

Subpart C. BOATING

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Authority

The provisions of this Subpart C issued under sections 1—15 of the Boat Law (55 P. S. §§ 483—492) (Repealed); and section 8 of the Boat Law (55 P. S. § 528) (Repealed); amended under the Fish and Boat Code, 30 Pa.C.S. §§ 5121—5124, unless otherwise noted.

Source

The provisions of this Subpart C adopted April 1, 1972, effective April 1, 1972; amended through November 2, 1979, effective April 1, 1980, 9 Pa.B. 3649, unless otherwise noted.

Cross References

This subpart cited in 58 Pa. Code § 53.8 (relating to boats).

CHAPTER 91. GENERAL PROVISIONS

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§ 91.1. Purpose.

The Commission has promulgated and adopted this subpart under the code. This subpart is intended to implement and supplement the code related to boats

and boating, and to regulate boats and boating, owners and operators of boats and the operation and navigation of boats, over, upon, in or through the waters of this Commonwealth.

Source

The provisions of this § 91.1 amended January 23, 1981, effective January 24, 1981, 11 Pa.B. 422; amended June 3, 1994, effective June 4, 1994, 24 Pa.B. 2795. Immediately preceding text appears at serial pages (178599) to (178600).

§ 91.2. Definitions.

(a) Unless expressly provided otherwise in this subpart, or the context clearly indicates otherwise, the definitions provided in section 102 of the code (relating to definitions) apply to this subchapter.

(b) The term “underway” means that a vessel is not at anchor, or made fast to the shore, or aground.

(c) The term “passenger” means any person on a boat, including persons being towed using any device.

Source

The provisions of this § 91.2 amended January 23, 1981, effective January 24, 1981, 11 Pa.B. 422; amended June 3, 1994, effective June 4, 1994, 24 Pa.B. 2795; amended March 7, 1997, effective March 8, 1997, 27 Pa.B. 1156; amended September 25, 1998, effective September 26, 1998, 28 Pa.B. 4789. Immediately preceding text appears at serial page (227684).

§ 91.3. Operator responsibility.

Unless otherwise provided in this subpart, and except in cases where the context clearly indicates otherwise, the operator of a boat shall be responsible for compliance with this subpart and the code. The operator of a boat which is not equipped, operated, registered or marked in compliance with this subpart may be charged with a violation.

Source

The provisions of this § 91.3 adopted 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 (178600).

§ 91.4. Age of operator.

(a) A person 11 years of age or younger may not operate a personal watercraft or a boat propelled by a motor greater than 25 horsepower.

(b) A person 12 through 15 years of age may not operate a personal watercraft if there are any passengers onboard 15 years of age or younger.

Authority

The provisions of this § 91.4 amended under the Fish and Boat Code, 30 Pa.C.S. § 5123.

Source

The provisions of this § 91.4 adopted September 23, 1994, effective September 24, 1994, 24 Pa.B. 4771; amended November 22, 1996, effective November 23, 1996, 26 Pa.B. 5701; amended September 25, 1998, effective September 26, 1998, 28 Pa.B. 4789; amended June 25, 1999, effective June 26, 1999, 29 Pa.B. 3213; amended July 18, 2003, effective July 19, 2003, 33 Pa.B. 3497; amended June 10, 2005, effective June 11, 2005, 35 Pa.B. 3308. Immediately preceding text appears at serial pages (297654) and (297655).

§ 91.5. Parental and boat owner responsibility.

(a) It is unlawful for the owner of a boat knowingly to allow or permit a child 17 years of age or younger to operate the boat in violation of this subpart.

(b) It is unlawful for a parent or guardian of a child 17 years of age or younger knowingly to allow or permit the child to operate a boat in violation of this subpart.

(c) It is unlawful for the owner of a boat knowingly to allow an individual who is required to have a boating safety education certificate to operate the boat without having a boating safety education certificate onboard.

Source

The provisions of this § 91.5 adopted March 7, 1997, effective March 8, 1997, 27 Pa.B. 1156; amended October 2, 2009, effective October 3, 2009, 39 Pa.B. 5736. Immediately preceding text appears at serial page (335915).

§ 91.6. Boating Safety Education Certificates.

(a) *Definition.*

(1) For residents of this Commonwealth, a Boating Safety Education Certificate is a document issued by the Commission certifying that the person named on the certificate has established proof of competency through the successful completion of a course approved in accordance with § 91.7 (relating to criteria for courses of instruction in boating safety education).

(2) For nonresidents, a Boating Safety Education Certificate is a certificate, card or other official document that indicates on the certificate, card or other document successful completion of a course approved by the National Association of State Boating Law Administrators.

(b) *Certificate issuance.* The Commission will issue a Pennsylvania Boating Safety Education Certificate to persons who present proof of successful completion of a boating safety education course approved in accordance with § 91.7 and the payment of fees under section 5104 of the code (relating to fees).

(c) *Certificate possession.* When the operator of a boat is required by law or regulation to possess a Boating Safety Education Certificate, it is unlawful to operate the boat on the waters of this Commonwealth without carrying onboard the Boating Safety Education Certificate issued to the operator. A Boating Safety Education Certificate shall be carried so that it can be presented to an officer authorized to enforce this subpart.

(d) *Temporary certificate.* The Executive Director or a designee may authorize the issuance of temporary Boating Safety Education Certificates to persons who successfully complete boating safety education courses approved by the Commission. Temporary Boating Safety Education Certificates expire when the permanent certification is issued or 60 days after issuance, whichever occurs first.

(e) *Boating without a certificate onboard.*

(1) When an operator is found operating a boat without possessing a Boating Safety Education Certificate, the operator will cease operation of the boat and follow the instructions of the apprehending officer. The operator may not resume operation of the boat until he demonstrates to the Commission's satisfaction that he possesses a certificate.

(2) When an operator is found operating a boat without a Boating Safety Education Certificate onboard and claims that the certificate is available, the apprehending officer shall give the operator 7 days to produce the original certificate. 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 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.

(f) *Prohibitions.* A person may not alter, borrow, lend or transfer a Boating Safety Education Certificate or give false or misleading information to the Commission, its officers or agents when applying for a temporary or a permanent Boating Safety Education Certificate.

Authority

The provisions of this § 91.6 amended under the Fish and Boat Code, 30 Pa.C.S. § 5123, amended under 30 Pa.C.S. § 5103.

Source

The provisions of this § 91.6 adopted March 7, 1997, effective March 8, 1997, 27 Pa.B. 1156; amended September 25, 1998, effective September 26, 1998, 28 Pa.B. 4789; amended September 29, 2000, effective September 30, 2000, 30 Pa.B. 5016; amended June 15, 2001, effective June 16, 2001, 31 Pa.B. 3206; amended April 12, 2002, effective April 13, 2002, 32 Pa.B. 1865; amended March 14, 2003, effective March 15, 2003, 33 Pa.B. 1348; amended July 18, 2003, effective July 19, 2003, 33 Pa.B. 3497; amended March 28, 2008, effective March 29, 2008, 38 Pa.B. 1468; amended April 11, 2008, effective April 12, 2008, 38 Pa.B. 1725; corrected August 16, 2008, effective August 16, 2008. Immediately preceding text appears at serial pages (333667) to (333668).

Cross References

This section cited in 58 Pa. Code § 109.3 (relating to personal watercraft); and 58 Pa. Code § 117.3 (relating to responsibilities).

§ 91.7. Criteria for courses of instruction in boating safety education.

(a) The Executive Director will establish criteria for courses of instruction in boating safety education, and the Executive Director will publish the criteria in the *Pennsylvania Bulletin*.

(b) The Executive Director may approve, by notice, boating safety education courses that meet the course criteria established under this section and will publish a list of approved boating safety education courses in the *Pennsylvania Bulletin* on an annual basis or more frequently as required.

Authority

The provisions of this § 91.7 issued under the Fish and Boat Code, 30 Pa.C.S. § 5123, amended under 30 Pa.C.S. § 5103.

Source

The provisions of this § 91.7 adopted July 18, 2003, effective July 19, 2003, 33 Pa.B. 3497; amended March 28, 2008, effective March 29, 2008, 38 Pa.B. 1468. Immediately preceding text appears at serial page (297657).

Cross References

This section cited in 58 Pa. Code § 91.6 (relating to boating safety education certificates).

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