

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1107 Session of
1991

INTRODUCED BY FEE, GRUPPO, JAROLIN, BOWLEY, ARMSTRONG, TIGUE,
COHEN, NYCE, TRELLO, ITKIN, LEVDANSKY, SAURMAN, GIGLIOTTI AND
SCHEETZ, APRIL 10, 1991

REFERRED TO COMMITTEE ON GAME AND FISHERIES, APRIL 10, 1991

AN ACT

1 Amending Title 30 (Fish) of the Pennsylvania Consolidated
2 Statutes, designating the commission as the Pennsylvania Fish
3 and Boat Commission; and further providing for the
4 registration of boats.

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

7 Section 1. The definitions of "commission" and "executive
8 director" in section 102 of Title 30 of the Pennsylvania
9 Consolidated Statutes are amended to read:

10 § 102. Definitions.

11 Subject to additional definitions contained in subsequent
12 provisions of this title which are applicable to specific
13 provisions of this title, the following words and phrases when
14 used in this title shall have, unless the context clearly
15 indicates otherwise, the meanings given to them in this section:

16 * * *

17 "Commission." The Pennsylvania Fish and Boat Commission of
18 the Commonwealth.

1 * * *

2 "Executive director." The executive director of the
3 Pennsylvania Fish and Boat Commission.

4 * * *

5 Section 2. Section 301(a) of Title 30 is amended to read:

6 § 301. Organization of commission.

7 (a) Composition.--The Pennsylvania Fish and Boat Commission
8 is continued as an independent administrative commission and
9 shall consist of ten competent citizens of this Commonwealth who
10 shall be appointed by the Governor by and with the advice and
11 consent of two-thirds of the members elected to the Senate for
12 terms of eight years and until their successors are appointed
13 and qualified.

14 * * *

15 Section 3. Title 30 is amended by adding a section to read:
16 § 308. Designation of commission.

17 The Pennsylvania Fish Commission is designated the
18 Pennsylvania Fish and Boat Commission. Prosecutions, licenses,
19 contracts, deeds, enforcement actions and other official actions
20 by the commission shall not be affected by the use of the
21 designation of the commission as the Pennsylvania Fish
22 Commission. The commission may continue to use the name
23 Pennsylvania Fish Commission on badges, citations, field
24 acknowledgments, contracts, licenses, registrations, stationery
25 or any other official documents or emblems until existing
26 supplies are exhausted. The commission may substitute the title
27 "Pennsylvania Fish and Boat Commission" for the title
28 "Pennsylvania Fish Commission" on its documents and materials on
29 such schedule as it deems appropriate.

30 Section 4. Sections 5104, 5122(a)(1), 5301, 5302, 5303,

1 5305, 5306(a), (b) and (c) and 5310 of Title 30 are amended to
2 read:

3 § 5104. Fees.

4 The following fees apply to registrations, licenses, permits
5 and capacity plates issued under this part and the fees
6 collected shall be deposited in the State Treasury in the Boat
7 Fund:

8 (1) Owner registration ([boats] motorboats less than 16
9 feet in length), [\$4] \$10 per year.

10 (2) Owner registration ([boats] motorboats 16 feet [or
11 longer), \$6] to less than 20 feet), \$15 per year.

12 (2.1) Owner registration (motorboats 20 feet or longer),
13 \$20 per year.

14 (2.2) Owner registration (boats not equipped with
15 motors), \$5 per year.

16 (3) Duplicate owner registration, [\$1] \$3 each.

17 (4) Dealer registration, \$15 each per year.

18 (5) [Additional dealer registration, \$5] Commercial
19 passenger boat registration, \$25 each.

20 (6) License for operator of passenger-carrying boat, \$5
21 each.

22 (7) Capacity plate, [\$2] \$5 each.

23 (8) Transfer of a multi-year boat registration, \$5.

24 (9) Permit for floating structure and private aids to
25 navigation, \$10 each.

26 § 5122. Registrations, licenses, permits, plates and
27 statistics.

28 (a) General rule.--The commission may promulgate rules and
29 regulations relating to:

30 (1) Permanent and temporary registration of [motorboats]

1 boats.

2 * * *

3 § 5301. Registration of motorboats required.

4 (a) General rule.--[It] Except as provided in section 5302
5 (relating to exemptions), it is unlawful for any person to
6 operate or navigate, or cause to be operated or navigated, any
7 motorboat upon, over or through the waters of this Commonwealth
8 unless the motorboat is registered in accordance with this
9 chapter.

10 (b) Penalty.--Any person who violates this section commits a
11 summary offense of the third degree.

12 § 5302. Exemptions [from registration].

13 [The registration requirements of this chapter do not apply
14 to:] (a) General rule.--The following classes of boats are
15 exempt from the registration requirements of this chapter:

16 (1) Boats currently registered or awarded a number by
17 another state under a numbering system approved by Federal
18 authority in which case the other state's registration or
19 number will be valid in this Commonwealth for a period [of]
20 not to exceed the first 60 days of use on Commonwealth
21 waters.

22 (2) Foreign boats temporarily using the waters of this
23 Commonwealth.

24 (3) Boats, other than boats used for recreational
25 purposes, which are:

26 (i) owned by the United States[, a state or a
27 subdivision thereof];

28 (ii) used solely for public service functions such
29 as search and rescue; and

30 (iii) clearly identifiable as such.

1 [This paragraph includes boats owned by quasi-public
2 organizations such as volunteer fire departments and river
3 rescue units and used exclusively in the performance of their
4 work in furthering safety and search and rescue on the
5 water.]

6 (4) Lifeboats on ships.

7 (5) Boats possessing a valid marine document issued by
8 the United States Coast Guard, or any Federal successor
9 thereto, or by any foreign government.

10 (6) Boats not equipped with [propelling machinery.]
11 motors.

12 (b) Exemptions by regulation.--The commission may, by
13 regulation, exempt any additional boat or class of boats from
14 the registration provisions of this chapter under such
15 conditions as it may prescribe.

16 (c) Exemption from fees.--The following boats are required
17 to register but are exempt from the owner titling and
18 registration fees of section 5104 (relating to fees):

19 (1) Motorboats owned or operated by the Commonwealth.

20 (2) Motorboats owned by public service organizations
21 approved by the commission and used exclusively for training,
22 education, water safety and other public service functions.

23 (3) Motorboats owned by political subdivisions and
24 quasi-public organizations, such as police departments,
25 volunteer fire departments and river rescue units, and used
26 exclusively in the performance of their work in enforcement,
27 furthering safety and search and rescue on the water.

28 § 5303. Voluntary and special registrations.

29 [(a) Registration of other watercraft.--Watercraft other
30 than motorboats may be registered under this chapter at the

1 option of the owner.

2 (b) Registration of Commonwealth motorboats.--Special
3 registrations shall be issued free of charge by the commission
4 for motorboats owned or operated by the Commonwealth.]

5 Watercraft other than those required to register under this
6 chapter may be registered at the option of the owner upon
7 payment of the fee specified by section 5104 (relating to fees).
8 § 5305. Application for registration.

9 (a) General rule.--Any person owning a [motorboat] boat and
10 desiring to [operate or navigate the motorboat, or cause it to
11 be operated or navigated, on any inland or tidal waters of]
12 register it in this Commonwealth shall make a written
13 application to the commission or to a designated issuing agent
14 [for a registration for the motorboat].

15 (b) Form and content.--The application shall be made on a
16 form prescribed, prepared and furnished by the commission and,
17 together with such other information as the commission may
18 require, shall state the name and address of the applicant and,
19 if the applicant is a partnership, the names and addresses of
20 all the partners, and, if the applicant is a corporation, the
21 names and addresses of the officers.

22 (c) Penalty.--Any person [violating any of the provisions of
23 this section] providing false information in connection with a
24 boat registration commits a summary offense of the [third]
25 second degree.

26 § 5306. Certificate of registration.

27 (a) Issuance.--Upon receipt of a signed application and upon
28 the payment of the annual registration fee, the commission shall
29 issue to the applicant owner a certificate of registration for
30 his [motorboat] boat. The certificate of registration shall be

1 pocket size.

2 (b) Carrying on [motorboat] boat.--The certificate of
3 registration shall be available at all times for inspection on
4 the [motorboat] boat for which issued whenever the [motorboat]
5 boat is in operation, and shall be carried in such manner that
6 it can be handed to any Federal, State or local law enforcement
7 officer authorized to inspect it. The commission may, by
8 regulation, exempt certain classes of boats from this
9 requirement or prescribe alternate compliance requirements.

10 (c) Retention on shore.--The certificate of registration for
11 [motorboats] boats less than 26 feet long, leased or rented for
12 noncommercial use of less than seven days, may be retained on
13 shore by the owner of the [motorboat] boat or his representative
14 at the place from which the [motorboat] boat departs or returns
15 to the possession of the owner or his representative. A
16 [motorboat] boat that does not have the certificate of
17 registration on board shall be identifiable while in use and
18 shall comply with all other requirements.

19 * * *

20 § 5310. Display of registration number.

21 (a) General rule.--The registration number shown on the
22 certificate of registration shall be painted on or attached to
23 each side of the bow of the [motorboat] boat in order that it
24 may be clearly visible. No other number may be displayed on the
25 bow. The number shall be maintained in a legible condition.

26 (b) Exceptions.--The following boats are exempt from the
27 display of registration numbers:

28 (1) Boats possessing a valid marine document issued by
29 the United States Coast Guard or its successor agency.

30 (2) Any other boat or class of boat which the commission

1 determines by regulation to exempt from the display of
2 numbers upon a finding that such display is not practicable
3 or does not aid materially in the identification of the boat
4 and that does not conflict with Federal numbering
5 requirements.

6 [(b)] (c) Penalty.--A person who operates a properly
7 registered [motorboat] boat that does not display a proper
8 registration number commits a summary offense of the fourth
9 degree.

10 Section 5. This act shall apply to boat registrations issued
11 for the calendar year 1992 and each year thereafter.

12 Section 6. This act shall take effect July 1, 1991.