

**CHAPTER 95. MANUFACTURER INSTALLED
EQUIPMENT**

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Cross References

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

§ 95.1. Safety standards for boats.

(a) A boat subject to the code, construction of which commenced on or after November 1, 1972, may not be sold or offered for sale in this Commonwealth which does not have affixed by the manufacturer a label certifying that the boat and associated equipment complies with the safety standards promulgated by the United States Coast Guard in effect on the date construction or assembly began. The label shall be of the construction, contain the information and be affixed in the manner as required by the Coast Guard.

(b) Boats built after November 1, 1972, and required to have a Manufacturer Certification of Compliance Label as required by subsection (a) shall be maintained so that the boat and associated equipment and systems remain in good and operable condition and continue to meet the standards for the equipment promulgated by the United States Coast Guard.

Source

The provisions of this § 95.1 amended June 3, 1994, effective June 4, 1994, 24 Pa.B. 2795. Immediately preceding text appears at serial page (155725).

§ 95.2. Removal or alteration of certification label.

A person may not remove the label, or delete or alter the information required on that label affixed by the manufacturer, unless authorized in writing by the Commission.

Source

The provisions of this § 95.2 amended June 3, 1994, effective June 4, 1994, 24 Pa.B. 2795. Immediately preceding text appears at serial pages (155725) to (155726).

§ 95.3. Lights for boats.

(a) *General rule.* The navigation lights requirements in this section shall be complied with in all weather from sunset to sunrise on the waters of this Commonwealth. During these times other lights may not be exhibited, except lights that cannot be mistaken for the lights specified in this section, lights that do not impair their visibility or distinctive character, or interfere with the keeping of a

proper lookout. The lights prescribed in this section must, if carried, be exhibited from sunrise to sunset in restricted visibility and may be exhibited in all other circumstances when it is deemed necessary. The lights specified in this section must comply with United States Coast Guard specifications.

(b) *Definitions.* The following words and terms, when used in this section, have the following meanings, unless the context clearly indicates otherwise:

All-round light—A light showing an unbroken light over an arc of the horizon of 360°.

Docking light—A flood or spotlight type of light permanently installed or permanently mounted on a motorboat that is used to illuminate a boat's forward course of travel.

Flashing light—A light flashing at regular intervals at a frequency of 120 flashes or more per minute.

Masthead light—A white light placed over the fore and aft centerline of the boat showing an unbroken light over an arc of the horizon of 225° and fixed as to show the light from right ahead to 22.5° abaft the beam on either side of the boat, except that on a boat of less than 39.4 feet (12 meters) in length, the masthead light must be placed as nearly as practicable to the fore and aft centerline of the boat.

Restricted visibility—A condition in which visibility is restricted by fog, mist, falling snow, heavy rainstorms, sandstorms or other similar causes.

Sailboat—A boat under sail provided that propelling machinery, if fitted, is not being used.

Sidelights—A green light on the starboard (right) side and a red light on the port (left) side, each showing an unbroken light over an arc of the horizon of 112.5° and fixed as to show the light from right ahead to 22.5° abaft the beam on its respective side. On a boat of less than 65.6 feet (20 meters) in length, the side lights may be combined in one lantern carried on the fore and aft centerline of the boat. On a boat of less than 39.4 feet (12 meters) in length, the sidelights when combined in one lantern must be placed as nearly as practicable to the fore and aft centerline of the boat.

Special flashing light—A yellow light flashing at regular intervals at a frequency of 50 to 70 flashes per minute, placed as far forward and as nearly as practicable on the fore and aft centerline of the tow and showing an unbroken light over an arc of the horizon of not less than 180° nor more than 225° and fixed as to show the light from right ahead to abeam and no more than 22.5° abaft the beam on either side of the boat.

Sternlight—A white light placed as nearly as practicable at the stern showing an unbroken light over an arc of the horizon of 135° and fixed as to show the light 67.5° from right aft on each side of the boat.

Underway—A boat that is not at anchor, made fast to the shore or aground.

(c) *Visibility of lights.*—The lights prescribed in this section must have an intensity as specified by the United States Coast Guard so as to be visible at the following minimum ranges:

(1) In a boat of 164 feet (50 meters) or more in length: a masthead light, 6 miles; a sidelight, 3 miles; a sternlight, 3 miles; a towing light, 3 miles; a white, red, green or yellow all-round light, 3 miles; and a special flashing light, 2 miles.

(2) In a boat of 39.4 feet (12 meters) or more in length but less than 164 feet (50 meters) in length: a masthead light, 5 miles; except that when the length of the boat is less than 65.6 feet (20 meters), 3 miles; a sidelight, 2 miles; a sternlight, 2 miles; a towing light, 2 miles; a white, red, green or yellow all-round light, 2 miles; and a special flashing light, 2 miles.

(3) In a boat of less than 39.4 feet (12 meters) in length: a masthead light, 2 miles; a sidelight, 1 mile; a sternlight, 2 miles; a towing light, 2 miles; a white, red, green or yellow all-round light, 2 miles; and a special flashing light, 2 miles.

(4) In an inconspicuous, partly submerged boat or object being towed: a white all-round light, 3 miles.

(d) *Motorboats underway.*

(1) A motorboat underway must exhibit the following lights:

- (i) A masthead light forward.
- (ii) A second masthead light abaft of and higher than the forward one. A boat of less than 164 feet (50 meters) in length may exhibit this light.
- (iii) Sidelights.
- (iv) A sternlight.

(2) An air-cushion boat when operating in the nondisplacement mode must, in addition to the lights prescribed in paragraph (1), exhibit an all-round flashing yellow light where it can best be seen.

(3) A motorboat of less than 39.4 feet (12 meters) in length may, instead of the lights prescribed in paragraph (1), exhibit an all-round white light and sidelights.

(e) *Sailboats underway and unpowered boats.*

(1) A sailboat underway must exhibit the following lights:

- (i) Sidelights.
- (ii) A sternlight.

(2) In a sailboat of less than 65.6 feet (20 meters) in length, the lights prescribed in paragraph (1) may be combined in one lantern carried at or near the top of the mast where it can best be seen.

(3) A sailboat underway may, in addition to the lights prescribed in paragraph (1), exhibit at or near the top of the mast, where they can best be seen, two all-round lights in a vertical line, the upper being red and the lower green. These lights may not be exhibited in conjunction with the combined lantern permitted by paragraph (2).

(4) A sailboat of less than 23 feet (7 meters) in length must, if practicable, exhibit the lights prescribed in paragraph (1) or (2). If these lights are not

exhibited, the sailboat must have ready at hand an electric torch or lighted lantern showing a white light that must be exhibited in sufficient time to prevent collision.

(5) An unpowered boat may exhibit the lights prescribed in this subsection for sailboats. If these lights are not exhibited, the unpowered boat must have ready at hand an electric torch or lighted lantern showing a white light that must be exhibited in sufficient time to prevent collision.

(f) *Anchored boats and boats aground.*

(1) A boat at anchor must exhibit an all-round white light where it can best be seen:

(i) In the fore part.

(ii) At or near the stern and at a lower level than the light prescribed in subparagraph (i).

(2) A boat of less than 164 feet (50 meters) in length may exhibit an all-round white light where it can best be seen instead of the lights prescribed in paragraph (1).

(3) A boat aground must exhibit the lights prescribed in paragraph (1) where they can best be seen.

(4) A boat of less than 65.6 feet (20 meters) in length, when at anchor in a special anchorage area designated by the United States Coast Guard, is not required to exhibit the anchor lights and shapes required under this subsection.

(g) *Boats being towed.* When, for any sufficient cause, it is impracticable for a boat or object being towed to exhibit the lights prescribed in this section, all possible measures shall be taken to light the boat or object towed or at least to indicate the presence of the unlighted boat or object.

(h) *Docking lights.* It is unlawful for a boat operator to use docking lights while underway except when docking and the boat is traveling at slow, no wake speed and is within 100 feet of approaching a dock, a mooring buoy or the shoreline.

Authority

The provisions of this § 95.3 amended under the Fish and Boat Code, 30 Pa.C.S. § 5123.

Source

The provisions of this § 95.3 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 September 25, 1998, effective September 26, 1998, 28 Pa.B. 4789; amended May 13, 2011, effective May 14, 2011, 41 Pa.B. 2438; amended December 19, 2014, effective January 1, 2015, 44 Pa.B. 7872. Immediately preceding text appears at serial pages (356971) to (356973).

Cross References

This section cited in 58 Pa. Code § 105.1 (relating to conditions requiring immediate corrective action).

§ 95.4. Special anchorage areas.

The Commission will consider for approval as special anchorage areas areas in which the United States Coast Guard is not interested. These special areas shall be clear of well defined channels, particularly channels used by deep draft com-

mercial boats, and they shall be marked sufficiently to warn an approaching boat of the presence of anchored or moored boats. In certain cases, lighted buoys may be used to mark offshore extremities. Shoreside lights used to illuminate moored boats shall be screened so that the operator of an approaching boat is not blinded.

Source

The provisions of this § 95.4 amended 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 pages (155726) and (147849).

§ 95.5. Ventilation.

(a) Motorboats, except open boats, which have been constructed since April 25, 1940, and which use fuel having a flash point of 110° F or less, shall have at least two ventilator ducts, fitted with cowls or their equivalent, for the efficient removal of explosive or flammable gases from the bilges of every engine and fuel tank compartment. There shall be at least one exhaust duct installed extending from the lower portion of the bilge to the open atmosphere and at least one intake duct installed extending to a point at least midway to the bilge or at least below the level of the carburetor air intake. The cowls shall be located and trimmed for maximum effectiveness to prevent displaced fumes from recirculating.

(b) As used in this section, “open boats” means motorboats with engine and fuel tank compartments, and other spaces to which explosive or flammable gases and vapors from those compartments may flow, open to the atmosphere and arranged to prevent the entrapment of the gases and vapors within the boat. A compartment is to be considered open only if fumes cannot be entrapped. The following conditions shall be met to consider a boat open:

- (1) The engine and fuel tank compartments shall have as a minimum 15 square inches of open area directly exposed to the atmosphere for each cubic foot of net compartment volume.
- (2) Compartments shall have at least 1 square inch of open area per cubic foot, within 1 inch of the compartment bilge level or floor, so that vapors will drain into open areas.
- (3) There may be no long or narrow unventilated spaces accessible from the compartments in which a flame front could propagate.
- (4) Long, narrow compartments, such as side panels, if joining engine or fuel compartments and not serving as ducts thereto, shall have at least 15 square inches of open area per cubic foot provided by frequent openings along the full length of the compartment formed.

(c) Boats built after July 31, 1978, are excepted from subsection (a) for fuel tank compartments that contain the following:

- (1) A permanently installed fuel tank if each electrical component is ignition protected in accordance with applicable United States Coast Guard manufacturer’s standards in effect at the time of construction.
- (2) Fuel tanks that vent to the outside of the boat.

(d) Boats built after July 31, 1980, or which are in compliance with United States Coast Guard manufacturer's standards in effect at the time of construction are excepted from these requirements.

Source

The provisions of this § 95.5 amended June 3, 1994, effective June 4, 1994, 24 Pa.B. 2795. Immediately preceding text appears at serial page (147849).

Cross References

This section cited in 58 Pa. Code § 105.1 (relating to conditions requiring immediate corrective action).

§ 95.6. Backfire flame control.

(a) Gasoline engines, except outboard motors, shall be equipped with an acceptable means of backfire flame control. Installations consisting of a backfire flame arrestor bearing basic United States Coast Guard Approval Numbers 162.016 or 162.041 or engine air and fuel induction systems bearing basic United States Coast Guard Approval Numbers 162.15 or 162.42 may be continued in use as long as they are serviceable and in good condition. New installations or replacements shall meet the requirements of this section.

(b) The following are acceptable means of backfire flame control for gasoline engines:

(1) A backfire flame arrestor complying with SAE J-1928 or UL 1111 and marked accordingly. The flame arrestor shall be suitably secured to the air intake with a flame tight connection.

(2) An engine air and fuel induction system which provides adequate protection from propagation of backfire flame to the atmosphere equivalent to that provided by an acceptable backfire flame arrestor. A gasoline engine utilizing an air and fuel induction system, and operated without an approved backfire flame arrestor, shall either include a reed valve assembly or be installed in accordance with SAE J-1928.

(3) An arrangement of the carburetor or engine air induction system that will disburse flames caused by engine backfire. The flames shall be disbursed to the atmosphere outside the vessel so that the flames will not endanger the vessel, persons onboard or nearby vessels and structures. Flame dispersion may be achieved by attachments to the carburetor or location of the engine induction system. Attachments shall be of metallic construction with flame tight connections and firmly secured to withstand vibration, shock and engine backfire. Installations do not require formal approval and labelling but shall comply with this section.

(c) Flame arrestors shall have tight connections and clean elements and may have no separation of grid elements which would permit flames to bypass the grid elements.

Source

The provisions of this § 95.6 adopted June 3, 1994, effective June 4, 1994, 24 Pa.B. 2795.

Cross References

This section cited in 58 Pa. Code § 105.1 (relating to conditions requiring immediate corrective action).

§ 95.7. Hull identification numbers.

(a) A person who builds a boat for his own use shall identify the boat with two hull identification numbers that meet the requirements of this section.

(b) Persons who are required to identify boats under subsection (a) shall obtain the required hull identification number from the Commission. Application shall be made on forms provided by the Commission.

(c) Two identical hull identification numbers are required to be displayed on each boat hull. The first hull identification number shall be affixed as follows:

(1) On boats with transoms, to the starboard side of the transom within 2 inches of the top of the transom gunwale or hull/deck joint, whichever is lowest.

(2) On boats without transoms or on boats on which it would be impractical to use the transom, to the starboard outboard side of the hull, aft, within 1 foot of the stern and within 2 inches of the top of the hull side, gunwale or hull/deck joint, whichever is lowest.

(3) On catamarans and pontoon boats which have readily replaceable hulls, to the aft crossbeam within 1 foot of the starboard hull attachment.

(4) If the hull identification number would not be visible because of rails, fittings or other accessories, the number shall be affixed as near as possible to the location specified in paragraph (1).

(d) The duplicate hull identification number shall be affixed in an unexposed location on the interior of the boat or beneath a fitting or item of hardware.

(e) Each hull identification number shall be carved, burned, stamped, embossed, molded, bonded or otherwise permanently affixed to the boat so that alteration, removal or replacement would be obvious. A hull identification number may not be attached to parts of the boat that are removable.

(f) The character of each hull identification number may not be less than 1/4 of an inch high.

(g) A person may not remove or alter a number required by this section or 33 CFR 181.23 (relating to hull identification numbers required) unless authorized by the Executive Director.

Source

The provisions of this § 95.7 adopted June 3, 1994, effective June 4, 1994, 24 Pa.B. 2795.

§ 95.8. Marine sanitation devices.

(a) On waters of this Commonwealth, boats which have toilet facilities (a head) permanently installed shall be equipped with a United States Coast Guard certified Marine Sanitation Device (MSD), designed to receive, retain, treat or

discharge human body wastes in accordance with applicable Federal requirements. This section applies only to boats equipped with permanently installed toilet facilities and does not require the installation of this type of facility in boats not already so equipped.

(b) A no-discharge type MSD, Type III or a Type I or II secured against discharge is required in boats operated on no-discharge waters. No-discharge waters are fresh waters not open to interstate passage of any type boats which might have marine toilets installed. All sole Commonwealth waters, including Federal impoundments are no-discharge waters. A boat equipped with a flow-through MSD, Type I or Type II, which has been secured by a locked shut-off valve, broken line or blanked-off hull opening to prevent overboard discharge shall be considered equipped with a no-discharge type MSD.

(c) A flow-through type MSD, Type I or Type II, as well as, equipment allowed on no-discharge waters may be used in boats operated on treated discharge waters. These are waters open to interstate navigation by the type boat here involved. These waters include the major rivers, Allegheny Reservoir, Youghiogheny Reservoir and Lake Erie.

(d) The use of portable toilets that can be emptied ashore in regular sewage treatment systems is entirely within the spirit and letter of this subpart and is encouraged.

(e) If the MSD was manufactured after January 30, 1976, proof of its being certified by the United States Coast Guard will be evidenced by its label.

Source

The provisions of this § 95.8 adopted June 3, 1994, effective June 4, 1994, 24 Pa.B. 2795.

§ 95.9. Authority for waiver.

The Executive Director may waive or modify the equipment requirements of this chapter when a person seeks permission to operate small boats in a restricted area exclusively controlled by the person. The person or his agent shall request the waiver or modification in writing and furnish substantial justification to show that the public safety is not lessened by the action. Action by the Executive Director will be construed as temporary, pending review by the Boating Advisory Board and the action by the Commission at its next regular scheduled meeting.

Source

The provisions of this § 95.9 adopted June 3, 1994, effective June 4, 1994, 24 Pa.B. 2795.

Appendix A. [Reserved]

Source

The provisions of this Appendix A adopted June 3, 1994, effective June 4, 1994, 24 Pa.B. 2795; reserved December 19, 2014, effective January 1, 2015, 44 Pa.B. 7872. Immediately preceding text appears at serial pages (213852) to (213853).

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