

**CHAPTER 115. BOATS CARRYING PASSENGERS  
FOR HIRE**

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**Source**

The provisions of this Chapter 115 adopted June 3, 1994, effective June 4, 1994, 24 Pa.B. 2795, unless otherwise noted.

**§ 115.1. Purpose.**

This chapter establishes regulations for boats carrying passengers for hire. The regulations in this chapter are promulgated under section 5123(a)(1) of the code (relating to general boating regulations) and deemed necessary for the health and safety of passengers, operators and persons on, in or towed by boats on, in or along the waters of this Commonwealth. The definition "passenger-carrying boat" as set forth in section 102 of the code (relating to definitions) applies to this chapter and to the term "boats carrying passengers for hire."

**Authority**

The provisions of this § 115.1 amended under section 5123(a)(1) of the Fish and Boat Code (30 Pa.C.S. § 5123(a)(1)).

**Source**

The provisions of this § 115.1 amended December 21, 2012, effective January 1, 2013, 42 Pa.B. 7690. Immediately preceding text appears at serial page (293747).

**§ 115.2. Initial certification.**

(a) An owner of a boat carrying passengers for hire shall apply for certification of the boat on a form provided by the Commission and shall provide the information requested on the form.

(b) An applicant shall submit the following documentation in addition to the application form:

(1) *Form PFBC-291c.* A Form PFBC-291c, Vessel Characteristic Report, has two parts. Part A is to be completed and signed by the owner. Part B is to be completed by a qualified accredited marine surveyor who conducted the inspection within 6 months preceding the date of the application. The inspection report shall include a statement by the marine surveyor as to whether or not the boat is suitable for the use intended, or if not suitable, the requirements necessary to bring about compliance. The report shall also include the opinion of the marine surveyor as to the total number of persons who may be carried on the boat. The opinion of the marine surveyor shall be based on a United States Coast Guard-approved stability test suitable for the type and size of boat.

(2) *Proof of financial responsibility.* An applicant shall furnish the Commission proof of financial responsibility. The proof shall evidence the applicant's ability to respond in damages on account of accidents arising out of the maintenance or use of the passenger carrying boat. The minimum amount of coverage shall be \$500,000 because of injury or death to one person in an accident and \$1,000,000 because of injury or death to two or more persons in an accident and \$25,000 because of damage to property of others in an accident. Proof of financial responsibility shall be in a form acceptable to the Commission and shall provide for notice to the Commission in the event of cancellation of liability insurance.

#### Authority

The provisions of this § 115.2 amended under section 5123(a)(1) of the Fish and Boat Code (30 Pa.C.S. § 5123(a)(1)).

#### Source

The provisions of this § 115.2 amended December 21, 2012, effective January 1, 2013, 42 Pa.B. 7690. Immediately preceding text appears at serial pages (293747) to (293748).

#### Cross References

This section cited in 58 Pa. Code § 115.4 (relating to annual safety inspections).

### § 115.3. Recertification.

(a) A boat carrying passengers for hire shall have reinspections and recertifications as follows:

(1) A dry dock examination shall be conducted by a qualified accredited marine surveyor at least once every 5 years.

(2) A stability test shall be conducted whenever a boat has been involved in an accident or has been structurally modified. The stability test shall be

United States Coast Guard-approved, suitable for the type and size of boat and utilize the current Assumed Average Weight per Person standard adopted by the United States Coast Guard.

(b) The owner will forward to the Commission a copy of the recertification report along with other documents requested by the Commission.

**Authority**

The provisions of this § 115.3 amended under section 5123(a)(1) of the Fish and Boat Code (30 Pa.C.S. § 5123(a)(1)).

**Source**

The provisions of this § 115.3 amended December 21, 2012, effective January 1, 2013, 42 Pa.B. 7690. Immediately preceding text appears at serial page (293748).

**§ 115.4. Annual safety inspections.**

(a) Annual safety inspections are required every year after the year of initial certification. When the vessel is ready for inspection, the owner shall apply for an annual safety inspection by electronic mail or telephone to the regional law enforcement office for the region in which the boat is to operate. The application shall be submitted at least 30 days prior to the requested date of inspection. This annual inspection shall be conducted prior to the first commercial use of the boat or within 30 days of the date of issue on the certificate of inspection if the boat operates year round.

(b) On the agreed date of inspection, the owner or representative shall be available to conduct the inspection jointly with the inspector designated by the Commission.

(c) Results of the inspection shall be recorded on Form PFC-291b "Vessel Inspection Checkoff List." Upon completion of the inspection, deficiencies shall be noted on the reverse of the form. Upon correction of the deficiencies, the owner or a representative and the inspector designated by the Commission shall sign the respective certifications.

(d) The owner or a representative shall present on the day of inspection a current certificate of insurance with minimum coverage as described in § 115.2(b)(2) (relating to initial certification) to the inspector designated by the Commission.

**Authority**

The provisions of this § 115.4 amended under sections 5122 and 5123(a)(1) of the Fish and Boat Code (30 Pa.C.S. § 5122 and 5123(a)(1)).

**Source**

The provisions of this § 115.4 amended November 15, 2002, effective January 1, 2003, 32 Pa.B. 5659; amended December 21, 2012, effective January 1, 2013, 42 Pa.B. 7690. Immediately preceding text appears at serial pages (293748) to (293749).

**§ 115.5. Certification of inspection.**

(a) *Display of certificate.* The certificate of inspection shall be framed under transparent material and prominently displayed in a public space aboard the boat or, if it is not feasible to display the certificate on the boat, it shall be displayed at a prominent place dockside where it can be seen by passengers boarding the boat. It is unlawful for the owner of a boat inspected under this section to fail to display the certificate of inspection as provided in this section.

(b) *Contents of certificate.* Form PFBC-291a shall be used as the certificate of inspection. The certificate of inspection shall include the following information:

- (1) The name of the vessel, if applicable.
- (2) The registration number of the vessel.
- (3) The hull identification number of the vessel.
- (4) The name, address and zip code of the owners.
- (5) The date qualified for initial inspection.
- (6) Hull material, such as wood, steel, aluminum, plastic, fiberglass or other.
- (7) The type of propulsion, such as outboard, inboard, inboard/outboard or other and the horsepower rating.
- (8) The type of fuel, such as gas, diesel or other.
- (9) The length and beam.
- (10) The total number of passengers allowed.
- (11) Operating personnel requirements, such as one or more operators, one or more linehandlers or assistants, or both.
- (12) The total number of Coast Guard approved flotation devices required by type and size.
- (13) Fire extinguisher indicating number, type and size, such as two each Type BI Carbon Dioxide.
- (14) The body of water upon which the boat is to be employed and route if it is restricted.
- (15) The seasons of run-starting and closing date.
- (16) The hours of operation—starting time and final docking time.

(c) *Validation of certificates.* The certificate of inspection will be valid with the original signatures of the Director, Bureau of Law Enforcement or a designee, the inspecting officer and the owner.

(d) *Compliance.* It is unlawful to operate a boat carrying passengers for hire if the boat is not in compliance with the certificate of inspection.

**Authority**

The provisions of this § 115.5 amended under section 5123(a)(1) of the Fish and Boat Code (30 Pa.C.S. § 5123(a)(1)).

**Source**

The provisions of this § 115.5 amended December 21, 2012, effective January 1, 2013, 42 Pa.B. 7690. Immediately preceding text appears at serial pages (293749) to (293750).

**§ 115.6. Exception.**

A boat operating under a certificate of inspection from the United States Coast Guard does not require inspection or certification under this chapter. The operators of the boats are subject to the licensing requirements of the United States Coast Guard certificate of inspection and United States Coast Guard regulations and are not subject to the licensing requirements of § 115.9 (relating to licenses for operators).

**§ 115.7. Accredited marine surveyors.**

For purposes of this chapter, an accredited marine surveyor is a surveyor who has been accredited by one of the National marine surveyors associations.

**Authority**

The provisions of this § 115.7 amended under section 5123(a)(1) of the Fish and Boat Code (30 Pa.C.S. § 5123(a)(1)).

**Source**

The provisions of this § 115.7 amended December 21, 2012, effective January 1, 2013, 42 Pa.B. 7690. Immediately preceding text appears at serial page (293750).

**§ 115.8. Personnel requirements of passenger carrying boats.**

(a) It is unlawful for a person to operate a boat carrying passengers for hire unless the person first obtains an operator's license for passenger carrying boats under § 115.9 (relating to licenses for operators).

(b) It is unlawful to operate a boat carrying passengers for hire without an additional qualified crew member if one of the following conditions exist:

- (1) The length of the boat exceeds 45 feet.
- (2) The boat is certified to carry more than 49 passengers.
- (3) The operator cannot handle the mooring lines or associated equipment without assistance.

(c) To qualify as a crew member, an individual shall meet the following conditions. The individual shall:

- (1) Be at least 16 years of age.
- (2) Be capable of performing the duties required.
- (3) Possess a valid Boating Safety Education Certificate.

**Authority**

The provisions of this § 115.8 amended under section 5122 of the Fish and Boat Code (30 Pa.C.S. § 5122).

**Source**

The provisions of this § 115.8 amended November 15, 2002, effective January 1, 2003, 32 Pa.B. 5659. Immediately preceding text appears at serial page (227700).

**§ 115.9. Licenses for operators.**

(a) *Eligibility.* Persons, 18 years of age and older, in good physical condition and who possess a valid Boating Safety Education Certificate are eligible for licensing as operators of passenger-carrying boats.

(b) *Physical examination.* The physical condition of an applicant for an operator's license shall be certified by a physician after a physical examination. The physician's certification must include a statement attesting that the applicant displays normal color vision. This requirement may be waived if the operation of vessels for which the license is sought will be limited to daylight hours.

(c) *Application.* An application for a boat operator's license shall be made on the form provided by the Commission. The completed form shall be submitted with the applicable fee as listed in section 5104(a)(6) of the code (relating to fees).

(d) *Examination.* An applicant for a boat operator's license shall pass a professional examination to demonstrate sufficient experience and capabilities to assume the responsibilities for operation of a passenger-carrying boat. Examination will include oral questions and a practical test of boating skills using the boat—or a boat of identical size and type—for which an operator's license is being requested. If the applicant does not pass the oral examination or the practical test, 30 days is required prior to taking a retest. A request for the retest shall be submitted on Form PFBC-292.

(e) *Contents and display of boat operator's license.* The operator's license shall contain a photograph of the licensee. In addition, it will list the name and the limitations on the operator with respect to size of vessel authorized to operate and day or night restrictions. Licenses issued under this section are valid on any water under the sole jurisdiction of the Commonwealth for boats up to and including the size listed on the license. The Commission will validate the operator's license. The operator shall carry and display the license while in actual operation of a passenger carrying boat and produce the license upon request of the Commission.

(f) *Expiration.* Licenses issued under this section will expire on December 31, 5 years from the date of issuance.

(g) *Waiver.* The Commission will waive the licensing requirement of this section for an individual possessing a current valid United States Coast Guard certi-

fication appropriate for the size and type of boat he intends to operate upon presentation of proof of his Coast Guard Merchant Mariner Credential or other Coast Guard certification.

**Authority**

The provisions of this § 115.9 amended under the Fish and Boat Code, 30 Pa.C.S. §§ 5122, 5123(a)(1) and 5124.

**Source**

The provisions of this § 115.9 amended November 5, 1999, effective November 6, 1999, 29 Pa.B. 5723; amended November 15, 2002, effective January 1, 2003, 32 Pa.B. 5659; amended December 21, 2012, effective January 1, 2013, 42 Pa.B. 7690. Immediately preceding text appears at serial pages (293751) to (293752).

**Cross References**

This section cited in 58 Pa. Code § 115.6 (relating to exception); 58 Pa. Code § 115.8 (relating to personnel requirements of passenger carrying boats); and 58 Pa. Code § 115.10 (relating to renewal of operator's license).

**§ 115.10. Renewal of operator's license.**

(a) Operators may apply for a renewal of their license 60 days prior to its expiration. Applications shall be made on the form provided by the Commission and accompanied by the appropriate fees.

(b) Applicants for renewal of licenses shall undergo a new physical examination and submit a new physician's certification as described in § 115.9(b) (relating to licenses for operators).

(c) If there are no changes to the limitations imposed by the original license, a practical examination is not required. An oral examination may be required if there have been significant changes to regulations concerning safe operation of boats, carriage requirements for safety equipment or carrying passengers for hire.

(d) A licensed operator who does not renew a license as required by subsection (a) shall reapply in accordance with § 115.9.

**Authority**

The provisions of this § 115.10 amended under the Fish and Boat Code, 30 Pa.C.S. §§ 5122(a)(6), 5123(a)(1) and 5124.

**Source**

The provisions of this § 115.10 amended November 5, 1999, effective November 6, 1999, 29 Pa.B. 5723; amended December 21, 2012, effective January 1, 2013, 42 Pa.B. 7690. Immediately preceding text appears at serial page (293752).

**§ 115.11. Personal flotation devices.**

It is unlawful to operate a boat carrying passengers for hire unless it carries sufficient, serviceable United States Coast Guard approved wearable personal flotation devices in accordance with § 97.1 (relating to personal flotation

devices) to provide one for the maximum number of passengers and crew members indicated on the certificate. It is unlawful to operate a boat carrying passengers for hire unless it carries an additional number of personal flotation devices suitable for children equal to at least 10% of the maximum capacity of the boat. If more than 10% of the passengers are children, additional personal flotation devices sized for children are required.

**Authority**

The provisions of this § 115.11 amended under the Fish and Boat Code, 30 Pa.C.S. §§ 5123 and 5124.

**Source**

The provisions of this § 115.11 amended March 7, 1997, effective March 8, 1997, 27 Pa.B. 1156; amended November 20, 2015, effective January 1, 2016, 45 Pa.B. 6679. Immediately preceding text appears at serial pages (365111) to (365112).

**§ 115.12. Applicability of other regulations.**

The boats governed by this chapter shall comply with this subpart with regard to registration, equipment, accident reporting and operation. Also see Chapters 93, 95, 97, 101, 103, 105 and 107.

**Authority**

The provisions of this § 115.7 amended under the Fish and Boat Code, 30 Pa.C.S. § 5123(a)(1).

**Source**

The provisions of this § 115.7 amended December 21, 2012, effective January 1, 2013, 42 Pa.B. 7690. Immediately preceding text appears at serial page (293753).

**§ 115.13. Authority for Executive Director to issue temporary waiver.**

The Executive Director may waive or modify the operating requirements of this chapter which affect the conduct of a business enterprise in which small boats restricted to an area controlled by the management are used. The owner of the business or an agent shall request the waiver or modification in writing and furnish convincing justification that the public safety is not lessened by the action. The action by the Executive Director shall be construed as temporary pending action by the Commission at its next regularly scheduled meeting.

**§ 115.14. Prohibited acts.**

It is unlawful for a person to operate a passenger-carrying boat or for the owner of a passenger-carrying boat to permit its operation except in compliance with the inspection, certification and licensing requirements of this chapter.

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