

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1224 Session of
1997

INTRODUCED BY GODSHALL, CIVERA, YOUNGBLOOD, ROSS, SERAFINI,
BENNINGHOFF, LYNCH, LEH, CLARK, TRAVAGLIO, BUNT, OLASZ, MELIO
AND RAMOS, APRIL 8, 1997

REFERRED TO COMMITTEE ON GAME AND FISHERIES, APRIL 8, 1997

AN ACT

1 Amending Title 30 (Fish) of the Pennsylvania Consolidated
2 Statutes, deleting provisions relating to acknowledgment of
3 guilt and receipts for payment.

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

6 Section 1. Sections 301(f), 305(c), 308 and 923(c) and (d)
7 of Title 30 of the Pennsylvania Consolidated Statutes are
8 amended to read:

9 § 301. Organization of commission.

10 * * *

11 (f) Powers of waterways patrolmen.--[Except for the power
12 conferred by section 925 (relating to acknowledgment of guilt
13 and receipts for payment), members] Members of the commission
14 may exercise any of the powers conferred by this title on
15 waterways patrolmen.

16 § 305. Deputy waterways patrolmen.

17 * * *

18 (c) Powers and duties.--Deputy waterways patrolmen appointed

1 under the authority of this section may exercise the powers of
2 their appointments until December 31 and no longer. Except for
3 the provisions set forth in section 901(12) (relating to powers
4 and duties of waterways patrolmen and deputies) [and section 925
5 (relating to acknowledgment of guilt and receipts for payment)],
6 deputy waterways patrolmen shall have the same powers and may be
7 required to make the same reports as waterways patrolmen.

8 § 308. Designation of commission.

9 The Pennsylvania Fish Commission is designated the
10 Pennsylvania Fish and Boat Commission. Prosecutions, licenses,
11 contracts, deeds, enforcement actions and other official actions
12 by the commission shall not be affected by the use of the
13 designation of the commission as the Pennsylvania Fish
14 Commission. The commission may continue to use the name
15 Pennsylvania Fish Commission on badges, citations, [field
16 acknowledgments,] contracts, licenses, registrations, stationery
17 or any other official documents or emblems until existing
18 supplies are exhausted. The commission may substitute the title
19 "Pennsylvania Fish and Boat Commission" for the title
20 "Pennsylvania Fish Commission" on its documents and materials on
21 such schedule as it deems appropriate.

22 § 923. Classification of offenses and penalties.

23 * * *

24 (c) Additional penalty for fishing without license or permit
25 or operating boat without registration.--In addition to the
26 penalties in subsection (a), a person convicted [or
27 acknowledging guilt] of the offense of fishing without a license
28 in violation of section 2703 (relating to possession and display
29 of licenses) or 2908 (relating to penalties) or operating an
30 unregistered boat for which registration is required shall pay

1 an additional penalty equal to two times the cost of the annual
2 license, permit or registration which the person was required to
3 possess in order to fish or operate a boat requiring
4 registration.

5 (d) Repeat offenders.--A person who is convicted [or
6 acknowledges guilt] of a second or subsequent violation of this
7 title or the regulations promulgated under this title within 12
8 months of a prior offense under this title shall, in addition to
9 the fines provided in subsections (a), (b) and (c), pay an
10 additional fine of two times the maximum fine provided in
11 subsection (a) for the second or subsequent offense. An extract
12 from commission records maintained in the ordinary course of
13 business showing that the person was convicted or acknowledged
14 guilt of the prior offense shall be sufficient evidence of the
15 existence of the prior offense.

16 * * *

17 Section 2. Section 925 of Title 30 is repealed.

18 Section 3. Sections 930, 2503(c) and 5123(b) of Title 30 are
19 amended to read:

20 § 930. Arrest of nonresident.

21 Subject to any inconsistent regulations prescribed pursuant
22 to 42 Pa.C.S. § 3502 (relating to financial regulations):

23 (1) General rule.--Upon the arrest, apprehension or
24 citation of a nonresident of this Commonwealth for any
25 violation of this title that is a summary offense, the
26 waterways patrolman or deputy waterways patrolman shall[,
27 unless the defendant elects to acknowledge guilt in
28 accordance with section 925 (relating to acknowledgment of
29 guilt and receipts for payment),] escort the defendant to the
30 appropriate issuing authority for a hearing, posting of bond

1 or payment of the applicable fine and costs, unless the
2 defendant chooses to place the amount of the applicable fine
3 and costs in a stamped envelope addressed to the appropriate
4 issuing authority and mails the envelope in the presence of
5 the waterways patrolman or deputy waterways patrolman.

6 (2) Procedure upon payment by mail.--If the defendant
7 mails the amount of fine and costs prescribed in paragraph
8 (1), he shall indicate on an accompanying form whether the
9 payment constitutes a bond for a hearing based on a plea of
10 not guilty or a fine based upon a plea of guilty [in lieu of
11 acknowledging guilt under section 925]. If the plea is not
12 guilty, the waterways patrolman or deputy waterways patrolman
13 shall notify the issuing authority by telephone and the
14 issuing authority shall schedule a hearing for the following
15 day (excluding Saturdays, Sundays or legal holidays), unless
16 the defendant requests a continuance, in which case a hearing
17 shall be scheduled to accommodate the defendant, the
18 waterways patrolman or deputy waterways patrolman and the
19 issuing authority.

20 (3) Form of payment.--The amount of fine and costs may
21 be paid in cash, personal or other check, credit card or
22 guaranteed arrest bond.

23 (4) Receipt for payment.--The waterways patrolman or
24 deputy waterways patrolman shall give the defendant a receipt
25 for payment, a copy of which shall be mailed with the payment
26 and a copy retained by the officer.

27 § 2503. Littering.

28 * * *

29 (c) Penalty.--Any person who deposits or otherwise disposes
30 of a thing or substance in violation of this section which

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

14 § 5123. General boating regulations.

15 * * *

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

30 Section 4. This act shall take effect in 60 days.