

HB 1003

AN ACT

Amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, in dams, bar racks and migration devices, further providing for marking of dams.

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

Section 1. Section 3510(h)(1) and (2) and (i) of Title 30 of the Pennsylvania Consolidated Statutes are amended and subsection (h) is amended by adding a paragraph to read:
§ 3510. Marking of dams.

* * *

(h) Penalties.--

(1) Any person who fails to comply with subsection (a) or (b) [shall forfeit and pay a civil penalty of not less than \$500 nor more than \$5,000. The penalty shall be recovered by civil suit or process in the name of the Commonwealth] **commits a summary offense of the first degree for the first offense and a misdemeanor of the third degree for a subsequent offense.** Each [calendar year] month of noncompliance shall constitute a separate violation.

(2) Any person who fails to comply with subsection (c) [shall forfeit and pay a civil penalty of not less than \$250 nor more than \$5,000. The penalty shall be recovered by civil suit or process in the name of the Commonwealth] **commits a summary offense of the second degree for the first offense and a summary offense of the first degree for a subsequent offense.** Each [calendar year] month of noncompliance shall constitute a separate violation.

* * *

(5) **The provisions of 18 Pa.C.S. (relating to crimes and offenses) and section 923 (relating to classification of offenses and penalties), insofar as they relate to imprisonment for convictions of summary and misdemeanor offenses, are not applicable to this section.**

(i) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Department." The Department of Environmental Protection of the Commonwealth.

"Owner." The person who owns a run-of-the-river dam regulated by the Department of Environmental Protection pursuant to the act of November 26, 1978 (P.L.1375, No.325), known as the Dam Safety and Encroachments Act.

"Permit." A permit issued by the Department of Environmental Protection pursuant to the act of November 26, 1978 (P.L.1375, No.325), known as the Dam Safety and Encroachments Act.

"Permittee." The person who has been issued a permit by the Department of Environmental Protection to maintain a run-of-the-river dam.

"Run-of-the-river dam." A manmade structure which:

(1) is **a dam** regulated [or permitted] by the Department of Environmental Protection pursuant to the act of November 26, 1978 (P.L.1375, No.325), known as the Dam Safety and Encroachments Act;

(2) is built across a [river or stream for the purposes of impounding water where the impoundment at normal flow levels is completely within the banks and all flow passes directly] **watercourse and certain flows pass** over the entire dam structure [within the banks], excluding abutments, to a natural channel downstream; and

(3) the department determines to have hydraulic characteristics such that at certain flows persons [entering the area immediately below the dam may be caught in the backwash] **may be caught in the hydraulic roller or boil immediately below the dam.**

Section 2. This act shall take effect in 60 days.

APPROVED--The 1st day of July, A.D. 2020.

TOM WOLF