

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 628 Session of  
1995

INTRODUCED BY MELIO, GIGLIOTTI, LAUGHLIN, TRELLO AND YOUNGBLOOD,  
FEBRUARY 7, 1995

REFERRED TO COMMITTEE ON GAME AND FISHERIES, FEBRUARY 7, 1995

AN ACT

1 Amending Title 30 (Fish) of the Pennsylvania Consolidated  
2 Statutes, providing for boating education.

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

5 Section 1. Section 5103 of Title 30 of the Pennsylvania  
6 Consolidated Statutes is amended to read:

7 [§ 5103. Boating education programs.

8 The commission may inaugurate a comprehensive boating safety  
9 and boating educational program and seek the cooperation of  
10 organized boaters, the Federal Government and other states. The  
11 commission may issue safety certificates to adults and minors  
12 who complete courses in boating safety education.]

13 § 5103. Boating education.

14 (a) Mandatory program of boating education.--Except as  
15 otherwise provided in this section, no person shall operate a  
16 motorboat on the waters of this Commonwealth on or after the  
17 following dates without first obtaining a certificate of boating  
18 safety education:

1       (1) For operators who are under 20 years of age, on or  
2       after January 1, 1997.

3       (2) For operators who are under 25 years of age, on or  
4       after January 1, 1998.

5       (3) For operators who are under 30 years of age, on or  
6       after January 1, 1999.

7       (4) For operators who are under 35 years of age, on or  
8       after January 1, 2000.

9       (5) For operators who are under 40 years of age, on or  
10      after January 1, 2001.

11      (6) For operators who are 40 years of age or older, on  
12      or after January 1, 2002.

13      On or after January 1, 1997, no person shall operate a personal  
14      watercraft unless he has completed a course in personal  
15      watercraft operation handling, has been issued a Certificate of  
16      Personal Watercraft Operation by the commission and is at least  
17      15 years of age.

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

20              (1) Possess the certificate of boating safety education  
21              when operating a vessel on waters of this Commonwealth.

22              (2) Show the certificate on the demand of a waterways  
23              conservation officer or other law enforcement officer.

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

26              (1) A person who is visiting this Commonwealth for 90  
27              days or less in a vessel from a country other than the United  
28              States.

29              (2) A person operating a boat on a body of water located  
30              on private property.

1       (3) Any other person exempted by regulation of the  
2       commission.

3       (d) Operational requirements.--When a motorboat is operated  
4       for pleasure on the waters of this Commonwealth, the operator of  
5       the vessel shall:

6           (1) possess the certificate of boating safety education;  
7       or

8           (2) be exempt from the certification requirements of  
9       subsection (a).

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

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

13           (2) Administer a written or verbal test when  
14       appropriate.

15           (3) Coordinate a Statewide program of boating safety  
16       instruction and certification and, whenever possible, ensure  
17       that a course of boating safety education is available within  
18       each county.

19           (4) Ensure that approved courses of instruction in  
20       boating safety education are available at the earliest  
21       practicable age for children in boating communities.

22           (5) Issue a certificate of boating safety education to a  
23       person who passes a commission-approved course in boating  
24       safety education.

25           (6) Replace a lost or destroyed certificate.

26           (7) Establish such fees as may be necessary to implement  
27       and administer a course of instruction in boating safety and  
28       issue certification.

29       (f) Additional sources of instruction.--If approved by the  
30       commission, any of the following may offer the course of

instruction in boating safety education:

(1) The commission.

(2) The United States Coast Guard Auxiliary.

(3) The United States Power Squadron.

(4) A political subdivision.

(5) A municipal corporation.

(6) An agency.

(7) A public or nonpublic school.

(8) A group.

(9) A firm.

(10) An association.

(11) Any other person.

(g) Validity of certificate.--A certificate of boating safety education is not transferable and shall be valid for the lifetime of the person to whom it was issued.

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

(i) Other valid documentation.--

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

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

1 (j) Others subject to mandatory requirements.--

2 (1) If a person is convicted of two boating violations  
3 concerning the operation of or safety equipment on a vessel  
4 within a two-year period of time, the person is required, as  
5 a condition of probation or sentencing, to successfully  
6 complete a boating safety education course that is offered or  
7 approved by the commission.

8 (2) Notwithstanding paragraph (1), if a person is  
9 convicted of any of the following boating safety violations  
10 in the operation of a vessel, the person is required, as a  
11 condition of probation or sentencing, to successfully  
12 complete a boating safety education course that is offered or  
13 approved by the commission:

14 (i) negligent operation;

15 (ii) reckless operation; or

16 (iii) operating under the influence of alcohol, any  
17 drug, combination of drugs or combination of drugs and  
18 alcohol in violation of this title.

19 (3) The requirement to take and successfully complete  
20 the boating safety education course under paragraphs (1) and  
21 (2) shall be in addition to any other punishment that may be  
22 imposed for violation of the boating laws or regulations of  
23 this Commonwealth.

24 (k) Penalty.--On or after July 1, 1997, a person who is  
25 subject to the provisions of subsection (a) and who operates on  
26 waters of this Commonwealth a motorboat in violation of any  
27 requirement of this section commits a summary offense of the  
28 second degree.

29 (l) Enforcement.--A commission waterways conservation  
30 officer or other law enforcement officer may enforce the

1 provisions of this section only as a secondary action when the  
2 officer detains an operator of a vessel for a suspected  
3 violation of another provision of this title or regulations  
4 adopted in accordance with another provision of this title. A  
5 person may be cited, but not apprehended solely, for a violation  
6 of this section.

7       Section 2. This act shall take effect January 1, 1996.