

FISH AND BOAT CODE (30 PA.C.S.) - OMNIBUS AMENDMENTS

Act of Dec. 20, 2000, P.L. 828, No. 115

Cl. 30

Session of 2000

No. 2000-115

SB 1117

AN ACT

Amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, further providing for waterways patrolmen and employees, for assistant executive directors , for deputy waterways conservation officers and for the use of property; clarifying provisions for repeat offenders; exempting certain military personnel from license requirements; further providing for issuing agents; and requiring a study of the financial feasibility of providing certain free fishing licenses.

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

Section 1. Sections 303(a), 304(a) and 305(b) of Title 30 of the Pennsylvania Consolidated Statutes are amended to read:

§ 303. Assistant executive directors.

(a) Appointment **and compensation** .--The executive director, with the approval of the commission, may , **in accordance with law and the classification and compensation plans of the Commonwealth as established by the Executive Board**, appoint **and fix the compensation of** two assistant executive directors, one of whom shall be in charge of and responsible for watercraft safety and the other of whom shall be in charge of and responsible for fisheries and engineering.

\* \* \*

§ 304. Waterways patrolmen and employees.

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

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§ 305. Deputy waterways conservation officers.

\* \* \*

(b) Compensation.--Deputy waterways conservation officers shall not be entitled to any salary, compensation or expenses for their services from the Commonwealth, unless detailed in writing for duty by the executive director of the commission, in which case they shall receive compensation and/or reasonable expenses in accordance with a Statewide pay scale **and standards as established by the Executive Board** . Only such duties or

assignments as are approved in advance by the executive director or his designee shall be eligible for compensation and/or reasonable expenses. When acting within the scope of their official duties, deputy waterways conservation officers shall be authorized to operate Commonwealth vehicles and watercraft and shall be treated as employees of the Commonwealth for the purposes of automotive and general liability and the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act.

\* \* \*

Section 2. Section 742 of Title 30 is amended by adding a subsection to read:

§ 742. Use of property.

\* \* \*

**(e) Use of commission lakes and access areas by unpowered boats.--The commission shall, by regulations adopted within one year after the effective date of this section, provide for issuance of use permits valid for one or two years for unpowered boats, which are not registered in accordance with law, to use commission property. On and after the effective date of the regulations promulgated hereunder by the commission, the owner of an unpowered boat that uses commission property shall have the option of registering the boat or purchasing a use permit issued under the authority of this section. The commission shall establish fees for use permits issued under this section, which fees shall not exceed the fees charged by the Department of Conservation and Natural Resources for boat launch permits for State parks lakes. The commission shall, in cooperation with the department, provide for reciprocal or joint use/launch permits for unpowered boats to use both commission and State parks lakes and access areas.**

Section 3. Section 923(d) of Title 30 is amended to read:

§ 923. Classification of offenses and penalties.

\* \* \*

(d) Repeat offenders.--A person who is convicted or acknowledges guilt of a second or subsequent violation of this title or the regulations promulgated under this title within 12 months of a prior offense under this title shall be sentenced as a repeat offender. An extract from commission records maintained in the ordinary course of business showing that the person was convicted or acknowledged guilt of two or more offenses under this title on separate occasions within a 12-month period shall be prima facie evidence that the person is a repeat offender. In addition to the fine set forth in subsection (a)[(2)], a repeat offender may be sentenced to pay an additional fine as follows:

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

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

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

\* \* \*

Section 4. Section 2709 of Title 30 is amended by adding a subsection to read:

§ 2709. Exemptions from license requirements.

\* \* \*

(f) **Military personnel.--**

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

(i) **Are residents of this Commonwealth.**

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

(iii) **Are assigned to a facility outside this Commonwealth.**

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

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

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

Section 5. Section 5304(d.1) of Title 30 is amended to read:

§ 5304. Issuing agents.

\* \* \*

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

\* \* \*

Section 6. (a) The Pennsylvania Fish and Boat Commission shall assign staff to study the financial feasibility of providing a free resident fishing license to permanently disabled residents of this Commonwealth.

(b) The commission shall issue a report of its findings to the Game and Fisheries Committee of the Senate and the Game and Fisheries Committee of the House of Representatives within one year of the effective date of this act.

Section 7. This act shall take effect as follows:

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

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

APPROVED--The 20th day of December, A. D. 2000.

THOMAS J. RIDGE