

RULES AND REGULATIONS

Title 58—RECREATION

FISH AND BOAT COMMISSION

[58 PA. CODE CHS. 93 AND 111]

Boating; Special Regulations Counties

The Fish and Boat Commission (Commission) amends Chapters 93 and 111 (relating to boat registration and numbering; and special regulations counties). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code).

A. *Effective Date*

The final-form rulemaking will go into effect on January 1, 2017.

B. *Contact Person*

For further information on the final-form rulemaking, contact Laurie E. Shepler, Esq., P.O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This final-form rulemaking is available on the Commission's web site at www.fish.state.pa.us.

C. *Statutory Authority*

The amendment to § 93.3 (relating to application for boat registration) is published under the statutory authority of section 5122 of the code (relating to registrations, licenses, permits, plates and statistics). The amendment to § 93.102 (relating to application procedure and contents of applications for certificates of title) is published under the statutory authority of section 5325 of the code (relating to rules and regulations). The amendment to § 111.9 (relating to Bucks County) is published under the statutory authority of section 5124 of the code (relating to particular areas of water).

D. *Purpose and Background*

This final-form rulemaking is designed to improve, enhance and update the Commission's boating regulations. The specific purpose of the amendments is described in more detail under the summary of changes. The Commission's Boating Advisory Board previously considered the proposed amendments and recommended that the Commission approve the publication of a proposed rulemaking.

E. *Summary of Changes*

(1) On April 27, 2012, the United States Coast Guard (Coast Guard) amended 33 CFR Parts 173, 174, 181 and 187 regarding numbering undocumented vessels and reporting boat accidents. These changes: align and modernize terminology used in the Standard Numbering System (SNS), the Vessel Identification System and accident reporting; require verification of vessel hull identification numbers; require SNS vessel owners to provide personally identifiable information; and provide flexibility for states and territories in administering these regulations. Together, the changes are intended to improve boating safety efforts, enhance law enforcement capabilities, clarify requirements for stakeholders and promote the Coast Guard strategic goals of maritime safety and security. States have until January 1, 2017, to implement these changes.

Since 2012, the Commission has been working on effecting the necessary changes to its systems to be in

compliance with the amended Coast Guard regulations. Significant changes needed to be coded into the registration and titling system and its accompanying database. Coordination with the Department of Revenue was required to revise the REV-336 Instruction for Application for Pennsylvania Boat Registration and/or Boat Title form.

The majority of the required changes reflect nomenclature and vessel data category grouping changes and are considered housekeeping. Among these changes is standardizing how all states will now define "vessel type." Hull material has been expanded to include rubber/vinyl/canvas instead of referring to this class of hull material as "other." The Coast Guard also relabeled data categories. What was previously referred to as propulsion type is now called engine drive type. This category, which identifies a boat's engine drive, includes inboard, outboard, pod drive, stern drive and other. In addition, the Coast Guard refined how states categorize the manner in which a boat will be operated. The Coast Guard now restricts a boat's reported usage as pleasure, commercial passenger, livery/rental, commercial fishing, dealer and other commercial operation.

While these required changes are administrative in nature, the Commission must also collect and provide to the Coast Guard personally identifiable information that uniquely ties a boat to an owner. This will be accomplished by creating a unique identification number for each boat owner by collecting and then combining the vehicle driver's license of the owner with his date of birth. This unique identifier once entered into the system will match the boat's hull identification number with a single individual instead of simply linking it to a name. This will greatly benefit law enforcement when dealing with lost or stolen boats.

The Commission amends §§ 93.3 and 93.102 to read as set forth in Annex A.

(2) In 1997, the Commission enacted several regulations on the Delaware River to mirror New Jersey law. One of those regulations was the slow, no wake zone on Paunacussing Creek from the mouth to the vicinity of Green Hill Road from 12:01 a.m. on the Friday before Memorial Day until midnight on Labor Day.

A recent review of this regulation found that the law was not enacted in New Jersey and is not being enforced by either state. In discussions with the New Jersey State Police, the agency with jurisdiction, the Commission learned that New Jersey has no desire to add this requirement to its boating law. Based on New Jersey's decision and the fact that the Commonwealth has not enforced this regulation in recent history, the Commission proposed to delete it.

The Commission amends § 111.9 to read as set forth in Annex A.

F. *Paperwork*

This final-form rulemaking will not increase paperwork and will not create new paperwork requirements.

G. *Fiscal Impact*

This final-form rulemaking will not have adverse fiscal impacts on the Commonwealth or its political subdivisions. This final-form rulemaking will not impose new costs on the private sector or the general public.

H. Public Involvement

Notice of proposed rulemaking was published at 46 Pa.B. 2555 (May 21, 2016). The Commission did not receive public comments regarding the proposed amendments.

Findings

The Commission finds that:

(1) Public notice of intention to adopt the amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided and no public comments were received.

(3) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for administration and enforcement of the authorizing statutes.

Order

The Commission, acting under the authorizing statutes, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapters 93 and 111, are amended by amending §§ 93.3, 93.102 and 111.9 to read as set forth in Annex A.

(b) The Executive Director will submit this order and Annex A to the Office of Attorney General for approval as to legality and form as required by law.

(c) The Executive Director shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect on January 1, 2017.

JOHN A. ARWAY,
Executive Director

Fiscal Note: Fiscal Note 48A-270 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart C. BOATING

CHAPTER 93. BOAT REGISTRATION AND NUMBERING

Subchapter A. REGISTRATION OF BOATS

§ 93.3. Application for boat registration.

(a) *New registration.* Application for a boat registration for a new boat or a used boat that was not previously registered in this Commonwealth shall conform with the following:

(1) *Forms.* The owner of a boat desiring registration shall apply on Form REV-336, provided by the Commission. The completed form shall be forwarded to the Fish and Boat Commission, Division of Licensing and Registration.

(2) *Required information.* The applicant shall provide the following information on the application (REV-336) for a boat registration:

(i) The name, mailing address, residence address, phone number, county and zip code of the owner. If there is more than one owner, the principal owner shall be listed first.

(ii) If the owner is an individual, the driver's license number, if any. If the owner is a manufacturer, jobber or dealer, the tax identification number.

(iii) The name of the person from whom the boat was purchased.

(iv) The State registration number, if any, currently assigned to the boat.

(v) The make and model.

(vi) The hull material, such as wood, steel, aluminum, plastic, fiberglass, rubber/vinyl/canvas or other.

(vii) The full Hull Identification Number (HIN).

(viii) The year built, if known.

(ix) The length of the boat in feet and inches.

(x) The type of boat, such as air boat, auxiliary sail, cabin motorboat, houseboat, inflatable boat, open motorboat, paddlecraft, personal watercraft, pontoon boat, rowboat, sail only or other.

(xi) The type of engine drive, such as outboard, inboard, sterndrive, pod drive or other.

(xii) The type of fuel, such as gas, diesel, electric or other.

(xiii) The type of propulsion, such as propeller, waterjet, air thrust, manual, sail or other.

(xiv) The temporary validation expiration date, if one was issued.

(xv) The primary operation such as pleasure, rental/livery, manufacturer/dealer/jobber, commercial passenger, charter fishing, commercial fishing, other commercial operation, and the like.

(xvi) A certificate of ownership. For initial registration in this Commonwealth this shall be supported by title, bill of sale, a complete Form PFBC-734 "Affidavit of Purchase/Ownership" or other positive proof of ownership.

(xvii) The date the applicant completed the form.

(xviii) The signature of the owners and certification, under penalty of law, that they are the owners of the boat and that the information contained in the application is true and correct.

(xix) Complete Sales and Use Tax information.

(xx) The date of birth of the primary registrant and coregistrant.

(3) *Manufacturers, jobbers or dealers.* Paragraph (2)(vi)—(xiv) and (xx) does not apply to manufacturers, jobbers or dealers.

(4) *Boat rental business.* Paragraph (2)(xi) and (xii) does not apply to a boat rental business if a motor is not rented with the boat.

(5) *Incomplete or incorrect applications.* Incomplete or incorrect applications will not be processed until completed and may be returned by the Commission to the applicant or issuing agent.

(b) *Renewals.* Only Forms PFBC-730a and PFBC-733 shall be used to renew registrations of boats which are being kept by the same owner. If the registration has lapsed, the owner shall obtain Form PFBC-730a or PFBC-733 from the Division of Licensing and Registration of the Commission to renew the lapsed registration.

(c) *Previously registered boats.* Application for a certificate of registration for a boat previously registered in this Commonwealth shall conform with the following:

(1) Form REV-336 shall be completed by the purchaser and seller and signed by the last registered owner.

(2) A bill of sale, signed by the last registered owner, may be substituted for the required signature on REV-336.

(3) If the registered owner of a boat to be transferred is deceased, the personal representative (executor/administrator) of the decedent shall sign Form REV-336 for the deceased owner. The personal representative shall indicate his capacity with his signature and shall provide documentation—an original death certificate and letters testamentary, letters of administration, original short certificate, court order filed under small estates procedures or Form PFBC-R1—certifying his capacity to act on behalf of the decedent's estate. An original death certificate is not required if Form PFBC-R1 is signed by the attending physician or funeral director. If the boat registration is to be transferred from joint ownership, when one of the joint owners is deceased, the other joint owner shall present the original death certificate to effect the transfer.

(4) When an applicant seeks to register a boat having an expired registration and the last registered owner has not signed the REV-336 or bill of sale because the applicant is not the seller of the boat, the Commission will, prior to processing the application for registration, notify the last registered owner at his last known address that the applicant is seeking to register the boat. If the last registered owner claims an ownership interest in the boat and objects to the transfer of the registration to the applicant, the Commission will defer further processing until the parties resolve the ownership issues through established civil processes. If the last registered owner does not object to the transfer or fails to respond to the notice after 30 days, the Commission may process the request for registration if it is otherwise satisfied that the applicant is the true and lawful owner of the boat and entitled to registration.

(d) *Transfer of registration to new boat.* The holder of a valid Pennsylvania registration certificate on a boat previously owned by the holder may transfer the registration certificate for the remainder of the original boat's registration period to a new boat upon payment of the transfer fee for multiyear registrations as set forth in the code and submission of a complete Form PFBC R-4. If the registration fee for the new boat is greater than the registration fee for the old boat based on the length of the boat, the applicant shall also pay the difference between the registration fees for the new and old boat. The applicant shall submit the certificate of registration for the old boat and certify that the validation decals have been removed from the old boat at the time of transfer. The old boat's number shall remain with the old boat, and the new boat shall be issued a new number unless it was previously numbered in this Commonwealth.

Subchapter B. TITLING OF BOATS

§ 93.102. Application procedure and contents of applications for certificates of title.

(a) Boat owners shall apply for a certificate of title on Form REV-336, provided by the Commission. The completed form shall be forwarded to the Commission at the address listed on the application.

(b) The applicant shall provide the following information on the application (REV-336) for a title:

(1) The name, mailing address, residence address, phone number and zip code of the owner. If there are

co-owners, the applicants shall provide information relating to both owners and indicate whether the boat is owned as joint tenants with right of survivorship or as tenants in common.

(2) The date of birth of the primary purchaser and the co-owner.

(3) The name of the person from whom the boat was purchased.

(4) The State registration number, if any, currently assigned to the boat.

(5) The hull material, such as wood, steel, aluminum, plastic, fiberglass, rubber/vinyl/canvas or other.

(6) The full Hull Identification Number (HIN).

(7) The make, model and year built, if known.

(8) The length of the boat in feet and inches.

(9) The type of boat, such as air boat, auxiliary sail, cabin motorboat, houseboat, inflatable boat, open motorboat, paddlecraft, personal watercraft, pontoon boat, rowboat, sail only or other.

(10) The type of engine drive, such as outboard, inboard, sterndrive, pod drive or other.

(11) The type of fuel, such as gas, diesel, electric or other.

(12) The type of propulsion, such as propeller, waterjet, air thrust, manual, sail or other.

(13) The primary operation such as pleasure, rental/livery, manufacturer/dealer/jobber, commercial passenger, charter fishing, commercial fishing, other commercial operation, and the like.

(14) For boats with outboard internal combustion motors, the serial number, the manufacturer's name and the horsepower rating. If there are two motors, the applicant shall provide information for both motors.

(15) The names and addresses of each lienholder (in the order of priority).

(16) The date of lien encumbrance.

(17) The date the applicant completed the form.

(18) The signature of the owner.

(19) Complete Sales and Use Tax information.

(c) An outboard motor is an integral part of a boat and is subject to title and lien requirements. If any information pertaining to the outboard motor changes from that which the applicant provided in the original application, the applicant shall apply for a new title.

(d) The Commission will not process incomplete applications.

(e) The Commission will not issue a certificate of title for a boat that is registered or titled, or both, in another state or that is documented by the United States Coast Guard unless the application for title is accompanied by the current certificates of registration or title, or both, for the boat or evidence that the marine document for the boat is no longer in effect.

**CHAPTER 111. SPECIAL REGULATIONS
COUNTIES**

§ 111.9. Bucks County.

(a) *Lake Nockamixon*. The operation of boats powered by internal combustion motors is permitted. The use of motors in excess of 20 horsepower is prohibited.

(b) *Neshaminy Creek*. Boats are limited to slow, no wake speed on the entire creek from its headwaters to its confluence with the Delaware River.

(c) *Tyler State Park*. The operation of boats powered by internal combustion motors is prohibited.

(d) *Delaware River*.

(1) Boats are limited to slow, no wake speed in Franklin Cove.

(2) Boats are limited to slow, no wake speed while passing through the following bridge spans:

(i) Route 263 (Stockton-Center) Bridge.

(ii) Route 202 Toll Bridge.

(iii) Route 179 (New Hope-Lambertville) Bridge.

(iv) Lumberville Foot Bridge.

(v) Upper Black Eddy—Milford Bridge.

(vi) Riegelsville Bridge.

(vii) Frenchtown “Free” Bridge.

(3) The mooring of boats within 100 feet of the marina boat dock in Franklin Cove is prohibited.

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