

No. 1991-39

AN ACT

HB 1107

Amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, designating the commission as the Pennsylvania Fish and Boat Commission; and further providing for the registration of boats.

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

Section 1. The definitions of "commission" and "executive director" in section 102 of Title 30 of the Pennsylvania Consolidated Statutes are amended to read:

§ 102. Definitions.

Subject to additional definitions contained in subsequent provisions of this title which are applicable to specific provisions of this title, the following words and phrases when used in this title shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

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"Commission." The Pennsylvania Fish *and Boat* Commission of the Commonwealth.

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"Executive director." The executive director of the Pennsylvania Fish *and Boat* Commission.

* * *

Section 2. Section 301(a) of Title 30 is amended to read:

§ 301. Organization of commission.

(a) Composition.—The Pennsylvania Fish *and Boat* Commission is continued as an independent administrative commission and shall consist of ten competent citizens of this Commonwealth who shall be appointed by the Governor by and with the advice and consent of two-thirds of the members elected to the Senate for terms of eight years and until their successors are appointed and qualified.

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Section 3. Title 30 is amended by adding a section to read:

§ 308. *Designation of commission.*

The Pennsylvania Fish Commission is designated the Pennsylvania Fish and Boat Commission. Prosecutions, licenses, contracts, deeds, enforcement actions and other official actions by the commission shall not be affected by the use of the designation of the commission as the Pennsylvania Fish Commission. The commission may continue to use the name Pennsylvania Fish Commission on badges, citations, field acknowledgments, contracts, licenses, registrations, stationery or any other official documents or emblems until existing supplies are exhausted. The commission may substitute the title "Pennsylvania Fish and Boat Commission" for the title "Pennsylvania Fish

Commission” on its documents and materials on such schedule as it deems appropriate.

Section 4. Sections 5104, 5122(a)(1), 5301, 5302, 5303, 5305, 5306(a), (b) and (c) and 5310 of Title 30 are amended to read:

§ 5104. Fees.

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

(1) Owner registration (~~[boats]~~ *motorboats* less than 16 feet in length), ~~[\$4]~~ \$10 per year.

(2) Owner registration (~~[boats]~~ *motorboats* 16 feet ~~[or longer]~~, \$6] *to less than 20 feet*), \$15 per year.

(2.1) *Owner registration (motorboats 20 feet or longer), \$20 per year.*

(2.2) *Owner registration (boats not equipped with motors), \$5 per year.*

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

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

(5) ~~[Additional dealer registration, \$5]~~ *Commercial passenger boat registration, \$25 each.*

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

(7) Capacity plate, ~~[\$2]~~ \$5 each.

(8) Transfer of a multi-year boat registration, \$5.

(9) *Permit for floating structure and private aids to navigation, \$10 each.*

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

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

(1) Permanent and temporary registration of ~~[motorboats]~~ *boats*.

* * *

§ 5301. Registration of motorboats required.

(a) General rule.—~~[It]~~ *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.*

(b) Penalty.—Any person who violates this section commits a summary offense of the third 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 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 ~~[of]~~ *not to exceed the first 60 days of use on Commonwealth waters.*

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

- (3) Boats, other than boats used for recreational purposes, which are:
- (i) owned by the United States[, a state or a subdivision thereof];
 - (ii) used solely for public service functions such as search and rescue; and
 - (iii) clearly identifiable as such.

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

(4) Lifeboats on ships.

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

(6) Boats not equipped with **[propelling machinery.] 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 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.

[(a) Registration of other watercraft.—Watercraft other than motorboats may be registered under this chapter at the option of the owner.]

(b) Registration of Commonwealth motorboats.—Special registrations shall be issued free of charge by the commission for motorboats owned or operated by the Commonwealth.]

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

§ 5305. Application for registration.

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

(b) Form and content.—The application shall be made on a form prescribed, prepared and furnished by the commission and, together with such

other information as the commission may require, shall state the name and address of the applicant and, if the applicant is a partnership, the names and addresses of all the partners, and, if the applicant is a corporation, the names and addresses of the officers.

(c) **Penalty.**—Any person **[violating any of the provisions of this section] providing false information in connection with a boat registration** commits a summary offense of the **[third] second** degree.

§ 5306. Certificate of registration.

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

(b) **Carrying on [motorboat] boat.**—The certificate of registration shall be available at all times for inspection on the **[motorboat] boat** for which issued whenever the **[motorboat] boat** is in operation, and shall be carried in such manner that it can be handed to any Federal, State or local law enforcement officer authorized to inspect it. The commission may, by regulation, exempt certain classes of boats from this requirement or prescribe alternate compliance requirements.

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

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§ 5310. Display of registration number.

(a) **General rule.**—The registration number shown on the certificate of registration shall be painted on or attached to each side of the bow of the **[motorboat] boat** in order that it may be clearly visible. No other number may be displayed on the bow. The number shall be maintained in a legible condition.

(b) **Exceptions.**—*The following boats are exempt from the display of registration numbers:*

(1) *Boats possessing a valid marine document issued by the United States Coast Guard or its successor agency.*

(2) *Any other boat or class of boat which the commission determines by regulation to exempt from the display of numbers upon a finding that such display is not practicable or does not aid materially in the identification of the boat and that does not conflict with Federal numbering requirements.*

[(b)] (c) Penalty.—A person who operates a properly registered **[motorboat] boat** that does not display a proper registration number commits a summary offense of the fourth degree.

Section 5. After the effective date of this act, the Pennsylvania Fish and Boat Commission shall recycle or continue to use any forms, stationery, business cards or other office supplies or materials which contain references to the Pennsylvania Fish Commission until the time these existing supplies and materials are depleted. Existing signs on which the Pennsylvania Fish Commission designation appears shall not be changed until the existing signs become worn and require replacement.

Section 6. This act shall apply to boat registrations issued for the calendar year 1992 and each year thereafter.

Section 7. This act shall take effect immediately.

APPROVED—The 12th day of December, A. D. 1991.

ROBERT P. CASEY