

FISH AND BOAT CODE (30 PA.C.S.) - AMEND TITLING AND REGISTRATION OF BOATS

Act of Jul. 2, 1996, P.L. 467, No. 73

Cl. 53

Session of 1996

No. 1996-73

SB 847

AN ACT

Amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, providing for the titling of motor boats; and further providing for registration of boats.

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

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

CHAPTER 53

REGISTRATION AND TITLING OF BOATS

SUBCHAPTER A

REGISTRATION

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

§ 5301. Registration of motorboats required.

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

(b) Out-of-State registration.--When another state is the state of principal operation of a boat and the boat is numbered and validly registered in that state under a numbering system approved by the Secretary of the Federal Department of Transportation, the boat is deemed in compliance with this chapter while temporarily operating on waters of this Commonwealth.

(c) Moving boat into this Commonwealth.--When Pennsylvania becomes the place of principal operation of a boat, numbered and validly registered in another state, the number issued by the other state shall be recognized for a period of 60 days from the date the boat is moved to Pennsylvania during which time the owner of the boat shall apply for and obtain a Pennsylvania registration and number.

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

§ 5302. Exemptions.

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

[(1)] Boats currently registered or awarded a number by another state under a numbering system approved by Federal

authority in which case the other state's registration or number will be valid in this Commonwealth for a period not to exceed the first 60 days of use on Commonwealth waters.

(2)] (1) Foreign boats temporarily using the waters of this Commonwealth.

[(3)] (2) Boats, other than boats used for recreational purposes, which are **clearly identified as being** :

(i) owned by the United States; **and**

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

(iii) clearly identifiable as such].

[(4)] (3) Lifeboats on ships.

[(5)] (4) Boats, **other than boats used for recreational purposes**, possessing a valid marine document issued by the United States Coast Guard, or any Federal successor thereto, or by any foreign government.

[(6)] (5) Boats not equipped with motors.

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

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

(1) Motorboats owned or operated by the Commonwealth.

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

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

§ 5303. Voluntary and special registrations.

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

§ 5304. Issuing agents.

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

(b) Fee.--For all services rendered in collecting and paying over registration fees, each issuing agent shall charge and retain an additional fee not exceeding \$2 from the person securing the registration. If the issuing agent is a county treasurer or other official who performs that function, the fee shall be retained for the use of the county.

(c) Bond.--Every issuing agent shall give bond to the Commonwealth, in a sum determined by the executive director,

before any supply of registration forms is delivered to him.

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

(e) **Penalty.**--An issuing agent violating any provision of this section or the rules and regulations of the commission commits a summary offense of the second degree and, in addition, may have his agency recalled in the discretion of the commission.

§ 5308. Period of registration.

Registrations issued under this [chapter] **subchapter** to owners and dealers shall be valid from April 1 of one year to March 31 of the succeeding year and shall be renewable. A registration for any year shall be valid and may properly be displayed prior to April 1 within that year. The commission may determine to issue registrations valid for a period not to exceed three years upon payment of a fee equal to the annual registration fee times the number of years for which the multiple-year registration is valid. A multiple-year registration shall be valid from April 1 of the year of its issuance until March 31 of the last year of its validity, but a multiple-year license issued prior to April 1 of any year is valid and may be displayed at any time within that year. The commission may, by regulation, provide for the transfer of multiple-year registrations upon the sale or conveyance of a boat upon payment of the fee provided in section 5104(8) (relating to fees).

§ 5312. Transfer, destruction or abandonment of boat.

The owner of a boat registered in this Commonwealth pursuant to this [chapter] **subchapter** or by the Federal Government shall furnish the commission notice of the transfer of all or any part of his interest, other than the creation of a security interest, in a boat or of the destruction or abandonment of the boat within 15 days from the transfer, destruction or abandonment. The transfer, destruction or abandonment shall terminate the certificate of registration for the boat except in the case of a transfer of a part interest which does not affect the right of the owner to operate the boat.

§ 5313. Records open to public.

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

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

SUBCHAPTER B
CERTIFICATE OF TITLE

Sec.

5321. Certificate of title required.

5322. When certificate of title not required.

5323. Content and effect of certificate of title.
5324. Refusing issuance of certificate of title.
5325. Rules and regulations.
5326. Offenses related to titling.
5327. Fees.
5328. Implementation.

§ 5321. Certificate of title required.

(a) General rule.--Except as provided in section 5322 (relating to when certificate of title not required), every owner of a boat required to be registered in this Commonwealth shall apply to the commission for a certificate of title to the boat.

(b) Registration without certification prohibited.--The commission shall not register or renew registration of a boat required to be titled under subsection (a) unless a certificate has been issued by the commission or an application for a certificate has been delivered by the new owner to the commission.

(c) Penalty.--Failure to obtain a certificate of title as required by law is a summary offense of the second degree.

§ 5322. When certificate of title not required.

(a) General rule.--Except as otherwise provided in subsection (b), no certificate of title shall be required for:

(1) A boat which is not required to be registered under Subchapter A (relating to registration).

(2) A new boat which is owned by a manufacturer or registered boat dealer before and until sale.

(3) A boat owned on the effective date of this subchapter, until the boat is sold or otherwise transferred to another owner.

(4) A boat with a model year before 1997.

(5) An outboard powered motorboat of less than 14 feet in length.

(b) Limitations.--The exemptions set forth in subsection (a) shall not apply to any boat previously titled in Pennsylvania or any other state, provided that the owner of a boat titled in another state shall not be required to obtain a Pennsylvania title for such boat until it is registered in Pennsylvania or until its ownership is transferred to another person.

§ 5323. Content and effect of certificate of title.

(a) Identification and encumbrances.--A certificate of title shall contain such description and other evidence of identification of the boat for which it was issued as the commission may deem necessary, together with a statement of any liens or encumbrances, including the names and addresses of the holder or holders of the liens and encumbrances.

(b) Certificate as evidence and notice.--A certificate of title issued by the commission is prima facie evidence of the facts appearing on the certificate. The certificate shall be adequate notice to the Commonwealth, creditors, subsequent lienholders and purchasers that a lien against the boat exists.

§ 5324. Refusing issuance of certificate of title.

The commission may refuse issuance of a certificate of title when it has reasonable grounds to believe:

(1) A required fee has not been paid.

(2) Taxes payable under the laws of this Commonwealth on or in conjunction with or resulting from acquisition or use of the boat have not been paid.

(3) The applicant is not the owner of the boat.

(4) The application contains false or fraudulent statements.

(5) The applicant has failed to furnish required information or documents or any additional information the commission reasonably requires.

§ 5325. Rules and regulations.

(a) General rule.--The commission shall, within one year of the date of enactment of this subchapter, promulgate the rules and regulations necessary to carry out the provisions of this subchapter, including regulations pertaining to, but not limited to:

(1) Application procedure for certificates of title.

(2) Contents of applications.

(3) Boats brought into this Commonwealth from outside of this Commonwealth.

(4) Boats purchased from dealers.

(5) Boats sold or transferred privately.

(6) Specially constructed or reconstructed boats.

(7) Delivery of certificate of title.

(8) Duplicate or replacement titles.

(9) Transfer of ownership of boats.

(10) Transfer to or from manufacturer or dealer.

(11) Repossession of boats.

(12) Boats which are junked, destroyed, lost, stolen or abandoned.

(13) Voluntary titling of boats by owners prior to sale or transfer.

(14) Suspension or cancellation of certificate of title.

(15) Creation and perfection of security interests in boats.

(16) Assignments of security interests.

(17) Satisfaction of security interests.

(18) Recordkeeping, documentation and information verification regarding boats.

(b) Penalties.--Any person who violates a rule or regulation promulgated under this section commits a summary offense of the second degree.

§ 5326. Offenses relating to titling.

(a) Prohibited acts.--The following acts are prohibited:

(1) Operating a boat in this Commonwealth for which a certificate of title is required without having obtained the certificate of title for the boat.

(2) Selling, transferring or otherwise disposing of a boat without delivering to the purchaser or transferee a certificate of title, or a manufacturer's or importer's certificate, assigned to the purchaser or transferee as required by this subchapter.

(3) Failing to surrender to the commission any certificate of title upon cancellation of the same by the commission for any valid reason set forth in this subchapter or regulations adopted under this subchapter.

(4) Altering or forging any certificate of title to a boat or any assignment thereof or any cancellation of any lien on a boat.

(5) Altering, forging or counterfeiting any certificate of title or a manufacturer's or importer's certificate to a boat.

(6) Altering or falsifying any assignment of a certificate of title or an assignment or cancellation of a security interest on a certificate of title of a boat.

(7) Holding or using a certificate of title to a boat or holding or using any assignment or cancellation of a security interest on a certificate of title to a boat, knowing it to have been altered, forged, counterfeited or falsified.

(8) Using a false or fictitious name or address, making any material false statement or concealing any material fact in any application for a certificate of title or in a bill of sale or sworn statement of ownership.

(9) Procuring or attempting to procure a certificate of title to a boat or passing or attempting to pass a certificate of title or any assignment thereof to a boat, knowing or having reason to believe that the boat has been stolen.

(10) Possessing, buying, receiving, selling or offering to sell or otherwise disposing of a boat on which the manufacturer's or assigned hull identification number has been destroyed, removed, covered, altered or defaced, knowing of such destruction, removal, covering, alteration or defacement of the manufacturer's or assigned hull identification number.

(11) Destroying, removing, covering, altering or defacing the manufacturer's assigned hull identification number on any boat.

(12) Possessing, buying, selling, exchanging or giving away or offering to buy, sell, exchange or give away the certificate of title to any boat which is junked or salvaged.

(13) Knowingly obtaining goods, services, credit or money by means of a certificate of title to a boat, which certificate is required by law to be surrendered to the commission.

(b) Penalties.--A person who violates subsection (a) (1) through (3) commits a summary offense of the second degree. A person who violates subsection (a) (4) through (13) commits a misdemeanor of the third degree.

§ 5327. Fees.

The following fees shall be due:

(1) The fee for issuance of a certificate of title shall be \$15.

(2) The fee for a duplicate certificate of title shall be \$5.

(3) The fee for recording or changing the amount of security interest on a certificate of title shall be \$5.

(4) The fee for copies of or information relating to a title or security interest shall be \$5.

(5) The fee for issuing or providing copies of any other official document issued under the authority of this chapter

shall be \$5.

§ 5328. Implementation.

The commission shall issue certificates of title as provided for in this subchapter on and after the effective date of the regulations promulgated under the authority of section 5325 (relating to rules and regulations).

Section 4. This act shall take effect as follows:

(1) The addition of 30 Pa.C.S. § 5325 shall take effect in 60 days.

(2) This section shall take effect in 60 days.

(3) The remainder of this act shall take effect six months after the effective date of regulations promulgated under the authority of 30 Pa.C.S. § 5325.

APPROVED--The 2nd day of July, A. D. 1996.

THOMAS J. RIDGE