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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. ←