

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2496 Session of
1992

INTRODUCED BY COLE, RUDY, TRICH, BILLOW, STAIRS, HERSHEY,
SEMMELE, STEELMAN AND ARNOLD, MARCH 16, 1992

REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,
MARCH 16, 1992

AN ACT

1 Amending the act of April 6, 1921 (P.L.95, No.58), entitled, as
2 amended, "An act relating to apiculture, and the sale, giving
3 and transportation of bees, honey, hives and appliances;
4 providing for the inspection of apiaries, and for the
5 prevention, control and eradication of contagious and
6 infectious diseases among bees, and the establishment of
7 quarantines; prescribing the style of hive to be used;
8 prohibiting the importation from any foreign country, except
9 Canada, of the genus Apis; imposing certain duties on certain
10 persons engaged in transportation; and providing penalties
11 and appropriations therefor," increasing criminal penalties;
12 further providing for civil penalties and injunctive relief;
13 and providing for the registration of apiaries.

14 The General Assembly of the Commonwealth of Pennsylvania
15 hereby enacts as follows:

16 Section 1. The act of April 6, 1921 (P.L.95, No.58),
17 referred to as the Bee Law, is amended by adding a section to
18 read:

19 Section 3.1. (a) The owner of an apiary located within this
20 Commonwealth shall register such apiary with the Secretary of
21 Agriculture. The registration may be renewed for a two-year
22 period prior to January 1 of the year in which the registration
23 expires.

1 (b) The application for registration of an apiary shall be
2 made on a form provided by the Secretary of Agriculture and
3 shall include:

4 (1) the name and complete mailing address of the owner of
5 the apiary and the name and complete mailing address of the
6 person primarily responsible for maintaining and caring for the
7 apiary if different from the owner;

8 (2) the exact location of the apiary;

9 (3) the number of colonies contained in the apiary; and

10 (4) such other information as the Secretary of Agriculture
11 may require.

12 (c) The apiary registration fee shall be ten dollars (\$10)
13 which shall include all apiaries owned by the applicant. Monies
14 from fees shall be paid into the State Treasury and shall be
15 credited to the general government operations appropriation of
16 the Department of Agriculture for maintaining and upgrading the
17 Statewide apiary registration program.

18 (d) A registration under this section shall be valid for a
19 period of not more than two calendar years and shall expire on
20 December 31 of the year following the initial year of
21 registration.

22 Section 2. Section 13 of the act is amended to read:

23 Section 13. [Any person convicted of violating any of the
24 provisions of this act, or any order, rule, or regulation
25 promulgated by the Secretary of Agriculture under the authority
26 hereof, shall be subject to a fine or penalty of not less than
27 ten dollars nor more than one hundred dollars (\$100), to be
28 collected by summary conviction before any mayor, burgess,
29 magistrate, alderman, or justice of the peace, as like fines and
30 penalties are now by law collected, or, in case of non-payment

1 of such fine, to undergo imprisonment in the county jail for a
2 period not exceeding ten days: Provided, That any person so
3 convicted shall have the right of appeal as in other cases of
4 summary convictions. All fines collected under this act shall be
5 paid into the State Treasury.] (a) A first violation of this
6 act or any order or regulation promulgated hereunder constitutes
7 a summary offense punishable by a fine of not less than one
8 hundred dollars (\$100).

9 (b) A second violation of this act or any order of
10 regulation promulgated hereunder constitutes a summary offense
11 punishable by a fine of not less than three hundred dollars
12 (\$300).

13 (c) A third and subsequent violation of this act or any
14 order or regulation promulgated hereunder constitutes a
15 misdemeanor of the third degree punishable by a fine of not less
16 than one thousand dollars (\$1,000).

17 Section 3. The act is amended by adding sections to read:

18 Section 13.1. (a) The Secretary of Agriculture may assess a
19 civil penalty of not more than ten thousand dollars (\$10,000)
20 upon a person for each violation of this act or any order or
21 regulation promulgated hereunder.

22 (b) If a civil penalty is assessed against a person under
23 subsection (a), the Secretary of Agriculture shall notify the
24 person by certified mail of the nature of the violation, the
25 amount of the civil penalty and that the person may notify such
26 Secretary of Agriculture, in writing, within ten calendar days
27 that he wishes to contest the civil penalty.

28 (c) If within ten calendar days from the receipt of the
29 notification referred to in subsection (b), the person does not
30 notify the Secretary of Agriculture of his intent to contest the

1 assessed penalty, the civil penalty shall become final. If
2 timely notification of the intent to contest the civil penalty
3 is given, the person contesting the civil penalty shall be
4 provided with a hearing in accordance with 2 Pa.C.S. Ch. 5
5 Subchapter A (relating to practice and procedure of Commonwealth
6 agencies). Appeals may be taken in accordance with 2 Pa.C.S. Ch.
7 7 Subchapter A (relating to judicial review of Commonwealth
8 agency action).

9 Section 13.2. The Attorney General, at the request of the
10 Secretary of Agriculture, may initiate in the Commonwealth Court
11 or the court of common pleas of the county in which the
12 defendant resides or has a place of business an action in equity
13 for an injunction to restrain any violation of this act or any
14 order or regulation promulgated hereunder. The Commonwealth
15 shall not be required to furnish a bond or other security in
16 connection with this proceeding.

17 Section 13.3. The penalties and remedies prescribed by this
18 act shall be deemed concurrent and the existence or exercise of
19 any remedy shall not prevent the exercise of any other remedy
20 hereunder, whether at law or at equity.

21 Section 4. This act shall take effect immediately.