

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL**No. 2155** Session of
2003

INTRODUCED BY B. SMITH AND STABACK, NOVEMBER 18, 2003

REFERRED TO COMMITTEE ON GAME AND FISHERIES, NOVEMBER 18, 2003

AN ACT

1 Amending Title 30 (Fish) of the Pennsylvania Consolidated
2 Statutes, further providing for classes of fishing licenses,
3 permits related to fishing, fishing license fees and boat
4 registration fees.

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

7 Section 1. Title 30 of the Pennsylvania Consolidated
8 Statutes is amended by adding a section to read:

9 § 2701.1. Junior fishing license.

10 (a) General rule.--A person is eligible for a "Junior
11 Fishing License" issued under this chapter when the person:

12 (1) Is less than 16 years of age.

13 (2) Has applied to an issuing agent within this
14 Commonwealth or to the commission.

15 (3) Has established the person's identity and age to the
16 satisfaction of the issuing agent or the commission.

17 (4) Has paid the issuing agent or the commission a
18 license fee and issuing agent fee as set forth in section
19 2715 (relating to license, permit and issuing agent fees).

1 (b) Permits.--The holder of a Junior Fishing License issued
2 under this section shall not be required to obtain a
3 trout/salmon permit to fish for trout or salmon or a special
4 permit to fish in Lake Erie and tributaries.

5 Section 2. Section 2702(a) of Title 30 is amended to read:
6 § 2702. Nonresident and tourist licenses.

7 (a) Nonresident annual licenses.--For the purposes of this
8 chapter, any person who does not purchase a resident fishing
9 license under section 2701 (relating to resident fishing
10 licenses) is eligible for a "Nonresident Annual Fishing License"
11 when the person:

12 (1) Has applied to an issuing agent or to the
13 commission.

14 (2) Has paid the issuing agent or the commission a
15 license fee and issuing agent fee set forth in section 2715
16 (relating to license, permit and issuing agent fees).

17 * * *

18 Section 3. Title 30 is amended by adding a section to read:
19 § 2702.1. One-day fishing license.

20 (a) General rule.--A person required to have a fishing
21 license under section 2701 (relating to resident fishing
22 licenses) or 2701.1 (relating to junior fishing license) may
23 fish in any waters of this Commonwealth or in any boundary
24 waters for a period not to exceed one calendar day (12:01 a.m.
25 to midnight) with a "One-Day Fishing License" upon payment of a
26 license fee and issuing agent fee set forth in section 2715
27 (relating to license, permit and issuing agent fees).

28 (b) Limitation on issue.--One-Day Fishing Licenses shall not
29 be issued for fishing during the period from April 1 to April 30
30 of any year.

1 (c) Additional stamps and permits required.--Holders of One-
2 Day Fishing Licenses shall obtain all required special permits,
3 including trout/salmon permits to fish for trout or salmon and
4 special permits to fish in Lake Erie and tributaries.

5 Section 4. Sections 2703(a), 2715, 2904(b) and 2907.2 of
6 Title 30 are amended to read:

7 § 2703. Possession and display of licenses.

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

21 * * *

22 § 2715. License, permit and issuing agent 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] \$20.
27 (2) Senior Resident Annual Fishing License, [\$3.25] \$10.
28 (3) Senior Resident Lifetime Fishing License, [\$15.25]
29 \$50.
30 (4) Nonresident Annual Fishing License, [\$34.25] \$50.

1 (5) Seven-Day Tourist Fishing License, [\$29.25] \$33.

2 (6) Three-Day Tourist Fishing License, [\$14.25] \$25.

3 (6.1) One-Day Fishing License, \$10.

4 (6.2) Junior Fishing License, \$2.

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

6 (a.1) Permit fees.--Except as otherwise provided in this
7 title, the following fees apply to permits related to fish and
8 fishing and shall be paid into the Fish Fund:

9 (1) Trout/salmon permits, \$8.

10 (2) Resident charter boat/fishing guide permit, \$100.

11 (3) Nonresident charter boat/fishing guide permit, \$400.

12 (4) Special permit to fish in Lake Erie and tributaries,
13 \$8.

14 (5) Combination trout/salmon permit and Lake Erie
15 permit, \$12.

16 (b) Issuing agent fees.--The following issuing agent [fees
17 shall] fee to be retained by the issuing agent as provided in
18 section 2711 (relating to issuing agents):

19 (1) Issuing agent fee] for fishing licenses and permits
20 listed in [subsection (a), 75¢.

21 (2) Issuing agent fee for special permits, stamps and
22 other fishing permits not listed in subsection (a), 50¢.]
23 subsections (a) and (a.1) shall be \$1.

24 § 2904. Permits for protection and management of particular
25 fish.

26 * * *

27 (b) Limit on fees.--The [commission shall not establish a
28 fee in excess of \$5] fee per permit for taking, catching,
29 killing, possession, introduction, removal, importing, exporting
30 or disturbing of trout and salmon[.] is established in section

1 2715 (relating to license, permit and issuing agent fees).

2 * * *

3 § 2907.2. Lake Erie fishing permits.

4 (a) Permit required.--On and after [January 1, 1995] July 1,
5 2004, no person shall fish in the Pennsylvania waters of Lake
6 Erie, Presque Isle Bay and their tributaries without first
7 procuring an annual special permit for such fishing or the
8 combination trout/salmon/Lake Erie permit.

9 (b) Fee.--The annual fee and the issuing agent fee for the
10 special permit issued in this section shall be [\$3 plus a
11 service fee of 50¢ for the issuing agent.] as provided in
12 section 2715 (relating to license, permit and issuing agent
13 fees).

14 (c) Exemptions.--Persons entitled to free fishing licenses
15 under section 2707 (relating to disabled veterans) and persons
16 exempt from fishing license requirements under Chapter 27
17 (relating to fishing licenses) are exempt from the requirements
18 of this section. Holders of Senior Resident Lifetime Fishing
19 Licenses issued under section 2701 (relating to resident fishing
20 licenses) shall meet the requirements of this section by
21 purchasing one annual special permit which shall be valid for
22 the licensee's lifetime.

23 (d) Regulations.--The commission may promulgate regulations
24 for the display of the special permit and manner in which it may
25 be affixed to the fishing license or carried with the licensee.

26 (e) Penalty.--Any person violating the provisions of this
27 section or the regulations promulgated hereunder commits a
28 summary offense of the third degree.

29 [(f) Proceeds from special permit.--The proceeds from the
30 special permits issued under this section shall be deposited

1 into a restricted account within the Fish Fund, which account
2 shall be used for paying recompense to holders of gill net
3 licenses for boundary lakes as provided in section 2903(h)
4 (relating to gill nets) and for the costs of administering the
5 recompense and special permit programs. The holders of gill net
6 licenses shall have until July 10, 2002, and no later to accept
7 the recompense payment calculated as provided in section
8 2903(h). The balance in the restricted account shall be used to
9 acquire property and to provide public fishing access on or at
10 Lake Erie, its tributaries and Presque Isle Bay.

11 (g) Termination of permit requirement.--The special permit
12 program established by this section shall terminate when the
13 commission determines that sufficient funds have been raised to
14 defray the recompense and special permit program costs, provided
15 that in no event shall special permits be required on or after
16 January 1, 2001.]

17 (h) Accounting.--The commission shall provide an annual
18 accounting of the permit program to the Committee on Game and
19 Fisheries in the Senate and the Committee on Game and Fisheries
20 in the House of Representatives.

21 Section 5. Title 30 is amended by adding a section to read:
22 § 2907.3. Fishing guide and charter boat permits.

23 (a) General rule.--It is unlawful for any person to operate
24 a charter boat or fishing guide operation on the waters of this
25 Commonwealth without first obtaining a charter boat/fishing
26 guide permit from the commission and paying the fee specified in
27 section 2715 (relating to license, permit and issuing agent
28 fees).

29 (b) Issuing agent status.--Holders of charter boat/fishing
30 guide permits may be designated as special issuing agents for

1 the purpose of selling to their customers One-Day Fishing
2 Licenses, Three-Day Tourist Fishing Licenses, Seven-Day Tourist
3 Fishing Licenses and trout/salmon permits and special permits
4 for fishing Lake Erie and tributaries for the fees specified in
5 section 2715.

6 (c) Penalties.--Any person who operates as a fishing guide
7 or operates a charter boat on the waters of this Commonwealth
8 without first obtaining the necessary permit commits a summary
9 offense of the first degree and shall, in addition to any other
10 fine or penalty, pay an additional fine equal to two times the
11 charter boat/fishing guide permit required of that person. Any
12 person violating any other provision of this section or any rule
13 or regulation promulgated under this section commits a summary
14 offense of the second degree.

15 (d) Regulations.--The commission may promulgate rules and
16 regulations for fishing guides and charter boats.

17 (e) Definitions.--As used in this section, the following
18 words and phrases shall have the meanings given to them in this
19 subsection:

20 "Charter boat." A boat operated as a commercial enterprise
21 which carries passengers for hire for the purpose of fishing on
22 the waters of this Commonwealth.

23 "Commercial enterprise." An operation where a person
24 provides fishing guide or charter boat services in exchange for
25 any consideration, including money, goods or services.

26 "Fishing guide." A person who operates a commercial
27 enterprise whereby he guides or leads other persons for the
28 purpose of fishing on the waters of this Commonwealth.

29 Section 6. Section 5104 of Title 30 is amended to read:

30 § 5104. Fees.

1 (a) General rule.--The following fees apply to
2 registrations, licenses, permits and capacity plates and
3 certificates issued under this part and the fees collected shall
4 be deposited in the State Treasury in the Boat Fund:

5 (1) Owner registration (motorboats less than 16 feet in
6 length), [~~\$10~~] \$13 per year.

7 (2) Owner registration (motorboats 16 feet to less than
8 20 feet), [~~\$15~~] \$19.50 per year.

9 (2.1) Owner registration (motorboats 20 feet [or
10 longer), \$20 per year.] to less than 40 feet), \$26 per year.

11 [(2.2) Owner registration (boats not equipped with
12 motors), \$5 per year.]

13 (2.2) Owner registration (motorboats 40 feet to less
14 than 65 feet), \$26 per year.

15 (2.3) Owner registration (motorboats 65 feet or longer),
16 \$26 per year.

17 (2.4) Owner registration (boats not equipped with
18 motors), \$9 per year or as fixed under subsection (b).

19 (3) Duplicate owner registration, \$3 each.

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

21 (5) Commercial passenger boat registration, \$25 each.

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

24 (7) Capacity plate, \$5 each.

25 (8) Transfer of a multi-year boat registration, \$5.

26 (9) Permit for floating structure and private aids to
27 navigation, \$10 each.

28 (10) Boating safety education certificate, \$10.

29 (11) Replacement boating safety education certificate,
30 \$5.

1 (b) Fee adjustment for nonpowered boats.--The fee for owner
2 registration for boats not equipped with motors specified in
3 subsection (a)(2.4) shall be adjusted from time to time to
4 remain equal to the fees charged by the Department of
5 Conservation and Natural Resources for boat launch permits for
6 State park lakes.

7 Section 7. This act shall apply as follows:

8 (1) The fees provided in 30 Pa.C.S. § 2715 shall be
9 applicable to the license year beginning after December 31,
10 2003, and thereafter and shall be collected starting on the
11 first day of the first month beginning 30 days after the
12 effective date set forth in section 8(4).

13 (2) The permit fees under 30 Pa.C.S. § 2907.3 shall not
14 be collected for a period of 60 days following the effective
15 date of regulations promulgated under 30 Pa.C.S. § 2907.3.

16 Section 8. This act shall take effect as follows:

17 (1) The amendment or addition of 30 Pa.C.S. §§ 2701.1,
18 2702.1 and 2907.2 shall take effect July 1, 2004, or 90 days
19 after the effective date of this act as provided in paragraph
20 (4), whichever is later.

21 (2) The addition of 30 Pa.C.S. § 2907.3 shall take
22 effect immediately.

23 (3) The amendment of 30 Pa.C.S. § 5104 shall take effect
24 April 1, 2004, or 60 days after the effective date of this
25 act as provided in paragraph (4), whichever is later.

26 (4) The remainder of this act shall take effect
27 immediately.