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Senate of Pennsylvania

RICHARD ALLOWAY, II
SENATOR

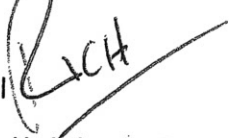
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DEC 14 2011

TO: All Senators
FROM: Senator Richard Alloway, II 
RE: Introduction of Legislation - Updating the Fish and Boat Code
DATE: December 13, 2011

In the near future, I plan on introducing legislation that would make a number of important updates to the Fish and Boat Code. The changes will improve the operations of the Pennsylvania Fish and Boat Commission (PFBC) and the services it provides to the anglers, boaters, and other residents of the Commonwealth. The changes can be broken into six major categories.

Technical Amendments

- Acknowledge that that Fish and Boat Commissioners must be approved by a majority of the Senate.
- Change the word "patrolmen" to waterways conservation officers."
- Eliminates eel chute provision that is no longer applicable.
- Eliminate gill net provision that is no longer applicable.
- Clarify which boating safety certificates are acceptable for non-resident boaters.
- Other minor technical changes.

Law Enforcement

- Clarify the definition of fishing.
- Recognize that a guilty plea and a conviction are not the same thing.
- Provide for training of deputy waterways conservation officers.
- Clarify that deputy waterways conservation officers are volunteers.
- Create consistency with the Vehicle Code regarding the display and use of emergency lights on law enforcement vehicles.
- Provide for the unlawful use of a computer in connection with fishing licenses or boat registrations.
- Create consistency with the Crimes Code allowing for charges to be brought against accomplices involved in violating the Fish and Boat Code (e.g., lookouts during a poaching operation).
- Recognize ATVs as motor vehicles and frozen rivers, streams, and lakes as waters.
- Provide enforcement authority to officers to deal with individuals who fish in a no fishing zone that was posted at the request of the landowne

- Clarify net permit definition.
- Correct commercial fishing license section as a result of earlier legislation that eliminated gill nets and other devices.
- Allow certain minor violations to be dealt with through the issuance of a citation for summary violation and reduce fines and penalties for those specific violations.
- Defines the unauthorized operation and use of boats consistent with the Vehicle Code.
- Defines duties of operators involved in boating accidents consistent with the Vehicle Code.

Fishing Licenses

- Eliminate the need to provide an affidavit to prove that someone had a fishing license.
- Simplify the process for issuance of institutional licenses and allow for more facilities to have access to institutional licenses to provide fishing as a therapeutic opportunity.
- Provide for an exemption for fishing licenses to participants in a structured education program involving fishing.

PFBC Property

- Define and create penalties for damage to property controlled by the PFBC.
- Clarify that the PFBC has discretion over the property it controls.

Fee Updates

- Increase the following for the first time since 1980: service charge for uncollectible checks, littering fine, net permits fee, commercial passenger boat registration, license for operator of passenger-carrying boat
- Increase the following for the first time since 1991: permit for floating structure and private aids to navigation.
- Create fees for the inspection of passenger-carrying boats.
- Provide for enhanced optional penalties for violation of boating regulations.
- Increase certificate of boat title fees for the first time since 1996 and make them consistent with title fees charged by PennDOT.
- Allow for non-profit groups to operate temporary fishing ponds for fund-raising with a substantially reduced permit fee.

Other

- Require issuing agents to submit applications and monies due to the PFBC within five (rather than ten) days.

If you are interested in joining me as a co-sponsor of this legislation, please contact Melissa Knepper at mknepper@pasen.gov or by phone at 717-772-2929.