

No. 1995-47

## AN ACT

SB 775

Amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, revising and updating the fishing license and issuing agent fee structure; further providing for funding of free fishing licenses; and making editorial changes.

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

Section 1. Sections 2701, 2702, 2703 and 2704 of Title 30 of the Pennsylvania Consolidated Statutes are amended to read:

§ 2701. Resident fishing licenses.

(a) General rule.—For the purposes of this chapter, any person [16 years of age or older is entitled to] *is eligible for* a “Resident *Annual* Fishing License” [if] *when the person*:

(1) [He has] *Has* applied to an issuing agent within this Commonwealth or to the commission.

(2) [He has] *Has* established [his] *the person's* identity, age and the fact that [he] *the person* is a bona fide resident of this Commonwealth to the satisfaction of the issuing agent or the commission by producing a motor vehicle driver's license or some other positive means of identification.

(3) [He has] *Has* paid the issuing agent or the commission a license fee [of \$12 plus a service fee of 50¢ to the issuing agent] *and issuing agent fee as set forth in section 2715 (relating to license and issuing fees)*.

(b) Senior citizens.—A person who is or will be 65 years of age or older in the year of application who [complies with subsection (a)(1) and (2) is entitled to] *establishes the person's identity, age and the fact that the person is a bona fide resident of this Commonwealth to the satisfaction of the issuing agent or the commission by producing a motor vehicle driver's license or some other positive means of identification is eligible for* a “Senior Resident *Annual* Fishing License” [if he pays a license fee of \$2 to the issuing agent or the commission plus a service fee of 50¢ to the issuing agent.] *upon payment of the license fee and issuing agent fee set forth in section 2715.* The application shall give the date of birth of the applicant. Any person who qualifies to purchase a Senior Resident *Annual* Fishing License may, in lieu thereof, purchase a Senior Resident *Lifetime* Fishing License which shall be valid for [his] *the person's* lifetime upon the payment of a [fee of \$10 for the use of the Commonwealth and, in the event the license is issued by an issuing agent, a fee of 50¢ for the use of

the issuing agent] *license fee and issuing agent fee set forth in section 2715.*

§ 2702. Nonresident and tourist licenses.

(a) Nonresident *annual* licenses.—For the purposes of this chapter, any person [16 years of age or older is entitled to] *who does not purchase a resident fishing license under section 2701 (relating to resident fishing licenses) is eligible for a “Nonresident Annual Fishing License” [if] when the person:*

[1] *He is not a bona fide resident of this Commonwealth.*

[2] *He has* (1) *Has* applied to an issuing agent or to the commission.

[3] *He has* (2) *Has* paid the issuing agent or the commission a license fee [of \$25 plus a service fee of 50¢ to the issuing agent] *and issuing agent fee set forth in section 2715 (relating to license and issuing fees).*

(b) [Tourist] *Seven-day tourist* licenses.—[For the purposes of this chapter, any] *Any person [16 years of age or older is entitled to a “Five-Day] 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 seven consecutive days with a “Seven-Day Tourist Fishing [License,” valid for a period of five consecutive days, if:*

[1] *He is not a bona fide resident of this Commonwealth.*

[2] *He has* applied to an issuing agent or to the commission.

[3] *He has* paid the issuing agent or the commission a license fee of \$20 plus a service charge of 50¢ to the issuing agent.] *License” upon payment of a license fee and issuing agent fee set forth in section 2715.*

(c) *Three-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 three consecutive days with a “Three-Day Tourist Fishing License” upon payment of a license fee and issuing agent fee set forth in section 2715.*

§ 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 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.

(b) Penalties.—

(1) Except as provided in paragraph (2), any person who violates this section commits a summary offense of the third degree.

(2) Any person who violates any regulation concerning the displaying of the license certificate, button or other device promulgated under this section commits a summary offense of the fourth degree.

§ 2704. Lost fishing licenses.

In case a license certificate is lost or destroyed, a new license may be secured from the commission or any issuing agent upon making affidavit to that effect and paying [a fee of \$1 plus a service fee of 50¢ to the issuing agent] *the replacement license fee and issuing agent fee set forth in section 2715 (relating to license and issuing fees).*

Section 2. Section 2709(b) of Title 30 is amended and the section is amended by adding a subsection to read:

§ 2709. Exemptions from license requirements.

\* \* \*

(b) **[Blind and handicapped persons]** *Persons who are blind or have certain physical or mental impairments.*—The provisions of this chapter do not apply to those persons who are totally blind or [so severely handicapped] *have such severe physical or mental impairments* that they are unable to cast or retrieve a line or bait hooks and remove fish if only one legal device is used and the [blind or handicapped] *person who is blind or has physical or mental impairments as described in this section* is within ten feet of the device being used. The provisions of this chapter also do not apply to the attendant of the [blind or handicapped] *person who is blind or has physical or mental impairments described in this section* while assisting [the blind or handicapped] in using the device.

\* \* \*

(e) *Students participating in biological field project.*—*A student enrolled in a secondary or undergraduate course of instruction shall not be required to possess a fishing license to gather specimens while participating in an educationally sponsored biological field project that is under the direct supervision of a high school or accredited institution of postsecondary education as long as the educational institution has applied for and received the written permission of the commission.*

Section 3. Sections 2711(b) and (f), 2713 and 2714 of Title 30 are amended to read:

§ 2711. Issuing agents.

\* \* \*

(b) Compensation and fees.—For services rendered in collecting and paying over license fees, issuing agents, as long as they continue to act in that capacity, may collect and retain the [sum of 50] for each fishing license sold and the sum of 50¢ for each special license and permit sold] *issuing agent fees set forth in section 2715 (relating to license and issuing 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 and they shall be applied to the purposes provided for in this title. An issuing agent shall make a return to the commission upon a form to be supplied 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 [his] *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.

\* \* \*

(f) **Penalty.**—Any issuing agent or institutional superintendent violating any provision of this section or the rules or regulations promulgated thereunder commits a summary offense of the second degree [and, in addition, may have his agency recalled in the discretion of the commission]. *The commission may, in its discretion, recall the issuing agency of any agent who violates any provision of this section.*

[§ 2713. Appropriations for licenses issued without a fee.]

All fishing licenses issued without payment of a license fee as provided in this chapter shall be recorded by the commission. The commission annually shall certify to the General Assembly the amount of revenue due from those license fees and the General Assembly shall cause that amount annually to be appropriated and credited to the Fish Fund.]

§ 2714. License issuing fees.

In order to help defray the issuing costs, the commission may collect an issuing fee not to exceed the fee charged by issuing agents under [sections 2701 (relating to resident fishing licenses), 2702 (relating to nonresident and tourist licenses), 2704 (relating to lost fishing licenses) and 2711 (relating to issuing agents)] *section 2715 (relating to license and issuing fees)* on licenses and stamps issued by the commission.

Section 4. Title 30 is amended by adding a section to read:

§ 2715. *License and issuing 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.*
- (2) *Senior Resident Annual Fishing License, \$3.25.*
- (3) *Senior Resident Lifetime Fishing License, \$15.25.*
- (4) *Nonresident Annual Fishing License, \$34.25.*
- (5) *Seven-Day Tourist Fishing License, \$29.25.*
- (6) *Three-Day Tourist Fishing License, \$14.25.*

**(7) Replacement Fishing License, \$4.25.**

**(b) Issuing agent fees.—The following issuing agent fees shall 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¢.**

Section 5. The license fees and issuing agent fees established by this act shall apply to fishing licenses issued for the 1996 fishing license year and thereafter.

Section 6. This act shall take effect as follows:

(1) The amendment of 30 Pa.C.S. § 2713 shall take effect immediately.

(2) This section shall take effect immediately.

(3) The remainder of this act shall take effect December 1, 1995.

APPROVED—The 6th day of July, A.D. 1995.

THOMAS J. RIDGE