

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2450

Session of
1988

INTRODUCED BY LETTERMAN, DAVIES, BOWLEY, MARKOSEK, STABACK,
OLASZ, GAMBLE, KASUNIC, McCALL AND BROUJOS, MAY 4, 1988

AS REPORTED FROM COMMITTEE ON GAME AND FISHERIES, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 21, 1988

AN ACT

1 Amending Title 30 (Fish) of the Pennsylvania Consolidated
2 Statutes, further providing for the powers and duties of the
3 commission; changing the penalties for certain violations;
4 providing for additional violations; providing new fees for
5 lakes; and further providing for the registration of powered
6 watercraft.

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

9 Section 1. Sections 321, ~~521(a)(4), 531(a)(4)~~, 741(b) and <—
10 904 of Title 30 of the Pennsylvania Consolidated Statutes are
11 amended to read:

12 § 321. Administration and enforcement.

13 The commission shall administer and enforce this title and
14 other laws of this Commonwealth relating to:

15 (1) The encouragement, promotion and development of the
16 fishery interests.

17 (2) The protection, propagation and distribution of
18 fish.

19 (3) The management of boating and the operation of

boats.

(4) The encouragement, promotion and development of recreational boating.

~~§ 521. Establishment and use of Fish Fund.~~

<—

~~(a) General rule. Except as otherwise provided in this title, all fees, royalties, fines, penalties and other moneys paid, received, recovered and collected under the provisions of this title shall be placed in a separate fund by the State Treasurer to be known as the "Fish Fund" and shall be used solely for the following purposes:~~

~~* * *~~

~~(4) The direct purchase, without approval or confirmation of the Department of General Services, of such furniture, furnishings, stationery, supplies, materials, equipment, fuel, motor vehicles and printing and binding as may be necessary to the conduct of the work of the commission, and the payment of premiums on surety bonds for such officers or employees of the commission as may be required to obtain policies of workmen's compensation insurance and policies of liability insurance covering motor vehicles and persons operating them.~~

~~* * *~~

~~§ 531. Establishment and use of Boat Fund.~~

~~(a) General rule. All fees, royalties, fines, penalties and other moneys paid, received, recovered and collected under the provisions of section 747 (relating to proceeds from sales and grants) and Part III (relating to boats and boating), as well as all funds received pursuant to section 17 of the act of May 21, 1931 (P.L.149, No.105), known as "The Liquid Fuels Tax Act," shall be placed in a separate fund by the State Treasurer to be~~

1 ~~known as the "Boat Fund." The use of the Boat Fund shall~~
2 ~~generally be limited to carrying out the functions of the~~
3 ~~commission that relate to boats and boating and, subject to this~~
4 ~~general limitation, the fund may be used solely for the~~
5 ~~following purposes:~~

6 * * *

7 ~~(4) The direct purchase, without approval or~~
8 ~~confirmation of the Department of General Services, of such~~
9 ~~furniture, furnishings, stationery, supplies, materials,~~
10 ~~equipment, fuel, motor vehicles, boats and printing and~~
11 ~~binding as may be necessary to the conduct of the work of the~~
12 ~~commission, and the payment of premiums on surety bonds for~~
13 ~~such officers or employees of the commission as may be~~
14 ~~required to obtain policies of workmen's compensation~~
15 ~~insurance and policies of liability insurance covering the~~
16 ~~motor vehicles and persons operating them.~~

17 * * *

18 § 741. Control of property.

19 * * *

20 (b) Penalty.--Any person violating rules and regulations
21 promulgated under subsection (a) commits a summary offense of
22 the second degree, but a person violating a regulation governing
23 parking of vehicles on commission property commits a summary
24 offense of the fourth degree.

25 § 904. Interference with officers.

26 (a) General rule.--Any person who by force, menace, threat
27 or in any manner resists inspection or arrest for violation of
28 any of the provisions of this title or refuses to go with a
29 waterways patrolman or deputy waterways patrolman after an
30 arrest has been made, or interferes with any officer of this

Commonwealth in the performance of his duty under the provisions of this title, commits a summary offense of the first degree.

(b) Bodily injury.--Any person who attempts to cause or causes bodily harm to an officer performing duties under the provisions of this title commits a misdemeanor of the third degree.

Section 2. Title 30 is amended by adding sections to read:

§ 906. Fleeing or attempting to elude an officer.

(a) General rule.--A person who has been given a visual or audible signal to stop by a person authorized to enforce this title and who willfully fails or refuses to bring his vehicle or boat to a stop or who otherwise flees or attempts to elude a pursuing officer or enforcement vehicle or boat commits a summary offense of the first degree.

(b) Definition.--As used in this section, the term "visual or audible signal" includes a signal by hand, sign, voice, emergency lights, horn or siren.

§ 907. Operation of vehicle or boat without lights to avoid identification or arrest.

A person who operates a vehicle or boat without lights or who turns off any or all lights on a vehicle or boat for the purpose of avoiding identification or apprehension commits a summary offense of the first degree.

§ 908. False identification or false or fraudulent statements on reports, etc.

A person who gives false identification to an officer authorized to enforce this title or who makes any false or fraudulent statement on any report or application required by this title, or to any representative of the commission, commits a summary offense of the second degree.

1 Section 3. Section 923 of Title 30 is amended to read:

2 § 923. Classification of offenses and penalties.

3 (a) General rule.--The following penalties shall be imposed
4 for violations of this title:

5 (1) For a summary offense of the first degree, a fine of
6 \$100 or imprisonment not exceeding 90 days.

7 (2) For a summary offense of the second degree, a fine
8 of [~~\$25~~] \$50 or imprisonment not exceeding 20 days.

9 (3) For a summary offense of the third degree, a fine of
10 [~~\$10~~] \$25.

11 (4) For a summary offense of the fourth degree, a fine
12 of \$10.

13 ~~[(4)]~~ (5) For a misdemeanor of the third degree, a fine
14 of not less than \$250 nor more than [~~\$2,500~~] \$5,000, or
15 imprisonment not exceeding 90 days, or both.

16 (6) For a misdemeanor of the first degree, a fine of not
17 less than \$2,500 nor more than \$10,000, or imprisonment not
18 exceeding five years, or both.

19 ~~[(5)]~~ (7) For a felony of the third degree, a fine of
20 not less than \$2,500 nor exceeding \$15,000, or imprisonment
21 not exceeding seven years, or both.

22 (b) Additional fine.--In addition to the penalties in
23 subsection (a), a fine of \$10 may be imposed for each fish
24 taken, caught, killed, possessed or sold in violation of this
25 title. In computing the number of fish taken, caught, killed,
26 possessed or sold, the number immediately returned unharmed to
27 the water where they were taken shall be omitted.

28 (c) Additional penalty for fishing without license or permit
29 or operating boat without registration.--In addition to the
30 penalties in subsection (a), a person convicted or acknowledging

guilt of the offense of fishing without a license in violation of section 2703 (relating to possession and display of licenses) or 2908 (relating to penalties) or operating an unregistered boat for which registration is required shall pay an additional penalty equal to two times the cost of the annual license, permit or registration which the person was required to possess in order to fish or operate a boat requiring registration.

(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, in addition to the fines provided in subsections (a), (b) and (c), pay an additional fine of two times the maximum fine provided in subsection (a) for the second or subsequent offense. An extract from commission records maintained in the ordinary course of business showing that the person was convicted or acknowledged guilt of the prior offense shall be sufficient evidence of the existence of the prior offense.

[(c)] (e) Title 18 inapplicable.--Title 18 (relating to crimes and offenses) is inapplicable to this title insofar as it relates to fines and imprisonment for convictions of summary offenses, misdemeanors and felonies.

Section 4. Sections 2102(a) and (b), 2104, 2105 and 2106 of Title 30 are amended to read:

§ 2102. Rules and regulations.

(a) General rule.--The commission may promulgate such general and special rules and regulations as it deems necessary and appropriate concerning fish and fishing in the waters of, and elsewhere in, this Commonwealth, including regulations concerning the protection, preservation and management of fish

1 and fish habitat, permitting and prohibiting fishing, the ways,
2 manner, methods and means of fishing, and the health and safety
3 of persons who fish or may be in the vicinity of such persons
4 on, in or along the waters of, or elsewhere in, this
5 Commonwealth. [Unless specifically provided otherwise by this
6 title, any] Any person violating a rule or regulation [relating
7 to fish or fishing] promulgated under this subsection which the
8 commission designates as being for the protection of fish or
9 fish habitat or for the health and safety of persons who fish
10 commits a summary offense of the second degree. Any person
11 violating any other rule or regulation promulgated under this
12 subsection commits a summary offense of the third degree.

13 (b) Seasons, sizes, creel limits and devices.--The rules and
14 regulations may establish seasons, sizes, and possession limits
15 for fish and fishing, regulate the possession of certain
16 species, the number and types of devices and tackle allowed, the
17 identification of such devices and the use and possession of
18 such devices. Any person who violates a rule or regulation
19 promulgated under this subsection commits a summary offense of
20 the [second] third degree.

21 * * *

22 § 2104. Sunday fishing from private land.

23 (a) General rule.--No person shall fish on any Sunday from
24 privately owned land without the express or implied consent of
25 the owner or lessee of the land abutting on a stream or body of
26 water and of the bed thereunder. The consent shall be implied
27 unless the landowner takes any reasonable action to negate his
28 consent to Sunday fishing.

29 (b) Penalty.--Any person who violates this section commits a
30 summary offense of the [second] third degree.

1 § 2105. Farm fish ponds.

2 (a) Exemption from regulation.--The restrictions on fishing
3 imposed by this part do not apply to a resident owner or lessee
4 of a farm, his family and other persons who are regularly
5 employed upon the farm, all of the class which must permanently
6 reside upon the farm, while fishing in an artificial pond
7 constructed thereon holding water the source of which is wholly
8 within the limits of the farm.

9 (b) Transporting fish from premises.--Any person may
10 lawfully possess and transport any fish lawfully taken from a
11 farm pond from the premises during the closed season for such
12 fish when accompanied by a signed written statement from the
13 owner or lessee of the farm showing:

14 (1) The date, place and by whom the fish were taken.

15 (2) The number and species of fish.

16 (3) The name and address of the person transporting the
17 fish.

18 (4) The date they are being transported.

19 (c) Other prohibitions unaffected.--Nothing in this section
20 shall authorize any person to transport, introduce or import any
21 fish, bait fish or fish bait, the transportation, introduction
22 or importation of which is prohibited by law, rule or
23 regulation.

24 (d) Penalty.--Any person violating any of the provisions of
25 this section commits a summary offense of the [second] third
26 degree.

27 § 2106. Fishing in hatchery or nursery waters.

28 (a) General rule.--No person shall fish, or trespass with
29 intent to fish, in any hatchery waters or waters designated by
30 the commission as nursery waters, upon the bed or bank of any

1 such waters or upon any hatchery lands controlled, owned or
2 occupied by the commission, Federal Government or cooperative
3 nursery approved by the commission.

4 (b) Penalty.--Any person violating the provisions of this
5 section by fishing or trespassing with intent to fish in any
6 hatchery or nursery waters commits a summary offense of the
7 first degree. Any person violating the provisions of this
8 section by taking fish from hatchery or nursery waters commits:

9 (1) A summary offense of the first degree if the market
10 value of the fish taken from the hatchery or nursery waters
11 is not shown or is less than \$50.

12 (2) A misdemeanor of the third degree if the market
13 value of the fish taken from hatchery or nursery waters is
14 \$50 or more.

15 Section 5. Title 30 is amended by adding sections to read:
16 § 2107. Sale of fish taken from hatchery or nursery waters.

17 (a) General rule.--A person shall not sell, offer for sale
18 or knowingly purchase fish taken from any hatchery waters or
19 waters designated by the commission as nursery waters in
20 violation of section 2106 (relating to fishing in hatchery or
21 nursery waters).

22 (b) Penalty.--A person violating the provisions of this
23 section commits a summary offense of the first degree if the
24 market value of the fish sold, offered for sale or purchased is
25 not shown or is less than \$50. A person violating the provisions
26 of this section commits a misdemeanor of the third degree if the
27 market value or price of fish sold, offered for sale or
28 purchased is \$50 or more.

29 § 2108. Retrieval and disposition of fish.

30 (a) General rule.--It is unlawful for a person who kills

1 fish while engaged in activities permitted by this title to
2 refuse or neglect to make a reasonable effort to lawfully
3 dispose of such fish.

4 (b) Penalty.--A violation of this section is a summary
5 offense of the third degree.

6 Section 6. Sections 2306, 2307, 2501, 2503(c), 2703(b) and
7 2711(a) and (b) of Title 30 are amended to read:

8 § 2306. Refuge areas.

9 (a) General rule.--The commission may set aside, in its
10 discretion, such areas as it may judge best as refuge areas in
11 which fishing or entry shall be prohibited for such periods of
12 time as the commission prescribes. Notices of these closings
13 shall be posted at the refuge areas.

14 (b) Penalty.--Any person fishing in a refuge area posted
15 under subsection (a) commits a summary offense of the first
16 degree. Any person entering a refuge area commits a summary
17 offense of the [second] third degree.

18 § 2307. Waters limited to specific purposes.

19 (a) General rule.--The commission may designate certain
20 water areas for specific purposes and promulgate such rules and
21 regulations as are deemed necessary to protect and manage the
22 fishery therein.

23 (b) Penalty.--Any person violating any rule and regulation
24 promulgated under subsection (a) commits a summary offense of
25 the [second] third degree.

26 § 2501. Misuse of property and waters.

27 (a) General rule.--It is unlawful for any person to commit
28 any of the following acts in or along any waters or lands
29 adjacent to or contiguous to waters within or bordering on this
30 Commonwealth:

1 (1) Park or leave standing any motor vehicle or other
2 means of conveyance in such a manner as to obstruct the owner
3 or his lessee ingress, egress or regress to his property or
4 cattleways without the permission of the owner or lessee of
5 the land.

6 (2) Drive a motor vehicle or other type of conveyance on
7 or over any cleared or cultivated lands without the
8 permission of the owner or lessee of the land.

9 (3) Start, build, tend or abandon any open fire without
10 the permission of the owner or lessee of the land.

11 (4) Dig, cut or disturb in any manner lands, shrubs,
12 trees or other vegetation without the permission of the owner
13 or lessee of the land.

14 (5) Sever fences or cause any other change to public or
15 private property without the permission of the owner or
16 lessee of the land.

17 (6) Run any vehicle, except fording in the most direct
18 manner, in any stream.

19 (7) Refuse to identify himself upon request to the owner
20 or the lessee of the land or waters upon which he is present.

21 (b) Penalty.--[Any]

22 (1) Except as provided in paragraph (2), any person
23 violating any of the provisions of this section commits a
24 summary offense of the second degree [and, in addition may].

25 (2) A person who violates subsection (a)(1), (3), (6) or
26 (7) commits a summary offense of the third degree.

27 (3) Any person convicted of violations under paragraph
28 (1) or (2) may, in addition to any penalty imposed, have his
29 fishing license revoked for a period of one year.

30 § 2503. Littering.

1 * * *

2 (c) Penalty.--Any person who deposits or otherwise disposes
3 of a thing or substance in violation of this section which
4 causes or may cause damage to, or destruction of, fish commits a
5 summary offense of the first degree. Any person who transports
6 household refuse or garbage from another location and disposes
7 of it by leaving it on lands or waters open to fishing or
8 boating commits a summary offense of the second degree. Any
9 person who otherwise violates this section commits a summary
10 offense of the [second] third degree. In addition to the
11 penalties set forth in section 923 (relating to classification
12 of offenses and penalties), an additional penalty of \$10 for
13 each item or piece of litter thrown, discarded, left, emitted or
14 deposited in violation of this section may be imposed on any
15 person who is convicted or acknowledges guilt of a violation of
16 this section.

17 § 2703. Possession and display of licenses.

18 * * *

19 (b) Penalties.--

20 (1) Except as provided in paragraph (2), any person who
21 violates this section commits a summary offense of the
22 [second] third degree.

23 (2) Any person who violates any regulation concerning
24 the displaying of the license certificate, button or other
25 device promulgated under this section commits a summary
26 offense of the [third] fourth degree.

27 § 2711. Issuing agents.

28 (a) Appointment and bond.--The commission may appoint such
29 persons as it deems necessary to issue fishing licenses and
30 permits and the persons so appointed shall be required to post a

1 bond [with] or other security in a form satisfactory to the
2 commission in an amount it determines.

3 (b) Compensation and fees.--For services rendered in
4 collecting and paying over license fees, issuing agents, as long
5 as they continue to act in that capacity, may collect and retain
6 the sum of 50¢ for each fishing license sold which amount shall
7 be full compensation for services rendered by them under the
8 provisions of this title. The compensation shall be retained by
9 the respective issuing agents and shall cover, among other
10 things, the cost of issuing licenses, postage, mailing, returns
11 and bonding of said agents. All license fees paid to an issuing
12 agent under this title shall be paid by those agents into the
13 State Treasury for deposit in the Fish Fund through the
14 commission at least once a month and they shall be applied to
15 the purposes provided for in this title. An issuing agent shall
16 make a return to the commission upon a form to be supplied by
17 the commission. Any issuing agent failing to comply with any of
18 the provisions of this section shall not be entitled to retain
19 the fee fixed in this subsection for his services but shall pay
20 those fees to the State Treasurer for deposit in the Fish Fund.
21 Delinquent agents are subject to a penalty of 10% per month on
22 any outstanding balance of license money due the commission,
23 which penalty shall be compounded on a monthly basis. If those
24 sums are not so paid, the Commonwealth may recover them by suit
25 in the same manner as like amounts are now recoverable by law.
26 The commission may recall the agency of any agent after a
27 delinquency period of 30 days.

28 * * *

29 Section 7. Title 30 is amended by adding a section to read:
30 § 2714. License issuing fees.

1 In order to help defray the issuing costs, the commission may
2 collect an issuing fee not to exceed the fee charged by issuing
3 agents under sections 2701 (relating to resident fishing
4 licenses), 2702 (relating to nonresident and tourist licenses),
5 2704 (relating to lost fishing licenses) and 2711 (relating to
6 issuing agents) on licenses and stamps issued by the commission.

7 Section 8. Sections 2908, 3101, 3102, 3313 and 3507 of Title
8 30 are amended to read:

9 § 2908. Penalties.

10 (a) General rule.--Except as provided in subsection (b), a
11 person engaging in any activity for which a permit or special
12 license is required under this chapter without acquiring the
13 license or permit or who violates any provision of this chapter
14 or regulations promulgated thereunder commits a summary offense
15 of the [first] second degree.

16 (b) Boundary lakes.--A person engaged in any activity for
17 which a permit or special license under section 2903 (relating
18 to boat and net licenses for boundary lakes) is required without
19 obtaining such license or permit or who violates any provision
20 of section 2903 or regulations promulgated thereunder commits a
21 misdemeanor of the third degree.

22 § 3101. Licenses.

23 Upon application accompanied by a license fee prescribed in
24 this chapter, the commission shall issue an annual regulated
25 fishing lake license to an applicant whose application meets the
26 eligibility criteria specified in commission regulations. The
27 license shall be effective until December 31 of the year in
28 which it is issued. Each application for a license or a renewal
29 thereof shall be signed by the owner or operator of the
30 regulated fishing lake and shall state the approximate total

1 area of fishing water on the premises to be licensed and whether
2 the area consists of one body of water or more than one,
3 together with any other information relative thereto as the
4 commission may prescribe. The commission may promulgate
5 regulations for the licensing and operation of regulated fishing
6 lakes.

7 § 3102. Fees.

8 (a) Class A lakes.--The annual license fee for a Class A
9 regulated fishing lake (except portable trout fishing ponds
10 operated as regulated fishing lakes) shall be based on the total
11 area of fishing water on the premises to be licensed, whether
12 the area consists of one body of water or more than one.

13 (1) Where the total area of water is less than [five] 30
14 acres, the fee shall be [\$50] \$200.

15 (2) Where the total water area is [five acres or more
16 but less than ten] more than 30 acres, the fee shall be [\$60]
17 \$500.

18 [(3) Where the area is ten acres or more but less than
19 20 acres, the fee shall be \$80.

20 (4) Where the area is 20 acres or more but less than 40
21 acres, the fee shall be \$100.

22 (5) Where the area is 40 acres or more but less than 80
23 acres, the fee shall be \$120.

24 (6) Where the area is 80 or more acres, the fee shall be
25 \$150.]

26 (b) Class B lakes.--The annual license fee for a Class B
27 regulated fishing lake (except portable trout fishing ponds
28 operated as regulated fishing lakes) shall be based on the total
29 area of fishing water on the premises to be licensed whether the
30 area consists of one body of water or more than one:

1 (1) Where the total area of water is less than 30 acres,
2 the fee shall be \$50.

3 (2) Where the total area of water is 30 acres or more,
4 the fee shall be \$100.

5 (c) Portable fishing ponds.--

6 (1) The annual license fee for a portable trout fishing
7 pond which the operator seeks to operate as a Class A
8 regulated fishing lake shall be \$200.

9 (2) The annual license fee for a portable trout fishing
10 pond which the operator seeks to operate as a Class B
11 regulated fishing lake shall be \$50.

12 § 3313. Penalty.

13 [Any] (a) General rule.--Except as provided in subsection
14 (b), any person who violates any provision of this chapter
15 commits a summary offense of the first degree.

16 (b) Penalty for sale of fish.--Any person who violates
17 section 3311 (relating to sale of certain fish prohibited) by
18 selling, offering for sale or purchasing fish with a market
19 value or sale price of \$50 or more commits a misdemeanor of the
20 third degree. Any violation of section 3311 where the market
21 value or sale price is not shown or is less than \$50 is a
22 summary offense of the first degree.

23 § 3507. Protection of fish near dams.

24 (a) General rule.--The commission shall promulgate such
25 rules and regulations as it deems necessary to protect and
26 manage fish within one mile or such lesser distance as it deems
27 appropriate of any chute, slope, fishway, gate, dam, reflector,
28 retards or similar devices.

29 (b) Penalty.--Any person violating any of the rules or
30 regulations promulgated under this section commits a summary

1 offense of the [first] second degree.

2 Section 9. Sections 5122, 5123(b), 5124, 5301, 5304, 5305,
3 5306, 5308, 5310 and 5311 of Title 30 are amended to read:

4 § 5122. Registrations, licenses, permits, plates and
5 statistics.

6 (a) General rule.--The commission may promulgate rules and
7 regulations relating to:

8 (1) Permanent and temporary registration of motorboats.

9 (2) Special provisions applicable to livery operators,
10 outfitters, dealers, manufacturers and the owners or
11 operators of passenger-carrying boats.

12 (3) Display of numbers.

13 (4) Renewal of certificates of registration.

14 (5) Transfer of ownership of or interest in boats or the
15 abandonment or destruction of registered boats.

16 (6) Licensing of operators of passenger-carrying boats.

17 (7) Display of capacity plates by boats, the information
18 to be displayed thereon and the issuance of capacity plates.

19 (8) Issuance of permits for special marine events.

20 (9) Compilation and release of statistics on accidents
21 and registered boats.

22 (b) Penalty.--Any person who violates a rule or regulation
23 promulgated under this section commits a summary offense of the
24 [third] fourth degree except that a person who operates a
25 passenger-carrying boat without a license commits a summary
26 offense of the second degree.

27 § 5123. General boating regulations.

28 * * *

29 (b) Penalties.--Any person who violates a rule or regulation
30 promulgated under this section which the commission designates

1 as being for the protection of the health and safety of persons
2 as provided by subsection (a)(1) commits a summary offense of
3 the [first] second degree. Any person who violates any other
4 regulation promulgated under this section commits a summary
5 offense of the [second] third degree. In addition to any other
6 penalty, any person who is convicted or acknowledges guilt for
7 an offense of possessing insufficient, nonapproved or
8 unserviceable safety equipment on a boat, or for passengers, or
9 persons being towed by a boat on the waters of this Commonwealth
10 may be fined an additional \$10 for every piece of safety
11 equipment required that is missing, not worn[,] when required,
12 not of an approved type or unserviceable.

13 § 5124. Particular areas of water.

14 (a) General rule.--The commission may promulgate special
15 rules and regulations for particular artificial or natural areas
16 of water for further limiting, restricting or prohibiting the
17 operation or navigation of boats thereon to promote the
18 interests of the public or to preserve aquatic life.

19 (b) Penalty.--Any person who violates a rule or regulation
20 promulgated under this section commits a summary offense of the
21 [second] third degree.

22 § 5301. Registration of motorboats required.

23 (a) General rule.--It is unlawful for any person to operate
24 or navigate, or cause to be operated or navigated, any motorboat
25 upon, over or through the waters of this Commonwealth unless the
26 motorboat is registered in accordance with this chapter.

27 (b) Penalty.--Any person who violates this section commits a
28 summary offense of the [second] third degree.

29 § 5304. Issuing agents.

30 (a) Designation.--The commission may designate as issuing

1 agents the county treasurer (or in counties where, by virtue of
2 an optional plan of government or home rule charter, there is no
3 county treasurer, the official who performs the ordinary
4 functions of a county treasurer) or such other persons in each
5 county, as it deems advantageous, to provide for the issuance of
6 [motorboat] boat registrations in accordance with the provisions
7 of this chapter.

8 (b) Fee.--For all services rendered in collecting and paying
9 over registration fees, each issuing agent shall charge and
10 retain an additional fee not exceeding \$2 from the person
11 securing the registration. If the issuing agent is a county
12 treasurer or other official who performs that function, the fee
13 shall be retained for the use of the county.

14 (c) Bond.--Every issuing agent shall give bond to the
15 Commonwealth, in a sum determined by the executive director,
16 before any supply of registration forms is delivered to him.

17 (d) Disposition of moneys.--Every issuing agent shall
18 forward all moneys collected, along with all appropriate forms,
19 to the commission within [five] ten days after receipt of each
20 and every registration. Delinquent agents are subject to a
21 penalty of 10% per month or portion of a month on any
22 outstanding balance of registration money due the commission
23 which is not paid when due, which penalty shall be compounded
24 monthly. The commission may recall the agency of any issuing
25 agent after a delinquency period of 30 days.

26 § 5305. Application for registration.

27 (a) General rule.--Any person owning a motorboat and
28 desiring to operate or navigate the motorboat, or cause it to be
29 operated or navigated, on any inland or tidal waters of this
30 Commonwealth shall make a written application to the commission

1 or to a designated issuing agent for a registration for the
2 motorboat.

3 (b) Form and content.--The application shall be made on a
4 form prescribed, prepared and furnished by the commission and,
5 together with such other information as the commission may
6 require, shall state the name and address of the applicant and,
7 if the applicant is a partnership, the names and addresses of
8 all the partners, and, if the applicant is a corporation, the
9 names and addresses of the officers.

10 (c) Penalty.--Any person violating any of the provisions of
11 this section commits a summary offense of the third degree.

12 § 5306. Certificate of registration.

13 (a) Issuance.--Upon receipt of a signed application and upon
14 the payment of the annual registration fee, the commission shall
15 issue to the applicant owner a certificate of registration for
16 his motorboat. The certificate of registration shall be pocket
17 size.

18 (b) Carrying on motorboat.--The certificate of registration
19 shall be available at all times for inspection on the motorboat
20 for which issued whenever the motorboat is in operation, and
21 shall be carried in such manner that it can be handed to any
22 Federal, State or local law enforcement officer authorized to
23 inspect it. The commission may, by regulation, exempt certain
24 classes of boats from this requirement or prescribe alternate
25 compliance requirements.

26 (c) Retention on shore.--The certificate of registration for
27 motorboats less than 26 feet long, leased or rented for
28 noncommercial use of less than seven days, may be retained on
29 shore by the owner of the motorboat or his representative at the
30 place from which the motorboat departs or returns to the

1 possession of the owner or his representative. A motorboat that
2 does not have the certificate of registration on board shall be
3 identifiable while in use and shall comply with all other
4 requirements.

5 (d) Duplicates.--[Upon application of the owner on a form
6 prescribed by the commission, the commission may issue the owner
7 a duplicate registration certificate upon payment of the
8 applicable fee.] The commission may issue a duplicate
9 certificate of registration to the owner of a properly
10 registered boat upon application by the owner on a form
11 prescribed by the commission together with payment of the
12 applicable fee.

13 (e) Penalty.--Any person [operating a properly registered
14 motorboat who does not have available for inspection on the
15 motorboat the certificate of registration] violating any
16 provision of this section commits a summary offense of the
17 [third] fourth degree.

18 § 5308. Period of registration.

19 Registrations issued under this chapter to owners and dealers
20 shall be valid from April 1 of one year to March 31 of the
21 succeeding year and shall be renewable. A registration for any
22 year shall be valid and may properly be displayed prior to April
23 1 within that year. The commission may determine to issue
24 registrations valid for a period not to exceed three years upon
25 payment of a fee equal to the annual registration fee times the
26 number of years for which the multiple-year registration is
27 valid. A multiple-year registration shall be valid from April 1
28 of the year of its issuance until March 31 of the last year of
29 its validity, but a multiple-year license issued prior to April
30 1 of any year is valid and may be displayed at any time within

1 that year. The commission may, by regulation, provide for the
2 transfer of multiple-year registrations upon the sale or
3 conveyance of a boat upon payment of the fee provided in section
4 5104(8) (relating to fees).

5 § 5310. Display of registration number.

6 (a) General rule.--The registration number shown on the
7 certificate of registration shall be painted on or attached to
8 each side of the bow of the motorboat in order that it may be
9 clearly visible. No other number may be displayed on the bow.
10 The number shall be maintained in a legible condition.

11 (b) Penalty.--A person who operates a properly registered
12 motorboat that does not display a proper registration number
13 commits a summary offense of the [third] fourth degree.

14 § 5311. Tampering with identification numbers.

15 (a) General rule.--No unauthorized person shall erase,
16 deface, change, paint on or in any way tamper with any
17 registration number or card or any other identification number
18 on a [motorboat] boat or motor.

19 (b) Penalty.--Any person who violates this section commits a
20 summary offense of the second degree.

21 Section 10. Title 30 is amended by adding a section to read:

22 § 5502.2. Homicide by watercraft.

23 Any person who unintentionally causes the death of another
24 person while engaged in the violation of any provision of this
25 title or regulation promulgated under this title applying to the
26 operation or equipment of boats or watercraft, except section
27 5502 (relating to operating watercraft under influence of
28 alcohol or controlled substance) commits homicide by watercraft,
29 a misdemeanor of the first degree, when the violation is the
30 cause of death.

1 Section 11. Section 7314 of Title 30 is amended to read:

2 § 7314. Penalty.

3 Any person violating the provisions of this chapter commits a
4 summary offense of the [first] second degree.

5 Section 12. This act shall take effect January 1, 1989.