Nov. 29, 2004, P.L.1286, No.159, eff. imd.; July 14, 2005, P.L.306, No.54, eff. imd.; Feb. 4, 2008, P.L.3, No.2, eff. imd.; July 10, 2020, P.L.604, No.56, eff. imd.)

2004 Amendment. Section 7 of Act 159 provided that Act 159 shall apply to all fees for licenses and permits issued on or after January 1, 2005.

Cross References. Section 2715 is referred to in sections 322.1, 2701, 2702, 2702.1, 2704, 2711, 2714, 2716, 2717, 2904, 2907.2, 2907.3 of this title.

§ 2716. Vouchers for licenses and permits.

(a) General rule.--The commission may make available, at its offices and through its issuing agents, vouchers for licenses and permits that may be purchased on behalf of a third party. The voucher shall be in the format prescribed by the commission and shall contain the following information:

(1) A voucher number.

(2) The identifying number of the issuing agent.

(3) The type of license or permit for which the voucher may be redeemed.

(4) The date of issuance.

(5) The date of expiration.

(b) Fees.--A person purchasing a voucher shall pay the fees for the type of license or permit being purchased and the issuing agent fee as provided in section 2715 (relating to license, permit and issuing agent fees) unless otherwise exempt from such fees under this title.

(c) Redemption.--

(1) The voucher shall only be redeemed for the type of license or permit indicated on the voucher and for which the applicable fees have been paid by the purchaser of the voucher.

(2) A voucher must be redeemed prior to its expiration date. No issuing agent fee shall be charged at the time of redemption.

(3) A voucher shall be redeemed by any issuing agent regardless of where the voucher was purchased.

(4) At the time of redemption, the bearer of a voucher shall establish that he meets the eligibility requirements for the type of license indicated on the voucher and the issuing agent that redeems the voucher shall secure positive proof of identification, residency and age from the bearer.

(d) Restrictions.--

(1) The bearer of a voucher is subject to all restrictions relating to the issuance, denial or revocation of a license or permit provided in this title or any other title, law or regulation.

(2) A voucher does not constitute a fishing license or permit, and it is unlawful to use a voucher in lieu of a fishing license or permit.

(e) Regulations.--The commission may promulgate regulations to implement this section.

(f) Penalties.--Any person violating this section commits a summary offense of the first degree. Any person committing a second or subsequent violation of this section in a 12-month period commits a misdemeanor of the second degree. Any person violating the regulations promulgated under this section commits a summary offense of the second degree.

(June 11, 2008, P.L.180, No.26, eff. imd.)

2008 Amendment. Act 26 added section 2716.

§ 2717. License and permit packaging options.

(a) Multi-year licenses and permits.--The commission may issue a license or permit that covers multiple years. A multi-year license or permit shall expire on December 31 of the last year for which it was issued.

(b) Group licenses and permits.--The commission may issue a license or permit that covers a group of individuals who meet the criteria established by the commission.

(c) Promotional discounts.--The commission may issue a license or permit for a fee that is less than the applicable fee set forth in section 2715 for marketing and promotional purposes in accordance with the guidelines established by the commission.

(d) Regulations.--The commission may promulgate regulations to implement this section.

(e) Penalties.--Any person violating the regulations promulgated under this section commits a summary offense of the third degree.

(June 22, 2012, P.L.640, No.66, eff. 60 days; July 10, 2020, P.L.604, No.56, eff. imd.)

2020 Amendment. Act 56 amended subsecs. (a) and (b).

2012 Amendment. Act 66 added section 2717.

CHAPTER 29
SPECIAL LICENSES AND PERMITS

Sec.

2901. Eel chute licenses (Deleted by amendment).
2902. Net permits.
2903. Boat and net licenses for boundary lakes.
2904. Permits for protection and management of particular fish.
2905. Permits for scientific and educational fish collecting activities.
2906. Permits for use of explosives.
2907. Expiration of licenses and permits.
2907.1. Tagged fish contests on boundary lakes.
2907.2. Lake Erie fishing permits.
2907.3. Fishing guide and charter boat permits.
2908. Penalties.

Enactment. Chapter 29 was added October 16, 1980, P.L.996, No.175, effective in 90 days.

Cross References. Chapter 29 is referred to in section 2507 of this title.

§ 2901. Eel chute licenses (Deleted by amendment).

2012 Amendment. Section 2901 was deleted by amendment November 1, 2012, P.L.1716, No.211, effective in 60 days.

§ 2902. Net permits.

The commission may issue permits to use or possess nets larger than four feet square or four feet in diameter, or any other seine, trawl or gill net in or along waters of this Commonwealth. The permits when issued shall specify when and where the nets shall be used and for what purposes by the owner or the persons in possession thereof at a fee of $10 or as otherwise established by the commission in accordance with section 322.1 (relating to power to set fees).

(Nov. 1, 2012, P.L.1716, No.211, eff. 60 days; July 10, 2020, P.L.604, No.56, eff. imd.)

Cross References. Section 2902 is referred to in section 322.1 of this title.

§ 2903. Boat and net licenses for boundary lakes.

(a) Application of section.--The provisions of this section shall apply only to those boundary lakes of this Commonwealth and their bays and peninsular waters as the commission may determine.

(b) Issuance and fees.--Except as provided under subsection (b.1), the commission may issue a commercial fishing license to a person who has signed and submitted his application and paid a fee as follows:

(1) Trap nets: residents, $80; nonresidents, $160.

(2) Seines: residents, $50; nonresidents, $100.

(b.1) Change of fees.--The fees listed under subsection (b) may be changed by the commission in accordance with section 322.1 (relating to power to set fees).

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

(d) Condition of license.--No license shall be issued under this section except upon the condition that the operator of any boat so licensed shall permit a person, designated by the executive director, to accompany the boat at any time when it is engaged in fishing, for the purpose of securing for the use of the commission from the fish caught as much of their spawn as the commission may determine. A person who refuses to permit a person so designated by the executive director to accompany the boat to secure such spawn as he may deem necessary commits a summary offense of the first degree.

(e) Rules and regulations.--The commission may promulgate rules and regulations applicable to boundary lakes as may be appropriate for the protection and management of the fisheries in the lakes, the ways, methods and means of fishing and the health and safety of persons and property. The regulations may prohibit fishing for all or some species of fish in boundary lakes and may limit the number or types of licenses and permits issued for fishing in the lakes.

(f) Limitation on nonresident licenses.--No nonresident boat or net license may be issued under this section to any resident of a state or country the laws or regulations of which prohibit, or have the effect of prohibiting, the issuance of a like license to a resident of this Commonwealth.

(g) Certain nets prohibited.--The use of pound nets or gill nets for fishing on boundary lakes is prohibited.

(h) Gill nets.--(Deleted by amendment).

(Oct. 5, 1994, P.L.534, No.79, eff. imd.; Nov. 1, 2012, P.L.1716, No.211, eff. 60 days; July 10, 2020, P.L.604, No.56, eff. imd.)

2020 Amendment. Act 56 amended subsec. (b), added subsec. (b.1) and deleted subsec. (h).

2012 Amendment. Act 211 amended subsecs. (b), (c) and (h).

1994 Amendment. Act 79 amended subsecs. (b) and (g) and added subsec. (h). See the preamble to Act 79 in the appendix to this title.

Cross References. Section 2903 is referred to in sections 322.1, 2908 of this title.

§ 2904. Permits for protection and management of particular fish.

(a) General rule.--Except as provided in subsections (b) and (c), the executive director, with the approval of the commission, may require permits for the taking, catching,

killing, possession, introduction, removal, importing, transporting, exporting or disturbing of fish when it is determined that the permits may be needed to insure proper protection and management of any species of fish. The commission may establish fees for the issuance of permits and may promulgate rules and regulations concerning the issuance and provisions of the permits. Permits issued under this section may be revoked at any time at the discretion of the commission.

(b) Limit on fees.--The fee per permit for taking, catching, killing, possession, introduction, removal, importing, exporting or disturbing of trout is established in section 2715 (relating to license, permit and issuing agent fees).

(c) Limit on permits.--The commission shall not issue permits under the authority of this section for the taking, catching, killing, possession, introduction, removal, importing, exporting or disturbing of any game fish other than trout. This subsection shall not affect the issuance of permits for tagged fish contests in boundary lakes.

(Dec. 17, 1990, P.L.724, No.180, eff. 60 days; Nov. 29, 2004, P.L.1286, No.159, eff. imd.; July 10, 2020, P.L.604, No.56, eff. imd.)

2020 Amendment. Act 56 amended subsecs. (b) and (c).

2004 Amendment. Section 7 of Act 159 provided that Act 159 shall apply to all fees for licenses and permits issued on or after January 1, 2005.

§ 2905. Permits for scientific and educational fish collecting activities.

The executive director, with the approval of the commission, may grant permits to catch fish in any of the waters within or bordering on this Commonwealth at any season of the year and with any kind of nets or other devices without regard to size or possession limits to a person who possesses a valid Pennsylvania fishing license and is engaged in scientific or educational research or other collecting activities approved by the commission. The commission may establish a fee for the issuance of the permits. Permits issued under this section may be revoked, recalled or suspended at any time at the discretion of the commission. Persons permitted to take such species under this section shall make a report in writing to the executive director within 30 days after the expiration of the permit or conclusion of the survey or collecting activity. The commission may promulgate regulations governing the issuance of permits under this section and the activities of persons holding such permits. In issuing a permit, the commission may impose general and special permit conditions to govern the activities of persons holding such a permit. Notwithstanding the provisions of section 2907 (relating to expiration of licenses and permits), permits issued under this section shall expire on the date specified in the permit conditions or on December 31 of the year in which the permit is issued, whichever comes first. Notwithstanding the provisions of section 2908 (relating to penalties), any person who engages in fish collecting activities for which a permit is required under this section without first acquiring the necessary permit commits a summary offense of the first degree, and any person who violates any regulation promulgated under this section or any permit condition imposed under this section commits a summary offense of the third degree.

(Dec. 19, 1996, P.L.1454, No.185, eff. 60 days)

§ 2906. Permits for use of explosives.

The executive director, with the approval of the commission, may grant permits for the use of explosives in waters for engineering purposes upon the payment of a fee of $50 or as otherwise established by the commission in accordance with section 322.1 (relating to power to set fees). The executive director may waive the payment of the fee for Commonwealth agencies and political subdivisions. Any person using explosives under a permit shall make restitution to the commission for all fish destroyed. A person who engages in an activity for which a permit is required under this section without first acquiring the permit commits a misdemeanor of the third degree. A person using explosives under a permit issued under this section who violates any of the terms and conditions of the permit commits a summary offense of the first degree.
(Nov. 3, 1999, P.L.447, No.41, eff. Jan. 1, 2000; July 10, 2020, P.L.604, No.56, eff. imd.)

Cross References. Section 2906 is referred to in section 322.1 of this title.

§ 2907. Expiration of licenses and permits.

Except as otherwise provided in this title, all licenses and permits authorized by this chapter shall expire on December 31 of the year for which they are issued.
(June 22, 2012, P.L.640, No.66, eff. 60 days)

Cross References. Section 2907 is referred to in section 2905 of this title.

§ 2907.1. Tagged fish contests on boundary lakes.

The commission shall issue permits for tagged fish contests on boundary lakes where the other state which bounds the lake permits such contests, unless the commission finds that the proposed contest threatens the fisheries resources of the Pennsylvania portion of the boundary lake where the contest is to be conducted.
(Dec. 22, 1989, P.L.735, No.102, eff. Jan. 1, 1990)

1989 Amendment. Act 102 added section 2907.1.

§ 2907.2. Lake Erie fishing permits.

(a) Permit required.--No person shall fish in Lake Erie, Presque Isle Bay and their tributaries, including waters that flow into those tributaries, without first procuring an annual special permit to fish in Lake Erie and tributaries or a combination trout permit and Lake Erie permit.

(b) Fee.--The annual fee and the issuing agent fee for the special permit issued in this section shall be as provided in section 2715 (relating to license, permit and issuing agent fees).

(c) Exemptions.--Persons entitled to free fishing licenses under section 2707 (relating to disabled veterans) and persons exempt from fishing license requirements under Chapter 27 (relating to fishing licenses) are exempt from the requirements of this section. Holders of Senior Resident Lifetime Fishing Licenses issued under section 2701 (relating to resident fishing licenses) shall meet the requirements of this section by purchasing one annual special permit which shall be valid for the licensee's lifetime.

(d) Regulations.--The commission may promulgate regulations for the display of the special permit and manner in which it may be affixed to the fishing license or carried with the licensee.

(e) Penalty.--Any person violating the provisions of this section or the regulations promulgated hereunder commits a summary offense of the third degree.

(f) Proceeds from special permit.--(Deleted by amendment).

(f.1) Lake Erie permits.--

(1) The proceeds from the fees for the special permits to fish in Lake Erie and tributaries as provided for under section 2715(a.1)(4) (relating to license, permit and issuing agent fees) and $6 of the fees for the combination trout permits and Lake Erie permits as provided for under section 2715(a.1)(5) shall be deposited into a restricted account within the Fish Fund.

(2) The funds in the restricted account shall be used to provide public fishing access or to protect or improve fish habitat on or at Lake Erie, Presque Isle Bay and their tributaries, including waters that flow into those tributaries. The funds may also be used for other projects that support public fishing on or at Lake Erie, Presque Isle Bay and their tributaries.

(g) Termination of permit requirement.--(Deleted by amendment).

(h) Accounting.--(Deleted by amendment).

(Oct. 5, 1994, P.L.534, No.79, eff. imd.; June 29, 2002, P.L.672, No.101, eff. imd.; Nov. 29, 2004, P.L.1286, No.159, eff. imd.; Aug. 27, 2009, P.L.377, No.40, eff. 60 days; Oct. 24, 2012, P.L.1323, No.167, eff. imd.; July 10, 2020, P.L.604, No.56, eff. imd.)

2020 Amendment. Act 56 amended subsecs. (a) and (f.1).

2004 Amendment. Section 7 of Act 159 provided that Act 159 shall apply to all fees for licenses and permits issued on or after January 1, 2005.

§ 2907.3. Fishing guide and charter boat permits.

(a) General rule.--It is unlawful for any person to operate a charter boat or fishing guide operation on the waters of this Commonwealth without first obtaining a charter boat/fishing guide permit from the commission and paying the fee specified in section 2715 (relating to license, permit and issuing agent fees).

(b) Issuing agent status.--Holders of charter boat/fishing guide permits may be designated as special issuing agents for the purpose of selling to their customers One-Day Resident Fishing Licenses, One-Day Tourist Fishing Licenses, Three-Day Tourist Fishing Licenses, Seven-Day Tourist Fishing Licenses, trout permits, special permits to fish in Lake Erie and tributaries and combination trout permits and Lake Erie permits for the fees specified in section 2715.

(c) Penalties.--Any person who operates as a fishing guide or operates a charter boat on the waters of this Commonwealth without first obtaining the necessary permit commits a summary offense of the first degree and shall, in addition to any other fine or penalty, pay an additional fine equal to two times the charter boat/fishing guide permit required of that person. Any person violating any other provision of this section or any rule or regulation promulgated under this section commits a summary offense of the second degree.

(d) Regulations.--The commission may promulgate rules and regulations for fishing guides and charter boats.

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

"Charter boat." A boat operated as a commercial enterprise which carries passengers for hire for the purpose of fishing on the waters of this Commonwealth.

"Commercial enterprise." An operation where a person provides fishing guide or charter boat services in exchange for any consideration, including money, goods or services.

"Fishing guide." A person who operates a commercial enterprise whereby he guides or leads other persons for the purpose of fishing on the waters of this Commonwealth.

(Nov. 29, 2004, P.L.1286, No.159, eff. imd.; July 14, 2005, P.L.306, No.54, eff. imd.; July 10, 2020, P.L.604, No.56, eff. imd.)

2020 Amendment. Act 56 amended subsec. (b).

2004 Amendment. Act 159 added section 2907.3. Section 7 of Act 159 provided that Act 159 shall apply to all fees for licenses and permits issued on or after January 1, 2005.

§ 2908. Penalties.

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

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

(Dec. 22, 1989, P.L.735, No.102, eff. Jan. 1, 1990; Nov. 3, 1999, P.L.447, No.41, eff. Jan. 1, 2000; Nov. 1, 2012, P.L.1716, No.211, eff. 60 days)

Cross References. Section 2908 is referred to in sections 923, 2905 of this title.

CHAPTER 31
REGULATED FISHING LAKES

Sec.

3101. Licenses.
3102. Fees.
3103. Exemption from fishing regulations.
3104. Receipts for fish caught.
3105. Bills of sale for fish purchased for stocking.
3106. Classification of lakes.
3107. Transportation of fish.
3108. Violations by owner or operator.
3109. Violations by other persons.

Enactment. Chapter 31 was added October 16, 1980, P.L.996, No.175, effective in 90 days.

§ 3101. Licenses.

Upon application accompanied by a license fee as prescribed in this chapter, the commission shall issue an annual regulated fishing lake license to an applicant whose application meets the eligibility criteria specified in commission regulations. The license shall be effective until December 31 of the year in which it is issued. Each application for a license or a renewal thereof shall be signed by the owner or operator of the regulated fishing lake and shall state the approximate total area of fishing water on the premises to be licensed and whether the area consists of one body of water or more than one, together with any other information relative thereto as the commission may prescribe. The commission may promulgate regulations for the licensing and operation of regulated fishing lakes.
(Dec. 22, 1989, P.L.735, No.102, eff. Jan. 1, 1990; July 10, 2020, P.L.604, No.56, eff. imd.)

§ 3102. Fees.

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

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

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

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

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

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

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

(c) Temporary fishing ponds.--

(1) Except as otherwise provided in paragraph (3), the annual license fee for a temporary fishing pond which the operator seeks to operate as a Class A regulated fishing lake shall be $200.

(2) The annual license fee for a temporary fishing pond which the operator seeks to operate as a Class B regulated fishing lake shall be $50.

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

(d) Changes to fees.--The fees listed under this section may be changed by the commission in accordance with section 322.1 (relating to power to set fees).
(Dec. 22, 1989, P.L.735, No.102, eff. Jan. 1, 1990; Nov. 1, 2012, P.L.1716, No.211, eff. 60 days; July 10, 2020, P.L.604, No.56, eff. imd.)

2020 Amendment. Act 56 added subsec. (d).

Cross References. Section 3102 is referred to in sections 322.1, 3106 of this title.

§ 3103. Exemption from fishing regulations.

Fish may be taken from a regulated fishing lake without limitation on size, season or possession limit.

§ 3104. Receipts for fish caught.

The owner or person in charge of any regulated fishing lake shall issue consecutively numbered receipts to all anglers who catch or transport fish from a regulated fishing lake during the closed season for the species of fish, or in excess of the possession limit, or under the minimum size limit. The receipts shall be made in duplicate and one copy shall be kept on file by the issuer for inspection by the commission or any persons designated by it. Each angler, while in possession of the fish, shall have in his possession the receipt relative thereto and shall produce it upon demand by proper authority. All receipts shall contain the following information:

(1) Name, location and license number of the regulated fishing lake.

(2) Number and species of the fish caught.

(3) Date of issue.

§ 3105. Bills of sale for fish purchased for stocking.

Any person owning or operating a regulated fishing lake shall keep on file for inspection by the commission, or any person designated by it, all bills of sale that he receives for purchases of fish made for the purpose of stocking the lake.

§ 3106. Classification of lakes.

(a) Class A.--The commission may issue Class A regulated fishing lake licenses upon payment of the fee specified in section 3102 (relating to fees) to lakes in the following categories:

(1) Lakes wholly opened to the general public for fishing and operated solely as commercial ventures.

(2) Lakes situated wholly within the grounds of a privately owned campground provided that the campground is open to the general public and operated as a commercial venture regardless of whether the campground operator sells admissions to fish at the lake to members of the public who are not camping at the campground.

(3) Lakes with a total water area of less than 20 acres situated wholly within the grounds of a private fishing and boating, rod and gun or sportsmen's club or organization when fishing in the lake is limited to members of the club or organization and the sponsoring club or organization operates a cooperative nursery recognized by the commission, provided that fish raised by the cooperative nursery shall be stocked in waters of this Commonwealth open for free public fishing and not in the regulated fishing lake licensed hereunder.

Persons patronizing a Class A regulated fishing lake may catch, kill and possess fish without regard to any size, season or possession limit and need not possess a Pennsylvania fishing license. All other provisions of this title are applicable.

(b) Class B.--Lakes that meet all other requirements of this section but are not open to the general public or operated as a commercial venture may be issued a Class B regulated fishing lake license. Persons patronizing a Class B lake may catch, kill and possess fish taken therefrom without regard to size, season or possession limitation. A fishing license is required to fish in a Class B lake.

(Dec. 22, 1989, P.L.735, No.102, eff. Jan. 1, 1990; Jan. 29, 1998, P.L.31, No.7, eff. imd.)

1998 Amendment. Act 7 amended subsec. (a).

§ 3107. Transportation of fish.

Nothing in this chapter shall be deemed to authorize any person to transport, import or introduce any species of fish,

bait fish or fish bait into this Commonwealth if the transportation, importation or introduction is prohibited by other laws or regulations.

§ 3108. Violations by owner or operator.

Any owner or operator of a regulated fishing lake who operates the lake without a regulated fishing lake license or who knowingly makes a false statement in his application for a license commits a summary offense of the first degree. Any owner or operator of a regulated fishing lake who violates any other provision of this chapter, regulations promulgated hereunder or terms and conditions of his permit commits a summary offense of the second degree.

(Nov. 3, 1999, P.L.447, No.41, eff. Jan. 1, 2000)

§ 3109. Violations by other persons.

No person shall fish, or trespass with intent to fish, in the waters or upon the bed or banks of any licensed regulated fishing lake without having paid the fee fixed by the owner or operator, or without having obtained permission from the owner or operator. No person shall willfully or maliciously destroy or damage any lake, property or appliances used in connection with the operation of a licensed regulated fishing lake. Any person violating any of the provisions of this section commits a summary offense of the first degree.

CHAPTER 33
PROPAGATION AND SALE OF FISH
(Repealed)

1998 Repeal. Chapter 33 (§§ 3301 - 3313) was added October 16, 1980, P.L.996, No.175, and repealed October 16, 1998, P.L.768, No.94, effective in 60 days. The subject matter is now contained in Chapter 42 of Title 3 (Agriculture).

CHAPTER 35
DAMS, BAR RACKS AND MIGRATION DEVICES

Sec.

3501. Devices in dams to permit fish migration.
3502. Operation and maintenance of devices.
3503. Closing of devices for repair or nonuse.
3504. Civil penalty for noncompliance.
3505. Erection of devices by commission.
3506. Drawing off or interference with dams or devices.
3507. Protection of fish near dams.
3508. Erection of bar racks to prevent entry of fish.
3509. Obstructing migration of fish.
3510. Marking of dams.

Enactment. Chapter 35 was added October 16, 1980, P.L.996, No.175, effective in 90 days.

§ 3501. Devices in dams to permit fish migration.

(a) Erection on order of commission.--Any person now or hereafter erecting or maintaining a dam in the waters of this Commonwealth shall, immediately on a written order from the commission, erect therein such chutes, slopes, fishways, gates or other devices as the commission may deem necessary to enable the fish to ascend and descend the waters at all seasons of the year.

(b) Payments where devices not practicable.--In lieu of requiring the erection of chutes, slopes, fishways, gates or

other devices at any dam where they are not deemed by the commission to be practicable or advisable for the ascending or descending of fish, the commission may enter into an agreement with the owner, lessee or operator of the dam, to pay to the commission, annually or at other stated periods, a sum of money which shall be not less than 2 1/2% per year upon the estimated cost of the erection of chutes, slopes, fishways, gates or other devices, plus the estimated cost of reasonable depreciation and maintenance of the same, except in cases where the sum of the interest, depreciation and maintenance so calculated would be equal to or exceed the sum of $25,000 per year, in which case the annual payment shall be $25,000 per year.

(c) Use of moneys.--These moneys shall be expended by the commission for:

(1) The stocking with fish of the waters of the stream dammed.

(2) The propagating, rearing and distributing of fish placed in the waters and the acquisition of the necessary facilities therefor.

(3) Carrying out such other fish managing practices in the waters as are deemed proper by the commission for the improvement of public fishing opportunities therein.

(d) Receipt and appropriation of moneys.--Any money received by the commission under such an agreement shall be paid into the Fish Fund and is hereby specifically appropriated to be expended by the commission for the purposes specified in subsection (c).

(e) Surveys and experimentations by commission.--When funds are available for those purposes, the commission shall conduct and encourage such surveys and experimentations as may be necessary and feasible in order to discover and develop such chutes, slopes, fishways, gates or other devices as may successfully pass migratory fish over the dams.

Cross References. Section 3501 is referred to in sections 3502, 3504, 3505 of this title.

§ 3502. Operation and maintenance of devices.

Every chute, slope, fishway, gate or other device referred to in section 3501 (relating to devices in dams to permit fish migration) shall be operated in a manner prescribed by the commission and shall remain open and be maintained in good order and repair by the person owning or maintaining the dam in which the device is located.

Cross References. Section 3502 is referred to in sections 3504, 3505 of this title.

§ 3503. Closing of devices for repair or nonuse.

Any chute, fishway or other device may be closed for repairs or when not needed with written approval of the commission.

§ 3504. Civil penalty for noncompliance.

Any person failing to comply with section 3501 (relating to devices in dams to permit fish migration) or 3502 (relating to operation and maintenance of devices) within three calendar months of the date of notice provided in section 3501 shall forfeit and pay to the Commonwealth a civil penalty of $100 for every day he fails to comply. The penalty shall be recovered by civil suit or process in the name of the Commonwealth.

§ 3505. Erection of devices by commission.

If the person owning, leasing or maintaining a dam fails to erect a chute, slope, fishway, gate or other device after the lapse of three calendar months from the date of notice provided by section 3501 (relating to devices in dams to permit fish

migration), or fails to maintain the chute, slope, fishway, gate or other device in accordance with section 3502 (relating to operation and maintenance of devices), the commission may enter upon the dam and erect such chute, slope, fishway, gate or other device or make any necessary repairs and the cost thereof shall be charged by the commission to the person owning or maintaining the dam and may be recovered by civil suit or process in the name of the Commonwealth.

§ 3506. Drawing off or interference with dams or devices.

(a) Drawing off or obstructing dams.--No person shall draw off dam waters inhabited by fish without first applying for written permission from the commission, nor shall any person obstruct the flow of water through any such dam without allowing a minimum flow of water determined by the commission to be sufficient at all times to flow in the natural stream on which the dam is located to enable the fish to live. Any person violating the provisions of this subsection commits a summary offense of the first degree.

(b) Interference with dams or devices.--Dams, deflectors, retards or similar devices placed across or in any waters inhabited by fish, with permission of the owner or owners of the land adjacent thereto or through which those waters flow, shall not be destroyed, removed, breached or disturbed, except by written permission first obtained from the commission. Any person violating the provisions of this subsection commits a summary offense of the first degree.

§ 3507. Protection of fish near dams.

(a) General rule.--The commission shall promulgate such rules and regulations as it deems necessary to protect and manage fish within one mile or such lesser distance as it deems appropriate of any chute, slope, fishway, gate, dam, reflector, retards or similar devices.

(b) Penalty.--Any person violating any of the rules or regulations promulgated under this section commits a summary offense of the third degree.

(Dec. 22, 1989, P.L.735, No.102, eff. Jan. 1, 1990; Nov. 3, 1999, P.L.447, No.41, eff. Jan. 1, 2000)

§ 3508. Erection of bar racks to prevent entry of fish.

(a) General rule.--Any person owning, leasing or maintaining a raceway, flume or inlet pipe leading to a water wheel, turbine pump or canal shall immediately upon receipt of a written order from the commission place and maintain a bar rack of not less than one-half inch nor more than one and one-half inch space between the bars in or near that raceway, flume or inlet pipe sufficient to prevent fish from entering it.

(b) Erection of bar racks by commission.--If one month after notice of violation of this section the person owning, leasing or operating such raceway, flume or inlet pipe has not placed a bar rack as directed, the commission may enter upon the raceway, flume or inlet pipe and place a bar rack of not less than one-half inch nor more than one and one-half inch space between the bars. The cost shall be charged against the owner, lessor or operator and may be recovered by civil suit or process in the name of the Commonwealth.

(c) Civil penalty.--Any person failing to comply with subsection (a) within one calendar month shall forfeit and pay a civil penalty of $100 for every day of violation.

§ 3509. Obstructing migration of fish.

(a) General rule.--No person shall place any device or object in waters within this Commonwealth in a manner that obstructs the migration or passage of fish therein or obstructs any fishway but the commission may, as it deems necessary in

the interest of fish management, authorize the erection of such devices and prescribe such conditions for the operation and maintenance of such devices as may be necessary for a fee of $10 or as otherwise established by the commission in accordance with section 322.1 (relating to power to set fees).

(b) Fish rodeos.--After giving written notice to the commission, an organized fishing or sportsmen's club that has been in existence for a period of one year or more may obstruct the passage of fish for a period not exceeding 48 hours for the purpose of conducting fish rodeos the primary objective of which is to encourage fishing by children. Such obstructions shall not be erected more than twice in one year within a distance of one mile from any similar obstruction on the same stream or body of water. The obstructions shall be at least one-half mile from other such obstructions and shall be erected and designed in such a manner that fish will not normally be injured.

(c) Penalty.--Any person violating any provision of this section commits a summary offense of the first degree.
(July 10, 2020, P.L.604, No.56, eff. imd.)

2020 Amendment. Act 56 amended subsec. (a).

Cross References. Section 3509 is referred to in section 322.1 of this title.

§ 3510. Marking of dams.

(a) New dams.--In issuing permits for the construction or installation of new run-of-the-river dams on the waters of this Commonwealth, the department shall include a permit advisory notifying the permittee of the requirements of this section. The permittee of a new run-of-the-river dam shall mark the areas above and below the dam and on the banks immediately adjacent to the dam with signs and buoys of a design and content determined by the commission to warn the swimming, fishing and boating public of the hazards posed by the dam.

(b) Existing dams.--

(1) The department shall compile and maintain a current list of existing dams on the waters of this Commonwealth that the department determines to be run-of-the-river type dams. Within three months of the effective date of this section, the department shall notify the permittees and owners of those run-of-the-river dams of the requirements of this section by certified letter. Within six months of receiving notification of the requirements of this section from the department, the permittees and owners of run-of-the-river dams shall comply with the requirements of this section to mark the areas above and below their dams and on the banks immediately adjacent to their dams during the time periods of the year required by the commission with signs and buoys of a design and content determined by the commission to warn the swimming, fishing and boating public of the hazards posed by the dam.

(2) If the permittee or owner of a run-of-the-river dam disagrees with the determination of the department, the permittee or owner shall file written notice with the Environmental Hearing Board within 30 days of receiving the determination. The Environmental Hearing Board shall reach a decision as soon as practicable. If the decision of the board upholds the determination of the department, the permittee or owner filing such notice shall have six months to comply with this section following the decision.

(c) Maintenance of signs and buoys.--

(1) It shall be the responsibility of the permittees and owners of run-of-the-river dams to maintain in proper

location, legible condition and during the time periods of the year established by the commission signs and buoys installed pursuant to the requirements of this section.

(2) When a permittee or owner learns that signs or buoys installed under this section have been removed or defaced by an act of God or the acts or omissions of third parties other than the permittee or owner or his agent, he shall repair or replace the signs or buoys within 30 days unless river conditions during that time make such repair or replacement dangerous to undertake or impracticable to effect, in which case the permittee or owner shall repair or replace the signs or buoys as soon as is reasonably practicable. If a permittee or owner or his agent removes any signs or buoys, he shall have five days thereafter to repair or replace the signs or buoys.

(d) Size, content and location of signs and buoys marking run-of-the-river dams.--The commission, after consultation with the department, shall establish requirements for the content and location of signs and buoys to be installed under the authority of this section and the time periods of the year when the signs and buoys shall be required to be in place. The commission shall describe the requirements by notice published in the Pennsylvania Bulletin and may from time to time revise the requirements as circumstances require.

(e) Preemption of Federal law.--Any warning sign or buoy installed and maintained in the areas above or below a run-of-the-river dam or on the banks immediately adjacent to such a dam by a dam permittee or owner in compliance with the requirements of the United States Coast Guard, the Federal Energy Regulatory Commission or any Federal agency having jurisdiction over a run-of-the-river dam shall be deemed to meet the requirements established or imposed by or under this section regarding the placement of warning signs or buoys in said areas.

(f) Standard of care.--A dam permittee or owner who complies with the provisions of this section to mark a dam and who maintains signs and buoys as required by this section shall be deemed to have met the standard of care for warning the public of the hazards posed by the dam.

(g) Regulations.--The commission may promulgate regulations to implement the provisions of this section.

(h) Penalties.--

(1) Any person who fails to comply with subsection (a) or (b) commits a summary offense of the first degree for the first offense and a misdemeanor of the third degree for a subsequent offense. Each month of noncompliance shall constitute a separate violation.

(2) Any person who fails to comply with subsection (c) commits a summary offense of the second degree for the first offense and a summary offense of the first degree for a subsequent offense. Each month of noncompliance shall constitute a separate violation.

(3) Any person who enters an exclusion zone marked under the provisions of this section commits a summary offense of the third degree provided that it shall not be a violation of this section for the permittee or owner and his agents and officers of the Commonwealth and local government to enter the exclusion zone for purposes of maintaining the dams and signs and buoys or for enforcement and rescue purposes.

(4) All fines received under this subsection shall be paid into the State Treasury for the use of the Fish Fund or Boat Fund, as appropriate.

(5) The provisions of 18 Pa.C.S. (relating to crimes and offenses) and section 923 (relating to classification of offenses and penalties), insofar as they relate to imprisonment for convictions of summary and misdemeanor offenses, are not applicable to this section.

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

"Department." The Department of Environmental Protection of the Commonwealth.

"Owner." The person who owns a run-of-the-river dam regulated by the Department of Environmental Protection pursuant to the act of November 26, 1978 (P.L.1375, No.325), known as the Dam Safety and Encroachments Act.

"Permit." A permit issued by the Department of Environmental Protection pursuant to the act of November 26, 1978 (P.L.1375, No.325), known as the Dam Safety and Encroachments Act.

"Permittee." The person who has been issued a permit by the Department of Environmental Protection to maintain a run-of-the-river dam.

"Run-of-the-river dam." A manmade structure which:

(1) is a dam regulated by the Department of Environmental Protection pursuant to the act of November 26, 1978 (P.L.1375, No.325), known as the Dam Safety and Encroachments Act;

(2) is built across a watercourse and certain flows pass over the entire dam structure, excluding abutments, to a natural channel downstream; and

(3) the department determines to have hydraulic characteristics such that at certain flows persons may be caught in the hydraulic roller or boil immediately below the dam.

(June 19, 1998, P.L.702, No.91, eff. Jan. 1, 1999; July 1, 2020, P.L.520, No.39, eff. 60 days)

2020 Amendment. Act 39 amended subsecs. (h)(1) and (2) and (i) and added subsec. (h)(5).

1998 Amendment. Act 91 added section 3510.

PART III
BOATS AND BOATING

Chapter

51. Preliminary Provisions
53. Registration and Titling of Boats
55. Operation of Boats

Enactment. Part III was added October 16, 1980, P.L.996, No.175, effective in 90 days.

CHAPTER 51
PRELIMINARY PROVISIONS

Subchapter

A. General Provisions
B. Rules and Regulations

Enactment. Chapter 51 was added October 16, 1980, P.L.996, No.175, effective in 90 days.

SUBCHAPTER A
GENERAL PROVISIONS

Sec.
5101. Administration of part.
5102. Cooperation with other agencies.
5103. Boating education.
5104. Fees.

§ 5101. Administration of part.

The commission shall supervise, through the executive director, the administration and the enforcement of the provisions of this part, the rules and regulations promulgated thereunder and any existing laws regulating the operation and equipment of boats operated on any waters of this Commonwealth, the establishment of educational programs and the improvement of waterway facilities including aids to navigation.

§ 5102. Cooperation with other agencies.

(a) Commonwealth agencies.--

(1) Concurrent jurisdiction.--Any power, duty or jurisdiction conferred or imposed by this part shall be deemed to be supplemental to any existing power, duty or jurisdiction conferred or imposed by law or by any other Commonwealth agency over, upon or in any waters of this Commonwealth and it is the duty of these Commonwealth agencies to cooperate with the commission and the assistant executive director in carrying out the purposes of this part.

(2) Use of services.--The services of other Commonwealth agencies may be used by the commission to accomplish any of the provisions of this part. If there is adequate efficiency by so doing, these Commonwealth agencies shall cooperate to the maximum extent that is feasible.

(b) Federal Government and other states.--The commission shall cooperate to the fullest extent feasible with the Federal Government and the boating agencies of the Federal Government and other states to promote uniformity of rules, regulations and navigation aids and to facilitate safe unhindered movement of vessels between states.

§ 5103. Boating education.

(a) Mandatory program of boater education.--Except as otherwise provided in this section, any person born on or after January 1, 1982, shall not operate, on the waters of this Commonwealth, a motorboat without first obtaining a certificate of boating safety education.

(b) Compliance.--Any person who is subject to the provisions of subsection (a) shall:

(1) possess the certificate of boating safety education when operating a vessel on waters of this Commonwealth; and

(2) show the certificate on the demand of a waterways conservation officer or other law enforcement officer.

(c) Exemptions.--The following persons are exempt from the requirements of this section:

(1) A person who is a resident of another state and who is visiting this Commonwealth for 60 days or less in a motorboat that is registered in another state if:

(i) the person was born before January 1, 1982; or

(ii) the person has been issued a license or boating safety education certificate in accordance with the provisions of subsection (i).

(2) A person who is visiting this Commonwealth for 90 days or less in a motorboat from a country other than the United States.

(3) A landowner or a member of the landowner's immediate family operating a motorboat on waters located wholly within property owned by the landowner where there is no publicly owned or publicly maintained access to those waters.

(4) A person who operates a motorboat powered by an electric motor or by an internal combustion motor of 25 horsepower or less.

(5) Any other person exempted by regulation of the commission.

(d) Operational requirements.--When a motorboat is operated for pleasure on the waters of this Commonwealth, the operator of that vessel shall:

(1) possess the certificate of boating safety education; or

(2) be exempt from the certification requirements of subsection (a).

(e) Commission duties.--The commission shall:

(1) Promulgate regulations that establish criteria for a course of instruction in boating safety education.

(2) Administer a written or verbal test when appropriate.

(3) Coordinate a Statewide program of boating safety instruction and certification at such times and locations to make courses convenient for residents of various counties and to maximize attendance.

(4) Issue a certificate of boating safety education to a person who:

(i) passes a commission-approved course in boating safety education; and

(ii) pays the fee set forth in section 5104 (relating to fees).

(5) Provide boating safety education materials to persons who plan to take the boating safety course.

(6) Replace a lost or destroyed certificate.

(7) Establish reasonable charges for persons who take boating safety education courses conducted by the commission or commission volunteers. Such charges shall bear a reasonable relationship to the costs of providing the course and the course materials.

(f) Additional sources of instruction.--If approved by the commission, any of the following may offer the course of instruction in boating safety education:

(1) The commission.

(2) The United States Coast Guard Auxiliary.

(3) The United States Power Squadron.

(4) A political subdivision.

(5) A municipal corporation.

(6) An agency.

(7) A public or nonpublic school.

(8) A group.

(9) A firm.

(10) An association.

(11) Any other person.

(g) Validity of certificate.--The certificate of boating safety education, once issued, shall be valid for the lifetime of the person to whom it was issued.

(h) Temporary certificates.--The commission or its designee may issue a 60-day temporary certificate of boating safety

education to a person who has successfully completed a boating safety education course approved by the commission.

(i) Other valid documentation.--

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

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

(j) Penalty.--

(1) A person who is subject to the provisions of subsection (a) and who operates a motorboat on waters of this Commonwealth without first obtaining a certificate of boating safety education commits a summary offense of the second degree.

(2) A person who is subject to the provisions of subsection (a) and who operates a motorboat on waters of this Commonwealth without having a valid certificate of boating safety education in the person's possession commits a summary offense of the fourth degree.

(k) Others subject to mandatory education requirements.--Notwithstanding any other provision of this section, it is unlawful for a person to operate a watercraft on the waters of this Commonwealth without completing a boat safety education course when:

(1) A person convicted on one or more boating violations concerning the operation of, or safety equipment on, a watercraft is required as a condition of probation or sentencing to successfully complete a boating safety education course that is offered or approved by the commission.

(2) A person is convicted of any of the following boating safety violations in the operation of a watercraft:

(i) negligent operation;

(ii) reckless operation; or

(iii) operating under the influence of alcohol, any controlled substance, combination of controlled substances or combination of controlled substances and alcohol in violation of this title.

(3) If a person convicted of the offenses described in paragraph (1) or (2) had, prior to the date of the conviction, previously completed a boating safety education course or obtained a boating safety certificate, such person shall, prior to operating a watercraft on the waters of this Commonwealth, be required to complete an additional boating safety education course.

(l) Boating without a certificate on board.--If a person who is subject to the provisions of subsection (a) is operating a motorboat without a certificate of boating safety education in the person's possession and claims that the person has obtained a certificate of boating safety education, the waterways conservation officer or other law enforcement officer shall give the operator seven days to produce the original certificate. If it is inconvenient for the operator to produce the certificate in person, the officer may permit the operator to mail the original certificate to the officer for verification. If the operator fails to send the original certificate within the seven-day period, the officer may

institute a summary proceeding against the operator in the manner prescribed by law.
(Dec. 9, 2002, P.L.1542, No.199, eff. 60 days; Nov. 1, 2012, P.L.1716, No.211, eff. 60 days; July 1, 2020, P.L.522, No.40, eff. 60 days)

2020 Amendment. Act 40 amended subsecs. (a) and (j) and added subsec. (l).

2012 Amendment. Act 211 amended subsec. (i).

§ 5104. Fees.

(a) General rule.--Except as otherwise provided under subsection (c), the following fees apply to registrations, licenses, permits and certificates issued under this part and the fees collected shall be deposited in the State Treasury in the Boat Fund:

(1) Owner registration (motorboats less than 16 feet in length), $13 per year.

(2) Owner registration (motorboats 16 feet to less than 20 feet), $19.50 per year.

(2.1) Owner registration (motorboats 20 feet or longer), $26 per year.

(2.2) Owner registration (boats not equipped with motors), $9 per year or as fixed under subsection (b).

(3) Duplicate owner registration, $3 each.

(4) Dealer registration, $15 each per year.

(5) Commercial passenger boat registration, $25 each.

(6) License for operator of passenger-carrying boat, $5 each.

(7) (Deleted by amendment).

(8) Transfer of a multi-year boat registration, $5.

(9) Permit for floating structure and private aids to navigation, $10 each.

(10) Boating safety education certificate, $10.

(11) Replacement boating safety education certificate, $5.

(b) Fee adjustment for nonpowered boats.--The fee for owner registration for boats not equipped with motors specified in subsection (a)(2.2) shall be adjusted from time to time to remain equal to the fees charged by the Department of Conservation and Natural Resources for boat launch permits for State park lakes.

(c) Changes to fees.--The fees listed under this section may be changed by the commission in accordance with section 322.1 (relating to power to set fees).
(Dec. 22, 1989, P.L.735, No.102, eff. Jan. 1, 1990; Dec. 12, 1991, P.L.368, No.39, eff. imd.; Dec. 9, 2002, P.L.1542, No.199, eff. 60 days; Nov. 29, 2004, P.L.1286, No.159, eff. imd.; July 10, 2020, P.L.604, No.56, eff. imd.)

2020 Amendment. Act 56 amended subsec. (a) and added subsec. (c).

2004 Amendment. Section 7 of Act 159 provided that Act 159 shall apply to all fees for licenses and permits issued on or after January 1, 2005.

1991 Amendment. Section 6 of Act 39 provided that Act 39 shall apply to boat registrations issued for the calendar year 1992 and each year thereafter.

Cross References. Section 5104 is referred to in sections 322.1, 5103, 5302, 5303, 5308 of this title.

SUBCHAPTER B

Sec.
5121. Promulgation.
5122. Registrations, licenses, permits, plates and statistics.
5123. General boating regulations.
5124. Particular areas of water.
5124.1. Liquor or malt or brewed beverages.
5125. Chemical testing to determine amount of alcohol or controlled substance.
5126. Reports by emergency room personnel.

§ 5121. Promulgation.

(a) General rule.--The commission may promulgate rules and regulations specifically authorized under this part and such other rules and regulations as it deems necessary to administer and enforce the provisions of this part.

(b) Conformity to Federal law.--All rules and regulations promulgated under this part shall conform to Federal laws and regulations on the same subject matter.

(c) Advice from Boating Advisory Board.--The commission shall solicit the advice and opinions of the Boating Advisory Board on any proposed rules and regulations promulgated under this part prior to their final adoption.

§ 5122. Registrations, licenses, permits, plates and statistics.

(a) General rule.--The commission may promulgate rules and regulations relating to:

(1) Permanent and temporary registration of boats.

(2) Special provisions applicable to livery operators, outfitters, dealers, manufacturers and the owners or operators of passenger-carrying boats.

(3) Display of numbers.

(4) Renewal of certificates of registration.

(5) Transfer of ownership of or interest in boats or the abandonment or destruction of registered boats.

(6) Licensing of operators of passenger-carrying boats.

(7) Display of capacity plates by boats, the information to be displayed thereon and the issuance of capacity plates.

(8) Issuance of permits for special marine events.

(9) Compilation and release of statistics on accidents and registered boats.

(b) Penalty.--Any person who violates a rule or regulation promulgated under this section commits a summary offense of the third degree except as follows:

(1) A person who operates a passenger-carrying boat without a license commits a summary offense of the first degree.

(2) A person who violates a regulation relating to display of numbers on boats or display of capacity plates by boats commits a summary offense of the fourth degree.

(Dec. 22, 1989, P.L.735, No.102, eff. Jan. 1, 1990; Dec. 12, 1991, P.L.368, No.39, eff. imd.; Nov. 3, 1999, P.L.447, No.41, eff. Jan. 1, 2000)

1999 Amendment. Act 41 amended subsec. (b).

1991 Amendment. Act 39 amended subsec. (a)(1). Section 6 of Act 39 provided that Act 39 shall apply to boat registrations issued for the calendar year 1992 and each year thereafter.

§ 5123. General boating regulations.

(a) General rule.--The commission may promulgate such rules and regulations as it deems appropriate to provide for the operation and navigation of boats, including the rules of the

road for boating, the ways, manner, methods and means of boating, the management of boats and the use thereof and the protection of waters for boating purposes. The rules and regulations may relate to:

(1) Protection of the health and safety of persons on boats, towed by boats, or on, in or along the waters of this Commonwealth.

(2) Protection of property on, in or along the waters of this Commonwealth and of fish and other aquatic life in such waters.

(3) Boat noise and sound levels.

(4) Capacity and loading of boats.

(5) Equipment requirements for boats, operators of boats, passengers on boats and persons towed or pulled by boats.

(6) Lights, signals, courses, channels, rights-of-way and hazards to navigation.

(7) The placing and lighting of aids, markers, floats, ramps or other devices or structures of any description in the waters of this Commonwealth.

(8) Disposal of oil, gas, gasoline, trash, rubbish, debris, wastes and other things and substances of any description from boats.

(9) Procedures to be followed and information to be supplied by owners and operators of boats in reporting boating accidents.

(b) Penalties.--Any person who violates a rule or regulation promulgated under this section which the commission designates as being for the protection of the health and safety of persons as provided by subsection (a)(1) commits a summary offense of the second degree. Any person who violates any other regulation promulgated under this section commits a summary offense of the third degree. In addition to any other penalty, any person who is convicted or acknowledges guilt for an offense of possessing insufficient, nonapproved or unserviceable safety equipment on a boat, or for passengers, or persons being towed by a boat on the waters of this Commonwealth may be fined an additional 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.
(Dec. 22, 1989, P.L.735, No.102, eff. Jan. 1, 1990; Nov. 3, 1999, P.L.447, No.41, eff. Jan. 1, 2000; Nov. 1, 2012, P.L.1716, No.211, eff. 60 days)

2012 Amendment. Act 211 amended subsec. (b).

§ 5124. Particular areas of water.

(a) General rule.--The commission may promulgate special rules and regulations for particular artificial or natural areas of water for further limiting, restricting or prohibiting the operation or navigation of boats thereon to promote the interests of the public or to preserve aquatic life.

(b) Penalty.--Any person who violates a rule or regulation promulgated under this section commits a summary offense of the third degree.
(Dec. 22, 1989, P.L.735, No.102, eff. Jan. 1, 1990)

§ 5124.1. Liquor or malt or brewed beverages.

(a) General rule.--In an action or proceeding under this title in which a material element of the offense or action is that a substance is liquor or a malt or brewed beverage, all the following shall apply:

(1) Chemical analysis is not required to prove that the substance is liquor or a malt or brewed beverage.

(2) Circumstantial evidence is sufficient to prove that the substance is liquor or a malt or brewed beverage.

(b) Evidence presented by a defendant.--Notwithstanding subsection (a), nothing shall prevent a defendant from presenting evidence that a substance is not liquor or a malt or brewed beverage.

(c) Applicability.--The provisions of this section shall apply to proceedings brought by officers authorized to enforce this title under this title, Titles 18 (relating to crimes and offenses), 42 (relating to judiciary and judicial procedure) and 75 (relating to vehicles) and the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code.
(Oct. 31, 1997, P.L.485, No.49, eff. 60 days)

1997 Amendment. Act 49 added section 5124.1.

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

(a) General rule.--Any person who operates or is in actual physical control of the movement of a watercraft, upon, in or through the waters of this Commonwealth, shall be deemed to have given consent to one or more chemical tests of breath, blood or urine for the purpose of determining the alcoholic content of blood or the presence of a controlled substance if one of the following applies:

(1) a waterways conservation officer has reasonable grounds to believe the person operated or was in actual physical control of the movement of a watercraft in violation of section 5502 (relating to operating watercraft under influence of alcohol or controlled substance); or

(2) the person operated or was in actual physical control of the movement of a watercraft which was involved in an accident in which the operator, passenger or any other person required treatment at a medical facility or was killed.

(b) Suspension for refusal.--

(1) If any person placed under arrest for a violation of section 5502 is requested to submit to chemical testing and refuses to do so, the testing shall not be conducted but, upon notice by the waterways conservation officer, the commission shall suspend the boating privileges of the person as follows:

(i) Except as set forth in subparagraph (ii), for a period of 12 months.

(ii) For a period of 18 months if any of the following apply:

(A) The person's boating privileges have previously been suspended under this subsection.

(B) The person has, prior to the refusal under this paragraph, been sentenced for an offense under section 5502.

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

(i) the person's boating privileges will be suspended upon refusal to submit to chemical testing; and

(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.1)(3).

(3) Any person whose boating privileges are suspended under this section shall have the same right of appeal as provided for in cases of suspension for other reasons.

(c) Test results admissible in evidence.--In any summary proceeding or criminal proceeding in which the defendant is charged with a violation of section 5502 or any other violation of this title arising out of the same action, the amount of alcohol or controlled substance in the defendant's blood, as shown by chemical testing of the person's breath, blood or urine by tests conducted by qualified persons using approved equipment, shall be admissible in evidence.

(1) Chemical tests of breath shall be performed on devices approved by the Department of Health using procedures prescribed jointly by regulations of the Department of Health and the Department of Transportation. Devices shall have been tested for accuracy within a period of time and in a manner specified by regulations of the Department of Health and the Department of Transportation. For purposes of breath testing, a qualified person means a person who has fulfilled the training requirement in the use of the equipment in a training program approved by the Department of Health and the Department of Transportation. A certificate or log showing that a device was tested for accuracy and that the device was accurate shall be presumptive evidence of those facts in every proceeding in which a violation of this title is charged.

(2) (i) Chemical tests of blood or urine shall be performed by a clinical laboratory licensed and approved by the Department of Health for this purpose using procedures and equipment prescribed by the Department of Health or by a Pennsylvania State Police criminal laboratory. For purposes of blood and urine testing, a qualified person means an individual who is authorized to perform those chemical tests under the act of September 26, 1951 (P.L.1539, No.389), known as The Clinical Laboratory Act.

(ii) For purposes of blood and urine testing to determine blood alcohol or controlled substance content levels, the procedures and equipment prescribed by the Department of Health shall be reviewed as provided for by 75 Pa.C.S. § 1547(c)(2)(ii) (relating to chemical testing to determine amount of alcohol or controlled substance).

(3) Chemical tests of blood or urine, if conducted by a facility located outside this Commonwealth, shall be performed:

(i) by a facility licensed and approved by the Department of Health for this purpose; or

(ii) by a facility licensed to conduct the tests by the state in which the facility is located and licensed pursuant to the Clinical Laboratory Improvement Amendments of 1988 (Public Law 100-578, 102 Stat. 2903).

(4) For purposes of blood testing to determine the amount of a Schedule I or nonprescribed Schedule II or III controlled substance or a metabolite of such a substance, the minimum levels of these substances which must be present in a person's blood in order for the test results to be admissible in a prosecution for a violation of section 5502 or any other violation of this title arising out of the same action shall be the same as prescribed by the department under 75 Pa.C.S. § 1547(c)(4).

(d) Presumptions from amount of alcohol.--(Deleted by amendment).

(e) Refusal admissible in evidence.--In any summary proceeding or criminal proceeding in which the defendant is

charged with a violation of section 5502 or any other violation of this title arising out of the same action, the fact that the defendant refused to submit to chemical testing as required by subsection (a) may be introduced in evidence, along with other testimony concerning the circumstances of the refusal. No presumptions shall arise from this evidence but it may be considered along with other factors concerning the charge.

(f) Other evidence admissible.--Subsections (a) through (i) shall not be construed as limiting the introduction of any other competent evidence bearing upon the question of whether or not the defendant was under the influence of alcohol or a controlled substance or both.

(g) Test results available to defendant.--Upon the request of the person tested, the results of any chemical test shall be made available to him or his attorney.

(h) Test by personal physician.--The person tested shall be permitted to have a physician of his own choosing administer an additional breath, blood or urine chemical test and the results of the test shall also be admissible in evidence. The chemical testing given at the direction of the waterways conservation officer shall not be delayed by a person's attempt to obtain an additional test.

(i) Request by operator for test.--Any person involved in an accident or placed under arrest for a violation of section 5502 may request a chemical test of his breath, blood or urine. These requests shall be honored when it is reasonably practicable to do so.

(j) Immunity from civil liability and reports.--No physician, nurse or technician or hospital employing the physician, nurse or technician and no other employer of the physician, nurse or technician shall be civilly liable for withdrawing blood or obtaining a urine sample and reporting test results to an officer authorized to enforce this title at the request of the commission or an officer authorized to enforce this title. No physician, nurse or technician or hospital employing the physician, nurse or technician may administratively refuse to perform the tests and provide the results to the officer authorized to enforce this title except as may be reasonably expected from unusual circumstances that pertain at the time the request is made.

(k) Prearrest breath test authorized.--A waterways conservation officer, having reasonable suspicion to believe a person is operating or in actual physical control of the movement of a watercraft while under the influence of alcohol, may require that person, prior to arrest, to submit to a preliminary breath test on a device approved by the Department of Health for this purpose. The sole purpose of this preliminary breath test is to assist the waterways conservation officer in determining whether or not the person should be placed under arrest. The preliminary breath test shall be in addition to any other requirements of this title. No person has any right to expect or demand a preliminary breath test. Refusal to submit to the test shall not be considered for purposes of subsections (b) and (e).

(May 30, 1984, P.L.339, No.68, eff. 60 days; Oct. 31, 1997, P.L.485, No.49, eff. 60 days; Nov. 9, 2006, P.L.1375, No.149, eff. 60 days; July 8, 2007, P.L.82, No.27, eff. imd.; Nov. 1, 2012, P.L.1716, No.211, eff. 60 days)

2012 Amendment. Act 211 amended subsec. (b)(2)(ii).

2007 Amendment. Act 27 amended subsecs. (a) and (c).

2006 Amendment. Act 149 amended subsecs. (a), (b), (c), (h) and (k) and deleted subsec. (d).

1997 Amendment. Act 49 amended subsec. (j).

1984 Amendment. Act 68 added section 5125.

Cross References. Section 5125 is referred to in section 901 of this title.

§ 5126. Reports by emergency room personnel.

(a) General rule.--If, as a result of a watercraft accident, the person who operated or was in actual physical control of any watercraft involved in the accident requires medical treatment in an emergency room of a hospital and if probable cause exists to believe that a violation of section 5502 (relating to operating watercraft under influence of alcohol or controlled substance) was involved, the emergency room physician or his designee shall promptly take blood samples from those persons and transmit them within 24 hours for testing to the Department of Health or a clinical laboratory licensed and approved by the Department of Health and specifically designated for such purpose. This section shall be applicable to all injured occupants who were capable of watercraft operation if the operator or person in actual physical control of the movement of the watercraft cannot be determined. Test results shall be released upon request of the person tested, his attorney, his physician, the commission, the investigating officer or other governmental officials or agencies.

(b) Immunity from civil or criminal liability.--No physician, nurse or technician or hospital employing such physician, nurse or technician and no other employer of such physician, nurse or technician shall be civilly or criminally liable for withdrawing blood or obtaining a urine sample and reporting test results to the commission pursuant to this section or for performing any other duty imposed by this title. No physician, nurse or technician or hospital employing such physician, nurse or technician may administratively refuse to perform such tests and provide the results to the commission except when such refusal is based on unusual medical circumstances that pertain at the time of admission. (Dec. 22, 1989, P.L.735, No.102, eff. Jan. 1, 1990)

1989 Amendment. Act 102 added section 5126.

CHAPTER 53
REGISTRATION AND TITLING OF BOATS

Subchapter

A. Registration
B. Certificate of Title
C. Boat and Marine Forfeiture

Enactment. Unless otherwise noted, Chapter 53 was added October 16, 1980, P.L.996, No.175, effective in 90 days.

Chapter Heading. The heading of Chapter 53 was amended July 2, 1996, P.L.467, No.73, effective six months after the effective date of regulations promulgated under the authority of section 5325.

SUBCHAPTER A
REGISTRATION

Sec.

5301. Registration of motorboats required.

5302. Exemptions.
5303. Voluntary and special registrations.
5304. Issuing agents.
5305. Application for registration.
5306. Certificate of registration.
5307. Dealer registration.
5308. Period of registration.
5309. Change of address of registrant.
5310. Display of registration number.
5311. Tampering with identification numbers or capacity plates.
5312. Transfer, destruction or abandonment of boat.
5313. Records open to public.

Subchapter Heading. The heading of Subchapter A was added July 2, 1996, P.L.467, No.73, effective six months after the effective date of regulations promulgated under the authority of section 5325.

Cross References. Subchapter A is referred to in section 5322 of this title.

§ 5301. Registration of motorboats required.

(a) General rule.--Except as provided in section 5302 (relating to exemptions), it is unlawful for any person to operate or navigate, or cause to be operated or navigated, any motorboat upon, over or through the waters of this Commonwealth unless the motorboat is registered in accordance with this subchapter.

(b) Out-of-State registration.--When another state is the state of principal operation of a boat and the boat is numbered and validly registered in that state under a numbering system approved by the Secretary of the Federal Department of Transportation, the boat is deemed in compliance with this chapter while temporarily operating on waters of this Commonwealth.

(c) Moving boat into this Commonwealth.--When Pennsylvania becomes the place of principal operation of a boat, numbered and validly registered in another state, the number issued by the other state shall be recognized for a period of 60 days from the date the boat is moved to Pennsylvania during which time the owner of the boat shall apply for and obtain a Pennsylvania registration and number.

(d) Penalty.--Any person who violates this section commits a summary offense of the third degree.

(Dec. 22, 1989, P.L.735, No.102, eff. Jan. 1, 1990; Dec. 12, 1991, P.L.368, No.39, eff. imd.; July 2, 1996, P.L.467, No.73)

1996 Amendment. Section 4(3) of Act 73 provided that the amendment of section 5301 shall take effect six months after the effective date of regulations promulgated under the authority of section 5325.

§ 5302. Exemptions.

(a) General rule.--The following classes of boats are exempt from the registration requirements of this subchapter:

(1) Foreign boats temporarily using the waters of this Commonwealth.

(2) Boats, other than boats used for recreational purposes, which are clearly identified as being:

(i) owned by the United States; and

(ii) used solely for public service functions such as search and rescue.

(3) Lifeboats on ships.

(4) Boats, other than boats used for recreational purposes, possessing a valid marine document issued by the

United States Coast Guard, or any Federal successor thereto, or by any foreign government.

(5) Boats not equipped with motors.

(b) Exemptions by regulation.--The commission may, by regulation, exempt any additional boat or class of boats from the registration provisions of this subchapter under such conditions as it may prescribe.

(c) Exemption from fees.--The following boats are required to register but are exempt from the owner titling and registration fees of section 5104 (relating to fees):

(1) Motorboats owned or operated by the Commonwealth.

(2) Motorboats owned by public service organizations approved by the commission and used exclusively for training, education, water safety and other public service functions.

(3) Motorboats owned by political subdivisions and quasi-public organizations, such as police departments, volunteer fire departments and river rescue units, and used exclusively in the performance of their work in enforcement, furthering safety and search and rescue on the water.

(Dec. 12, 1991, P.L.368, No.39, eff. imd.; July 2, 1996, P.L.467, No.73)

1996 Amendment. Section 4(3) of Act 73 provided that the amendment of section 5302 shall take effect six months after the effective date of regulations promulgated under the authority of section 5325.

Cross References. Section 5302 is referred to in section 5301 of this title.

§ 5303. Voluntary and special registrations.

Watercraft other than those required to register under this subchapter may be registered at the option of the owner upon payment of the fee specified by section 5104 (relating to fees).

(Dec. 12, 1991, P.L.368, No.39, eff. imd.; July 2, 1996, P.L.467, No.73)

1996 Amendment. Section 4(3) of Act 73 provided that the amendment of section 5303 shall take effect six months after the effective date of regulations promulgated under the authority of section 5325.

§ 5304. Issuing agents.

(a) Designation.--The commission may designate as issuing agents the county treasurer (or in counties where, by virtue of an optional plan of government or home rule charter, there is no county treasurer, the official who performs the ordinary functions of a county treasurer) or such other persons in each county, as it deems advantageous, to provide for the issuance of boat registrations in accordance with the provisions of this subchapter.

(b) Fee.--For all services rendered in collecting and paying over registration fees, each issuing agent shall charge and retain an additional fee not exceeding $2 or as otherwise established by the commission in accordance with section 322.1 (relating to power to set fees) from the person securing the registration. If the issuing agent is a county treasurer or other official who performs that function, the fee shall be retained for the use of the county.

(c) Bond.--Every issuing agent shall give bond to the Commonwealth, in a sum determined by the executive director, before any supply of registration forms is delivered to him.

(d) Disposition of moneys.--Every issuing agent shall forward all moneys collected, along with all appropriate forms, to the commission within ten days after receipt of each and

every registration. Delinquent agents are subject to a penalty of 10% per month or portion of a month on any outstanding balance of registration money due the commission which is not paid when due, which penalty shall be compounded monthly. The commission may recall the agency of any issuing agent after a delinquency period of 30 days.

(d.1) Rules and regulations.--The commission may promulgate such rules and regulations to control and supervise the issuance and transfer of boat registrations by issuing agents as it deems necessary. The commission may establish administrative fees for boat registration issuing agents. County treasurers shall be exempt from payment of any administrative fee established by the commission.

(e) Penalty.--An issuing agent violating subsection (d) commits a summary offense of the first degree. Any issuing agent violating any other provision of this section or the rules and regulations of the commission commits a summary offense of the third degree. In addition to the penalty provided in this subsection, any issuing agent violating any provision of this title may have his agency recalled in the discretion of the commission.

(Dec. 22, 1989, P.L.735, No.102, eff. Jan. 1, 1990; July 2, 1996, P.L.467, No.73; Nov. 3, 1999, P.L.447, No.41, eff. Jan. 1, 2000; Dec. 20, 2000, P.L.828, No.115, eff. imd.; July 10, 2020, P.L.604, No.56, eff. imd.)

2020 Amendment. Act 56 amended subsec. (b).

2000 Amendment. Act 115 amended subsec. (d.1).

1999 Amendment. Act 41 amended subsec. (e) and added subsec. (d.1).

1996 Amendment. Section 4(3) of Act 73 provided that the amendment of section 5304 shall take effect six months after the effective date of regulations promulgated under the authority of section 5325.

Cross References. Section 5304 is referred to in section 322.1 of this title.

§ 5305. Application for registration.

(a) General rule.--Any person owning a boat and desiring to register it in this Commonwealth shall make a written application to the commission or to a designated issuing agent.

(b) Form and content.--The application shall be made on a form prescribed, prepared and furnished by the commission and, together with such other information as the commission may require, shall state the name and address of the applicant and, if the applicant is a partnership, the names and addresses of all the partners, and, if the applicant is a corporation, the names and addresses of the officers.

(c) Penalty.--Any person providing false information in connection with a boat registration commits a summary offense of the second degree.

(Dec. 22, 1989, P.L.735, No.102, eff. Jan. 1, 1990; Dec. 12, 1991, P.L.368, No.39, eff. imd.)

1991 Amendment. Section 6 of Act 39 provided that Act 39 shall apply to boat registrations issued for the calendar year 1992 and each year thereafter.

§ 5306. Certificate of registration.

(a) Issuance.--Upon receipt of a signed application and upon the payment of the annual registration fee, the commission shall issue to the applicant owner a certificate of registration for his boat. The certificate of registration shall be pocket size.

(b) Carrying on boat.--The certificate of registration shall be available at all times for inspection on the boat for which issued whenever the boat is in operation, and shall be carried in such manner that it can be handed to any Federal, State or local law enforcement officer authorized to inspect it. The commission may, by regulation, exempt certain classes of boats from this requirement or prescribe alternate compliance requirements.

(c) Retention on shore.--The certificate of registration for boats less than 26 feet long, leased or rented for noncommercial use of less than seven days, may be retained on shore by the owner of the boat or his representative at the place from which the boat departs or returns to the possession of the owner or his representative. A boat that does not have the certificate of registration on board shall be identifiable while in use and shall comply with all other requirements.

(d) Duplicates.--The commission may issue a duplicate certificate of registration to the owner of a properly registered boat upon application by the owner on a form prescribed by the commission together with payment of the applicable fee.

(e) Penalty.--Any person violating any provision of this section commits a summary offense of the fourth degree. (Dec. 22, 1989, P.L.735, No.102, eff. Jan. 1, 1990; Dec. 12, 1991, P.L.368, No.39, eff. imd.)

1991 Amendment. Act 39 amended subsecs. (a), (b) and (c). Section 6 of Act 39 provided that Act 39 shall apply to boat registrations issued for the calendar year 1992 and each year thereafter.

§ 5307. Dealer registration.

(a) Application and issuance.--The commission will issue to dealers, manufacturers and jobbers special registrations that bear the additional mark "X" upon proper application and payment of the applicable fee. Application for dealer registrations shall be made upon a form provided by the commission, shall set forth the full name and business address of the applicant and such other information as the commission may require and shall be signed by the dealer, manufacturer or jobber. The dealer registration number shall be displayed conspicuously on each side of the bow of the boat being used by the dealer. The commission may issue additional registrations to dealers, manufacturers or jobbers upon proper application and the payment of the applicable fee.

(b) Use.--Dealer registrations may be used on any boat owned or in possession of a dealer, manufacturer or jobber and operated by the dealer, manufacturer or jobber or their employees only when the boat is used for any of the following purposes:

(1) In the business of the registrant as a dealer, manufacturer or jobber.

(2) For the personal pleasure or use of the dealer, manufacturer, jobber, members of his immediate family and regular employees thereof and members of their immediate families.

(3) For testing or demonstrating boats in the possession of the dealer, manufacturer or jobber.

(4) For lending boats to customers whose boats are being repaired.

(5) For lending to prospective buyers for a period not exceeding two days for purposes of demonstrating the boats.

§ 5308. Period of registration.

(a) General rule.--Except as otherwise provided in subsection (b):

(1) 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.

(2) 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 registration issued prior to April 1 of any year is valid and may be displayed at any time within that year.

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

(b) Calendar-year registrations.--Registrations issued on or after the effective date of this subsection shall be subject to the following provisions:

(1) Registrations issued under this subchapter to owners and dealers shall be valid from January 1 through December 31 of the calendar year and shall be renewable. A registration for a calendar year shall be valid and may properly be displayed at any time through December 31 of the calendar year of its issuance.

(2) The commission may determine to issue registrations valid for a period not to exceed three years upon payment of a fee equal to the calendar year registration fee times the number of calendar years for which the multiple-calendar-year registration is valid. A multiple-calendar-year registration shall be valid from January 1 of the calendar year of its issuance until December 31 of the last calendar year of its validity and may be displayed at any time through December 31 of the last calendar year of its issuance.

(3) The commission may, by regulation, provide for the transfer of multiple-calendar-year registrations upon the sale or conveyance of a boat upon payment of the fee provided in section 5104(a)(8).

(Dec. 22, 1989, P.L.735, No.102, eff. Jan. 1, 1990; July 2, 1996, P.L.467, No.73; Nov. 1, 2012, P.L.1716, No.211, eff. 60 days; June 27, 2022, P.L.386, No.28)

2022 Amendment. Section 3(2) of Act 28 provided that the amendment of section 5308 shall take affect upon publication in the Pennsylvania Bulletin of the final regulations under section 2 of Act 28. Section 2 of Act 28 provided that within 18 months of the effective date of section 2, the Pennsylvania Fish and Boat Commission shall promulgate and transmit to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin final regulations to implement the amendment of section 5308. Final regulations were published September 9, 2023, at 53 Pa. B. 5615.

1996 Amendment. Section 4(3) of Act 73 provided that the amendment of section 5308 shall take effect six months after the effective date of regulations promulgated under the authority of section 5325.

§ 5309. Change of address of registrant.

Any holder of a certificate of registration shall notify the commission within 15 days if his address no longer conforms to the address appearing on the certificate and shall, as a part of the notification, furnish the commission with his new address. The commission may provide in its rules and regulations for the surrender of the certificate bearing the former address and its replacement with a certificate bearing the new address of the holder.

§ 5310. Display of registration number.

(a) General rule.--The registration number shown on the certificate of registration shall be painted on or attached to each side of the bow of the boat in order that it may be clearly visible. No other number may be displayed on the bow. The number shall be maintained in a legible condition.

(b) Exceptions.--The following boats are exempt from the display of registration numbers:

(1) Boats possessing a valid marine document issued by the United States Coast Guard or its successor agency.

(2) Any other boat or class of boat which the commission determines by regulation to exempt from the display of numbers upon a finding that such display is not practicable or does not aid materially in the identification of the boat and that does not conflict with Federal numbering requirements.

(c) Penalty.--A person who operates a properly registered boat that does not display a proper registration number commits a summary offense of the fourth degree.

(Dec. 22, 1989, P.L.735, No.102, eff. Jan. 1, 1990; Dec. 12, 1991, P.L.368, No.39, eff. imd.)

1991 Amendment. Section 6 of Act 39 provided that Act 39 shall apply to boat registrations issued for the calendar year 1992 and each year thereafter.

§ 5311. Tampering with identification numbers or capacity plates.

(a) General rule.--No unauthorized person shall erase, deface, change, paint on, alter, remove, destroy or in any way tamper with any registration number or card, capacity plate, hull identification number or any other identification number on a boat or motor.

(b) Penalty.--Any person who violates this section commits a summary offense of the first degree.

(Dec. 22, 1989, P.L.735, No.102, eff. Jan. 1, 1990; Nov. 3, 1999, P.L.447, No.41, eff. Jan. 1, 2000)

§ 5312. Transfer, destruction or abandonment of boat.

The owner of a boat registered in this Commonwealth pursuant to this subchapter or by the Federal Government shall furnish the commission notice of the transfer of all or any part of his interest, other than the creation of a security interest, in a boat or of the destruction or abandonment of the boat within 15 days from the transfer, destruction or abandonment. The transfer, destruction or abandonment shall terminate the certificate of registration for the boat except in the case of a transfer of a part interest which does not affect the right of the owner to operate the boat.

(July 2, 1996, P.L.467, No.73)

1996 Amendment. Section 4(3) of Act 73 provided that the amendment of section 5312 shall take effect six months after the effective date of regulations promulgated under the authority of section 5325.

§ 5313. Records open to public.

All records relating to registration or numbering made or kept pursuant to this subchapter shall be public records. (July 2, 1996, P.L.467, No.73)

1996 Amendment. Section 4(3) of Act 73 provided that the amendment of section 5313 shall take effect six months after the effective date of regulations promulgated under the authority of section 5325.

SUBCHAPTER B
CERTIFICATE OF TITLE

Sec.

5321. Certificate of title required.
5322. When certificate of title not required.
5323. Content and effect of certificate of title.
5324. Refusing issuance of certificate of title.
5325. Rules and regulations.
5326. Offenses relating to titling.
5327. Fees.
5328. Implementation.

Enactment. Subchapter B was added July 2, 1996, P.L.467, No.73.

Effective Date. Section 4(3) of Act 73 of 1996 provided that Subchapter B, except section 5325, shall take effect six months after the effective date of regulations promulgated under the authority of section 5325.

§ 5321. Certificate of title required.

(a) General rule.--Except as provided in section 5322 (relating to when certificate of title not required), every owner of a boat required to be registered in this Commonwealth shall apply to the commission for a certificate of title to the boat.

(b) Registration without certification prohibited.--The commission shall not register or renew registration of a boat required to be titled under subsection (a) unless a certificate has been issued by the commission or an application for a certificate has been delivered by the new owner to the commission.

(c) Penalty.--Failure to obtain a certificate of title as required by law is a summary offense of the second degree.

§ 5322. When certificate of title not required.

(a) General rule.--Except as otherwise provided in subsection (b), no certificate of title shall be required for:

(1) A boat which is not required to be registered under Subchapter A (relating to registration).

(2) A new boat which is owned by a manufacturer or registered boat dealer before and until sale.

(3) A boat owned on the effective date of this subchapter, until the boat is sold or otherwise transferred to another owner.

(4) A boat with a model year before 1997.

(5) An outboard powered motorboat of less than 14 feet in length.

(b) Limitations.--The exemptions set forth in subsection (a) shall not apply to any boat previously titled in Pennsylvania or any other state, provided that the owner of a boat titled in another state shall not be required to obtain a Pennsylvania title for such boat until it is registered in

Pennsylvania or until its ownership is transferred to another person.

Cross References. Section 5322 is referred to in section 5321 of this title.

§ 5323. Content and effect of certificate of title.

(a) Identification and encumbrances.--A certificate of title shall contain such description and other evidence of identification of the boat for which it was issued as the commission may deem necessary, together with a statement of any liens or encumbrances, including the names and addresses of the holder or holders of the liens and encumbrances.

(b) Certificate as evidence and notice.--A certificate of title issued by the commission is prima facie evidence of the facts appearing on the certificate. Except as otherwise provided in 13 Pa.C.S. §§ 9311(d) (relating to perfection of security interests in property subject to certain statutes, regulations and treaties), 9315(c) and (d) (relating to secured party's rights on disposition of collateral and in proceeds) and 9316(d) and (e) (relating to effect of change in governing law), the certificate shall be adequate notice to the Commonwealth, creditors, subsequent lienholders and purchasers that a lien against the boat exists.

(June 8, 2001, P.L.123, No.18, eff. July 1, 2001; June 27, 2013, P.L.154, No.30, eff. July 1, 2013)

2013 Amendment. Act 30 amended subsec. (b).

§ 5324. Refusing issuance of certificate of title.

The commission may refuse issuance of a certificate of title when it has reasonable grounds to believe:

(1) A required fee has not been paid.

(2) Taxes payable under the laws of this Commonwealth on or in conjunction with or resulting from acquisition or use of the boat have not been paid.

(3) The applicant is not the owner of the boat.

(4) The application contains false or fraudulent statements.

(5) The applicant has failed to furnish required information or documents or any additional information the commission reasonably requires.

§ 5325. Rules and regulations.

(a) General rule.--The commission shall, within one year of the date of enactment of this subchapter, promulgate the rules and regulations necessary to carry out the provisions of this subchapter, including regulations pertaining to, but not limited to:

(1) Application procedure for certificates of title.

(2) Contents of applications.

(3) Boats brought into this Commonwealth from outside of this Commonwealth.

(4) Boats purchased from dealers.

(5) Boats sold or transferred privately.

(6) Specially constructed or reconstructed boats.

(7) Delivery of certificate of title.

(8) Duplicate or replacement titles.

(9) Transfer of ownership of boats.

(10) Transfer to or from manufacturer or dealer.

(11) Repossession of boats.

(12) Boats which are junked, destroyed, lost, stolen or abandoned.

(13) Voluntary titling of boats by owners prior to sale or transfer.

(14) Suspension or cancellation of certificate of title.
(15) Creation and perfection of security interests in boats.
(16) Assignments of security interests.
(17) Satisfaction of security interests.
(18) Recordkeeping, documentation and information verification regarding boats.

(b) Penalties.--Any person who violates a rule or regulation promulgated under this section commits a summary offense of the third degree.

(Nov. 3, 1999, P.L.447, No.41, eff. Jan. 1, 2000)

1999 Amendment. Act 41 amended subsec. (b).

Effective Date. Section 4(1) of Act 73 of 1996 provided that section 5325 shall take effect in 60 days.

Cross References. Section 5325 is referred to in section 5328 of this title.

§ 5326. Offenses relating to titling.

(a) Prohibited acts.--The following acts are prohibited:

(1) Operating a boat in this Commonwealth for which a certificate of title is required without having obtained the certificate of title for the boat.

(2) Selling, transferring or otherwise disposing of a boat without delivering to the purchaser or transferee a certificate of title, or a manufacturer's or importer's certificate, assigned to the purchaser or transferee as required by this subchapter.

(3) Failing to surrender to the commission any certificate of title upon cancellation of the same by the commission for any valid reason set forth in this subchapter or regulations adopted under this subchapter.

(4) Altering or forging any certificate of title to a boat or any assignment thereof or any cancellation of any lien on a boat.

(5) Altering, forging or counterfeiting any certificate of title or a manufacturer's or importer's certificate to a boat.

(6) Altering or falsifying any assignment of a certificate of title or an assignment or cancellation of a security interest on a certificate of title of a boat.

(7) Holding or using a certificate of title to a boat or holding or using any assignment or cancellation of a security interest on a certificate of title to a boat, knowing it to have been altered, forged, counterfeited or falsified.

(8) Using a false or fictitious name or address, making any material false statement or concealing any material fact in any application for a certificate of title or in a bill of sale or sworn statement of ownership.

(9) Procuring or attempting to procure a certificate of title to a boat or passing or attempting to pass a certificate of title or any assignment thereof to a boat, knowing or having reason to believe that the boat has been stolen.

(10) Possessing, buying, receiving, selling or offering to sell or otherwise disposing of a boat on which the manufacturer's or assigned hull identification number has been destroyed, removed, covered, altered or defaced, knowing of such destruction, removal, covering, alteration or defacement of the manufacturer's or assigned hull identification number.

(11) Destroying, removing, covering, altering or defacing the manufacturer's assigned hull identification number on any boat.

(12) Possessing, buying, selling, exchanging or giving away or offering to buy, sell, exchange or give away the certificate of title to any boat which is junked or salvaged.

(13) Knowingly obtaining goods, services, credit or money by means of a certificate of title to a boat, which certificate is required by law to be surrendered to the commission.

(b) Penalties.--A person who violates subsection (a)(1) through (3) commits a summary offense of the second degree. A person who violates subsection (a)(4) through (13) commits a misdemeanor of the third degree.

§ 5327. Fees.

(a) General rule.--Except as provided under subsection (b), the following fees shall be due:

(1) The fee for issuance of a certificate of title shall be $15.

(2) The fee for a duplicate certificate of title shall be $5.

(3) The fee for recording or changing the amount of security interest on a certificate of title shall be $5.

(4) The fee for copies of or information relating to a title or security interest shall be $5.

(5) The fee for issuing or providing copies of any other official document issued under the authority of this chapter shall be $5.

(6) The fee for continuing the effectiveness of perfection of a security interest shall be $5.

(b) Changes to fees.--The fees listed under this section may be changed by the commission in accordance with section 322.1 (relating to power to set fees).

(June 8, 2001, P.L.123, No.18, eff. July 1, 2001; July 10, 2020, P.L.604, No.56, eff. imd.)

Cross References. Section 5327 is referred to in section 322.1 of this title.

§ 5328. Implementation.

The commission shall issue certificates of title as provided for in this subchapter on and after the effective date of the regulations promulgated under the authority of section 5325 (relating to rules and regulations).

SUBCHAPTER C
BOAT AND MARINE FORFEITURE

Sec.

5331. Scope of subchapter.
5332. Definitions.
5333. Liens.
5334. Notice for boats and related equipment.
5335. Notice for watercraft trailers.
5336. Responsibility of commission.
5337. Publication for boats and related equipment.
5338. Publication for watercraft trailers.
5339. Redemption.
5340. Forfeiture.
5341. Rights acquired by good faith purchaser.
5342. Other remedies.
5343. Construction.

5344. Rules and regulations.

Enactment. Subchapter C was added July 7, 2006, P.L.365, No.79, effective in 120 days.

Cross References. Subchapter C is referred to in section 7321 of Title 75 (Vehicles).

§ 5331. Scope of subchapter.

(a) General rule.--This subchapter covers boat and marine forfeitures.

(b) Legislative intent.--It is the intent of the General Assembly that this subchapter act in concert with 75 Pa.C.S. Ch. 73 Subch. B (relating to watercraft trailer forfeiture).

(c) Applicability.--

(1) The provisions of this subchapter shall only apply to a boat and related equipment with a resale value based upon established industry standards equal to or less than the maximum amount set forth in this subsection.

(2) The maximum amount for the year 2006 shall be $5,000. Thereafter, the maximum amount shall be fixed annually by the commission based upon the maximum amount in the prior year as adjusted to reflect the change in the Consumer Price Index for All Urban Consumers (CPI-U) for the United States for all items as published by the United States Department of Labor, Bureau of Labor Statistics, for the previous 12-month period. The maximum amount as adjusted shall be rounded to the nearest multiple of $5.

(3) The commission shall give notice of the new maximum amount by publication in the Pennsylvania Bulletin in the third publication in March of each year.

§ 5332. 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:

"Customer." A person who contracts for the services of a marine business concerning a boat, any related equipment or a watercraft trailer.

"Marine business." A person who repairs, remanufactures, restores, alters, stores, cleans or holds for brokerage or consignment sale boats, any related equipment or watercraft trailers. This term includes, but is not limited to, a marina, watercraft dealer, watercraft trailer dealer, boat club, yacht club, repair facility or storage facility.

"Related equipment." Personal property:

(1) related to a boat in the possession of a marine business, including a motor; or

(2) found in or on a boat in the possession of a marine business.

The term does not include a watercraft trailer as defined in 75 Pa.C.S. § 7322 (relating to definitions).

"Terminal date." Either of the following:

(1) In the case of any repair, remanufacture, restoration, alteration, cleaning or storage, absent a written agreement to the contrary, the term means the date upon which a bill is mailed or otherwise provided to the customer for a completed repair, remanufacture, restoration, alteration, cleaning or storage for a boat, related equipment or watercraft trailer.

(2) In the case of consignment or brokerage, the term means the last date under the brokerage or consignment contract or agreement.

"Watercraft trailer." A trailer designed or used to transport watercraft.

§ 5333. Liens.

A marine business shall have a lien, dependent upon possession, on a boat and any related equipment belonging to an owner for the balance due the marine business from such owner for any repair, remanufacture, restoration, alteration, storage, cleaning, consignment or brokerage of a boat and any related equipment. The marine business may retain possession of a boat and any related equipment until the charges are paid.

§ 5334. Notice for boats and related equipment.

Any time 30 days after the terminal date, if a marine business chooses to have all rights, title and interest in a boat or any related equipment transferred to the marine business by operation of law, the marine business shall on the same day send the following two written notices by certified mail, return receipt requested:

(1) To an address designated in writing by the customer or, if not so designated, to the customer's last known address, indicating that the marine business intends to terminate all rights, title and interest in the boat or any related equipment by operation of law under this subchapter. If the marine business is sending a notice to the customer pursuant to 75 Pa.C.S. § 7324 (relating to notification by watercraft trailer dealer), it may send the notice required by this paragraph in the same mailing. The notice shall contain:

(i) The name, address and telephone number of the marine business.

(ii) A description of the boat, including make, model and year, and the hull identification number, a registration number or temporary decal number.

(iii) A description of any related equipment.

(iv) Notice that the marine business intends to terminate the owner's and lienholder's rights, title and interest in the boat and any related equipment by operation of law under this subchapter.

(v) The amount which must be paid to the marine business to redeem the boat and any related equipment as of the date of the notice.

(2) To the commission indicating that the marine business intends to terminate all rights, title and interest in the boat or any related equipment by operation of law under this subchapter. This notice shall be accompanied by a fee of $50 or as otherwise established by the commission in accordance with section 322.1 (relating to power to set fees) and shall be on a form prescribed by the commission.

(July 10, 2020, P.L.604, No.56, eff. imd.)

Cross References. Section 5334 is referred to in sections 322.1, 5336, 5339 of this title; section 7324 of Title 75 (Vehicles).

§ 5335. Notice for watercraft trailers.

If a watercraft trailer dealer chooses to have all rights, title and interest in a watercraft trailer transferred to a watercraft trailer dealer by operation of law, it shall follow the notice provisions of 75 Pa.C.S. § 7324 (relating to notification by watercraft trailer dealer).

§ 5336. Responsibility of commission.

(a) Notice to lienholders and other persons.--Upon receipt of the notice specified in section 5334 (relating to notice for boats and related equipment), the commission shall:

(1) If the boat is registered or titled in this Commonwealth, notify, if on record with the commission, any

lienholders and the owner or, if the boat is not titled, the last registrant by certified mail, return receipt requested, that a marine business intends to acquire all rights, title and interest in the boat or any related equipment. The notice shall contain the name, address and telephone number of the marine business.

(2) If the boat has a registration number, temporary decal number or other identifying indicia evidencing that the boat is registered or titled in another state or is federally documented, the commission shall contact the other state or the United States Coast Guard and attempt to ascertain the name and address of any lienholder and the last registrant or owner. The commission shall provide notice to those persons by certified mail, return receipt requested, that a marine business intends to acquire all rights, title and interest in the boat or any related equipment. The notice shall contain the name, address and telephone number of the marine business.

(b) Notice to marine business.--The commission shall notify the marine business:

(1) that the commission notified any lienholders and the owner of the boat or, in the case of an untitled boat, the last registrant in accordance with this section; or

(2) that the commission was unable to provide notice in accordance with this section.

Cross References. Section 5336 is referred to in section 5337 of this title.

§ 5337. Publication for boats and related equipment.

(a) General rule.--At any time after the date the marine business receives notice from the commission pursuant to section 5336 (relating to responsibility of commission), the marine business shall publish a notice, once a week for two consecutive weeks, in a newspaper of general circulation published in the county where the marine business is located, describing the boat or any related equipment and any identifying data as prescribed by the commission.

(b) Contents of notice.--The notice shall include information that all rights, title and interest in the boat or any related equipment shall be transferred to the marine business by operation of law unless the boat or any related equipment is redeemed within 30 days of the date of the second publication. This notice may be combined with a publication of notice pursuant to 75 Pa.C.S. § 7326 (relating to publication).

Cross References. Section 5337 is referred to in sections 5339, 5340 of this title; section 7326 of Title 75 (Vehicles).

§ 5338. Publication for watercraft trailers.

If a watercraft dealer chooses to have all rights, title and interest in a watercraft trailer transferred to a watercraft trailer dealer by operation of law, it shall follow the publication provisions of 75 Pa.C.S. § 7326 (relating to publication).

§ 5339. Redemption.

(a) Notice.--Upon request of the customer, any lienholder or the owner of a boat or any related equipment, the marine business shall provide the amount necessary under subsection (b), at the time of the request, to redeem the boat and any related equipment.

(b) Charges and expenses.--Prior to the forfeiture of a boat and any related equipment under this subchapter, the

customer, any lienholder or the owner of a boat or any related equipment may pay the amount necessary to satisfy:

(1) All charges due the marine business for the repair, remanufacture, restoration, alteration, storage, cleaning, consignment or brokerage of the boat and any related equipment.

(2) Reasonable expenses associated with the mailing of notices under section 5334 (relating to notice for boats and related equipment) and the publication of notice under section 5337 (relating to publication for boats and related equipment).

(c) Return of property.--Upon payment of all charges and expenses under subsection (b), the marine business shall return the boat and any related equipment to the customer, lienholder or owner and shall thereafter have no liability to any person with respect to the boat and any related equipment.

§ 5340. Forfeiture.

A boat and any related equipment that is not redeemed within 30 days of the second publication under section 5337 (relating to publication for boats and related equipment) is deemed forfeited to the marine business, and any prior right, title or interest in the boat and any related equipment is terminated. The marine business shall make application for a certificate of title for the boat with the commission within 30 days of the date of forfeiture.

§ 5341. Rights acquired by good faith purchaser.

A purchaser in good faith of a boat or any related equipment sold by a marine business after forfeiture under this subchapter takes the boat or any related equipment free of all liens and encumbrances despite noncompliance by the marine business with the requirements of this subchapter.

§ 5342. Other remedies.

The provisions of this subchapter are in addition to any and all other remedies available to a marine business. This subchapter shall not foreclose any other remedies available to a marine business at law or in equity.

§ 5343. Construction.

Nothing in this subchapter shall be construed to authorize a marine business to transfer any right, title or interest in a boat or any related equipment in violation of section 307 of the Servicemembers Civil Relief Act (Public Law 108-89, 50 App. U.S.C. § 537) or 51 Pa.C.S. § 4105 (relating to exemption from civil process).

§ 5344. Rules and regulations.

(a) General rule.--The commission may promulgate rules and regulations as it deems necessary to carry out the provisions of this subchapter.

(b) Penalty.--Any person who violates a rule or regulation promulgated under this section commits a summary offense of the third degree.

CHAPTER 55
OPERATION OF BOATS

Sec.

5501. Reckless and negligent operation of watercraft.
5502. Operating watercraft under influence of alcohol or controlled substance.
5502.1. Homicide by watercraft while operating under influence.
5502.2. Homicide by watercraft.

5502.3. Aggravated assault by watercraft while operating under influence.
5502.4. Aggravated assault by watercraft.
5503. Accident reports.
5504. Liability for damage caused by operator.
5505. Unauthorized operation of boats.
5506. Permitting violations.
5507. Duties of operators involved in boating accidents.

Enactment. Chapter 55 was added October 16, 1980, P.L.996, No.175, effective in 90 days.

§ 5501. Reckless and negligent operation of watercraft.

(a) Reckless operation.--No person shall operate a watercraft in, upon or through the waters of this Commonwealth in a reckless manner. For the purposes of this subsection, reckless operation means operating a watercraft in a manner that consciously, willfully and wantonly disregards a substantial and unjustifiable risk to the safety of persons or property in, upon or along the waters of this Commonwealth. Reckless operation of a watercraft involves a gross deviation from the standard of care that a reasonable operator of a watercraft should observe under the circumstances. A person who violates this subsection commits a misdemeanor of the third degree.

(b) Negligent operation.--No person shall operate a watercraft in, upon or through the waters of this Commonwealth in a negligent manner. A person commits negligent operation of a watercraft if he operates the watercraft without due regard for the safety of persons or property in, upon or along the waters of this Commonwealth. Negligent operation of a watercraft involves a deviation from the ordinary standard of care that a reasonable operator of a watercraft should observe under the circumstances. A person who violates this subsection commits a summary offense of the first degree. Negligent operation is a lesser included offense of reckless operation of a watercraft.

(c) Aquaplanes and similar devices.--No person shall operate or manipulate any boat, tow rope, aquaplane or similar device in such a way as to cause the device or person thereon to collide with or strike against any object or person or in any way cause damage or injury to any object or person. A person who violates this subsection commits a summary offense of the first degree.

(d) Exceeding capacity prima facie evidence of negligence.--Exceeding the loading and horsepower limits for a boat as provided on the capacity plate issued for the boat is prima facie evidence of negligent operation of the boat.

§ 5502. Operating watercraft under influence of alcohol or controlled substance.

(a) General impairment.--

(1) An individual may not operate or be in actual physical control of the movement of a watercraft after imbibing a sufficient amount of alcohol such that the individual is rendered incapable of safely operating or being in actual physical control of the movement of the watercraft.

(2) An individual may not operate or be in actual physical control of the movement of a watercraft after imbibing a sufficient amount of alcohol such that the alcohol concentration in the individual's blood or breath is at least 0.08% but less than 0.10% within two hours after the individual has operated or been in actual physical control of the movement of the watercraft.

(a.1) High rate of alcohol.--An individual may not operate or be in actual physical control of the movement of a watercraft after imbibing a sufficient amount of alcohol such that the alcohol concentration in the individual's blood or breath is at least 0.10% but less than 0.16% within two hours after the individual has operated or been in actual physical control of the movement of the watercraft.

(a.2) Highest rate of alcohol.--An individual may not operate or be in actual physical control of the movement of a watercraft after imbibing a sufficient amount of alcohol such that the alcohol concentration in the individual's blood or breath is 0.16% or higher within two hours after the individual has operated or been in actual physical control of the movement of the watercraft.

(a.3) Controlled substances.--An individual may not operate or be in actual physical control of the movement of a watercraft under any of the following circumstances:

(1) There is in the individual's blood any amount of a:

(i) Schedule I controlled substance, as defined in the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act;

(ii) Schedule II or III controlled substance, as defined in The Controlled Substance, Drug, Device and Cosmetic Act, which has not been medically prescribed for the individual; or

(iii) metabolite of a substance under subparagraph (i) or (ii).

(2) The individual is under the influence of a drug or combination of drugs to a degree which impairs the individual's ability to safely operate or be in actual physical control of the movement of the watercraft.

(3) The individual is under the combined influence of alcohol and a drug or combination of drugs to a degree which impairs the individual's ability to safely operate or be in actual physical control of the movement of the watercraft.

(4) The individual is under the influence of a solvent or noxious substance in violation of 18 Pa.C.S. § 7303 (relating to sale or illegal use of certain solvents and noxious substances).

(a.4) Minors.--A minor may not operate or be in actual physical control of the movement of a watercraft after imbibing a sufficient amount of alcohol such that the alcohol concentration in the minor's blood or breath is 0.02% or higher within two hours after the minor has operated or been in actual physical control of the movement of the watercraft.

(a.5) Exception to two-hour rule.--Notwithstanding the provisions of subsection (a), (a.1), (a.2) or (a.4) where alcohol or controlled substance concentration in an individual's blood or breath is an element of the offense, evidence of such alcohol or controlled substance concentration more than two hours after the individual has operated or been in actual physical control of the movement of the watercraft is sufficient to establish that element of the offense under the following circumstances:

(1) where the Commonwealth shows good cause explaining why the chemical test sample could not be obtained within two hours; and

(2) where the Commonwealth establishes that the individual did not imbibe any alcohol or utilize a controlled substance between the time the individual was arrested and the time the sample was obtained.

(b) Authorized use not a defense.--The fact that any individual charged with violating this section is or has been legally entitled to use alcohol or controlled substances is not a defense to a charge of violating this section.

(b.1) Certain arrests authorized.--In addition to any other powers of arrest, an officer authorized to enforce this title is hereby authorized to arrest without a warrant any individual who the officer has probable cause to believe has violated the provisions of this section, regardless of whether the alleged violation was committed in the presence of such officer. This authority to arrest extends to any hospital or other medical treatment facility located beyond the territorial limits of the officer's political subdivision where the individual to be arrested is found or was taken for purposes of emergency treatment, examination or evaluation, provided there is probable cause to believe that the violation of this section occurred within the police officer's political subdivision.

(b.2) Certain disposition prohibited.--The attorney for the Commonwealth shall not submit a charge brought under this section for Accelerated Rehabilitative Disposition if:

(1) The defendant has been found guilty of or accepted Accelerated Rehabilitative Disposition of a charge brought under this section or 75 Pa.C.S. § 3802 (relating to driving under influence of alcohol or controlled substance) within 10 years of the date of the current offense unless the charge was for an ungraded misdemeanor under 75 Pa.C.S. § 3802(a)(2) and was the defendant's first offense under this section or 75 Pa.C.S. § 3802.

(2) An accident occurred in connection with the events surrounding the current offense and any individual other than the defendant was killed or seriously injured as a result of the accident.

(3) There was a passenger under 14 years of age in the watercraft the defendant was operating.

(c) Grading.--

(1) Notwithstanding the provisions of paragraph (2):

(i) An individual who violates subsection (a) and who has no more than one prior offense commits a misdemeanor for which the individual may be sentenced to a term of imprisonment for not more than six months and to pay a fine under subsection (c.1).

(ii) An individual who violates subsection (a) and who has more than one prior offense commits a misdemeanor of the second degree.

(2) (i) An individual who violates subsection (a)(1) where there was an accident resulting in bodily injury, serious bodily injury or death of any individual or in damage to a watercraft or other property and who has no more than one prior offense commits a misdemeanor for which the individual may be sentenced to a term of imprisonment for not more than six months and to pay a fine under subsection (c.1).

(ii) An individual who violates subsection (a.1) or (a.4) and who has no more than one prior offense commits a misdemeanor for which the individual may be sentenced to a term of imprisonment for not more than six months and to pay a fine under subsection (c.1).

(iii) An individual who violates subsection (a)(1) where the individual refused testing of blood or breath and who has no prior offenses commits a misdemeanor for which the individual may be sentenced to a term of

imprisonment for not more than six months and to pay a fine under subsection (c.1).

(iv) An individual who violates subsection (a.2) or (a.3) and who has no prior offenses commits a misdemeanor for which the individual may be sentenced to a term of imprisonment for not more than six months and to pay a fine under subsection (c.1).

(v) An individual who violates subsection (a)(1) where there was an accident resulting in bodily injury, serious bodily injury or death of any individual or in damage to a watercraft or other property and who has more than one prior offense commits a misdemeanor of the first degree.

(vi) An individual who violates subsection (a.1) or (a.4) and who has more than one prior offense commits a misdemeanor of the first degree.

(vii) An individual who violates subsection (a)(1) where the individual refused testing of blood or breath and who has one or more prior offenses commits a misdemeanor of the first degree.

(viii) An individual who violates subsection (a.2) or (a.3) and who has one or more prior offenses commits a misdemeanor of the first degree.

(ix) An individual who violates this section when a minor under 18 years of age was a passenger in the watercraft when the violation occurred commits a misdemeanor of the first degree.

(c.1) Penalties.--

(1) Except as set forth in paragraph (2), (3), (4) or (5), an individual who violates subsection (a) shall be sentenced as follows:

(i) For a first offense, to undergo a mandatory minimum term of six months' probation and to pay a fine of $300 and successfully complete an approved boating safety course.

(ii) For a second offense, to undergo imprisonment for not less than five days and to pay a fine of not less than $300 nor more than $2,500 and successfully complete an approved boating safety course.

(iii) For a third or subsequent offense, to undergo imprisonment for not less than ten days and to pay a fine of not less than $500 nor more than $5,000 and successfully complete an approved boating safety course.

(2) Except as set forth in paragraph (3) or (4), an individual who violates subsection (a)(1) where there was an accident resulting in bodily injury, serious bodily injury or death of any individual or damage to a watercraft or other property or who violates subsection (a.1) or (a.4) shall be sentenced as follows:

(i) For a first offense, to undergo imprisonment for not less than 48 consecutive hours and to pay a fine of not less than $500 nor more than $5,000 and successfully complete an approved boating safety course.

(ii) For a second offense, to undergo imprisonment for not less than 30 days and to pay a fine of not less than $750 nor more than $5,000 and successfully complete an approved boating safety course.

(iii) For a third offense, to undergo imprisonment for not less than 90 days and to pay a fine of not less than $1,500 nor more than $10,000 and successfully complete an approved boating safety course.

(iv) For a fourth or subsequent offense, to undergo imprisonment for not less than one year and to pay a fine of not less than $1,500 nor more than $10,000 and successfully complete an approved boating safety course.

(3) Except as set forth in paragraph (4), an individual who violates subsection (a)(1) and refused testing of blood or breath or an individual who violates subsection (a.2) or (a.3) shall be sentenced as follows:

(i) For a first offense, to undergo imprisonment for not less than 72 consecutive hours and to pay a fine of not less than $1,000 nor more than $5,000 and successfully complete an approved boating safety course.

(ii) For a second offense, to undergo imprisonment for not less than 90 days and to pay a fine of not less than $1,500 and successfully complete an approved boating safety course.

(iii) For a third or subsequent offense, to undergo imprisonment for not less than one year and to pay a fine of not less than $2,500 and successfully complete an approved boating safety course.

(4) Notwithstanding the provisions of this subsection relating to mandatory minimum sentences, if the court makes a finding that the county jail population exceeds its capacity, the court may allow an individual who violated this section and is serving a mandatory minimum term of imprisonment to be released on parole to serve some or all of the individual's term of imprisonment on house arrest with electronic surveillance. This shall not apply to an individual who violates subsection (a)(1) where there was an accident resulting in serious bodily injury or the death of any individual.

(5) An individual who violates this section when a minor under 18 years of age was a passenger in the watercraft when the violation occurred, in addition to any penalty imposed under this section, shall be sentenced as follows:

(i) For the first offense:

(A) Pay a fine of not less than $1,000.

(B) Complete 100 hours of community service.

(ii) For a second offense:

(A) Pay a fine of not less than $2,500.

(B) Undergo imprisonment for not less than one month nor more than six months.

(iii) For a third or subsequent offense, undergo imprisonment for not less than six months nor more than two years.

(d) Subsequent conviction.--Acceptance of Accelerated Rehabilitative Disposition, an adjudication of delinquency or a consent decree under 42 Pa.C.S. Ch. 63 or any other form of preliminary disposition of any charge brought under this section or a conviction or guilty plea under 75 Pa.C.S. § 3802 shall be considered a first conviction for the purpose of computing whether a subsequent conviction of a violation of this section shall be considered a second, third or subsequent conviction.

(e) Sentencing guidelines.--The sentencing guidelines promulgated by the Pennsylvania Commission on Sentencing shall not supersede the mandatory penalties of this section.

(f) Direct appeal.--The Commonwealth has the right to appeal directly to the Superior Court any order of court which imposes a sentence for violation of this section which does not meet the requirements of this section. The Superior Court shall remand the case to the sentencing court for imposition of a sentence in accordance with the provisions of this section.

(g) City of first class.--Notwithstanding the provision for direct appeal to the Superior Court, if, in a city of the first class, an individual appeals from a judgment of sentence under this section from the municipal court to the common pleas court for a trial de novo, the Commonwealth shall have the right to appeal directly to the Superior Court from the order of the common pleas court if the sentence imposed is in violation of this section. If, in a city of the first class, an individual appeals to the court of common pleas after conviction of a violation of this section in the municipal court and thereafter withdraws his appeal to the common pleas court, thereby reinstating the judgment of sentence of the municipal court, the Commonwealth shall have 30 days from the date of the withdrawal to appeal to the Superior Court if the sentence is in violation of this section.

(h) Acceptance of ARD.--Any person who accepts Accelerated Rehabilitative Disposition of any charge brought under this section shall accept as conditions the imposition of, and the judge shall impose in addition to any other condition, all of the following:

(1) A mandatory suspension of watercraft operating privileges for a period of not less than six months but not more than 12 months.

(2) A condition that the defendant, as a condition to entering the program, make restitution to any person who incurred determinable financial loss as a result of the defendant's actions which resulted in a charge of violating this section.

(3) A condition that the defendant, as a condition to entering the program, attend and successfully complete at his own expense a commission-approved boating safety course.

(4) Court supervision for a period of not less than six months. In cases where the defendant is required to make restitution or submit to counseling or treatment, the court supervision shall be for a period of not less than 12 months or until the treatment or counseling is completed and the restitution is paid in full, whichever is longer.

(i) Preliminary disposition revoked.--Accelerated Rehabilitative Disposition or other preliminary disposition of any charge of violating this section may be revoked and the court shall direct the attorney for the Commonwealth to proceed on the charges as prescribed in general rules if any of the following circumstances occur:

(1) The defendant is charged with or commits an offense which violates the provisions of this section, any crime enumerated in 18 Pa.C.S. (relating to crimes and offenses) or any crime enumerated in 75 Pa.C.S. § 1542 (relating to revocation of habitual offender's license) within the probationary period.

(2) The defendant fails to make restitution as provided for in this section.

(3) The defendant fails to successfully complete the boating safety course.

(4) The defendant fails to successfully complete any program of counseling or treatment, or both, required as a condition of Accelerated Rehabilitative Disposition.

(5) The defendant violates the terms and conditions of Accelerated Rehabilitative Disposition in any other way.

(j) Litter collection program.--In addition to the conditions set forth under subsection (i) for Accelerated Rehabilitative Disposition of any charge brought under this section, the judge may impose and the individual shall accept

the condition that the individual engage in a program of collecting litter from public and private property along Commonwealth waterways, especially property which is littered with alcoholic beverage containers. The duration of the individual's participation in a litter collection program shall not exceed the duration of the probationary period imposed on the individual under Accelerated Rehabilitative Disposition.

(k) Fees to be paid into Boat Fund.--With the exception of court costs, program costs for counseling, treatment or a boating safety course or any restitution referred to in this section, any fee or financial condition imposed by a judge as a condition of Accelerated Rehabilitative Disposition or any other preliminary disposition of any charge under this section shall be paid into the Boat Fund under section 531 (relating to establishment and use of Boat Fund).

(l) Preliminary hearing or arraignment.--The presiding judicial officer at the preliminary hearing or preliminary arraignment relating to any charge of a violation of this section shall not reduce or modify the original charges.

(m) Work release.--In any case in which an individual is sentenced to a period of imprisonment as a result of a conviction for violating any provision of this section, the judicial officer imposing that sentence shall consider assigning that individual to a daytime work release program pursuant to which the individual would be required to collect litter from public and private property, especially property which is littered with alcoholic beverage containers.

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

"Adult." An individual 21 years of age or older.

"Minor." An individual under 21 years of age.

(May 30, 1984, P.L.339, No.68, eff. 60 days; Oct. 31, 1997, P.L.485, No.49, eff. 60 days; Nov. 9, 2006, P.L.1375, No.149, eff. 60 days; July 8, 2007, P.L.82, No.27, eff. imd.; July 7, 2011, P.L.211, No.33, eff. 60 days; July 1, 2020, P.L.522, No.40, eff. 60 days)

2020 Amendment. Act 40 amended subsecs. (b), (b.1), (b.2), (c), (c.1), (d), (g), (j), (m) and (n).

2007 Amendment. Act 27 amended subsecs. (a.5) and (c) and added subsec. (c.1).

2006 Amendment. Act 149 amended subsecs. (a), (a.1) and (c) and added subsecs. (a.2), (a.3), (a.4) and (a.5).

Cross References. Section 5502 is referred to in sections 923, 928, 5125, 5126, 5502.1, 5502.2, 5502.3, 5502.4, 5506 of this title; section 67A01 of Title 42 (Judiciary and Judicial Procedure).

§ 5502.1. Homicide by watercraft while operating under influence.

(a) Offense defined.--Any person who unintentionally causes the death of another person as the direct result of a violation of section 5502 (relating to operating watercraft under influence of alcohol or controlled substance) and who is convicted of violating section 5502 commits a felony of the second degree when the violation is the cause of death and the sentencing court shall order the person to serve a minimum term of imprisonment of not less than three years. A consecutive three-year term of imprisonment shall be imposed for each victim whose death is the result of a violation of section 5502.

(b) Applicability of sentencing guidelines.--The sentencing guidelines promulgated by the Pennsylvania Commission on

Sentencing shall not supersede the mandatory penalty of this section.
(May 30, 1984, P.L.339, No.68, eff. 60 days; July 7, 2011, P.L.211, No.33, eff. 60 days)

2011 Amendment. Act 33 amended subsec. (a).

1984 Amendment . Act 68 added section 5502.1.

Cross References. Section 5502.1 is referred to in sections 928, 5506 of this title; sections 5750, 67A01 of Title 42 (Judiciary and Judicial Procedure).

§ 5502.2. Homicide by watercraft.

Any person who unintentionally causes the death of another person while engaged in the violation of any provision of this title or regulation promulgated under this title applying to the operation or equipment of boats or watercraft, except section 5502 (relating to operating watercraft under influence of alcohol or controlled substance), commits homicide by watercraft, a misdemeanor of the first degree, when the violation is the cause of death.
(Dec. 22, 1989, P.L.735, No.102, eff. Jan. 1, 1990)

1989 Amendment. Act 102 added section 5502.2.

Cross References. Section 5502.2 is referred to in section 5506 of this title.

§ 5502.3. Aggravated assault by watercraft while operating under influence.

(a) Offense defined.--Any person who negligently causes serious bodily injury to another person as the result of a violation of section 5502 (relating to operating watercraft under influence of alcohol or controlled substance) and who is convicted of violating section 5502 commits a felony of the second degree when the violation is the cause of the injury.

(b) Definition.--As used in this section, the term "serious bodily injury" means any bodily injury that creates a substantial risk of death or that causes serious permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.
(Nov. 9, 2006, P.L.1375, No.149, eff. 60 days)

2006 Amendment. Act 149 added section 5502.3.

§ 5502.4. Aggravated assault by watercraft.

(a) Offense defined.--An individual who recklessly or with gross negligence causes serious bodily injury to another person while engaged in the violation of a provision of this title or regulations promulgated under this title applying to the operation or equipment of boats or watercraft, except section 5502 (relating to operating watercraft under influence of alcohol or controlled substance), commits aggravated assault by watercraft, a felony of the third degree, when the violation is the cause of the injury.

(b) Definition.--As used in this section, the term "serious bodily injury" means any bodily injury that creates a substantial risk of death or that causes serious permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.
(July 1, 2020, P.L.522, No.40, eff. 60 days)

2020 Amendment. Act 40 added section 5502.4.

§ 5503. Accident reports.

(a) Duty to file.--In case of a watercraft accident on the waters of this Commonwealth, the operator of each watercraft

involved in the accident shall submit a written accident report to the commission within the time prescribed and containing such information as may be required by regulation. If an operator of a watercraft is physically incapable, as a result of the accident, of making a report, the report shall be made by the owner of the watercraft or the investigating official, in that order. The investigating official will only sign this report when the others are not available.

(b) Confidentiality.--All reports of watercraft accidents shall be considered privileged and shall be filed without prejudice to the person filing the report. The reports shall be for the information of the commission and shall not be open for public inspection except as provided in this section.

(c) Admissibility in evidence.--The fact that the reports have been made shall be admissible in evidence only to prove compliance with the requirements of this section. No report or any part thereof or any statement contained therein shall be admissible in evidence for any other purposes in any civil or criminal trial arising out of the accident.

(d) Furnishing abstracts.--The commission shall, upon request, furnish any person a certified abstract of the accident report. The abstract shall be limited to the date, time, location, weather conditions, names and addresses of the operators, passengers and witnesses and description of the watercraft involved in the accident.

(e) Penalties.--Any person who fails to file a completed accident report required by this section commits a summary offense of the second degree. Any person who files a report beyond the time limits prescribed by regulation or without providing all the material information required by regulation commits a summary offense of the third degree.
(Nov. 3, 1999, P.L.447, No.41, eff. Jan. 1, 2000)

1999 Amendment. Act 41 amended subsec. (e).

§ 5504. Liability for damage caused by operator.

Every owner of a watercraft causing or knowingly permitting any person to operate the watercraft in, upon or through the waters of this Commonwealth, and any person who leases or furnishes a watercraft to any other person, shall be jointly and severally liable with the other person for damages arising out of any act or occurrence in the operation of the watercraft.

§ 5505. Unauthorized operation of boats.

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

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

(c) Penalty.--Any person violating this section commits a summary offense of the first degree.
(Nov. 1, 2012, P.L.1716, No.211, eff. 60 days)

2012 Amendment. Act 211 added section 5505.

§ 5506. Permitting violations.

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

(b) Penalty.--Any person violating this section commits a summary offense of the first degree. If the operator of the boat is convicted under section 5502 (relating to operating watercraft under influence of alcohol or controlled substance), 5502.1 (relating to homicide by watercraft while operating under

influence) or 5502.2 (relating to homicide by watercraft), the person violating this section shall also be subject to revocation under section 928 (relating to revocation, suspension or denial of license, permit or registration).
(Nov. 1, 2012, P.L.1716, No.211, eff. 60 days)

2012 Amendment. Act 211 added section 5506.

§ 5507. Duties of operators involved in boating accidents.

(a) General rule.--The operator of a watercraft involved in an accident shall immediately stop the watercraft at the scene of the accident or as close thereto as possible. Every stop shall be made without obstructing the safe navigation of other watercraft more than is necessary.

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

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

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

(e) Penalties.--

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

(2) If a victim of an accident dies, any person violating subsection (d) commits a felony of the third degree.

(Nov. 1, 2012, P.L.1716, No.211, eff. 60 days)

2012 Amendment. Act 211 added section 5507.

PART IV
MISCELLANEOUS PROVISIONS

Chapter

71. Atlantic States Marine Fisheries Compact
73. Shad Fishing in Delaware River and Bay

Enactment. Part IV was added October 16, 1980, P.L.996, No.175, effective in 90 days.

CHAPTER 71
ATLANTIC STATES MARINE FISHERIES COMPACT

Sec.
7101. Execution and form of compact.
7102. Members of commission from Pennsylvania.
7103. Powers and duties of commission and Commonwealth agencies.
7104. Powers granted commission supplemental to other powers.
7105. Accounts and reports of commission.
7106. Amendment to compact.

Enactment. Chapter 71 was added October 16, 1980, P.L.996, No.175, effective in 90 days.

§ 7101. Execution and form of compact.

The Governor of this Commonwealth is authorized and directed to execute a compact on behalf of the Commonwealth of Pennsylvania with any one or more of the States of Maine, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia and Florida, and with such other states as may enter into the compact legally joining therein in the form substantially as follows:

ATLANTIC STATES MARINE FISHERIES COMPACT

The contracting states solemnly agree:

Article I

The purpose of this compact is to promote the better utilization of the fisheries, marine, shell and anadromous of the Atlantic seaboard by the development of a joint program for the promotion and protection of such fisheries and by the prevention of the physical waste of the fisheries from any cause. It is not the purpose of this compact to authorize the states joining herein to limit the production of fish or fish products for the purpose of establishing or fixing the price thereof, or creating and perpetuating monopoly.

Article II

This agreement shall become operative immediately as to those states executing it, whenever any two or more of the States of Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia and Florida, have executed it in the form that is in accordance with the laws of the executing state, and the Congress has given its consent. Any state contiguous with any of the aforementioned states and riparian upon waters frequented by anadromous fish flowing into waters under the jurisdiction of any of the aforementioned states, may become a party hereto as hereinafter provided.

Article III

Each state joining herein shall appoint three representatives to a commission hereby constituted and designated as the Atlantic States Marine Fisheries Commission. One shall be the executive officer of the administrative agency of such state, charged with the conservation of the fisheries resources to which this compact pertains, or if there be more than one officer or agency, the official of that state named by the governor thereof. The second shall be a member of the

legislature of such state, designated by the commission or committee on interstate cooperation of such state, or if there be none, or if said commission on interstate cooperation cannot constitutionally designate the said member, such legislator shall be designated by the governor thereof: Provided, That if it is constitutionally impossible to appoint a legislator as a commissioner from such state, the second member shall be appointed by the governor of said state in his discretion. The third shall be a citizen who shall have a knowledge of and interest in the marine fisheries problem, to be appointed by the governor. This commission shall be a body corporate with the powers and duties set forth herein.

Article IV

The duties of the said commission shall be to make inquiry and ascertain from time to time such methods, practices, circumstances and conditions as may be disclosed for bringing about the conservation and the prevention of the depletion and physical waste of the fisheries, marine, shell and anadromous of the Atlantic seaboard. The commission shall have power to recommend the coordination of the exercise of the police powers of the several states within their respective jurisdictions, to promote the preservation of those fisheries and their protection against overfishing, waste, depletion or any abuse whatsoever, and to assure a continuing yield from the fisheries resources of the aforementioned states.

To that end, the commission shall draft, and after consultation with the advisory committee hereinafter authorized, recommend, to the governors and legislatures of the various signatory states, legislation dealing with the conservation of the marine, shell and anadromous fisheries of the Atlantic seaboard. The commission shall, more than one month prior to any regular meeting of the legislature in any signatory state, present to the governor of the state its recommendations relating to enactments to be made by the legislature of that state in furthering the intents and purposes of this compact.

The commission shall consult with and advise the pertinent administrative agencies in the states, party hereto, with regard to problems connected with the fisheries, and recommend the adoption of such regulations as it deems advisable.

The commission shall have power to recommend to the states, party hereto, the stocking of the waters of such states with fish and fish eggs, or joint stocking by some or all of the states, party hereto, and when two or more of the states shall jointly stock waters, the commission shall act as the coordinating agency for such stocking.

Article V

The commission shall elect from its number a chairman and a vice chairman and shall appoint and, at its pleasure, remove or discharge such officers and employes as may be required to carry the provisions of this compact into effect, and shall fix and determine their duties, qualifications and compensation. Said commission shall adopt rules and regulations for the conduct of its business. It may establish and maintain one or more offices for the transaction of its business, and may meet at any time or place, but must meet at least once a year.

Article VI

No action shall be taken by the commission in regard to its general affairs, except by the affirmative vote of a majority of the whole number of compacting states present at any meeting. No recommendation shall be made by the commission in regard to any species of fish, except by the affirmative vote of a majority of the compacting states which have an interest in such species. The commission shall define what shall be an interest.

Article VII

The Fish and Wildlife Service of the Department of the Interior of the Government of the United States shall act as the primary research agency of the Atlantic States Marine Fisheries Commission, cooperating with the research agencies in each state for that purpose. Representatives of the said Fish and Wildlife Service shall attend the meetings of the commission.

An advisory committee to be representative of the commercial fishermen and the salt water anglers and such other interests of each state as the commission deems advisable shall be established by the commission, as soon as practicable, for the purpose of advising the commission upon such recommendations as it may desire to make.

Article VIII

When any state, other than those named specifically in Article II of this compact, shall become a party thereto for the purpose of conserving its anadromous fish, in accordance with the provisions of Article II, the participation of such state in the action of the commission shall be limited to such species of anadromous fish.

Article IX

Nothing in this compact shall be construed to limit the powers of any signatory state, or to repeal or prevent the enactment of any legislation or the enforcement of any requirement by any signatory state, imposing additional conditions and restrictions to conserve its fisheries.

Article X

Continued absence of representation or of any representative on the commission from any state, party hereto, shall be brought to the attention of the governor thereof.

Article XI

The states, party hereto, agree to make annual appropriations to the support of the commission, in proportion to the primary market value of the products of their fisheries, exclusive of cod and haddock, as recorded in the most recent published reports of the Fish and Wildlife Service of the United States, Department of the Interior, provided no state shall contribute less than $200 per annum, and the annual contribution of each state above the minimum shall be figured to the nearest hundred dollars.

The compacting states agree to appropriate initially the annual amounts scheduled below, which amounts are calculated in the manner set forth herein on the basis of the catch record

of 1938. Subsequent budgets shall be recommended by a majority of the commission, and the cost thereof allocated equitably among the states, in accordance with their respective interests, and submitted to the compacting states.

Schedule of Initial Annual State Contributions

Maine	$ 700
New Hampshire	200
Massachusetts	2,300
Rhode Island	300
Connecticut	400
New York	1,300
New Jersey	800
Delaware	200
Maryland	700
Virginia	1,300
North Carolina	600
South Carolina	200
Georgia	200
Florida	1,500

Article XII

This compact shall continue in force and remain binding upon each compacting state until renounced by it. Renunciation of this compact must be preceded by sending six months' notice, in writing, of intention to withdraw from the compact to the other states, party hereto.

§ 7102. Members of commission from Pennsylvania.

(a) Designation and term.--In pursuance of Article III of the compact, there shall be three members (hereinafter called commissioners) of the Atlantic States Marine Fisheries Commission (hereinafter called commission) from this Commonwealth. The first commissioner shall be the executive director of the Pennsylvania Fish and Boat Commission, ex officio, and the term of this commissioner shall terminate at the time he ceases to hold the office of executive director and his successor as commissioner shall be his successor as executive director. The second commissioner shall be a legislator and member of the Pennsylvania Commission on Interstate Cooperation, ex officio, designated by the Pennsylvania Commission on Interstate Cooperation, and the term of this commissioner shall terminate at the time he ceases to hold legislative office or office as a member of the Pennsylvania Commission on Interstate Cooperation and his successor as commissioner shall be named in like manner. The Governor (by and with the advice and consent of the Senate) shall appoint a citizen as a third commissioner who shall have a knowledge of and interest in the marine fisheries problem. The term of this commissioner shall be three years and he shall hold office until his successor is appointed and qualified. Vacancies occurring in the office of this commissioner from any reason or cause shall be filled by appointment by the Governor (by and with the advice and consent of the Senate) for the unexpired term.

(b) Delegate of executive director.--The executive director of the Pennsylvania Fish and Boat Commission, as ex officio commissioner, may delegate from time to time to any assistant or other subordinate in his agency or office, the power to be present and participate, including voting, as his representative

or substitute at any meeting of or hearing by or other proceeding of the commission.

(c) Terms of initial members.--The terms of each of the initial three members shall begin at the date of the appointment of the appointive commissioner, provided the compact shall then have gone into effect in accordance with Article II of the compact; otherwise, they shall begin upon the date upon which the compact becomes effective in accordance with Article II.

(d) Removal from office.--Any commissioner may be removed from office by the Governor upon charges and after a hearing. (Mar. 19, 1992, P.L.18, No.7, eff. imd.)

1992 Amendment. Act 7 amended subsecs. (a) and (b).

Appointment of Legislative Member. The Pennsylvania Commission on Interstate Cooperation was abolished when the statute creating it was repealed by the act of May 1, 1981 (P.L.22, No.9), which provided in section 3 that the legislative member of the Atlantic States Marine Fisheries Commission shall be jointly appointed by the President pro tempore of the Senate and the Speaker of the House of Representatives.

§ 7103. Powers and duties of commission and Commonwealth agencies.

The commission and the commissioners thereof shall have all the powers provided for in the compact and all the powers necessary or incidental to the carrying out of the compact in every particular. All officers of the Commonwealth are directed to do all things falling within their respective provinces and jurisdiction necessary or incidental to the carrying out of the compact in every particular, it being hereby declared to be the policy of this Commonwealth to perform and carry out the compact and to accomplish the purposes thereof. All officers, bureaus, departments and persons of and in the State Government or Administration of the Commonwealth are hereby authorized and directed, at convenient times and upon request of the commission, to furnish the commission with information and data possessed by them or any of them and to aid the commission by loan of personnel or other means lying within their legal rights, respectively.

§ 7104. Powers granted commission supplemental to other powers.

Any powers granted to the commission shall be regarded as in aid of and supplemental to, and in no case a limitation upon, any of the powers vested in the commission by other laws of this Commonwealth, or by the laws of the States of Maine, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia and Florida, or by the Congress of the United States or the terms of said compact.

§ 7105. Accounts and reports of commission.

(a) General rule.--The commission shall keep accurate accounts of all receipts and disbursements and shall report to the Governor and the General Assembly on or before December 10 in each year, setting forth, in detail, the transactions conducted by it during the 12 months preceding December 1 of that year, and shall make recommendations for any legislative action deemed by it advisable, including amendments to the statutes of this Commonwealth, which may be necessary to carry out the intent and purposes of the compact between the signatory states.

(b) Examination by Auditor General.--The Auditor General of the Commonwealth may, from time to time, examine the accounts and books of the commission, including its receipts, disbursements and other items referring to its financial

standing as the Auditor General deems proper, and report the results of the examination to the Governor.

§ 7106. Amendment to compact.

(a) Execution and form of amendment.--The Governor is authorized and directed to enter into an amendment of the Atlantic States Marine Fisheries Compact with any one or more of the States of Maine, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia and Florida, and such other states as may become party to that compact, for the purpose of permitting the states that ratify this amendment to establish joint regulation of specific fisheries common to those states through the Atlantic States Marine Fisheries Commission and their representatives on that body, such amendment to be in substantially the following form:

Amendment No. 1 of the
Atlantic States Marine Fisheries Compact

The states consenting to this amendment agree that any two or more of them may designate the Atlantic States Marine Fisheries Commission as a joint regulatory agency with such powers as they may jointly confer from time to time for the regulation of the fishing operations of the citizens and vessels of such designating states with respect to specific fisheries in which such states have a common interest. The representatives of such states on the Atlantic States Marine Fisheries Commission shall constitute a separate section of the commission for the exercise of the additional powers so granted: Provided, That the states so acting shall appropriate additional funds for this purpose. The creation of such section as a joint regulatory agency shall not deprive the states participating therein of any of their privileges or powers or responsibilities in the Atlantic States Marine Fisheries Commission under the general compact.

(b) Effectiveness of amendment.--This amendment shall take effect as to this Commonwealth with respect to such other of the aforesaid states as take similar action.

(c) Withdrawal from amendment.--Notice of intention to withdraw from this amendment shall be executed and transmitted by the Governor and shall be in accordance with Article XII of the Atlantic States Marine Fisheries Compact and shall be effective as to this Commonwealth with those states which similarly ratify this amendment.

CHAPTER 73
SHAD FISHING IN DELAWARE RIVER AND BAY

Sec.

7301. Legislative findings and declarations.
7302. Delaware River and Bay defined.
7303. Interstate cooperation.
7304. Permitted nets and devices.
7305. Season and lift period.
7306. License required for catching shad with nets.
7307. Limitations on issuance of license.
7308. Issuance of additional licenses.
7309. License fees.
7310. Records and reports by licensees.
7311. Transfer of license.
7312. Withdrawal of licenses issued in prior year.

7313. Suspension or revocation of license.
7314. Penalty.

Enactment. Chapter 73 was added October 16, 1980, P.L.996, No.175, effective in 90 days.

§ 7301. Legislative findings and declarations.

The General Assembly finds and declares as follows:

(1) Since fish at large in the waters of this Commonwealth are a natural resource, protection and conservation of this resource in the public interest is the obligation of the Commonwealth.

(2) The shad which inhabit the waters of the Delaware River system constitute a potentially valuable source of food and raw materials and, under proper management, are capable of producing a constant and abundant harvest without depletion of the species and consequent shortages of supply. The important shad fishery of the Delaware River has been depleted so that the actual harvest is far below the potential yield of this resource which at one time yielded as much as 16,000,000 fish yearly but in recent years has yielded only a few hundred thousand pounds. This depletion has caused a denial to the consuming public of a constant and adequate supply of these vitamin rich foods within a reasonable price range that consistent and abundant supply would make possible, and has caused decline and instability in the fishing industry in this river system. The restoration of this species in the Delaware River has become an enterprise of vast economic importance to this Commonwealth.

(3) It is a matter of public interest and for the public welfare and health for the Commonwealth to take such measures as are necessary to control the intensity of fishing pressure in order that the restoration of this valuable species may be accomplished and that the species may attain the maximum sustained yield consistent with the preservation of an adequate brood stock. Legislative limitation of the size of the mesh of nets, size limits and other like measures are not effective in conserving this species.

(4) In accordance with the purposes of the Atlantic States Marine Fisheries Compact to which this Commonwealth is a party and in order to carry out the policy of the Commonwealth as it relates to the shad inhabiting the waters of the Delaware River and in order to restore this depleted fishery, it is necessary, proper and expedient to establish a system of licensing designed to control increases in the intensity of fishing pressure so that increases in fishing pressure will be brought into balance with the population of shad in the Delaware, to the end that the shad fisheries of the waters of the Delaware River and its tributaries will be restored and will produce the maximum sustained yield consistent with the conservation of that species. Since the stabilization of fishing operations is an activity promoting the public interest, the payment of license fees and the imposing and controlling of the restrictive provisions of this chapter upon the general public is an equitable contribution on its part arising from the privileges of harvesting this natural resource.

§ 7302. Delaware River and Bay defined.

For the purpose of regulating the shad fishery of the Delaware River and Bay and their tributaries:

(1) The Delaware River includes all that part of the river and its tributaries above a line drawn from the monument on the Delaware shore at or near Listons Point and

the corresponding monument at or near the mouth of New Hope Creek on the New Jersey shore, as established by the Commissioners of the States of New Jersey and Delaware under the Compact of 1905 and subsequent enabling legislation of the two states.

(2) The Delaware Bay includes all the waters of the Delaware Bay south of such line and the tributaries emptying therein down to a line connecting the Harbor of Refuge Light at Cape Henlopen, Delaware, with the lighthouse at Cape May, New Jersey.

§ 7303. Interstate cooperation.

The commission shall meet and confer with the pertinent officials of the states of New York, New Jersey, Pennsylvania and Delaware, constituting the Middle Atlantic Section of the Atlantic States Marine Fisheries Commission, and may enter into such agreements with respect to the coordination of research, enforcement or any other operations or facilities as may be necessary to secure joint management of the shad fishery of the Delaware River and Bay and their tributaries.

§ 7304. Permitted nets and devices.

(a) Unauthorized nets or devices prohibited.--The use of any net or device other than those set forth in subsection (b) for the catching of shad in the Delaware River and Bay and their tributaries is prohibited.

(b) Nets and devices which may be used.--The following nets and devices may be used in the Delaware River and Bay and their tributaries:

(1) Haul seines not less than five and one-fourth inches stretched mesh while being fished and not to exceed 420 feet in length, whether singly or attached.

(2) Fyke or hoop nets with leaders not exceeding 180 feet in length with no part of the net or leaders to be less than two and one-half inches stretched mesh while being fished.

(3) Stake gill nets, either staked or anchored, the smallest stretched mesh of which shall be three inches while being fished and shall not exceed 180 feet in length. A shad net with minimum stretched mesh of five and one-fourth inches while being fished may exceed 180 feet but may not be greater than 300 feet in length.

(4) Drift gill nets (run around or stab nets) the smallest mesh of which shall be two and three-fourths inches stretched while being fished and the length of which shall not exceed 1200 feet.

(5) Hand line, including rod and reel.

Cross References. Section 7304 is referred to in section 7306 of this title.

§ 7305. Season and lift period.

(a) Season.--The taking of shad in the Delaware River and Bay and their tributaries is prohibited except between March 1 and June 10.

(b) Lift period.--During the season when shad may be caught under subsection (a) it is unlawful for any nets to be in operation between 2 p.m. on Saturday and 12 midnight Sunday.

§ 7306. License required for catching shad with nets.

(a) General rule.--The commission shall, by a special shad license, permit the use in the waters of the Delaware River and Bay and their tributaries within this Commonwealth of the nets specified in section 7304 (relating to permitted nets and devices) for the taking of shad. No person shall use any net

to take shad in these waters without first procuring a shad license from the commission.

(b) Duration and renewal.--All shad licenses shall be issued annually for the duration of a fishing season beginning on March 1 and expiring on June 10 and shall be renewable annually for the same period except as otherwise provided in this chapter.

(c) License to list gear and location.--All shad licenses shall list specifically the number and type of units of gear or the length of gear authorized and the area in which they are licensed to operate if the operations authorized are limited as to area.

§ 7307. Limitations on issuance of license.

(a) General rule.--Except as otherwise provided in this chapter, no license shall be issued:

(1) To a person not engaged in such operations during the season immediately preceding that for which application for the shad license is made.

(2) To extend operations of the applicant beyond those of the last year in which those operations were carried on either by increasing the fishing capacity or the size or number of units of gear employed at that time.

(3) To operate a fixed net on a location already occupied by another licensee or within 1500 feet thereof, measured at right angles to the line of stakes, unless the other licensee has failed to apply for renewal of his license on or before January 1 of the year for which the license is to be issued.

(b) Renewal of license.--A licensee who does not engage in any or some of the fishing operations licensed may renew his license for those operations in the following season, but if he fails to engage in some or all of the operations licensed for two successive seasons he shall lose his right to renew and must apply for any further license as a new applicant with respect to those operations licensed but not engaged in.

§ 7308. Issuance of additional licenses.

(a) When authorized.--When the United States Fish and Wildlife Service or its successor certifies that the catch of shad in the Delaware River and Bay and their tributaries for the preceding year totals 500,000 fish, the executive director shall consult with the pertinent administrative and other officials of the states of New York, New Jersey and Delaware, constituting the Middle Atlantic Section of the Atlantic States Marine Fisheries Commission, and with the technical advisers of the United States Fish and Wildlife Service or its successor and, after such consultation and on the basis of all the scientific evidence available to the commission through these and other sources, if the commission finds that a limited number of additional operators or increased units of gear may be licensed for the following season without impairing the annual yield of the fishery it may authorize additional licenses.

(b) Determining number of licenses.--In determining the number of additional licenses, the commission shall give due consideration to the findings of the United States Fish and Wildlife Service or its successor. The commission may enter into such administrative agreements with the pertinent administrative officials of any of the other states enumerated in subsection (a) as may be necessary to establish a joint limitation of licenses and such cooperative programs as may be deemed necessary for the re-establishment of the shad fishery of the Delaware River and Bay and their tributaries in such manner as to promote the maximum sustained annual yield therefrom.

(c) Notice of proposed additional licenses.--When additional units of gear are to be licensed, the executive director shall give public notice, by advertisement once a week for two successive weeks in at least two daily newspapers of the counties of the state bordering on the Delaware River, of the additional units of gear to be licensed and the areas where they may be operated, and shall state that applications may be received up to January 1 next succeeding the publication of the notice.

(d) Grounds for refusing license.--The executive director may decline to receive any application for an additional license when, after due notice and opportunity for hearing, he finds that the applicant is not qualified by character, experience, financial responsibility and equipment to conduct properly the fishing operation applied for, or when, after due notice and opportunity for hearing, he finds that it is necessary, in order to maintain the stability of the industry or prevent conditions leading to monopoly, to prefer the applications of new operators over the extension of the operations of previous licenses, or, in the licensing of extended operations, to prefer small over large operators.

(e) Time and method of issuance.--On January 1 of each year, the commission shall issue such additional licenses as may be authorized for that year under the provisions of this section, the recipients of such licenses and the locations of fixed nets to be chosen by lot from among the applications received whenever there are more applicants than available licenses or more than one applicant for any location.

Cross References. Section 7308 is referred to in section 7312 of this title.

§ 7309. License fees.

The commission may issue the following shad fishing licenses which shall be valid only during the shad fishing season for which issued, as provided in this chapter, upon written application therefor, signed by the applicant, and upon payment to said commission of the following fees:

(1) Commercial shad fishing license, $10.

(2) Noncommercial shad fishing license under which applicant is not permitted to catch more than ten shad in any one day, $1.

§ 7310. Records and reports by licensees.

Each shad licensee shall keep a daily record of his catch on forms provided by the commission and shall provide a copy of his record for the commission at weekly intervals during the fishing season.

§ 7311. Transfer of license.

(a) When authorized.--A shad license to operate any nets permitted under this chapter may be transferred whenever the owner of the nets, boats, gear and other equipment sells or conveys them by bill of sale for a bona fide consideration to any person who is eligible under the provisions of this chapter.

(b) Application, fee and issuance.--The transfer shall be made only upon surrender of the outstanding shad license and the execution of an application by the new owner or owners as in the case of an original application and the payment of the sum of $2.50 as a transfer fee, whereupon the commission shall issue a new shad license for the remainder of the license season.

§ 7312. Withdrawal of licenses issued in prior year.

(a) General rule.--When the United States Fish and Wildlife Service or its successor certifies, on the basis of scientific

evidence, that the catch of shad in the Delaware River and Bay and their tributaries has declined 100,000 fish or more under the previous year's catch in such waters and that there is evidence of prospective depletion, or when the commission, after investigation and on the basis of scientific evidence, finds that the fishery is threatened by depletion or that the fishing rate is too high to permit the continuance of a constant annual yield or that present exploitation threatens the future maximum yield of that fishery, it shall provide for the withdrawal in the following season of some or all of the licenses previously issued. In this connection, it may enter into administrative agreements with the pertinent administrative officials of the other states mentioned in section 7308 (relating to issuance of additional licenses) for the purpose of arranging a joint reduction of units of gear.

(b) Notice of intention.--When units of gear are to be reduced, the commission shall give public notice, in the manner set forth in section 7308, of intention to do so and of the number and character of units of gear to be withdrawn and from which areas.

(c) Method of withdrawal.--In effecting a reduction of fishing effort under the provisions of this section the commission shall withdraw shad licenses to be affected in the inverse order in which the shad licenses were issued except that if reduction of fishing intensity is sought with respect to a particular area or a particular operation license, withdrawals shall be in the inverse order in which the licenses were issued for that area or operation. In all instances where this procedure cannot be followed, resort shall be had to lots.

§ 7313. Suspension or revocation of license.

(a) Suspension.--The commission, after due notice and hearing, may suspend for a suitable period the shad license of any person who is found by them to have done any of the following:

(1) Made a false statement in the application for a license.

(2) Violated any shad regulation contained in this chapter.

(3) Failed to make required shad reports.

(b) Revocation.--For a second infraction, the commission may, after due notice and hearing, revoke the shad license of the offender.

(c) Judicial review.--Any applicant or licensee aggrieved by an adjudication of the commission may appeal in accordance with Title 2 (relating to administrative law and procedure). Whether or not a supersedeas is granted, the licensee may continue to fish for shad up to the date of the final decision of the court without being held to have violated the provisions of this chapter.

§ 7314. Penalty.

Any person violating the provisions of this chapter commits a summary offense of the second degree.

(Dec. 22, 1989, P.L.735, No.102, eff. Jan. 1, 1990)

APPENDIX TO TITLE 30

FISH

Supplementary Provisions of Amendatory Statutes

1991, DECEMBER 12, P.L.368, NO.39

§ 5. Use of existing forms, stationery, etc.

After the effective date of this act, the Pennsylvania Fish and Boat Commission shall recycle or continue to use any forms, stationery, business cards or other office supplies or materials which contain references to the Pennsylvania Fish Commission until the time these existing supplies and materials are depleted. Existing signs on which the Pennsylvania Fish Commission designation appears shall not be changed until the existing signs become worn and require replacement.

Explanatory Note. Act 39 amended or added sections 102, 301, 308, 5104, 5122, 5301, 5302, 5303, 5305, 5306 and 5310 of Title 30.

1992, MARCH 19, P.L.18, NO.7

Preamble

The General Assembly of the Commonwealth of Pennsylvania finds that the fishing license fees for nonresidents of this Commonwealth should be increased for the purpose of providing the Fish Fund with additional revenues to be used to enhance and improve fishing on or in the waters of this Commonwealth, including the commission's catchable trout and salmon propagation and stocking programs.

Explanatory Note. Act 7 amended the heading of Chapter 3 and sections 2701, 2702 and 7102 of Title 30.

1994, OCTOBER 5, P.L.534, NO.79

Preamble

The General Assembly of the Commonwealth of Pennsylvania finds:

(1) The power of the Commonwealth to protect and manage fish in Commonwealth waters is inherent in the sovereignty of the Commonwealth.

(2) Persons who are granted commercial fishing licenses to fish with gill nets have no property interest in these licenses or fundamental right to continue fishing with such gear.

(3) The Commonwealth in the exercise of its sovereign power to protect and manage fishes in the waters of the Commonwealth has the power and duty to discontinue issuance of licenses for use of gill nets for commercial fishing in boundary lakes.

(4) Elimination of commercial fishing with gill nets on boundary lakes will provide for the better protection and management of the fisheries of boundary lakes.

(5) Although holders of commercial fishing licenses to use gill nets in boundary lakes have no property interest in these licenses and no expectation that these licenses will continue to be issued, the Commonwealth may provide compensation to licensees to ease the transition from fishing with gill nets.

(6) It is appropriate for those engaged in sport fishing in Lake Erie and Presque Isle Bay to pay the cost of providing recompense to holders of commercial fishing

licenses to use gill nets in boundary lakes by means of a limited duration special permit.

The General Assembly of the Commonwealth of Pennsylvania declares that the purpose of this act is to provide for the orderly discontinuance of use of gill nets for commercial fishing on Lake Erie and other boundary lakes of this Commonwealth and provide compensation for holders of gill net licenses issued under 30 Pa.C.S. § 2903.

Explanatory Note. Act 79 amended or added sections 2903 and 2907.2 of Title 30.

2000, DECEMBER 20, P.L.828, NO.115

§ 6. Free resident fishing licenses for permanently disabled residents.

(a) Financial feasibility study.--The Pennsylvania Fish and Boat Commission shall assign staff to study the financial feasibility of providing a free resident fishing license to permanently disabled residents of this Commonwealth.

(b) Report.--The commission shall issue a report of its findings to the Game and Fisheries Committee of the Senate and the Game and Fisheries Committee of the House of Representatives within one year of the effective date of this act.

Explanatory Note. Act 115 amended sections 303, 304, 305, 742, 923, 2709 and 5304 of Title 30.