

No. 1999-41

AN ACT

SB 456

Amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, further providing for the qualifications and appointment of deputy waterways conservation officers; authorizing certain cooperative agreements; further providing for changes in grading of certain offenses, for increased fines for certain convictions, for violations of regulations and permits, for acknowledgment of guilt, for disposition of nonresident offenders and for issuing agents; prohibiting the sales of certain fish, reptiles and amphibians; providing for issuance of reduced fee fishing licenses to certain owners or possessors of land open to public fishing; and further providing for the grading of and penalties for violations relating to boating registration, identification, issuing agents and accident reports.

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

Section 1. Section 305 of Title 30 of the Pennsylvania Consolidated Statutes is amended to read:

§ 305. Deputy waterways **[patrolmen] conservation officers**.

(a) Appointment and training.—The executive director, with the approval of the commission, may appoint deputy waterways **[patrolmen] conservation officers** to act anywhere within this Commonwealth. Newly appointed deputy waterways **[patrolmen] conservation officers**, excluding reappointments, shall attend such training programs as may be required by the commission[.], *which shall include at a minimum:*

(1) Successful completion of training and obtaining a certificate of qualification under the act of October 10, 1974 (P.L.705, No.235), known as the Lethal Weapons Training Act, prior to appointment.

(2) Successful completion of not less than 250 hours of law enforcement classroom and on-the-job training.

All deputy waterways conservation officers, including reappointments, shall attend all annual in-service training as may be required by the commission. Persons appointed under this section may exercise the powers of their appointments until December 31 [next succeeding the date of their appointment] of each year unless their appointment is sooner revoked, suspended or withdrawn.

(b) Compensation.—Deputy waterways **[patrolmen] conservation officers** shall not be entitled to any salary, compensation or expenses for their services from the Commonwealth, unless detailed in writing for duty by the executive director of the commission, in which case they shall receive compensation **[and] and/or** reasonable expenses in accordance with a Statewide pay scale. *Only such duties or assignments as are approved in advance by the executive director or his designee shall be eligible for compensation and/or*

reasonable expenses. When acting within the scope of their official duties, deputy waterways [patrolmen] *conservation officers* shall be authorized to operate Commonwealth vehicles and watercraft and shall be treated as employees of the Commonwealth for the purposes of automotive and general liability and the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act.

(c) Powers and duties.—Deputy waterways [patrolmen] *conservation officers* appointed under the authority of this section may exercise the powers *and duties* of their appointments until December 31 *of each year* and no longer *unless their commissions are sooner revoked, suspended or withdrawn.* [Except for the provisions set forth in section 901(12) (relating to powers and duties of waterways patrolmen and deputies) and section 925 (relating to acknowledgment of guilt and receipts for payment), deputy waterways patrolmen shall have the same powers and may be required to make the same reports as waterways patrolmen.] *The powers and duties of deputy waterways conservation officers shall be subject to such limitations as the executive director, with the approval of the commission, shall prescribe. The executive director may authorize deputy waterways conservation officers to exercise the same powers and perform the same duties as waterways conservation officers except that deputy waterways conservation officers shall not exercise the powers and duties set forth in section 901(a)(12) (relating to powers and duties of waterways conservation officers and deputies).*

Section 2. Title 30 is amended by adding a section to read:

§ 328. *Cooperative agreements.*

The commission may enter into cooperative agreements with any agency of the United States, any agency of any other state, any agency of the Commonwealth or Pennsylvania local government, or any educational or research institution or any other person or entity to carry out or further the programs of the commission.

Section 3. Section 741 of Title 30 is amended to read:

§ 741. Control of property.

(a) General rule.—The entire control of all lands or waters owned, leased or otherwise controlled shall be under the direction of the commission and the commission may promulgate such rules and regulations for its use and protection as it deems necessary or in the best interests of the Commonwealth.

(b) Penalty.—Any person violating rules and regulations promulgated under subsection (a) commits a summary offense of the [second] *third* degree, but a person violating a regulation governing parking of vehicles on commission property commits a summary offense of the fourth degree.

Section 4. Section 901 heading, (a) introductory paragraph and (b) of Title 30 are amended and subsection (a) is amended by adding paragraphs to read:

§ 901. Powers and duties of waterways [patrolmen] *conservation officers* and deputies.

(a) Waterways [patrolmen] *conservation officers*.—Every waterways [patrolman] *conservation officer* shall have the power and duty to:

* * *

(14) *When in the performance of their duties, take fish and operate watercraft or vehicles in manners necessary to carry out enforcement duties, subject to such limitations as the executive director may prescribe.*

(15) *Request a person apprehended or stopped for any offense under this title to produce positive identification or to require such person to write his or her name in the presence of the officer in order to show identity.*

(16) *Operate a Commonwealth-owned and marked vehicle, permanently or temporarily equipped with a type of flashing or rotating red light or lights or audible device, or both, upon any street or highway within this Commonwealth when performing duties within the scope of employment.*

(b) Deputy waterways [patrolmen] *conservation officers*.— Except for the power conferred by subsection (a)(12), *subject to such limitations as the executive director, with the approval of the commission, shall prescribe*, deputy waterways [patrolmen] *conservation officers* may exercise all the powers and perform all the duties conferred by this section on waterways [patrolmen] *conservation officers*.

Section 5. Sections 904, 923 and 925 of Title 30 are amended to read:

§ 904. Interference with officers.

(a) General rule.—Any person who [by force, menace, threat or in any manner resists inspection or arrest for violation of any of the provisions of this title or refuses to go with a waterways patrolman or deputy waterways patrolman after an arrest has been made, or] interferes with any officer of this Commonwealth in the performance of his duty under the provisions of this title[,] commits a summary offense of the first degree.

(a.1) *Resisting inspection or apprehension.*—Any person who by force, menace, threat or in any manner resists inspection or arrest for violation of any of the provisions of this title or who refuses to go with an officer authorized to enforce this title after an arrest has been made commits a misdemeanor of the first degree.

(b) Bodily injury.—Any person who *intentionally, knowingly or recklessly* attempts to cause or causes *serious* bodily harm to an officer performing duties under the provisions of this title commits a [misdemeanor] *felony* of the [third] *second* degree.

(c) *Producing identification.*—Any person required by this title or the regulations promulgated hereunder to carry positive identification who refuses to produce such identification upon request of any officer or any holder of any license or permit issued under this title who refuses to sign

his name in the presence of the officer when such action is requested to establish the person's identity commits a summary offense of the second degree.

§ 923. Classification of offenses and penalties.

(a) General rule.—The following penalties shall be imposed for violations of this title:

(1) For a summary offense of the first degree, a fine of [~~\$100~~] ~~\$200~~ or imprisonment not exceeding 90 days.

(2) For a summary offense of the second degree, a fine of [~~\$50~~] ~~\$100~~ or imprisonment not exceeding 20 days.

(3) For a summary offense of the third degree, a fine of [~~\$25~~] ~~\$50~~.

(4) For a summary offense of the fourth degree, a fine of [~~\$10~~] ~~\$25~~.

(5) For a misdemeanor of the third degree, a fine of not less than \$250 nor more than \$5,000, or imprisonment not exceeding 90 days, or both.

(6) For a misdemeanor of the second degree, a fine of not less than \$500 nor more than \$7,500, or imprisonment not exceeding two years, or both.

(7) For a misdemeanor of the first degree, a fine of not less than \$2,500 nor more than \$10,000, or imprisonment not exceeding five years, or both.

(8) For a felony of the third degree, a fine of not less than \$2,500 nor exceeding \$15,000, or imprisonment not exceeding seven years, or both.

(9) For a felony of the second degree, a fine of not less than \$5,000 nor more than \$25,000, or imprisonment not exceeding ten years, or both.

(b) Additional fine.—In addition to the penalties in subsection (a), a fine of [~~\$10~~] ~~\$20~~ may be imposed for each fish taken, caught, killed, possessed or sold in violation of this title. In computing the number of fish taken, caught, killed, possessed or sold, the number immediately returned unharmed to the water where they were taken shall be omitted.

(c) Additional penalty for fishing without license or permit or operating boat without registration.—In addition to the penalties in subsection (a), a person convicted or acknowledging guilt of the offense of fishing without a license in violation of section 2703 (relating to possession and display of licenses) or 2908 (relating to penalties) or operating an unregistered boat for which registration is required shall pay an additional penalty equal to two times the cost of the annual license, permit or registration which the person was required to possess in order to fish or operate a boat requiring registration.

(d) Repeat offenders.—[A person who is convicted or acknowledges guilt of a second or subsequent violation of this title or the regulations promulgated under this title within 12 months of a prior offense under this title shall, in addition to the fines provided in subsections (a), (b) and (c), pay an additional fine of two times the maximum fine provided in subsection (a) for the second or subsequent offense. An extract from

commission records maintained in the ordinary course of business showing that the person was convicted or acknowledged guilt of the prior offense shall be sufficient evidence of the existence of the prior offense.] *A person who is convicted or acknowledges guilt of a second or subsequent violation of this title or the regulations promulgated under this title within 12 months of a prior offense under this title shall be sentenced as a repeat offender. An extract from commission records maintained in the ordinary course of business showing that the person was convicted or acknowledged guilt of two or more offenses under this title on separate occasions within a 12-month period shall be prima facie evidence that the person is a repeat offender. In addition to the fine set forth in subsection (a)(2), a repeat offender may be sentenced to pay an additional fine as follows:*

(1) \$200 if all the offenses committed within the 12-month period were classified as summary offenses under this title.

(2) \$1,000 if any of the offenses committed within the 12-month period were classified as misdemeanors of the third degree and none were classified as misdemeanors of the first or second degree or felonies.

(3) \$2,500 if any of the offenses committed within the 12-month period were classified as misdemeanors of the first or second degree or felonies.

(e) Title 18 inapplicable.—Title 18 (relating to crimes and offenses) is inapplicable to this title insofar as it relates to fines and imprisonment for convictions of summary offenses, misdemeanors and felonies.

§ 925. Acknowledgment of guilt and receipts for payment.

(a) General rule.—[A] *Subject to subsection (d), a person charged with violating any provision of this title which is a summary offense may sign, within [five] ten days of the commission of the offense, an acknowledgment of the offense committed and pay to any [waterways patrolman] authorized officer of the commission the penalty in full as fixed by this title. The printed receipt for this payment shall only prove full satisfaction of the monetary fine for the offense committed and in no way shall limit the commission from further revoking fishing or boating privileges.*

(b) Notice of right to hearing.—Before any person signs an acknowledgment pursuant to this section, he will be advised of his right to a hearing in a judicial proceeding. The printed receipt shall have prominently printed thereon a statement that the person charged has a right to a hearing and that if he elects to sign the acknowledgment he is forfeiting that right.

(c) Stopping payment of check.—Any person who makes payment to the commission by personal check for an acknowledgment pursuant to this section and who stops payment on the check commits a summary offense of the second degree. The official receipt for payment of the penalty, issued by [a waterways patrolman] *an authorized officer of the commission*, shall become void and the prosecution of the person or persons named on the receipt shall be allowed to continue.

(d) Limitations on acknowledgments of guilt.—On and after December 31, 1999, acknowledgments of guilt pursuant to this section shall be used only in such counties as the commission may designate by regulation for such use upon a finding that the county has summary offense procedures that differ from those used in other counties.

Section 6. Section 928(a) of Title 30 is amended and the section is amended by adding a subsection to read:

§ 928. Revocation, suspension or denial of license, permit or registration.

(a) Revocation or denial.—Any fishing license, special license or permit or privilege, **including boating privileges**, granted under the authority of this title may be revoked by the commission, in its discretion, when the holder of the license, permit or privilege is convicted of an offense under this title. Further, the commission, in its discretion, may refuse to grant to that person any new fishing license, special license or permit or privilege for a period not exceeding two years.

* * *

(e) Safe boating course required.—In addition to or in lieu of a revocation, denial or suspension of any license or privilege under this section, the commission may, in its discretion, require the individual to successfully complete a commission-approved safe boating course in the case of boating violations or a fishing ethics/conservation course in the case of fishing violations. The commission may revoke, deny or suspend any licenses or fishing and boating privileges of a person who, having been ordered to complete a course under this subsection, fails to do so. An order to complete a course under this subsection shall be appealable in accordance with 2 Pa.C.S. Ch. 5 Subch. A (relating to practice and procedure of Commonwealth agencies) and the regulations promulgated thereunder.

Section 7. Sections 929, 930 and 2501(a)(2) and (b)(2) of Title 30 are amended to read:

§ 929. Suspension of privileges pending payment of penalties.

[All fishing privileges shall automatically be suspended until such time as all assessed penalties are paid in full.] All fishing and boating privileges granted by this title shall automatically be suspended if a defendant fails to respond to a citation or summons within 30 days or fails to pay all penalties in full within 90 days following conviction.

§ 930. **[Arrest] Disposition of nonresident offenders.**

Subject to any inconsistent regulations prescribed pursuant to 42 Pa.C.S. § 3502 (relating to financial regulations):

(1) General rule.—**[Upon the arrest,] Except as otherwise provided in paragraph (2), upon the apprehension [or citation] of a nonresident of this Commonwealth for any violation of this title that is a summary offense, the waterways [patrolman] conservation officer or deputy waterways [patrolman] conservation officer shall[, unless the defendant elects to acknowledge guilt in accordance with section 925 (relating to**

acknowledgment of guilt and receipts for payment), escort the defendant to the appropriate issuing authority for a hearing, posting of bond or payment of the applicable fine and costs, unless the defendant chooses to place the amount of the applicable fine and costs in a stamped envelope addressed to the appropriate issuing authority and mails the envelope in the presence of the waterways patrolman or deputy waterways patrolman.] *issue a citation as provided by the Pennsylvania Rules of Criminal Procedure unless the nonresident offender elects to proceed under section 925 (relating to acknowledgment of guilt and receipts for payment).*

(2) [Procedure upon payment by mail.—If the defendant mails the amount of fine and costs prescribed in paragraph (1), he shall indicate on an accompanying form whether the payment constitutes a bond for a hearing based on a plea of not guilty or a fine based upon a plea of guilty in lieu of acknowledging guilt under section 925. If the plea is not guilty, the waterways patrolman or deputy waterways patrolman shall notify the issuing authority by telephone and the issuing authority shall schedule a hearing for the following day (excluding Saturdays, Sundays or legal holidays), unless the defendant requests a continuance, in which case a hearing shall be scheduled to accommodate the defendant, the waterways patrolman or deputy waterways patrolman and the issuing authority.] *Arrest of nonresident.—A waterways conservation officer or deputy waterways conservation officer shall be authorized to arrest a nonresident for a summary offense violation of this title and escort him to the appropriate issuing authority for a hearing, posting of bond or payment of the applicable fine and costs only when one or more of the following circumstances exist:*

(i) *The nonresident offender refuses to accept a citation from the waterways conservation officer.*

(ii) *In counties where the use of field acknowledgments of guilt is authorized under section 925 (relating to acknowledgment of guilt and receipts for payment), the nonresident offender elects not to sign a field acknowledgment of guilt and refuses to accept a citation from the waterways conservation officer.*

(iii) *The nonresident offender fails to provide positive identification showing his mailing address.*

(iv) *The officer has reasonable grounds to believe the nonresident offender is a repeat offender under this title.*

(v) *The officer has reasonable grounds to believe the nonresident offender is fishing while his fishing privileges are suspended or boating while his boating privileges are suspended.*

(vi) *The officer has reasonable grounds to believe the nonresident offender has failed to respond to a citation issued under this title or to pay assessed fines or penalties for a prior offense under this title.*

(vii) *The officer has reasonable grounds to believe the nonresident offender may pose a threat of harm to persons or property or to himself or herself.*

(viii) *The officer has reasonable grounds to believe the nonresident offender will not appear as required if issued a citation. The officer shall not exercise his authority to arrest a nonresident under this paragraph if the nonresident offender chooses to place the amount of the applicable fine and costs in a stamped envelope addressed to the appropriate issuing authority and mails the envelope in the presence of the officer.*

(3) Form of payment.—The amount of fine and costs *to be mailed to the issuing authority under paragraph (2)* may be paid [in cash,] by money order, personal or other check[, credit card] or guaranteed arrest bond.

(4) Receipt for payment.—The waterways [patrolman] *conservation officer* or deputy waterways [patrolman] *conservation officer* shall give the [defendant] *nonresident offender* a receipt for payment, a copy of which shall be mailed with the payment and a copy retained by the officer.

(5) *Suspension of fishing and boating privileges.—The fishing privileges of a nonresident offender who fails to respond to a citation issued to him for a fishing violation shall automatically be suspended until the nonresident offender responds to the citation. The boating privileges of a nonresident offender who fails to respond to a boating violation shall automatically be suspended until the nonresident offender responds to the citation. The commission shall notify the agency or agencies with jurisdiction over fishing and boating, as applicable, of the state of a nonresident who fails to respond to citation and shall request assistance from the state of residence.*

§ 2501. Misuse of property and waters.

(a) General rule.—It is unlawful for any person to commit any of the following acts in or along any waters or lands adjacent to or contiguous to waters within or bordering on this Commonwealth:

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(2) Drive a motor vehicle or other type of conveyance on or over any [cleared or cultivated] lands without the permission of the owner or lessee of the land.

* * *

(b) Penalty.—

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(2) Any person who violates subsection (a)(1), (3)[, (6)] or (7) commits a summary offense of the third degree.

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Section 8. Title 30 is amended by adding sections to read:

§ 2507. Sale of certain fish, reptiles and amphibians prohibited.

(a) *General rule.*—No person shall purchase, sell, barter, trade or offer for sale any species of fish taken from waters wholly within this Commonwealth or illegally taken from waters outside this Commonwealth and received in interstate commerce except those species of fish which the commission determines may be sold or offered for sale. No person shall purchase, sell, barter, trade or offer for sale any species of reptiles or amphibians taken from lands or waters wholly within this Commonwealth or illegally taken from lands or waters outside this Commonwealth and received in interstate commerce except those species of reptiles and amphibians which the commission determines may be sold or offered for sale.

(b) *Reports of sales of fish.*—A person engaged in catching fish for market or whose business may involve the sale of fish shall, on demand of the executive director, furnish at the close of each calendar year a duplicate report of his sales of fish and the gross amount of money realized. The contents of the report shall be used by the commission entirely for statistical purposes and are not public records. Individual reports shall not be made public without the written consent of the owner.

(c) *Exceptions.*—This section does not prohibit the sale, purchase, offer for sale, trade or barter of any fish propagated by or from a propagator or dealer of live aquatic animals registered under 3 Pa.C.S. Ch. 42 (relating to aquacultural development), provided that such fish are a species approved for propagation in Pennsylvania and are lawfully propagated or acquired by means other than fishing from the waters of this Commonwealth in accordance with the requirements of applicable laws and regulations. This section does not prohibit the sale, purchase, offer for sale, trade or barter of any fish by or from the holder of a commercial fishing license issued under Chapter 29 (relating to special licenses and permits), provided that such fish are lawfully caught or taken in accordance with the requirements of applicable laws and regulations. This section does not prohibit the sale of mounted fish.

(d) *Penalty for sale of fish, reptiles or amphibians.*—Any person who violates subsection (a) by purchasing, selling, bartering, trading or offering for sale any species of fish, reptiles or amphibians with a market value or sale price in excess of \$5,000 commits a misdemeanor of the second degree. Any violation of subsection (a) where the market value or sale price is greater than \$250 but less than \$5,000 is a misdemeanor of the third degree. Any violation of subsection (a) where the market value or sale price is less than \$250 is a summary offense of the first degree.

(e) *Applicability.*—This section shall not apply to hobby breeders as defined in 3 Pa.C.S. Ch. 42. This section shall not apply to the purely retail sale or offer for sale of fish by pet shops or dealers regularly engaged in retail transactions, provided that such fish are not taken from lands or

waters within this Commonwealth or illegally taken from lands or waters outside this Commonwealth.

§ 2708.1. *Farmlands open to public fishing.*

(a) *Fishing agricultural lands without license.*—Unless the privilege to fish has been denied, any person domiciled within this Commonwealth who has reached his 16th birthday and, except for payment of any fee, meets the requirements prescribed in section 2701 (relating to resident fishing licenses) and, as a primary means of gaining a livelihood, is regularly and continuously engaged in cultivating the soil for general farm crop purposes, commercial truck growing, commercial orchards or commercial nurseries, as either the owner, lessee or tenant of these lands, or as a member of the family or household, or regularly hired help of the owner, lessee or tenant, shall be eligible to fish on lakes and ponds located wholly within said lands and in rivers and streams open to free public fishing flowing through these lands, including the woodlands connected therewith and operated as a part thereof, without a fishing license as required in this title. Any person eligible to fish on these lands without securing the required license may also, by and with the written consent of the owner or lessee thereof, fish upon any lands other than those publicly owned which lie immediately adjacent to and are connected with the lands upon which these persons may lawfully fish without securing a license.

(b) *Reduced fee license.*—A resident owner or possessor of land comprising greater than 80 contiguous acres farmed under a conservation plan which does not conflict with the act of June 22, 1937 (P.L.1987, No.394), known as *The Clean Streams Law*, and which meets the requirements of 25 Pa. Code Ch. 102 (relating to erosion control) and which has a stream, creek or river of at least 200 linear feet in length flowing through or a lake or pond of at least one-half acre in area on this land if that person permits free public fishing shall, if that person desires to fish in waters located off that property, be issued a resident fishing license at one-half the regular fee upon application to the commission. The license shall be issued to the owner or possessor or an immediate family member of either the owner or possessor living in the same household so designated by the owner or possessor in the case of a single owner or possessor and to the individual so designated in the case of more than one owner or possessor. No person shall be issued a fishing license under this subsection unless the person is 16 years of age or older, has met the requirements prescribed in section 2701 and has not been denied the privilege to fish. A person entitled to receive a fishing license under this subsection shall certify to the commission in the form and manner prescribed by the commission that the land tract that person owns or possesses is presently in the ownership or possession of that person and that the waters described are open to free public fishing.

(c) *Definition.*—As used in this section, the term “person” shall be limited to any person cultivating, as a primary means of gaining a

livelihood, any lands for general or specialized crop purposes, truck farming or fruit orchard or nursery being regularly maintained, as either the owner, lessee or a member of the family of the owner or lessee assisting with the cultivation of the land, or a domiciled member of the household of the owner or lessee or an employee of the owner or lessee, regularly and continuously assisting in the cultivation of the land.

Section 9. Sections 2711(a), (e) and (f), 2906, 2908, 3108, 3507, 5122(b) and 5123(b) of Title 30 are amended to read:

§ 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.*

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(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. The records shall be available at reasonable hours for inspection by any waterways [~~patrolman~~] *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.

(f) Penalty.—Any issuing agent or institutional superintendent violating [~~any~~] *subsection (b) commits a summary offense of the first degree. 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 [~~second~~] *third* degree. The commission may, in its discretion, recall the issuing agency of any agent who violates any provision of this section.

§ 2906. Permits for use of explosives.

The executive director, with the approval of the commission, may grant permits for the use of explosives in waters for engineering purposes upon the payment of a fee of [~~\$10~~] *\$50*. The executive director may waive the payment of the fee for Commonwealth agencies and political subdivisions. Any person using explosives under a permit shall make restitution to the commission for all fish destroyed. *A person who engages in an activity for which a permit is required under this section without first acquiring the permit commits a misdemeanor of the third degree. A person using explosives under a permit issued under this section who violates any of the terms and conditions of the permit commits a summary offense of the first degree.*

§ 2908. Penalties.

(a) General rule.—Except as **[provided in subsection (b)]** *otherwise provided in this chapter*, a person engaging in any activity for which a permit or special license is required under this chapter without acquiring the license or permit **[or who violates any]** *commits a summary offense of the second degree. A person who violates any other* provision of this chapter or regulations promulgated thereunder commits a summary offense of the third degree.

(b) Boundary lakes.—A person engaged in any activity for which a permit or special license under section 2903 (relating to boat and net licenses for boundary lakes) is required without obtaining such license or permit or who violates any provision of section 2903 or regulations promulgated thereunder commits a misdemeanor of the third degree.

§ 3108. Violations by owner or operator.

Any owner or operator of a regulated fishing lake who operates the lake without a regulated fishing lake license[,] *or who knowingly makes a false statement in his application for a license [or who violates any of the provisions of this chapter,]* commits a summary offense of the first degree. *Any owner or operator of a regulated fishing lake who violates any other provision of this chapter, regulations promulgated hereunder or terms and conditions of his permit commits a summary offense of the second degree.*

§ 3507. Protection of fish near dams.

(a) General rule.—The commission shall promulgate such rules and regulations as it deems necessary to protect and manage fish within one mile or such lesser distance as it deems appropriate of any chute, slope, fishway, gate, dam, reflector, retards or similar devices.

(b) Penalty.—Any person violating any of the rules or regulations promulgated under this section commits a summary offense of the **[second]** *third* degree.

§ 5122. Registrations, licenses, permits, plates and statistics.

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(b) Penalty.—Any person who violates a rule or regulation promulgated under this section commits a summary offense of the **[fourth degree except that a]** *third degree except as follows:*

(1) A person who operates a passenger-carrying boat without a license commits a summary offense of the **[second]** *first* degree.

(2) *A person who violates a regulation relating to display of numbers on boats or display of capacity plates by boats commits a summary offense of the fourth degree.*

§ 5123. General boating regulations.

* * *

(b) Penalties.—Any person who violates a rule or regulation promulgated under this section which the commission designates as being for the protection of the health and safety of persons as provided by subsection (a)(1) commits a summary offense of the second degree. Any person who violates

any other regulation promulgated under this section commits a summary offense of the third degree. In addition to any other penalty, any person who is convicted or acknowledges guilt for an offense of possessing insufficient, nonapproved or unserviceable safety equipment on a boat, or for passengers, or persons being towed by a boat on the waters of this Commonwealth may be fined an additional ~~[\$10]~~ **\$20** for every piece of safety equipment required that is missing, not worn when required, not of an approved type or unserviceable.

Section 10. Section 5304(e) of Title 30 is amended and the section is amended by adding a subsection to read:

§ 5304. Issuing agents.

* * *

(d.1) Rules and regulations.—The commission may promulgate such rules and regulations to control and supervise the issuance and transfer of boat registrations by issuing agents as it deems necessary. The commission may establish administrative fees for fishing license issuing agents. County treasurers shall be exempt from payment of any administrative fee established by the commission.

(e) Penalty.—An issuing agent violating ~~[any]~~ **subsection (d) commits a summary offense of the first degree. Any issuing agent violating any other** provision of this section or the rules and regulations of the commission commits a summary offense of the ~~[second]~~ **third** degree ~~[and, in]. In~~ addition~~[,]~~ **to the penalty provided in this subsection, any issuing agent violating any provision of this title may** have his agency recalled in the discretion of the commission.

Section 11. Sections 5311, 5325(b) and 5503(e) of Title 30 are amended to read:

§ 5311. Tampering with identification numbers *or capacity plates*.

(a) General rule.—No unauthorized person shall erase, deface, change, paint on, *alter, remove, destroy* or in any way tamper with any registration number or card, *capacity plate, hull identification number* or any other identification number on a boat or motor.

(b) Penalty.—Any person who violates this section commits a summary offense of the ~~[second]~~ **first** degree.

§ 5325. Rules and regulations.

* * *

(b) Penalties.—Any person who violates a rule or regulation promulgated under this section commits a summary offense of the ~~[second]~~ **third** degree.

§ 5503. Accident reports.

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(e) Penalties.—Any person who fails to file ~~[an]~~ **a completed** accident report required by this section commits a summary offense of the ~~[first]~~ **second** degree. Any person who files a report beyond the time limits prescribed by regulation or without providing all the material information required by regulation commits a summary offense of the third degree.

Section 12. This act shall take effect January 1, 2000.

APPROVED—The 3rd day of November, A.D. 1999.

THOMAS J. RIDGE