

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

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

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

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AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,  
NOVEMBER 10, 2004

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## 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 § 503. Auditing and reporting requirements.

10 (a) Performance audit.--A performance audit of the  
11 commission for the concluding fiscal year shall be conducted by  
12 the Legislative Budget and Finance Committee and shall be  
13 submitted to the Game and Fisheries Committee and the  
14 Appropriations Committee of the Senate and the Game and  
15 Fisheries Committee and the Appropriations Committee of the  
16 House of Representatives no later than July 1, 2007. After July  
17 1, 2007, the Legislative Budget and Finance Committee shall  
18 conduct a performance audit of the commission every three years

1 no later than July 1.

2 (b) Annual report to General Assembly.--No later than  
3 January 31 of each year the commission through its executive  
4 director shall submit an annual written report to the Game and  
5 Fisheries Committee and the Appropriations Committee of the  
6 Senate and the Game and Fisheries Committee and the  
7 Appropriations Committee of the House of Representatives which  
8 shall include the complete budget for the current fiscal year  
9 and for the next fiscal year. The commission shall meet with the  
10 specified committees of the General Assembly to receive oral  
11 testimony in relation to the annual written reports when so  
12 requested.

13 Section 2. Section 2702(a) of Title 30 is amended to read:  
14 § 2702. Nonresident and tourist licenses.

15 (a) Nonresident annual licenses.--For the purposes of this  
16 chapter, any person who does not purchase a resident fishing  
17 license under section 2701 (relating to resident fishing  
18 licenses) is eligible for a "Nonresident Annual Fishing License"  
19 when the person:

20 (1) Has applied to an issuing agent or to the  
21 commission.

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

25 \* \* \*

26 Section 3. Title 30 is amended by adding a section to read:  
27 § 2702.1. One-day fishing license.

28 (a) General rule.--A person required to have a fishing  
29 license under section 2701 (relating to resident fishing  
30 licenses) ~~or 2701.1 (relating to junior fishing license)~~ may

<—

1 fish in any waters of this Commonwealth or in any boundary  
2 waters for a period not to exceed one calendar day (12:01 a.m.  
3 to midnight) with a "One-Day Fishing License" upon payment of a  
4 license fee and issuing agent fee set forth in section 2715  
5 (relating to license, permit and issuing agent fees).

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

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

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

15 § 2703. Possession and display of licenses.

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

29 \* \* \*

30 § 2715. License, permit and issuing agent fees.

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

- 4 (1) Resident Annual Fishing License, [\$16.25] \$21.
- 5 (2) Senior Resident Annual Fishing License, [\$3.25] \$10.
- 6 (3) Senior Resident Lifetime Fishing License, [\$15.25]  
7 \$50.
- 8 (4) Nonresident Annual Fishing License, [\$34.25] \$51.
- 9 (5) Seven-Day Tourist Fishing License, [\$29.25] \$33.
- 10 (6) Three-Day Tourist Fishing License, [\$14.25] \$25.
- 11 (6.1) One-Day Fishing License, \$10.
- 12 ~~(6.2) Junior Fishing License, \$2.~~ ←
- 13 (7) Replacement Fishing License, \$4.25.

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

- 17 (1) Trout/salmon permits, \$8.
- 18 (2) Resident charter boat/fishing guide permit, \$100.
- 19 (3) Nonresident charter boat/fishing guide permit, \$400.
- 20 (4) Special permit to fish in Lake Erie and tributaries,  
21 \$8.
- 22 (5) Combination trout/salmon permit and Lake Erie  
23 permit, \$14.

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

- 27 (1) Issuing agent fee] for fishing licenses [listed in  
28 subsection (a), 75¢.
- 29 (2) Issuing agent fee for special permits, stamps and  
30 other fishing permits not listed in subsection (a), 50¢.] and

1 permits shall be \$1.

2 § 2904. Permits for protection and management of particular  
3 fish.

4 \* \* \*

5 (b) Limit on fees.--The [commission shall not establish a  
6 fee in excess of \$5] fee per permit for taking, catching,  
7 killing, possession, introduction, removal, importing, exporting  
8 or disturbing of trout and salmon[.] is established in section  
9 2715 (relating to license, permit and issuing agent fees).

10 \* \* \*

11 § 2907.2. Lake Erie fishing permits.

12 (a) Permit required.--[On and after January 1, 1995, no] No  
13 person shall fish in the Pennsylvania waters of Lake Erie,  
14 Presque Isle Bay and their tributaries without first procuring  
15 an annual special permit for such fishing or the combination  
16 trout/salmon/Lake Erie permit.

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

22 (c) Exemptions.--Persons entitled to free fishing licenses  
23 under section 2707 (relating to disabled veterans) and persons  
24 exempt from fishing license requirements under Chapter 27  
25 (relating to fishing licenses) are exempt from the requirements  
26 of this section. Holders of Senior Resident Lifetime Fishing  
27 Licenses issued under section 2701 (relating to resident fishing  
28 licenses) shall meet the requirements of this section by  
29 purchasing one annual special permit which shall be valid for  
30 the licensee's lifetime.

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

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

7 [(f) Proceeds from special permit.--The proceeds from the  
8 special permits issued under this section shall be deposited  
9 into a restricted account within the Fish Fund, which account  
10 shall be used for paying recompense to holders of gill net  
11 licenses for boundary lakes as provided in section 2903(h)  
12 (relating to gill nets) and for the costs of administering the  
13 recompense and special permit programs. The holders of gill net  
14 licenses shall have until July 10, 2002, and no later to accept  
15 the recompense payment calculated as provided in section  
16 2903(h). The balance in the restricted account shall be used to  
17 acquire property and to provide public fishing access on or at  
18 Lake Erie, its tributaries and Presque Isle Bay.

19 (g) Termination of permit requirement.--The special permit  
20 program established by this section shall terminate when the  
21 commission determines that sufficient funds have been raised to  
22 defray the recompense and special permit program costs, provided  
23 that in no event shall special permits be required on or after  
24 January 1, 2001.

25 (h) Accounting.--The commission shall provide an annual  
26 accounting of the permit program to the Committee on Game and  
27 Fisheries in the Senate and the Committee on Game and Fisheries  
28 in the House of Representatives.]

29 (f.1) Lake Erie permits.--The proceeds from the fees for the  
30 special Lake Erie fishing permits as provided for under section

1 2715(a.1)(4) (relating to license, permit and issuing agent  
2 fees) and \$6 of the fees for the combination trout/salmon  
3 permits and Lake Erie permits as provided for under section  
4 2715(a.1)(5) shall be deposited into a restricted account within  
5 the Fish Fund for five years. The restricted account shall be  
6 used to provide public fishing access on or at Lake Erie and the  
7 watersheds of Lake Erie.

8 Section 5. Title 30 is amended by adding a section to read:  
9 § 2907.3. Fishing guide and charter boat permits.

10 (a) General rule.--It is unlawful for any person to operate  
11 a charter boat or fishing guide operation on the waters of this  
12 Commonwealth without first obtaining a charter boat/fishing  
13 guide permit from the commission and paying the fee specified in  
14 section 2715 (relating to license, permit and issuing agent  
15 fees).

16 (b) Issuing agent status.--Holders of charter boat/fishing  
17 guide permits may be designated as special issuing agents for  
18 the purpose of selling to their customers One-Day Fishing  
19 Licenses, Three-Day Tourist Fishing Licenses, Seven-Day Tourist  
20 Fishing Licenses and trout/salmon permits and special permits  
21 for fishing Lake Erie and tributaries for the fees specified in  
22 section 2715.

23 (c) Penalties.--Any person who operates as a fishing guide  
24 or operates a charter boat on the waters of this Commonwealth  
25 without first obtaining the necessary permit commits a summary  
26 offense of the first degree and shall, in addition to any other  
27 fine or penalty, pay an additional fine equal to two times the  
28 charter boat/fishing guide permit required of that person. Any  
29 person violating any other provision of this section or any rule  
30 or regulation promulgated under this section commits a summary

1 offense of the second degree.

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

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

7 "Charter boat." A boat operated as a commercial enterprise  
8 which carries passengers for hire for the purpose of fishing on  
9 the waters of this Commonwealth.

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

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

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

17 § 5104. Fees.

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

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

24 (2) Owner registration (motorboats 16 feet to less than  
25 20 feet), [~~\$15~~] \$19.50 per year.

26 (2.1) Owner registration (motorboats 20 feet or longer),  
27 [~~\$20 per year.~~] \$26 per year.

28 [(2.2) Owner registration (boats not equipped with  
29 motors), \$5 per year.]

30 (2.2) Owner registration (boats not equipped with



1 motors), \$9 per year or as fixed under subsection (b).

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

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

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

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

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

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

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

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

12 (11) Replacement boating safety education certificate,  
13 \$5.

14 (b) Fee adjustment for nonpowered boats.--The fee for owner  
15 registration for boats not equipped with motors specified in  
16 subsection (a)(2.2) shall be adjusted from time to time to  
17 remain equal to the fees charged by the Department of  
18 Conservation and Natural Resources for boat launch permits for  
19 State park lakes.

20 Section 7. This act shall apply to all fees for licenses and  
21 permits issued on or after January 1, 2005.

22 Section 8. This act shall take effect immediately.