

**CHAPTER 99. CAPACITY PLATES**

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**§ 99.1. Boats requiring capacity plates.**

(a) A capacity plate is required to be permanently affixed to a monohull boat less than 20 feet in length designed to carry two or more persons and to be propelled by machinery or oars as its principal source of power if one of the following apply:

- (1) The boat is manufactured, transferred, sold or offered for sale in this Commonwealth.
- (2) The boat is operated on waters of this Commonwealth.

(b) Pontoon boats, canoes, sailboats, kayaks, inflatables, hydroplanes, personal watercraft and boats considered by the Commission to be of unusual or unique design are exempt from this chapter.

(c) As used in this chapter, “manufacture” means to construct or assemble a boat or alter a boat in a manner that changes its weight carrying capacity.

**Source**

The provisions of this § 99.1 amended May 23, 1980, effective May 24, 1980, 10 Pa.B. 2050; amended February 4, 1983, effective January 1, 1983, 13 Pa.B. 619; amended June 3, 1994, effective June 4, 1994, 24 Pa.B. 2795; amended March 7, 1997, effective March 8, 1997, 27 Pa.B. 1156. Immediately preceding text appears at serial page (189529).

**§ 99.2. Information required.**

The capacity plate shall contain the following information:

- (1) For boats designed for or represented by the manufacturer as being suitable for use with outboard motors:
  - (i) The total weight of persons, motor, gear and other articles placed aboard which the boat is capable of carrying with safety under normal conditions.
  - (ii) The recommended number of persons consistent with the weight capacity of the boat and the presumed weight in pounds of those persons. The presumed weight per person may not be less than 150 pounds.
  - (iii) The maximum horsepower of the motor that the boat is designed or intended to accommodate.
- (2) For other boats to which the requirement applies:

- (i) The total weight of persons, gear and other articles placed aboard which the boat is capable of carrying with safety under normal conditions.
- (ii) The recommended numbers consistent with the weight capacity of the boat and the presumed weight in pounds of those persons. The presumed weight per person may not be less than 150 pounds.

**Source**

The provisions of this § 99.2 amended April 29, 1988, effective April 30, 1988, 18 Pa.B. 2030; amended June 3, 1994, effective June 4, 1994, 24 Pa.B. 2795. Immediately preceding text appears at serial page (178624).

**§ 99.3. Persons affixing plates.**

- (a) If the manufacturer did not affix a capacity plate as required, the owner or another person shall affix a capacity plate to the boat. This plate shall be obtained from the Commission in accordance with subsection (b). Once the plate is affixed, the boat may be sold in this Commonwealth. This corrective procedure does not relieve a manufacturer from liability for failure to comply with the requirement of the code.
- (b) A boat owner applying for a capacity plate shall file Form PFC-702 with the Commission, accompanied by the fee set by law.
- (c) A person requesting a capacity plate for a homemade boat, a boat of unique design or a boat that has been substantially rebuilt shall submit bow, stern and side view photographs of the boat showing its major features.

**Source**

The provisions of this § 99.3 amended January 6, 1984, effective January 7, 1984, 14 Pa.B. 58; amended March 13, 1987, effective March 14, 1987, 17 Pa.B. 1088; amended June 1, 1990, effective June 2, 1990, 20 Pa.B. 2928; 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 (178624) to (178627).

**Cross References**

This section cited in 58 Pa. Code § 99.7 (relating to prohibited acts).

**§ 99.4. Capacity plate as warrant.**

- (a) The manufacturer or other authorized person affixing the capacity plate warrants that required information on the capacity plate was calculated using an approved method and formula, complies with applicable standards and is not deliberately or negligently misrepresentative. Calculations and formulas shall comply with the formulas promulgated by the United States Coast Guard.
- (b) The information appearing on the capacity plate is applicable under normal boating conditions and the weight of the outboard motor and associated equipment shall be considered part of the total weight capacity of a boat.

**Source**

The provisions of this § 99.4 amended April 29, 1988, effective April 30, 1988, 18 Pa.B. 2030; reserved 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 (178627).

**§ 99.5. Substitute for plate; alternative compliance.**

If a boat requiring a capacity plate is of a design or construction that makes it impractical or undesirable to affix the plate, the manufacturer or other person having the responsibility for affixing the plate, may request that the Commission grant a substitute. The request shall be in writing and state the reasons why a substitute is requested. After considering the request, the Commission may authorize alternative compliance and this alternative compliance will be deemed in compliance with the capacity plate requirements.

**Source**

The provisions of this § 99.5 amended June 3, 1994, effective June 4, 1994, 24 Pa.B. 2795. Immediately preceding text appears at serial page (178627).

**§ 99.6. Location of capacity plate.**

The capacity plate shall be located at a position where the operator can see the plate while operating the boat. This location could be on a dashboard, high on the gunwale next to the position of the operator, or the transom for a boat operated from this point.

**Source**

The provisions of this § 99.6 amended June 3, 1994, effective June 4, 1994, 24 Pa.B. 2795. Immediately preceding text appears at serial page (178627).

**§ 99.7. Prohibited acts.**

- (a) A person may not tamper with or remove a capacity plate or any of the information shown.
- (b) A person may not sell or otherwise transfer ownership of a boat subject to this chapter that does not comply with this chapter.
- (c) A person may not furnish a false or fraudulent statement on an application for a capacity plate.
- (d) A person may not operate a boat displaying an illegible capacity plate. Owners of these boats shall apply for a replacement plate as provided in § 99.3 (relating to persons affixing plates).
- (e) A person may not operate a boat for which a capacity plate is required unless the boat displays the capacity plate.
- (f) A manufacturer, dealer or other person may not offer a boat for sale for which a capacity plate is required unless a capacity plate is properly affixed.

**Source**

The provisions of this § 99.7 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 (178628).

**Cross References**

This section cited in 58 Pa. Code § 51.6 (relating to petitions or requests for regulations).

**§ 99.8. [Reserved].****Source**

The provisions of this § 99.8 amended June 22, 1990, effective June 23, 1990, 20 Pa.B. 3502; reserved June 3, 1994, effective June 4, 1994, 24 Pa.B. 2795. Immediately preceding text appears at serial pages (178628) to (178629).

**§ 99.9. [Reserved].****Source**

The provisions of this § 99.9 reserved June 3, 1994, effective June 4, 1994, 24 Pa.B. 2795. Immediately preceding text appears at serial pages (178629) to (178630).

**§ 99.10. [Reserved].****Source**

The provisions of this § 99.10 reserved June 3, 1994, effective June 4, 1994, 24 Pa.B. 2795. Immediately preceding text appears at serial page (178630).

**§ 99.11. [Reserved].****Source**

The provisions of this § 99.11 amended June 6, 1986, effective June 7, 1986, 16 Pa.B. 2021; reserved June 3, 1994, effective June 4, 1994, 24 Pa.B. 2795. Immediately preceding text appears at serial page (178631).

**§ 99.12. [Reserved].****Source**

The provisions of this § 99.12 amended August 15, 1980, effective August 16, 1980, 10 Pa.B. 3590; reserved June 1, 1990, effective June 2, 1990, 20 Pa.B. 2928; amended June 22, 1990, effective June 23, 1990, 20 Pa.B. 3502; reserved June 3, 1994, effective June 4, 1994, 24 Pa.B. 2795. Immediately preceding text appears at serial page (178631).

**§ 99.13. [Reserved].****Source**

The provisions of this § 99.13 amended through March 19, 1982, effective March 20, 1982, 12 Pa.B. 993; reserved June 3, 1994, effective June 4, 1994, 24 Pa.B. 2795. Immediately preceding text appears at serial pages (178631) to (178632).

**§ 99.14. [Reserved].****Source**

The provisions of this § 99.14 adopted August 15, 1980, effective August 16, 1980, 10 Pa.B. 3590; reserved June 3, 1994, effective June 4, 1994, 24 Pa.B. 2795. Immediately preceding text appears at serial page (178632).

**§ 99.15. [Reserved].****Source**

The provisions of this § 99.15 adopted February 4, 1983, effective January 1, 1983, 13 Pa.B. 619; reserved June 3, 1994, effective June 4, 1994, 24 Pa.B. 2795. Immediately preceding text appears at serial pages (178632) to (178633).

**§ 99.16. [Reserved].****Source**

The provisions of this § 99.16 adopted January 6, 1984, effective January 7, 1984, 14 Pa.B. 58; amended April 29, 1988, effective April 30, 1988, 18 Pa.B. 2030; reserved June 3, 1994, effective June 4, 1994, 24 Pa.B. 2795. Immediately preceding text appears at serial page (178633).

**§ 99.17. [Reserved].****Source**

The provisions of this § 99.17 adopted April 29, 1988, effective April 30, 1988, 18 Pa.B. 2030; amended March 9, 1990, effective March 10, 1990, 20 Pa.B. 1404; amended December 14, 1990, effective December 15, 1990; 20 Pa.B. 6182; amended February 7, 1992, effective February 8, 1992, 22 Pa.B. 597; reserved June 3, 1994, effective June 4, 1994, 24 Pa.B. 2795. Immediately preceding text appears at serial pages (178633) to (178634).

**§ 99.18. [Reserved].****Source**

The provisions of this § 99.18 adopted April 29, 1988, effective April 30, 1988, 18 Pa.B. 2030; reserved June 3, 1994, effective June 4, 1994, 24 Pa.B. 2795. Immediately preceding text appears at serial pages (178634) to (178635).

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(227694) No. 270 May 97

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