

No. 93

AN ACT

HB 875

Amending the act of May 28, 1931 (P.L.202, No.121), entitled, as amended, "An act providing for the registration and regulation of motor boats operated or navigated upon any public stream, artificial or natural body of water, or any river 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," redefining "motor boat" and "vessel," defining "ice boat," including documented vessels within the act for certain purposes, providing for regulation of vessels upon all waters of the Commonwealth, protecting users of vessels rented by livery operators, changing provisions on numbering of boats, accident reports and rules and regulations, and making changes to conform to existing law.

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

Section 1. The title and sections 1 and 2, act of May 28, 1931 (P.L.202, No.121), known as the "Motor Boat Law," amended August 14, 1963 (P.L.808, No.400), are amended to read:

AN ACT

Providing for the registration *of motor boats* and *the* regulation of [**motor boats**] *vessels* operated or navigated upon, [**any public stream**] *over or through inland or tidal waters, whether* artificial or natural, [**body of water, or any river**] 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.

Section 1. Be it enacted, &c., That the following words and terms, when used in this act, shall have the meanings ascribed to them in this section:

"Commission." The Pennsylvania Fish Commission of the Commonwealth or its duly authorized representatives.

"*Ice Boat*" *includes every description of ice craft or motor-driven contrivance used, or capable of being used, as a means of transportation on ice.*

"Inland Waters." Any non-tidal stream, river, lake, artificial or natural body of water within the Commonwealth.

"Motor Boat." Any vessel [**propelled by**] *equipped with propelling machinery. [whether or not such machinery is the principal source of propulsion, except a vessel possessing a valid marine document issued by the Bureau of*

Customs of the United States or any Federal agency successor thereto, or by any foreign government]

“Navigation Commission.” The Navigation Commission for the Delaware River and its navigable tributaries or its authorized representatives.

“Operate” means to navigate or otherwise use a vessel.

“Owner” means a person, other than a lien holder, having the property in or title to a vessel. The term includes a person entitled to the use or possession of a vessel subject to the interest of another person reserved or created by agreement and securing payment or performance of an obligation, but the term excludes a lessee under a lease not intended as security.

“Person.” An individual, copartnership, association, or corporation.

“Tidal Waters.” All tidal waters of the Delaware River and its navigable tributaries within the Commonwealth of Pennsylvania.

“Vessel” means every description of watercraft, other than seaplanes, **[on the water used or capable] constructed and/or sold for the primary purpose** of being used as a means of transportation on *the* water, **[or on ice, it being the intent that ice boats shall be regarded as watercraft for the purpose of this act, but shall not include foot and hand propelled craft.] except:**

- (1) Surf boards and other similar contrivances used primarily as swimming aids; and**
- (2) Commercial craft subject to Federal manning and inspection requirements.**

The masculine shall include the feminine or neuter and the singular shall include the plural.

Section 2. It shall be unlawful for any person to operate or navigate, or cause to be operated or navigated, any motor boat upon, over, or through inland or tidal waters unless the boat is registered and a proper registration number is displayed on each side of the bow of the boat as hereinafter required, and unless the boat is operated or navigated in conformity with the rules and regulations prescribed by the commission by authority of this act. The certificate of registration shall be renewable pocket size and available at all times for inspection on the vessel for which issued whenever such vessel is in operation. ***The certificate of number for vessels less than twenty-six feet long, leased or rented for the noncommercial use of less than twenty-four hours may be retained on shore by the vessel's owner or his representative at the place from which the vessel departs or returns to the possession of the owner or his representative. A vessel which does not have the certificate of number on board shall be identified while in use and comply with all other requirements of this act, as amended.***

Section 2. Clause (a) of subsection F of section 3 of the act, added August 14, 1963 (P.L.808, No.400), is amended and a clause is added to read:

Section 3. * * *

F. The numbering requirements of this act shall not apply to:

(a) Any boat awarded a number by another state under a numbering system approved by Federal authority **[for the same period of time during which that state extends a similar reciprocal privilege to boats from this State, but in no event less than ninety (90) days, nor shall such requirements apply to any boat numbered by Federal authority until the expiration date of the Federal numbering]** shall have its number recognized as valid by Pennsylvania for a period of sixty (60) days.

* * *

(e) Any vessel possessing a valid marine document issued by the United States Coast Guard or any Federal successor thereto or by any foreign government.

Section 3. Sections 10, 10.1 and 10.2, subsection (a) of section 10.3, subsections (a), (b) and (c) of section 11 and subsection (d) of section 13.1 of the act, added or amended August 14, 1963 (P.L.808, No.400) or October 5, 1967 (P.L.320, No.139), are amended to read:

Section 10. Every owner of a **[motor boat] vessel** causing or knowingly permitting any person to operate **[a motor boat] such vessel** on any inland or tidal waters, and any person who leases or furnishes a **[motor boat] vessel** to any other person, shall be jointly and severally liable with such other person for any damages caused by the negligence of such other person in operating such **[motor boat] vessel**.

Section 10.1. (a) The owner of a boat livery shall cause to be kept a legible record of the name and address of the person or persons hiring **[any] a vessel [which is designed or permitted by him to be operated as a motor-boat]**, the identification number thereof, and the departure date and time and the expected or actual time of return. This record shall be preserved for at least one year.

(b) Neither the owner of a boat livery nor his agent or employe shall permit **[any] a vessel [designed or permitted by him to be operated as a motor-boat]** to depart from his premises unless it shall have been provided, either by owner or **[renter] user**, with the equipment required pursuant to this act and its implementing regulations.

Section 10.2. (a) No person shall operate any vessel *or ice boat* in a negligent manner so as to endanger any other person, vessel or property.

(b) No person shall operate a vessel *or ice boat* while intoxicated.

(c) No person shall operate or manipulate any vessel tow rope or other device by which the direction, speed or location of water skis, an aquaplane or similar device may be affected or controlled in such a way as to cause the water skis, aquaplane or similar device, or any person thereon, to collide with or strike against any object or person, or in any way cause damage or injury to said object or person. No person shall violate any safety regulation which has been established by the commission to protect persons or property.

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

(e) The commission may make special or specific rules which may vary from locality to locality to meet local conditions **[for the regulation of water skiing and aquaplaning and, in addition, may require the presence of two persons in the towing vessel or a wide angle rear view mirror.]** *for the overall safe control and regulation of recreational boating.* The provisions of section 11 shall be applicable to these rules.

Section 10.3. (a) In the case of a boating accident, **[each operator thereof, if the vessel is numbered by the Commonwealth of Pennsylvania, or] the operator of each vessel involved** if the accident occurs on waters within the jurisdiction of the Commonwealth, **[and if the accident results in death or if it results in the disappearance of any person under circumstances which indicate the possibility of death or injury, or if it results in injury to any person sufficient to require medical attention, or if it appears to have resulted in loss of or damage to property of any kind (including the vessel) in excess of one hundred dollars (\$100), shall file with the Pennsylvania Fish Commission a duplicate written report of the casualty. Whenever death has resulted from a boating accident, the written report shall be submitted within forty-eight (48) hours of the accident. For every other reportable boating accident, a written report shall be submitted within five (5) days.]** *shall submit a written accident report to the Pennsylvania Fish Commission within the time prescribed and containing information as required by regulations promulgated hereunder.* If the operator is physically incapable, as a result of the accident, of making a report, it shall be the duty of the owner, or investigating official, in that order. The investigating official will only sign this report where the others are not available because of injury or circumstances making it impractical *to submit a written accident report to the Pennsylvania Fish Commission within the time prescribed and containing information as required by regulations promulgated hereunder.*

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Section 11. The Pennsylvania Fish Commission is hereby authorized and empowered to prescribe, promulgate, and enforce:

(a) General rules and regulations to be observed in the operation or navigation of **[motor boats] vessels** upon, over, or through inland or tidal waters which it shall deem necessary for the public health or the safety of persons or property on or in such waters, or for the preservation of all forms of useful aquatic life, particularly as to speed, lights, signals, courses, channels, rights of way, and the disposal of oil, gas, gasoline, or other wastes from such **[boats] vessels.**

(b) Special rules and regulations for such particular, artificial or natural areas of waters, for further limiting or restricting or prohibiting the operation or navigation of **[motor boats] vessels** thereon to protect the public health, or to protect and preserve useful aquatic life.

(c) Rules and regulations governing the numbering of all motor boats, special provisions applicable to livery operators, dealers and manufacturers; the display of numbers, the renewal of certificates or registration; the notices required in event of transfer of ownership, transfer of interest, abandonment or destruction of numbered vessels, and changes in owner's address; the procedures to be followed and information to be furnished by owners or operators of vessels involved in reportable boating accidents; the compilation and release of statistics on accidents and vessels numbered; safety equipment; and governing operation of vessels, including water skiing, the issuance of permits for races, regattas and marine parades: Provided, That such rules and regulations are not in conflict with Federal laws, rules and regulations on the same subject matter. *To this end, the commission is authorized to amend such rules and regulations as need be to maintain consonance with Federal laws and regulations.*

* * *

Section 13.1. * * *

(d) Every person designated to enforce the provisions of this act shall have the authority to stop and board any vessel subject to this act for the purpose of inspection or compliance with this act, and is empowered to issue a summons for appearance in court or before a magistrate for all violations of this act or of the rules and regulations prescribed hereunder **[which they may witness]**: Provided, That any vessel lying at its regular mooring or berth shall not be boarded without the owner's permission or a legal search warrant. Vessels of enforcement personnel shall be marked to identify them as State boat patrols.

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APPROVED—The 18th day of October, A. D. 1973.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly No. 93.



Secretary of the Commonwealth.