

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 463 Session of  
2001

INTRODUCED BY KASUNIC, HELFRICK, MUSTO, TARTAGLIONE, O'PAKE,  
WAGNER, KITCHEN, COSTA, LOGAN AND CORMAN, FEBRUARY 15, 2001

AS AMENDED ON THIRD CONSIDERTATION, HOUSE OF REPRESENTATIVES,  
NOVEMBER 27, 2002

AN ACT

1 Amending Title 30 (Fish) of the Pennsylvania Consolidated  
2 Statutes, FURTHER DEFINING "PASSENGER-CARRYING BOAT"; <—  
3 requiring the establishment of a mandatory boater education  
4 program; and fixing additional fees.

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

7 ~~Section 1. Section 5103 of Title 30 of the Pennsylvania~~ <—  
8 ~~Consolidated Statutes is amended to read:~~

9 SECTION 1. THE DEFINITION OF "PASSENGER-CARRYING BOAT" IN <—  
10 SECTION 102 OF TITLE 30 OF THE PENNSYLVANIA CONSOLIDATED  
11 STATUTES IS AMENDED TO READ:

12 § 102. DEFINITIONS.

13 SUBJECT TO ADDITIONAL DEFINITIONS CONTAINED IN SUBSEQUENT  
14 PROVISIONS OF THIS TITLE WHICH ARE APPLICABLE TO SPECIFIC  
15 PROVISIONS OF THIS TITLE, THE FOLLOWING WORDS AND PHRASES WHEN  
16 USED IN THIS TITLE SHALL HAVE, UNLESS THE CONTEXT CLEARLY  
17 INDICATES OTHERWISE, THE MEANINGS GIVEN TO THEM IN THIS SECTION:

1 \* \* \*

2 "PASSENGER-CARRYING BOAT." ANY BOAT THAT CARRIES MORE THAN  
3 SIX PASSENGERS EITHER FOR HIRE OR AS PART OF A COMMERCIAL  
4 ENTERPRISE. THE FOLLOWING PERSONS SHALL NOT BE COUNTED IN  
5 DETERMINING THE NUMBER OF PASSENGERS:

6 (1) THE OWNER OR HIS REPRESENTATIVE.

7 (2) THE OPERATOR AND BONA FIDE MEMBERS OF THE CREW WHO  
8 HAVE CONTRIBUTED NO CONSIDERATION FOR THEIR CARRIAGE AND WHO  
9 MAY BE PAID FOR THEIR SERVICES.

10 (3) ANY GUEST ON BOARD A BOAT USED EXCLUSIVELY FOR  
11 PLEASURE PURPOSES WHO HAS NOT CONTRIBUTED ANY CONSIDERATION,  
12 DIRECTLY OR INDIRECTLY, FOR HIS CARRIAGE WHEN THERE ARE NO  
13 OTHER PASSENGERS ON BOARD WHO HAVE PAID ANY SUCH  
14 CONSIDERATION AND WHEN ONLY THE OWNER OR OWNERS OF THE BOAT  
15 ARE BEARING THE COSTS OF OPERATING THE BOAT.

16 THE TERM SHALL NOT INCLUDE ANY BOAT OPERATED EXCLUSIVELY AS A  
17 PART OF A CAVERN OPERATION.

18 \* \* \*

19 SECTION 2. SECTION 5103 OF TITLE 30 IS AMENDED TO READ:

20 § 5103. Boating education [programs].

21 [The commission may inaugurate a comprehensive boating safety  
22 and boating educational program and seek the cooperation of  
23 organized boaters, the Federal Government and other states. The  
24 commission may issue safety certificates to adults and minors  
25 who complete courses in boating safety education.]

26 (a) Mandatory program of boater education.--Except as  
27 otherwise provided in this section, on or after January 1, 2003,  
28 any person born on or after January 1, 1982, shall not operate,  
29 on the waters of this Commonwealth, a motorboat, without first  
30 obtaining a certificate of boating safety education.

1     (b) Compliance.--Any person who is subject to the provisions  
2 of subsection (a) shall:

3         (1) possess the certificate of boating safety education  
4 when operating a vessel on waters of this Commonwealth; and

5         (2) show the certificate on the demand of a waterways  
6 conservation officer or other law enforcement officer.

7     (c) Exemptions.--The following persons are exempt from the  
8 requirements of this section:

9         (1) A person who is a resident of another state and who  
10 is visiting this Commonwealth for 60 days or less in a  
11 motorboat that is registered in another state, if:

12             (i) the person was born before January 1, 1982; or

13             (ii) the person has been issued a license or boating  
14 safety education certificate in accordance with the  
15 provisions of subsection (i).

16         (2) A person who is visiting this Commonwealth for 90  
17 days or less in a motorboat from a country other than the  
18 United States.

19         (3) A landowner or a member of the landowner's immediate  
20 family operating a motorboat on waters located wholly within  
21 property owned by the landowner where there is no publicly  
22 owned or publicly maintained access to those waters.

23         (4) A person who operates a motorboat powered by an  
24 electric motor or by an internal combustion motor of 25  
25 horsepower or less.

26         (5) Any other person exempted by regulation of the  
27 commission.

28     (d) Operational requirements.--When a motorboat is operated  
29 for pleasure on the waters of this Commonwealth, the operator of  
30 that vessel shall:

1       (1) possess the certificate of boating safety education;  
2       or  
3       (2) be exempt from the certification requirements of  
4       subsection (a).

5       (e) Commission duties.--The commission shall:

6           (1) Promulgate regulations that establish criteria for a  
7           course of instruction in boating safety education.

8           (2) Administer a written or verbal test when  
9           appropriate.

10          (3) Coordinate a Statewide program of boating safety  
11          instruction and certification at such times and locations to  
12          make courses convenient for residents of various counties and  
13          to maximize attendance.

14          (4) Issue a certificate of boating safety education to a  
15          person who:

16               (i) passes a commission-approved course in boating  
17               safety education; and

18               (ii) pays the fee set forth in section 5104  
19               (relating to fees).

20          (5) Provide boating safety education materials to  
21          persons who plan to take the boating safety course.

22          (6) Replace a lost or destroyed certificate.

23          (7) Establish reasonable charges for persons who take  
24          boating safety education courses conducted by the commission  
25          or commission volunteers. Such charges shall bear a  
26          reasonable relationship to the costs of providing the course  
27          and the course materials.

28       (f) Additional sources of instruction.--If approved by the  
29       commission, any of the following may offer the course of  
30       instruction in boating safety education:

1       (1) The commission.

2       (2) The United States Coast Guard Auxiliary.

3       (3) The United States Power Squadron.

4       (4) A political subdivision.

5       (5) A municipal corporation.

6       (6) An agency.

7       (7) A public or nonpublic school.

8       (8) A group.

9       (9) A firm.

10      (10) An association.

11      (11) Any other person.

12      (g) Validity of certificate.--The certificate of boating  
13 safety education, once issued, shall be valid for the lifetime  
14 of the person to whom it was issued.

15      (h) Temporary certificates.--The commission or its designee  
16 may issue a 60-day temporary certificate of boating safety  
17 education to a person who has successfully completed a boating  
18 safety education course approved by the commission.

19      (i) Other valid documentation.--

20          (1) In lieu of a certificate of boating safety education  
21 issued by the Commonwealth, a certificate of boating safety  
22 education issued in another state in accordance with criteria  
23 of the National Association of State Boating Law  
24 Administrators is sufficient to comply with the requirements  
25 of this section.

26          (2) In lieu of a certificate of boating safety education  
27 issued by the commission, a license issued by the United  
28 States Coast Guard is sufficient to comply with the  
29 requirements of this section.

30      (j) Penalty.--On or after January 1, 2003, a person who is

1 subject to the provisions of subsection (a) and who operates, on  
2 waters of this Commonwealth, a motorboat, in violation of any  
3 requirement of this section, commits a summary offense of the  
4 second degree.

5 (k) Others subject to mandatory education requirements.--  
6 Notwithstanding any other provision of this section, it is  
7 unlawful for a person to operate a watercraft on the waters of  
8 this Commonwealth without completing a boat safety education  
9 course when:

10 (1) A person, convicted on one or more boating  
11 violations concerning the operation of, or safety equipment  
12 on, a watercraft, is required, as a condition of probation or  
13 sentencing, to successfully complete a boating safety  
14 education course that is offered or approved by the  
15 commission.

16 (2) A person is convicted of any of the following  
17 boating safety violations in the operation of a watercraft:

18 (i) negligent operation;

19 (ii) reckless operation; or

20 (iii) operating under the influence of alcohol, any  
21 controlled substance, combination of controlled  
22 substances or combination of controlled substances and  
23 alcohol in violation of this title.

24 (3) If a person convicted of the offenses described in  
25 paragraph (1) or (2) had, prior to the date of the  
26 conviction, previously completed a boating safety education  
27 course or obtained a boating safety certificate, such person  
28 shall, prior to operating a watercraft on the waters of this  
29 Commonwealth, be required to complete an additional boating  
30 safety education course.

1       Section ~~2~~ 3.   Section 5104 introductory paragraph of Title 30   <—  
2   is amended and the section is amended by adding paragraphs to  
3   read:

4   § 5104.   Fees.

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

9           \* \* \*

10          (10) Boating safety education certificate, \$10.

11          (11) Replacement boating safety education certificate,  
12         \$5.

13       Section ~~3~~ 4.   This act shall take effect in 60 days.                   <—