

CHAPTER 101. BOATING ACCIDENTS

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Cross References

This chapter cited in 58 Pa. Code § 117.3 (relating to responsibilities).

§ 101.1. Applicability.

This chapter applies to each boat used on waters subject to the jurisdiction of this Commonwealth, either solely or jointly with the United States, and on the high seas beyond the territorial seas for a boat registered in this Commonwealth that is one of the following:

- (1) Used by its operator for recreational purposes.
- (2) Required to be registered under Chapter 93 (relating to boat registration and numbering).

Source

The provisions of this § 101.1 amended September 14, 1984, effective May 5, 1984, 14 Pa.B. 3365; amended March 13, 1987, effective March 14, 1987, 17 Pa.B. 1084; amended June 3, 1994, effective June 4, 1994, 24 Pa.B. 2795. Immediately preceding text appears at serial page (153823).

§ 101.2. Reportable boating accidents.

Boating accidents shall be reported when one or more of the following conditions exist:

- (1) A person dies.
- (2) A person is injured and requires medical treatment beyond first aid.
- (3) Damage to vessels and other property totals \$2,000 or more or there is a complete loss of any vessel.
- (4) A person disappears from the boat under circumstances that indicate death or injury is likely.

Authority

The provisions of this § 101.2 amended under the Fish and Boat Code, 30 Pa.C.S. § 5123.

Source

The provisions of this § 101.2 amended December 28, 1984, effective December 29, 1984, 14 Pa.B. 4691; amended March 13, 1987, effective March 14, 1987, 17 Pa.B. 1084; amended June 3, 1994, effective June 4, 1994, 24 Pa.B. 2795; amended November 15, 2002, effective January 1, 2003, 32 Pa.B. 5659. Immediately preceding text appears at serial pages (265571) to (265572).

Cross References

This section cited in 58 Pa. Code § 101.4 (relating to written boating accident report).

§ 101.3. Immediate notification of death or disappearance.

(a) If, as a result of an occurrence that involves a boat or its equipment, a person dies or disappears from a boat, the operator shall without delay, by the quickest means available, notify the Commission of the following:

- (1) The date, time and exact location of the occurrence.
- (2) The name of each person who died or disappeared.
- (3) The registration or documentation number and name of boat, as applicable.
- (4) The names and addresses of the owner and operator.

(b) If the operator of a boat involved in a boating accident is unable to give the notice required by subsection (a), each person onboard shall notify the Commission or determine that the notice has been given. If the passengers are unable to give notice, the owner shall give the required notice if the owner was not onboard.

Source

The provisions of this § 101.3 amended December 28, 1984, effective December 29, 1984, 14 Pa.B. 4691; amended March 13, 1987, effective March 14, 1987, 17 Pa.B. 1084; amended June 3, 1994, effective June 4, 1994, 24 Pa.B. 2795. Immediately preceding text appears at serial pages (153824) and (147883).

§ 101.4. Written boating accident report.

(a) A written report, PFC Form 260, is required for accidents as defined by § 101.2 (relating to reportable boating accidents).

(b) Written reports shall be submitted by operators involved in the occurrence according to the following:

- (1) Within 48 hours if a person does one of the following:
 - (i) Dies within 24 hours of the occurrence.
 - (ii) Is injured and requires medical treatment beyond first aid.
 - (iii) Disappears from a vessel.
- (2) Within 10 days if an earlier report is not required.

(c) If an operator is unable to submit a report, the owner shall do so. If the owner and the operator are physically incapable of submitting the report, an officer or designated employe of the Commission may investigate and submit the required report.

(d) The PFC Form 260 shall be completely and legibly filled out by the operator or owner.

Source

The provisions of this § 101.4 amended March 13, 1987, effective March 14, 1987, 17 Pa.B. 1084; amended June 22, 1990, effective June 23, 1990, 20 Pa.B. 3502; amended June 3, 1994, effective June 4, 1994, 24 Pa.B. 2795; amended April 19, 1996, effective April 20, 1996, 26 Pa.B. 1822. Immediately preceding text appears at serial pages (189536) to (189537).

§ 101.5. Confidentiality of boating accident report.

(a) In accordance with section 5503 of the code (relating to accident reports), the Boating Accident Report, PFC-260, and accompanying data are confidential. The reports are for the information of the Commission and are not releasable to the public. The reports are not admissible as evidence in a legal action, except to prove compliance with the code. The reports are not discoverable in a civil or criminal proceeding.

(b) An abstract which contains the date, time, location, weather conditions, names and addresses of the operators, passengers and witnesses and descriptions of the watercraft involved is releasable. The Commission may charge a reproduction fee of 50¢ per page.

Source

The provisions of this § 101.5 amended March 13, 1987, effective March 14, 1987, 17 Pa.B. 1084; amended June 22, 1990, effective June 23, 1990, 20 Pa.B. 3502; amended June 3, 1994, effective June 4, 1994, 24 Pa.B. 2795. Immediately preceding text appears at serial pages (147884) and (155735).

§ 101.6. Investigation reports by Commission officers.

(a) The Commission may assign a waterways conservation officer or other employe to complete an accident investigation report when an accident involves loss of life, disappearance, medical treatment given beyond first aid or in other circumstances in which the Executive Director, or a designee, directs an investigation.

(b) A boating accident investigation report will be completed without referring to the boating accident report submitted by the owner or operator of the boat.

(c) Under section 324 of the code (relating to Commission records), boating accident investigation reports are not considered public records and they will not be released except for the following:

- (1) Pursuant to a valid subpoena.
- (2) When 234 Pa. Code (relating to Rules of Criminal Procedure) requires production of the documents.
- (3) To other government agencies for official purposes.

Source

The provisions of this § 101.6 amended March 13, 1987, effective March 14, 1987, 17 Pa.B. 1084; amended June 3, 1994, effective June 4, 1994, 24 Pa.B. 2795; amended December 5, 2008, effective January 1, 2009, 38 Pa.B. 6614; amended April 10, 2009, effective April 11, 2009, 39 Pa.B. 1860. Immediately preceding text appears at serial pages (340217) to (340218).

§ 101.7. Accident prevention investigations.

(a) The Commission may conduct in-depth investigations into the human, weather, equipment, operational and environmental aspects of boating accidents for the purpose of reviewing the potential causes of accidents and ways of preventing similar accidents. The officer or other employe conducting an in-depth accident prevention investigation shall have access to boating accident reports filed by operators and owners, accident investigation reports and other Commission records related to the accident.

(b) Information, records and reports associated with in-depth accident prevention investigations are for the internal use of the Commission in preventing accidents and will not be be releasable since they contain privileged and nonpublic information.

Source

The provisions of this § 101.7 amended March 13, 1987, effective March 14, 1987, 17 Pa.B. 1084; amended June 3, 1994, effective June 4, 1994, 24 Pa.B. 2795. Immediately preceding text appears at serial pages (155735) to (155736).

§ 101.8. Duties of operators involved in boating accidents.

(a) *General rule.* The operator of a watercraft involved in an accident shall immediately stop the watercraft at the scene of the accident or as close thereto as possible. Every stop shall be made without obstructing the safe navigation of other watercraft more than is necessary.

(b) *Duty to give information.* The operator of a watercraft involved in an accident resulting in injury to or death of a person or damage to property shall give his name, address and the registration number of his watercraft to:

- (1) An officer authorized to enforce this title.
- (2) The operator or occupants of any other watercraft involved in the accident.
- (3) A person who owns or is in control of any property damaged in the accident.

(c) *Duty to render aid.* The operator of a watercraft involved in an accident involving injury or death shall render reasonable assistance to a person injured in the accident if the operator can reasonably do so without endangering persons or property.

(d) *Duty to remain at or near scene.* The operator of a watercraft involved in a watercraft accident involving injury to or death of a person other than the operator or a passenger of the operator's watercraft or damage to property other than the operator's watercraft or other property contained therein shall remain at

or near the scene of the accident until he has fulfilled the duties described in subsection (b) if the operator can reasonably do so without obstructing navigation of other watercraft or endangering persons or property. When circumstances make it clearly impractical to remain at or near the scene of the accident on the water, the operator may fulfill the requirements of this subsection by going to shore at a location near the scene of the accident.

(e) *Purpose.* This section is designated as a regulation for the protection of the health and safety of persons under section 5123(a)(1) of the Code (relating to general boating regulations).

Source

The provisions of this § 101.8 amended March 13, 1987, effective March 14, 1987, 17 Pa.B. 1084; amended June 3, 1994, effective June 4, 1994, 24 Pa.B. 2795; amended April 19, 1996, effective April 20, 1996, 26 Pa.B. 1822. Immediately preceding text appears at serial page (189538).

§ 101.9. [Reserved].

Source

The provisions of this § 101.9 adopted March 13, 1987, effective March 14, 1987, 17 Pa.B. 1084; amended June 1, 1990, effective June 2, 1990, 20 Pa.B. 2928; amended June 22, 1990, effective June 23, 1990, 20 Pa.B. 3502; amended January 4, 1991, effective January 5, 1991, 21 Pa.B. 7; reserved June 3, 1994, effective June 4, 1994, 24 Pa.B. 2795. Immediately preceding text appears at serial pages (155736) and (157719).

§ 101.10. [Reserved].

Source

The provisions of this § 101.10 adopted March 13, 1987, effective March 14, 1987, 17 Pa.B. 1084; amended June 1, 1990, effective June 2, 1990, 20 Pa.B. 2928; amended June 28, 1991, effective June 29, 1991, 21 Pa.B. 2894; reserved June 3, 1994, effective June 4, 1994, 24 Pa.B. 2795. Immediately preceding text appears at serial pages (157719) to (157720).

§§ 101.11—101.14. [Reserved].

Source

The provisions of these §§ 101.11—101.14 adopted March 13, 1987, effective March 14, 1987, 17 Pa.B. 1084; reserved June 3, 1994, effective June 4, 1994, 24 Pa.B. 2795. Immediately preceding text appears at serial pages (157720) to (157721).

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