

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**SENATE BILL****No. 775** Session of  
1995

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INTRODUCED BY CORMAN, HELFRICK, MADIGAN AND PORTERFIELD,  
MARCH 15, 1995

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SENATOR TILGHMAN, APPROPRIATIONS, RE-REPORTED AS AMENDED,  
JUNE 5, 1995

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## AN ACT

1 Amending Title 30 (Fish) of the Pennsylvania Consolidated  
2 Statutes, revising and updating the fishing license and  
3 issuing agent fee structure; FURTHER PROVIDING FOR FUNDING OF ←  
4 FREE FISHING LICENSES; and making editorial changes.

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

7 Section 1. Sections 2701, 2702, 2703 and 2704 of Title 30 of  
8 the Pennsylvania Consolidated Statutes are amended to read:

9 § 2701. Resident fishing licenses.

10 (a) General rule.--For the purposes of this chapter any  
11 person [16 years of age or older is entitled to] is eligible for  
12 a "Resident Annual Fishing License" [if] when the person:

13 (1) [He has] Has applied to an issuing agent within this  
14 Commonwealth or to the commission.

15 (2) [He has] Has established [his] the person's  
16 identity, age and the fact that [he] the person is a bona  
17 fide resident of this Commonwealth to the satisfaction of the  
18 issuing agent or the commission by producing a motor vehicle

1 driver's license or some other positive means of  
2 identification.

3 (3) [He has] Has paid the issuing agent or the  
4 commission a license fee [of \$12 plus a service fee of 50¢ to  
5 the issuing agent] and issuing agent fee as set forth in  
6 section 2715 (relating to license and issuing fees).

7 (b) Senior citizens.--A person who is or will be 65 years of  
8 age or older in the year of application who [complies with  
9 subsection (a)(1) and (2) is entitled to] establishes the  
10 person's identity, age and the fact that the person is a bona  
11 fide resident of this Commonwealth to the satisfaction of the  
12 issuing agent or the commission by producing a motor vehicle  
13 driver's license or some other positive means of identification  
14 is eligible for a "Senior Resident Annual Fishing License" [if  
15 he pays a license fee of \$2 to the issuing agent or the  
16 commission plus a service fee of 50¢ to the issuing agent.] upon  
17 payment of the license fee and issuing agent fee set forth in  
18 section 2715. The application shall give the date of birth of  
19 the applicant. Any person who qualifies to purchase a Senior  
20 Resident Annual Fishing License may, in lieu thereof, purchase a  
21 Senior Resident Lifetime Fishing License which shall be valid  
22 for [his] the person's lifetime upon the payment of a [fee of  
23 \$10 for the use of the Commonwealth and, in the event the  
24 license is issued by an issuing agent, a fee of 50¢ for the use  
25 of the issuing agent] license fee and issuing agent fee set  
26 forth in section 2715.

27 § 2702. Nonresident and tourist licenses.

28 (a) Nonresident annual licenses.--For the purposes of this  
29 chapter, any person [16 years of age or older is entitled to]  
30 who does not purchase a resident fishing license under section

1 2701 (relating to resident fishing licenses) is eligible for a  
2 "Nonresident Annual Fishing License" [if] when the person:

3 [(1) He is not a bona fide resident of this  
4 Commonwealth.

5 (2) He has] (1) Has applied to an issuing agent or to  
6 the commission.

7 [(3) He has] (2) Has paid the issuing agent or the  
8 commission a license fee [of \$25 plus a service fee of 50¢ to  
9 the issuing agent] and issuing agent fee set forth in section  
10 2715 (relating to license and issuing fees).

11 (b) [Tourist] Seven-day tourist licenses.--[For the purposes  
12 of this chapter, any] Any person [16 years of age or older is  
13 entitled to a "Five-Day] required to have a fishing license  
14 under this chapter may fish in any of the waters of this  
15 Commonwealth or in any boundary waters for a period not to  
16 exceed seven consecutive days with a "Seven-Day Tourist Fishing  
17 [License," valid for a period of five consecutive days, if:

18 (1) He is not a bona fide resident of this Commonwealth.

19 (2) He has applied to an issuing agent or to the  
20 commission.

21 (3) He has paid the issuing agent or the commission a  
22 license fee of \$20 plus a service charge of 50¢ to the  
23 issuing agent.] License" upon payment of a license fee and  
24 issuing agent fee set forth in section 2715.

25 (c) Three-day tourist licenses.--Any person required to have  
26 a fishing license under this chapter may fish in any of the  
27 waters of this Commonwealth or in any boundary waters for a  
28 period not to exceed three consecutive days with a "Three-Day  
29 Tourist Fishing License" upon payment of a license fee and  
30 issuing agent fee set forth in section 2715.

1 § 2703. Possession and display of licenses.

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

14 (b) Penalties.--

15 (1) Except as provided in paragraph (2), any person who  
16 violates this section commits a summary offense of the third  
17 degree.

18 (2) Any person who violates any regulation concerning  
19 the displaying of the license certificate, button or other  
20 device promulgated under this section commits a summary  
21 offense of the fourth degree.

22 § 2704. Lost fishing licenses.

23 In case a license certificate is lost or destroyed, a new  
24 license may be secured from the commission or any issuing agent  
25 upon making affidavit to that effect and paying [a fee of \$1  
26 plus a service fee of 50¢ to the issuing agent] the replacement  
27 license fee and issuing agent fee set forth in section 2715  
28 (relating to license and issuing fees).

29 Section 2. Section 2709(b) of Title 30 is amended and the  
30 section is amended by adding a subsection to read:

1 § 2709. Exemptions from license requirements.

2 \* \* \*

3 (b) [Blind and handicapped persons] Persons who are blind or  
4 have certain physical or mental impairments.--The provisions of  
5 this chapter do not apply to those persons who are totally blind  
6 or [so severely handicapped] have such severe physical or mental  
7 impairments that they are unable to cast or retrieve a line or  
8 bait hooks and remove fish if only one legal device is used and  
9 the [blind or handicapped] person who is blind or has physical  
10 or mental impairments as described in this section is within ten  
11 feet of the device being used. The provisions of this chapter  
12 also do not apply to the attendant of the [blind or handicapped]  
13 person who is blind or has physical or mental impairments  
14 described in this section while assisting [the blind or  
15 handicapped] in using the device.

16 \* \* \*

17 (e) Students participating in biological field project.--A  
18 student enrolled in a secondary or undergraduate course of  
19 instruction shall not be required to possess a fishing license  
20 to gather specimens while participating in an educationally  
21 sponsored biological field project that is under the direct  
22 supervision of a high school or accredited institution of  
23 postsecondary education as long as the educational institution  
24 has applied for and received the written permission of the  
25 commission.

26 Section 3. Sections 2711(b) and (f), 2713 and 2714 of Title ←  
27 30 are amended to read:

28 § 2711. Issuing agents.

29 \* \* \*

30 (b) Compensation and fees.--For services rendered in

1 collecting and paying over license fees, issuing agents, as long  
2 as they continue to act in that capacity, may collect and retain  
3 the [sum of 50¢ for each fishing license sold and the sum of 50¢  
4 for each special license and permit sold] issuing agent fees set  
5 forth in section 2715 (relating to license and issuing fees),  
6 which amount shall be full compensation for services rendered by  
7 them under the provisions of this title. The compensation shall  
8 be retained by the respective issuing agents and shall cover,  
9 among other things, the cost of issuing licenses, special  
10 licenses and permits, postage, mailing, returns and bonding of  
11 said agents. All license, special license and permit fees paid  
12 to an issuing agent under this title shall be paid by those  
13 agents into the State Treasury for deposit in the Fish Fund  
14 through the commission at least once a month and they shall be  
15 applied to the purposes provided for in this title. An issuing  
16 agent shall make a return to the commission upon a form to be  
17 supplied by the commission. Any issuing agent failing to comply  
18 with any of the provisions of this section shall not be entitled  
19 to retain the fee fixed in this subsection for [his] the agent's  
20 services but shall pay those fees to the State Treasurer for  
21 deposit in the Fish Fund. Delinquent agents are subject to a  
22 penalty of 10% per month on any outstanding balance of license  
23 money due the commission, which penalty shall be compounded on a  
24 monthly basis. If those sums are not so paid, the Commonwealth  
25 may recover them by suit in the same manner as like amounts are  
26 now recoverable by law. The commission may recall the agency of  
27 any agent after a delinquency period of 30 days.

28 \* \* \*

29 (f) Penalty.--Any issuing agent or institutional  
30 superintendent violating any provision of this section or the

1 rules or regulations promulgated thereunder commits a summary  
2 offense of the second degree [and, in addition, may have his  
3 agency recalled in the discretion of the commission]. The  
4 commission may, in its discretion, recall the issuing agency of  
5 any agent who violates any provision of this section.

6 [§ 2713. APPROPRIATIONS FOR LICENSES ISSUED WITHOUT A FEE. <—

7 ALL FISHING LICENSES ISSUED WITHOUT PAYMENT OF A LICENSE FEE  
8 AS PROVIDED IN THIS CHAPTER SHALL BE RECORDED BY THE COMMISSION.  
9 THE COMMISSION ANNUALLY SHALL CERTIFY TO THE GENERAL ASSEMBLY  
10 THE AMOUNT OF REVENUE DUE FROM THOSE LICENSE FEES AND THE  
11 GENERAL ASSEMBLY SHALL CAUSE THAT AMOUNT ANNUALLY TO BE  
12 APPROPRIATED AND CREDITED TO THE FISH FUND.]

13 § 2714. License issuing fees.

14 In order to help defray the issuing costs, the commission may  
15 collect an issuing fee not to exceed the fee charged by issuing  
16 agents under [sections 2701 (relating to resident fishing  
17 licenses), 2702 (relating to nonresident and tourist licenses),  
18 2704 (relating to lost fishing licenses) and 2711 (relating to  
19 issuing agents)] section 2715 (relating to license and issuing  
20 fees) on licenses and stamps issued by the commission.

21 Section 4. Title 30 is amended by adding a section to read:

22 § 2715. License and issuing fees.

23 (a) License fees.--The following fees apply to fishing  
24 licenses issued under this chapter and shall be paid into the  
25 Fish Fund:

26 (1) Resident Annual Fishing License, \$16.25.

27 (2) Senior Resident Annual Fishing License, ~~\$5.25~~ \$3.25. <—

28 (3) Senior Resident Lifetime Fishing License, \$15.25.

29 (4) Nonresident Annual Fishing License, \$34.25.

30 (5) Seven-Day Tourist Fishing License, \$29.25.

1           (6) Three-Day Tourist Fishing License, \$14.25.

2           (7) Replacement Fishing License, \$4.25.

3           (b) Issuing agent fees.--The following issuing agent fees  
4 shall be retained by the issuing agent as provided in section  
5 2711 (relating to issuing agents):

6           (1) Issuing agent fee for fishing licenses listed in  
7 subsection (a), 75¢.

8           (2) Issuing agent fee for special permits, stamps and  
9 other fishing permits not listed in subsection (a), 50¢.

10          Section 5. The license fees and issuing agent fees  
11 established by this act shall apply to fishing licenses issued  
12 for the 1996 fishing license year and thereafter.

13          Section 6. This act shall take effect ~~December 1, 1995.~~ AS       <—  
14 FOLLOWS:

15           (1) THE AMENDMENT OF 30 PA.C.S. § 2713 SHALL TAKE EFFECT  
16 IMMEDIATELY.

17           (2) THIS SECTION SHALL TAKE EFFECT IMMEDIATELY.

18           (3) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT DECEMBER  
19 1, 1995.