

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2233 Session of  
2010

INTRODUCED BY STABACK, CALTAGIRONE, CUTLER, GEIST, HALUSKA,  
HARHAI, HESS, KOTIK, MILLER, MOUL, MURPHY, READSHAW, SONNEY,  
WATERS AND YUDICHAK, JANUARY 29, 2010

REFERRED TO COMMITTEE ON GAME AND FISHERIES, JANUARY 29, 2010

AN ACT

1 Amending Title 30 (Fish) of the Pennsylvania Consolidated  
2 Statutes, in preliminary provisions, further providing for  
3 definitions; in Pennsylvania Fish and Boat Commission,  
4 further providing for deputy waterways conservation officers;  
5 in fishing licenses, further providing for possession and  
6 display of licenses, for institutional licenses and for  
7 exemptions from license requirements; in special licenses and  
8 permits, further providing for boat and net licenses for  
9 boundary lakes; in regulated fishing lakes, further providing  
10 for fees; in preliminary provisions relating to boats and  
11 boating, further providing for boating education and for  
12 chemical testing to determine amount of alcohol or controlled  
13 substance; and, in registration and titling of boats, further  
14 providing for period of registration.

15 The General Assembly of the Commonwealth of Pennsylvania  
16 hereby enacts as follows:

17 Section 1. The definition of "fishing" in section 102 of  
18 Title 30 of the Pennsylvania Consolidated Statutes is amended to  
19 read:

20 § 102. Definitions.

21 Subject to additional definitions contained in subsequent  
22 provisions of this title which are applicable to specific  
23 provisions of this title, the following words and phrases when

used in this title shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

\* \* \*

"Fishing." The act of angling, or to catch, take, kill or remove or the attempt to catch, take, kill or remove from any waters [or other areas] within or bordering on or lands within this Commonwealth any fish by any means or method for any purpose whatsoever.

\* \* \*

Section 2. Sections 305(a)(1), 2703(a), 2708, 2709(e), 2903(h), 3102, 5103(i)(1), 5125(b)(2) and 5308 of Title 30 are amended to read:

§ 305. Deputy waterways conservation officers.

(a) Appointment and training.--The executive director, with the approval of the commission, may appoint deputy waterways conservation officers to act anywhere within this Commonwealth. Newly appointed deputy waterways conservation officers, excluding reappointments, shall attend such training programs as may be required by the commission, which shall include at a minimum:

(1) Successful completion of training and obtaining a certificate of qualification under the act of October 10, 1974 (P.L.705, No.235), known as the Lethal Weapons Training Act, or equivalent training as determined by the executive director prior to appointment.

\* \* \*

§ 2703. Possession and display of licenses.

(a) General rule.--No person 16 years of age or older shall fish in any of the waters of this Commonwealth or in any boundary waters or lands within this Commonwealth without first

1 procuring the proper license required by this chapter. The  
2 license shall be kept about the person while fishing and shown  
3 upon the request of any waterways conservation officer or other  
4 officer designated by the commission. In addition to showing the  
5 license to the officer, the holder thereof shall, upon demand,  
6 establish his further identity to the satisfaction of the  
7 officer by producing some other positive means of  
8 identification. The commission may promulgate rules and  
9 regulations for the displaying of the license certificate,  
10 license button or other device, as it deems necessary.

11 \* \* \*

12 § 2708. Institutional licenses.

13 Any resident of this Commonwealth who is a resident patient  
14 in a Commonwealth owned [and] or supported medical or  
15 rehabilitation institution [for mental disability, geriatric  
16 center, tubercular hospital] or county home or hospital, or any  
17 veteran who is a patient in a United States Government Veterans'  
18 Administration Hospital or in a State veterans' home, or [who]  
19 is a juvenile of a State youth development center or forestry  
20 camp, and who may benefit from recreational fishing during the  
21 course of treatment, rehabilitation or hospitalization [may be  
22 issued a resident fishing license without paying a license fee]  
23 is eligible for inclusion on an institutional fishing license  
24 issued by the commission to a qualifying institution at no cost.

25 [Licenses authorized by this section may be issued by the  
26 superintendent or chief medical officer of the institution who  
27 shall sign an affidavit certifying that recreational fishing may  
28 be of benefit to the rehabilitation of the patient and that the  
29 patient is an inpatient of the institution. The affidavits, and  
30 records of the number and to whom the licenses were issued,

1 shall be forwarded to the commission on such forms as the  
2 commission shall provide.] The commission shall establish  
3 policies and procedures for the issuance of an institutional  
4 license. The commission may revoke license issuing privileges of  
5 any institution for failure to comply with any provisions of  
6 this chapter [or], the regulations promulgated thereunder and  
7 the policies and procedures established under this title.

8 § 2709. Exemptions from license requirements.

9 \* \* \*

10 (e) [Students participating in biological field project.--A  
11 student enrolled in a secondary or undergraduate course of  
12 instruction shall not be required to possess a fishing license  
13 to gather specimens while participating in an educationally  
14 sponsored biological field project that is under the direct  
15 supervision of a high school or accredited institution of  
16 postsecondary education as long as the educational institution  
17 has applied for and received the written permission of the  
18 commission.] Participants in educational programs.--A  
19 participant in an educational program shall not be required to  
20 possess a fishing license while participating in the educational  
21 program, provided that:

22 (1) The program meets the standards established by the  
23 executive director.

24 (2) The program is under the direct supervision of an  
25 instructor who possesses a valid fishing license.

26 (3) The program sponsor has applied for and received the  
27 written permission of the executive director.

28 \* \* \*

29 § 2903. Boat and net licenses for boundary lakes.

30 \* \* \*

(h) Gill nets.--

[(1) On and after January 1, 1996, the use of gill nets for fishing on boundary lakes shall be prohibited.

(2) The commission shall establish a gill net licensee recompense program whereby persons holding 1992 licenses to use gill nets on boundary lakes shall be recompensed as provided in this paragraph. The amount of the payment to each licensee shall be based on the average of the licensee's two highest years of catches taken with gill nets for the years 1990, 1991, 1992, 1993 and 1994. The payment shall be the product of such average catch multiplied by the average value received for such catch as reported to the commission.] The use of gill nets for fishing on boundary lakes shall be prohibited.

§ 3102. Fees.

(a) Class A lakes.--The annual license fee for a Class A regulated fishing lake (except [portable trout] temporary fishing ponds operated as regulated fishing lakes) shall be based on the total area of fishing water on the premises to be licensed, whether the area consists of one body of water or more than one.

(1) Where the total area of water is less than 20 acres, the fee shall be \$100.

(2) Where the total water area is 20 acres or more but less than 40 acres, the fee shall be \$250.

(3) Where the area is 40 acres or more, the fee shall be \$500.

(b) Class B lakes.--The annual license fee for a Class B regulated fishing lake (except [portable trout] temporary fishing ponds operated as regulated fishing lakes) shall be

1 based on the total area of fishing water on the premises to be  
2 licensed, whether the area consists of one body of water or more  
3 than one.

4 (1) Where the total area of water is less than 30 acres,  
5 the fee shall be \$50.

6 (2) Where the total area of water is 30 acres or more,  
7 the fee shall be \$100.

8 (c) [Portable] Temporary fishing ponds.--

9 (1) [The] Except as otherwise provided in paragraph (3),  
10 the annual license fee for a [portable trout] temporary  
11 fishing pond which the operator seeks to operate as a Class A  
12 regulated fishing lake shall be \$200.

13 (2) The annual license fee for a [portable trout]  
14 temporary fishing pond which the operator seeks to operate as  
15 a Class B regulated fishing lake shall be \$50.

16 (3) The annual license fee for a temporary fishing pond  
17 that is operated as a Class A regulated fishing lake  
18 exclusively by or on behalf of a nonprofit sportsmen's  
19 conservation or charitable organization shall be \$25.

20 § 5103. Boating education.

21 \* \* \*

22 (i) Other valid documentation.--

23 (1) In lieu of a certificate of boating safety education  
24 issued by the Commonwealth, a certificate of boating safety  
25 education issued [in] to a resident of another state in  
26 accordance with criteria of the National Association of State  
27 Boating Law Administrators is sufficient to comply with the  
28 requirements of this section.

29 \* \* \*

30 § 5125. Chemical testing to determine amount of alcohol or

1 controlled substance.

2 \* \* \*

3 (b) Suspension for refusal.--

4 \* \* \*

5 (2) It is the duty of the waterways conservation officer  
6 to inform the person that:

7 (i) the person's boating privileges will be  
8 suspended upon refusal to submit to chemical testing; and

9 (ii) if the person refuses to submit to chemical  
10 testing, upon conviction or plea for violating section  
11 5502(a)(1), the person will be subject to the penalties  
12 provided in section [5502(c)(3)] 5502(c.1)(3).

13 \* \* \*

14 § 5308. Period of registration.

15 Registrations issued under this subchapter to owners and  
16 dealers shall be valid from April 1 of one year to March 31 of  
17 the succeeding year and shall be renewable. A registration for  
18 any year shall be valid and may properly be displayed prior to  
19 April 1 within that year. The commission may determine to issue  
20 registrations valid for a period not to exceed three years upon  
21 payment of a fee equal to the annual registration fee times the  
22 number of years for which the multiple-year registration is  
23 valid. A multiple-year registration shall be valid from April 1  
24 of the year of its issuance until March 31 of the last year of  
25 its validity, but a multiple-year [license] registration issued  
26 prior to April 1 of any year is valid and may be displayed at  
27 any time within that year. The commission may, by regulation,  
28 provide for the transfer of multiple-year registrations upon the  
29 sale or conveyance of a boat upon payment of the fee provided in  
30 section 5104(8) (relating to fees).

1       Section 3.   This act shall take effect in 60 days.