
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1117 Session of
1999

INTRODUCED BY COSTA, O'PAKE, BELAN, LEMMOND, BOSCOLA, EARLL AND
KASUNIC, SEPTEMBER 30, 1999

AS REPORTED FROM COMMITTEE ON GAME AND FISHERIES, HOUSE OF
REPRESENTATIVES, AS AMENDED, NOVEMBER 14, 2000

AN ACT

1 Amending Title 30 (Fish) of the Pennsylvania Consolidated
2 Statutes, further providing for waterways patrolmen and
3 employees, for assistant executive directors ~~and~~, for deputy <—
4 waterways conservation officers AND FOR THE USE OF PROPERTY; <—
5 clarifying provisions for repeat offenders; exempting certain
6 military personnel from license requirements; and further
7 providing for issuing agents.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. Sections 303(a), 304(a), ~~305(b) and 923(d)~~ AND <—
11 305(B) of Title 30 of the Pennsylvania Consolidated Statutes are
12 amended to read:

13 § 303. Assistant executive directors.

14 (a) Appointment and compensation.--The executive director,
15 with the approval of the commission, may, in accordance with law
16 and the classification and compensation plans of the
17 Commonwealth as established by the Executive Board, appoint and
18 fix the compensation of two assistant executive directors, one

1 of whom shall be in charge of and responsible for watercraft
2 safety and the other of whom shall be in charge of and
3 responsible for fisheries and engineering.

4 * * *

5 § 304. Waterways patrolmen and employees.

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

14 * * *

15 § 305. Deputy waterways conservation officers.

16 * * *

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

1 2, 1915 (P.L.736, No.338), known as the Workers' Compensation
2 Act.

3 * * *

4 SECTION 2. SECTION 742 OF TITLE 30 IS AMENDED BY ADDING A
5 SUBSECTION TO READ:

6 § 742. USE OF PROPERTY.

7 * * *

8 (E) USE OF COMMISSION LAKES AND ACCESS AREAS BY UNPOWERED
9 BOATS.--THE COMMISSION SHALL, BY REGULATIONS ADOPTED WITHIN ONE
10 YEAR AFTER THE EFFECTIVE DATE OF THIS SECTION, PROVIDE FOR
11 ISSUANCE OF USE PERMITS, VALID FOR ONE OR TWO YEARS, FOR
12 UNPOWERED BOATS, WHICH ARE NOT REGISTERED IN ACCORDANCE WITH
13 LAW, TO USE COMMISSION PROPERTY. ON AND AFTER THE EFFECTIVE DATE
14 OF THE REGULATIONS PROMULGATED HEREUNDER BY THE COMMISSION, THE
15 OWNER OF AN UNPOWERED BOAT THAT USES COMMISSION PROPERTY SHALL
16 HAVE THE OPTION OF REGISTERING THE BOAT OR PURCHASING A USE
17 PERMIT ISSUED UNDER THE AUTHORITY OF THIS SECTION. THE
18 COMMISSION SHALL ESTABLISH FEES FOR USE PERMITS ISSUED UNDER
19 THIS SECTION, WHICH FEES SHALL NOT EXCEED THE FEES CHARGED BY
20 THE DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES FOR BOAT
21 LAUNCH PERMITS FOR STATE PARKS LAKES. THE COMMISSION SHALL, IN
22 COOPERATION WITH THE DEPARTMENT, PROVIDE FOR RECIPROCAL OR JOINT
23 USE/LAUNCH PERMITS FOR UNPOWERED BOATS TO USE BOTH COMMISSION
24 AND STATE PARKS LAKES AND ACCESS AREAS.

25 SECTION 3. SECTION 923(A) OF TITLE 30 IS AMENDED TO READ:

26 § 923. Classification of offenses and penalties.

27 * * *

28 (d) Repeat offenders.--A person who is convicted or
29 acknowledges guilt of a second or subsequent violation of this
30 title or the regulations promulgated under this title within 12

1 months of a prior offense under this title shall be sentenced as
2 a repeat offender. An extract from commission records maintained
3 in the ordinary course of business showing that the person was
4 convicted or acknowledged guilt of two or more offenses under
5 this title on separate occasions within a 12-month period shall
6 be prima facie evidence that the person is a repeat offender. In
7 addition to the fine set forth in subsection (a)[(2)], a repeat
8 offender may be sentenced to pay an additional fine as follows:

9 (1) \$200 if all the offenses committed within the 12-
10 month period were classified as summary offenses under this
11 title.

12 (2) \$1,000 if any of the offenses committed within the
13 12-month period were classified as misdemeanors of the third
14 degree and none were classified as misdemeanors of the first
15 or second degree or felonies.

16 (3) \$2,500 if any of the offenses committed within the
17 12-month period were classified as misdemeanors of the first
18 or second degree or felonies.

19 * * *

20 Section ~~2~~ 4. Section 2709 of Title 30 is amended by adding a <—
21 subsection to read:

22 § 2709. Exemptions from license requirements.

23 * * *

24 (f) Military personnel.--

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

27 (i) Are residents of this Commonwealth.

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

30 (iii) Are assigned to a facility outside this

1 Commonwealth.

2 (iv) Are on temporary leave in this Commonwealth.

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

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

9 Section ~~3~~ 5. Section 5304(d.1) of Title 30 is amended to <—
10 read:

11 § 5304. Issuing agents.

12 * * *

13 (d.1) Rules and regulations.--The commission may promulgate
14 such rules and regulations to control and supervise the issuance
15 and transfer of boat registrations by issuing agents as it deems
16 necessary. The commission may establish administrative fees for
17 [fishing license] boat registration issuing agents. County
18 treasurers shall be exempt from payment of any administrative
19 fee established by the commission.

20 * * *

21 Section ~~4~~ 6. This act shall take effect as follows: <—

22 (1) The amendment of 30 Pa.C.S. § 2709 shall take effect
23 in 60 days.

24 (2) The remainder of this act shall take effect
25 immediately.