

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 808 Session of 2019

INTRODUCED BY MEHAFFIE, MURT, KULIK, McNEILL, STRUZZI, KORTZ, MULLERY, MULLINS, GILLESPIE, DiGIROLAMO, MASSER, FRITZ, HELM, EVERETT, SIMS, WHEELAND, ECKER AND PICKETT, MARCH 13, 2019

REFERRED TO COMMITTEE ON GAME AND FISHERIES, MARCH 13, 2019

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.

25 (a) Authority.--

26 (1) Beginning July 1, 2019, the commission, in

1 accordance with paragraph (2), may change or set the fees  
2 provided under any of the following:

3 (i) Section 502 (relating to service charge for  
4 uncollectible checks).

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

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

9 (iv) Section 2903 (relating to boat and net licenses  
10 for boundary lakes).

11 (v) Section 2906 (relating to permits for use of  
12 explosives).

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

14 (vii) Section 3509 (relating to obstructing  
15 migration of fish).

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

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

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

19 (xi) Section 5334 (relating to notice for boats and  
20 related equipment).

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

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

30 (ii) Prior to adoption of a final-form regulation

1 containing a fee change, the commission shall review and  
2 consider public comments and may modify the text of the  
3 final-form regulation as the commission deems necessary  
4 under section 202 of the Commonwealth Documents Law.

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

11 (iv) Either committee under subparagraph (iii) may  
12 report a concurrent resolution recommending disapproval  
13 of the fee change within 30 days of the submission under  
14 subparagraph (iii) or within 10 legislative session days,  
15 whichever is later. If neither committee reports a  
16 concurrent resolution recommending disapproval within the  
17 time prescribed in this subparagraph, the fee change  
18 shall be deemed approved.

19 (v) If either committee reports a concurrent  
20 resolution under subparagraph (iv) and the General  
21 Assembly does not adopt the concurrent resolution within  
22 30 days of the date that the concurrent resolution is  
23 reported or within 10 legislative days, whichever is  
24 later, the fee change shall be deemed approved.

25 (vi) If the General Assembly adopts a concurrent  
26 resolution under subparagraph (iv) within 30 days of the  
27 date that the concurrent resolution is reported or within  
28 10 legislative session days, whichever is later, the  
29 following shall apply:

30 (A) The concurrent resolution shall be presented

1 to the Governor in accordance with section 9 of  
2 Article III of the Constitution of Pennsylvania.

3 (B) If the Governor does not veto the concurrent  
4 resolution of the General Assembly within 10 days  
5 after the resolution is presented, the fee change  
6 shall be deemed disapproved.

7 (C) If the Governor vetoes the concurrent  
8 resolution within 10 days after the resolution is  
9 presented, the General Assembly may override the veto  
10 by a two-thirds vote in each house within 30 days  
11 after the veto or within 10 legislative session days,  
12 whichever is later. If the General Assembly does not  
13 override the veto within the time prescribed in this  
14 clause, the fee change shall be deemed approved. If  
15 the General Assembly overrides the veto within the  
16 time prescribed in this clause, the fee change shall  
17 be deemed disapproved.

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

20 (A) submit the final-form regulation containing  
21 the fee change to the Office of Attorney General for  
22 approval as to the legality; and

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

28 (b) Expiration.--Subsection (a) shall expire July 15, 2022.  
29 Upon expiration, final-form regulations promulgated under  
30 subsection (a)(2)(vii)(B) shall remain in effect.

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

5 Section 2. Sections 502, 2702(d), 2702.1(c), 2715, 2717(a)  
6 and (b) and 2902 of Title 30 are amended to read:

7 § 502. [Collection fee] Service charge for uncollectible  
8 checks.

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

18 § 2702. Nonresident and tourist licenses.

19 \* \* \*

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

1 Lake Erie and tributaries or combination trout permits and Lake  
2 Erie permits.

3 § 2702.1. One-day resident fishing license.

4 \* \* \*

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

11 § 2715. License, permit and issuing agent fees.

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

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

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

- 1 (1) [Trout/salmon] Trout permits, \$8.
- 2 (2) Resident charter boat/fishing guide permit, \$100.
- 3 (3) Nonresident charter boat/fishing guide permit, \$400.
- 4 (4) Special permit to fish in Lake Erie and tributaries,
- 5 \$8.
- 6 (5) Combination [trout/salmon] trout permit and Lake
- 7 Erie permit, \$14.
- 8 (6) Transaction costs associated with the Pennsylvania
- 9 Automated Licensing Service (PALS), actual costs not to
- 10 exceed \$1.

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

15 (c) Changes to fees.--The fees listed under subsections  
16 (a) (1), (2), (3), (4), (5), (6), (6.1), (6.2) and (7), (a.1) (1),  
17 (4) and (5) and (b) may be changed by the commission in  
18 accordance with section 322.1 (relating to power to set fees).  
19 § 2717. License and permit packaging options.

20 (a) Multi-year licenses and permits.--The commission may  
21 issue a license or permit that covers multiple years[, provided  
22 that the fee for the multi-year license or permit shall not  
23 exceed the total fees for the applicable individual license or  
24 permit years set forth in section 2715 (relating to license,  
25 permit and issuing agent fees)]. A multi-year license or permit  
26 shall expire on December 31 of the last year for which it was  
27 issued.

28 (b) Group licenses and permits.--The commission may issue a  
29 license or permit that covers a group of individuals who meet  
30 the criteria established by the commission[, provided that the

1 fee for the group license or permit shall not exceed the total  
2 fees for the applicable individual licenses or permits set forth  
3 in section 2715].

4 \* \* \*

5 § 2902. Net permits.

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

14 Section 3. Section 2903(b) and (h) of Title 30 are amended  
15 and the section is amended by adding a subsection to read:

16 § 2903. Boat and net licenses for boundary lakes.

17 \* \* \*

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

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

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

24 (b.1) Change of fees.--The fees listed under subsection (b)  
25 may be changed by the commission in accordance with section  
26 322.1 (relating to power to set fees).

27 \* \* \*

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

30 Section 4. Sections 2904(b) and (c), 2906, 2907.2(a) and



1 (f.1), 2907.3(b) and 3101 of Title 30 are amended to read:

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

4 \* \* \*

5 (b) Limit on fees.--The fee per permit for taking, catching,  
6 killing, possession, introduction, removal, importing, exporting  
7 or disturbing of trout [and salmon] is established in section  
8 2715 (relating to license, permit and issuing agent fees).

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

15 § 2906. Permits for use of explosives.

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

30 § 2907.2. Lake Erie fishing permits.

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

7 \* \* \*

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

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

16 [The]

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

24 \* \* \*

25 § 2907.3. Fishing guide and charter boat permits.

26 \* \* \*

27 (b) Issuing agent status.--Holders of charter boat/fishing  
28 guide permits may be designated as special issuing agents for  
29 the purpose of selling to their customers One-Day Resident  
30 Fishing Licenses, One-Day Tourist Fishing Licenses, Three-Day

1 Tourist Fishing Licenses, Seven-Day Tourist Fishing Licenses  
2 [and trout/salmon], trout permits [and], special permits [for  
3 fishing] to fish in Lake Erie and tributaries and combination  
4 trout permits and Lake Erie permits for the fees specified in  
5 section 2715.

6 \* \* \*

7 § 3101. Licenses.

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

22 Section 5. Section 3102 of Title 30 is amended by adding a  
23 subsection to read:

24 § 3102. Fees.

25 \* \* \*

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

29 Section 6. Section 3509(a) of Title 30 is amended to read:

30 § 3509. Obstructing migration of fish.

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

10 \* \* \*

11 Section 7. Section 5104(a) of Title 30 is amended and the  
12 section is amended by adding a subsection to read:

13 § 5104. Fees.

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

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

21 (2) Owner registration (motorboats 16 feet to less than  
22 20 feet), \$19.50 per year.

23 (2.1) Owner registration (motorboats 20 feet or longer),  
24 \$26 per year.

25 (2.2) Owner registration (boats not equipped with  
26 motors), \$9 per year or as fixed under subsection (b).

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

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

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

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

1 each.

2 [(7) Capacity plate, \$5 each.]

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

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

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

7 (11) Replacement boating safety education certificate,  
8 \$5.

9 \* \* \*

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

13 Section 8. Sections 5304(b), 5327 and 5334 of Title 30 are  
14 amended to read:

15 § 5304. Issuing agents.

16 \* \* \*

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

25 \* \* \*

26 § 5327. Fees.

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

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

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

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

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

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

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

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

15 § 5334. Notice for boats and related equipment.

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

22 (1) To an address designated in writing by the customer  
23 or, if not so designated, to the customer's last known  
24 address, indicating that the marine business intends to  
25 terminate all rights, title and interest in the boat or any  
26 related equipment by operation of law under this subchapter.  
27 If the marine business is sending a notice to the customer  
28 pursuant to 75 Pa.C.S. § 7324 (relating to notification by  
29 watercraft trailer dealer), it may send the notice required  
30 by this paragraph in the same mailing. The notice shall

1 contain:

2 (i) The name, address and telephone number of the  
3 marine business.

4 (ii) A description of the boat, including make,  
5 model and year, and the hull identification number, a  
6 registration number or temporary decal number.

7 (iii) A description of any related equipment.

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

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

15 (2) To the commission indicating that the marine  
16 business intends to terminate all rights, title and interest  
17 in the boat or any related equipment by operation of law  
18 under this subchapter. This notice shall be accompanied by a  
19 fee of \$50 or as otherwise established by the commission in  
20 accordance with section 322.1 (relating to power to set fees)  
21 and shall be on a form prescribed by the commission.

22 Section 9. This act shall take effect immediately.