

No. 2008-2

## AN ACT

HB 1109

Amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, further providing, in fishing licenses, for nonresident and tourist licenses, for one-day resident fishing licenses, for issuing agents and for license, permit and issuing agent fees.

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

Section 1. Sections 2702(d), 2702.1(b), 2711 and 2715 of Title 30 of the Pennsylvania Consolidated Statutes are amended to read:

§ 2702. Nonresident and tourist licenses.

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(d) One-day tourist licenses.—Any person required to have a fishing license under this chapter may fish in any of the waters of this Commonwealth or in any boundary waters for a period not to exceed 24 hours, specified by the person at time of purchase, with a “One-Day Tourist Fishing License” upon payment of license fee and issuing agent fee as set forth in section 2715. One-Day Tourist Fishing Licenses shall not be issued for fishing during the period from [April 1] *March 15* to April 30 of any year. Holders of One-Day Tourist Fishing Licenses shall not be required to obtain special permits, including trout/salmon permits to fish for trout or salmon or special permits to fish in Lake Erie and tributaries.

§ 2702.1. One-day resident fishing license.

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(b) Limitation on issue.—One-Day Resident Fishing Licenses shall not be issued for fishing during the period from [April 1] *March 15* to April 30 of any year.

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§ 2711. Issuing agents.

(a) Appointment and bond.—The commission may appoint such persons as it deems necessary to issue fishing licenses and permits, and the persons so appointed shall be required to post a bond or other security in a form satisfactory to the commission in an amount it determines. The commission may establish administrative fees for fishing license issuing agents. County treasurers [and issuing agents active on or before January 1, 2000,] shall be exempt from payment of any administrative fee established by the commission.

(b) Compensation and fees.—For services rendered in collecting and [paying over] *submitting* license *and permit* fees, issuing agents, as long as they continue to act in that capacity, may collect and retain the issuing agent fees set forth in section 2715 (relating to license, *permit* and issuing *agent*

fees), which amount shall be full compensation for services rendered by them under the provisions of this title. The compensation shall be retained by the respective issuing agents and shall cover, among other things, the cost of issuing licenses, special licenses and permits, postage, mailing, returns and bonding of said agents. All license, special license and permit fees paid to an issuing agent under this title shall be paid by those agents into the State Treasury for deposit in the Fish Fund **[through the commission at least once a month] in the manner prescribed by the commission** and they shall be applied to the purposes provided for in this title. An issuing agent shall make **[a return] returns** to the commission **[upon a form to be supplied] in the manner prescribed** by the commission. Any issuing agent failing to comply with any of the provisions of this section shall not be entitled to retain the fee fixed in this subsection for the agent's services but shall pay those fees to the State Treasurer for deposit in the Fish Fund. Delinquent agents are subject to a penalty of 10% per month on any outstanding balance of license money due the commission, which penalty shall be compounded on a monthly basis. If those sums are not so paid, the Commonwealth may recover them by suit in the same manner as like amounts are now recoverable by law. **[The commission may recall the agency of any agent after a delinquency period of 30 days.]**

(c) Rules and regulations.—The commission may promulgate such rules and regulations to control and supervise the issuance of fishing licenses *and permits and the collection and remittance of fees set forth in section 2715(a) and (a.1)* by issuing agents and institutional superintendents as it may deem necessary.

(d) Proof of identification, *residency* and age.—Each issuing agent shall secure positive proof of identification, *residency* and age for each license issued.

(e) Records.—Every issuing agent shall **[keep on a printed form supplied by the commission a correct and complete record of all fishing licenses issued] maintain records in the manner prescribed by the commission**. The records shall be available at reasonable hours for inspection by any waterways conservation officer or other officer designated by the commission or any representative of the Department of the Auditor General. **[Every issuing agent shall each month forward to the commission a complete record of all licenses granted on forms to be furnished by the commission.]**

*(e.1) Equipment.—Equipment for the issuance of fishing licenses and permits in the possession of issuing agents shall be available at reasonable hours for inspection by any waterways conservation officer or other officer designated by the commission.*

(f) Penalty.—

*(1)* Any issuing agent or institutional superintendent violating subsection (b) commits a summary offense of the first degree.

**(2) Any issuing agent or institutional superintendent committing a second or subsequent violation of subsection (b) in a 12-month period commits a misdemeanor of the second degree.**

(3) Any issuing agent or institutional superintendent violating any other provision of this section or the rules or regulations promulgated thereunder commits a summary offense of the **[third] second** degree.

(4) The commission may, in its discretion, recall the issuing agency of any agent who violates any provision of this section **or the rules and regulations promulgated thereunder.**

§ 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, \$21.

(2) Senior Resident Annual Fishing License, \$10.

(3) Senior Resident Lifetime Fishing License, \$50.

(4) Nonresident Annual Fishing License, \$51.

(5) Seven-Day Tourist Fishing License, \$33.

(6) Three-Day Tourist Fishing License, \$25.

(6.1) One-Day Resident Fishing License, \$10.

(6.2) One-Day Tourist Fishing License, \$25.

(7) Replacement Fishing License, **[\$4.25.] including related permits and privileges, \$5.**

**(8) Transaction costs associated with the Pennsylvania Automated Licensing Service (PALS), actual costs not to exceed \$1.**

(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.

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

(b) Issuing agent fees.—The issuing agent fee to be retained by the issuing agent as provided in section 2711 (relating to issuing agents) for fishing licenses and permits shall be \$1.

Section 2. This act shall take effect immediately.

APPROVED—The 4th day of February, A.D. 2008.

EDWARD G. RENDELL