

No. 226

AN ACT

HB 612

Designating a certain bridge connecting York and Lancaster Counties as the Norman Wood Bridge.

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

Section 1. The bridge crossing the Susquehanna River and connecting Route 74 in York County with Route 372 in Lancaster County is hereby officially designated and shall be known as the "Norman Wood Bridge."

Section 2. This act shall take effect immediately.

APPROVED—The 24th day of October, A. D. 1967.

RAYMOND P. SHAFER

No. 227

AN ACT

SB 443

Relating to maximum capacity of certain vessels and boats; providing for capacity plates; prescribing powers and duties of the Pennsylvania Fish Commission and prescribing penalties.

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

Section 1. Every vessel less than twenty-six feet in length designed to carry two or more persons and to be propelled by machinery as its principal source of power or designed to be propelled by oars, shall, if manufactured, transferred or offered for sale in this State, have affixed permanently thereto by the manufacturer, dealer or owner a capacity plate as required by this act. Canoes and sailboats shall be exempt from the provisions of this section. As used in this act, "manufacture" means to construct or assemble a vessel or alter a vessel in such manner as to change its weight carrying capacity.

Section 2. A capacity plate shall bear the following information permanently marked thereon in such manner as to be clearly visible and legible from the position designed or normally intended to be occupied by the operator of the vessel when under way:

(1) For all vessels designed for or represented by the manufacturer as being suitable for use with outboard motor:

(i) The total weight of persons, motor, gear and other articles placed aboard which the vessel is capable of carrying with safety under normal conditions.

(ii) The recommended number of persons commensurate with the weight capacity of the vessel and the presumed weight in pounds of each such person. In no instance shall such presumed weight per person be less than one hundred fifty pounds.

(iii) Clear notice that the information appearing on the capacity plate is applicable under normal conditions and that the weight of the outboard motor and associated equipment is considered to be part of total weight capacity.

(iv) The maximum horsepower of the motor the vessel is designed or intended to accommodate.

(2) For all other vessels to which the act applies:

(i) The total weight of persons, gear and other articles placed aboard which the vessel is capable of carrying with safety under normal conditions.

(ii) The recommended number of persons commensurate with the weight capacity of the vessel and the presumed weight in pounds of each such person. In no instance shall such presumed weight per person be less than one hundred fifty pounds.

(iii) Clear notice that the information appearing on the capacity plate is applicable under normal conditions.

Section 3. The information relating to maximum capacity required to appear on capacity plates by section 2 of this act shall be determined in accordance with such methods and formulas as shall be prescribed by rule or regulation adopted by the Pennsylvania Fish Commission. In prescribing such methods and formulas, the Pennsylvania Fish Commission shall be guided by and give due regard to the necessity for uniformity in methods and formulas lawful for use in determining small vessel capacity in the several states and to any methods and formulas which may be recognized or recommended by the United States Coast Guard, or any agency successor thereto.

Section 4. Any vessel to which this act applies not having a capacity plate meeting the requirements of law affixed thereto by the manufacturer thereof may have such affixed by any other person in accordance with such rules and regulations as the Pennsylvania Fish Commission may prescribe, and may thereafter be offered for sale in this State, but no action taken pursuant to this section, or in the manner described herein, shall relieve any manufacturer from liability for failure to comply with the requirements of this act.

Section 5. The information appearing on a capacity plate shall be deemed to warrant that the manufacturer, or the person affixing the capacity plate as permitted by section 4 of this act, as the case may be, has correctly and faithfully employed a method and formula for the calculation of maximum weight capacity prescribed by the Penn-

sylvania Fish Commission and that the information appearing on the capacity plate with respect to maximum weight capacity and recommended number of persons is the result of the application of such method and formula, and with respect to information concerning horsepower limitations that such information is not a deliberate or negligent misrepresentation.

Section 6. If any vessel required by this act to have a capacity plate affixed thereto is of such design or construction as to make it impracticable or undesirable to affix such plate, the manufacturer, or other person having the responsibility for affixing the plate, may represent such impracticability or undesirability to the Pennsylvania Fish Commission in writing. Upon determination by the commission that such representation has merit and that a proper and effective substitute for the capacity plate which will serve the same purpose is feasible, the commission may authorize such alternative compliance and such alternative compliance shall thereafter be deemed in compliance with the capacity plate requirements of this act.

Section 7. The Pennsylvania Fish Commission may by rules or regulations exempt from the requirements of this act vessels which it finds to be of such unconventional design or construction that the information required on capacity plates would not assist in promoting safety or is not reasonably obtainable.

Section 8. The Pennsylvania Fish Commission in cooperation with the Navigation Commission may promulgate rules and regulations to carry out the purposes of this act. This act shall apply to vessels manufactured, transferred or sold after January 1, 1969.

Section 9. Exceeding the loading and horsepower limits shall be prima facie evidence of negligent operation.

Section 10. Any person who violates the provisions of this act or rules or regulations promulgated thereunder shall, in a summary proceeding, be sentenced to pay a fine of not less than ten dollars (\$10) and not more than one hundred dollars (\$100) and costs of prosecution, and in default of the payment thereof shall be sentenced to undergo imprisonment for not less than ten days nor not more than ninety days. Failure to affix a proper capacity plate shall constitute a separate violation for each vessel with respect to which such failure occurs.

Section 11. This act shall take effect immediately.

APPROVED—The 25th day of October, A. D. 1967.

RAYMOND P. SHAFER