

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2155 Session of
2003

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

AS REPORTED FROM COMMITTEE ON GAME AND FISHERIES, HOUSE OF
REPRESENTATIVES, AS AMENDED, NOVEMBER 8, 2004

AN ACT

1 Amending Title 30 (Fish) of the Pennsylvania Consolidated
2 Statutes, PROVIDING FOR AUDITING AND REPORTING; AND further <—
3 providing for classes of fishing licenses, permits related to
4 fishing, fishing license fees and boat 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~~

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

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

6 § 503. AUDITING AND REPORTING REQUIREMENTS.

<—

7 (A) PERFORMANCE AUDIT.--A PERFORMANCE AUDIT OF THE
8 COMMISSION FOR THE CONCLUDING FISCAL YEAR SHALL BE CONDUCTED BY
9 THE LEGISLATIVE BUDGET AND FINANCE COMMITTEE AND SHALL BE
10 SUBMITTED TO THE GAME AND FISHERIES COMMITTEE AND THE
11 APPROPRIATIONS COMMITTEE OF THE SENATE AND THE GAME AND
12 FISHERIES COMMITTEE AND THE APPROPRIATIONS COMMITTEE OF THE
13 HOUSE OF REPRESENTATIVES NO LATER THAN JULY 1, 2007. AFTER JULY
14 1, 2007, THE LEGISLATIVE BUDGET AND FINANCE COMMITTEE SHALL
15 CONDUCT A PERFORMANCE AUDIT OF THE COMMISSION EVERY THREE YEARS
16 NO LATER THAN JULY 1.

17 (B) ANNUAL REPORT TO GENERAL ASSEMBLY.--NO LATER THAN
18 JANUARY 31 OF EACH YEAR THE COMMISSION THROUGH ITS EXECUTIVE
19 DIRECTOR SHALL SUBMIT AN ANNUAL WRITTEN REPORT TO THE GAME AND
20 FISHERIES COMMITTEE AND THE APPROPRIATIONS COMMITTEE OF THE
21 SENATE AND THE GAME AND FISHERIES COMMITTEE AND THE
22 APPROPRIATIONS COMMITTEE OF THE HOUSE OF REPRESENTATIVES WHICH
23 SHALL INCLUDE THE COMPLETE BUDGET FOR THE CURRENT FISCAL YEAR
24 AND FOR THE NEXT FISCAL YEAR. THE COMMISSION SHALL MEET WITH THE
25 SPECIFIED COMMITTEES OF THE GENERAL ASSEMBLY TO RECEIVE ORAL
26 TESTIMONY IN RELATION TO THE ANNUAL WRITTEN REPORTS WHEN SO
27 REQUESTED.

28 Section 2. Section 2702(a) of Title 30 is amended to read:
29 § 2702. Nonresident and tourist licenses.

30 (a) Nonresident annual licenses.--For the purposes of this

1 chapter, any person who does not purchase a resident fishing
2 license under section 2701 (relating to resident fishing
3 licenses) is eligible for a "Nonresident Annual Fishing License"
4 when the person:

5 (1) Has applied to an issuing agent or to the
6 commission.

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

10 * * *

11 Section 3. Title 30 is amended by adding a section to read:

12 § 2702.1. One-day fishing license.

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

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

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

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

30 § 2703. Possession and display of licenses.

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

14 * * *

15 § 2715. License, permit and issuing agent fees.

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

- 19 (1) Resident Annual Fishing License, [\$16.25] ~~\$20~~ \$21. ←
- 20 (2) Senior Resident Annual Fishing License, [\$3.25] \$10.
- 21 (3) Senior Resident Lifetime Fishing License, [\$15.25]
22 \$50.
- 23 (4) Nonresident Annual Fishing License, [\$34.25] ~~\$50~~ ←
24 \$51. ←
- 25 (5) Seven-Day Tourist Fishing License, [\$29.25] \$33.
- 26 (6) Three-Day Tourist Fishing License, [\$14.25] \$25.
- 27 (6.1) One-Day Fishing License, \$10.
- 28 (6.2) Junior Fishing License, \$2.
- 29 (7) Replacement Fishing License, \$4.25.

30 (a.1) Permit fees.--Except as otherwise provided in this

1 title, the following fees apply to permits related to fish and
2 fishing and shall be paid into the Fish Fund:

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

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

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

6 (4) Special permit to fish in Lake Erie and tributaries,
7 \$8.

8 (5) Combination trout/salmon permit and Lake Erie
9 permit, ~~\$12~~ \$14. <—

10 (b) Issuing agent fees.--The [following] issuing agent [fees <—
11 shall] fee to be retained by the issuing agent as provided in
12 section 2711 (relating to issuing agents):

13 (1) Issuing agent fee] for fishing licenses and permits <—
14 [listed in †subsection (a), 75¢. <—

15 (2) Issuing agent fee for special permits, stamps and
16 other fishing permits not listed in subsection (a), 50¢.]
17 subsections (a) and (a.1) AND PERMITS shall be \$1. <—

18 § 2904. Permits for protection and management of particular
19 fish.

20 * * *

21 (b) Limit on fees.--The [commission shall not establish a
22 fee in excess of \$5] fee per permit for taking, catching,
23 killing, possession, introduction, removal, importing, exporting
24 or disturbing of trout and salmon[.] is established in section
25 2715 (relating to license, permit and issuing agent fees).

26 * * *

27 § 2907.2. Lake Erie fishing permits.

28 (a) Permit required.--~~On and after [January 1, 1995] July 1,~~ <—
29 ~~2004, no~~ [ON AND AFTER JANUARY 1, 1995, NO] NO person shall fish <—
30 in the Pennsylvania waters of Lake Erie, Presque Isle Bay and

1 their tributaries without first procuring an annual special
2 permit for such fishing or the combination trout/salmon/Lake
3 Erie permit.

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

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

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

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

24 [(f) Proceeds from special permit.--The proceeds from the
25 special permits issued under this section shall be deposited
26 into a restricted account within the Fish Fund, which account
27 shall be used for paying recompense to holders of gill net
28 licenses for boundary lakes as provided in section 2903(h)
29 (relating to gill nets) and for the costs of administering the
30 recompense and special permit programs. The holders of gill net

1 licenses shall have until July 10, 2002, and no later to accept
2 the recompense payment calculated as provided in section
3 2903(h). The balance in the restricted account shall be used to
4 acquire property and to provide public fishing access on or at
5 Lake Erie, its tributaries and Presque Isle Bay.

6 (g) Termination of permit requirement.--The special permit
7 program established by this section shall terminate when the
8 commission determines that sufficient funds have been raised to
9 defray the recompense and special permit program costs, provided
10 that in no event shall special permits be required on or after
11 January 1, 2001.† ←

12 (h) Accounting.--The commission shall provide an annual
13 accounting of the permit program to the Committee on Game and
14 Fisheries in the Senate and the Committee on Game and Fisheries
15 in the House of Representatives.] ←

16 (F.1) LAKE ERIE PERMITS.--THE PROCEEDS FROM THE FEES FOR THE ←
17 SPECIAL LAKE ERIE FISHING PERMITS AS PROVIDED FOR UNDER SECTION
18 2715(A.1)(4) (RELATING TO LICENSE, PERMIT AND ISSUING AGENT
19 FEES) AND \$6 OF THE FEES FOR THE COMBINATION TROUT/SALMON
20 PERMITS AND LAKE ERIE PERMITS AS PROVIDED FOR UNDER SECTION
21 2715(A.1)(5) SHALL BE DEPOSITED INTO A RESTRICTED ACCOUNT WITHIN
22 THE FISH FUND FOR FIVE YEARS. THE RESTRICTED ACCOUNT SHALL BE
23 USED TO PROVIDE PUBLIC FISHING ACCESS ON OR AT LAKE ERIE AND THE
24 WATERSHEDS OF LAKE ERIE.

25 Section 5. Title 30 is amended by adding a section to read:
26 § 2907.3. Fishing guide and charter boat permits.

27 (a) General rule.--It is unlawful for any person to operate
28 a charter boat or fishing guide operation on the waters of this
29 Commonwealth without first obtaining a charter boat/fishing
30 guide permit from the commission and paying the fee specified in

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

3 (b) Issuing agent status.--Holders of charter boat/fishing
4 guide permits may be designated as special issuing agents for
5 the purpose of selling to their customers One-Day Fishing
6 Licenses, Three-Day Tourist Fishing Licenses, Seven-Day Tourist
7 Fishing Licenses and trout/salmon permits and special permits
8 for fishing Lake Erie and tributaries for the fees specified in
9 section 2715.

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

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

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

24 "Charter boat." A boat operated as a commercial enterprise
25 which carries passengers for hire for the purpose of fishing on
26 the waters of this Commonwealth.

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

30 "Fishing guide." A person who operates a commercial

1 enterprise whereby he guides or leads other persons for the
2 purpose of fishing on the waters of this Commonwealth.

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

4 § 5104. Fees.

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

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

11 (2) Owner registration (motorboats 16 feet to less than
12 20 feet), [\$15] \$19.50 per year.

13 (2.1) Owner registration (motorboats 20 feet for <—
14 longer), [\$20 per year.] to less than 40 feet), \$26 per year. <—

15 [(2.2) Owner registration (boats not equipped with
16 motors), \$5 per year.]

17 ~~(2.2) Owner registration (motorboats 40 feet to less <—
18 than 65 feet), \$26 per year.~~

19 ~~(2.3) Owner registration (motorboats 65 feet or longer), <—
20 \$26 per year.~~

21 ~~(2.4)~~ (2.2) Owner registration (boats not equipped with <—
22 motors), \$9 per year or as fixed under subsection (b).

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

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

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

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

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

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

30 (9) Permit for floating structure and private aids to

1 navigation, \$10 each.

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

3 (11) Replacement boating safety education certificate,
4 \$5.

5 (b) Fee adjustment for nonpowered boats.--The fee for owner
6 registration for boats not equipped with motors specified in
7 subsection (a)(2.4) (A)(2.2) shall be adjusted from time to time <—
8 to remain equal to the fees charged by the Department of
9 Conservation and Natural Resources for boat launch permits for
10 State park lakes.

11 ~~Section 7. This act shall apply as follows:~~ <—

12 ~~(1) The fees provided in 30 Pa.C.S. § 2715 shall be~~
13 ~~applicable to the license year beginning after December 31,~~
14 ~~2003, and thereafter and shall be collected starting on the~~
15 ~~first day of the first month beginning 30 days after the~~
16 ~~effective date set forth in section 8(4).~~

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

20 ~~Section 8. This act shall take effect as follows:~~

21 ~~(1) The amendment or addition of 30 Pa.C.S. §§ 2701.1,~~
22 ~~2702.1 and 2907.2 shall take effect July 1, 2004, or 90 days~~
23 ~~after the effective date of this act as provided in paragraph~~
24 ~~(4), whichever is later.~~

25 ~~(2) The addition of 30 Pa.C.S. § 2907.3 shall take~~
26 ~~effect immediately.~~

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

30 ~~(4) The remainder of this act shall take effect~~

1 ~~immediately.~~

2 SECTION 7. THIS ACT SHALL APPLY TO ALL FEES FOR LICENSES AND <—
3 PERMITS ISSUED ON OR AFTER JANUARY 1, 2005.

4 SECTION 8. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.