

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 650 Session of
1989

INTRODUCED BY LETTERMAN, WASS, MARKOSEK, BOWLEY, HESS, PHILLIPS,
McCALL, VAN HORNE, BROUJOS, LEVDANSKY, SCHULER, BARLEY,
CARLSON, DISTLER, B. SMITH, MERRY, MOEHLMANN AND GRUPPO,
MARCH 6, 1989

SENATOR LEMMOND, GAME AND FISHERIES, IN SENATE, AS AMENDED,
OCTOBER 24, 1989

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 ~~further providing for the designation of Class B lakes;~~ <—
5 FURTHER PROVIDING FOR THE POWERS AND DUTIES OF WATERWAY <—
6 PATROLMEN AND DEPUTIES; providing for additional violations;
7 providing new fees for lakes; PROVIDING FOR REPORTS BY <—
8 EMERGENCY ROOM PERSONNEL; PROVIDING FOR TAGGED FISH CONTESTS
9 ON STATE BOUNDARY LAKES; FURTHER PROVIDING FOR CLASS A LAKES;
10 and further providing penalties for the registration of
11 powered watercraft.

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

14 Section 1. Sections 321, 741, 901(A)(13) and 904 of Title 30 <—
15 of the Pennsylvania Consolidated Statutes are amended to read:

16 § 321. Administration and enforcement.

17 The commission shall administer and enforce this title and
18 other laws of this Commonwealth relating to:

19 (1) The encouragement, promotion and development of the
20 fishery interests.

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

3 (3) The management of boating and the operation of
4 boats.

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

7 § 741. Control of property.

8 (a) General rule.--The entire control of all lands or waters
9 owned, leased or otherwise controlled shall be under the
10 direction of the commission and the commission may promulgate
11 such rules and regulations for its use and protection as it
12 deems necessary or in the best interests of the Commonwealth.

13 (b) Penalty.--Any person violating rules and regulations
14 promulgated under subsection (a) commits a summary offense of
15 the second degree, but a person violating a regulation governing
16 parking of vehicles on commission property commits a summary
17 offense of the fourth degree.

18 § 901. POWERS AND DUTIES OF WATERWAYS PATROLMEN AND DEPUTIES. <—

19 (A) WATERWAYS PATROLMEN.--EVERY WATERWAYS PATROLMAN SHALL
20 HAVE THE POWER AND DUTY TO:

21 * * *

22 (13) ARRANGE FOR THE ADMINISTRATION OF CHEMICAL TESTS OF
23 BREATH, BLOOD OR URINE TO PERSONS OPERATING OR IN ACTUAL
24 PHYSICAL CONTROL OF WATERCRAFT FOR THE PURPOSE OF DETERMINING
25 THE ALCOHOLIC CONTENT OF BLOOD OR THE PRESENCE OF A
26 CONTROLLED SUBSTANCE UNDER SECTION 5125 (RELATING TO CHEMICAL
27 TESTING TO DETERMINE AMOUNT OF ALCOHOL OR CONTROLLED
28 SUBSTANCE), BY QUALIFIED PERSONNEL OF A STATE OR LOCAL POLICE
29 DEPARTMENT, QUALIFIED WATERWAYS PATROLMEN OR QUALIFIED
30 PERSONNEL OF A CLINICAL LABORATORY LICENSED AND APPROVED BY

1 THE DEPARTMENT OF HEALTH. A WATERWAYS PATROLMEN MAY
2 ADMINISTER CHEMICAL TESTS UNDER THIS PARAGRAPH IF HE IS
3 QUALIFIED AND THE EXECUTIVE DIRECTOR DESIGNATES HIM TO DO SO.

4 * * *

5 § 904. Interference with officers.

6 (a) General rule.--Any person who by force, menace, threat
7 or in any manner resists inspection or arrest for violation of
8 any of the provisions of this title or refuses to go with a
9 waterways patrolman or deputy waterways patrolman after an
10 arrest has been made, or interferes with any officer of this
11 Commonwealth in the performance of his duty under the provisions
12 of this title, commits a summary offense of the first degree.

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

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

18 § 906. Fleeing or attempting to elude an officer.

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

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

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

30 A person who operates a vehicle or boat without lights or who

1 turns off any or all lights on a vehicle or boat for the purpose
2 of avoiding identification or apprehension commits a summary
3 offense of the first degree.

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

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

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

12 § 923. Classification of offenses and penalties.

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

15 (1) For a summary offense of the first degree, a fine of
16 \$100 or imprisonment not exceeding 90 days.

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

19 (3) For a summary offense of the third degree, a fine of
20 [~~\$10~~] \$25.

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

23 [~~(4)~~] (5) For a misdemeanor of the third degree, a fine
24 of not less than \$250 nor more than [~~\$2,500~~] \$5,000, or
25 imprisonment not exceeding 90 days, or both.

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

29 [~~(5)~~] (7) For a felony of the third degree, a fine of
30 not less than \$2,500 nor exceeding \$15,000, or imprisonment

not exceeding seven years, or both.

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

(c) Additional penalty for fishing without license or permit or operating boat without registration.--In addition to the 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

1 relates to fines and imprisonment for convictions of summary
2 offenses, misdemeanors and felonies.

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

5 § 2102. Rules and regulations.

6 (a) General rule.--The commission may promulgate such
7 general and special rules and regulations as it deems necessary
8 and appropriate concerning fish and fishing in the waters of,
9 and elsewhere in, this Commonwealth, including regulations
10 concerning the protection, preservation and management of fish
11 and fish habitat, permitting and prohibiting fishing, the ways,
12 manner, methods and means of fishing, and the health and safety
13 of persons who fish or may be in the vicinity of such persons
14 on, in or along the waters of, or elsewhere in, this
15 Commonwealth. [Unless specifically provided otherwise by this
16 title, any] Any person violating a rule or regulation [relating
17 to fish or fishing] promulgated under this subsection which the
18 commission designates as being for the protection of fish or
19 fish habitat or for the health and safety of persons who fish
20 commits a summary offense of the second degree. Any person
21 violating any other rule or regulation promulgated under this
22 subsection commits a summary offense of the third degree.

23 (b) Seasons, sizes, creel limits and devices.--The rules and
24 regulations may establish seasons, sizes, and possession limits
25 for fish and fishing, regulate the possession of certain
26 species, the number and types of devices and tackle allowed, the
27 identification of such devices and the use and possession of
28 such devices. Any person who violates a rule or regulation
29 promulgated under this subsection commits a summary offense of
30 the [second] third degree.

1 * * *

2 § 2104. Sunday fishing from private land.

3 (a) General rule.--No person shall fish on any Sunday from
4 privately owned land without the express or implied consent of
5 the owner or lessee of the land abutting on a stream or body of
6 water and of the bed thereunder. The consent shall be implied
7 unless the landowner takes any reasonable action to negate his
8 consent to Sunday fishing.

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

11 § 2105. Farm fish ponds.

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

19 (b) Transporting fish from premises.--Any person may
20 lawfully possess and transport any fish lawfully taken from a
21 farm pond from the premises during the closed season for such
22 fish when accompanied by a signed written statement from the
23 owner or lessee of the farm showing:

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

25 (2) The number and species of fish.

26 (3) The name and address of the person transporting the
27 fish.

28 (4) The date they are being transported.

29 (c) Other prohibitions unaffected.--Nothing in this section
30 shall authorize any person to transport, introduce or import any

1 fish, bait fish or fish bait, the transportation, introduction
2 or importation of which is prohibited by law, rule or
3 regulation.

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

7 § 2106. Fishing in hatchery or nursery waters.

8 (a) General rule.--No person shall fish, or trespass with
9 intent to fish, in any hatchery waters or waters designated by
10 the commission as nursery waters, upon the bed or bank of any
11 such waters or upon any hatchery lands controlled, owned or
12 occupied by the commission, Federal Government or cooperative
13 nursery approved by the commission.

14 (b) Penalty.--Any person violating the provisions of this
15 section by fishing or trespassing with intent to fish in any
16 hatchery or nursery waters commits a summary offense of the
17 first degree. Any person violating the provisions of this
18 section by taking fish from hatchery or nursery waters commits:

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

22 (2) A misdemeanor of the third degree if the market
23 value of the fish taken from hatchery or nursery waters is
24 \$50 or more.

25 Section 5. Title 30 is amended by adding sections to read:

26 § 2107. Sale of fish taken from hatchery or nursery waters.

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

1 nursery waters).

2 (b) Penalty.--A person violating the provisions of this
3 section commits a summary offense of the first degree if the
4 market value of the fish sold, offered for sale or purchased is
5 not shown or is less than \$50. A person violating the provisions
6 of this section commits a misdemeanor of the third degree if the
7 market value or price of fish sold, offered for sale or
8 purchased is \$50 or more.

9 § 2108. Retrieval and disposition of fish.

10 (a) General rule.--It is unlawful for a person who kills
11 fish while engaged in activities permitted by this title to
12 refuse or neglect to make a reasonable effort to lawfully
13 dispose of such fish.

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

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

18 § 2306. Refuge areas.

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

24 (b) Penalty.--Any person fishing in a refuge area posted
25 under subsection (a) commits a summary offense of the first
26 degree. Any person entering a refuge area commits a summary
27 offense of the [second] third degree.

28 § 2307. Waters limited to specific purposes.

29 (a) General rule.--The commission may designate certain
30 water areas for specific purposes and promulgate such rules and

1 regulations as are deemed necessary to protect and manage the
2 fishery therein.

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

6 § 2501. Misuse of property and waters.

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

11 (1) Park or leave standing any motor vehicle or other
12 means of conveyance in such a manner as to obstruct the owner
13 or his lessee ingress, egress or regress to his property or
14 cattleways without the permission of the owner or lessee of
15 the land.

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

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

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

24 (5) Sever fences or cause any other change to public or
25 private property without the permission of the owner or
26 lessee of the land.

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

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

(b) Penalty.--[Any]

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

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

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

§ 2503. Littering.

(a) General rule.--It is unlawful for any person to throw,
discard, leave, emit, deposit or allow the depositing of any
garbage, bottles, cans, rubbish, wire, glass, paper, cardboard
or wooden boxes or cartons or any other type of debris, trash or
other thing or substance in or along any waters or on any lands
adjacent or contiguous to waters or in such manner that the
thing or substance deposited flows into or is carried by wind
into such waters or lands.

(b) Evidence.--In prosecutions for violations of this
section the operator of a motor vehicle or watercraft shall be
deemed to have allowed the depositing of any thing or substance
thrown, discarded, emitted or deposited from such motor vehicle
or watercraft.

(c) Penalty.--Any person who deposits or otherwise disposes
of a thing or substance in violation of this section which
causes or may cause damage to, or destruction of, fish commits a
summary offense of the first degree. Any person who transports
household refuse or garbage from another location and disposes
of it by leaving it on lands or waters open to fishing or
boating commits a summary offense of the second degree. Any

1 person who otherwise violates this section commits a summary
2 offense of the [second] third degree. In addition to the
3 penalties set forth in section 923 (relating to classification
4 of offenses and penalties), an additional penalty of \$10 for
5 each item or piece of litter thrown, discarded, left, emitted or
6 deposited in violation of this section may be imposed on any
7 person who is convicted or acknowledges guilt of a violation of
8 this section.

9 § 2703. Possession and display of licenses.

10 (a) General rule.--No person shall fish in any of the waters
11 of this Commonwealth or in any boundary waters without first
12 procuring the proper license required by this chapter. The
13 license shall be kept about the person while fishing and shown
14 upon the request of any waterways patrolman or other officer
15 designated by the commission. In addition to showing the license
16 to the officer, the holder thereof shall, upon demand, establish
17 his further identity to the satisfaction of the officer by
18 producing some other positive means of identification. The
19 commission may promulgate rules and regulations for the
20 displaying of the license certificate, license button or other
21 device, as it deems necessary.

22 (b) Penalties.--

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

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

30 § 2711. Issuing agents.

1 (a) Appointment and bond.--The commission may appoint such
2 persons as it deems necessary to issue fishing licenses and
3 permits, and the persons so appointed shall be required to post
4 a bond [with] or other security in a form satisfactory to the
5 commission in an amount it determines.

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

1 The commission may recall the agency of any agent after a
2 delinquency period of 30 days.

3 * * *

4 Section 7. Title 30 is amended by adding ~~a section~~ SECTIONS <—
5 to read:

6 § 2714. License issuing fees.

7 In order to help defray the issuing costs, the commission may
8 collect an issuing fee not to exceed the fee charged by issuing
9 agents under sections 2701 (relating to resident fishing
10 licenses), 2702 (relating to nonresident and tourist licenses),
11 2704 (relating to lost fishing licenses) and 2711 (relating to
12 issuing agents) on licenses and stamps issued by the commission.

13 § 2907.1. TAGGED FISH CONTESTS ON BOUNDARY LAKES. <—

14 THE COMMISSION SHALL ISSUE PERMITS FOR TAGGED-FISH CONTESTS
15 ON BOUNDARY LAKES WHERE THE OTHER STATE WHICH BOUNDS THE LAKE
16 PERMITS SUCH CONTESTS, UNLESS THE COMMISSION FINDS THAT THE
17 PROPOSED CONTEST THREATENS THE FISHERIES RESOURCES OF THE
18 PENNSYLVANIA PORTION OF THE BOUNDARY LAKE WHERE THE CONTEST IS
19 TO BE CONDUCTED.

20 Section 8. Sections 2908, 3101, 3102, 3106(A), 3313 and 3507 <—
21 of Title 30 are amended to read:

22 § 2908. Penalties.

23 (a) General rule.--Except as provided in subsection (b), a
24 person engaging in any activity for which a permit or special
25 license is required under this chapter without acquiring the
26 license or permit or who violates any provision of this chapter
27 or regulations promulgated thereunder commits a summary offense
28 of the [first] third degree.

29 (b) Boundary lakes.--A person engaged in any activity for
30 which a permit or special license under section 2903 (relating

1 to boat and net licenses for boundary lakes) is required without
2 obtaining such license or permit or who violates any provision
3 of section 2903 or regulations promulgated thereunder commits a
4 misdemeanor of the third degree.

5 § 3101. Licenses.

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

20 § 3102. Fees.

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

26 (1) Where the total area of water is less than [five] ~~30~~ <—
27 20 acres, the fee shall be [\$50] ~~\$200~~ \$100. <—

28 (2) Where the total water area is [five acres or more
29 but less than ten] ~~more than 30~~ 20 ACRES OR MORE BUT LESS <—
30 THAN 40 acres, the fee shall be [\$60] ~~\$500~~ \$250. <—

1 †(3) Where the area is [ten] 40 acres or more [but less <—
2 than 20 acres], the fee shall be [\$80] \$500. <—

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

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

7 (6) Where the area is 80 or more acres, the fee shall be
8 \$150.]

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

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

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

18 (c) Portable fishing ponds.--

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

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

25 § 3106. Classification of lakes.

26 (a) Class A.--A lake that is wholly opened to the general
27 public for fishing and is operated solely as a commercial
28 venture may be issued a Class A regulated fishing lake license.

29 A LAKE SITUATED ON A PRIVATELY-OWNED CAMPGROUND MAY BE LICENSED <—
30 A CLASS A REGULATED FISHING LAKE LICENSE PROVIDED THE CAMPGROUND

1 IS OPEN TO THE GENERAL PUBLIC AND OPERATED AS A COMMERCIAL
2 VENTURE, REGARDLESS OF WHETHER THE CAMPGROUND OPERATOR SELLS
3 ADMISSION TO THE LAKE TO MEMBERS OF THE PUBLIC WHO ARE NOT
4 CAMPING AT THE CAMPGROUND. Persons patronizing a Class A
5 regulated fishing lake may catch, kill and possess fish without
6 regard to any size, season or possession limit and need not
7 possess a Pennsylvania fishing license. All other provisions of
8 this title are applicable.

9 ~~(b) Class B.~~ <—

10 ~~(1) Lakes that meet all other requirements of this~~
11 ~~section but are not open to the general public or operated as~~
12 ~~a commercial venture may be issued a Class B regulated~~
13 ~~fishing lake license. [Persons patronizing a Class B lake may~~
14 ~~catch, kill and possess fish taken therefrom without regard~~
15 ~~to size, season or possession limitation. A fishing license~~
16 ~~is required to fish in a Class B lake.]~~

17 ~~(2) Lakes that meet all the requirements of this~~
18 ~~paragraph shall be classified as Class B lakes. The~~
19 ~~requirements are:~~

20 ~~(i) The lake is privately owned.~~

21 ~~(ii) The lake is either:~~

22 ~~(A) not open to the general public; or~~

23 ~~(B) not operated as a commercial venture.~~

24 ~~(iii) The lake is totally man made with no surface~~
25 ~~inlet or outlet.~~

26 ~~(iv) The lake was constructed privately without the~~
27 ~~use of any Federal, State or local funds.~~

28 ~~(v) Other than obtaining necessary construction~~
29 ~~permits, the lake required no other Federal, State or~~
30 ~~local action.~~

~~(vi) The lake is privately stocked with fish.~~

~~(3) Persons using any Class B lake may catch, kill and possess fish taken therefrom without regard to size, season or possession limitation.~~

~~(4) A fishing license is required for a person to fish in a Class B lake under paragraph (1). No fishing license shall be required for a person to fish in a Class B lake which complies with paragraph (2).~~

~~(5) The fee for a Class B lake under paragraph (2) shall not exceed \$25.~~

* * *

<—

§ 3313. Penalty.

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

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

§ 3507. Protection of fish near dams.

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

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

1 offense of the [first] second degree.

2 Section 9. Sections 5104, 5122, 5123(b), AND 5124, ~~5301,~~ <—
3 ~~5304, 5305, 5306, 5308, 5310 and 5311~~ of Title 30 are amended to
4 read:

5 § 5104. Fees.

6 The following fees apply to registrations, licenses, permits
7 and capacity plates issued under this part and the fees
8 collected shall be deposited in the State Treasury in the Boat
9 Fund:

10 (1) Owner registration (boats less than 16 feet in
11 length), \$4 per year.

12 (2) Owner registration (boats 16 feet or longer), \$6 per
13 year.

14 (3) Duplicate owner registration, \$1 each.

15 (4) Dealer registration, \$15 per year.

16 (5) Additional dealer registration, \$5 each.

17 (6) License for operator of passenger-carrying boat, \$5
18 each.

19 (7) Capacity plate, \$2 each.

20 (8) [Permit for special marine event, \$2 each] Transfer
21 of a multi-year boat registration, \$5.

22 § 5122. Registrations, licenses, permits, plates and
23 statistics.

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

26 (1) Permanent and temporary registration of motorboats.

27 (2) Special provisions applicable to livery operators,
28 outfitters, dealers, manufacturers and the owners or
29 operators of passenger-carrying boats.

30 (3) Display of numbers.

- 1 (4) Renewal of certificates of registration.
- 2 (5) Transfer of ownership of or interest in boats or the
3 abandonment or destruction of registered boats.
- 4 (6) Licensing of operators of passenger-carrying boats.
- 5 (7) Display of capacity plates by boats, the information
6 to be displayed thereon and the issuance of capacity plates.
- 7 (8) Issuance of permits for special marine events.
- 8 (9) Compilation and release of statistics on accidents
9 and registered boats.

10 (b) Penalty.--Any person who violates a rule or regulation
11 promulgated under this section commits a summary offense of the
12 [third] fourth degree except that a person who operates a
13 passenger-carrying boat without a license commits a summary
14 offense of the second degree.

15 § 5123. General boating regulations.

16 * * *

17 (b) Penalties.--Any person who violates a rule or regulation
18 promulgated under this section which the commission designates
19 as being for the protection of the health and safety of persons
20 as provided by subsection (a)(1) commits a summary offense of
21 the [first] second degree. Any person who violates any other
22 regulation promulgated under this section commits a summary
23 offense of the [second] third degree. In addition to any other
24 penalty, any person who is convicted or acknowledges guilt for
25 an offense of possessing insufficient, nonapproved or
26 unserviceable safety equipment on a boat, or for passengers, or
27 persons being towed by a boat on the waters of this Commonwealth
28 may be fined an additional \$10 for every piece of safety
29 equipment required that is missing, not worn[,] when required,
30 not of an approved type or unserviceable.

1 § 5124. Particular areas of water.

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

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

10 SECTION 10. TITLE 30 IS AMENDED BY ADDING A SECTION TO READ: <—

11 § 5126. REPORTS BY EMERGENCY ROOM PERSONNEL.

12 (A) GENERAL RULE.--IF, AS A RESULT OF A WATERCRAFT ACCIDENT,
13 THE PERSON WHO OPERATED OR WAS IN ACTUAL PHYSICAL CONTROL OF ANY
14 WATERCRAFT INVOLVED IN THE ACCIDENT REQUIRES MEDICAL TREATMENT
15 IN AN EMERGENCY ROOM OF A HOSPITAL AND IF PROBABLE CAUSE EXISTS
16 TO BELIEVE THAT A VIOLATION OF SECTION 5502 (RELATING TO
17 OPERATING WATERCRAFT UNDER INFLUENCE OF ALCOHOL OR CONTROLLED
18 SUBSTANCE) WAS INVOLVED, THE EMERGENCY ROOM PHYSICIAN OR HIS
19 DESIGNEE SHALL PROMPTLY TAKE BLOOD SAMPLES FROM THOSE PERSONS
20 AND TRANSMIT THEM WITHIN 24 HOURS FOR TESTING TO THE DEPARTMENT
21 OF HEALTH OR A CLINICAL LABORATORY LICENSED AND APPROVED BY THE
22 DEPARTMENT OF HEALTH AND SPECIFICALLY DESIGNATED FOR SUCH
23 PURPOSE. THIS SECTION SHALL BE APPLICABLE TO ALL INJURED
24 OCCUPANTS WHO WERE CAPABLE OF WATERCRAFT OPERATION IF THE
25 OPERATOR OR PERSON IN ACTUAL PHYSICAL CONTROL OF THE MOVEMENT OF
26 THE WATERCRAFT CANNOT BE DETERMINED. TEST RESULTS SHALL BE
27 RELEASED UPON REQUEST OF THE PERSON TESTED, HIS ATTORNEY, HIS
28 PHYSICIAN, THE COMMISSION, THE INVESTIGATING OFFICER OR OTHER
29 GOVERNMENTAL OFFICIALS OR AGENCIES.

30 (B) IMMUNITY FROM CIVIL OR CRIMINAL LIABILITY.--NO

1 PHYSICIAN, NURSE OR TECHNICIAN OR HOSPITAL EMPLOYING SUCH
2 PHYSICIAN, NURSE OR TECHNICIAN AND NO OTHER EMPLOYER OF SUCH
3 PHYSICIAN, NURSE OR TECHNICIAN SHALL BE CIVILLY OR CRIMINALLY
4 LIABLE FOR WITHDRAWING BLOOD OR OBTAINING A URINE SAMPLE AND
5 REPORTING TEST RESULTS TO THE COMMISSION PURSUANT TO THIS
6 SECTION OR FOR PERFORMING ANY OTHER DUTY IMPOSED BY THIS TITLE.
7 NO PHYSICIAN, NURSE OR TECHNICIAN OR HOSPITAL EMPLOYING SUCH
8 PHYSICIAN, NURSE OR TECHNICIAN MAY ADMINISTRATIVELY REFUSE TO
9 PERFORM SUCH TESTS AND PROVIDE THE RESULTS TO THE COMMISSION
10 EXCEPT WHEN SUCH REFUSAL IS BASED ON UNUSUAL MEDICAL
11 CIRCUMSTANCES THAT PERTAIN AT THE TIME OF ADMISSION.

12 SECTION 11. SECTIONS 5301, 5304, 5305, 5306, 5308, 5310 AND
13 5311 OF TITLE 30 ARE AMENDED TO READ:

14 § 5301. Registration of motorboats required.

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

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

21 § 5304. Issuing agents.

22 (a) Designation.--The commission may designate as issuing
23 agents the county treasurer (or in counties where, by virtue of
24 an optional plan of government or home rule charter, there is no
25 county treasurer, the official who performs the ordinary
26 functions of a county treasurer) or such other persons in each
27 county, as it deems advantageous, to provide for the issuance of
28 [motorboat] boat registrations in accordance with the provisions
29 of this chapter.

30 (b) Fee.--For all services rendered in collecting and paying

1 over registration fees, each issuing agent shall charge and
2 retain an additional fee not exceeding \$2 from the person
3 securing the registration. If the issuing agent is a county
4 treasurer or other official who performs that function, the fee
5 shall be retained for the use of the county.

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

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

18 § 5305. Application for registration.

19 (a) General rule.--Any person owning a motorboat and
20 desiring to operate or navigate the motorboat, or cause it to be
21 operated or navigated, on any inland or tidal waters of this
22 Commonwealth shall make a written application to the commission
23 or to a designated issuing agent for a registration for the
24 motorboat.

25 (b) Form and content.--The application shall be made on a
26 form prescribed, prepared and furnished by the commission and,
27 together with such other information as the commission may
28 require, shall state the name and address of the applicant and,
29 if the applicant is a partnership, the names and addresses of
30 all the partners, and, if the applicant is a corporation, the

1 names and addresses of the officers.

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

4 § 5306. Certificate of registration.

5 (a) Issuance.--Upon receipt of a signed application and upon
6 the payment of the annual registration fee, the commission shall
7 issue to the applicant owner a certificate of registration for
8 his motorboat. The certificate of registration shall be pocket
9 size.

10 (b) Carrying on motorboat.--The certificate of registration
11 shall be available at all times for inspection on the motorboat
12 for which issued whenever the motorboat is in operation, and
13 shall be carried in such manner that it can be handed to any
14 Federal, State or local law enforcement officer authorized to
15 inspect it. The commission may, by regulation, exempt certain
16 classes of boats from this requirement or prescribe alternate
17 compliance requirements.

18 (c) Retention on shore.--The certificate of registration for
19 motorboats less than 26 feet long, leased or rented for
20 noncommercial use of less than seven days, may be retained on
21 shore by the owner of the motorboat or his representative at the
22 place from which the motorboat departs or returns to the
23 possession of the owner or his representative. A motorboat that
24 does not have the certificate of registration on board shall be
25 identifiable while in use and shall comply with all other
26 requirements.

27 (d) Duplicates.--[Upon application of the owner on a form
28 prescribed by the commission, the commission may issue the owner
29 a duplicate registration certificate upon payment of the
30 applicable fee.] The commission may issue a duplicate

1 certificate of registration to the owner of a properly
2 registered boat upon application by the owner on a form
3 prescribed by the commission together with payment of the
4 applicable fee.

5 (e) Penalty.--Any person [operating a properly registered
6 motorboat who does not have available for inspection on the
7 motorboat the certificate of registration] violating any
8 provision of this section commits a summary offense of the
9 [third] fourth degree.

10 § 5308. Period of registration.

11 Registrations issued under this chapter to owners and dealers
12 shall be valid from April 1 of one year to March 31 of the
13 succeeding year and shall be renewable. A registration for any
14 year shall be valid and may properly be displayed prior to April
15 1 within that year. The commission may determine to issue
16 registrations valid for a period not to exceed three years upon
17 payment of a fee equal to the annual registration fee times the
18 number of years for which the multiple-year registration is
19 valid. A multiple-year registration shall be valid from April 1
20 of the year of its issuance until March 31 of the last year of
21 its validity, but a multiple-year license issued prior to April
22 1 of any year is valid and may be displayed at any time within
23 that year. The commission may, by regulation, provide for the
24 transfer of multiple-year registrations upon the sale or
25 conveyance of a boat upon payment of the fee provided in section
26 5104(8) (relating to fees).

27 § 5310. Display of registration number.

28 (a) General rule.--The registration number shown on the
29 certificate of registration shall be painted on or attached to
30 each side of the bow of the motorboat in order that it may be

1 clearly visible. No other number may be displayed on the bow.
2 The number shall be maintained in a legible condition.

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

6 § 5311. Tampering with identification numbers.

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

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

13 Section ~~10~~ 12. Title 30 is amended by adding a section to <—
14 read:

15 § 5502.2. Homicide by watercraft.

16 Any person who unintentionally causes the death of another
17 person while engaged in the violation of any provision of this
18 title or regulation promulgated under this title applying to the
19 operation or equipment of boats or watercraft, except section
20 5502 (relating to operating watercraft under influence of
21 alcohol or controlled substance), commits homicide by
22 watercraft, a misdemeanor of the first degree, when the
23 violation is the cause of death.

24 Section ~~11~~ 13. Section 7314 of Title 30 is amended to read: <—
25 § 7314. Penalty.

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

28 Section ~~12~~ 14. This act shall take effect January 1, 1990. <—