
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. **210** Session of
1961

INTRODUCED BY MESSRS. SESLER, SHAFER, BERGER, HAL-
USKA, VAN SANT, KALMAN, KELLER, MURRAY, ROONEY
AND MULLIN, FEBRUARY 13, 1961.

REFERRED TO COMMITTEE ON FORESTS & WATERS, GAME &
FISH, FEBRUARY 13, 1961.

AN ACT

Promoting safe boating water skiing and similar activities upon the waters of this Commonwealth establishing educational programs improving waterway facilities and regulating the operation and equipment of vessels conferring powers and imposing duties on the Department of Forests and Waters the Department of Revenue and the Boating Board herein created prescribing penalties for violation making an appropriation from the General Fund to the Boating Fund of the Department of Forests and

EXPLANATION—CAPITAL LETTERS indicate new matter added to bill. Matter stricken through is to be omitted from bill.
Underscoring indicates new matter added to existing law. [Brackets] indicate matter stricken from existing law.

Waters for use of the Boating Board and providing for the reimbursement of the General Fund

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

1 Section 1 Declaration of Policy It is the public policy of this
2 Commonwealth to promote the development of safe boating by regulat-
3 ing the operation and equipment of vessels improving waterway facilities
4 and developing effective operator education programs and to promote
5 uniformity of laws relating thereto

6 Section 2 Short Title This act shall be known and may be cited
7 as the "Pennsylvania Boating Act of 1961"

8 Section 3 Definitions As used in this act

9 (1) "Vessel" means every description of watercraft other than
10 scaplanes on the water used or capable of being used as a means of
11 transportation on water or on ice it being the intent that ice boats shall
12 be regarded as watercraft for the purposes of this act

13 (2) "Motorboat" means any vessel propelled by machinery whether
14 or not such machinery is the principal source of propulsion

15 (3) "Bows" means the forward half of the vessel measured from
16 the center of a line drawn from the prow to the stern parallel to the

1 keel

2 (4) "Owner" means a person other than a lien holder having the
3 property in or title to a vessel The term includes a person entitled to the
4 use or possession of a motorboat subject to the interest of another person
5 reserved or created by agreement and securing payment or performance
6 of an obligation but the term excludes a lessee under a lease not intended
7 as security

8 (5) "Waters of this Commonwealth" means any waters within the
9 territorial limits of this Commonwealth

10 (6) "Person" means an individual partnership firm corporation
11 association or other entity

12 (7) "Operate" means to navigate or otherwise use a vessel

13 (8) "Board" means the Boating Board of the Department of Forests
14 and Waters

15 (9) "Department" means the Department of Forests and Waters
16 and its successor of the Commonwealth or its duly authorized repre-
17 sentative

18 (10) "Magistrate" means any mayor burgess magistrate alderman
19 justice of the peace or other officer having the powers of a committing
20 magistrate

1 Section 4 Creation of Boating Board There is hereby created in
2 the Department of Forests and Waters a departmental administrative
3 board to be known as the Boating Board consisting of nine members
4 two of whom shall be the Executive Director of the Fish Commission
5 and the Secretary of Revenue or their respective nominees Of the
6 remaining seven members one shall be the Secretary of Forests and
7 Waters who shall act as chairman and six shall be appointed by the
8 Governor The six members appointed by the Governor shall be experi-
9 enced boatmen as evidenced by (1) the ownership of a vessel and (2)
10 active membership in organizations such as the United States Coast
11 Guard Auxiliary the Central Pennsylvania Boat Club the United States
12 Power Squadron the Erie Boating Association the Delaware River
13 Yachtsmens League the Pennsylvania Pleasure Boat Association Incor-
14 porated or other similar organizations As far as possible the members
15 of the board shall represent the various geographical sections and boat-
16 ing interests of the Commonwealth The members of the board shall
17 receive no salary as such but shall be reimbursed for their necessary
18 traveling expenses in accordance with the rules and regulations issued
19 by the Executive Board of the Commonwealth

1 Section 5 Operation of Unnumbered Vessels Prohibited Except
2 as hereinafter provided every vessel on the waters of this Common-
3 wealth shall be numbered No person shall operate or give permission
4 for the operation of any such vessel on these waters unless the vessel
5 is numbered in accordance with his act or in accordance with applicable
6 Federal law or in accordance with a federally-approved numbering
7 system of another state and unless (1) the certificate of number awarded
8 to such vessel is in full force and effect and (2) the identifying number
9 set forth in the certificate of number is properly displayed on both
10 bows of such vessel

11 Section 6 Identification Number (a) The owner of each vessel
12 required to be numbered by this act shall file an application for number
13 with the Department of Revenue on forms approved by the board The
14 application shall be signed by the owner of the vessel and shall be
15 accompanied by a fee as follows

16 One dollar (\$1.00) for manually propelled vessels of any size

17 Two dollars (\$2.00) for sailboats of any size

18 Three dollars (\$3.00) for motorboats of classes A and 1

19 Four dollars (\$4.00) for motorboats of class 2

20 Five dollars (\$5.00) for motorboats of class 3

1 The Department of Revenue at the request of the board may
2 exempt from payment of fee certain vessels specifically designated by the
3 board and used in the enforcement of this act

4 Upon receipt of the application in approved form the Department
5 of Revenue or issuing agent shall enter the same upon the records of
6 its office and issue to the applicant a certificate of number approved
7 by the board stating the number awarded to the vessel and the name
8 and address of the owner The owner shall display on both bows of
9 the vessel the identification number in such manner and size as may be
10 prescribed by rules and regulations of the board in order that it may be
11 clearly visible The number shall be maintained in a legible condition
12 No other number shall be displayed on the bows The certificate of num-
13 ber shall be issued pocket-size and waterproof and shall be available
14 at all times for inspection on the vessel for which issued whenever such
15 vessel is in operation

16 (b) The certificates of number awarded pursuant to this act shall
17 continue in full force and effect until November 30th of each year
18 unless sooner terminated or discontinued in accordance with the pro-
19 visions of this act

20 (c) Certificates of number shall be renewed annually by the owner

1 in the manner prescribed by the Department of Revenue.

2 (d) The owner of any vessel already covered by a number in full
3 force and effect which has been awarded to it pursuant to Federal law
4 or a federally-approved numbering system of another state shall record
5 the number prior to operating the vessel on the waters of this Com-
6 monwealth in excess of the ninety day reciprocity period provided for
7 in section 8 (2) and (3) of this act. Such recordation shall be in the
8 manner and pursuant to the procedure required for the award of a
9 number under subsection (a) of this section except that no additional
10 or substitute number shall be issued.

11 (e) Numbers issued and used principally on waters of this Com-
12 monwealth under the provisions of the Federal law shall be recognized
13 for a period of one year.

14 (f) Should the ownership of a vessel change a new application
15 form with fee as shall be fixed by rule or regulation of the board shall
16 be filed with the Department of Revenue and a new certificate of num-
17 ber shall be awarded in the same manner as provided for in an original
18 award of number.

19 (g) In the event that an agency of the United States government
20 shall have in force an overall system of identification numbering for

1 vessels within the United States the numbering system employed pur-
2 suant to this act shall be in conformity therewith But nothing in this
3 subsection shall prevent the numbering of any class of vessels not num-
4 bered by such Federal agency

5 (h) All records made or kept pursuant to this section shall be public
6 records

7 (i) The owner shall notify the Department of Revenue of the trans-
8 fer of all or any part of his interest other than the creation of a security
9 interest in a vessel numbered in this Commonwealth pursuant to the pro-
10 visions of the act or of the destruction or abandonment of such vessel
11 within fifteen days thereof Such transfer destruction or abandonment
12 shall terminate the certificate of number for such vessel except that in
13 the case of transfer of a part interest which does not affect the owner's
14 righ to operate such vessel such transfer shall not terminate the certifi-
15 cate of number

16 (j) Any holder of a certificate of number shall notify the Depart-
17 ment of Revenue within fifteen days if his address no longer conforms
18 to the address appearing on the certificate and shall as a part of such
19 notification furnish the Department of Revenue with his new address

1 The Department of Revenue may provide in its rules and regulations
2 for the surrender of the certificate bearing the former address and its
3 replacement with a certificate bearing the new address or for the alter-
4 ation of an outstanding certificate to show the new address of the holder

5 (k) The board may devise a system of temporary numbers that
6 may be released by the Department of Revenue to boat manufacturers
7 and dealers for issuance in turn to bona fide purchasers of vessels requir-
8 ing numbers and that may be valid and usable by the owners of such
9 vessels pending their receipt of registration numbers issued directly by
10 the Department of Revenue

11 (l) The board may devise by rule or regulation a system of dealers
12 motorboat numbers which numbers may be issued by the Department
13 of Revenue for use by manufacturers or dealers in displaying and dem-
14 onstrating vessels Upon receipt of said application on an approved form
15 and upon the payment of a fee of five dollars (\$5.00) for each number
16 the Department of Revenue shall issue to the applicant manufacturer
17 jobber or dealer numbers which shall be displayed conspicuously in
18 accordance with the rules and regulations of the board

19 (m) In the event of a lost destroyed or illegible certificate of num-
20 ber it shall be the duty of the owner to apply to the Department of

1 Revenue for a duplicate within ten days of his discovery of the loss or
2 defacement of the certificate of number upon an approved form and
3 accompanied by a fee of one dollar (\$1.00)

4 (n) The Department of Revenue may award any certificate of num-
5 ber directly or may authorize any person to act as agent for the award-
6 ing thereof In the event that a person accept such authorization he may
7 be assigned a block of numbers and certificates therefor which upon
8 award in conformity with this act and with the rules and regulations
9 of the Department of Revenue shall be as valid as if awarded directly
10 by the Department of Revenue

11 (o) For services rendered in collecting and paying over fees and
12 licenses each issuing agent may charge and retain an additional fee of
13 fifty cents (\$.50) from the person securing the certificate of number

14 (p) Every issuing agent shall give bond to the Commonwealth
15 of not less than one thousand dollars (\$1,000.00) before any supply of
16 certificates or licenses is delivered to him

17 (q) The Department of Revenue shall take no action in conuec-
18 tion with this act which effects vessel certificate numbers or the fees
19 therefor without the approval of the board

20 Section 7 Classification and Required equipment (a) All vessels sub-

1 ject to the provisions of this act shall be divided into four classes as
2 follows

3 Class A Less than sixteen feet in length overall

4 Class 1 Sixteen feet or over and less than twenty-six feet in length

5 Class 2 Twenty-six feet or over and less than forty feet in length

6 Class 3 Forty feet or over

7 (b) Every vessel from sunset to sunrise shall display the following
8 lights when under way and during such time no other lights which may
9 be mistaken for those prescribed shall be displayed

10 (1) Every motorboat of classes A and 1 shall display the following
11 lights

12 First A bright white light aft to show all around the horizon

13 Second A combined lantern in the fore part of the vessel and lower
14 than the white light aft showing green to starboard and red to port so
15 fixed as to throw light from right ahead to two points abaft the beam
16 on the respective sides

17 (2) Every motorboat of classes 2 and 3 shall display the following
18 lights

19 First A bright white light in the fore part of the vessel as near
20 the stem as practicable so constructed as to show an unbroken light over

1 an arc of the horizon of twenty points of the compass so fixed as to
2 show the light ten points on each side of the vessel namely from right
3 ahead to two points abaft the beam on either side.

4 Second A bright white light aft to show all around the horizon
5 and higher than the white light forward

6 Third On the starboard side a green light so constructed as to show
7 an unbroken light over an arc of the horizon of ten points of the compass
8 so fixed as to show the light from dead ahead to two points abaft the
9 beam on the starboard side

10 Fourth On the port side a red light so constructed as to show an
11 unbroken light over an arc of the horizon of ten points of the compass
12 so fixed as to show the light from dead ahead to two points abaft the
13 beam on the port side The said side lights shall be fitted with inboard
14 screens of sufficient height so set as to prevent these lights from being
15 seen across the bow

16 (3) Vessels of classes A and 1 when propelled by sail alone shall
17 display the combined lantern Vessels of classes 2 and 3 when so pro-
18 pelled shall display the colored side lights suitably screened and a twelve
19 point white light aft Vessels of all classes when manually propelled shall
20 display a bright white light

1 (4) Every white light prescribed by this section shall be of such
2 character and be displayed at least three feet above the water so as to
3 be visible at a distance of at least two miles Every colored light pre-
4 scribed by this section shall be of such character and be displayed at
5 least one foot above the water so as to be visible at a distance of at least
6 one mile The word "visible" in this subsection when applied to lights
7 shall mean visible on a dark night with clear atmosphere

8 (5) When propelled by sail and machinery every vessel shall carry
9 the lights required by this section for a motorboat propelled by machin-
10 ery only

11 (6) Every vessel at anchor shall display a thirty-two point white
12 light except in an anchorage prescribed by the board

13 (c) Any vessel may carry and exhibit the lights required by the
14 Federal Regulations for Preventing Collisions at Sea 1948 Federal Act
15 of October 11 1951 (33 USC 143-147d) as amended (international rules)
16 in lieu of the lights required by subsection (b) of this section

17 (d) Every motorboat of classes 1 2 or 3 shall be provided with an
18 efficient whistle or other sound-producing mechanical appliance

19 (e) Every motorboat of classes 2 or 3 shall be provided with an

1 efficient bell

2 (f) Every vessel shall carry at least one Coast Guard approved life
3 preserver eg life jacket ring buyo or buoyant cushion for each person on
4 board so placed as to readily be accessible Provided That every vessel
5 carrying passengers for hire shall carry so placed as to be readily ac-
6 cessible at least one Coast Guard approved life preserver for each person
7 on board

8 (g) Every motorboat shall be provided with such number size and
9 type of fire extinguishers capable of promptly and effectually extinguish-
10 ing burning gasoline as may be prescribed by the regulations of the
11 board which fire extinguishers shall be at all times kept in condition for
12 immediate and effective use and shall be so placed as to be readily acces-
13 sible

14 (h) The provisions of subsections (d) (e) and (g) of this section shall
15 not apply to vessels while competing in a race conducted pursuant to sec-
16 tion 13 of this act or if such boats be designed and intended solely for
17 racing while engaged in such race as is incidental to the tuning up of
18 the boats and engines for the race

19 (i) Every motorboat shall have the carburetor or carburetors of

1 every engine therein (except outboard motors) using gasoline as fuel
2 equipped with an efficient flame arrestor backfire trap or other similar
3 device as may be prescribed by the regulations of the board

4 (j) Every motorboat except open boats using gasoline as fuel shall
5 be provided with such means as may be prescribed by the regulations
6 of the board for properly and effectively ventilating the bilges of the
7 engine and fuel tank compartments so as to remove any explosive or in-
8 flammable gases

9 (k) The board is hereby authorized to make rules and regulations
10 modifying the equipment requirements contained in this section to the
11 extent necessary to keep these requirements in conformity with the pro-
12 visions of the Federal Navigation Laws or with the navigation rules
13 promulgated by the United States Coast Guard

14 (l) The board is hereby authorized to establish and maintain for
15 the operation of vessels on the waters of this Commonwealth rules of
16 the road in conformity with the inland rules of the road or pilot rules
17 contained in the Federal Navigation Laws or the navigation rules promul-
18 gated by the United States Coast Guard

19 (m) No person shall operate or give permission for the operation of

1 a vessel which is not equipped as required by this section or modifica-
2 tion thereof

3 (n) A current United States Coast Guard Auxiliary CME decal will
4 be accepted as evidence of compliance with section 7 of this act providing
5 the required equipment remains in place on board

6 Section 8 Exemption from Numbering Provisions of this Act A
7 vessel shall not be required to be numbered under this act if it is

8 (1) A vessel possessing a valid marine document issued by the
9 Bureau of Customs of the United States or any Federal agency successor
10 thereto

11 (2) A vessel already covered by a number in full force and effect
12 which has been awarded to it in pursuance of Federal law or a federally-
13 approved numbering system of another state Provided That such ves-
14 sel shall not have been operated within this Commonwealth for a period
15 in excess of ninety consecutive days

16 (3) A vessel from a country other than the United States tempor-
17 arily using the waters of this Commonwealth

18 (4) A public vessel of the United States a state or municipal vessel

19 (5) A ship's lifeboat

20 (6) A vessel belonging to a class of vessels which has been ex-

1 emptied from numbering by the board after the board has found that the
2 numbering of vessels of such class will not materially aid in their iden-
3 tification and if an agency of the Federal government has a numbering
4 system applicable to the class of vessels to which the vessel in question
5 belongs after the board has further found that the vessel would also be
6 exempt from numbering if it were subject to the Federal law

7 Section 9 Boat Liveries (a) The owner of a boat livery shall cause
8 to be kept a legible record of the name and address of the person or per-
9 sons hiring any vessel which is designed or permitted by him to be
10 operated as a motorboat the identification number thereof and the
11 departure date and time and the expected or actual time of return This
12 record shall be preserved for at least one year

13 (b) Neither the owner of a boat livery nor his agent or employe
14 shall permit any vessel designed or permitted by him to be operated as a
15 motorboat to depart from his premises unless it shall have been provided
16 either by owner or renter with the equipment required pursuant to sec-
17 tion 7 of this act and any rule or regulation made pursuant thereto

18 Section 10 Prohibited Acts Special Regulations (a) No person shall

1 operate any vessel in a negligent manner so as to endanger any other
2 person vessel or property

3 (b) No person shall operate a vessel while intoxicated

4 (c) Negligent operation of water skis and aquaplanes No person
5 shall operate or manipulate any vessel tow rope or other device by which
6 the direction speed or location of water skis an aquaplane or similar de-
7 vice may be affected or controlled in such a way as to cause the water
8 skis aquaplane or similar device or any person thereon to collide with or
9 strike against any object or person or in any way cause damage or injury
10 to said object or person No person shall violate any safety regulation
11 which has been established by the board to protect persons or property

12 (d) No unauthorized person shall erase deface change paint on or in
13 any way tamper with any identification number on the bow of a vessel

14 (e) The board may make special or specific rules which may vary
15 from locality to locality to meet local conditions for the regulation of
16 water skiing and aquaplaning and in addition may require the presence of
17 two adult persons in the towing vessel or a wide angle rear view mirror
18 The provisions of section 16 shall be applicable to these rules

19 Section 11 Collisions Accidents and Casualties (a) It shall be the
20 duty of the operator of a vessel involved in a collision accident or other

1 casualty so far as he can do so without serious danger to his own vessel
2 crew and passengers (if any) to render to other persons affected by the
3 collision accident or other casualty such assistance as may be practicable
4 and as may be necessary in order to save them from or minimize any
5 danger caused by the collision accident or other casualty and also to give
6 his name address and identification of his vessel in writing to any per-
7 son injured and to the owner of any property damaged in the collision
8 accident or other casualty

9 (b) In the case of collision accident or other casualty involving a
10 vessel the operator thereof if the collision accident or other casualty
11 results in the death or disabling of any person for a period in excess
12 of seventy-two hours or more or damage to property in excess of one
13 hundred dollars (\$100.00) shall file with the board within seven days
14 of the occurrence thereof a full description of the collision accident
15 or other casualty including such information as said agency may by
16 regulation require Such reports shall not be released to the public and
17 shall not be used as evidence

18 Section 12 Transmittal of Information Upon official request any
19 information compiled or otherwise available to the board shall be trans-
20 mitted to an authorized official or agency of the United States

1 Section 13 Regattas Races Marine Parades Tournaments or Ex-
2 hibitions (a) The board may authorize the holding of regattas motor-
3 boat or other boat races marine parades tournaments or exhibitions
4 on any waters of this Commonwealth It shall adopt and may from
5 time to time amend regulations concerning the safety of vessels and
6 persons thereon either observers or participants Whenever such a
7 regatta motorboat or other boat race marine parade tournament or
8 exhibition is proposed to be held the person in charge thereof shall at
9 least fifteen days prior thereto file an application with the board for
10 permission to hold such regatta motorboat or other boat race marine
11 parade tournament or exhibition The application shall set forth the date
12 time and location where it is proposed to hold such regatta motorboat
13 or other boat race marine parade tournament or exhibition and it shall
14 not be conducted without authorization of the board in writing

15 (b) The provisions of this section shall not exempt any person from
16 compliance with any applicable Federal law or regulation in addition
17 to this act

18 Section 14 Local Regulation Prohibited (a) Except as hereinafter
19 provided the provisions of this act and of other applicable laws of this

1 Commonwealth shall govern the use operation equipment numbering
2 and all other matters relating thereto whenever any vessel shall use the
3 waters of this Commonwealth or when any activity regulated by this
4 act shall take place thereon and no political body or subdivision of
5 this Commonwealth shall regulate or otherwise legislate for any of the
6 subjects dealt with in this act

7 (b) Any political subdivision of this Commonwealth may at any
8 time but only after public notice make formal application to the board
9 for special rules and regulations with reference to the operation of
10 vessels on any waters within its territorial limits and shall set forth
11 therein the reasons which make such special rules or regulations neces-
12 sary or appropriate

13 Section 15 Operator's Civil Liability The operator of a vessel
14 shall be liable for any injury or damage occasioned by the negligent
15 operation of such vessel Nothing contained herein shall be construed
16 to relieve any other person from any liability which he would other-
17 wise have but nothing contained herein shall be construed to authorize
18 or permit any recovery in excess of injury or damage actually incurred

19 Section 16 Regulations (a) The board is hereby authorized to
20 make rules and regulations governing the use of equipment or operation

1 of vessels water skis or aquaplanes or other similar devices on any
2 waters within the territorial limits of this Commonwealth A copy of the
3 regulations adopted pursuant to this act and of any amendments there-
4 to shall be filed in the office of the Secretary of the Commonwealth A
5 copy of any regulation or amendment thereto shall be furnished by
6 the board to any person requesting it

7 (b) The board is hereby authorized to make rules and regulations
8 in connection with the administration and enforcement of this act in
9 so far as its authority and responsibility are concerned hereunder

10 (c) The board and Department of Revenue may make rules and
11 regulations or changes thereto which shall become effective only after
12 they have been publicly advertised three times in newspapers having
13 daily and weekly circulation at least thirty days before the date on
14 which they become effective During this thirty day period any interested
15 party or boating organization such as but not limited to any flotilla of
16 the United States Coast Guard Auxiliary in Pennsylvania any squadron
17 of the United States Power Squadron in Pennsylvania the Erie Boat-
18 ing Association the Delaware River Yachtsmens League the Pennsyl-
19 vania Pleasure Boat Association Incorporated or Delaware River Pilots
20 Association may demand a public hearing on the proposed rules and

1 regulations Such public hearing must be held and advertised if one board
2 member concurs

3 (d) Whenever rules and regulations are made or new waterway
4 facilities are proposed in connection with this act that affect the Dela-
5 ware River or its navigable tributaries the Navigation Commission
6 for this designated area shall be consulted for approval

7 Section 17 Administration and Enforcement (a) The board is
8 hereby empowered and its duty shall be to supervise the administration
9 and the enforcement of the provisions of this act the rules and regula-
10 tions prescribed and promulgated hereunder and any existing laws regu-
11 lating the operation and equipment of vessels whenever such vessels
12 are operated on any waters of this Commonwealth the establishment
13 of educational programs and the improvement of waterway facilities in-
14 cluding aids to navigation

15 (b) The Secretary of the department subject to the confirmation
16 of the board shall appoint an Executive Director who under the general
17 supervision of the board shall direct administer and coordinate the
18 activities of enforcement regulations and records improving and main-
19 taining of waterway facilities including aids to navigation accounting

1 and contracting and educational programs The Executive Director shall
2 prescribe the specific duties and responsibilities of all his assistants and
3 have authority to hire as many stenographic and clerical assistants as
4 may be necessary and to release them subject to civil service regulations
5 whenever their services are no longer required The Executive Director
6 shall reside in Pennsylvania and have at least a college degree or
7 equivalent ten years administrative experience and ten years of ship
8 or motorboat experience His salary shall be determined by the board
9 in accordance with the provisions of The Administrative Code of 1929

10 (c) The Secretary of the department shall appoint three assistant
11 directors satisfactory to the Executive Director one to assist in matters
12 pertaining to enforcement regulations and records one to assist in mat-
13 ters pertaining to improving and maintaining of waterway facilities and
14 aids to navigation and one to assist in matters pertaining to educational
15 programs Each assistant director shall have a college degree or equi-
16 valent three years administrative experience and three years ship or
17 motorboat experience A degree in civil engineering would be desirable
18 for the Assistant Director for waterway facilities

19 (d) On the recommendation of the Executive Director the board
20 may designate and empower any qualified person as an enforcement

1 officer when the appointment of such person is in the best interest of
2 service Individuals appointed as enforcement personnel should be quali-
3 fied through experience or training and as a minimum requirement
4 should have the United States Coast Guard Auxiliary certificate as
5 inspector examiner or its equivalent

6 (e) Every person designated to enforce the provisions of this act
7 shall when in uniform or carrying other means of identification have
8 the authority to stop and board any vessel subject to this act for the
9 purpose of inspection or compliance with this act and is empowered to
10 issue a summons for appearance in court or before a magistrate for all
11 violations of this act or of the rules and regulations prescribed here-
12 under which they may witness Provided That any vessel lying at its
13 regular mooring or berth shall not be boarded without the owner's per-
14 mission or a legal search warrant Vessels of enforcement personnel shall
15 be marked to identify them as enforcement personnel

16 (f) Any power duty or jurisdiction conferred or imposed by this
17 act shall be deemed to be supplemental to any existing power duty or
18 jurisdiction conferred or imposed by law on any other administrative
19 department board or commission of the Commonwealth over upon or
20 in any waters of this Commonwealth and it shall be the duty of every

1 such department board or commission to cooperate with the board and
2 Executive Director in carrying out the purposes of this act

3 (g) The services of other departments of the Commonwealth of
4 Pennsylvania may be used by the Executive Director to accomplish any
5 of the provisions of this act if there is adequate efficiency by so doing
6 The various departments and commissions shall cooperate to the maxi-
7 mum extent that is feasible

8 (h) The board shall have authority to inaugurate a comprehensive
9 boating safety and boating educational program and to seek the coopera-
10 tion of organized boatmen the Federal government and other states
11 The board may issue safety certificates to adults and minors who com-
12 plete courses in boating safety education

13 Section 18 Disposition of Fees etc (a) All certificates fees fines and
14 penalties collected or received under the provisions of this act shall be
15 paid into the State Treasury through the Department of Revenue and
16 credited to the Boating Fund of the department for the use of the board

17 All disbursements from said fund shall be only for the purposes of this
18 act

19 (b) Effective two years after the enactment of this act the board
20 shall see to it that not more than fifty per centum of the receipts shall

1 be used for the enforcement and administration of this act exclusive
2 of the cost of certificating and numbering The remaining receipts shall
3 be delivered to the board for use in improving waterway facilities and
4 for an effective educational program

5 (c) The board is authorized to make reasonable reimbursements
6 to the Department of Revenue for its services in the administration of
7 this act

8 Section 19 Obstructing Officer in the Execution of Process Who-
9 ever knowingly wilfully and forcibly obstructs resists or opposes any
10 officer or other person duly authorized in serving or attempting to
11 serve or execute any legal process or order or in making a lawful arrest
12 or assaults or beats any officer or person duly authorized in serving or
13 executing any such legal process or order or for and because of having
14 served or executed the same or in making a lawful arrest or rescues
15 another in legal custody shall be guilty of a misdemeanor and shall
16 upon conviction thereof be sentenced to pay a fine not exceeding one
17 thousand dollars (\$1,000.00) or to undergo imprisonment not exceeding
18 one year or both

19 Section 20 Penalties (a) Any person who violates any provision of

1 sections 5 6 7 9 10 11 and 13 or any rule or regulation made pursuant
2 to this act with the exception of section 11 (a) shall for the first or
3 second offense upon conviction in a summary proceeding commenced
4 before a magistrate in the county where the alleged violation occurred
5 be sentenced to pay a fine of not less than ten dollars (\$10.00) nor
6 more than fifty dollars (\$50.00) and costs of prosecution and in default
7 of payment thereof shall be sentenced to undergo imprisonment for
8 not more than thirty days and for a third and subsequent offense within
9 three years from the date of the first offense shall be guilty of a misde-
10 meanor and shall upon conviction thereof be sentenced to pay a fine of
11 not less than one hundred dollars (\$100.00) nor more than three hundred
12 dollars (\$300.00) or to undergo imprisonment not exceeding one year or
13 both Any person who violates section 11 (a) of this act shall be guilty of
14 a misdemeanor and shall upon conviction thereof be sentenced to pay a
15 fine of five hundred dollars (\$500.00) and/or one year imprisonment

16 All summary proceedings under the provisions of this act shall
17 be commenced by affidavit made within six months after the date of
18 any violation before a magistrate within the county where the alleged
19 violation occurred

20 Section 21 Acknowledgment of Guilt Any person charged with

1 violating any provisions of this act other than those designated as a
2 misdemeanor may sign an acknowledgment of the offense committed
3 either before or after the beginning of prosecution and to pay any
4 duly appointed and authorized officer of the board the minimum fine
5 provided by this act together with costs accruing to that date Such per-
6 son shall receive a printed receipt therefor which shall bear the imprint
7 of the seal of the board which shall be evidence of full satisfaction of the
8 offense committed except as otherwise provided in this act The receipts
9 are to be numbered in a manner prescribed by the board and each in-
10 dividual officer or organization will be accountable to the board for the
11 receipts issued to them Before acknowledging guilt the violator must be
12 furnished with a written explanation that his acknowledgment is voluntary
13 and that he may if he prefers have a hearing before a local magistrate

14 Section 22 Appropriation and Reimbursement The sum of one
15 hundred thousand dollars (\$100,000.00) or so much thereof as may be
16 necessary is hereby appropriated out of the General Fund to the Boating
17 Fund of the department which fund is hereby created for the use of the
18 board in carrying out reasonable and necessary activities preparatory
19 to the placing of this act into effect Provided That from the sum so
20 appropriated the board shall reimburse the Department of Revenue for

1 its reasonable and necessary preparatory activities prior to the effective
2 date of this act And provided further That in addition to the sum so
3 appropriated to the Boating Fund of the department such sums as may
4 be collected through the registration and numbering of vessels or other-
5 wise prior to the effective date of this act are likewise appropriated to
6 the Boating Fund of the department In order to reimburse the General
7 Fund for as much of the appropriation herein made as is used for the
8 purposes herein aforesaid relative to the administration and enforce-
9 ment of this act the sum of one hundred thousand dollars (\$100,000.00)
10 or so much thereof as may be necessary shall be transferred from the
11 Boating Fund of the department to the General Fund in such amounts
12 and at such times as the department with the approval of the Governor
13 shall direct Such transfers shall be made by the State Treasurer upon
14 warrants of the Auditor General upon requisition of the board The
15 moneys in the Boating Fund of the department are hereby specifically
16 appropriated to the board for transfer from time to time as provided
17 in this section

18 Section 23 Repeals The following acts or parts of acts are repealed

19 (1) The act of June 5 1913 (P L 439) entitled "An act regulating
20 the operation of motor-boats and providing a penalty"

1 (2) The act of April 24 1929 (P L 653) entitled "An act regulating
2 the operation of certain boats upon lakes wholly within the Common-
3 wealth by requiring the use of lights on all boats at certain hours"

4 (3) The act of May 28 1931 (P L 202) entitled "An act providing
5 for the licensing and regulation of motor boats operated or navigated
6 upon any public stream artificial or natural body of water or non-tidal
7 waters of any river within the Commonwealth conferring powers and
8 imposing duties on certain police officers and the Board of Fish Com-
9 missioners including the enforcement of certain existing laws and pre-
10 scribing penalties"

11 (4) The act of May 16 1945 (P L 591) entitled "An act to add
12 section one point one to the act approved the twenty-eighth day of
13 May one thousand nine hundred thirty-one (Pamphlet Laws two
14 hundred two) entitled 'An act providing for the licensing and regula-
15 tion of motor boats operated or navigated upon any public stream arti-
16 ficial or natural body of water or non-tidal waters of any river within
17 the Commonwealth conferring powers and imposing duties on certain
18 police officers and the Board of Fish Commissioners including the
19 enforcement of certain existing laws and prescribing penalties' by

1 further limiting the operation of motor boats on certain waters”

2 Section 24 Saving Clause This act shall not repeal or modify any
3 of the provisions of the following acts or parts of acts or any of their
4 amendments

5 (1) The act of April 20 1945 (P L 282) entitled “An act to amend
6 subdivision five of the compact contained in the act approved the fifth
7 day of June one thousand nine hundred thirty-seven (Pamphlet Laws
8 one thousand six hundred sixty-four) entitled ‘An act to ratify and
9 adopt a compact or agreement negotiated by commissioners designated
10 by the Governor of the Commonwealth of Pennsylvania and commis-
11 sioners designated by the Governor of the State of Ohio relative to the
12 development use and control of the Pymatuning Lake and the State
13 owned land surrounding said lake for fishing hunting recreational and
14 park purposes’ so as to permit on portions of said lake the operation of
15 boats equipped with motors of six horsepower or less”

16 (2) The act of June 19 1953 (P L 279) entitled “An act to prohibit
17 operation of boats having a developed horsepower rating in excess of
18 ten on Canadohta Lake in Crawford County”

19 (3) The act of October 22 1955 (P L 721) entitled “An act pro-

- 1 hibiting operation of boats having a manufacturer's horsepower rating
- 2 in excess of seven and one-half on Quaker Lake in Susquehanna County"
- 3 Section 25 Effective Date This act shall take effect immediately

We certify that this bill has passed the Senate and the House of Representatives.

.....
Chief Clerk, Senate

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President pro tempore, Senate

.....
Speaker, House of Representatives

Approved The day of A. D. 1961.

.....
Governor