

No. 1977-87

AN ACT

HB 1765

Amending the act of May 28, 1931 (P.L.202, No.121), entitled, as amended, "An act providing for the registration of motor boats and the regulation of vessels operated or navigated upon, over or through inland or tidal waters, whether artificial or natural, within the Commonwealth; conferring powers and imposing duties on certain police officers, the Pennsylvania Fish Commission and the Navigation Commission for the Delaware River and its navigable tributaries, including the enforcement of certain existing laws; granting powers and imposing duties upon the Department of Revenue; and prescribing penalties," *transferring certain powers and duties of the Department of Revenue to the Pennsylvania Fish Commission.*

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

Section 1. The title, act of May 28, 1931 (P.L.202, No.121), known as the "Motor Boat Law," amended October 18, 1973 (P.L.301, No.93), is amended to read:

AN ACT

Providing for the registration of motor boats and the regulation of vessels operated or navigated upon, over or through inland or tidal waters, whether artificial or natural, within the Commonwealth; conferring powers and imposing duties on certain police officers [,] *and* the Pennsylvania Fish Commission [*and the Navigation Commission for the Delaware River and its navigable tributaries*], including the enforcement of certain existing laws; [*granting powers and imposing duties upon the Department of Revenue;*] and prescribing penalties.

Section 2. Subsections A, B, C and E of section 3 of the act, subsections A and E amended August 14, 1963 (P.L.808, No.400) and subsections B and C amended July 24, 1973 (P.L.199, No.48), are amended to read:

Section 3. A. Any person owning a motor boat and desiring to operate or navigate the boat, or cause it to be operated or navigated, on any inland or tidal waters of the Commonwealth of Pennsylvania, shall make a written application to the [**Department of Revenue**] *commission* or to any issuing agent authorized by the [**department**] *commission*, as hereinafter provided, for a registration for such boat. Such application shall be made on a form prescribed, prepared, and furnished by the [**Department of Revenue**] *commission*, and, together with such other information as the commission may require, shall state:

The name and address of the applicant, and, if the applicant is a partnership, the names and addresses of all the partners, and, if the applicant is a corporation, the names and addresses of the officers.

B. Upon receipt of a signed application, and upon the payment of an annual registration fee, and in the event that the registration is issued by an issuing agent, a fee of twenty-five cents (25¢) for the use of the county if the issuing agent is the county treasurer, otherwise for the use of the issuing agent, the **[Department of Revenue] commission** or its issuing agent shall issue to the applicant owner a certificate of registration for his boat. The registration number shown on the certificate of registration shall be painted on or attached to each side of the bow of the motor boat in order that it may be clearly visible. No other number shall be displayed on the bow. The number shall be maintained in a legible condition. Registration fees for a one-year period shall be four dollars (\$4) for any boat of less than sixteen (16) feet. The annual registration fee for boats of sixteen (16) feet or more in length shall be six dollars (\$6). Watercraft other than motor boats may be similarly registered at the option of the owner.

C. The **[Department of Revenue] commission** may designate as issuing agents the county treasurer or such other persons in each county, as it deems advantageous, to provide for the issuance of motor boat registration in accordance with the provisions of this section. For services rendered in collecting and paying over such registration fees, each issuing agent shall charge and retain an additional fee of twenty-five cents (25¢) from the person securing the registration; however, if the issuing agent is the county treasurer, the fee shall be retained for the use of the county.

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E. Each issuing agent, other than a county treasurer, shall remit all moneys collected for the Commonwealth within five (5) days after the end of each month to the State Treasurer, through the **[Department of Revenue] commission**, together with a copy of a list of registrations issued during the preceding month.

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Section 3. Sections 4 and 6 of the act, amended August 14, 1963 (P.L.808, No.400), are amended to read:

Section 4. Dealers' registration numbers, bearing the additional mark "X," may be used on any motor boat in the possession of such manufacturer, jobber, or dealer when the boat is being used for demonstration trial or test purposes. Application for dealers' registrations shall be made upon a form provided by the **[Department of Revenue] commission**, and shall set forth the full name and business address of the applicant and such other information as the **[Department of Revenue] commission** shall require, and shall be signed by such manufacturer, jobber or dealer. Upon receipt of the application, and upon the payment of a registration fee of five dollars for the initial set and five dollars for each additional set, the **[Department of Revenue] commission** shall issue to the applicant manufacturer, jobber, or dealer a dealer's registration number which shall be displayed conspicuously on each side of the bow of the boat being used by the dealer.

Section 6. Special registrations shall be issued free of charge by the **[Department of Revenue] commission** for State owned and operated motor boats.

Section 4. Section 7 of the act, subsections A and B added August 14, 1963 (P.L.808, No.400) and subsection B amended August 23, 1967 (P.L.274, No.111), is amended to read:

Section 7. A. The owner of a vessel numbered in this State pursuant to subsection B of section 3 of this act, or by the Federal Government **[pursuant to the Federal Boating Act of 1958]**, shall furnish the **[Department of Revenue] commission** notice of the transfer of all or any part of his interest other than the creation of a security interest in a vessel, or of the destruction, or abandonment of such vessel, within fifteen (15) days thereof. Such transfer, destruction, or abandonment shall terminate the certificate of registration for such vessel, except that in the case of a transfer of a part interest which does not affect the owner's right to operate such vessel, such transfer shall not terminate the certificate of registration.

B. Any holder of a certificate of registration shall notify the **[Department of Revenue] commission** within fifteen (15) days, if his address no longer conforms to the address appearing on the certificate and shall, as a part of such notification, furnish the **[Department of Revenue] commission** with his new address. The commission may provide in its rules and regulations for the surrender of the certificate bearing the former address and its replacement with a certificate bearing the new address of the holder.

Section 5. Sections 14 and 15 of the act, amended August 14, 1963 (P.L.808, No.400), are amended to read:

Section 14. All registration fees, fines and penalties, collected or received under the provisions of this act, shall be paid into the State Treasury, through the **[Department of Revenue] commission**, and credited to the Boating Fund of the Fish Commission **[with the exception of such sums resulting from application of the provisions of subsection (h) of section 11 of this act]**. All moneys received under the provisions of this act shall be expended for the purposes of the act and shall be shown in detail by the respective commissions receiving such funds in every annual report or annual statement rendered by them.

Section 15. Any person violating any provision of this act, or any rule or regulation prescribed by the commission under this act, shall, upon conviction thereof in a summary proceeding before a justice of the peace, alderman or magistrate, be sentenced to pay a fine of not less than five dollars and costs, nor more than one hundred dollars and costs, or, in default of payment thereof, thirty days in jail; and, in addition, the **[Department of Revenue] commission** may revoke the registration issued for the motor boat used by such person.

Section 6. This act shall take effect immediately.

APPROVED—The 1st day of December, A. D. 1977.

MILTON J. SHAPP