

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1402 Session of 2012

INTRODUCED BY ALLOWAY, SOLOBAY, FONTANA, MENSCH, RAFFERTY, YUDICHAK, PIPPY, EICHELBERGER, KASUNIC, BOSCOLA, BRUBAKER, WOZNIAK, BAKER AND BLAKE, JANUARY 31, 2012

SENATOR ALLOWAY, GAME AND FISHERIES, AS AMENDED, JUNE 5, 2012

AN ACT

1 Amending Title 30 (Fish) of the Pennsylvania Consolidated
2 Statutes, further providing for the definition of "fishing,"
3 for organization of commission, for deputy waterways
4 conservation officers, AND for volunteer program, and for ←
5 collection fee for uncollectible checks; providing for damage
6 to property; further providing for control of property, for
7 powers and duties of waterways conservation officers and
8 deputies and for enforcement of other laws; providing for
9 unlawful use of computer and for liability for conduct of
10 another and for complicity; further providing for suspension
11 of privileges pending payment of penalties, for misuse of
12 property and waters, for littering, for possession and
13 display of licenses, for lost fishing licenses, for
14 institutional licenses, for exemptions from license
15 requirements, for eel chute licenses, for net permits, for
16 boat and net licenses for boundary lakes, for penalties, for ←
17 fees, for boating education, for fees, for general boating ←
18 regulations, for chemical testing to determine amount of ←
19 alcohol or controlled substance, for issuing agents, AND for ←
20 period of registration and for fees; providing for ←
21 unauthorized operation of boats, for permitting violations
22 and for duties of operators involved in boating accidents;
23 and making editorial changes.

24 The General Assembly of the Commonwealth of Pennsylvania
25 hereby enacts as follows:

26 Section 1. The definition of "fishing" in section 102 of
27 Title 30 of the Pennsylvania Consolidated Statutes is amended to
28 read:

1 § 102. Definitions.

2 Subject to additional definitions contained in subsequent
3 provisions of this title which are applicable to specific
4 provisions of this title, the following words and phrases when
5 used in this title shall have, unless the context clearly
6 indicates otherwise, the meanings given to them in this section:

7 * * *

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

13 * * *

14 Section 2. Sections 301(a), 305(a) and (b), AND 327(d)(4) ←
15 ~~and 502~~ of Title 30 are amended to read: ←

16 § 301. Organization of commission.

17 (a) Composition.--The Pennsylvania Fish and Boat Commission
18 is continued as an independent administrative commission and
19 shall consist of ten competent citizens of this Commonwealth who
20 shall be appointed by the Governor by and with the advice and
21 consent of [two-thirds] a majority of the members elected to the
22 Senate for terms of eight years and until their successors are
23 appointed and qualified.

24 * * *

25 § 305. Deputy waterways conservation officers.

26 (a) Appointment and training.--The executive director, with
27 the approval of the commission, may appoint deputy waterways
28 conservation officers to act anywhere within this Commonwealth.
29 Newly appointed deputy waterways conservation officers,
30 excluding reappointments, shall attend such training programs as

1 may be required by the commission, which shall include at a
2 minimum:

3 (1) Successful completion of training and obtaining a
4 certificate of qualification under the act of October 10,
5 1974 (P.L.705, No.235), known as the Lethal Weapons Training
6 Act, or equivalent training as determined by the executive
7 director, prior to appointment.

8 (2) Successful completion of not less than 250 hours of
9 law enforcement classroom and on-the-job training.

10 All deputy waterways conservation officers, including
11 reappointments, shall attend all annual in-service training as
12 may be required by the commission. Persons appointed under this
13 section may exercise the powers of their appointments until
14 December 31 of each year unless their appointment is sooner
15 revoked, suspended or withdrawn.

16 (b) Compensation.--Deputy waterways conservation officers
17 shall not be entitled to any salary, compensation or expenses
18 for their services from the Commonwealth, unless [detailed in
19 writing for duty] authorized by the executive director of the
20 commission, in which case they shall receive compensation and/or
21 reasonable expenses in accordance with a Statewide pay scale and
22 standards as established by the Executive Board. [Only such
23 duties or assignments as are approved in advance by the
24 executive director or his designee shall be eligible for
25 compensation and/or reasonable expenses.] Deputy waterways
26 conservation officers are volunteers. When acting within the
27 scope of their official duties, deputy waterways conservation
28 officers shall be authorized to operate Commonwealth vehicles
29 and watercraft and shall be treated as employees of the
30 Commonwealth for the purposes of automotive and general

1 liability and the act of June 2, 1915 (P.L.736, No.338), known
2 as the Workers' Compensation Act.

3 * * *

4 § 327. Volunteer program.

5 * * *

6 (d) Status of volunteers.--

7 * * *

8 (4) No volunteer shall be assigned to any full-time or
9 wage position that is covered by any labor agreement,
10 presently filled, vacant or authorized in the commission.

11 * * *

12 ~~§ 502. [Collection fee] Service charge for uncollectible~~ ←
13 ~~checks.~~

14 ~~Whenever any check or similar instrument issued in payment of~~
15 ~~any fee, fine or for any other purpose under this title is~~
16 ~~returned to the commission as uncollectible, the person who~~
17 ~~makes, issues or presents the check or other instrument shall be~~
18 ~~charged a [fee of \$15] service charge of up to \$50, to be~~
19 ~~credited to the Fish Fund or the Boat Fund, as appropriate, to~~
20 ~~cover the cost of collection.~~

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

22 § 703. Damage to property.

23 It is unlawful to intentionally or recklessly destroy or
24 cause damage to property owned, leased or otherwise controlled
25 by the commission or any improvements thereon. Any person who
26 intentionally causes pecuniary loss in excess of \$5,000 commits
27 a felony of the third degree. Any person who intentionally
28 causes pecuniary loss in excess of \$1,000 commits a misdemeanor
29 of the second degree. Any person who intentionally or recklessly
30 causes pecuniary loss in excess of \$500 commits a misdemeanor of

1 the third degree. Otherwise destroying or causing damage to
2 commission property or any improvements thereon is a summary
3 offense of the first degree.

4 Section 4. Sections 741(a) and 901(a)(12), (13) and (16) and
5 902 of Title 30 are amended to read:

6 § 741. Control of property.

7 (a) General rule.--The entire control of all lands or waters
8 owned, leased or otherwise controlled shall be under the sole
9 direction of the commission and the commission may promulgate
10 such rules and regulations for its use and protection as it
11 deems necessary or in the best interests of the Commonwealth.
12 The acquisition, use and management of such lands or waters
13 owned, leased or otherwise controlled by the commission shall
14 not be subject to regulation by counties or municipalities.

15 * * *

16 § 901. Powers and duties of waterways conservation officers and
17 deputies.

18 (a) Waterways conservation officers.--Every waterways
19 conservation officer shall have the power and duty to:

20 * * *

21 (12) When [acting within the scope of their employment,
22 to] in the performance of their duties, pursue, apprehend or
23 arrest any individual suspected of violating any provision of
24 Title 18 (relating to crimes and offenses) or any other
25 offense classified as a misdemeanor or felony. They shall
26 also have the power to serve and execute warrants issued by
27 the proper authorities for offenses referred to in this
28 paragraph and to serve subpoenas issued for examination. All
29 powers as provided for in this paragraph will be limited by
30 such administrative procedure as the executive director, with

1 the approval of the commission, shall prescribe.

2 (13) Arrange for the administration of chemical tests of
3 breath, blood or urine to persons operating or in actual
4 physical control of watercraft for the purpose of determining
5 the alcoholic content of blood or the presence of a
6 controlled substance under section 5125 (relating to chemical
7 testing to determine amount of alcohol or controlled
8 substance), by qualified personnel of a State or local police
9 department, qualified waterways [patrolmen] conservation
10 officers or qualified personnel of a clinical laboratory
11 licensed and approved by the Department of Health. A
12 waterways [patrolman] conservation officer may administer
13 chemical tests under this paragraph if he is qualified and
14 the executive director designates him to do so.

15 * * *

16 (16) [Operate a Commonwealth-owned and marked vehicle,
17 permanently or temporarily equipped with a type of flashing
18 or rotating red light or lights or audible device, or both,
19 upon any street or highway within this Commonwealth when
20 performing duties within the scope of employment.] Operate
21 any vehicle owned or leased by the Commonwealth and used for
22 law enforcement purposes, equipped with flashing or rotating
23 lights of such color and combination and audible devices as
24 authorized in the definition of "emergency vehicle" in 75
25 Pa.C.S. § 102 (relating to definitions) upon any street or
26 highway within this Commonwealth in the performance of their
27 duties. Drivers of Commonwealth-owned or Commonwealth-leased
28 vehicles equipped with lights and audible devices as
29 authorized in this subchapter may exercise the privileges and
30 shall be subject to the conditions as set forth in 75 Pa.C.S.

1 § 3105 (relating to drivers of emergency vehicles).

2 * * *

3 § 902. Enforcement of other laws.

4 All waterways [patrolmen] conservation officers and deputy
5 waterways [patrolmen] conservation officers are authorized to
6 enforce all the laws of this Commonwealth, and rules and
7 regulations promulgated thereunder, relating to game, parks and
8 forestry, under the direction of the Pennsylvania Game
9 Commission and of the [Department of Environmental Resources]
10 Department of Conservation and Natural Resources, respectively.

11 Section 5. Title 30 is amended by adding sections to read:

12 § 910. Unlawful use of computer.

13 It is unlawful to use a computer, computer network or
14 electronic device with the intent to falsify or forge electronic
15 mail transmissions, electronic transactions or other electronic
16 information in any manner in connection with the purchase of a
17 fishing license, boat registration or other commission-issued
18 license, permit or privilege through or into the computer
19 network of an electronic mail service provider, Internet service
20 provider or computer system of the commission and its agents.
21 Any person violating this section commits a misdemeanor of the
22 second degree.

23 § 911. Liability for conduct of another; complicity.

24 (a) General rule.--A person is guilty of an offense under
25 this title if it is committed by his own conduct or by the
26 conduct of another person for which he is legally accountable,
27 or both.

28 (b) Conduct of another.--A person is legally accountable for
29 the conduct of another person when:

30 (1) acting with the kind of culpability that is

1 sufficient for the commission of the offense, he causes an
2 innocent or irresponsible person to engage in such conduct;

3 (2) he is made accountable for the conduct of such other
4 person by this title or by the law defining the offense; or

5 (3) he is an accomplice of such other person in the
6 commission of the offense.

7 (c) Accomplice defined.--A person is an accomplice of
8 another person in the commission of an offense if:

9 (1) with the intent of promoting or facilitating the
10 commission of the offense, he:

11 (i) solicits such other person to commit it; or

12 (ii) aids or agrees or attempts to aid such other
13 person in planning or committing it; or

14 (2) his conduct is expressly declared by law to
15 establish his complicity.

16 (d) Culpability of accomplice.--When causing a particular
17 result is an element of an offense, an accomplice in the conduct
18 causing such result is an accomplice in the commission of that
19 offense, if he acts with the kind of culpability, if any, with
20 respect to that result that is sufficient for the commission of
21 the offense.

22 (e) Status of the actor.--In any prosecution for an offense
23 in which criminal liability of the defendant is based upon the
24 conduct of another person under this section, it is no defense
25 that the offense in question, as defined, can be committed only
26 by a particular class or classes or person, and the defendant,
27 not belonging to such class or classes, is for that reason
28 legally incapable of committing the offense in an individual
29 capacity.

30 (f) Exceptions.--Unless otherwise provided by this title or

1 by the law defining the offense, a person is not an accomplice
2 in an offense committed by another person if:

3 (1) he is a victim of that offense;

4 (2) the offense is so defined that his conduct is
5 inevitably incident to its commission; or

6 (3) he terminates his complicity prior to the commission
7 of the offense and:

8 (i) wholly deprives it of effectiveness in the
9 commission of the offense; or

10 (ii) gives timely warning to the law enforcement
11 authorities or otherwise makes proper efforts to prevent
12 the commission of the offense.

13 (g) Prosecution of accomplice only.--An accomplice may be
14 convicted on proof of the commission of the offense and of his
15 complicity therein, though the person claimed to have committed
16 the offense has not been prosecuted or convicted or has been
17 convicted of a different offense or degree of offense or has an
18 immunity to prosecution or conviction or has been acquitted.

19 Section 6. Sections 929, 2501, 2503(c), 2703(a), 2704, 2708,
20 2709(e), 2901, 2902, 2903(b), (c) and (h), 2908, 3102, 5103(i),
21 ~~5104~~, 5123(b), 5125(b)(2)(ii), ~~5304(d)~~, AND 5308 and ~~5327~~ of
22 Title 30 are amended to read:

23 § 929. Suspension of privileges pending payment of penalties.

24 All fishing and boating privileges granted by this title
25 shall automatically be suspended if a defendant fails to respond
26 to a citation or summons within 30 days or fails to pay all
27 penalties in full within 90 days following conviction or a
28 guilty plea.

29 § 2501. Misuse of property and waters.

30 (a) General rule.--It is unlawful for any person to commit

1 any of the following acts in or along any waters or lands
2 adjacent to or contiguous to waters within or bordering on this
3 Commonwealth:

4 (1) Park or leave standing any motor vehicle or other
5 means of conveyance in such a manner as to obstruct the owner
6 or his lessee ingress, egress or regress to his property or
7 cattleways without the permission of the owner or lessee of
8 the land.

9 (2) Drive a motor vehicle, all terrain vehicle or other
10 type of conveyance on or over any lands or waters, including
11 frozen waters, without the permission of the owner or lessee
12 of the land.

13 (3) Start, build, tend or abandon any open fire without
14 the permission of the owner or lessee of the land.

15 (4) Dig, cut or disturb in any manner lands, shrubs,
16 trees or other vegetation without the permission of the owner
17 or lessee of the land.

18 (5) Sever fences or cause any other change or damage to
19 public or private property without the permission of the
20 owner or lessee of the land.

21 (6) Run any vehicle, except fording in the most direct
22 manner, in any stream.

23 (7) Refuse to identify himself upon request to the owner
24 or the lessee of the land or waters upon which he is present.

25 (8) While in the act of fishing, fish in a water area or
26 enter a riparian area clearly marked and posted by the
27 commission as a no fishing zone.

28 (b) Penalty.--

29 (1) Except as provided in paragraph (2), any person
30 violating any of the provisions of this section commits a

1 summary offense of the second degree.

2 (2) Any person who violates subsection (a)(1), (3) [or],
3 (7) or (8) commits a summary offense of the third degree.

4 (3) Any person convicted of violations under paragraph
5 (1) or (2) may, in addition to any penalty imposed, have his
6 fishing license revoked for a period of one year.

7 § 2503. Littering.

8 * * *

9 (c) Penalty.--Any person who deposits or otherwise disposes
10 of a thing or substance in violation of this section which
11 causes or may cause damage to, or destruction of, fish commits a
12 summary offense of the first degree. Any person who transports
13 household refuse or garbage from another location and disposes
14 of it by leaving it on lands or waters open to fishing or
15 boating commits a summary offense of the second degree. Any
16 person who otherwise violates this section commits a summary
17 offense of the third degree. In addition to the penalties set
18 forth in section 923 (relating to classification of offenses and
19 penalties), an additional penalty of [\$10] not less than \$20 nor
20 more than \$50 for each item or piece of litter thrown,
21 discarded, left, emitted or deposited in violation of this
22 section may be imposed on any person who is convicted or
23 acknowledges guilt of a violation of this section.

24 § 2703. Possession and display of licenses.

25 (a) General rule.--No person 16 years of age or older shall
26 fish in any of the waters of this Commonwealth [or],
27 boundary waters or on land without first procuring the proper
28 license required by this chapter. The license shall be kept
29 about the person while fishing and shown upon the request of any
30 waterways conservation officer or other officer designated by

1 the commission. In addition to showing the license to the
2 officer, the holder thereof shall, upon demand, establish his
3 further identity to the satisfaction of the officer by producing
4 some other positive means of identification. The commission may
5 promulgate rules and regulations for the displaying of the
6 license certificate, license button or other device, as it deems
7 necessary.

8 * * *

9 § 2704. Lost fishing licenses.

10 In case a license certificate is lost or [destroyed]
11 destroyed, a new license may be secured from the commission or
12 any issuing agent [upon making affidavit to that effect and] by
13 paying the replacement license fee and issuing agent fee set
14 forth in section 2715 (relating to license and issuing fees).

15 § 2708. Institutional licenses.

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

1 affidavit certifying that recreational fishing may be of benefit
2 to the rehabilitation of the patient and that the patient is an
3 inpatient of the institution. The affidavits, and records of the
4 number and to whom the licenses were issued, shall be forwarded
5 to the commission on such forms as the commission shall
6 provide.] The commission shall establish policies and procedures
7 for the issuance of institutional licenses. The commission may
8 revoke license issuing privileges of any institution for failure
9 to comply with any provisions of this chapter [or], the
10 regulations promulgated thereunder and the policies and
11 procedures established hereunder.

12 § 2709. Exemptions from license requirements.

13 * * *

14 (e) [Students participating in biological field project.--A
15 student enrolled in a secondary or undergraduate course of
16 instruction shall not be required to possess a fishing license
17 to gather specimens while participating in an educationally
18 sponsored biological field project that is under the direct
19 supervision of a high school or accredited institution of
20 postsecondary education as long as the educational institution
21 has applied for and received the written permission of the
22 commission.] Participants in educational programs.--A
23 participant in an educational program shall not be required to
24 possess a fishing license while participating in the educational
25 program provided that the program meets the standards
26 established by the executive director and is under the direct
27 supervision of an instructor who possesses a valid fishing
28 license and the program sponsor has applied for and received the
29 written permission of the executive director.

30 * * *

1 [§ 2901. Eel chute licenses.

2 Upon application by any person to the commission for a
3 special license to catch eel by the use and operation of eel
4 chutes and the payment of a fee of \$25, the applicant shall be
5 entitled to a special eel chute license which shall give him the
6 right to use and operate an eel chute:

7 (1) In the Susquehanna River below the boundary line of
8 the City of Pittston and Duryea Borough line on the north
9 branch and below the bridge at the Northumberland-Lycoming
10 County line on the west branch.

11 (2) Below Mount Union in the Juniata River.

12 (3) In the Delaware River.]

13 § 2902. Net permits.

14 The commission may issue permits to [make, sell or] use or
15 possess nets larger than four feet square or four feet in
16 diameter, or any other seine, trawl or gill net in or along
17 waters of this Commonwealth. The permits when issued shall
18 specify when and where the nets shall be used and for what
19 purposes by the owner or the persons in possession ~~†thereof~~ at a ←
20 fee of \$10~~†~~ of the nets. ~~The fee for a net permit shall be \$15.~~ ←

21 § 2903. Boat and net licenses for boundary lakes.

22 * * *

23 (b) Issuance and fees.--The commission may issue a
24 commercial fishing license to a person who has signed and
25 submitted his application and paid a fee as follows:

26 [(5) Boats less than 60 feet in length used in fishing
27 with a trawl net: residents, \$200; nonresidents, \$400.

28 (6)] (1) Trap nets: residents, \$80; nonresidents, \$160.

29 [(7)] (2) Seines: residents, \$50; nonresidents, \$100.

30 [(8) Outlines: residents, \$10; plus valid fishing

1 license; nonresidents, \$20 plus valid fishing license.]

2 (c) Carrying and display.--The licenses shall be carried by
3 the operator of any boat, net or device so licensed and by each
4 person employed on the boat and shall be shown on demand to any
5 waterways [patrolman] conservation officer or other authorized
6 representative of the commission.

7 * * *

8 (h) Gill nets.--

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

11 [(2) The commission shall establish a gill net licensee
12 recompense program whereby persons holding 1992 licenses to
13 use gill nets on boundary lakes shall be recompensed as
14 provided in this paragraph. The amount of the payment to each
15 licensee shall be based on the average of the licensee's two
16 highest years of catches taken with gill nets for the years
17 1990, 1991, 1992, 1993 and 1994. The payment shall be the
18 product of such average catch multiplied by the average value
19 received for such catch as reported to the commission.]

20 § 2908. Penalties.

21 (a) General rule.--Except as otherwise provided in this
22 chapter, a person engaging in any activity for which a permit or
23 special license is required under this chapter without acquiring
24 the license or permit commits a summary offense of the second
25 degree. [A] Except as otherwise provided in this chapter, a
26 person who violates any other provision of this chapter or the
27 regulations promulgated thereunder commits a summary offense of
28 the third degree.

29 (b) Boundary lakes.--A person engaged in any activity for
30 which a permit or special license under section 2903 (relating

1 to boat and net licenses for boundary lakes) is required without
2 obtaining such license or permit or who violates any provision
3 of section 2903 or the regulations promulgated thereunder
4 concerning seasons, size limits, total allowable catch, trap
5 nets and landing of catch commits a misdemeanor of the third
6 degree. A person who violates any other regulation promulgated
7 under section 2903 commits a summary offense of the first
8 degree.

9 § 3102. Fees.

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

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

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

20 (3) Where the area is 40 acres or more, the fee shall be
21 \$500.

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

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

30 (2) Where the total area of water is 30 acres or more,

1 the fee shall be \$100.

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

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

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

10 (3) The annual license fee for a temporary fishing pond
11 which is operated as a Class A regulated fishing lake
12 exclusively by or on behalf of a nonprofit sportsmen's,
13 conservation or charitable organization shall be \$25.

14 § 5103. Boating education.

15 * * *

16 (i) Other valid documentation.--

17 (1) In lieu of a certificate of boating safety education
18 issued by the Commonwealth, a certificate of boating safety
19 education issued [in] to a resident of another state in
20 accordance with criteria of the National Association of State
21 Boating Law Administrators is sufficient to comply with the
22 requirements of this section.

23 (2) In lieu of a certificate of boating safety education
24 issued by the commission, a license issued by the United
25 States Coast Guard is sufficient to comply with the
26 requirements of this section.

27 * * *

28 ~~§ 5104. Fees.~~

29 ~~(a) General rule. The following fees apply to~~
30 ~~registrations, licenses, permits and capacity plates and~~



1 ~~certificates issued under this part and the fees collected shall~~
2 ~~be deposited in the State Treasury in the Boat Fund:~~

3 ~~(1) Owner registration (motorboats less than 16 feet in~~
4 ~~length), \$13 per year.~~

5 ~~(2) Owner registration (motorboats 16 feet to less than~~
6 ~~20 feet), \$19.50 per year.~~

7 ~~(2.1) Owner registration (motorboats 20 feet or longer),~~
8 ~~\$26 per year.~~

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

11 ~~(3) Duplicate owner registration, \$3 each.~~

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

13 ~~(5) Commercial passenger boat registration, [~~\$25~~] \$50~~
14 ~~each.~~

15 ~~(6) License for operator of passenger carrying boat,~~
16 ~~[~~\$5~~] \$25 each.~~

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

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

19 ~~(9) Permit for floating structure and private aids to~~
20 ~~navigation, [~~\$10~~] \$25 each.~~

21 ~~(10) Boating safety education certificate, \$10.~~

22 ~~(11) Replacement boating safety education certificate,~~
23 ~~\$5.~~

24 ~~(12) Inspection of passenger carrying boat less than 30~~
25 ~~feet in length, \$45.~~

26 ~~(13) Inspection of passenger carrying boat 30 feet to 50~~
27 ~~feet in length, \$75.~~

28 ~~(14) Inspection of passenger carrying boat over 50 feet~~
29 ~~in length, \$105.~~

30 ~~(b) Fee adjustment for nonpowered boats. The fee for owner~~

1 ~~registration for boats not equipped with motors specified in~~
2 ~~subsection (a) (2.2) shall be adjusted from time to time to~~
3 ~~remain equal to the fees charged by the Department of~~
4 ~~Conservation and Natural Resources for boat launch permits for~~
5 ~~State park lakes.~~

6 § 5123. General boating regulations.

7 * * *

8 (b) Penalties.--Any person who violates a rule or regulation
9 promulgated under this section which the commission designates
10 as being for the protection of the health and safety of persons
11 as provided by subsection (a) (1) commits a summary offense of
12 the second degree. Any person who violates any other regulation
13 promulgated under this section commits a summary offense of the
14 third degree. In addition to any other penalty, any person who
15 is convicted or acknowledges guilt for an offense of possessing
16 insufficient, nonapproved or unserviceable safety equipment on a
17 boat, or for passengers, or persons being towed by a boat on the
18 waters of this Commonwealth may be fined an additional [\$20]
19 penalty of not less than \$20 nor more than \$50 for every piece
20 of safety equipment required that is missing, not worn when
21 required, not of an approved type or unserviceable.

22 § 5125. Chemical testing to determine amount of alcohol or
23 controlled substance.

24 * * *

25 (b) Suspension for refusal.--

26 * * *

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

29 * * *

30 (ii) if the person refuses to submit to chemical

1 testing, upon conviction or plea for violating section
2 5502(a)(1), the person will be subject to the penalties
3 provided in section [5502(c)(3)] 5502(c.1)(3).

4 * * *

5 ~~§ 5304. Issuing agents.~~ ←

6 ~~* * *~~

7 ~~(d) Disposition of moneys. Every issuing agent shall~~
8 ~~forward all moneys collected, along with all appropriate forms,~~
9 ~~to the commission within [ten] five days after receipt of each~~
10 ~~and every registration. Delinquent agents are subject to a~~
11 ~~penalty of 10% per month or portion of a month on any~~
12 ~~outstanding balance of registration money due the commission~~
13 ~~which is not paid when due, which penalty shall be compounded~~
14 ~~monthly. The commission may recall the agency of any issuing~~
15 ~~agent after a delinquency period of 30 days.~~

16 ~~* * *~~

17 § 5308. Period of registration.

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

1 provide for the transfer of multiple-year registrations upon the
2 sale or conveyance of a boat upon payment of the fee provided in
3 section 5104(8) (relating to fees).

4 ~~§ 5327. Fees.~~



5 ~~The following fees shall be due:~~

6 ~~(1) The fee for issuance of a certificate of title shall~~
7 ~~be ~~[\$15] \$22.50.~~~~

8 ~~(2) The fee for a duplicate certificate of title shall~~
9 ~~be ~~[\$5] \$22.50.~~~~

10 ~~(3) The fee for recording or changing the amount of~~
11 ~~security interest on a certificate of title shall be \$5.~~

12 ~~(4) The fee for copies of or information relating to a~~
13 ~~title or security interest shall be \$5.~~

14 ~~(5) The fee for issuing or providing copies of any other~~
15 ~~official document issued under the authority of this chapter~~
16 ~~shall be \$5.~~

17 ~~(6) The fee for continuing the effectiveness of~~
18 ~~perfection of a security interest shall be \$5.~~

19 Section 7. Title 30 is amended by adding sections to read:

20 § 5505. Unauthorized operation of boats.

21 (a) Consent required.--It is unlawful for a person to
22 operate the boat of another without the consent of the owner.

23 (b) Defense.--It is a defense to prosecution under this
24 section that the operator reasonably believed that the owner
25 would have consented to the operation had the owner known of it.

26 (c) Penalty.--Any person violating this section commits a
27 summary offense of the first degree.

28 § 5506. Permitting violations.

29 (a) Offense.--It is unlawful for a person to authorize or
30 knowingly permit a boat owned by him or under his control to be

1 operated in violation of any of the provisions of this title.

2 (b) Penalty.--Any person violating this section commits a
3 summary offense of the first degree. If the operator of the boat
4 is convicted under section 5502 (relating to operating
5 watercraft under influence of alcohol or controlled substance),
6 5502.1 (relating to homicide by watercraft while operating under
7 influence) or 5502.2 (relating to homicide by watercraft), the
8 person violating this section shall also be subject to
9 revocation under section 928 (relating to revocation, suspension
10 or denial of license, permit or registration).

11 § 5507. Duties of operators involved in boating accidents.

12 (a) General rule.--The operator of a watercraft involved in
13 an accident shall immediately stop the watercraft at the scene
14 of the accident or as close thereto as possible. Every stop
15 shall be made without obstructing the safe navigation of other
16 watercraft more than is necessary.

17 (b) Duty to give information.--The operator of a watercraft
18 involved in an accident resulting in injury to or death of a
19 person or damage to property shall give his name, address and
20 the registration number of his watercraft to an officer
21 authorized to enforce this title, the operator or occupants of
22 any other watercraft involved in the accident and a person who
23 owns or is in control of any property damaged in the accident.

24 (c) Duty to render aid.--The operator of a watercraft
25 involved in an accident involving injury or death shall render
26 reasonable assistance to a person injured in the accident if the
27 operator can reasonably do so without endangering persons or
28 property.

29 (d) Duty to remain at or near scene.--The operator of a
30 watercraft involved in a watercraft accident involving injury to

1 or death of a person or damage to property other than the
2 operator's watercraft or other property contained therein shall
3 remain at or near the scene of the accident until he has
4 fulfilled the duties described in subsection (b) if the operator
5 can reasonably do so without obstructing navigation of other
6 watercraft or endangering persons or property. When
7 circumstances make it clearly impractical to remain at or near
8 the scene of the accident on the water, the operator may fulfill
9 the requirements of this subsection by going to shore at a
10 location near the scene of the accident.

11 (e) Penalties.--

12 (1) Except as otherwise provided in this section, any
13 person violating this section commits a misdemeanor of the
14 first degree.

15 (2) If a victim of an accident dies, any person
16 violating subsection (d) commits a felony of the third
17 degree.

18 Section 8. This act shall take effect in 60 days.