CHAPTER 103. RULES OF THE ROAD

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Cross References
This chapter cited in 58 Pa. Code § 107.8 (relating to vessels permitted on restricted waters); and 58 Pa. Code § 115.12 (relating to applicability of other regulations).

§ 103.1. General.
(a) Every boater is responsible for avoiding a boating accident. This subpart is to give predictability to meeting, crossing and overtaking situations, but does not replace accurate analysis of the situation and taking necessary action to avoid collision, even if it means diverging from this subpart.
(b) Every boat operating on the inland waters of this Commonwealth, which includes Lake Erie, shall comply with 33 CFR 83.02 (relating to responsibility (Rule 2)).

Authority
The provisions of this § 103.1 amended under section 506 of The Administrative Code of 1929 (71 P.S. § 186).

Source

§ 103.2. Definitions.
The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:
Motorboat—A boat being operated by motor, including a sailboat with sails if the motor is running.
Sailboat—A boat being propelled with only sails; if a motor is attached it is not engaged.

Slow, no wake speed—The slowest possible speed of a motor boat required to maintain maneuverability so that the wake or wash created by the motorboat on the surface of the water is minimal.

Authority

The provisions of this § 103.2 amended under the Fish and Boat Code, 30 Pa.C.S. § 5123.

Source


§ 103.3. Restriction for special areas.

(a) Boats are limited to slow, no wake speed when within 100 feet of the shore line; docks; launching ramps; swimmers or downed skiers; persons wading in the water; anchored, moored or drifting boats; floats, except for ski jumps and ski landing floats; or other areas so marked. This subsection does not apply in a zoned ski area or authorized ski return areas when those areas are found within the areas described in this subsection.

(b) Boats are prohibited within 100 feet of water siphons or intake towers, including associated service bridges and supporting piers where so marked.

(c) The Executive Director is authorized to take immediate action to post and mark waters, establish speed zones or otherwise when he determines that a hazard exists that may threaten the safety of persons or property, or both. The Executive Director will notify the Boating Advisory Board and the Commission of the action. Zoned areas, speed limits or other markings established under this authority shall be fully effective and enforceable in accordance with law.

Authority

The provisions of this § 103.3 amended under the Fish and Boat Code, 30 Pa.C.S. § 5123.

Source


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 violation of former § 99.1, where the operator navigated the motorboat in a clockwise direction. This regulation was purely discretionary, merely suggesting a fashion of travel that a motorboat operator may follow; therefore, the regulation, by its very nature, could not be violated. Commonwealth v. Rachau, 670 A.2d 731 (Pa. Cmwlth. 1996).
Operation of Motorboats

A motorboat operator may only deviate from a counterclockwise direction of operation when it is not reasonably possible to continue on that course. In such case, an operator charged with a violation of the regulation will be able to raise the defense that, due to extenuating circumstances, it was not reasonably possible to operate in a counterclockwise fashion. *Commonwealth v. Rachau*, 670 A.2d 731 (Pa. Cmwlth. 1996).

Cross References

This section cited in 58 Pa. Code § 109.4 (relating to water skiing, aquaplaning, kite skiing and similar activities); and 58 Pa. Code § 113.3 (relating to operation of boats).

§ 103.4. Lookout.

Every boat shall maintain a proper lookout by sight and hearing as well as by all available means appropriate in the prevailing circumstances and conditions to make full appraisal of the situation and of the risk of collision.

Source


§ 103.5. Safe speed.

(a) Every boat shall proceed at a safe speed so that it can take proper and effective action to avoid collision and be stopped within a distance appropriate to the prevailing circumstances and conditions.

(b) In determining a safe speed, the following factors shall be among those taken into account:

2. Traffic density, including concentrations of other boats.
3. Weather conditions, currents and the proximity of navigational hazards.
4. Maneuverability of the boat with special reference to stopping distance and turning ability.

Source

The provisions of this § 103.5 amended June 3, 1994, effective June 4, 1994, 24 Pa.B. 2795. Immediately preceding text appears at serial page (180362).

§ 103.6. Action to avoid collision.

(a) Action taken to avoid collision shall, if the circumstances of the case admit, be positive, made in ample time and with regard to the observance of good seamanship.
(b) An alteration of course or speed to avoid collision shall, if the circumstances of the case admit, be large enough to be readily apparent to another boat visually; a succession of small alterations of course of speed shall be avoided.

(c) Action taken to avoid collision with another boat shall result in passing at a safe distance.

(d) If necessary to avoid collision or allow more time to assess the situation, a boat shall slacken its speed, stop altogether or reverse its means of propulsion.

Source

§ 103.7. Narrow channels.

(a) A boat proceeding along the course of a narrow channel shall keep as near to the outer limit of the channel which lies on its starboard—right—side as is safe and practicable.

(b) Notwithstanding subsection (a), a power-driven boat operating in narrow channels on the Great Lakes, Western Rivers or waters specified by the Commission or Executive Director and proceeding downbound with a following current, shall have the right-of-way over an upbound boat. The boat proceeding upbound against the current shall hold as necessary to permit safe passing.

(c) A boat of less than 20 meters (39.4 feet) in length, or a sailing boat, may not impede the passage of a boat that can safely navigate only within a narrow channel.

(d) A boat may not cross a narrow channel if the crossing impedes the passage of a boat which can safely navigate only within that channel.

(e) A boat shall, if the circumstances of the case admit, avoid anchoring in a narrow channel.

(f) A boat nearing a bend on an area of a narrow channel where other boats may be obscured by an intervening obstruction shall navigate with particular alertness and caution.

(g) A boat engaged in fishing may not impede the passage of another boat navigating within a narrow channel or fairway.

(h) In a narrow channel or fairway when overtaking, a boat intending to overtake shall indicate its intention by sounding the appropriate signal and take
steps to permit safe passage. The overtaken boat, if in agreement, shall sound the same signal. If in doubt it shall sound the prescribed danger signal. This subsection does not relieve the overtaking boat of its obligation under § 103.9 (relating to overtaking).

Source
The provisions of this § 103.7 amended June 3, 1994, effective June 4, 1994, 24 Pa.B. 2795. Immediately preceding text appears at serial page (180363).

§ 103.8. Rules applicable to sailboats.
(a) When two sailboats are approaching one another in a manner that involves risk of collision, one of them shall keep out of the way of the other as follows:
   (1) When each has the wind on a different side, the boat which has the wind on the port—left—side shall keep out of the way of the other.
   (2) When both have the wind on the same side, the boat which is to windward shall keep out of the way of the boat which is to leeward.
(3) If a boat with the wind on the port—left—side sees a boat to windward and cannot determine with certainty whether the other boat has the wind on the port—left—or the starboard—right—side, the boat shall keep out of the way of the other.
(b) The windward side shall be deemed to be the side opposite to that on which the mainsail is carried.

Source
The provisions of this § 103.8 amended June 3, 1994, effective June 4, 1994, 24 Pa.B. 2795. Immediately preceding text appears at serial page (180363).

§ 103.9. Overtaking.
(a) A boat overtaking another boat shall keep out of the way of the boat being overtaken.
(b) When a boat is in doubt as to whether it is overtaking another, it shall assume that this is the case and act accordingly.
(c) A boat shall be deemed to be overtaking when coming up with another from a direction more than 22.5° abaft its beam; that is, in such a position with reference to the boat it is overtaking that at night it would be able to see only the sternlight of that boat but neither of its sidelights.
(d) A subsequent alteration of the bearing down between the two boats may not make the overtaking boat a crossing boat within the meaning of this chapter or relieve it of the duty of keeping clear of the overtaken boat until it is finally past and clear.

Source

Cross References
This section cited in 58 Pa. Code § 103.7 (relating to narrow channels).

§ 103.10. Head-on situations.
(a) When two power-driven boats are meeting on reciprocal or nearly reciprocal courses in a manner that involves risk of collision, each shall alter its course to starboard—right—so that each shall pass on the port—left—side of the other.
(b) A head-on situation shall be deemed to exist when a boat sees the other ahead or nearly ahead and by night it could see the masthead lights of the other in a line or nearly in a line or both sidelights and by day it observes the corresponding aspect of the other boat.
(c) When a boat is in doubt as to whether such a situation exists, it shall assume that it does exist and act accordingly.
§ 103.11. Crossing situations.
When two motorboats are crossing as to involve risk of collision, the boat which has the other on its starboard—right—side shall keep out of the way and shall, if the circumstances of the case admit, avoid crossing ahead of the other boat.

A boat which is directed to keep out of the way of another boat shall, so far as possible, take early and substantial action to keep well clear.

(a) When one of two boats is to keep out of the way, the other shall maintain its course and speed. The later boat may take action to avoid collision by its maneuver alone, as soon as it becomes apparent to it that the boat required to keep out of the way is not taking appropriate action in compliance with this chapter.
(b) When the boat required to keep its course and speed finds itself so close that collision cannot be avoided by the action of the giveway boat alone, it shall take action as will best aid to avoid collision.
(c) A power driven boat which takes action in a crossing situation to avoid collision with another power-driven boat, if the circumstances of the case admit, may not alter course to port—left—for a boat on its own port—left—side.
(d) This section does not relieve the giveway boat of its obligation to keep out of the way.

Source

Source

Source

Source
(a) A power-driven boat underway shall keep out of the way of:
   (1) A sailing boat.
   (2) A boat restricted in its ability to maneuver.
(b) A sailing boat underway shall keep out of the way of a boat restricted in its ability to maneuver.

Source

§ 103.15. [Reserved].

Source

§ 103.16. Speed restrictions.
(a) General rule. A person may not operate a watercraft at a speed greater than is reasonable and prudent under the circumstances, having regard for the actual and potential hazards then existing, nor at a speed greater than will permit the operator to maneuver his boat with safety.
(b) Specific speed restrictions. In addition to the general restriction on speed of watercraft set forth in subsection (a), the Commission may by general or special boating regulations set forth specific restrictions such as “slow, no wake” restrictions. The observation of an officer authorized to enforce this part shall be evidence of violation of nonnumerical specific speed restrictions.
(c) Mile-per-hour speed limits. In addition to the general restriction on speed of watercraft set forth in subsection (a) and the nonnumerical speed restrictions set forth in subsection (b), the Commission may, by general or special boating regulations, establish speed restrictions based on the miles-per-hour of a boat. The rate of speed of watercraft may be timed by electronic radio-microwave devices, commonly referred to as electronic speed meters or radar, only by a waterways conservation officer who has been certified by the Commission as having completed training to operate the device or a member of the State Police. Electronic devices (radar) used to time speed of watercraft shall be maintained and calibrated to standards set forth in 67 Pa. Code Chapter 105, Subchapter B (relating to electronic devices (radar). A person may not be convicted of a violation of a miles-per-hour watercraft speed limit timed by an electronic device unless the speed recorded is 6 or more miles per hour in excess of the established speed limit.

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(308627) No. 363 Feb. 05
Authority
The provisions of this § 103.16 amended under the Fish and Boat Code, 30 Pa.C.S. § 5123.

Source

§ 103.17. [Reserved].

Source
The provisions of this § 103.17 reserved June 3, 1994, effective June 4, 1994, 24 Pa.B. 2795. Immediately preceding text appears at serial page (180366).

§ 103.18. [Reserved].

Source
The provisions of this § 103.18 reserved June 3, 1994, effective June 4, 1994, 24 Pa.B. 2795. Immediately preceding text appears at serial page (180366).

§ 103.19. [Reserved].

Source

§ 103.20. [Reserved].

Source

§ 103.21. [Reserved].

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§ 103.22. [Reserved].

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§ 103.23. [Reserved].

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§ 103.24. [Reserved].

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§ 103.25. [Reserved].

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§ 103.26. [Reserved].

Source

§ 103.28. [Reserved].

Source
The provisions of this § 103.28 reserved June 3, 1994, effective June 4, 1994, 24 Pa.B. 2795. Immediately preceding text appears at serial page (155743).

§ 103.29. [Reserved].

Source

§ 103.30. [Reserved].

Source
§ 103.39. [Reserved].

Source


§ 103.40. [Reserved].

Source


§ 103.41. [Reserved].

Source


§ 103.42. [Reserved].

Source


§ 103.43. [Reserved].

Source


§ 103.45. [Reserved].

Source

§ 103.46. [Reserved].

Source

§ 103.47. [Reserved].

Source
The provisions of this § 103.47 reserved June 3, 1994, effective June 4, 1994, 24 Pa.B. 2795. Immediately preceding text appears at serial page (180368).

§ 103.48. [Reserved].

Source

§ 103.50. [Reserved].

Source
The provisions of this § 103.50 reserved June 3, 1994, effective June 4, 1994, 24 Pa.B. 2795. Immediately preceding text appears at serial page (180369).

§ 103.51. [Reserved].

Source
The provisions of this § 103.51 reserved June 3, 1994, effective June 4, 1994, 24 Pa.B. 2795. Immediately preceding text appears at serial page (180369).

§ 103.52. [Reserved].

Source

§ 103.53. [Reserved].

Source
The provisions of this § 103.53 reserved June 3, 1994, effective June 4, 1994, 24 Pa.B. 2795. Immediately preceding text appears at serial page (180370).
§ 103.54. [Reserved].

Source
The provisions of this § 103.54 reserved June 3, 1994, effective June 4, 1994, 24 Pa.B. 2795. Immediately preceding text appears at serial page (180371).

§ 103.55. [Reserved].

Source

§ 103.56. [Reserved].

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§ 103.57. [Reserved].

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§ 103.58. [Reserved].

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§ 103.59. [Reserved].

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§ 103.61. [Reserved].

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§ 103.62. [Reserved].

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§ 103.63. [Reserved].

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§ 103.64. [Reserved].

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§ 103.65. [Reserved].

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§ 103.66. [Reserved].

Source
§ 103.67. [Reserved].

Source

The provisions of this § 103.67 reserved June 3, 1994, effective June 4, 1994, 24 Pa.B. 2795. Immediately preceding text appears at serial pages (178649) to (178650).

§ 103.71. [Reserved].

Source

The provisions of this § 103.71 reserved June 3, 1994, effective June 4, 1994, 24 Pa.B. 2795. Immediately preceding text appears at serial page (178650).