

CHAPTER 97. OPERATOR PROVIDED EQUIPMENT

Sec.	
97.1.	Personal flotation devices.
97.2.	Fire extinguisher.
97.3.	Sound producing devices.
97.4.	Signals to attract attention.
97.5.	Visual distress signals.
97.6—97.14.	[Reserved].

Cross References

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

§ 97.1. Personal flotation devices.

(a) A person may not use a boat unless at least one personal flotation device (PFD) of the following types is on board for each person:

- (1) Type I.
- (2) Type II.
- (3) Type III.

(b) A person may not use a boat 16 or more feet in length unless one Type IV PFD is on board in addition to the total number of PFDs required in subsection (a). Canoes and kayaks 16 feet in length and over are exempted from the requirements for carriage of the additional Type IV PFD.

(c) A Type V PFD may be carried in lieu of a PFD required under subsection (a) if:

- (1) The approval label on the Type V PFD indicates the device is approved for one of the following:
 - (i) The activity in which the vessel is being used.
 - (ii) As a substitute for a PFD of the type required on the vessel in use.
- (2) The PFD is used in accordance with requirements of the approval label.
- (3) The PFD is used in accordance with requirements in its owners manual, if the label makes reference to the manual.

(d) Required PFDs shall be in good, serviceable condition, legibly marked showing the Coast Guard approval number and whether it is a Type I, II, III, IV or V. They shall be of an appropriate size, child or adult, for the person for whom it is intended.

(e) Types I, II and III shall be stowed so as to be readily accessible. Type IV, buoyant cushion and ring buoy designed for throwing or grasping rather than wearing, shall be immediately available.

(1) “Readily accessible” means that PFDs are stowed where they can be easily reached, or are out in the open ready for wear. A PFD that is sealed in its original packaging is not readily accessible.

(2) “Immediately available” means that the PFD cannot be in a protective covering and shall be within arm’s reach of the operator or passenger while the boat is being operated.

(3) A PFD that is sealed in its original packaging is neither immediately available nor readily accessible.

(f) This section does not apply to racing shells, rowing sculls and racing kayaks, such as manually propelled boats recognized by National racing associations for use in competitive racing, where the occupants row, scull or paddle with the exception of the coxswain, if one is provided, and which are not designed to carry and do not carry equipment not solely for competitive racing. Safety boats accompanying the boats shall carry a sufficient number of readily accessible Type I, II, III or V PFDs for the occupants of the shells, sculls or kayaks. This exemption does not apply on Commission and State Park owned or controlled boating waters.

(g) Coast Guard approved PFDs shall be acceptable as long as they are in good, serviceable condition with the approval clearly legible, even though the type number may not be contained in the marking because they are earlier approved lifesaving devices. "Serviceable" means the PFD is fully functional to carry out the purpose for which it was designed and free of tears or defects in the material over the flotation material and the buckles, straps, zippers and other closures are operable.

(h) Children 12 years of age and younger shall wear an approved Type I, II, III or V PFD while underway on any boat 20 feet or less in length and all canoes and kayaks. The operator of the watercraft violates this subsection if he does not cause a child 12 years of age or younger to wear a PFD as required by this subsection.

Authority

The provisions of this § 97.1 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 § 97.1 amended August 15, 1980, effective August 16, 1980, 10 Pa.B. 3391; amended June 3, 1994, effective June 4, 1994, 24 Pa.B. 2795; amended September 23, 1994, effective September 24, 1994, 24 Pa.B. 4771; amended April 12, 1996, effective April 13, 1996, 26 Pa.B. 1706; amended March 7, 1997, effective March 8, 1997, 27 Pa.B. 1156; amended September 25, 1998, effective September 26, 1998, 28 Pa.B. 4789; amended November 5, 1999, effective November 6, 1999, 29 Pa.B. 5717. Immediately preceding text appears at serial pages (248919) to (248920).

Cross References

This section cited in 58 Pa. Code § 105.1 (relating to conditions requiring immediate corrective action); and 58 Pa. Code § 109.4 (relating to water skiing, aquaplaning, kite skiing and similar activities).

§ 97.2. Fire extinguishers.

(a) All motorboats shall carry at least the minimum number of Coast Guard approved hand portable fire extinguishers required for their class as specified in Appendix B, except that motorboats less than 26 feet in length, propelled by outboard motors and not carrying passengers for hire, need not carry fire extinguish-

ers if the construction of the motorboats will not permit the entrapment of explosive or flammable gases or vapors.

(1) Fire extinguishers shall be carried on motorboats that meet one or more of the following conditions. The motorboats have:

- (i) Closed compartments under thwarts and seats where portable fuel tanks may be stored.
- (ii) Double bottoms not sealed to the hulls or that are not completely filled with flotation material.
- (iii) Closed living spaces.
- (iv) Closed stowage compartments in which combustible or flammable materials are stowed.
- (v) Permanently installed fuel tanks.

(2) The following conditions do not, in and of themselves, require that fire extinguishers be carried:

- (i) Bait wells.
- (ii) Glove compartments.
- (iii) Buoyant flotation material.
- (iv) Open slatted flooring.
- (v) Ice chests.

(b) Motorboats engaged in a race which has been officially sanctioned, as set forth in § 109.6 (relating to special marine events), or while engaged in tuning up for a race which has been officially sanctioned, need not carry the extinguisher required by this section.

(c) Fire extinguishers carried in compliance with this section shall be maintained in a usable condition and shall be charged in compliance with the specifications on the manufacturer's certification label. Gauges shall be operable and nozzles shall be free of obstruction. In prosecutions for violations of this section, there shall be a rebuttable presumption that a fire extinguisher is not usable if its gauge shows that the extinguisher is discharged.

(d) Fire extinguishers shall be installed and maintained so that they are immediately available within arms reach of the operator or passengers on the boat.

Authority

The provisions of this § 97.2 amended under the Fish and boat Code, 30 Pa.C.S. § 5123.

Source

The provisions of this § 97.2 amended June 3, 1994, effective June 4, 1994, 24 Pa.B. 2795; amended April 19, 1996, effective April 20, 1996, 26 Pa.B. 1822; amended December 12, 2003, effective January 1, 2004, 33 Pa.B. 6061. Immediately preceding text appears at serial pages (261368) to (269147).

§ 97.3. Sound producing devices.

(a) *Motorboats 12 meters or more in length.* A motorboat 12 meters (39.4 feet) or more in length shall carry sound producing devices as prescribed by the Inland Navigation Rules Act of 1980 (33 U.S.C.A. §§ 2001—2073).

(b) *Motorboats less than 12 meters.* A motorboat less than 12 meters (39.4 feet) in length shall carry some mechanical means of making a sound signal. This device may be hand, mouth or power operated. An athletic coach's whistle is an acceptable sound producing device for small motorboats.

(c) *Unpowered boats.* Unpowered boat operators are required to have some means of making an efficient oral or mechanical sound signal that can be heard by another boat operator in time to avoid a collision.

(d) *Device accessibility.* Sound signaling devices shall be readily accessible to the operator of the boat.

Authority

The provisions of this § 97.3 amended under the Fish and Boat Code, 30 Pa.C.S. § 5123.

Source

The provisions of this § 97.3 amended February 4, 1983, effective January 1, 1983, 13 Pa.B. 619; amended June 28, 1991, effective June 29, 1991, 21 Pa.B. 2894; amended June 3, 1994, effective June 4, 1994, 24 Pa.B. 2795; amended September 29, 2000, effective September 30, 2000, 30 Pa.B. 5013. Immediately preceding text appears at serial pages (248921) to (248922).

§ 97.4. Signals to attract attention.

If necessary to attract the attention of another vessel, a vessel may make light or sound signals that cannot be mistaken for a signal authorized elsewhere in this subpart, or may direct the beam of her searchlight in the direction of the danger, that does not hinder the other vessel's navigation.

Source

The provisions of this § 97.4 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 page (178613).

Cross References

This section cited in 58 Pa. Code § 111.52 (relating to Pike County).

§ 97.5. Visual distress signals.

(a) This section applies only to those boats operating on Lake Erie.

(b) A person may not use a boat 16 feet or more in length or a boat carrying six or less passengers for hire unless visual distress signals selected from the list in Appendix C or the alternatives in the number required, are onboard. Devices suitable for day use and devices suitable for night use, or devices suitable for both day and night use, shall be carried.

(c) Between sunset and sunrise, a person may not use a boat less than 16 feet in length unless visual distress signals suitable for night use, selected from the list in Appendix C or alternatives in the number required are onboard.

(d) When a visual distress signal carried to meet the requirements of subsection (b) or (c) requires a launcher to activate, a United States Coast Guard approved launcher shall also be carried.

(e) The persons listed in this subsection need not comply with subsection (b) or (c). Each shall carry onboard the required number of visual distress signals suitable for night use, selected from the list in Appendix C.

(1) A person competing in an organized marine parade, regatta, race or similar event.

(2) A person using a manually propelled boat.

(3) A person using a sailboat of completely open construction, not equipped with propulsion machinery, under 26 feet in length.

(f) It is unlawful to operate a boat unless the visual distress signals required by subsection (b) or (c) are readily accessible.

(g) It is unlawful to operate a boat unless each signal required by subsection (b) or (c) is in serviceable condition and the service life of the signal, if indicated by a date marked on the signal, has not expired.

(h) It is unlawful to do the following:

(1) Operate a boat unless the signal required by subsection (b) or (c) is legibly marked with the United States Coast Guard approval number or certification statement as specified in the Federal regulations.

(2) Display a visual distress signal on water to which this section applies under any circumstances except a situation in which assistance is needed because of immediate or potential danger to the persons onboard.

Source

The provisions of this § 97.5 amended February 4, 1983, effective January 1, 1983, 13 Pa.B. 619; amended June 3, 1994, effective June 4, 1994, 24 Pa.B. 2795; corrected December 5, 2003, effective September 24, 1994, 33 Pa.B. 5925. Immediately preceding text appears at serial pages (269148) and (213859).

§ 97.6. [Reserved].

Source

The provisions of this § 97.6 amended January 6, 1984, effective January 7, 1984, 14 Pa.B. 58; reserved June 3, 1994, effective June 4, 1994, 24 Pa.B. 2795. Immediately preceding text appears at serial pages (178614) to (178615).

§ 97.7. [Reserved].

Source

The provisions of this § 97.7 amended December 28, 1984, effective December 29, 1984, 14 Pa.B. 4691; reserved June 3, 1994, effective June 4, 1994, 24 Pa.B. 2795. Immediately preceding text appears at serial pages (178615) to (178616).

§ 97.8. [Reserved].

Source

The provisions of this § 97.8 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 pages (178616) to (178617).

§ 97.9. [Reserved]**Source**

The provisions of this § 97.9 reserved June 3, 1994, effective June 4, 1994, 24 Pa.B. 2795. Immediately preceding text appears at serial pages (178617) to (178618).

§ 97.10. [Reserved].**Source**

The provisions of this § 97.10 reserved February 12, 1993, effective February 13, 1993, 23 Pa.B. 744. Immediately preceding text appears at serial pages (157709) to (157710).

§ 97.11. [Reserved].**Source**

The provisions of this § 97.11 amended February 12, 1993, effective February 13, 1993, 23 Pa.B. 741; reserved June 3, 1994, effective June 4, 1994, 24 Pa.B. 2795. Immediately preceding text appears at serial pages (178618) to (178619).

§ 97.12. [Reserved].**Source**

The provisions of this § 97.12 reserved June 3, 1994, effective June 4, 1994, 24 Pa.B. 2795. Immediately preceding text appears at serial page (178619).

§ 97.13. [Reserved].**Source**

The provisions of this § 97.13 adopted August 15, 1980, effective August 16, 1980, 10 Pa.B. 3392; amended February 8, 1991, effective February 9, 1991, 21 Pa.B. 498; reserved June 3, 1994, effective June 4, 1994, 24 Pa.B. 2795. Immediately preceding text appears at serial pages (178619) to (178620).

§ 97.14. [Reserved].**Source**

The provisions of this § 97.14 adopted December 28, 1984, effective December 29, 1984, 14 Pa.B. 4691; reserved June 3, 1994, effective June 4, 1994, 24 Pa.B. 2795. Immediately preceding text appears at serial pages (178620) to (178621).

APPENDIX A [Reserved]**Source**

The provisions of this Appendix A amended June 28, 1991, effective June 29, 1991, 21 Pa.B. 2894; amended June 3, 1994, effective June 4, 1994, 24 Pa.B. 2795; amended February 18, 2000, effective February 19, 2000, 30 Pa.B. 870; corrected December 5, 2003, effective September 24, 1994, 33 Pa.B. 5925. Immediately preceding text appears at serial page (263755).

**APPENDIX B
FIRE EXTINGUISHERS**

Length, Feet	<i>Minimum number of hand portable fire extinguishers required* (Type B)</i>	
	<i>No fixed fire extinguishing system in machinery space</i>	<i>Fixed Fire extinguishing system in machinery space</i>
Under 16	1	0
16, but less than 26	1	0
26, but less than 40	2	1
40 and over	3	2

*Note: Extinguishers required by the above table can either be 1 1/4 gal. foam, 4 lb. carbon dioxide, 2 lb. dry chemical, or 2 1/2 lb. freon, (Type B-I) except that two of these sizes can be replaced by one 2 1/2 gal. foam, one 15 lb. carbon dioxide, or one 10 lb. dry chemical, (Type B-II).

Source

The provisions of this Appendix B amended March 19, 1982, effective March 20, 1982, 12 Pa.B. 993; reserved June 28, 1991, effective June 29, 1991, 21 Pa.B. 2894; amended June 3, 1994, effective June 4, 1994, 24 Pa.B. 2795. Immediately preceding text appears at serial page (157715).

Cross References

This appendix cited in 58 Pa. Code § 97.2 (relating to fire extinguisher).

APPENDIX C

<i>DEVICE DESCRIPTION</i>	<i>Accepted For Use</i>	<i>Number Required to be Carried</i>
Number marked on device:		
160.022 ... Floating Orange Smoke Distress Signals	Days only	3
160.024 ... Pistol-Projected Parachute Red Flare Distress Signals	Day and night ¹ .	3
160.036 ... Hand-Held Rocket-Propelled Parachute Red Flare Distress Signals	Day and night . .	3
160.037 ... Hand-Held Orange Smoke Distress Signals	Day only	3
160.057 ... Floating Orange Smoke Distress Signals	Day only	3
160.066 ... Distress Signal for Boats, Red Aerial Protechnic Flare	Day and night ² .	3
160.072 ... Distress Signal for Boats, Orange Flag	Day Only	1
160.013 ... Electric Distress Light for Boats	Night Only	1

1. These signals require use in combination with a suitable launching device approved under 46 CFR 160.028 (relating to signal pistols for red distress signals).

2. These devices may be either self-contained or pistol launched, and either meteor or parachute assisted type. Some of these signals may require use in combination with a suitable launching device approved under 46 CFR 160.028.

Source

The provisions of this Appendix C amended June 22, 1990, effective June 23, 1990, 20 Pa.B. 3502; amended June 3, 1994, effective June 4, 1994, 24 Pa.B. 2795; reserved September 23, 1994, effective September 24, 1994, 24 Pa.B. 4771; corrected December 5, 2003, effective December 6, 2003, 33 Pa.B. 5925. Immediately preceding text appears at serial page (213863).

Cross References

This appendix cited in 58 Pa. Code § 97.5 (relating to visual distress signals).

APPENDIX D. [Reserved]**Source**

The provisions of this Appendix D reserved June 3, 1994, effective June 4, 1994, 24 Pa.B. 2795. Immediately preceding text appears at serial page (157717).

APPENDIX E. [Reserved]**Source**

The provisions of this Appendix E amended February 8, 1991, effective February 9, 1991, 21 Pa.B. 498; reserved June 3, 1994, effective June 4, 1994, 24 Pa.B. 2795. Immediately preceding text appears at serial page (157718).

[Next page is 99-1.]

97-10