

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL**No. 1168** Session of
2015

INTRODUCED BY EICHELBERGER, WOZNIAK, ALLOWAY, WAGNER, TEPLITZ,
BLAKE, BARTOLOTTA, VULAKOVICH, WILEY, BROWNE, WARD, BREWSTER,
FOLMER, VOGEL, MCGARRIGLE, TARTAGLIONE, SABATINA, STEFANO,
LEACH, DINNIMAN, SCHWANK AND SMUCKER, MARCH 21, 2016

SENATOR SCAVELLO, GAME AND FISHERIES, AS AMENDED, MARCH 23, 2016

AN ACT

1 Amending Title 30 (Fish) of the Pennsylvania Consolidated
2 Statutes, in Pennsylvania Fish and Boat Commission, providing
3 for power to set fees by regulation; in fiscal affairs,
4 further providing for collection fee for uncollectible
5 checks; in fishing licenses, further providing for
6 nonresident and tourist licenses, for one-day resident
7 fishing license, for license, permit and issuing agent fees
8 and for license and permit packaging options; in special
9 licenses and permits, further providing for net permits, for
10 boat and net licenses for boundary lakes, for permits for
11 protection and management of particular fish, for permits for
12 the use of explosives, for Lake Erie fishing permits and for
13 fishing guide and charter boat permits; in regulated fishing
14 lakes, further providing for licenses and for fees; in dams,
15 bar racks and migration devices, further providing for
16 obstructing migration of fish; in preliminary provisions,
17 further providing for fees; and, in registration and titling
18 of boats, further providing for issuing agents, for fees and
19 for notice for boats and related equipment.

20 The General Assembly of the Commonwealth of Pennsylvania
21 hereby enacts as follows:

22 Section 1. Title 30 of the Pennsylvania Consolidated
23 Statutes is amended by adding a section to read:

24 § 322.1 Power to set fees by regulation.

25 (a) Authority.--

1 (1) Beginning July 1, 2016, the commission, by
2 regulation, may change or set the fees provided under any of
3 the following:

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

7 (ii) Section 2902 (relating to net permits).

8 (iii) Section 2903 (relating to boat and net
9 licenses for boundary lakes).

10 (iv) Section 2906 (relating to permits for use of
11 explosives).

12 (v) Section 3102 (relating to fees).

13 (vi) Section 3509 (relating to obstructing migration
14 of fish).

15 (vii) Section 5104 (relating to fees).

16 (viii) Section 5304 (relating to issuing agents).

17 (ix) Section 5327 (relating to fees).

18 (x) Section 5334 (relating to notice for boats and
19 related equipment).

20 (2) Any change of a fee under this subsection shall be
21 done in accordance with the act of July 31, 1968 (P.L.769,
22 No.240), referred to as the Commonwealth Documents Law.

23 (b) Notice.--The commission shall provide notice of any
24 change of a fee and shall publish the change of the fee in the
25 Pennsylvania Bulletin and post it on the commission's publicly
26 accessible Internet website.

27 (c) Expiration.--This section shall expire June 30, 2019.
28 Any fees changed or set by the commission before the expiration
29 of this section shall remain in effect after the expiration of
30 this section.

1 (d) List of fees.--In the event this section is not
2 reenacted or otherwise extended by the General Assembly, before
3 June 30, 2019, the commission shall provide to the Legislative
4 Reference Bureau a list containing the most recent amount of
5 each fee which has been changed or set as authorized under
6 subsection (a). The Legislative Reference Bureau shall provide
7 an annotated reference to the Pennsylvania Code citation
8 containing the fee amounts.

9 Section 2. Sections 502, 2702(d) ~~and~~, 2702.1(c) AND 2715 of <--
10 Title 30 are amended to read:

11 § 502. [Collection fee] Service charge for uncollectible
12 checks.

13 Whenever any check or similar instrument issued in payment of
14 any fee, fine or for any other purpose under this title is
15 returned to the commission as uncollectible, the person who
16 makes, issues or presents the check or other instrument shall be
17 charged [a fee of] \$15, [to] or a service charge as otherwise <--
18 established by the commission by regulation in accordance with
19 section 322.1 (relating to power to set fees by regulation). The
20 service charge shall be credited to the Fish Fund or the Boat
21 Fund, as appropriate, to cover the cost of collection.

22 § 2702. Nonresident and tourist licenses.

23 * * *

24 (d) One-day tourist licenses.--Any person required to have a
25 fishing license under this chapter may fish in any of the waters
26 of this Commonwealth or in any boundary waters for a period not
27 to exceed 24 hours, specified by the person at time of purchase,
28 with a "One-Day Tourist Fishing License" upon payment of license
29 fee and issuing agent fee as set forth in section 2715. One-Day
30 Tourist Fishing Licenses shall not be issued for fishing during

1 the period from March 15 to April 30 of any year. Holders of
2 One-Day Tourist Fishing Licenses shall not be required to obtain
3 special permits, including [trout/salmon permits to fish for
4 trout or salmon or] trout permits, special permits to fish in
5 Lake Erie and tributaries or combination trout permits and Lake
6 Erie permits.

7 § 2702.1. One-day resident fishing license.

8 * * *

9 (c) Additional stamps and permits required.--Holders of One-
10 Day Resident Fishing Licenses shall obtain all required special
11 permits, including [trout/salmon permits to fish for trout or
12 salmon and] trout permits, special permits to fish in Lake Erie
13 and tributaries and combination trout permits and Lake Erie
14 permits.

15 ~~Section 3. Section 2715(a) and (b) of Title 30 are amended <--~~
16 ~~and the section is amended by adding a subsection to read:~~

17 § 2715. License, permit and issuing agent fees.

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

- 21 (1) Resident Annual Fishing License, \$21.
- 22 (2) Senior Resident Annual Fishing License, \$10.
- 23 (3) Senior Resident Lifetime Fishing License, \$50.
- 24 (4) Nonresident Annual Fishing License, \$51.
- 25 (5) Seven-Day Tourist Fishing License, \$33.
- 26 (6) Three-Day Tourist Fishing License, \$25.
- 27 (6.1) One-Day Resident Fishing License, \$10.
- 28 (6.2) One-Day Tourist Fishing License, \$25.
- 29 (7) Replacement Fishing License, including related
30 permits and privileges, \$5.

1 (8) Transaction costs associated with the Pennsylvania
2 Automated Licensing Service (PALS), actual costs not to
3 exceed \$1.

4 * * *

<--

5 (A.1) PERMIT FEES.--EXCEPT AS OTHERWISE PROVIDED IN THIS <--
6 TITLE, THE FOLLOWING FEES APPLY TO PERMITS RELATED TO FISH AND
7 FISHING AND SHALL BE PAID INTO THE FISH FUND:

8 (1) [TROUT/SALMON] TROUT PERMITS, \$8.

9 (2) RESIDENT CHARTER BOAT/FISHING GUIDE PERMIT, \$100.

10 (3) NONRESIDENT CHARTER BOAT/FISHING GUIDE PERMIT, \$400.

11 (4) SPECIAL PERMIT TO FISH IN LAKE ERIE AND TRIBUTARIES,
12 \$8.

13 (5) COMBINATION [TROUT/SALMON] TROUT PERMIT AND LAKE
14 ERIE PERMIT, \$14.

15 (6) TRANSACTION COSTS ASSOCIATED WITH THE PENNSYLVANIA
16 AUTOMATED LICENSING SERVICE (PALS), ACTUAL COSTS NOT TO
17 EXCEED \$1.

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

22 (c) Changes to fees.--The fees listed under subsections
23 (a)(1), (2), (3), (4), (5), (6), (6.1), (6.2) and (7), (a.1)(1),
24 (4) and (5) and (b) may be changed by the commission in
25 accordance with section 322.1 (relating to power to set fees by
26 regulation).

27 Section 4 3. Sections 2717(a) and (b) and 2902 of Title 30 <--
28 are amended to read:

29 § 2717. License and permit packaging options.

30 (a) Multi-year licenses and permits.--The commission may

1 issue a license or permit that covers multiple years[, provided
2 that the fee for the multi-year license or permit shall not
3 exceed the total fees for the applicable individual license or
4 permit years set forth in section 2715 (relating to license,
5 permit and issuing agent fees)]. A multi-year license or permit
6 shall expire on December 31 of the last year for which it was
7 issued.

8 (b) Group licenses and permits.--The commission may issue a
9 license or permit that covers a group of individuals who meet
10 the criteria established by the commission[, provided that the
11 fee for the group license or permit shall not exceed the total
12 fees for the applicable individual licenses or permits set forth
13 in section 2715].

14 * * *

15 § 2902. Net permits.

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

25 Section ~~5~~ 4. Section 2903(b) and (h) of Title 30 are amended <--
26 and the section is amended by adding a subsection to read:

27 § 2903. Boat and net licenses for boundary lakes.

28 * * *

29 (b) Issuance and fees.--[The] Except as provided under
30 subsection (b.1), the commission may issue a commercial fishing

1 license to a person who has signed and submitted his application
2 and paid a fee as follows:

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

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

5 (b.1) Change of fees.--The fees specified under subsection <--
6 (b) may be as otherwise established LISTED UNDER SUBSECTION (B) <--
7 MAY BE CHANGED by the commission by regulation in accordance
8 with section 322.1 (relating to power to set fees by
9 regulation).

10 * * *

11 [(h) Gill nets.--The use of gill nets for fishing on
12 boundary lakes shall be prohibited.]

13 Section ~~6~~ 5. ~~Section 2904(a) and (c)~~ SECTIONS 2904(B) AND <--
14 (C), 2906, 2907.2(a) and (f.1), 2907.3(b) and 3101 of Title 30
15 are amended to read:

16 § 2904. Permits for protection and management of particular
17 fish.

18 ~~(a) General rule. Except as provided in [subsections (b)~~ <--
19 ~~and] subsection (c), the executive director, with the approval~~
20 ~~of the commission, may require permits for the taking, catching,~~
21 ~~killing, possession, introduction, removal, importing,~~
22 ~~transporting, exporting or disturbing of fish when it is~~
23 ~~determined that the permits may be needed to insure proper~~
24 ~~protection and management of any species of fish. The commission~~
25 ~~may establish fees for the issuance of permits and may~~
26 ~~promulgate rules and regulations concerning the issuance and~~
27 ~~provisions of the permits. Permits issued under this section may~~
28 ~~be revoked at any time at the discretion of the commission.~~

29 * * *

30 * * * <--

1 (B) LIMIT ON FEES.--THE FEE PER PERMIT FOR TAKING, CATCHING,
2 KILLING, POSSESSION, INTRODUCTION, REMOVAL, IMPORTING, EXPORTING
3 OR DISTURBING OF TROUT [AND SALMON] IS ESTABLISHED IN SECTION
4 2715 (RELATING TO LICENSE, PERMIT AND ISSUING AGENT FEES).

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

11 § 2906. Permits for use of explosives.

12 The executive director, with the approval of the commission,
13 may grant permits for the use of explosives in waters for
14 engineering purposes upon the payment of a fee of \$50[.] or as
15 otherwise established by the commission by regulation in
16 accordance with section 322.1 (relating to power to set fees by
17 regulation). The executive director may waive the payment of the
18 fee for Commonwealth agencies and political subdivisions. Any
19 person using explosives under a permit shall make restitution to
20 the commission for all fish destroyed. A person who engages in
21 an activity for which a permit is required under this section
22 without first acquiring the permit commits a misdemeanor of the
23 third degree. A person using explosives under a permit issued
24 under this section who violates any of the terms and conditions
25 of the permit commits a summary offense of the first degree.

26 § 2907.2. Lake Erie fishing permits.

27 (a) Permit required.--No person shall fish in Lake Erie,
28 Presque Isle Bay and their tributaries, including waters that
29 flow into those tributaries, without first procuring an annual
30 special permit [for such fishing] to fish in Lake Erie and

1 tributaries or [the combination trout/salmon/Lake Erie permit] a
2 combination trout permit and Lake Erie permit.

3 * * *

4 (f.1) Lake Erie permits.--

5 (1) The proceeds from the fees for the special permits
6 to fish in Lake Erie [fishing permits] and tributaries as
7 provided for under section 2715(a.1) (4) (relating to license,
8 permit and issuing agent fees) and \$6 of the fees for the
9 combination [trout/salmon] trout permits and Lake Erie
10 permits as provided for under section ~~2715(a.1) (5)~~ ~~2715~~ <--
11 shall be deposited into a restricted account within the Fish
12 Fund. [The]

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

20 * * *

21 § 2907.3. Fishing guide and charter boat permits.

22 * * *

23 (b) Issuing agent status.--Holders of charter boat/fishing
24 guide permits may be designated as special issuing agents for
25 the purpose of selling to their customers One-Day Resident
26 Fishing Licenses, One-Day Tourist Fishing Licenses, Three-Day
27 Tourist Fishing Licenses, Seven-Day Tourist Fishing Licenses
28 [and trout/salmon], trout permits [and], special permits [for
29 fishing] to fish in Lake Erie and tributaries and combination
30 trout permits and Lake Erie permits for the fees specified in

1 section 2715.

2 * * *

3 § 3101. Licenses.

4 Upon application accompanied by a license fee as prescribed
5 in this chapter ~~or as established by the commission by~~ <--
6 ~~regulation in accordance with section 322.1 (relating to power~~
7 ~~to set fees by regulation)~~, the commission shall issue an annual
8 regulated fishing lake license to an applicant whose application
9 meets the eligibility criteria specified in commission
10 regulations. The license shall be effective until December 31 of
11 the year in which it is issued. Each application for a license
12 or a renewal thereof shall be signed by the owner or operator of
13 the regulated fishing lake and shall state the approximate total
14 area of fishing water on the premises to be licensed and whether
15 the area consists of one body of water or more than one,
16 together with any other information relative thereto as the
17 commission may prescribe. The commission may promulgate
18 regulations for the licensing and operation of regulated fishing
19 lakes.

20 Section 7 6. Section 3102 of Title 30 is amended by adding a <--
21 subsection to read:

22 § 3102. Fees.

23 * * *

24 (d) Changes to fees.--The fees listed under this section
25 may be changed by the commission in accordance with section
26 322.1 (relating to power to set fees by regulation).

27 Section 8 7. Section 3509(a) of Title 30 is amended to read: <--

28 § 3509. Obstructing migration of fish.

29 (a) General rule.--No person shall place any device or
30 object in waters within this Commonwealth in a manner that

1 obstructs the migration or passage of fish therein or obstructs
2 any fishway but the commission may, as it deems necessary in the
3 interest of fish management, authorize the erection of such
4 devices and prescribe such conditions for the operation and
5 maintenance of such devices as may be necessary for a fee of
6 \$10[.] or as otherwise established by the commission by
7 regulation in accordance with section 322.1 (relating to power
8 to set fees by regulation).

9 * * *

10 Section 9 8. Section 5104(a) of Title 30 is amended and the <--
11 section is amended by adding a subsection to read:

12 § 5104. Fees.

13 (a) General rule.--[The] Except as otherwise provided under
14 subsection (c), the following fees apply to registrations,
15 licenses, permits and capacity plates and certificates issued
16 under this part and the fees collected shall be deposited in the
17 State Treasury in the Boat Fund:

18 (1) Owner registration (motorboats less than 16 feet in
19 length), \$13 per year.

20 (2) Owner registration (motorboats 16 feet to less than
21 20 feet), \$19.50 per year.

22 (2.1) Owner registration (motorboats 20 feet or longer),
23 \$26 per year.

24 (2.2) Owner registration (boats not equipped with
25 motors), \$9 per year or as fixed under subsection (b).

26 (3) Duplicate owner registration, \$3 each.

27 (4) Dealer registration, \$15 each per year.

28 (5) Commercial passenger boat registration, \$25 each.

29 (6) License for operator of passenger-carrying boat, \$5
30 each.

- 1 [(7) Capacity plate, \$5 each.]
2 (8) Transfer of a multi-year boat registration, \$5.
3 (9) Permit for floating structure and private aids to
4 navigation, \$10 each.
5 (10) Boating safety education certificate, \$10.
6 (11) Replacement boating safety education certificate,
7 \$5.

8 * * *

9 (c) Changes to fees.--The fees listed under this section
10 may be changed by the commission in accordance with section
11 322.1 (relating to power to set fees by regulation).

12 Section ~~4~~ 9. Sections 5304(b), 5327 and 5334 of Title 30 <--
13 are amended to read:

14 § 5304. Issuing agents.

15 * * *

16 (b) Fee.--For all services rendered in collecting and paying
17 over registration fees, each issuing agent shall charge and
18 retain an additional fee not exceeding \$2 or as otherwise
19 established by the commission by regulation in accordance with
20 section 322.1 (relating to power to set fees by regulation) from
21 the person securing the registration. If the issuing agent is a
22 county treasurer or other official who performs that function,
23 the fee shall be retained for the use of the county.

24 * * *

25 § 5327. Fees.

26 [The] (a) General rule.--Except as provided under subsection
27 (b), the following fees shall be due:

28 (1) The fee for issuance of a certificate of title shall
29 be \$15.

30 (2) The fee for a duplicate certificate of title shall

1 be \$5.

2 (3) The fee for recording or changing the amount of
3 security interest on a certificate of title shall be \$5.

4 (4) The fee for copies of or information relating to a
5 title or security interest shall be \$5.

6 (5) The fee for issuing or providing copies of any other
7 official document issued under the authority of this chapter
8 shall be \$5.

9 (6) The fee for continuing the effectiveness of
10 perfection of a security interest shall be \$5.

11 (b) Changes to fees.--The fees listed under this section
12 may be changed by the commission in accordance with section
13 322.1 (relating to power to set fees by regulation).

14 § 5334. Notice for boats and related equipment.

15 Any time 30 days after the terminal date, if a marine
16 business chooses to have all rights, title and interest in a
17 boat or any related equipment transferred to the marine business
18 by operation of law, the marine business shall on the same day
19 send the following two written notices by certified mail, return
20 receipt requested:

21 (1) To an address designated in writing by the customer
22 or, if not so designated, to the customer's last known
23 address, indicating that the marine business intends to
24 terminate all rights, title and interest in the boat or any
25 related equipment by operation of law under this subchapter.
26 If the marine business is sending a notice to the customer
27 pursuant to 75 Pa.C.S. § 7324 (relating to notification by
28 watercraft trailer dealer), it may send the notice required
29 by this paragraph in the same mailing. The notice shall
30 contain:

1 (i) The name, address and telephone number of the
2 marine business.

3 (ii) A description of the boat, including make,
4 model and year, and the hull identification number, a
5 registration number or temporary decal number.

6 (iii) A description of any related equipment.

7 (iv) Notice that the marine business intends to
8 terminate the owner's and lienholder's rights, title and
9 interest in the boat and any related equipment by
10 operation of law under this subchapter.

11 (v) The amount which must be paid to the marine
12 business to redeem the boat and any related equipment as
13 of the date of the notice.

14 (2) To the commission indicating that the marine
15 business intends to terminate all rights, title and interest
16 in the boat or any related equipment by operation of law
17 under this subchapter. This notice shall be accompanied by a
18 fee of \$50 or as otherwise established by the commission by
19 regulation in accordance with section 322.1 (relating to
20 power to set fees by regulation) and shall be on a form
21 prescribed by the commission.

22 Section ~~11~~ 10. This act shall take effect immediately.

<--