

No. 2004-159

AN ACT

HB 2155

Amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, providing for auditing and reporting; and further providing for classes of fishing licenses, permits related to fishing, fishing license fees and boat registration fees.

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

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

§ 503. Auditing and reporting requirements.

(a) Performance audit.—A performance audit of the commission for the concluding fiscal year shall be conducted by the Legislative Budget and Finance Committee and shall be submitted to the Game and Fisheries Committee and the Appropriations Committee of the Senate and the Game and Fisheries Committee and the Appropriations Committee of the House of Representatives no later than July 1, 2007. After July 1, 2007, the Legislative Budget and Finance Committee shall conduct a performance audit of the commission every three years no later than July 1.

(b) Annual report to General Assembly.—No later than January 31 of each year the commission through its executive director shall submit an annual written report to the Game and Fisheries Committee and the Appropriations Committee of the Senate and the Game and Fisheries Committee and the Appropriations Committee of the House of Representatives which shall include the complete budget for the current fiscal year and for the next fiscal year. The commission shall meet with the specified committees of the General Assembly to receive oral testimony in relation to the annual written reports when so requested.

Section 2. Section 2702(a) of Title 30 is amended to read:

§ 2702. Nonresident and tourist licenses.

(a) Nonresident annual licenses.—For the purposes of this chapter, any person who does not purchase a resident fishing license under section 2701 (relating to resident fishing licenses) is eligible for a “Nonresident Annual Fishing License” when the person:

(1) Has applied to an issuing agent or to the commission.

(2) Has paid the issuing agent or the commission a license fee and issuing agent fee set forth in section 2715 (relating to license, *permit* and issuing *agent* fees).

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

§ 2702.1. One-day fishing license.

(a) *General rule.*—A person required to have a fishing license under section 2701 (relating to resident fishing licenses) may fish in any waters of this Commonwealth or in any boundary waters for a period not to exceed one calendar day (12:01 a.m. to midnight) with a One-Day Fishing License upon payment of a license fee and issuing agent fee set forth in section 2715 (relating to license, permit and issuing agent fees).

(b) *Limitation on issue.*—One-Day Fishing Licenses shall not be issued for fishing during the period from April 1 to April 30 of any year.

(c) *Additional stamps and permits required.*—Holders of One-Day Fishing Licenses shall obtain all required special permits, including trout/salmon permits to fish for trout or salmon and special permits to fish in Lake Erie and tributaries.

Section 4. Sections 2703(a), 2715, 2904(b) and 2907.2 of Title 30 are amended to read:

§ 2703. Possession and display of licenses.

(a) *General rule.*—No person 16 years of age or older shall fish in any of the waters of this Commonwealth or in any boundary waters without first procuring the proper license required by this chapter. The license shall be kept about the person while fishing and shown upon the request of any waterways [patrolman] *conservation officer* or other officer designated by the commission. In addition to showing the license to the officer, the holder thereof shall, upon demand, establish his further identity to the satisfaction of the officer by producing some other positive means of identification. The commission may promulgate rules and regulations for the displaying of the license certificate, license button or other device, as it deems necessary.

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

(a) *License fees.*—The following fees apply to fishing licenses issued under this chapter and shall be paid into the Fish Fund:

- (1) Resident Annual Fishing License, [~~\$16.25~~] \$21.
- (2) Senior Resident Annual Fishing License, [~~\$3.25~~] \$10.
- (3) Senior Resident Lifetime Fishing License, [~~\$15.25~~] \$50.
- (4) Nonresident Annual Fishing License, [~~\$34.25~~] \$51.
- (5) Seven-Day Tourist Fishing License, [~~\$29.25~~] \$33.
- (6) Three-Day Tourist Fishing License, [~~\$14.25~~] \$25.
- (6.1) *One-Day Fishing License, \$10.*
- (7) Replacement Fishing License, \$4.25.

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

- (1) *Trout/salmon permits, \$8.*
- (2) *Resident charter boat/fishing guide permit, \$100.*
- (3) *Nonresident charter boat/fishing guide permit, \$400.*
- (4) *Special permit to fish in Lake Erie and tributaries, \$8.*
- (5) *Combination trout/salmon permit and Lake Erie permit, \$14.*

(b) Issuing agent fees.—The **[following]** issuing agent **[fees shall]** *fee to be retained by the issuing agent as provided in section 2711 (relating to issuing agents)[*:

(1) **Issuing agent fee** for fishing licenses **[listed in subsection (a), 75¢.**

(2) **Issuing agent fee for special permits, stamps and other fishing permits not listed in subsection (a), 50¢.] and permits shall be \$1.**

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

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(b) Limit on fees.—The **[commission shall not establish a fee in excess of \$5]** *fee per permit for taking, catching, killing, possession, introduction, removal, importing, exporting or disturbing of trout and salmon[.] is established in section 2715 (relating to license, permit and issuing agent fees).*

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§ 2907.2. Lake Erie fishing permits.

(a) Permit required.—**[On and after January 1, 1995, no]** *No person shall fish in the Pennsylvania waters of Lake Erie, Presque Isle Bay and their tributaries without first procuring an annual special permit for such fishing or the combination trout/salmon/Lake Erie permit.*

(b) Fee.—The annual fee *and the issuing agent fee* for the special permit issued in this section shall be **[\$3 plus a service fee of 50¢ for the issuing agent.] as provided in section 2715 (relating to license, permit and issuing agent fees).**

(c) Exemptions.—Persons entitled to free fishing licenses under section 2707 (relating to disabled veterans) and persons exempt from fishing license requirements under Chapter 27 (relating to fishing licenses) are exempt from the requirements of this section. Holders of Senior Resident Lifetime Fishing Licenses issued under section 2701 (relating to resident fishing licenses) shall meet the requirements of this section by purchasing one annual special permit which shall be valid for the licensee's lifetime.

(d) Regulations.—The commission may promulgate regulations for the display of the special permit and manner in which it may be affixed to the fishing license or carried with the licensee.

(e) Penalty.—Any person violating the provisions of this section or the regulations promulgated hereunder commits a summary offense of the third degree.

[f] Proceeds from special permit.—The proceeds from the special permits issued under this section shall be deposited into a restricted account within the Fish Fund, which account shall be used for paying recompense to holders of gill net licenses for boundary lakes as provided in section 2903(h) (relating to gill nets) and for the costs of administering the recompense and special permit programs. The holders of gill net licenses shall have until July 10, 2002, and no later to accept the recompense payment calculated as provided in section 2903(h). The

balance in the restricted account shall be used to acquire property and to provide public fishing access on or at Lake Erie, its tributaries and Presque Isle Bay.

(g) **Termination of permit requirement.**—The special permit program established by this section shall terminate when the commission determines that sufficient funds have been raised to defray the recompense and special permit program costs, provided that in no event shall special permits be required on or after January 1, 2001.

(h) **Accounting.**—The commission shall provide an annual accounting of the permit program to the Committee on Game and Fisheries in the Senate and the Committee on Game and Fisheries in the House of Representatives.]

(f.1) Lake Erie permits.—The proceeds from the fees for the special Lake Erie fishing permits as provided for under section 2715(a.1)(4) (relating to license, permit and issuing agent fees) and \$6 of the fees for the combination trout/salmon permits and Lake Erie permits as provided for under section 2715(a.1)(5) shall be deposited into a restricted account within the Fish Fund for five years. The restricted account shall be used to provide public fishing access on or at Lake Erie and the watersheds of Lake Erie.

Section 5. Title 30 is amended by adding a section to read:

§ 2907.3. *Fishing guide and charter boat permits.*

(a) **General rule.**—It is unlawful for any person to operate a charter boat or fishing guide operation on the waters of this Commonwealth without first obtaining a charter boat/fishing guide permit from the commission and paying the fee specified in section 2715 (relating to license, permit and issuing agent fees).

(b) **Issuing agent status.**—Holders of charter boat/fishing guide permits may be designated as special issuing agents for the purpose of selling to their customers One-Day Fishing Licenses, Three-Day Tourist Fishing Licenses, Seven-Day Tourist Fishing Licenses and trout/salmon permits and special permits for fishing Lake Erie and tributaries for the fees specified in section 2715.

(c) **Penalties.**—Any person who operates as a fishing guide or operates a charter boat on the waters of this Commonwealth without first obtaining the necessary permit commits a summary offense of the first degree and shall, in addition to any other fine or penalty, pay an additional fine equal to two times the charter boat/fishing guide permit required of that person. Any person violating any other provision of this section or any rule or regulation promulgated under this section commits a summary offense of the second degree.

(d) **Regulations.**—The commission may promulgate rules and regulations for fishing guides and charter boats.

(e) **Definitions.**—As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

“Charter boat.” *A boat operated as a commercial enterprise which carries passengers for hire for the purpose of fishing on the waters of this Commonwealth.*

“Commercial enterprise.” *An operation where a person provides fishing guide or charter boat services in exchange for any consideration, including money, goods or services.*

“Fishing guide.” *A person who operates a commercial enterprise whereby he guides or leads other persons for the purpose of fishing on the waters of this Commonwealth.*

Section 6. Section 5104 of Title 30 is amended to read:

§ 5104. Fees.

(a) **General rule.**—The following fees apply to registrations, licenses, permits and capacity plates and certificates issued under this part and the fees collected shall be deposited in the State Treasury in the Boat Fund:

(1) Owner registration (motorboats less than 16 feet in length), [**\$10**]
\$13 per year.

(2) Owner registration (motorboats 16 feet to less than 20 feet), [**\$15**]
\$19.50 per year.

(2.1) Owner registration (motorboats 20 feet or longer), [**\$20 per year.**]
\$26 per year.

[(2.2) Owner registration (boats not equipped with motors), **\$5 per year.**]

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

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

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

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

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

(7) Capacity plate, \$5 each.

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

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

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

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

(b) **Fee adjustment for nonpowered boats.**—*The fee for owner registration for boats not equipped with motors specified in subsection (a)(2.2) shall be adjusted from time to time to remain equal to the fees charged by the Department of Conservation and Natural Resources for boat launch permits for State park lakes.*

Section 7. This act shall apply to all fees for licenses and permits issued on or after January 1, 2005.

Section 8. This act shall take effect immediately.

APPROVED—The 29th day of November, A.D. 2004.

EDWARD G. RENDELL