

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE RESOLUTION

No. 73

Session of
1989

INTRODUCED BY GODSHALL AND FREEMAN, APRIL 10, 1989

REFERRED TO COMMITTEE ON RULES, APRIL 10, 1989

A RESOLUTION

1 Requesting the State of New Jersey to cease and desist from
2 enforcing certain boating laws on the Delaware River.

3 WHEREAS, The Delaware River forms the boundary between the
4 Commonwealth of Pennsylvania and the State of New Jersey; and

5 WHEREAS, In 1783, the State of New Jersey entered into a
6 solemn compact with the Commonwealth of Pennsylvania for
7 settling jurisdiction over the Delaware River and the islands
8 within the same; and

9 WHEREAS, The 1783 Compact declares that the Delaware River,
10 "in the whole length and breadth thereof, is and shall continue
11 to be and remain a common highway, equally free and open for the
12 use, benefit and advantage" of Pennsylvania and New Jersey; and

13 WHEREAS, The State of New Jersey has for many years required
14 operators of power boats on the nontidal waters of New Jersey to
15 have boat operators' licenses; and

16 WHEREAS, In 1988, the State of New Jersey enacted legislation
17 requiring young people, 13 to 16 years of age, to complete a

1 mandatory boat safety education course and present certification
2 of completion of this course to operate a power boat on the
3 nontidal waters of New Jersey; and

4 WHEREAS, Under Pennsylvania law, Pennsylvanians have the
5 license and privilege of operating power boats on the waters of
6 this Commonwealth, including boundary waters, without being
7 required to comply with any administrative requirements for
8 purchase and possession of a boating license; and

9 WHEREAS, New Jersey has declared its intention to enforce its
10 boating license and mandatory boating education requirements
11 against residents of Pennsylvania who boat on the Delaware River
12 and to require Pennsylvanians to purchase a New Jersey boating
13 license to boat on the Delaware River; and

14 WHEREAS, New Jersey's actions violate the solemn compact
15 between our two states and infringe on the privileges and
16 immunities of citizens of the United States and Pennsylvania to
17 use the interstate, federally navigable waterway, known as the
18 Delaware River; therefore be it

19 RESOLVED, That the House of Representatives of the
20 Commonwealth of Pennsylvania strongly urge the State of New
21 Jersey to forthwith cease and desist violating the rights of
22 Pennsylvanians by attempting to enforce its boating license and
23 education requirements against Pennsylvanians who boat on the
24 Delaware River; and be it further

25 RESOLVED, That the House of Representatives urge the Governor
26 and the Attorney General to take all necessary and appropriate
27 action to encourage the State of New Jersey to forthwith cease
28 and desist its improper attempt to enforce its boating license
29 and education requirements against Pennsylvanians who exercise
30 their right to freely boat on the whole length and breadth of

1 the Delaware River.