

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 553 Session of 2019

INTRODUCED BY STEFANO, K. WARD, BARTOLOTTA, BREWSTER, COSTA, SCAVELLO, BLAKE, DINNIMAN AND SABATINA, APRIL 16, 2019

REFERRED TO GAME AND FISHERIES, APRIL 16, 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 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 in the time prescribed in this
14 clause, the fee change shall be deemed approved. If
15 the General Assembly overrides the veto in the time
16 prescribed in this clause, the fee change shall be
17 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 subparagraph (vii)(B) shall remain in effect.

1 (c) Notice.--The commission shall provide notice of any
2 change of a fee and shall transmit notice of the change of the
3 fee to the Legislative Reference Bureau for publication in the
4 Pennsylvania Bulletin and post it on the commission's publicly
5 accessible Internet website.

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

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

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

19 § 2702. Nonresident and tourist licenses.

20 * * *

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

1 ~~trout or salmon or] trout permits,~~ special permits to fish in
2 Lake Erie and tributaries or combination trout permits and Lake
3 Erie permits.

4 § 2702.1. One-day resident fishing license.

5 * * *

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

12 § 2715. License, permit and issuing agent fees.

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

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

29 (a.1) Permit fees.--Except as otherwise provided in this
30 title, the following fees apply to permits related to fish and

1 fishing and shall be paid into the Fish Fund:

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

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

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

5 (4) Special permit to fish in Lake Erie and tributaries,
6 \$8.

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

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

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

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

20 § 2717. License and permit packaging options.

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

29 (b) Group licenses and permits.--The commission may issue a
30 license or permit that covers a group of individuals who meet

1 the criteria established by the commission[, provided that the
2 fee for the group license or permit shall not exceed the total
3 fees for the applicable individual licenses or permits set forth
4 in section 2715].

5 * * *

6 § 2902. Net permits.

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

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

17 § 2903. Boat and net licenses for boundary lakes.

18 * * *

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

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

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

25 (b.1) Change of fees.--The fees listed under subsection (b)
26 may be changed by the commission in accordance with section
27 322.1 (relating to power to set fees).

28 * * *

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

1 Section 4. Sections 2904(b) and (c), 2906, 2907.2(a) and
2 (f.1), 2907.3(b) and 3101 of Title 30 are amended to read:
3 § 2904. Permits for protection and management of particular
4 fish.

5 * * *

6 (b) Limit on fees.--The fee per permit for taking, catching,
7 killing, possession, introduction, removal, importing, exporting
8 or disturbing of trout [and salmon] is established in section
9 2715 (relating to license, permit and issuing agent fees).

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

16 § 2906. Permits for use of explosives.

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

1 § 2907.2. Lake Erie fishing permits.

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

8 * * *

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

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

17 [The]

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

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
27 may be changed by the commission in accordance with section
28 322.1 (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
11 may be changed by the commission in accordance with section
12 322.1 (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
13 may be changed by the commission in accordance with section
14 322.1 (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.