

CHAPTER 93. BOAT REGISTRATION AND NUMBERING

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Subchapter A. REGISTRATION OF BOATS

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Cross References

This chapter cited in 58 Pa. Code § 101.1 (relating to applicability); and 58 Pa. Code § 115.12 (relating to applicability of other regulations).

§ 93.1. Registration.

(a) With the exception of a “Manufacturer/Dealer/Jobber” registration certificate, which is valid for 1 year, and a “State Owned” registration certificate, which is valid until the removal of the property from inventory, all other boat registration certificates issued under this chapter are valid for a period not exceeding 2 years. The Commission will not issue 1-year registration certificates except to “Manufacturer/Dealer/Jobbers.” The registration period expires on March 31 of the second year following issuance.

(b) Except for Manufacturers/Dealer/Jobber registrations, the fee for the registration will be twice the annual registration fee as set forth in the code.

(c) Persons registering a boat under a company name shall supply the name of an individual who is responsible for the boat.

(d) The Commission ordinarily relies solely on the information submitted by an applicant to show that the applicant is the true and lawful owner of the boat for which registration is sought. Issuance of a boat registration does not constitute an adjudication or finding with respect to ownership of the boat. However, the Commission will defer issuance of a new or renewal registration for any boat after it receives written notice of the existence of a reasonable dispute as to the ownership of a boat. The parties who dispute the ownership of the boat shall be responsible to obtain a determination of ownership from an appropriate civil forum or by settlement and to notify the Commission, in writing, of the determination.

Authority

The provisions of this § 93.1 amended under the Fish and Boat Code, 30 Pa.C.S. § 5325.

Source

The provisions of this § 93.1 reserved June 6, 1986, effective June 7, 1986, 16 Pa.B. 2021; amended June 3, 1994, effective June 4, 1994, 24 Pa.B. 2795; amended January 2, 1998, effective January 3, 1998, 28 Pa.B. 40. Immediately preceding text appears at serial page (216413).

Notes of Decisions

Fees

The fact that boat owners receiving 2-year registrations in 1991 paid less than those who received 2-year registrations in 1992 was of no constitutional significance because, in the fee act, 30 Pa.C.S. § 5104, the General Assembly exercised its “undisputed” authority to set boat registration fees and made those new fees applicable on a specific date. Thus, there was a rational reason for charging more for a 1992-93, 2-year registration than for a 1991-92, 2-year registration. *Robinson v. Fish and Boat Commission*, 646 A.2d 43 (Pa. Cmwlth. 1994); appeal denied 655 A.2d 519 (Pa. 1995), 58 § 93.1.

§ 93.1a. [Reserved].

Source

The provisions of this § 93.1a adopted December 14, 1990, effective December 15, 1990, 20 Pa.B. 6179; amended February 12, 1993, effective February 13, 1993, 23 Pa.B. 744; reserved June 3, 1994, effective June 4, 1994, 24 Pa.B. 2795. Immediately preceding text appears at serial page (178601).

§ 93.2. Permanent and temporary registration.

(a) *Boat not previously registered in this Commonwealth.*

(1) A person acquiring a boat which has not been previously registered in the person’s name in this Commonwealth shall complete an application for boat registration as set forth in § 93.3 (relating to application for boat registration). The applicant will receive a copy of the completed application which will be recognized as the boat’s certificate of registration for a period specified in subsection (d). This temporary certificate of registration shall be carried on the boat when the boat is in operation and shall be available for inspection by an authorized officer. The new owner will receive a set of temporary validation

decals from the authorized issuing agent who will enter the expiration date (month/year), calculated in accordance with subsection (d), on the decal. Before the boat is operated, these temporary validation decals shall be displayed on each side of the bow—the front half—of the boat in a position to provide for maximum visibility.

(2) The owner or operator shall remove and replace the temporary validation decals with the biannual validation decals when received from the Commission. The biannual validation decals shall be displayed on the boat in accordance with § 93.5 (relating to display of registration number and validation decal). The Commission will assign a registration number to the boat which shall be displayed in accordance with § 93.5. This assigned registration number will remain with this boat as long as the boat is registered in this Commonwealth. The new owner will also receive, from the Commission, a biannual certificate of registration card which shall be carried onboard the boat while it is being operated.

(b) *Boat previously registered in this Commonwealth but having expired registration.*

(1) A person acquiring a boat which has been previously registered in another person's name in this Commonwealth and possesses an expired registration shall complete an application for boat registration as set forth in § 93.3. The applicant will receive a copy of the completed application which will be recognized as the boat's certificate of registration for a period specified in subsection (d). This temporary certificate of registration shall be carried on the boat when the boat is in operation and shall be available for inspection by an authorized officer. The new owner will receive a set of temporary validation decals from the authorized issuing agent who will enter the expiration date (month/year), calculated in accordance with subsection (d), on the decal. Before the boat is operated, these temporary validation decals shall be displayed on each side of the bow—the front half—of the boat in a position to provide for maximum visibility. If the boat is displaying expired validation decals, the owner or operator shall remove the expired validation decals and replace them with the temporary validation decals. The previously assigned registration number currently on the boat will remain with the boat as long as the boat is registered in this Commonwealth.

(2) The owner or operator shall remove and replace the temporary validation decals with the biannual validation decals when received from the Commission. The biannual validation decals shall be displayed on the boat in accordance with § 93.5. The new owners will also receive from the Commission a biannual certificate of registration card which shall be carried onboard the boat while it is being operated.

(c) *Boat previously registered in this Commonwealth having current registration.*

(1) A person acquiring a boat which has been previously registered in another person's name in this Commonwealth displaying current biannual validation decals shall complete an application for boat registration as set forth in § 93.3. The applicant will receive a copy of the completed application which will be recognized as the boat's certificate of registration for a period specified in subsection (d). This temporary certificate of registration shall be carried on the boat when the boat is in operation and shall be available for inspection by an authorized officer. The new owner will receive a set of temporary validation decals from the authorized issuing agent who will enter the expiration date (month/year), calculated in accordance with subsection (d), on the decal. Before operating the boat on the waters of this Commonwealth, the owner or operator shall remove the prior validation decals and replace them with the temporary validation decals. The previously assigned registration number will remain with the boat as long as the boat is registered in this Commonwealth. It is unlawful for a person acquiring a boat described in this subsection to operate the boat on the waters of this Commonwealth until the registration is transferred to the new owner as provided in this section.

(2) The Commission will send the registrant biannual validation decals and a new biannual certificate of registration. The registrant shall display the new biannual validation decals in accordance with § 93.5 and shall carry the registration card onboard the boat while it is operating.

(d) *Expiration of new registration.* In determining the expiration date of a new biannual registration, the Commission will ensure that the duration of temporary and permanent registrations issued to the registrant, taken together, allow the operation of the boat during at least two boating seasons. For purposes of this section, a boating season is the period between the Saturday before Memorial Day and Labor Day.

(e) *Temporary decals.* The temporary validation decals are valid until the last day of the second month after the date of issuance of the decal, which date will be not less than 60 nor more than 90 days after issuance of the decal. The owner or operator shall ensure that the temporary validation decals are removed and the biannual validation decals, when received from the Commission, are displayed in place of the temporary validation decals. The temporary validation decal shall display the date on which it expires in the following format: "Expires last day of (month)/(year)." The authorized issuing agent shall enter the expiration date (month/year) on the decal.

(f) *Temporary Internet registration renewals.* Temporary Internet registration renewals shall be valid for 30 days from the date of issuance. A temporary Internet registration renewal shall be available at all times for inspection on the boat for which it was issued whenever the boat is in operation and shall be carried so that it can be presented upon request to an officer authorized to enforce the code.

Authority

The provisions of this § 93.2 amended under the Fish and Boat Code, 30 Pa.C.S. §§ 741, 2102, 5122 and 5325.

Source

The provisions of this § 93.2 amended June 6, 1986, effective June 7, 1986, 16 Pa.B. 2021; 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 January 2, 1998, effective January 3, 1998, 28 Pa.B. 40; amended September 24, 1998, effective September 25, 1998, 28 Pa.B. 4788; amended February 27, 2004, effective February 28, 2004, 34 Pa.B. 1231. Immediately preceding text appears at serial pages (239828) and (248911) to (248912).

§ 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, Licensing and Registration Section.

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

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

(iv) The hull material, such as, wood, steel, aluminum, plastic or fiberglass or other.

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

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

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

(viii) The type of propulsion, such as, outboard, inboard sterndrive or unpowered.

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

(x) The capacity plate information.

(xi) The temporary validation decal number, if one was issued.

(xii) The primary usage such as, pleasure, rental/livery, manufacturer/dealer/jobber, commercial passenger, and the like.

(xiii) *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.

(xiv) The date the applicant completed the form.

(xv) 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.

(xvi) Complete Sales and Use Tax information.

(xvii) The date of birth of the primary registrant.

(3) *Manufacturers, jobbers or dealers.* Paragraph (2)(iv)—(x) and (xvi) do not apply to manufacturers, jobbers or dealers.

(4) *Boat rental business.* Paragraph (2)(viii) and (ix) 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 Licensing and Registration Section 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.

Authority

The provisions of this § 93.3 amended under the Fish and Boat Code, 30 Pa.C.S. § 5325; amended section 10 of the Sunshine Act (65 P. S. § 280); and section 506 of The Administrative Code of 1929 (71 P. S. § 186).

Source

The provisions of this § 93.3 amended June 6, 1986, effective June 7, 1986, 16 Pa.B. 2021; 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 January 2, 1998, effective January 3, 1998, 28 Pa.B. 40; amended November 5, 1999, effective November 6, 1999, 29 Pa.B. 5717. Immediately preceding text appears at serial pages (248913) to (248914) and (251599).

Cross References

This section cited in 58 Pa. Code § 93.2 (relating to permanent and temporary registration).

§ 93.4. Certificate of registration.

(a) The owner shall sign the certificate of registration, Form PFBC-730b, in ink and place a numbered, registration certificate validation decal on the reverse side of the certificate to validate the registration. A registration certificate is not valid unless a decal is applied.

(b) The Commission will mark a boat rental business's certificate of registration with "rental business." When the motor is not rented with the boat, the description of the propulsion and type of fuel shall be omitted from the certificate of registration.

(c) A boat's owner or representative who rents or leases a boat less than 26 feet long to someone else for noncommercial use for less than 7 days, may retain the certificate of registration at the place from which the boat is rented. These boats shall be identified as required by § 117.2(f) (relating to standards) while in use and comply with this subpart. A copy of the lease or rental agreement, signed by the owner or his representative and by the person renting or leasing the boat, that shows the registration number of the boat and the period of time for which the boat is rented or leased, shall be onboard and presented for inspection by an authorized officer requesting it.

(d) Each dealer's, jobber's and manufacturer's certificate shall be plainly marked "dealer," "jobber" or "manufacturer" in lieu of the description of the boat. The certificate of registration shall be onboard when a boat displaying the number is in use.

(e) *Boating without a certificate of registration onboard.*

(1) When a resident of this Commonwealth is found operating a boat without the required certificate of registration onboard and claims that the boat is validly registered, the apprehending officer shall give the operator 7 days to produce the original certificate.

(2) If it is inconvenient for the operator to produce the certificate in person, the officer may permit the operator to mail the original certificate to the officer for verification. The operator shall provide a stamped self-addressed envelope for the return of the certificate. If the officer permits the operator to mail the original certificate to the officer, the officer shall provide the operator with a receipt or other documentation allowing continued operation of the boat during the period the original certificate is not in possession.

(3) If the operator fails to send the original certificate within the 7-day period, the officer shall institute summary proceedings against the operator in the manner prescribed by law.

Authority

The provisions of this § 93.4 amended under the Fish and Boat Code, 30 Pa.C.S. §§ 5122 and 5325; section 10 of the Sunshine Act (65 P. S. § 280); and section 506 of The Administrative Code of 1929 (71 P. S. § 186).

Source

The provisions of this § 93.4 amended June 3, 1994, effective June 4, 1994, 24 Pa.B. 2795; amended January 2, 1998, effective January 3, 1998, 28 Pa.B. 40; amended November 5, 1999, effective November 6, 1999, 29 Pa.B. 5717; amended September 29, 2000, effective September 30, 2000, 30 Pa.B. 5013. Immediately preceding text appears at serial pages (263749) to (263750).

§ 93.5. Display of registration number and validation decal.

(a) The registration number shall be displayed above the waterline on both sides of the bow of the boat, considered to be any part of a boat's side forward of a point halfway between the front and the back of the boat.

(1) The registration number shall be in solid vertical block characters, at least 3 inches in height and of a color which shall contrast with the background.

(2) The registration numbers shall be painted on or permanently attached so they read from left to right and are in a position that provides maximum visibility and shall be maintained so they are clearly visible and legible.

(3) Inflatable boats and boats configured in a manner that a number on the hull or superstructure would not be easily visible, and unless special provision is made by the manufacturer for display of numbers, may carry registration numbers and validation decals on boards to be lashed to the bow on each side of the boat.

(4) Unpowered kayaks, sculls, sailboards and other low volume boats of similar design are exempt from displaying registration numbers.

(5) Boats possessing a valid marine document, when used for recreational purposes and when Pennsylvania is the state of principal operation, shall display a valid registration decal but may not display the registration number.

(b) A set of two color-coded validation decals will be issued for display with each registration number. The decal shall be displayed within 6 inches of the registration number and on a level with the number. The decals shall be approximately 3 inches by 3 inches and color-coded to indicate the registration period. Registration numbers and validation decals shall be displayed in the following manner: PA 12 AM□ or □ PA 12 AM. A validation decal may be displayed prior to April 1 of the period for which it is issued.

(c) No other number may be displayed on either side of the bow of the vessel.

(d) The displayed registration number of a manufacturer, jobber or dealer shall have the number printed upon or attached to a removable sign to be temporarily but firmly affixed to the bow of the vessel being operated for demonstra-

tion or testing. This temporary placement of the number shall otherwise be as prescribed in this section. This number may be transferred from boat to boat but may be used on only one boat at a time.

(e) An unauthorized person may not erase, deface, change paint on or tamper with a registration number or certificate, validation decal or other identification number on a boat or motor.

Authority

The provisions of this § 93.5 amended under the Fish and Boat Code, 30 Pa.C.S. § 5122.

Source

The provisions of this § 93.5 amended February 12, 1993, effective February 13, 1993, 23 Pa.B. 744; amended June 3, 1994, effective June 4, 1994, 24 Pa.B. 2795; amended December 11, 1998, effective December 12, 1998, 28 Pa.B. 6081; amended February 18, 2000, effective February 19, 2000, 30 Pa.B. 870. Immediately preceding text appears at serial pages (261358) to (261359).

Notes of Decisions

Authority of Officers

Officers did not have “articulable and reasonable” suspicion to stop and detain a motorboat operator and passengers based on a failure to display a valid registration sticker where the operator had, in fact, properly displayed a valid sticker which the officers had apparently failed, or were unable, to see. *Commonwealth v. Rachau*, 670 A.2d 731 (Pa. Cmwlth. 1996).

Cross References

This section cited in 58 Pa. Code § 93.2 (relating to permanent and temporary registration).

§ 93.6. Numbering pattern.

(a) The registration number shall be divided into three parts. The first or prefix part shall consist of the letters “PA.” The second part shall consist of not more than four arabic numerals. The third or suffix part shall consist of not more than three letters.

(b) The parts shall be separated by hyphens or spaces equivalent to a letter.

(c) Registration numbers issued to a boat rental business shall contain the letter “L” as the last letter in the suffix.

(d) Registration numbers issued to manufacturers, dealers and jobbers will consist of the letters “PA” followed by three numerals and ending in three letters, the first two of which shall be “DL.”

Source

The provisions of this § 93.6 amended June 3, 1994, effective June 4, 1994, 24 Pa.B. 2795. Immediately preceding text appears at serial page (178605).

§ 93.7. Duplicate certificate of registration.

The Commission will issue a duplicate certificate of registration upon receipt of Form PFBC-730a or Form PFBC-732 from the registered owner and payment

of the appropriate fee. The Commission will not issue the numbered registration certificate validation decal for duplicate registrations, but the lack of the decal will not affect the validity of a duplicate registration certificate.

Authority

The provisions of this § 93.7 amended under the Fish and Boat Code, 30 Pa.C.S. § 5325; amended under section 10 of the Sunshine Act (65 P. S. § 280); and section 506 of The Administrative Code of 1929 (71 P. S. § 186).

Source

The provisions of this § 93.7 amended June 3, 1994, effective June 4, 1994, 24 Pa.B. 2795; amended January 2, 1998, effective January 3, 1998, 28 Pa.B. 40; amended November 5, 1999, effective November 6, 1999, 29 Pa.B. 5717. Immediately preceding text appears at serial page (251601).

§ 93.8. Lost, stolen, destroyed or abandoned boats.

The loss, theft, destruction or abandonment of a registered boat shall be reported to the Commission within 5 days. The recovery of a boat that is lost, stolen or abandoned shall be reported to the Commission within 5 days of recovery.

Source

The provisions of this § 93.8 amended June 6, 1986, effective June 7, 1986, 16 Pa.B. 2021; amended June 3, 1994, effective June 4, 1994, 24 Pa.B. 2795. Immediately preceding text appears at serial page (178605).

§ 93.9. Surrender of certificate of registration.

(a) The person whose name appears on the certificate of registration as owner of a boat shall surrender the certificate and the validation decals to the Commission, within 15 days after it becomes invalid, for one or more of the following reasons:

- (1) The owner transfers ownership of the boat.
- (2) The boat is destroyed or abandoned.
- (3) Sixty days has expired after the date on which the boat is no longer principally used in this Commonwealth.
- (4) The owner involuntarily loses his interest in the boat by legal process.
- (5) A false or fraudulent statement is contained in the application or the fees for the issuance of the certificate are not paid.
- (6) The registration is revoked or suspended.

(b) If the certificate of registration becomes invalid for the reasons in subsection (a)(3) or (5), the person whose name appears on the certificate as the owner shall remove the number and validation decal from the boat. If the registration becomes invalid for the reasons in subsection (a)(6), the owner shall remove the validation decal but shall leave the registration number fixed to the boat.

(c) A waterways conservation officer, deputy waterways conservation officer or authorized Commission employe or other law enforcement officer may seize the certificate of registration and validation decal for a boat for which the registration has been revoked or suspended.

Source

The provisions of this § 93.9 amended February 26, 1993, effective February 27, 1993, 23 Pa.B. 942; amended June 3, 1994, effective June 4, 1994, 24 Pa.B. 2795; amended February 27, 2004, effective February 28, 2004, 34 Pa.B. 1232. Immediately preceding text appears at serial pages (263752) to (263753).

§ 93.10. Change of address.

The owner shall notify the Commission, in writing, within 15 days after a change of address. The original certificate of registration shall be retained for use until a new certificate is issued.

Authority

The provisions of this § 93.10 amended under the Fish and Boat Code, 30 Pa.C.S. § 5325.

Source

The provisions of this § 93.10 amended June 6, 1986, effective June 7, 1986, 16 Pa.B. 2021; amended June 3, 1994, effective June 4, 1994, 24 Pa.B. 2795; amended January 2, 1998, effective January 3, 1998, 28 Pa.B. 40. Immediately preceding text appears at serial page (213841).

§ 93.11. Reciprocity and state of principal operation.

(a) The state of principal operation is that state where the boat is on its waters more than on any other state's waters. This time includes the time when the boat is not in motion as for instance when the boat is moored or at anchor. The mooring of a boat in a Commonwealth yacht club, marina, boat club, private dock or similar facility for more than 14 days, as evidenced by the signing of a lease, membership, permit or other document resulting in the assignment of, or permission to construct or occupy, dockage space shall be prima facie evidence that Pennsylvania is the state of principal operation.

(b) When Pennsylvania becomes the state of principal operation of a boat which is validly registered and numbered in another state, the registration and number issued by the other state will be recognized for a period not to exceed 60 days from the date the boat is moved to this Commonwealth during which time the owner of the boat shall apply for and obtain a Pennsylvania registration and number.

(c) When another state is the state of principal operation of a boat and the boat is numbered and validly registered in that state under a numbering system approved by the Secretary of the United States Department of Transportation, the boat is deemed in compliance with this chapter while temporarily operating on the waters of this Commonwealth.

(d) It is unlawful to operate a motorboat, whose state of principal operation is Pennsylvania, without first obtaining a Pennsylvania registration in accordance with this chapter.

Source

The provisions of this § 93.11 amended June 6, 1986, effective June 7, 1986, 16 Pa.B. 2021; amended February 12, 1993, effective February 13, 1993, 23 Pa.B. 744; 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 (189506).

§ 93.12. Dealers, manufacturers and jobbers.

(a) Dealer, manufacturer and jobber registrations issued under section 5307 of the code (relating to dealer registration) will be issued only to businesses that

prove to the satisfaction of the Commission that they are clearly recognizable as bona fide dealers, manufacturers or jobbers. Special registrations will not be issued to a person or business that fails to prove to the satisfaction of the Commission that it is regularly engaged in the business of being a boat dealer, manufacturer or jobber. It is unlawful for a person to provide false information in applying for dealer, manufacturer or jobber registrations or to seek to obtain special registration for a boat for the purpose of avoiding applicable Commonwealth taxes.

(b) A dealer is a business regularly engaged in the business of selling new or used boats. An applicant for a dealer's registration shall demonstrate that the business is clearly recognizable as a boat dealership on a regular basis. Applicants shall provide the information requested by the Commission. Proof of bona fide boat dealer status may include the following:

(1) Maintenance of a boat display area capable of regularly displaying at least three boats or a minimum of 1,200 square feet, indoors or outdoors.

(2) Annual sales of substantial numbers of new and used boats. "Substantial sales" normally means sale of five or more boats unless the applicant can show unusual circumstances justifying lesser sales.

(3) Consistent identification of the business as a boat dealer in advertising, signs, telephone book listings, and the like. The dealership shall be clearly identifiable as such by a person who visits or deals with it.

(4) Location of a dealership in areas where zoning permits boat sales and commercial operations.

(5) Regular hours of operation between April 30 and September 30 on at least 5 days per week.

(c) To be eligible for a jobber's registration, an applicant shall demonstrate to the satisfaction of the Commission that the applicant is regularly engaged in the boat jobber business. A jobber is a person or business selling boats only to retailers or institutions.

(d) A manufacturer is a person or business engaged in building, testing or constructing boats or boat parts from raw material or parts. To be eligible for a manufacturer's registration, an applicant shall demonstrate to the satisfaction of the Commission that the applicant is regularly engaged in the business of manufacturing or testing boats or boat parts for sale.

(e) Dealer, jobber and manufacturer registrations shall be issued only in the name under which the applicant is regularly engaged in the business of selling, jobbing or manufacturing boats.

(f) The Commission may recall special registrations for dealers, jobbers and manufacturers upon finding that:

(1) The dealer, jobber or manufacturer is no longer entitled to special registration.

(2) The dealer, manufacturer or jobber has made or permitted to be made an unlawful use of a watercraft, certificate of registration, registration number or validation decal.

(g) Boat dealers, jobbers or manufacturers who take in trade a boat bearing previous Pennsylvania boat registration are required, within 15 days of obtaining the boat, to place the boat under the dealer/jobber/manufacturer's dealer registration. The dealer, jobber or manufacturer shall complete Form PFBC-336 and forward it to the Licensing and Registration Section. No fee is applicable to a transaction when dealers place boats taken in trade under their dealer registrations. It is unlawful for a boat dealer, jobber or manufacturer to operate or allow to be operated a boat received in trade bearing a Pennsylvania boat registration until the boat is placed under their dealer registration under this subsection.

Authority

The provisions of this § 93.12 amended under the Fish and Boat Code, 30 Pa.C.S. § 5325; amended under section 10 of the Sunshine Act (65 P. S. § 280); and section 506 of The Administrative Code of 1929 (71 P. S. § 186).

Source

The provisions of this § 93.12 amended April 29, 1988, effective April 30, 1988, 18 Pa.B. 2030; amended June 3, 1994, effective June 4, 1994, 24 Pa.B. 2795; amended January 2, 1998, effective January 3, 1998, 28 Pa.B. 40; amended November 5, 1999, effective November 6, 1999, 29 Pa.B. 5717. Immediately preceding text appears at serial pages (239837) to (239838) and (253853).

§ 93.13. Issuing agents.

(a) *Designation.*

(1) The designation of issuing agents for temporary boat registrations shall be limited to the Commission and Commission offices, county treasurers, businesses dealing in boats, boating equipment or sporting goods and temporary tag services or messenger services approved by the Department of Transportation for the issuance of temporary boat trailer registrations.

(2) An applicant seeking to become an issuing agent for temporary boat registrations shall complete and submit to the Commission an application on the form prescribed by the Commission and shall pay a one-time, nonrefundable fee of \$100. Applications shall be accompanied by a bond in favor of the Commission in a minimum amount specified by the Executive Director or a designee.

(3) Upon being designated as an issuing agent, at least one employe of the new agent with primary responsibility for handling boat registrations shall successfully complete a training course offered by the Commission at its Harrisburg office or other location the Executive Director designates.

(b) *Maintaining an agency.*

(1) To maintain an agency, the agent shall issue at least 25 temporary boat registrations each calendar year, unless the Executive Director, for good cause

shown, finds that unusual circumstances precluded the agent from issuing the minimum number of temporary boat registrations.

(2) To maintain an agency, the agent or a designee who is routinely involved in the issuance of temporary validation decals or the registration of boats shall successfully complete, at least once every 2 years, training offered by the Commission at a location designated by the Executive Director.

(c) *Insufficient number of agents.* If the Executive Director determines that a sufficient number of agents is not available in an area reasonably to address the needs of the boating public, the Executive Director may appoint additional agents from other interested individuals or reduce the number of temporary boat registrations that existing agents are required to issue during the year.

(d) *Change of address, telephone number or ownership.* An issuing agent shall notify the Commission, in writing, within 10 days after a change of address, telephone number or ownership of the agency.

(e) *Operation of an agency.*

(1) Issuing agents shall prominently display the hours of operation and fee schedule at the agent's premises.

(2) Issuing agents who conduct transactions via e-commerce shall maintain the same standards as non-e-commerce agents.

(3) Issuing agents shall store temporary validation decals and related documentation in a secure location within the agent's premises and may not remove the decals or related documentation from the agent's premises without the Commission's written permission.

(4) Issuing agents shall retain copies of all applications and related documentation for the current calendar year and the 2 previous years.

(5) Issuing agents shall have access to nonpublic information concerning holders of boat registrations and titles, including their home addresses. Issuing agents who are provided nonpublic information about boat registration holders or boat owners in the course of their duties may not release or disclose the nonpublic information except for official purposes.

(6) Issuing agents shall permit the inspection during regular business hours of the agent's premises and business records by Commission employees designated by the Executive Director or officers authorized to enforce the code.

(f) *Issuance of temporary boat registrations.*

(1) An issuing agent is responsible for ensuring that the "Application for Pennsylvania Boat Registration and/or Boat Title" (Form REV-336) is fully completed. An issuing agent shall ensure that the Form REV-336 is legible and accurate.

(2) An issuing agent may not knowingly permit an applicant to provide false or misleading information on the Form REV-336 or related documentation. If an issuing agent suspects that an applicant has provided false or misleading information on the Form REV-336 or related documentation, the agent

immediately shall notify the Commission. An issuing agent may not provide false or misleading information on the Form REV-336 or related documentation.

(3) An issuing agent shall issue a temporary boat registration only to the owner or co-owner of the boat being registered. An issuing agent shall verify the identity of the applicant by requiring that the applicant produce positive means of identification.

(4) An issuing agent shall issue, upon request, a temporary boat registration to any individual who properly completes the Form REV-336, submits the appropriate documentation and pays the applicable fees and sales or use tax as required by the code and this chapter.

(5) An issuing agent shall issue a temporary boat registration only for new boats, used boats where ownership is being transferred and boats brought into this Commonwealth from another state.

(6) An issuing agent shall issue temporary validation decals in numerical sequence, beginning with the lowest number.

(7) An issuing agent shall indicate on temporary validation decals the month and year the temporary registration expires, using a black waterproof permanent ink marker or paint marker. The agency may not place any other marks on the decal.

(8) Within 10 days of the issuance of a temporary boat registration, the issuing agent shall submit to the Commission a properly completed "T-Sticker Summary Report" (Form PFBC-725) along with all applications, related documentation, applicable fees and Sales and Use Tax as required by the code and this chapter.

(g) *Inventory of decals.* Upon the Commission's request, an issuing agent shall submit an inventory report on the form prescribed by the Commission, accounting for all temporary validation decals in the agent's possession. The agent shall submit a complete and accurate inventory within 10 days of the agent's receipt of the Commission's request.

(h) *Voided decals.* When an issuing agent voids a temporary validation decal, the agent shall forward to the Commission the voided decal along with a report on the form prescribed by the Commission, explaining why the decal was voided. The agent shall forward the voided decal and the report within 10 days of the decal being voided.

(i) *Lost, stolen or missing decals.* An issuing agent shall notify the Commission in writing of any lost, stolen or missing temporary validation decal within 48 hours of the agent's discovery of the lost, stolen or missing decal. The Commission may charge the agent a fee that is two times the highest annual boat registration fee for each decal that is lost, stolen or missing.

(j) *Replacement decals.* An issuing agent may not issue a replacement temporary validation decal without the Commission's approval.

(k) *Used boats sold by dealers.* An issuing agent may not submit to the Commission a Form REV-336 and related documentation from an applicant who purchased a used boat from a dealer and does not possess a properly completed “Dealer Notification of Boat Trade-In” (Form PFBC-TS1).

(l) *Acceptance of applications for permanent registrations or titles.* Within 10 days of the acceptance of the Form REV-336 and related documentation for a permanent registration or title, the issuing agent shall forward to the Commission, using the “T-Sticker Summary Report” (Form PFBC-725), all applications, related documentation, applicable fees and Sales and Use Tax as required by the code or this chapter.

(m) *Commission offices.* The Commission will collect and deposit in the Boat Fund the \$2 issuing agent fee for all temporary boat registrations issued by Commission offices and boat registration renewals issued online.

(n) *Recall of agency.* The Commission may recall the agency of an issuing agent who violates the code or this chapter. A conviction of an offense under the code or this chapter is not a prerequisite to initiating an action to recall an agency. The Executive Director or a designee may initiate action to recall an agency by serving an order to show cause on the agent, which order will describe the alleged violation of the code or this chapter. Proceedings to recall an agency shall be governed by 1 Pa. Code Part II (relating to general rules of administrative practice and procedure).

(o) *Renewal of boat registrations.* It is unlawful for a person, other than the Commission, Commission offices and on-line messenger services approved by the Department of Transportation, to issue renewals for boat registrations or collect the applicable fees.

Authority

The provisions of this § 93.13 amended under the Fish and Boat Code, 30 Pa.C.S. §§ 5304(d.1) and 5325.

Source

The provisions of this § 93.13 adopted March 19, 1982, effective March 20, 1982, 12 Pa.B. 993; amended February 26, 1993, effective February 27, 1993, 23 Pa.B. 942; amended June 3, 1994, effective June 4, 1994, 24 Pa.B. 2795; amended January 2, 1998, effective January 1, 1998, 28 Pa.B. 30; amended January 2, 1998, effective January 3, 1998, 28 Pa.B. 40; corrected February 20, 1998, effective January 3, 1998, 28 Pa.B. 1006; amended February 26, 1999, effective February 27, 1999, 29 Pa.B. 1068; amended September 7, 2001, effective September 8, 2001, 31 Pa.B. 5081; amended March 14, 2003, effective March 15, 2003, 33 Pa.B. 1348; amended February 27, 2004, effective February 28, 2004, 34 Pa.B. 1231. Immediately preceding text appears at serial pages (282109) to (282110) and (296309) to (296310).

§ 93.14. Proof of ownership for initial registration.

(a) This section applies only to the initial registration of a boat in this Commonwealth. It does not apply to registration of boats previously or currently registered in this Commonwealth.

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(b) An applicant for initial registration shall establish proof of ownership as follows:

(1) For a boat manufactured after January 1, 1993, a manufacturer's certificate of origin indicating transfer of ownership from the manufacturer, distributor or dealer to the applicant. The original manufacturer's certificate of origin shall be attached to the Form REV-336 and submitted to the Commission.

(2) For a boat manufactured before January 1, 1993, or when the manufacturer's certificate of origin is not available, a bill of sale or invoice issued or prepared by the seller showing all of the following:

- (i) The name and address of the seller.
- (ii) The name and address of the purchaser.
- (iii) The name and address of the legal owner.
- (iv) The location, date of sale and description of the boat, including the hull identification number for boats built after October 31, 1972, or other serial number for boats built prior to October 31, 1972.

(3) For a boat that was registered and issued a title by another state, a properly endorsed document indicating title.

(c) If none of the documents described in subsection (b)(1) and (2) are available, the applicant shall submit an executed Form PFBC-734 (Affidavit of Purchase/Ownership) fully setting forth the facts to support the applicant's claim of ownership in the boat. Applications seeking to prove ownership of homemade boats shall be supported with bills of sale for the major components of the boat. Affidavits are executed under penalty of law.

(d) An applicant for initial registration of a boat with a retail value of less than \$2,000 that is being registered voluntarily under section 5303 of the code (relating to voluntary and special registrations) may substitute the original receipt issued by a dealer or other retailer for the manufacturer's certificate of origin.

(e) A manufacturer, dealer or other person may not sell or otherwise transfer a new boat to a dealer for the purposes of display or resale without delivering to the dealer a completed manufacturer's certificate of origin. A dealer may not purchase or acquire a new boat without obtaining from the seller thereof the manufacturer's certificate.

Authority

The provisions of this § 93.14 amended under the Fish and Boat Code, 30 Pa.C.S. § 5325; amended under the Fish and Boat Code, 30 Pa.C.S. § 5122.

Source

The provisions of this § 93.14 adopted December 28, 1984, effective December 29, 1984, 14 Pa.B. 4691; amended April 29, 1988, effective April 30, 1988, 18 Pa.B. 2030; amended June 3, 1994, effective June 4, 1994, 24 Pa.B. 2795; amended January 2, 1998, effective January 3, 1998, 28 Pa.B. 40; amended July 19, 2002, effective July 20, 2002, 32 Pa.B. 3488. Immediately preceding text appears at serial pages (282112) to (282113).

§ 93.15. Unauthorized transfer, use or display of certificate of registrations, validation decals or numbers.

It is unlawful to use, display or allow to be used or displayed a certificate of registration or registration number or validation decal on or in connection with a watercraft other than that for which it was issued.

Source

The provisions of this § 93.15 adopted March 13, 1987, effective March 14, 1987, 17 Pa.B. 1088; amended February 12, 1993, effective February 13, 1993, 23 Pa.B. 744; amended June 3, 1994, effective June 4, 1994, 24 Pa.B. 2795. Immediately preceding text appears at serial pages (178609) to (178610).

§ 93.16. Operation of boat after death of registered owner.

When the registered owner of a boat is deceased, the boat may continue to be operated by or for the heir or personal representative of the decedent for the remainder of the current registration period.

Source

The provisions of this § 93.16 adopted February 26, 1993, effective February 27, 1993, 23 Pa.B. 942; 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 (189509).

§ 93.17. Registration of abandoned boats.

(a) *Policy.* Before registering a boat, the Commission must be satisfied that the applicant for registration has sufficient ownership interest in the boat to qualify for registration. Requests to register boats found abandoned on private property and Commonwealth waters present particular problems. It is the policy of the Commission to register these boats only if the applicant demonstrates ownership by taking the steps described in this section and complies with other applicable law and regulations.

(b) *Boats abandoned on private property.* Subject to the following, a landowner, his lessee or his agent may register a boat that has been abandoned on his land or the waters immediately adjacent to his land for at least 3 months.

(1) A person desiring to register an abandoned boat in his name shall provide written notice to the Commission of his intent to register the boat. The notice shall, at a minimum, set forth the date and place the boat was found, a description of the boat, including the make, model and year, and, if known, the hull identification number, registration number, temporary decal number and other identifying data. The person desiring to register an abandoned boat may provide written notice to the Commission by completing Form PFBC-R2, "Notice of Intent to Register Boat Abandoned on Private Property" and mailing the form to the Commission.

(2) If a boat abandoned on a person's land or waters has a hull identification number, registration number, temporary decal number or other identifying indicia, the Commission will notify the last registrant of the boat that the boat has been abandoned and that the requester desires to register the boat in his name.

(3) Upon receipt of the written request, the Commission will notify the last registrant by certified mail that someone desires to register the boat in his name and if ownership is not claimed and the boat removed within 30 days, the Commission may, upon proper application and payment of fees, register the boat in the name of the person desiring to register it.

(i) The notice shall:

(A) Describe the make, model, hull identification number and registration number of the boat.

(B) State the location where the boat is being held.

(C) Inform the registrant of his right to reclaim the boat within 30 days after the date of the notice upon payment of all registration fees and other applicable charges.

(D) State that failure of the registrant to reclaim the boat is deemed consent to the registration of the abandoned boat in the name of the requester with dissolution of all interests of the prior registrant.

(ii) If the last known registrant does not respond, the Commission may notify the requester to proceed under paragraph (4). The Commission is not required to send a letter if it cannot identify the boat's last registrant or ascertain an address. If the abandoned boat has a registration number, temporary decal number or other identifying indicia, evidencing that the boat is registered in another state, the Commission will notify the other state and ask it to notify the boat's last registrant by certified mail that someone desires to register the boat in his name. The other state's notice shall provide that if ownership is not claimed and the boat removed within 30 days, the Commission may, upon proper application and payment of fees, register the boat in the name of the person desiring to register it. The other state is not required to send a letter if it cannot identify the boat's last registrant or ascertain an address. When the other state notifies the registrant, if known, as provided in this section and advises the Commission that the transfer of registration to the requester is unobjectionable to the other state, the Commission may notify the requester to proceed under paragraph (4).

(4) Regardless of whether the abandoned boat has a hull identification number, registration number, temporary decal number or other identifying indicia, the person desiring to register the boat in his name shall place a notice in a newspaper of general circulation published in the county where the boat is located for 3 consecutive days. The notice shall describe the boat, its location, the date it was abandoned and any identifying number. The person also shall state in the notice that if the boat is not claimed and removed within 30 days after publication in the newspaper, the person will apply for registration of the boat in his name.

(5) After the notices described in paragraphs (3) and (4) have expired, but no earlier than 60 days after the person desiring registration has first notified the Commission, the person may apply to the Commission for registration of the boat in his name.

(i) The application shall be accompanied by the following items:

(A) A statement made under penalty of law that the boat has been abandoned for at least 3 months.

(B) Proof that the applicant provided notices as set forth in this section.

(C) Proof that a notice was published in a newspaper as required by paragraph (4).

(ii) In cases involving boats registered in other states, the Commission may extend the 60-day period described in paragraph (5) to 180 days.

(6) Upon receipt of the required materials and the payment of fees required by law, the Commission will register the boat in the name of the applicant.

(c) *Boats abandoned on public property or waters.* A person finding a boat abandoned on public property or waters—that is, property or waters under the ownership or control of the Commonwealth, its agencies and political subdivisions—shall notify the Commission of the description and location of the boat as well as the date on which it was found. A person may notify the Commission by completing form PFBC-R3, “Notice of Abandoned Boat Found on Commonwealth Waters” and mailing the form to the Commission. A person finding a boat abandoned on lands or waters under the jurisdiction or control of the United States Government should contact the Federal agency with jurisdiction over the lands and waters and follow applicable Federal regulations.

(1) The Commission may take possession of a boat abandoned on public property or waters or may authorize a salvor to take possession provided the salvor complies with these provisions, is a vehicle salvage dealer as defined in 75 Pa.C.S. § 1337 (relating to use of “Miscellaneous Motor Vehicle Business” registration plates), and holds a current, valid certificate of authorization issued by the Department of Transportation under 75 Pa.C.S. § 7302 (relating to certification of authorization).

(2) Any salvor taking possession of a boat under this section shall notify the Commission in writing within 48 hours after taking possession.

(3) The Commission, after taking possession of an abandoned boat or after receiving notice that a salvor has taken possession of an abandoned boat, shall notify by certified mail, return receipt requested the last known registrant of the boat. The notice shall:

(i) Describe the make, model, hull identification number and registration number of the boat.

(ii) State the location where the boat is being held.

(iii) Inform the registrant of his right to reclaim the boat within 30 days after the date of the notice upon payment of all towing and storage charges and all registration fees.

(iv) State that failure of the registrant to reclaim the boat is deemed consent to the destruction, sale or other disposition of the abandoned boat with dissolution of all interests of the registrant.

(4) If the identity of the last registrant cannot be determined, the contents of the notice described in paragraph (3) shall be published three times in a newspaper of general circulation in the area where the boat was found abandoned. If the boat is in possession of a salvor, publication of the notice shall be the responsibility of the salvor. If the boat is in possession of the Commission, publication of the notice is the responsibility of the Commission. Publication of the notice shall have the same effect as the notice sent by certified mail.

(5) The Commission, after 45 days of the date of notice sent by certified mail described in paragraph (3) or publication of the notice described in paragraph (4), may dispose of the boat if it is in its possession or may authorize the salvor to dispose of the boat in its possession as provided in paragraph (6) or (7).

(6) The Commission, if in possession of the unclaimed abandoned boat, or the salvor, if in possession of the unclaimed abandoned boat, may sell the boat at public auction if it has value. From the proceeds of the sale of the abandoned boat, the Commission or the salvor, as applicable, shall be reimbursed for the costs of towing, storage, notice, publication, mailing and costs of the auction. The remainder of the proceeds of the sale shall be forwarded to the Commission, which will hold them for 60 days from the date of sale for claim by the registrant. If the proceeds are not so claimed, they shall be deposited in the boat fund for use of the Commonwealth.

(7) If an unclaimed abandoned boat is valueless except for salvage, the salvor in possession shall apply to the Commission for registration, and upon issuance of the same, the salvor may destroy, dismantle, salvage or recycle the boat and retain any proceeds realized therefrom to offset the costs of towing, storage, notice, publication and mailing.

(8) The Commonwealth, its agencies and political subdivisions may register any boat abandoned on areas under their ownership or control by proceeding in the manner set forth in subsection (b) or may follow the procedure set forth in this subsection. The Federal government may register any boat abandoned on areas under its ownership or control by proceeding in the manner set forth in subsection (b), may follow the procedure set forth in this subsection or may follow applicable Federal laws or regulations.

Authority

The provisions of this § 93.17 amended under the Fish and Boat Code, 30 Pa.C.S. §§ 5122 and 5325.

Source

The provisions of this § 93.17 adopted January 2, 1998, effective January 3, 1998, 28 Pa.B. 40; amended September 29, 2000, effective September 30, 2000, 30 Pa.B. 5013. Immediately preceding text appears at serial pages (239841) to (239844).

Subchapter B. TITLING OF BOATS

Sec.

- 93.101. Definitions.
- 93.102. Application procedure and contents of applications for certificates of title.
- 93.103. Boats brought into this Commonwealth from outside this Commonwealth.
- 93.104. Boats purchased from dealers/transfer to or from manufacturer or dealer.
- 93.105. Boats sold or transferred privately.
- 93.106. Specially constructed or reconstructed boats.
- 93.107. Delivery of certificate of title.
- 93.108. Duplicate/replacement titles.
- 93.109. Transfer or repossession of boat by operation of law.

- 93.110. Boats that are junked, destroyed, lost, stolen or abandoned.
- 93.111. Voluntary titling of boats.
- 93.112. Suspension, revocation or cancellation of certificate of title.
- 93.113. Creation and perfection of security interests in boats.
- 93.114. Assignments of security interests.
- 93.115. Satisfaction of security interests.
- 93.116. Exemption.
- 93.117. Recordkeeping, documentation and information verification regarding boats.
- 93.118. Prohibited acts.
- 93.119. Forms.

Authority

The provisions of this Subchapter B issued under the Fish and Boat Code, 30 Pa.C.S. § 5325, unless otherwise noted.

Source

The provisions of this Subchapter B adopted January 2, 1998, effective March 1, 1998, 28 Pa.B. 34, unless otherwise noted.

§ 93.101. Definitions

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

Dealer—A person who engages in whole or in part in the business of buying, selling or exchanging new and unused boats, or used boats, or both, either outright or on conditional sale, bailment, lease, chattel mortgage, or otherwise, and who has an established place of business for the sale, trade and display of boats. The term includes a yacht broker.

Manufacturer—A person engaged in the business of manufacturing or importing new and unused boats, or new and unused outboard motors, for the purpose of sale or trade.

Reconstructed boat—One of the following:

(i) A boat for which a certificate of title (salvage/junk) has been issued, which is thereafter restored to operating condition and which is substantially in conformance with the specifications of the manufacturer.

(ii) A boat that has been materially altered by the removal, addition or substitution of essential parts derived from various other makes or models, or that the Commission has determined is readily recognizable as a boat of a generally recognized make or model.

Specially constructed boat—One of the following:

(i) A boat not originally constructed by a generally recognized manufacturer of boats under a distinctive name and not materially altered from its original construction, but assembled from parts of various boats or kits, or both, and that would be commonly known as a “homemade” boat.

(ii) A boat that has been materially altered by the removal, addition or substitution of essential parts derived from various other makes and models and that the Commission determines cannot be readily identified as a boat of a generally recognized make or model.

§ 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.
 - (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 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 propulsion, such as, outboard, inboard, sterndrive or unpowered.
 - (10) The type of fuel, such as, gas, diesel, electric or unpowered.
 - (11) Capacity plate information.
 - (12) The primary usage such as, pleasure, rental/livery, manufacturer/dealer/jobber, commercial passenger, and the like.
 - (13) 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.
 - (14) The names and addresses of each lienholder (in the order of priority).
 - (15) The date of lien encumbrance.
 - (16) The date applicant completed the form.
 - (17) The signature of the owner.
 - (18) 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.

Authority

The provisions of this § 93.102 amended under the Fish and Boat Code, 30 Pa.C.S. § 5325.

Source

The provisions of this § 93.102 amended February 27, 2004, effective February 28, 2004, 34 Pa.B. 1232. Immediately preceding text appears at serial pages (239845) to (239846).

§ 93.103. Boats brought into this Commonwealth from outside this Commonwealth.

- (a) When the owner of a boat having a certificate of title from another state brings the boat into this Commonwealth as its state of principal use, the owner shall obtain a Pennsylvania certificate of title for the boat when the boat is registered in this Commonwealth or its ownership is transferred to another person, whichever occurs first.
- (b) When the owner of a boat not having a certificate of title from another state brings the boats into this Commonwealth as its state of principal use, the

owner shall obtain a Pennsylvania certificate of title when the boat is sold or is otherwise transferred to another owner. This provision does not apply to boats for which a title is not required under section 5322(a) of the code (relating to when certificate of title not required).

§ 93.104. Boats purchased from dealers/transfer to or from manufacturer or dealer.

(a) A dealer may not purchase or acquire a new boat without obtaining from the seller a manufacturer's or importer's certificate of origin when provided by the manufacturer or importer.

(b) When certificates of origin are provided by the manufacturer or importer, a manufacturer or dealer may not transfer ownership of a new boat without supplying the transferee with the certificate of origin signed by the manufacturer's or importer's authorized agent.

(c) A dealer transferring a boat requiring title under this subchapter shall assign ownership to the new owner, in the case of a previously titled boat, by completing the appropriate assignment portion of the certificate of title, or in the case of a new boat, by completing the assignment portion of the certificate of origin.

(d) A dealer shall forward all moneys and applications to the Commission within 10 days of transferring ownership.

(e) Except as otherwise provided in this subsection, a dealer buying or acquiring a used boat for resale need not obtain a certificate of title for the used boat if the dealer reports the acquisition to the Commission within 20 days. In lieu of submitting a report of acquisition, the dealer may apply for and obtain a certificate of title as provided in this subchapter. If a dealer buys or acquires a used unnumbered boat that is otherwise required to be titled, the dealer shall apply for a certificate of title in the dealer's name within 20 days. If a dealer buys or acquires a new boat for resale, the dealer may, but is not required to, apply for a certificate of title for the boat in the dealer's name.

(f) Every dealer shall maintain for 3 years a record of any boat the dealer's bought, sold, brokered, exchanged or received for sale or exchange. This record shall be open to inspection by Commission representatives during reasonable business hours.

(g) A dealer/lessor who leases a boat for more than 30 consecutive days shall obtain a certificate of title for the boat unless exempt under section 5322(a) of the code (relating to when certificate of title not required). The lessor shall maintain the certificate of title of a leased boat.

§ 93.105. Boats sold or transferred privately.

(a) A person transferring a boat requiring title under this subchapter shall assign ownership to the new owner, in the case of a previously titled boat, by

completing the appropriate assignment portion of the certificate of title, or in the case of a new boat, by completing the assignment portion of the certificate of origin.

(b) Moneys and applications shall be forwarded to the Commission within 10 days of transferring ownership.

(c) The lessor shall maintain the certificate of title of a leased boat.

§ 93.106. Specially constructed or reconstructed boats

(a) The owner of a specially constructed or reconstructed boat shall apply for a certificate of title as required by this subchapter.

(b) The application for certificate of title shall be accompanied by one of the following:

(1) The outstanding certificates of title.

(2) The manufacturer's certificates of origin or certificates of title (salvage/junk), issued for boats, the parts of which were used in construction of the boat, if the boats are no longer operable or able to be registered.

(3) The bills of sale for the major components of the boat for which no other proof of ownership is available.

(4) A photograph of the boat, upon the request of the Commission.

(c) The certificate of title issued for every specially constructed boat and reconstructed boat, as defined in this subchapter, shall clearly describe the boat by type as follows:

(1) The certificate of title for every specially constructed boat shall describe the make of boat as "specially constructed."

(2) The certificate of title for every reconstructed boat shall describe the boat by its original make or trade name but shall be coded to designate it as a reconstructed boat.

§ 93.107. Delivery of certificate of title.

The Commission will mail the original certificate of title to the first lienholder named therein, or if there is none, to the owner named therein. The Commission will retain the data necessary to generate a copy of the certificate of title.

§ 93.108. Duplicate/replacement titles.

(a) If a title is lost, stolen, mutilated, destroyed or becomes illegible, the lienholder in possession of the title or, if there is none, the owner named on the title, as shown by the Commission's records, may obtain a duplicate/replacement by applying to the Commission. The applicant shall furnish information concerning the original title and the circumstances of its loss, theft, mutilation or destruction. Applications for replacement titles shall be filed within 30 days of the loss, theft, mutilation or destruction. Mutilated or illegible titles shall be returned to the Commission with the application for a duplicate/replacement.

(b) The duplicate/replacement title shall be marked “duplicate” on its face and shall be mailed or delivered to the applicant.

(c) If a lost or stolen original title for which a duplicate/replacement has been issued is recovered, the original shall be surrendered to the Commission for cancellation within 20 days of its recovery.

§ 93.109. Transfer or repossession of boat by operation of law.

(a) If ownership of a boat is transferred by operation of law, such as by inheritance, divorce, order in bankruptcy, insolvency, replevin or executive sale, the transferee, within 30 days after acquiring the right to possession of the boat by operation of law, shall mail or deliver to the Commission a court order or other document evidencing the transfer by operation of law, together with the application for a new title and the required fee.

(b) If a lienholder repossesses a boat by operation of law and holds it for resale, the lienholder shall secure a new title and shall pay the required fee.

(c) Issuance of a certificate of title does not constitute an adjudication of issues relating to ownership of boats.

§ 93.110. Boats that are junked, destroyed, lost, stolen or abandoned.

(a) *Reporting requirements.* The destruction, loss, theft or abandonment of a boat titled under this subchapter shall be reported to the Commission within 5 days. The recovery of a boat that is lost, stolen or abandoned shall be reported to the Commission within 5 days of recovery.

(b) *Acquiring title to boats abandoned on private property.*

(1) Subject to the provisions of this subsection, a landowner, a lessee or an agent may acquire title to any boat abandoned on his land or waters immediately adjacent to it. This subsection applies only to boats that have been abandoned on the property of a person other than the owner of the boat for at least 3 months.

(2) A person desiring to obtain a certificate of title for an abandoned boat shall provide written notice to the Commission of intent to obtain title to the boat. The notice shall, at a minimum, set forth the date and place the boat was abandoned, a description of the boat, including the make, model and year, and, if known, the Hull Identification Number, registration number, temporary decal number and other identifying data.

(3) If a boat abandoned on a person’s lands or waters has a Hull Identification Number, registration number, temporary decal number or other identifying indicia, the Commission will notify the boat’s owner and lienholder, if any, that the boat has been abandoned and that the requester desires to acquire title to it.

(4) Upon receipt of the written request, the Commission will notify the owner and the lienholder by certified mail that someone desires to acquire title to the boat and if ownership is not claimed and the boat removed within 30 days, the Commission may, upon proper application and payment of fees, issue a certificate of title in the name of the person desiring to acquire title. If the

owner does not respond, the Commission may notify the requester to proceed under paragraph (5). The Commission is not required to send a letter if it cannot identify a boat's owner or lienholder or ascertain an address. If the abandoned boat has a registration number, temporary decal number or other identifying indicia, evidencing that the boat is registered in another state, the Commission will notify the other state and ask it to notify the boat's owner and lienholder by certified mail that someone desires to acquire title to the boat. The other state's notice shall provide that if ownership is not claimed and the boat removed within 30 days, the Commission may, upon proper application and payment of fees, issue a certificate of title in the name of the person desiring to acquire title. The other state is not required to send a letter if it cannot identify a boat's owner or lienholder or ascertain an address. When the other state notifies the owner and lienholder, if known, as provided in this section and advises the Commission that the transfer of title to the requester is unobjectionable to the other state, the Commission may notify the requester to proceed under paragraph (5).

(5) Regardless of whether the abandoned boat has a Hull Identification Number, registration number, temporary decal number or other identifying indicia, the person desiring to acquire title shall place a notice in a newspaper of general circulation published in the county where the boat is located for 3 consecutive days, describing the boat, its location, the date it was abandoned and any identifying number. The person shall state in the notice that if the boat is not claimed and removed within 30 days after publication in the newspaper, he will apply for title to the boat in his name.

(6) After the notices described in paragraphs (4) and (5) have expired, but no earlier than 60 days after the person desiring to obtain title has first notified the Commission, the person may apply to the Commission for a certificate of title to the boat in his name as required by this subchapter and accompanied by the following affidavits:

(i) A statement made under penalty of law that the boat has been abandoned for at least 3 months.

(ii) Proof that the applicant provided notice as set forth in paragraphs (2)—(4).

(iii) Proof that a notice was published in a newspaper as required by paragraph (5).

(7) In cases involving boats registered in other states, the Commission may extend the 60-day period described in paragraph (6) to 180 days.

(8) Upon receipt of the material required by this subsection and the payment of any fees required by law, the Commission will issue a certificate of title to the boat to the applicant. Issuance of a certificate of title divests any other person of any interest in the boat.

(c) *Acquiring title to boats abandoned on public property or waters.*

(1) A person finding a boat abandoned on public property or waters—that is, property or waters under the ownership or control of the Commonwealth, its

agencies or political subdivisions—shall notify the Commission of the description and location of the found boat as well as the date on which it was found.

(2) The Commission may take possession of a boat abandoned on public property or waters or may authorize a salvor to take possession if the salvor complies with this section, is a vehicle salvage dealer as defined in 75 Pa.C.S. § 1337 (relating to use of miscellaneous motor vehicle business registration plates) and holds a current, valid certificate of authorization issued by the Department of Transportation under 75 Pa.C.S. § 7302 (relating to certification of authorization).

(3) A salvor taking possession of a boat under this section shall notify the Commission in writing within 48 hours after taking possession.

(4) The Commission, after taking possession of an abandoned boat or after receiving notice that a salvor has taken possession of an abandoned boat, shall notify by certified mail, return receipt requested the last known registered owner of the boat and all lienholders of record. The notice shall:

(i) Describe the make, model, HIN number and registration number of the boat.

(ii) State the location where the boat is being held.

(iii) Inform the owner and any lienholders of their right to reclaim the boat within 30 days after the date of the notice upon payment of all towing and storage charges and all applicable title and registration fees.

(iv) State that failure of the owner or lienholder to reclaim the boat is deemed consent to the destruction, sale or other disposition of the abandoned boat with dissolution of all interests of the owner and lienholders.

(5) If the identity of the last registered owner and all lienholders cannot be determined, the contents of the notice described in paragraph (4) shall be published one time in a newspaper of general circulation in the area where the boat was found abandoned. If the boat is in possession of a salvor, publication of the notice shall be the responsibility of the salvor. If the boat is in possession of the Commission, publication of the notice is the responsibility of the Commission. Publication of the notice shall have the same effect as the notice sent by certified mail.

(6) The Commission, after 45 days of the date of notice sent by certified mail described in paragraph (4) or publication of the notice described in paragraph (5), may dispose of the boat if it is in its possession or may authorize the salvor to dispose of the boat in its possession as provided in paragraph (7) or (8).

(7) The Commission, if in possession of the unclaimed abandoned boat, or the salvor, if in possession of the unclaimed abandoned boat, may sell the boat at public auction if it has value. The purchaser may apply to the Commission for a title, which shall be free and clear from all previous liens and claims of ownership. From the proceeds of the sale of the abandoned boat, the Commission or the salvor, as applicable, shall be reimbursed for the cost of towing, storage, notice, publication, mailing and costs of the auction. The remainder of the proceeds of the sale shall be forwarded to the Commission, which shall hold them for 60 days from the date of sale for claim by the registered owner

or lienholder. If the proceeds are not claimed, they shall be deposited in the Boat Fund for use of the Commonwealth.

(8) If an unclaimed abandoned boat is valueless except for salvage, the salvor in possession shall apply to the Commission for a salvor's certificate of title, and, upon issuance of the same, the salvor may destroy, dismantle, salvage or recycle the boat and retain any proceeds realized therefrom to offset the costs of towing, storage, notice, publication and mailing. Issuance by the Commission of a salvor's certificate of title shall divest all rights, title and interest in the boat of the registered owner and all lienholders.

(9) The Commonwealth, its agencies and political subdivisions may acquire title to any boat abandoned on areas under their ownership or control by proceeding in the manner set forth in subsection (b) or may follow the procedure set forth in this subsection. The Federal government may acquire title to any boat abandoned on areas under its ownership or control by proceeding in the manner set forth in subsection (b), may follow the procedure set forth in this subsection or may follow applicable Federal laws or regulations.

Authority

The provisions of this § 93.110 amended under the Fish and Boat Code, 30 Pa.C.S. § 5325.

Source

The provisions of this § 93.110 amended September 29, 2000, effective September 30, 2000, 30 Pa.B. 5013. Immediately preceding text appears at serial pages (239849) to (239852).

§ 93.111. Voluntary titling of boats.

(a) An owner of a boat may voluntarily apply for a certificate of title by applying at any time and paying the fees required under section 5327 of the code (relating to fees). Once an owner voluntarily acquires a certificate of title, titling for the boat is thereafter mandatory.

(b) A boat owner who voluntarily applies for a certificate of title shall certify under penalty of law that there are no outstanding liens or encumbrances. See 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

§ 93.112. Suspension, revocation or cancellation of certificate of title.

(a) The Commission will initiate an action to suspend or revoke a certificate of title by filing an order to show cause under 1 Pa. Code § 35.14 (relating to orders to show cause), when authorized by statutory or other authority, or if the Commission determines that the certificate of title was fraudulently procured.

(b) The Commission has the authority to cancel a certificate of title when the Commission determines that one of the following applies:

- (1) The certificate of title was erroneously issued.
- (2) The boat was junked, destroyed, lost, stolen or abandoned.

(c) Suspension, revocation or cancellation of a certificate of title does not, in itself, affect the validity of a security interest noted on it.

(d) When the Commission suspends, revokes or cancels a certificate of title, the owner or person in possession of the certificate shall, upon receiving notice of the suspension, revocation or cancellation, immediately mail or deliver the certificate of title to the Commission.

(e) The Commission may seize, in accordance with the law, a certificate of title that it has suspended, revoked or canceled.

§ 93.113. Creation and perfection of security interests in boats.

(a) When an owner creates a security interest in a boat:

(1) The owner shall, at the request of the secured party, immediately execute an application on a form prescribed by the Commission including the name and address of the secured party. The owner shall tender the existing certificate of title, if any, the application and the required fee to the Commission.

(2) The security interest is perfected at the time that the application, existing certificate of title and an amount equal to or greater than the required fee are received by the Commission.

(3) Upon receipt of the title, application and the required filing fee, the Commission will endorse on the existing title or on a new title that it then issues, the name and address of all secured parties, and mail or deliver the title to the first secured party named on the certificate of title.

(b) Except as provided in 13 Pa.C.S. §§ 9311(d), 9315(c) and (d) and 9316(d) and (e) (relating to perfection of security interests in property subject to certain statutes, regulations and treaties; secured party's rights on disposition of collateral and in proceeds; and continued perfection of security interest following change in governing law), a security interest in a boat is not valid against creditors of the owner or subsequent transferees or secured parties of the boat until perfected as provided by this subchapter.

Authority

The provisions of this § 93.113 amended under the Fish and Boat Code, 30 Pa.C.S. § 5325.

Source

The provisions of this § 93.113 amended July 19, 2002, effective July 20, 2002, 32 Pa.B. 3488. Immediately preceding text appears at serial page (239853).

§ 93.114. Assignments of security interests.

(a) A secured party may assign, absolutely or otherwise, all or part of his security interest in the boat to a person other than the owner without affecting the interest of the owner or the validity of the security interest.

(b) An assignee who desires to become the secured party of record shall deliver to the Commission the title, if available, and an assignment by the secured party named in the title in the form the Commission may prescribe, accompanied by the filing fee required by law.

(c) The provisions of this section are subject to 13 Pa.C.S. § 9308(c) (relating to when security interest or agricultural lien is perfected; continuity of perfection).

Authority

The provisions of this § 93.114 amended under the Fish and Boat Code, 30 Pa.C.S. § 5325.

Source

The provisions of this § 93.114 amended July 19, 2002, effective July 20, 2002, 32 Pa.B. 3488. Immediately preceding text appears at serial page (239853).

§ 93.115. Satisfaction of security interests.

(a) Unless otherwise agreed by the owner, within 20 days of the satisfaction of a security interest in a boat, the secured party shall mail or deliver the title with the release to the owner and notify the Commission of the release of security interest.

(b) Perfection of a security interest under this subchapter is effective for 10 years, dating from the time of perfection as provided in § 93.113 (relating to creation and perfection of security interests in boats) unless renewed as provided in subsection (c).

(c) The effectiveness of perfection lapses on the expiration of the period specified in subsection (b) unless a renewal form signed by the secured party of record is filed within the 6 months immediately preceding expiration. Upon the timely filing of the renewal form and the tender of the required fee, the effectiveness of perfection continues for 5 years from the date on which perfection would have become ineffective in the absence of renewal. Perfection may be successively renewed.

Authority

The provisions of this § 93.115 amended under the Fish and Boat Code, 30 Pa.C.S. § 5325.

Source

The provisions of this § 93.115 amended July 19, 2002, effective July 20, 2002, 32 Pa.B. 3488. Immediately preceding text appears at serial page (239854).

§ 93.116. Exemptions.

The provisions of this subchapter relating to procedures for creating, perfecting, assigning and satisfying security interests do not apply to the following:

- (1) A lien given by statute or rule of law to a supplier of services or materials for the boat.
- (2) A lien given by statute to the United States, the Commonwealth or a political subdivision of this Commonwealth.
- (3) A security interest in a boat held by a manufacturer or a dealer as described in 13 Pa.C.S. § 9311(d) (relating to perfection of security interests in property subject to certain statutes, regulations and treaties).
- (4) A lien arising out of an attachment of a boat.
- (5) A boat for which a title is not issued under this subchapter.

Authority

The provisions of this § 93.116 amended under the Fish and Boat Code, 30 Pa.C.S. § 5325.

Source

The provisions of this § 93.116 amended July 19, 2002, effective July 20, 2002, 32 Pa.B. 3488. Immediately preceding text appears at serial page (239854).

§ 93.117. Recordkeeping, documentation and information verification regarding boats.

- (a) The Commission will maintain a record of any title it issues.
- (b) Upon written request specifically identifying a particular boat, the Commission will provide the following information about a boat having a certificate of title:
 - (1) The name of the owner.
 - (2) The name and address of a lienholder.
 - (3) The date the certificate of title was issued.
 - (4) The make, model and year of the boat.
- (c) The Commission will not release the home address of a title holder, except with the consent of the title holder or upon court order or subpoena.
- (d) The Commission will not release mailing lists or records of title holders, except to agencies of the Federal, State and local government for official purposes.
- (e) Nothing in this section affects the authority of the Commission and other agencies of Federal, State and local government to use information contained in certificates of title for official purposes.

§ 93.118. Prohibited acts.

- (a) A person may not sell, assign or transfer a boat titled by the Commonwealth without delivering to the purchaser or transferee a title with an assignment on it showing title in the purchaser or transferee.
- (b) A person may not purchase or otherwise acquire a boat required to be titled by the Commonwealth without obtaining a title for it in his name.
- (c) A person may not obtain or attempt to obtain title to a boat under this subchapter through fraudulent means or provide false or misleading information in connection with an application for a certificate of title.

§ 93.119. Forms.

- (a) The Commission will provide suitable forms of applications, title, notice of security interests, and other notices and forms necessary to carry out this subchapter.
- (b) Except as otherwise provided in this subchapter, all forms and notices required in this subchapter shall be forwarded to the Fish and Boat Commission, Licensing and Registration Section, Post Office 68900, Harrisburg, Pennsylvania 17106-8900.

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