

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILLNo. **1168** Session of
2015

INTRODUCED BY EICHELBERGER, WOZNIAK, ALLOWAY, WAGNER, TEPLITZ,
BLAKE, BARTOLOTTA, VULAKOVICH, WILEY, BROWNE, WARD, BREWSTER,
FOLMER, VOGEL, McGARRIGLE, TARTAGLIONE, SABATINA, STEFANO,
LEACH, DINNIMAN, SCHWANK AND SMUCKER, MARCH 21, 2016

AS REPORTED FROM COMMITTEE ON GAME AND FISHERIES, HOUSE OF
REPRESENTATIVES, AS AMENDED, SEPTEMBER 20, 2016

AN ACT

1 Amending Title 30 (Fish) of the Pennsylvania Consolidated
2 Statutes, in Pennsylvania Fish and Boat Commission, providing
3 for power to set fees; in fiscal affairs, further providing
4 for collection fee for uncollectible checks; in fishing
5 licenses, further providing for nonresident and tourist
6 licenses, for one-day resident fishing license, for license,
7 permit and issuing agent fees and for license and permit
8 packaging options; in special licenses and permits, further
9 providing for net permits, for boat and net licenses for
10 boundary lakes, for permits for protection and management of
11 particular fish, for permits for the use of explosives, for
12 Lake Erie fishing permits and for fishing guide and charter
13 boat permits; in regulated fishing lakes, further providing
14 for licenses and for fees; in dams, bar racks and migration
15 devices, further providing for obstructing migration of fish;
16 in preliminary provisions, further providing for fees; and,
17 in registration and titling of boats, further providing for
18 issuing agents, for fees and for notice for boats and related
19 equipment.

20 The General Assembly of the Commonwealth of Pennsylvania
21 hereby enacts as follows:

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

24 § 322.1 Power to set fees.

1 (a) Authority.--

2 (1) Beginning July 1, 2016, the commission, in
3 accordance with paragraph (2), may change or set the fees
4 provided under any of the following:

5 (i) Section 502 (relating to service charge for
6 uncollectible checks).

7 (ii) Section 2715(a)(1), (2), (3), (4), (5), (6),
8 (6.1), (6.2) and (7), (a.1)(1), (4) and (5) and (b)
9 (relating license, permit and issuing agent fees).

10 (iii) Section 2902 (relating to net permits).

11 (iv) Section 2903 (relating to boat and net licenses
12 for boundary lakes).

13 (v) Section 2906 (relating to permits for use of
14 explosives).

15 (vi) Section 3102 (relating to fees).

16 (vii) Section 3509 (relating to obstructing
17 migration of fish).

18 (viii) Section 5104 (relating to fees).

19 (ix) Section 5304 (relating to issuing agents).

20 (x) Section 5327 (relating to fees).

21 (xi) Section 5334 (relating to notice for boats and
22 related equipment).

23 (2) A change or setting of a fee under this subsection
24 shall be done as follows:

25 (i) The commission shall publish a notice of
26 proposed rulemaking containing the proposed fee change in
27 accordance with section 201 of the act of July 31, 1968
28 (P.L.769, No.240), referred to as the Commonwealth
29 Documents Law. The commission shall give at least 30 days
30 for the submission of written comments and shall hold at

1 least one public hearing on the proposed change.

2 (ii) Prior to adoption of a final-form regulation
3 containing a fee change, the commission shall review and
4 consider any public comments and may modify the text of
5 the final-form regulation as the commission deems
6 necessary under section 202 of the Commonwealth Documents
7 Law.

8 (iii) After adoption of a final-form regulation
9 containing a fee change, the commission shall submit the
10 final-form regulation, copies of all public comments and
11 the transcript of the public hearing to the Game and
12 Fisheries Committee of the Senate and the Game and
13 Fisheries Committee of the House of Representatives.

14 (iv) Either committee under subparagraph (iii) may
15 report a concurrent resolution recommending disapproval
16 of the fee change within 30 days of the submission under
17 subparagraph (iii) OR WITHIN 10 LEGISLATIVE SESSION DAYS, <--
18 WHICHEVER IS LATER. If neither committee reports a
19 concurrent resolution recommending disapproval within the
20 time prescribed in this subparagraph, the fee change
21 shall be deemed approved.

22 (v) If either committee reports a concurrent
23 resolution under subparagraph (iv) and the General
24 Assembly does not adopt the concurrent resolution within
25 30 days of the date on which the concurrent resolution is
26 reported OR WITHIN 10 LEGISLATIVE DAYS, WHICHEVER IS <--
27 LATER, the fee change shall be deemed approved.

28 (vi) If the General Assembly adopts a concurrent
29 resolution under subparagraph (iv) within 30 days of the
30 date on which the concurrent resolution is reported OR <--

1 WITHIN 10 LEGISLATIVE SESSION DAYS, WHICHEVER IS LATER,
2 the following shall apply:

3 (A) The concurrent resolution shall be presented
4 to the Governor in accordance with section 9 of
5 Article III of the Constitution of Pennsylvania.

6 (B) If the Governor does not veto the concurrent
7 resolution of the General Assembly within ten days
8 after the resolution is presented, the fee change
9 shall be deemed disapproved.

10 (C) If the Governor vetoes the concurrent
11 resolution within ten days after the resolution is
12 presented, the General Assembly may override the veto
13 by a two-thirds vote in each house within 30 days
14 after the veto OR WITHIN 10 LEGISLATIVE SESSION DAYS, <--
15 WHICHEVER IS LATER. If the General Assembly does not
16 override the veto in the time prescribed in this
17 clause, the fee change shall be deemed approved. If
18 the General Assembly overrides the veto in the time
19 prescribed in this clause, the fee change shall be
20 deemed disapproved.

21 (vii) If the fee change is deemed approved under
22 subparagraph (iv), (v) or (vi)(C), the commission shall:

23 (A) submit the final-form regulation containing
24 the fee change to the Office of Attorney General for
25 approval as to the legality; and

26 (B) publish an order adopting the final-form
27 regulation containing the fee change and deposit a
28 copy of the final-form regulation with the
29 Legislative Reference Bureau in accordance with
30 section 207 of the Commonwealth Documents Law.

1 (b) Expiration.--Subsection (a) shall expire July 15, 2019.
2 Upon expiration, final-form regulations promulgated under
3 subparagraph (vii)(B) shall remain in effect.

4 (c) Notice.--The commission shall provide notice of any
5 change of a fee and shall publish the change of the fee in the
6 Pennsylvania Bulletin and post it on the commission's publicly
7 accessible Internet website.

8 Section 2. Sections 502, 2702(d), 2702.1(c) and 2715 of
9 Title 30 are amended to read:

10 § 502. [Collection fee] Service charge for uncollectible
11 checks.

12 Whenever any check or similar instrument issued in payment of
13 any fee, fine or for any other purpose under this title is
14 returned to the commission as uncollectible, the person who
15 makes, issues or presents the check or other instrument shall be
16 charged [a fee of] \$15, [to] or a service charge as otherwise
17 established by the commission in accordance with section 322.1
18 (relating to power to set fees). The service charge shall be
19 credited to the Fish Fund or the Boat Fund, as appropriate, to
20 cover the cost of collection.

21 § 2702. Nonresident and tourist licenses.

22 * * *

23 (d) One-day tourist licenses.--Any person required to have a
24 fishing license under this chapter may fish in any of the waters
25 of this Commonwealth or in any boundary waters for a period not
26 to exceed 24 hours, specified by the person at time of purchase,
27 with a "One-Day Tourist Fishing License" upon payment of license
28 fee and issuing agent fee as set forth in section 2715. One-Day
29 Tourist Fishing Licenses shall not be issued for fishing during
30 the period from March 15 to April 30 of any year. Holders of

1 One-Day Tourist Fishing Licenses shall not be required to obtain
2 special permits, including [trout/salmon permits to fish for
3 trout or salmon or] trout permits, special permits to fish in
4 Lake Erie and tributaries or combination trout permits and Lake
5 Erie permits.

6 § 2702.1. One-day resident fishing license.

7 * * *

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

14 § 2715. License, permit and issuing agent fees.

15 (a) License fees.--[The] Except as provided under subsection
16 (c), the following fees apply to fishing licenses issued under
17 this chapter and shall be paid into the Fish Fund:

- 18 (1) Resident Annual Fishing License, \$21.
- 19 (2) Senior Resident Annual Fishing License, \$10.
- 20 (3) Senior Resident Lifetime Fishing License, \$50.
- 21 (4) Nonresident Annual Fishing License, \$51.
- 22 (5) Seven-Day Tourist Fishing License, \$33.
- 23 (6) Three-Day Tourist Fishing License, \$25.
- 24 (6.1) One-Day Resident Fishing License, \$10.
- 25 (6.2) One-Day Tourist Fishing License, \$25.
- 26 (7) Replacement Fishing License, including related
27 permits and privileges, \$5.
- 28 (8) Transaction costs associated with the Pennsylvania
29 Automated Licensing Service (PALS), actual costs not to
30 exceed \$1.

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

4 (1) [Trout/salmon] Trout permits, \$8.

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

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

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

9 (5) Combination [trout/salmon] trout permit and Lake
10 Erie permit, \$14.

11 (6) Transaction costs associated with the Pennsylvania
12 Automated Licensing Service (PALS), actual costs not to
13 exceed \$1.

14 (b) Issuing agent fees.--[The] Except as provided under
15 subsection (c), the issuing agent fee to be retained by the
16 issuing agent as provided in section 2711 (relating to issuing
17 agents) for fishing licenses and permits shall be \$1.

18 (c) Changes to fees.--The fees listed under subsections
19 (a)(1), (2), (3), (4), (5), (6), (6.1), (6.2) and (7), (a.1)(1),
20 (4) and (5) and (b) may be changed by the commission in
21 accordance with section 322.1 (relating to power to set fees).

22 Section 3. Sections 2717(a) and (b) and 2902 of Title 30 are
23 amended to read:

24 § 2717. License and permit packaging options.

25 (a) Multi-year licenses and permits.--The commission may
26 issue a license or permit that covers multiple years[, provided
27 that the fee for the multi-year license or permit shall not
28 exceed the total fees for the applicable individual license or
29 permit years set forth in section 2715 (relating to license,
30 permit and issuing agent fees)]. A multi-year license or permit

1 shall expire on December 31 of the last year for which it was
2 issued.

3 (b) Group licenses and permits.--The commission may issue a
4 license or permit that covers a group of individuals who meet
5 the criteria established by the commission[, provided that the
6 fee for the group license or permit shall not exceed the total
7 fees for the applicable individual licenses or permits set forth
8 in section 2715].

9 * * *

10 § 2902. Net permits.

11 The commission may issue permits to use or possess nets
12 larger than four feet square or four feet in diameter, or any
13 other seine, trawl or gill net in or along waters of this
14 Commonwealth. The permits when issued shall specify when and
15 where the nets shall be used and for what purposes by the owner
16 or the persons in possession thereof at a fee of \$10[.] or as
17 otherwise established by the commission in accordance with
18 section 322.1 (relating to power to set fees).

19 Section 4. Section 2903(b) and (h) of Title 30 are amended
20 and the section is amended by adding a subsection to read:

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

22 * * *

23 (b) Issuance and fees.--[The] Except as provided under
24 subsection (b.1), the commission may issue a commercial fishing
25 license to a person who has signed and submitted his application
26 and paid a fee as follows:

27 (1) Trap nets: residents, \$80; nonresidents, \$160.

28 (2) Seines: residents, \$50; nonresidents, \$100.

29 (b.1) Change of fees.--The fees listed under subsection (b)
30 may be changed by the commission in accordance with section

1 322.1 (relating to power to set fees).

2 * * *

3 [(h) Gill nets.--The use of gill nets for fishing on
4 boundary lakes shall be prohibited.]

5 Section 5. Sections 2904(b) and (c), 2906, 2907.2(a) and
6 (f.1), 2907.3(b) and 3101 of Title 30 are amended to read:

7 § 2904. Permits for protection and management of particular
8 fish.

9 * * *

10 (b) Limit on fees.--The fee per permit for taking, catching,
11 killing, possession, introduction, removal, importing, exporting
12 or disturbing of trout [and salmon] is established in section
13 2715 (relating to license, permit and issuing agent fees).

14 (c) Limit on permits.--The commission shall not issue
15 permits under the authority of this section for the taking,
16 catching, killing, possession, introduction, removal, importing,
17 exporting or disturbing of any game fish other than trout [or
18 salmon]. This subsection shall not affect the issuance of
19 permits for tagged fish contests in boundary lakes.

20 § 2906. Permits for use of explosives.

21 The executive director, with the approval of the commission,
22 may grant permits for the use of explosives in waters for
23 engineering purposes upon the payment of a fee of \$50[.] or as
24 otherwise established by the commission in accordance with
25 section 322.1 (relating to power to set fees). The executive
26 director may waive the payment of the fee for Commonwealth
27 agencies and political subdivisions. Any person using explosives
28 under a permit shall make restitution to the commission for all
29 fish destroyed. A person who engages in an activity for which a
30 permit is required under this section without first acquiring

1 the permit commits a misdemeanor of the third degree. A person
2 using explosives under a permit issued under this section who
3 violates any of the terms and conditions of the permit commits a
4 summary offense of the first degree.

5 § 2907.2. Lake Erie fishing permits.

6 (a) Permit required.--No person shall fish in Lake Erie,
7 Presque Isle Bay and their tributaries, including waters that
8 flow into those tributaries, without first procuring an annual
9 special permit [for such fishing] to fish in Lake Erie and
10 tributaries or [the combination trout/salmon/Lake Erie permit] a
11 combination trout permit and Lake Erie permit.

12 * * *

13 (f.1) Lake Erie permits.--

14 (1) The proceeds from the fees for the special permits
15 to fish in Lake Erie [fishing permits] and tributaries as
16 provided for under section 2715(a.1)(4) (relating to license,
17 permit and issuing agent fees) and \$6 of the fees for the
18 combination [trout/salmon] trout permits and Lake Erie
19 permits as provided for under section 2715(a.1)(5) shall be
20 deposited into a restricted account within the Fish Fund.

21 [The]

22 (2) The funds in the restricted account shall be used to
23 provide public fishing access or to protect or improve fish
24 habitat on or at Lake Erie, Presque Isle Bay and their
25 tributaries, including waters that flow into those
26 tributaries. The funds may also be used for other
27 projects that support public fishing on or at Lake Erie,
28 Presque Isle Bay and their tributaries.

29 * * *

30 § 2907.3. Fishing guide and charter boat permits.

1 * * *

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

11 * * *

12 § 3101. Licenses.

13 Upon application accompanied by a license fee as prescribed
14 in this chapter, the commission shall issue an annual regulated
15 fishing lake license to an applicant whose application meets the
16 eligibility criteria specified in commission regulations. The
17 license shall be effective until December 31 of the year in
18 which it is issued. Each application for a license or a renewal
19 thereof shall be signed by the owner or operator of the
20 regulated fishing lake and shall state the approximate total
21 area of fishing water on the premises to be licensed and whether
22 the area consists of one body of water or more than one,
23 together with any other information relative thereto as the
24 commission may prescribe. The commission may promulgate
25 regulations for the licensing and operation of regulated fishing
26 lakes.

27 Section 6. Section 3102 of Title 30 is amended by adding a
28 subsection to read:

29 § 3102. Fees.

30 * * *

1 (d) Changes to fees.--The fees listed under this section
2 may be changed by the commission in accordance with section
3 322.1 (relating to power to set fees).

4 Section 7. Section 3509(a) of Title 30 is amended to read:
5 § 3509. Obstructing migration of fish.

6 (a) General rule.--No person shall place any device or
7 object in waters within this Commonwealth in a manner that
8 obstructs the migration or passage of fish therein or obstructs
9 any fishway but the commission may, as it deems necessary in the
10 interest of fish management, authorize the erection of such
11 devices and prescribe such conditions for the operation and
12 maintenance of such devices as may be necessary for a fee of
13 \$10[.] or as otherwise established by the commission in
14 accordance with section 322.1 (relating to power to set fees).

15 * * *

16 Section 8. Section 5104(a) of Title 30 is amended and the
17 section is amended by adding a subsection to read:

18 § 5104. Fees.

19 (a) General rule.--[The] Except as otherwise provided under
20 subsection (c), the following fees apply to registrations,
21 licenses, permits [and capacity plates] and certificates issued
22 under this part and the fees collected shall be deposited in the
23 State Treasury in the Boat Fund:

24 (1) Owner registration (motorboats less than 16 feet in
25 length), \$13 per year.

26 (2) Owner registration (motorboats 16 feet to less than
27 20 feet), \$19.50 per year.

28 (2.1) Owner registration (motorboats 20 feet or longer),
29 \$26 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 * * *

15 (c) Changes to fees.--The fees listed under this section
16 may be changed by the commission in accordance with section
17 322.1 (relating to power to set fees).

18 Section 9. Sections 5304(b), 5327 and 5334 of Title 30 are
19 amended to read:

20 § 5304. Issuing agents.

21 * * *

22 (b) Fee.--For all services rendered in collecting and paying
23 over registration fees, each issuing agent shall charge and
24 retain an additional fee not exceeding \$2 or as otherwise
25 established by the commission in accordance with section 322.1
26 (relating to power to set fees) from the person securing the
27 registration. If the issuing agent is a county treasurer or
28 other official who performs that function, the fee shall be
29 retained for the use of the county.

30 * * *

1 § 5327. Fees.

2 [The] (a) General rule.--Except as provided under subsection
3 (b), the following fees shall be due:

4 (1) The fee for issuance of a certificate of title shall
5 be \$15.

6 (2) The fee for a duplicate certificate of title shall
7 be \$5.

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

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

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

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

17 (b) Changes to fees.--The fees listed under this section
18 may be changed by the commission in accordance with section
19 322.1 (relating to power to set fees).

20 § 5334. Notice for boats and related equipment.

21 Any time 30 days after the terminal date, if a marine
22 business chooses to have all rights, title and interest in a
23 boat or any related equipment transferred to the marine business
24 by operation of law, the marine business shall on the same day
25 send the following two written notices by certified mail, return
26 receipt requested:

27 (1) To an address designated in writing by the customer
28 or, if not so designated, to the customer's last known
29 address, indicating that the marine business intends to
30 terminate all rights, title and interest in the boat or any

1 related equipment by operation of law under this subchapter.
2 If the marine business is sending a notice to the customer
3 pursuant to 75 Pa.C.S. § 7324 (relating to notification by
4 watercraft trailer dealer), it may send the notice required
5 by this paragraph in the same mailing. The notice shall
6 contain:

7 (i) The name, address and telephone number of the
8 marine business.

9 (ii) A description of the boat, including make,
10 model and year, and the hull identification number, a
11 registration number or temporary decal number.

12 (iii) A description of any related equipment.

13 (iv) Notice that the marine business intends to
14 terminate the owner's and lienholder's rights, title and
15 interest in the boat and any related equipment by
16 operation of law under this subchapter.

17 (v) The amount which must be paid to the marine
18 business to redeem the boat and any related equipment as
19 of the date of the notice.

20 (2) To the commission indicating that the marine
21 business intends to terminate all rights, title and interest
22 in the boat or any related equipment by operation of law
23 under this subchapter. This notice shall be accompanied by a
24 fee of \$50 or as otherwise established by the commission in
25 accordance with section 322.1 (relating to power to set fees)
26 and shall be on a form prescribed by the commission.
27 Section 10. This act shall take effect immediately.