

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 184 Session of
1993

INTRODUCED BY MELIO, TRELLO, DALEY, WOZNIAK AND KASUNIC,
FEBRUARY 3, 1993

REFERRED TO COMMITTEE ON RULES, FEBRUARY 3, 1993

AN ACT

1 Amending Title 30 (Fish) of the Pennsylvania Consolidated
2 Statutes, providing for the titling of marine equipment;
3 further providing for registration of boats; and imposing
4 penalties.

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

7 Section 1. The heading of Chapter 53 of Title 30 of the
8 Pennsylvania Consolidated Statutes is amended and the chapter is
9 amended by adding a subchapter heading to read:

10 CHAPTER 53

11 REGISTRATION AND TITLING OF BOATS

12 SUBCHAPTER A

13 REGISTRATION

14 * * *

15 Section 2. Sections 5301, 5302, 5303, 5304, 5308, 5312 and
16 5313 of Title 30 are amended to read:

17 § 5301. Registration of motorboats required.

18 (a) General rule.--Except as provided in section 5302

1 (relating to exemptions), it is unlawful for any person to
2 operate or navigate, or cause to be operated or navigated, any
3 motorboat upon, over or through the waters of this Commonwealth
4 unless the motorboat is registered in accordance with this
5 [chapter] subchapter.

6 (b) Penalty.--Any person who violates this section commits a
7 summary offense [of the third degree].

8 § 5302. Exemptions.

9 (a) General rule.--The following classes of boats are exempt
10 from the registration requirements of this [chapter] subchapter:

11 (1) Boats currently registered or awarded a number by
12 another state under a numbering system approved by Federal
13 authority in which case the other state's registration or
14 number will be valid in this Commonwealth for a period not to
15 exceed the first 60 days of use on Commonwealth waters.

16 (2) Foreign boats temporarily using the waters of this
17 Commonwealth.

18 (3) Boats, other than boats used for recreational
19 purposes, which are:

20 (i) owned by the United States;

21 (ii) used solely for public service functions such
22 as search and rescue; and

23 (iii) clearly identifiable as such.

24 (4) Lifeboats on ships.

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

28 (6) Boats not equipped with motors.

29 (b) Exemptions by regulation.--The commission may, by
30 regulation, exempt any additional boat or class of boats from

1 the registration provisions of this [chapter] subchapter under
2 such conditions as it may prescribe.

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

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

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

10 (3) Motorboats owned by political subdivisions and
11 quasi-public organizations, such as police departments,
12 volunteer fire departments and river rescue units, and used
13 exclusively in the performance of their work in enforcement,
14 furthering safety and search and rescue on the water.

15 § 5303. Voluntary and special registrations.

16 Watercraft other than those required to register under this
17 [chapter] subchapter may be registered at the option of the
18 owner upon payment of the fee specified by section 5104
19 (relating to fees).

20 § 5304. Issuing agents.

21 (a) Designation.--The commission may designate as issuing
22 agents the county treasurer (or in counties where, by virtue of
23 an optional plan of government or home rule charter, there is no
24 county treasurer, the official who performs the ordinary
25 functions of a county treasurer) or such other persons in each
26 county, as it deems advantageous, to provide for the issuance of
27 boat registrations in accordance with the provisions of this
28 [chapter] subchapter.

29 (b) Fee.--For all services rendered in collecting and paying
30 over registration fees, each issuing agent shall charge and

1 retain an additional fee not exceeding \$2 from the person
2 securing the registration. If the issuing agent is a county
3 treasurer or other official who performs that function, the fee
4 shall be retained for the use of the county.

5 (c) Bond.--Every issuing agent shall give bond to the
6 Commonwealth, in a sum determined by the executive director,
7 before any supply of registration forms is delivered to him.

8 (d) Disposition of moneys.--Every issuing agent shall
9 forward all moneys collected, along with all appropriate forms,
10 to the commission within ten days after receipt of each and
11 every registration. Delinquent agents are subject to a penalty
12 of 10% per month or portion of a month on any outstanding
13 balance of registration money due the commission which is not
14 paid when due, which penalty shall be compounded monthly. The
15 commission may recall the agency of any issuing agent after a
16 delinquency period of 30 days.

17 § 5308. Period of registration.

18 Registrations issued under this [chapter] subchapter to
19 owners and dealers shall be valid from April 1 of one year to
20 March 31 of the succeeding year and shall be renewable. A
21 registration for any year shall be valid and may properly be
22 displayed prior to April 1 within that year. The commission may
23 determine to issue registrations valid for a period not to
24 exceed three years upon payment of a fee equal to the annual
25 registration fee times the number of years for which the
26 multiple-year registration is valid. A multiple-year
27 registration shall be valid from April 1 of the year of its
28 issuance until March 31 of the last year of its validity, but a
29 multiple-year license issued prior to April 1 of any year is
30 valid and may be displayed at any time within that year. The

1 commission may, by regulation, provide for the transfer of
2 multiple-year registrations upon the sale or conveyance of a
3 boat upon payment of the fee provided in section 5104(8)
4 (relating to fees).

5 § 5312. Transfer, destruction or abandonment of boat.

6 The owner of a boat registered in this Commonwealth pursuant
7 to this [chapter] subchapter or by the Federal Government shall
8 furnish the commission notice of the transfer of all or any part
9 of his interest, other than the creation of a security interest,
10 in a boat or of the destruction or abandonment of the boat
11 within 15 days from the transfer, destruction or abandonment.

12 The transfer, destruction or abandonment shall terminate the
13 certificate of registration for the boat except in the case of a
14 transfer of a part interest which does not affect the right of
15 the owner to operate the boat.

16 § 5313. Records open to public.

17 All records relating to registration or numbering made or
18 kept pursuant to this [chapter] subchapter shall be public
19 records.

20 Section 3. Chapter 53 of Title 30 is amended by adding a
21 subchapter to read:

22 SUBCHAPTER B

23 CERTIFICATE OF TITLE

24 Sec.

25 5321. Definitions.

26 5322. Owner's certificate of title.

27 5323. Application for certificate of title.

28 5324. Contents of certificate of title.

29 5325. Issuance of certificate of title.

30 5326. Dealer acquiring marine equipment for resale.

1 5327. Dealer transfer.

2 5328. Certificate of title when ownership changed by
3 operation of law.

4 5329. Fees for certificates of title.

5 5330. Reports of title information.

6 5331. Prohibitions and penalty.

7 § 5321. Definitions.

8 The following words and phrases when used in this subchapter
9 shall have the meanings given to them in this section unless the
10 context clearly indicates otherwise:

11 "Bureau." The Bureau of Boating within the commission.

12 "Buyer." Includes a purchaser, debtor, lessee, bailee,
13 transferee and any person buying or attempting to buy marine
14 equipment, or any person acquiring marine equipment subject to a
15 security interest, lease, bailment or transfer agreement and the
16 person's legal successor in interest.

17 "Certificate." A certificate of title issued by the Bureau
18 of Boating under this subchapter.

19 "Certificate of origin." The original written instrument or
20 document required to be executed and delivered by the
21 manufacturer to the manufacturer's agent or a dealer or a person
22 purchasing directly from the manufacturer, certifying the origin
23 of the marine equipment.

24 "Certificate of title." The paper issued in conformance with
25 this subchapter, certifying ownership of marine equipment, other
26 than a manufacturer's or importer's certificate of origin.

27 "Dealer." Any person who engages in whole or in part in the
28 business of buying, selling or exchanging new and unused marine
29 equipment, or in used marine equipment or both, either outright
30 or on conditional sale, bailment, lease, chattel mortgage or

1 otherwise, and who has an established place of business for
2 sale, trade and display of marine equipment. A yacht broker is a
3 dealer.

4 "Debtor." The person who owes payment or other performance
5 of the obligation secured by a security interest in marine
6 equipment.

7 "Director." The Director of the Bureau of Boating within the
8 commission.

9 "Hull." A vessel, exclusive of all means of propulsion.

10 "Lienholder." A person holding a security interest.

11 "Manufacturer." Any person engaged in the business of
12 manufacturing or importing new and unused marine equipment for
13 the purpose of sale or trade.

14 "Manufacturer's number." A hull identification number
15 affixed by the manufacturer pursuant to Federal regulation or
16 assigned by the Director of the Bureau of Boating within the
17 commission pursuant to regulation.

18 "Marine equipment." A vessel or hull equipped with
19 propulsion machinery of any type; an outboard motor. The term
20 does not include:

21 (1) Ferries.

22 (2) A watercraft covered by a number in effect that has
23 been assigned to it under Federal law.

24 (3) A watercraft from a country other than the United
25 States temporarily using the waters in this Commonwealth.

26 (4) A watercraft whose owner is the United States, a
27 state or a political subdivision.

28 (5) A ship's lifeboat, a canoe or a kayak.

29 (6) A sailboat of 12 feet or less in length, unless
30 equipped with propulsion machinery greater than ten

1 horsepower.

2 (7) A nonmotorized, an inflatable surfboard, a racing
3 shell or a rowing scull.

4 (8) Any vessel used exclusively for racing while
5 actually competing in or tuning up for an authorized race
6 held under the auspices of an incorporated yacht club or
7 racing association in accordance with the rules and
8 regulations prescribed by the director within the commission
9 and pursuant to a permit issued for those purposes.

10 (9) Any vessel of 12 feet or less in length not powered
11 by propulsion machinery greater than ten horsepower.

12 (10) A vessel possessing a valid marine document from
13 the United States Coast Guard.

14 "New marine equipment." Newly manufactured marine equipment.

15 "Operate." To navigate or otherwise use a vessel.

16 "Operator." The person who operates or has charge of the
17 navigation or use of a vessel.

18 "Owner." A person, other than a lienholder, having property
19 in or title to marine equipment. The term includes a person
20 entitled to use or possess marine equipment subject to an
21 interest in another person, reserved or created by agreement and
22 securing payment of performance of an obligation. The term does
23 not include a lessee under a lease not intended as security.

24 "Principal use within this Commonwealth." Marine equipment
25 that has been within the Commonwealth for a period in excess of
26 180 consecutive days, unless the equipment is in this
27 Commonwealth for the purpose of wet or dry storage or for
28 repairs, in which case the actual time for this storage or
29 repairs shall not be counted as included within the 180-day
30 period.

1 "Purchaser." A person who takes possession of marine
2 equipment by transfer of ownership, either for use or resale,
3 except a dealer when the dealer takes possession through a
4 certificate of origin.

5 "Secured party." A lender, seller or other person in whose
6 favor there is a security interest.

7 "Security agreement." An agreement which creates or provides
8 for a security interest in marine equipment.

9 "Security interest." An interest in marine equipment which
10 secures payment or other performance of an obligation.

11 "Use." To operate, navigate or employ a vessel. A vessel is
12 in use whenever it is upon the water.

13 § 5322. Owner's certificate of title.

14 (a) General rule.--A person may not sell or otherwise
15 dispose of marine equipment without delivering to the purchaser
16 a certificate of title with an assignment on the certificate to
17 show title in the purchaser. Further, a person may not purchase
18 or otherwise acquire marine equipment without obtaining a
19 certificate of title for it in the person's name. However, a
20 purchaser may take possession of and operate marine equipment on
21 the waters of this Commonwealth without a certificate of title
22 for a period not exceeding 30 days if the purchaser has been
23 issued and is in possession of a dealer's dated bill of sale, or
24 in the case of a private transaction between individuals, a
25 notarized bill of sale. For the purposes of this subchapter, a
26 sale or purchase of marine equipment includes absolute or
27 voluntary sales and purchases, agreements to sell and purchase,
28 leases, security agreements whereby any marine equipment is sold
29 and purchased, or agreed to be sold and purchased, involuntary,
30 statutory and judicial sales, inheritance, devise or bequest,

1 gift or any other form or manner of sale or agreement of sale,
2 or the giving or transferring of possession of a piece of marine
3 equipment to a person for a permanent use where there is
4 continued possession for 60 days or more.

5 (b) Application.--An owner of marine equipment principally
6 used on the waters of this Commonwealth and subject to the
7 titling provisions of this subchapter shall apply to the
8 director for a certificate of title for the marine equipment.

9 (c) Contents and form.--Each certificate of title shall
10 contain the information and shall be issued in a form the bureau
11 prescribes.

12 (d) Prerequisite to issuance of certificate of number.--The
13 bureau may not issue or renew a certificate of registration to
14 any marine equipment required to be registered in this
15 Commonwealth unless the bureau has issued a certificate of title
16 to the owner.

17 (e) Exception.--A person who on the effective date of this
18 subchapter is the owner of marine equipment with a valid
19 certificate of registration issued by the commission is not
20 required to file an application for a certificate of title for
21 the marine equipment unless the person transfers any interest or
22 part of an interest in the marine equipment or renews the
23 certificate of registration for the marine equipment.

24 (f) Application requirements.--Each owner subject to the
25 titling provisions of this subchapter shall apply to the bureau
26 for issuance of a certificate of title for the marine equipment
27 within 30 days after acquisition. If the completed application
28 for certificate of title is not filed within 30 days after
29 acquisition, the director shall charge a late penalty fee of \$5
30 in addition to the original fee. The application shall be on

1 forms the bureau prescribes and accompanied by the required fee.
2 The completed application shall be signed and sworn to before a
3 notary public or other person who administers oaths or shall
4 include a certification signed in writing containing
5 substantially the representation that statements made are true
6 and correct to the best of the applicant's knowledge,
7 information and belief, under penalty of perjury. The completed
8 application shall contain the date of sale and gross price of
9 the marine equipment or the fair market value if no sale
10 immediately preceded the transfer and any additional information
11 the bureau requires. If a certificate of title has not
12 previously been issued for the marine equipment in this
13 Commonwealth, the application, unless otherwise provided in this
14 subchapter, shall be accompanied by a manufacturer's or
15 importer's certificate or other evidence of ownership required
16 by the law of another state from which the marine equipment was
17 brought into this Commonwealth. If the applicant cannot produce
18 evidence of ownership of marine equipment for which a
19 Commonwealth certificate of title has previously been issued and
20 the marine equipment does not have a manufacturer's serial
21 number permanently affixed to it, the bureau shall assign a
22 certificate of serial number. The bureau shall use reasonable
23 diligence in ascertaining whether or not the facts in the
24 application are true by checking the completed application and
25 documents accompanying it with the records of marine equipment
26 in the bureau. If satisfied that the applicant is the owner of
27 the marine equipment and that the application is in the proper
28 form, the bureau shall issue a certificate of title over the
29 signature of the director, sealed with the director's seal.
30 § 5323. Application for certificate of title.

(a) Contents of application.--An application for a certificate of title shall contain all of the following information in the form and together with owner information as the bureau may require:

(1) Name and address of the applicant.

(2) Statement of how the marine equipment was acquired.

(3) Name and address of the previous owner.

(4) A statement of all liens, mortgages or other encumbrances on the marine equipment, including a description of the nature and amount of each lien, mortgage or encumbrance and the name and address of each holder.

(5) If there are not outstanding liens, mortgages or other encumbrances, a statement of that fact.

(6) A description of the marine equipment, including the make, if any, year, length, series or model, if any, body type and manufacturer's serial number.

(b) Assignment of serial number.--If the marine equipment contains a permanent identification number placed on it by the manufacturer, this number shall be used as the serial number. If there is no manufacturer's serial number, or if the manufacturer's serial number has been removed or obliterated, the bureau may, upon receipt of a prescribed application and proof of ownership, assign a number for the marine equipment, and this assigned serial number shall be permanently affixed to or imprinted by the applicant, at the place and in the manner designated by the bureau, upon the marine equipment for which the serial number is assigned.

§ 5324. Contents of certificate of title.

The bureau shall issue certificates of title for marine equipment over the director's signature, sealed with the

1 director's seal. The certificates shall contain the information
2 required in the application, as well as spaces for the dates on
3 notation and cancellation of each lien, mortgage or encumbrance.
4 An assignment of certificate of title before a notary public or
5 other officer empowered to administer oaths shall appear on the
6 reverse side of each certificate of title in the form to be
7 prescribed by the bureau. The assignment shall include a
8 warranty that the signer is the owner of the marine equipment
9 and that there are no mortgages, liens or encumbrances on the
10 marine equipment, except as are noted on the face of the
11 certificate of title.

12 § 5325. Issuance of certificate of title.

13 (a) Issuance and distribution.--The bureau shall issue
14 certificates of title in triplicate. One copy shall be retained
15 and filed by the bureau and the other copy shall be transmitted
16 on the day it is issued to the executive director of the
17 commission. The director shall sign and affix the director's
18 seal to the original certificate of title and, if there are no
19 liens on the marine equipment, shall deliver the certificate to
20 the applicant. If there are one or more liens on the marine
21 equipment, the certificate of title shall be delivered to the
22 holder of the first lien.

23 (b) Uniform method of numbering.--The bureau shall prescribe
24 a uniform method of numbering certificates of title, and the
25 numbering shall be in a manner that indicates the county of
26 issuance.

27 (c) Retention of records.--The bureau need not retain on
28 file any certificate of title, duplicate certificates of title,
29 memorandum certificates of title or supporting evidence of any
30 certificate covering any marine equipment for a period longer

1 than ten years after the date of its filing; thereafter the same
2 may be destroyed.

3 § 5326. Dealer acquiring marine equipment for resale.

4 If a dealer buys or acquires used marine equipment for
5 resale, the dealer shall report the acquisition to the bureau on
6 forms which the bureau shall provide. If a dealer buys or
7 acquires used unnumbered marine equipment, the dealer shall
8 apply for a certificate of title in the dealer's name within 15
9 days. If a dealer buys or acquires new marine equipment for
10 resale, the dealer may apply for a certificate of title in the
11 dealer's name.

12 § 5327. Dealer transfer.

13 Every dealer transferring marine equipment requiring titling
14 shall assign the title to the new owner, or in the case of new
15 marine equipment, assign the certificate of origin. Within 15
16 days the dealer shall forward all moneys and applications to the
17 bureau.

18 § 5328. Certificate of title when ownership changed by
19 operation of law.

20 (a) General rule.--In the event of the transfer of ownership
21 of marine equipment by operation of law, as upon inheritance,
22 devise or bequest, order in bankruptcy, insolvency, replevin or
23 execution of sale or whenever the engine is replaced by another
24 engine, or whenever the marine equipment is sold to satisfy
25 storage or repair charges or repossession is had upon default in
26 performance of the terms of a security agreement, the bureau
27 may, upon the surrender of the prior certificate of title or the
28 manufacturer's or importer's certificate, or, when that is not
29 possible, upon presentation of satisfactory proof of ownership
30 and rights of possession to the marine equipment, and upon

1 payment of the proper fee, issue to the applicant a new
2 certificate of title for the marine equipment. Only an affidavit
3 by the person or agent of the person to whom possession of the
4 marine equipment has passed, setting forth the facts entitling
5 the person to possession and ownership, together with a copy of
6 the journal entry, court order or instrument upon which the
7 claim of possession or ownership is founded, is satisfactory
8 proof of ownership and right of possession. If the applicant
9 cannot produce proof of ownership, the applicant may apply
10 directly to the executive director of the commission and submit
11 any evidence available to the applicant. The executive director
12 may, upon receipt of the application and after finding the
13 evidence sufficient, authorize the bureau to issue a certificate
14 of title. If, from bureau records, there appears to be any lien
15 on the marine equipment, the certificate of title shall contain
16 a statement of the lien unless the application is accompanied by
17 proper evidence of its extinction.

18 (b) Repossession.--If a lienholder repossesses marine
19 equipment by operation of law and holds it for resale, the
20 lienholder shall secure a new certificate of title and shall pay
21 the required fee.

22 § 5329. Fees for certificates of title.

23 (a) General rule.--The bureau shall charge a \$10 fee for the
24 issuance of a certificate of title, a transfer of title, a
25 duplicate or corrected certificate of title.

26 (b) Lost or destroyed certificate of title.--In the event of
27 a lost or destroyed certificate of title, application shall be
28 made to the bureau by the owner of the marine equipment, or a
29 lienholder, for a certified copy of the certificate, accompanied
30 by the fee prescribed by the bureau. The application shall be

1 signed and sworn to by the person making the application. Upon
2 receipt, the bureau shall issue a certified copy of the
3 certificate of title to the person entitled to receive it. The
4 certified copy shall be plainly marked across its face with the
5 word "duplicate," and any subsequent purchaser of the marine
6 equipment in the chain of title originating through the
7 certified copy acquires only the rights in the marine equipment
8 as the original holder of the certified copy had. Any purchaser
9 of the marine equipment may at the time of purchase require the
10 seller to indemnify the purchaser and all subsequent purchasers
11 of the marine equipment against any loss which the purchaser or
12 they may suffer by reason of any claim presented upon the
13 original certificate. In the event of the recovery of a lost or
14 stolen original certificate of title by the owner, the owner
15 shall surrender this title to the bureau for cancellation.

16 § 5330. Reports of title information.

17 (a) Fees.--The bureau, upon the application of any person
18 and payment of the proper fees, may prepare and furnish title
19 information in such form, subject to territorial division or
20 other classification as the director may prescribe. The bureau
21 may search its records, make reports and provide photographic
22 copies of the records and attestations. Fees shall be charged
23 and collected by the bureau as follows:

24 (1) For searches of the records and reports, \$2 for each
25 name, number or fact reported on.

26 (2) For photographic copies of records and attestations,
27 under the signature of the director, \$2 per copy.

28 (b) Evidence in court proceedings.--Copies provided by the
29 bureau under subsection (a) shall be taken as prima facie
30 evidence of the facts therein stated in any court within this

1 Commonwealth.

2 (c) Fee exemptions.--The director shall furnish information
3 on any title without charge to the Pennsylvania State Police, or
4 a sheriff or municipal police department.

5 § 5331. Prohibitions and penalty.

6 (a) Prohibitions.--A person may not:

7 (1) Operate in this Commonwealth marine equipment for
8 which a certificate of title is required without having a
9 certificate of title or a valid temporary permit and number.

10 (2) Operate in this Commonwealth marine equipment for
11 which a certificate of title is required, where the
12 certificate of title has been canceled.

13 (3) Fail to surrender any certificate of title upon
14 cancellation of the certificate by the bureau.

15 (4) Fail to surrender the certificate of title to the
16 bureau in case of the destruction or dismantling or change of
17 the marine equipment such that it is not the marine equipment
18 described in the certificate of title.

19 (b) Penalty.--A person who violates this section commits a
20 summary offense.

21 Section 4. This act shall take effect in 60 days.