

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2157 Session of
1986

INTRODUCED BY LETTERMAN, DIETZ, GODSHALL AND GAMBLE,
FEBRUARY 12, 1986

REFERRED TO COMMITTEE ON GAME AND FISHERIES, FEBRUARY 12, 1986

AN ACT

1 Amending Title 30 (Fish) of the Pennsylvania Consolidated
2 Statutes, further providing for the registration of boats;
3 imposing additional penalties for registration violations and
4 actions by issuing agents; and granting the commission
5 additional powers.

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

8 Section 1. Sections 321, 5104, 5122, 5301, 5302, 5303, 5304,
9 5305, 5306, 5310 and 5311 of Title 30 of the Pennsylvania
10 Consolidated Statutes are amended to read:

11 § 321. Administration and enforcement.

12 The commission shall administer and enforce this title and
13 other laws of this Commonwealth relating to:

14 (1) The encouragement, promotion and development of the
15 fishery interests.

16 (2) The protection, propagation and distribution of
17 fish.

18 (3) The encouragement, promotion and development of
19 recreational boating.

1 [(3)] (4) The management of boating and the operation of
2 boats.

3 § 5104. Fees.

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

8 (1) Owner registration (boats less than 16 feet in
9 length), [\\$4] \\$6 per year.

10 (2) Owner registration (boats 16 feet or longer), \$6 per
11 year.

12 (2.1) Owner registration (boats not equipped with
13 propelling machinery), \$6 per year.

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

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

16 (5) Additional dealer registration, \$5 each.

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

19 (7) Capacity plate, \$2 each.

20 [(8) Permit for special marine event, \$2 each.]

21 (b) Exemption.--A boat owned or operated by the Commonwealth
22 shall be exempt from the owner registration fees of subsection
23 (a)(1), (2) and (2.1).

24 § 5122. Registrations, licenses, permits, plates and statistics.

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

27 (1) Permanent and temporary registration of [motorboats]
28 boats.

29 (2) Special provisions applicable to livery operators,
30 dealers, manufacturers and the owners or operators of

passenger-carrying boats.

(3) Display of numbers.

(4) Renewal of certificates of registration.

(5) Transfer of ownership of or interest in boats or the abandonment or destruction of registered boats.

(6) Licensing of operators of passenger-carrying boats.

(7) Display of capacity plates by boats, the information to be displayed thereon and the issuance of capacity plates.

(8) Issuance of permits for special marine events.

(9) Compilation and release of statistics on accidents and registered boats.

(b) Penalty.--Any person who violates a rule or regulation promulgated under this section commits a summary offense of the third degree except that a person who operates a passenger-carrying boat without a license commits a summary offense of the second degree.

§ 5301. Registration of [motorboats] boats required.

(a) General rule.--It is unlawful for any person to operate or navigate, or cause to be operated or navigated, any [motorboat] boat upon, over or through the waters of this Commonwealth unless the [motorboat] boat is registered in accordance with this chapter.

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

§ 5302. Exemptions from registration.

[The registration requirements of this chapter do not apply to:]

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

(1) Boats currently registered or awarded a number by

1 another state under a numbering system approved by Federal
2 authority in which case the registration or number will be
3 valid in this Commonwealth for a period of 60 days.

4 (2) Foreign boats temporarily using the waters of this
5 Commonwealth.

6 (3) Boats, other than boats used for recreational
7 purposes, which are:

8 (i) owned by the United States, a state or a
9 subdivision thereof, except boats used for recreation;

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

12 (iii) clearly identifiable as such.

13 This paragraph includes boats owned by quasi-public
14 organizations such as volunteer fire departments and river
15 rescue units and used exclusively in the performance of their
16 work in furthering safety and search and rescue on the water.

17 (4) Lifeboats on ships.

18 [(5) Boats possessing a valid marine document issued by
19 the United States Coast Guard, or any Federal successor
20 thereto, or by any foreign government.

21 (6) Boats not equipped with propelling machinery.]

22 (5) Boats less than seven feet in length not equipped
23 with propelling machinery.

24 (6) Nonpowered boats used on an artificial pond
25 constructed on a farm and holding water the source of which
26 is wholly within the limits of the farm, operated by the
27 owner or lessee of the farm, his family and other persons who
28 are regularly employed upon the farm, all of the class of
29 which must permanently reside upon the farm.

30 (b) Exemption by commission.--The commission may exempt any

1 additional boat or class of boats from the registration
2 provisions of this chapter under such conditions as it may
3 prescribe.

4 § 5303. [Voluntary and special registrations.

5 (a) Registration of other watercraft.--Watercraft other than
6 motorboats may be registered under this chapter at the option of
7 the owner.

8 (b) Registration of Commonwealth motorboats.--Special
9 registrations shall be issued free of charge by the commission
10 for motorboats owned or operated by the Commonwealth.] Reserved.

11 § 5304. Issuing agents.

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

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

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

29 (d) Disposition of moneys.--Every issuing agent shall
30 forward all moneys collected, along with all appropriate forms,

1 to the commission within five days after receipt of each and
2 every registration.

3 (e) Penalty.--Any issuing agent violating any of the
4 provisions of this section commits a summary offense of the
5 second degree and, in addition, may have his agency recalled at
6 the discretion of the commission.

7 § 5305. Application for registration.

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

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

21 (c) Penalty.--A person violating any of the provisions of
22 this section commits a summary offense of the second degree.

23 § 5306. Certificate of registration.

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

29 (b) Carrying on [motorboat] boat.--The certificate of
30 registration shall be available at all times for inspection on

1 the [motorboat] boat for which issued whenever the [motorboat]
2 boat is in operation and shall be carried in such a manner that
3 it can be handed to any Federal, State or local law enforcement
4 officer authorized to inspect it. The commission may by
5 regulation exempt certain classes of boats from this requirement
6 or prescribe alternate compliance requirements.

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

16 (d) Duplicates.--[Upon application of the owner on a form
17 prescribed by the commission, the commission may issue the owner
18 a duplicate registration certificate upon payment of the
19 applicable fee.] The commission may issue a duplicate
20 certificate of registration to the owner of a properly
21 registered boat upon application by the owner on a form
22 prescribed by the commission and with payment of the applicable
23 fee.

24 (e) Penalty.--Any person operating a properly registered
25 [motorboat] boat who does not have available for inspection on
26 the [motorboat] boat, or refuses or fails to hand to any
27 officer, the certificate of registration commits a summary
28 offense of the third degree.

29 § 5310. Display of registration number.

30 (a) General rule.--The registration number shown on the

1 certificate of registration shall be painted on or attached to
2 each side of the bow of the [motorboat] boat in order that it
3 may be clearly visible. No other number may be displayed on the
4 bow. The number shall be maintained in a legible condition.

5 (b) Exceptions.--The provisions of subsection (a) do not
6 apply to:

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

10 (2) Any other boat or class of boats on which the
11 commission determines the display of the number is not
12 feasible.

13 ~~[(b)]~~ (c) Penalty.--A person who operates a properly
14 registered [motorboat] boat that does not display a proper
15 registration number commits a summary offense of the third
16 degree.

17 § 5311. Tampering with identification numbers.

18 (a) General rule.--No unauthorized person shall erase,
19 deface, change, paint on or in any way tamper with any
20 registration number or card or any other identification number
21 on a [motorboat] boat or motor.

22 (b) Penalty.--Any person who violates this section commits a
23 summary offense of the second degree.

24 Section 2. This act shall take effect April 1, 1987, or
25 immediately, whichever is later.