

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 672 Session of
1993INTRODUCED BY SURRA, LLOYD, DeWEESE, DALEY, COY, TRELLO,
BELFANTI, DERMODY, MARKOSEK AND CLARK, MARCH 22, 1993AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
DECEMBER 15, 1993

AN ACT

1 Amending the act of April 6, 1921 (P.L.95, No.58), entitled, as
2 amended, "An act relating to apiculture, and the sale, giving
3 and transportation of bees, honey, hives and appliances;
4 providing for the inspection of apiaries, and for the
5 prevention, control and eradication of contagious and
6 infectious diseases among bees, and the establishment of
7 quarantines; prescribing the style of hive to be used;
8 prohibiting the importation from any foreign country, except
9 Canada, of the genus Apis; imposing certain duties on certain
10 persons engaged in transportation; and providing penalties
11 and appropriations therefor," increasing criminal penalties;
12 further providing for civil penalties and injunctive relief;
13 ~~and~~ providing for the registration of apiaries; AND PROVIDING <—
14 FOR APIARY YARDS.

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

17 ~~Section 1. The act of April 6, 1921 (P.L.95, No.58),~~ <—
18 ~~referred to as the Bee Law, is amended by adding a section to~~
19 ~~read:~~

20 SECTION 1. SECTION 1 OF THE ACT OF APRIL 6, 1921 (P.L.95, <—
21 NO.58), REFERRED TO AS THE BEE LAW, IS AMENDED BY ADDING A
22 CLAUSE TO READ:

23 SECTION 1. BE IT ENACTED, &C., THAT, FOR THE PURPOSE OF

1 CONSTRUING THIS ACT, THE FOLLOWING DEFINITIONS SHALL BE APPLIED:

2 * * *

3 (5.1) "APIARY YARD" SHALL BE CONSTRUED TO MEAN A FIXED
4 LOCATION WITHIN THIS COMMONWEALTH WHERE AN APIARY IS MAINTAINED
5 ON A CONTINUING BASIS FROM WHICH HIVES MAY BE MOVED TO TEMPORARY
6 LOCATIONS FOR CROP POLLINATION AND RETURNED.

7 * * *

8 SECTION 2. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

9 Section 3.1. (a) The owner of an apiary located within this
10 Commonwealth shall register such apiary with the Secretary of
11 Agriculture.

12 (b) The application for registration of an apiary shall be
13 made on a form provided by the Secretary of Agriculture and
14 shall include:

15 (1) the name and complete mailing address of the owner of
16 the apiary and the name and complete mailing address of the
17 person primarily responsible for maintaining and caring for the
18 apiary if different from the owner;

19 (2) the exact location of the apiary;

20 (3) the number of colonies contained in the apiary; and

21 (4) such other information as the Secretary of Agriculture
22 may require.

23 (c) The apiary registration fee shall be ten dollars (\$10)
24 per applicant. NO FEE SHALL BE CHARGED FOR TEMPORARY RELOCATION <—
25 OF A HIVE OR HIVES FOR CROP POLLINATION FROM AN APIARY YARD
26 PROPERLY REGISTERED AS AN APIARY UNDER THE PROVISIONS OF THIS
27 ACT.

28 (d) A registration under this section shall be valid for a
29 period of not more than two calendar years and shall expire on
30 December 31 of the year following the initial year of

1 registration.

2 (e) The Secretary of Agriculture may, by regulation, require
3 apiary owners to report the relocation of an apiary from its
4 original location as reported at the time of registration to
5 another location within this Commonwealth: PROVIDED, HOWEVER, <—
6 THAT THE OWNER OF AN APIARY YARD WHICH IS PROPERLY REGISTERED AS
7 AN APIARY UNDER THE PROVISIONS OF THIS ACT SHALL NOT BE REQUIRED
8 TO REPORT THE TEMPORARY RELOCATION OF A HIVE OR HIVES FOR CROP
9 POLLINATION AS LONG AS PROPER RECORDS OF HIVE LOCATIONS ARE
10 MAINTAINED BY THE OWNER AT A LOCATION AVAILABLE TO THE SECRETARY
11 OF AGRICULTURE FOR INSPECTION.

12 Section 2 3. Section 13 of the act is amended to read: <—

13 Section 13. [Any person convicted of violating any of the
14 provisions of this act, or any order, rule, or regulation
15 promulgated by the Secretary of Agriculture under the authority
16 hereof, shall be subject to a fine or penalty of not less than
17 ten dollars nor more than one hundred dollars (\$100), to be
18 collected by summary conviction before any mayor, burgess,
19 magistrate, alderman, or justice of the peace, as like fines and
20 penalties are now by law collected, or, in case of non-payment
21 of such fine, to undergo imprisonment in the county jail for a
22 period not exceeding ten days: Provided, That any person so
23 convicted shall have the right of appeal as in other cases of
24 summary convictions. All fines collected under this act shall be
25 paid into the State Treasury.] (a) A first violation of this
26 act or any order or regulation promulgated hereunder constitutes
27 a summary offense punishable by a fine of not less than one
28 hundred dollars (\$100).

29 (b) A second violation of this act or any order or
30 regulation promulgated hereunder constitutes a summary offense

1 punishable by a fine of not less than three hundred dollars
2 (\$300).

3 (c) A third and subsequent violation of this act or any
4 order or regulation promulgated hereunder constitutes a
5 misdemeanor of the third degree punishable by a fine of not less
6 than one thousand dollars (\$1,000).

7 Section 3 4. The act is amended by adding sections to read: <—

8 Section 13.1. (a) The Secretary of Agriculture may assess a
9 civil penalty of not more than one thousand dollars (\$1,000)
10 upon a person for each violation of this act or any order or
11 regulation promulgated hereunder.

12 (b) If a civil penalty is assessed against a person under
13 subsection (a), the Secretary of Agriculture shall notify the
14 person by certified mail of the nature of the violation, the
15 amount of the civil penalty and that the person may notify such
16 Secretary of Agriculture, in writing, within ten calendar days
17 that he wishes to contest the civil penalty.

18 (c) If within ten calendar days from the receipt of the
19 notification referred to in subsection (b), the person does not
20 notify the Secretary of Agriculture of his intent to contest the
21 assessed penalty, the civil penalty shall become final. If
22 timely notification of the intent to contest the civil penalty
23 is given, the person contesting the civil penalty shall be
24 provided with a hearing in accordance with 2 Pa.C.S. Ch. 5
25 Subchapter A (relating to practice and procedure of Commonwealth
26 agencies). Appeals may be taken in accordance with 2 Pa.C.S. Ch.
27 7 Subchapter A (relating to judicial review of Commonwealth
28 agency action).

29 Section 13.2. The Attorney General, at the request of the
30 Secretary of Agriculture, may initiate in the Commonwealth Court

1 or the court of common pleas of the county in which the
2 defendant resides or has a place of business an action in equity
3 for an injunction to restrain any violation of this act or any
4 order or regulation promulgated hereunder. The Commonwealth
5 shall not be required to furnish a bond or other security in
6 connection with this proceeding.

7 Section 13.3. The penalties and remedies prescribed by this
8 act shall be deemed concurrent and the existence or exercise of
9 any remedy shall not prevent the exercise of any other remedy
10 hereunder, whether at law or at equity.

11 Section 13.4. Moneys received from registration fees, fines
12 and civil penalties shall be paid into the State Treasury and
13 shall be credited to the general government operations
14 appropriation of the Department of Agriculture for administering
15 the provisions of this act.

16 Section 4 5. This act shall take effect immediately.

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