

HB 808

AN ACT

Amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, in Pennsylvania Fish and Boat Commission, providing for power to set fees; in fiscal affairs, further providing for collection fee for uncollectible checks; in fishing licenses, further providing for nonresident and tourist licenses, for one-day resident fishing license, for license, permit and issuing agent fees and for license and permit packaging options; in special licenses and permits, further providing for net permits, for boat and net licenses for boundary lakes, for permits for protection and management of particular fish, for permits for the use of explosives, for Lake Erie fishing permits and for fishing guide and charter boat permits; in regulated fishing lakes, further providing for licenses and for fees; in dams, bar racks and migration devices, further providing for obstructing migration of fish; in preliminary provisions, further providing for fees; and, in registration and titling of boats, further providing for issuing agents, for fees and for notice for boats and related equipment.

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

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

**§ 322.1. Power to set fees.**

**(a) Authority.--**

(1) Beginning July 1, 2021, the commission, in accordance with paragraph (2), may change or set the fees provided under any of the following:

(i) Section 502 (relating to service charge for uncollectible checks).

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

(iii) Section 2902 (relating to net permits).

(iv) Section 2903 (relating to boat and net licenses for boundary lakes).

(v) Section 2906 (relating to permits for use of explosives).

(vi) Section 3102 (relating to fees).

(vii) Section 3509 (relating to obstructing migration of fish).

(viii) Section 5104 (relating to fees).

(ix) Section 5304 (relating to issuing agents).

(x) Section 5327 (relating to fees).

(xi) Section 5334 (relating to notice for boats and related equipment).

(2) A change or setting of a fee under this subsection shall be done as follows:

(i) The commission shall publish a notice of proposed rulemaking containing the proposed fee change in accordance with section 201 of the act of July 31,

1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law. The commission shall give at least 30 days for the submission of written comments and shall hold at least one public hearing on the proposed change.

(ii) Prior to adoption of a final-form regulation containing a fee change, the commission shall review and consider public comments and may modify the text of the final-form regulation as the commission deems necessary under section 202 of the Commonwealth Documents Law.

(iii) After adoption of a final-form regulation containing a fee change, the commission shall submit the final-form regulation, copies of all public comments and the transcript of the public hearing to the Game and Fisheries Committee of the Senate and the Game and Fisheries Committee of the House of Representatives.

(iv) Either committee under subparagraph (iii) may report a concurrent resolution recommending disapproval of the fee change within 30 days of the submission under subparagraph (iii) or within 10 legislative session days, whichever is later. If neither committee reports a concurrent resolution recommending disapproval within the time prescribed in this subparagraph, the fee change shall be deemed approved.

(v) If either committee reports a concurrent resolution under subparagraph (iv) and the General Assembly does not adopt the concurrent resolution within 30 days of the date that the concurrent resolution is reported or within 10 legislative days, whichever is later, the fee change shall be deemed approved.

(vi) If the General Assembly adopts a concurrent resolution under subparagraph (iv) within 30 days of the date that the concurrent resolution is reported or within 10 legislative session days, whichever is later, the following shall apply:

(A) The concurrent resolution shall be presented to the Governor in accordance with section 9 of Article III of the Constitution of Pennsylvania.

(B) If the Governor does not veto the concurrent resolution of the General Assembly within 10 days after the resolution is presented, the fee change shall be deemed disapproved.

(C) If the Governor vetoes the concurrent resolution within 10 days after the resolution is presented, the General Assembly may override the veto by a two-thirds vote in each house within 30 days after the veto or within 10 legislative session days, whichever is later. If the General Assembly does not override the veto within the time prescribed in this clause, the fee change shall be deemed approved. If the General Assembly overrides the veto within the time prescribed in this clause, the fee change shall be deemed disapproved.

(vii) If the fee change is deemed approved under subparagraph (iv), (v) or (vi) (C), the commission shall:

(A) submit the final-form regulation containing the fee change to the Office of Attorney General for approval as to the legality; and

(B) publish an order adopting the final-form regulation containing the fee change and deposit a copy of the final-form regulation with the Legislative Reference Bureau in accordance with section 207 of the Commonwealth Documents Law.

(b) Expiration.--Subsection (a) shall expire July 15, 2025. Upon expiration, final-form regulations promulgated under subsection (a)(2)(vii)(B) shall remain in effect.

(c) Notice.--The commission shall provide notice of any change of a fee and shall submit to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin the change of the fee and post it on the commission's publicly accessible Internet website.

Section 2. Sections 502, 2702(d), 2702.1(c), 2715, 2717(a) and (b) and 2902 of Title 30 are amended to read:

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

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

§ 2702. Nonresident and tourist licenses.

\* \* \*

(d) One-day tourist licenses.--Any person required to have a fishing license under this chapter may fish in any of the waters of this Commonwealth or in any boundary waters for a period not to exceed 24 hours, specified by the person at time of purchase, with a "One-Day Tourist Fishing License" upon payment of license fee and issuing agent fee as set forth in section 2715. One-Day Tourist Fishing Licenses shall not be issued for fishing during the period from March 15 to April 30 of any year. Holders of One-Day Tourist Fishing Licenses shall not be required to obtain special permits, including [trout/salmon permits to fish for trout or salmon or] **trout permits, special permits to fish in Lake Erie and tributaries or combination trout permits and Lake Erie permits.**

§ 2702.1. One-day resident fishing license.

\* \* \*

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

§ 2715. License, permit and issuing agent fees.

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

- (1) Resident Annual Fishing License, \$21.
- (2) Senior Resident Annual Fishing License, \$10.
- (3) Senior Resident Lifetime Fishing License, \$50.
- (4) Nonresident Annual Fishing License, \$51.
- (5) Seven-Day Tourist Fishing License, \$33.
- (6) Three-Day Tourist Fishing License, \$25.
- (6.1) One-Day Resident Fishing License, \$10.
- (6.2) One-Day Tourist Fishing License, \$25.
- (7) Replacement Fishing License, including related permits and privileges, \$5.
- (8) Transaction costs associated with the Pennsylvania Automated Licensing Service (PALS), actual costs not to exceed \$1.

(a.1) Permit fees.--Except as otherwise provided in this title, the following fees apply to permits related to fish and fishing and shall be paid into the Fish Fund:

- (1) [Trout/salmon] **Trout** permits, \$8.
- (2) Resident charter boat/fishing guide permit, \$100.
- (3) Nonresident charter boat/fishing guide permit, \$400.
- (4) Special permit to fish in Lake Erie and tributaries, \$8.
- (5) Combination [trout/salmon] **trout** permit and Lake Erie permit, \$14.
- (6) Transaction costs associated with the Pennsylvania Automated Licensing Service (PALS), actual costs not to exceed \$1.

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

**(c) Changes to fees.--The fees listed under subsections (a) (1), (2), (3), (4), (5), (6), (6.1), (6.2) and (7), (a.1) (1), (4) and (5) and (b) may be changed by the commission in accordance with section 322.1 (relating to power to set fees).** § 2717. License and permit packaging options.

(a) Multi-year licenses and permits.--The commission may issue a license or permit that covers multiple years[, provided that the fee for the multi-year license or permit shall not exceed the total fees for the applicable individual license or permit years set forth in section 2715 (relating to license, permit and issuing agent fees)]. A multi-year license or permit shall expire on December 31 of the last year for which it was issued.

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

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§ 2902. Net permits.

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

Section 3. Section 2903(b) and (h) of Title 30 are amended and the section is amended by adding a subsection to read:

§ 2903. Boat and net licenses for boundary lakes.

\* \* \*

(b) Issuance and fees.--[The] **Except as provided under subsection (b.1), the** commission may issue a commercial fishing license to a person who has signed and submitted his application and paid a fee as follows:

- (1) Trap nets: residents, \$80; nonresidents, \$160.
- (2) Seines: residents, \$50; nonresidents, \$100.

**(b.1) Change of fees.--The fees listed under subsection (b) may be changed by the commission in accordance with section 322.1 (relating to power to set fees).**

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

Section 4. Sections 2904(b) and (c), 2906, 2907.2(a) and (f.1), 2907.3(b) and 3101 of Title 30 are amended to read:  
§ 2904. Permits for protection and management of particular fish.

\* \* \*

(b) Limit on fees.--The fee per permit for taking, catching, killing, possession, introduction, removal, importing, exporting or disturbing of trout [and salmon] is established in section 2715 (relating to license, permit and issuing agent fees).

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

§ 2906. Permits for use of explosives.

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

§ 2907.2. Lake Erie fishing permits.

(a) Permit required.--No person shall fish in Lake Erie, Presque Isle Bay and their tributaries, including waters that flow into those tributaries, without first procuring an annual special permit [for such fishing] **to fish in Lake Erie and tributaries** or [the combination trout/salmon/Lake Erie permit] **a combination trout permit and Lake Erie permit.**

\* \* \*

(f.1) Lake Erie permits.--

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

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

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§ 2907.3. Fishing guide and charter boat permits.

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(b) Issuing agent status.--Holders of charter boat/fishing guide permits may be designated as special issuing agents for the purpose of selling to their customers One-Day Resident Fishing Licenses, One-Day Tourist Fishing Licenses, Three-Day Tourist Fishing Licenses, Seven-Day Tourist Fishing Licenses

[and trout/salmon], **trout** permits [and], special permits [for fishing] **to fish in** Lake Erie and tributaries **and combination trout permits and Lake Erie permits** for the fees specified in section 2715.

\* \* \*

§ 3101. Licenses.

Upon application accompanied by a license fee **as** prescribed in this chapter, the commission shall issue an annual regulated fishing lake license to an applicant whose application meets the eligibility criteria specified in commission regulations. The license shall be effective until December 31 of the year in which it is issued. Each application for a license or a renewal thereof shall be signed by the owner or operator of the regulated fishing lake and shall state the approximate total area of fishing water on the premises to be licensed and whether the area consists of one body of water or more than one, together with any other information relative thereto as the commission may prescribe. The commission may promulgate regulations for the licensing and operation of regulated fishing lakes.

Section 5. Section 3102 of Title 30 is amended by adding a subsection to read:

§ 3102. Fees.

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

Section 6. Section 3509(a) of Title 30 is amended to read: § 3509. Obstructing migration of fish.

(a) General rule.--No person shall place any device or object in waters within this Commonwealth in a manner that obstructs the migration or passage of fish therein or obstructs any fishway but the commission may, as it deems necessary in the interest of fish management, authorize the erection of such devices and prescribe such conditions for the operation and maintenance of such devices as may be necessary for a fee of \$10[.] **or as otherwise established by the commission in accordance with section 322.1 (relating to power to set fees).**

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Section 7. Section 5104(a) of Title 30 is amended and the section is amended by adding a subsection to read:

§ 5104. Fees.

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

- (1) Owner registration (motorboats less than 16 feet in length), \$13 per year.
- (2) Owner registration (motorboats 16 feet to less than 20 feet), \$19.50 per year.
  - (2.1) Owner registration (motorboats 20 feet or longer), \$26 per year.
  - (2.2) Owner registration (boats not equipped with motors), \$9 per year or as fixed under subsection (b).
- (3) Duplicate owner registration, \$3 each.
- (4) Dealer registration, \$15 each per year.
- (5) Commercial passenger boat registration, \$25 each.
- (6) License for operator of passenger-carrying boat, \$5 each.
- [(7) Capacity plate, \$5 each.]
- (8) Transfer of a multi-year boat registration, \$5.

(9) Permit for floating structure and private aids to navigation, \$10 each.

(10) Boating safety education certificate, \$10.

(11) Replacement boating safety education certificate, \$5.

\* \* \*

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

Section 8. Sections 5304(b), 5327 and 5334 of Title 30 are amended to read:

§ 5304. Issuing agents.

\* \* \*

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

\* \* \*

§ 5327. Fees.

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

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

(2) The fee for a duplicate certificate of title shall be \$5.

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

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

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

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

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

§ 5334. Notice for boats and related equipment.

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

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

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

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

(iii) A description of any related equipment.

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

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

(2) To the commission indicating that the marine business intends to terminate all rights, title and interest in the boat or any related equipment by operation of law under this subchapter. This notice shall be accompanied by a fee of \$50 **or as otherwise established by the commission in accordance with section 322.1 (relating to power to set fees)** and shall be on a form prescribed by the commission. Section 9. This act shall take effect immediately.

APPROVED--The 10th day of July, A.D. 2020.