

## CHAPTER 117. BOAT RENTAL BUSINESSES

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### Source

The provisions of this Chapter 117 adopted June 3, 1994, effective June 4, 1994, 24 Pa.B. 2795, unless otherwise noted.

### Cross References

This chapter cited in 58 Pa. Code § 109.3 (relating to personal watercraft).

### § 117.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

*Boat livery*—A commercial enterprise (person, partnership, corporation or other legal entity) that rents or leases rental boats to other persons for use on the waters of this Commonwealth.

*Boat rental business*—A boat livery.

*Boat rental transaction*—The exchange of consideration in the form of money, goods or services for the use of a rental boat for a period of time.

*Livery operator*—The owner or lessee of a boat livery and employes and other persons authorized to act on behalf of the boat livery.

*Rental boat*—A vessel propelled by oars, paddles, sail or power, rented or leased in this Commonwealth.

(i) The term includes canoes, kayaks, inflatable boats, rowboats, sailboats, personal watercraft and other motorboats.

(ii) The term does not include inner tubes or similar devices not considered to be boats under this title.

### Authority

The provisions of this § 117.1 amended under the Fish and Boat Code, 30 Pa.C.S. § 5122.

### Source

The provisions of this § 117.1 amended March 24, 2000, effective March 25, 2000, 30 Pa.B. 1652. Immediately preceding text appears at serial page (251609).

### § 117.2. Inspections.

(a) A livery operator shall inspect its rental boats on a regular basis and shall maintain its rental boats in good repair. It is unlawful for a livery operator to rent or use a rental boat that is not in good repair and serviceable condition.

(b) A livery operator shall permit inspection of equipment, facilities and documentation required by this chapter by a waterways conservation officer or other officer authorized to enforce the code.

(c) A livery operator shall correct deficiencies noted by a waterways conservation officer or other officer authorized to enforce the code within 2 weeks of notification. If the deficiency involves equipment, the livery may not use the equipment until the deficiency is corrected.

#### Authority

The provisions of this § 117.2 amended under the Fish and Boat Code, 30 Pa.C.S. § 5122.

#### Source

The provisions of this § 117.2 adopted June 3, 1994, effective June 4, 1994, 24 Pa.B. 2795; amended April 19, 1996, effective April 20, 1996, 26 Pa.B. 1822; amended March 24, 2000, effective March 25, 2000, 30 Pa.B. 1652. Immediately preceding text appears at serial pages (251609) to (251610).

#### Cross References

This section cited in 58 Pa. Code § 93.4 (relating to certificate of registration).

### § 117.3. Responsibilities.

(a) It is unlawful for a livery operator to permit a rental boat to depart from the boat rental business without the equipment required by this title for the type of boat being rented.

(b) A livery operator shall offer to all persons renting boats an orientation/introduction to boating safety and conditions, including a review of the laws and regulations applicable to the type of boat being rented and the waters on which the boat will be used. The Executive Director will provide guidance in the preparation of this orientation. Persons who produce a Boating Safety Education Certificate issued or approved by the Commission under § 91.6 (relating to certificates) are exempt from review.

(c) Boat rental transactions shall be made using a written agreement, specifying the name and address of the lessee, the number of persons in the lessee's party and date of departure.

(d) Livery boats shall be clearly marked on both sides for easy identification of the business. Each boat shall be marked with letters, numbers or decals at least 3 inches tall.

(e) A livery operator shall only rent boats that meet or exceed minimum United States Coast Guard requirements for boats of that type. Rental boats shall be of a design and material suitable for their intended use.

(f) A livery operator shall submit a boating accident report for all reportable accidents involving one or more of the rental boats in accordance with Chapter 101 (relating to boating accidents). This requirement is in addition to the requirement that the operator of the boat file a boating accident report.

(g) It is unlawful for a livery operator to rent or use a boat in excess of its capacity as set forth by the manufacturer for the total number of passengers, total weight or maximum horsepower.

**Authority**

The provisions of this § 117.3 amended under the Fish and Boat Code, 30 Pa.C.S. § 5122.

**Source**

The provisions of this § 117.3 adopted June 3, 1994, effective June 4, 1994, 24 Pa.B. 2795; amended April 19, 1996, effective April 20, 1996, 26 Pa.B. 1822; amended March 24, 2000, effective March 25, 2000, 30 Pa.B. 1652. Immediately preceding text appears at serial pages (251610) to (251611).

**Cross References**

This section cited in 58 Pa. Code § 117.4 (relating to motorboat liveries).

**§ 117.4. Motorboat liveries.**

(a) In addition to the requirements of § 117.3 (relating to responsibilities), a livery operator that rents boats equipped with motors greater than 25 horsepower and personal watercraft shall verify that operators of these boats either possess a permanent Boating Safety Education Certificate or have obtained a temporary Boating Safety Education Certificate from the livery. The Executive Director may authorize boat liveries to issue temporary Boating Safety Education Certificates, effective for the period of rental only, to operators of these boats if the boat livery and the operator comply with the requirements governing the rental of boats and the operation of boat liveries as defined in this chapter. The Executive Director will establish rules and guidelines for the issuance of temporary certificates.

(b) A personal watercraft livery shall take measures to oversee the operation of rented personal watercraft by persons who possess only a temporary Boating Safety Education Certificate. These measures shall include one of the following:

(1) The designation of a specified, marked area of operation for rented personal watercraft.

(2) The provision of qualified observers employed by the livery to directly observe the operation of rented personal watercraft. No more than seven personal watercraft may be under the observation of a single observer at any one time. Qualified observers shall be at least 16 years of age, have at least 10 hours of experience operating personal watercraft and have successfully completed the requirements for a permanent Boating Safety Education Certificate. The permanent Boating Safety Education Certificate shall be in the observer's possession when performing duties under this paragraph.

(c) A personal watercraft livery may not lease, hire or rent a personal watercraft to or for use by a person who is 15 years of age or younger.

**Authority**

The provisions of this § 117.4 amended under the Fish and Boat Code, 30 Pa.C.S. § 5122.

**Source**

The provisions of this § 117.4 amended March 24, 2000, effective March 25, 2000, 30 Pa.B. 1652; amended July 18, 2003, effective July 19, 2003, 33 Pa.B. 3497. Immediately preceding text appears at serial page (265577).

**§ 117.5. [Reserved].**

**Source**

The provisions of this § 117.5 reserved March 24, 2000, effective March 25, 2000, 30 Pa.B. 1652. Immediately preceding text appears at serial pages (251609) to (251611).

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