

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 672 Session of  
1993INTRODUCED BY SURRA, LLOYD, DeWEESE, DALEY, COY, TRELLO,  
BELFANTI, DERMODY, MARKOSEK AND CLARK, MARCH 22, 1993AS REPORTED FROM COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,  
HOUSE OF REPRESENTATIVES, AS AMENDED, MAY 5, 1993

## 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 AND FOR A <—  
14 RESTRICTED ACCOUNT.

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

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

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

1 ~~expires.~~

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

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

9         (2) the exact location of the apiary;

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

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

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

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

23     (E) THE SECRETARY OF AGRICULTURE MAY, BY REGULATION, REQUIRE <—  
24 APIARY OWNERS TO REPORT THE RELOCATION OF AN APIARY FROM ITS  
25 ORIGINAL LOCATION AS REPORTED AT THE TIME OF REGISTRATION TO  
26 ANOTHER LOCATION WITHIN THIS COMMONWEALTH.

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

28     Section 13. [Any person convicted of violating any of the  
29 provisions of this act, or any order, rule, or regulation  
30 promulgated by the Secretary of Agriculture under the authority

1 hereof, shall be subject to a fine or penalty of not less than  
2 ten dollars nor more than one hundred dollars (\$100), to be  
3 collected by summary conviction before any mayor, burgess,  
4 magistrate, alderman, or justice of the peace, as like fines and  
5 penalties are now by law collected, or, in case of non-payment  
6 of such fine, to undergo imprisonment in the county jail for a  
7 period not exceeding ten days: Provided, That any person so  
8 convicted shall have the right of appeal as in other cases of  
9 summary convictions. All fines collected under this act shall be  
10 paid into the State Treasury.] (a) A first violation of this  
11 act or any order or regulation promulgated hereunder constitutes  
12 a summary offense punishable by a fine of not less than one  
13 hundred dollars (\$100).

14 (b) A second violation of this act or any order of OR <—  
15 regulation promulgated hereunder constitutes a summary offense  
16 punishable by a fine of not less than three hundred dollars  
17 (\$300).

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

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

23 Section 13.1. (a) The Secretary of Agriculture may assess a  
24 civil penalty of not more than ~~ten thousand dollars (\$10,000)~~ <—  
25 ONE THOUSAND DOLLARS (\$1,000) upon a person for each violation <—  
26 of this act or any order or regulation promulgated hereunder.

27 (b) If a civil penalty is assessed against a person under  
28 subsection (a), the Secretary of Agriculture shall notify the  
29 person by certified mail of the nature of the violation, the  
30 amount of the civil penalty and that the person may notify such

Secretary of Agriculture, in writing, within ten calendar days that he wishes to contest the civil penalty.

(c) If within ten calendar days from the receipt of the notification referred to in subsection (b), the person does not notify the Secretary of Agriculture of his intent to contest the assessed penalty, the civil penalty shall become final. If timely notification of the intent to contest the civil penalty is given, the person contesting the civil penalty shall be provided with a hearing in accordance with 2 Pa.C.S. Ch. 5 Subchapter A (relating to practice and procedure of Commonwealth agencies). Appeals may be taken in accordance with 2 Pa.C.S. Ch. 7 Subchapter A (relating to judicial review of Commonwealth agency action).

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

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

SECTION 13.4. MONEYS DERIVED FROM REGISTRATIONS, FINES, AND CIVIL PENALTIES PROVIDED FOR UNDER THIS ACT SHALL BE PAID INTO A SPECIAL RESTRICTED ACCOUNT IN THE GENERAL FUND TO BE KNOWN AS THE APIARY REGISTRATION ACCOUNT FOR USE BY THE DEPARTMENT OF AGRICULTURE IN ADMINISTERING THE STATEWIDE APIARY REGISTRATION

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1 PROGRAM. ALL SUCH MONEYS PLACED IN THE APIARY REGISTRATION  
2 ACCOUNT UNDER THE PROVISIONS OF THIS SECTION ARE HEREBY MADE  
3 AVAILABLE IMMEDIATELY AND ARE HEREBY SPECIFICALLY APPROPRIATED  
4 TO THE DEPARTMENT FOR THE PURPOSES HEREIN SPECIFIED.

5       Section 4. This act shall take effect immediately.