

**COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA FISH AND BOAT COMMISSION**

**AGENDA FOR
THE BOATING ADVISORY BOARD MEETING**

**Monday, June 10, 2024
9:00 a.m.
Harrisburg, Pennsylvania**

Members

Chair Rocco Ali
Vice Chair Steven Ketterer
Scott Ballantyne
Loren Lustig
Elizabeth Winand

Members Ex Officio

Timothy D. Schaeffer, Executive Director
Paul W. Littman, Director of Boating, Secretary to the Board
Ryan Dysinger for Cindy Adams Dunn, Secretary for the
Department of Conservation and Natural Resources

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- III. Review and Approval of Minutes from the February 2024 Meeting
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- VI. New Business
 - A. Amendments to 58 Pa. Code Chapter 95 (Manufacturer Installed Equipment)
 - B. Amendments to 58 Pa. Code Chapter 99a (Capacity Plates)
- VII. Other Business
- VIII. Discussion Items
 - A. Boating Facility Grant Program Status Update (Mark Morrison)
 - B. National Safe Boating Week Update (Mike Parker)
 - C. DICK’S Sporting Goods Outdoor University Engagement (Paul Littman)
- IX. Adjourn

NEW BUSINESS

A. Amendment to 58 Pa. Code Chapter 95 (Manufacturer Installed Equipment).

Commentary:

The engine cut-off switch (ECOS) is an important tool to prevent unnecessary death and disfigurement caused by a recreational boat operator being unexpectedly displaced from the boat and then struck by the boat's propeller. The ECOS lanyard connects the vessel operator to a switch that shuts off the engine if the operator is displaced from the boat. The lanyard can be looped around the operator's wrist or clipped to a life jacket or clothing. Wireless versions are also available, doing away with the physical tether and allowing the operator a little more flexibility to roam. 58 Pa. Code § 109.3(c) (relating to personal watercraft) currently requires a person operating a personal watercraft equipped by the manufacturer with a lanyard type ECOS to attach it to their person, clothing or personal flotation device.

Effective April 1, 2021, [46 U.S. Code § 4312](#) requires operators of certain motorized recreational vessels to use an engine cut-off switch when operating at greater than displacement speed. The federal law, enforced by the U.S. Coast Guard (USCG), applies to operators of all personal watercraft and recreational boats less than 26 feet with motors capable of developing 115 pounds or more of static thrust (approximately 3 horsepower). Boats not equipped by the manufacturer with an engine cut-off switch are exempt, but federal regulations require all boats manufactured beginning January 1, 2020, to have an engine cut-off switch installed. The federal regulation also does not apply to operators of vessels with a main helm inside an enclosed cabin. The law does not require operators to have the lanyard attached when the vessel is idling or performing docking maneuvers.

The Pennsylvania Fish and Boat Commission is encouraged to align its laws, rules and regulations to federal law, to the fullest extent practicable, per the Cooperative Agreement for Recreational Boating Safety with the USCG.

Therefore, staff propose adding to 58 Pa. Code Chapter 95:

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§ 95.10. Engine Cut-Off Switch

The operator of a boat less than 26 feet in length equipped with an engine cut-off switch shall use the engine cut-off switch when the boat is operated at greater than slow no-wake speed. The use of an engine cut-off switch shall not be required when the operator is in a fully enclosed cabin of a boat.

Briefer:

Paul Littman, Director of Boating

Action:

B. Amendments to 58 Pa. Code Chapter 99a (Capacity Plates).

Commentary:

Prior to January 1, 2013, the Pennsylvania Fish and Boat Commission (Commission) issued capacity plates, upon request, for certain boats that were operated or offered for sale within the Commonwealth. During an audit of the Commission's Recreational Boating Safety Program in 2011, the U.S. Coast Guard (USCG) identified this practice as a violation of federal regulations and directed the Commission to stop issuing the plates.

In response to this direction, the Commission removed the entirety of Chapter 99 of its regulations pertaining to capacity plates. At the time, this decision was thought to be the best way to handle the issue. However, in August 2018, it was determined that the best change would have been to remove only those sections dealing with the Commission's issuance of capacity plates and not to remove other sections that extended the federal standard to Commonwealth waters. The Commission reinstated and amended certain sections of the former regulation.

Commission staff have again consulted with the USCG and have been advised that federal capacity plate requirements apply to manufacturers and are enforced by the USCG. It is unnecessary for the Commission to promulgate regulations regarding capacity plate requirements, therefore §99a (relating to capacity plates) can be deleted.

Commission staff propose that Chapter 99a be amended as follows:

[§ 99a.1. Boats requiring capacity plates.

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

(1) The boat is manufactured, transferred, sold, or offered for sale in this Commonwealth.

(2) The boat is operated on waters in this Commonwealth.

(b) Sailboats, canoes, kayaks, and inflatable boats 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.

§ 99a.2. Information required.

The capacity plate must contain the following information:

(1) For boats designed for or represented by the manufacturer as being suitable for use with outboard motors, all of the following:

- (i) The total weight of persons, motor, gear, and other articles placed aboard which the boat is capable of carrying safely 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, all of the following:

- (i) The total weight of persons, gear, and other articles placed aboard which the boat is capable of carrying safely 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.**

§ 99a.3. Replacement plates.

If the manufacturer did not affix a plate, a plate is damaged to the point of being not discernable or a plate is removed, the owner of the boat shall make application to the manufacturer for a replacement.

§ 99a.4. 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 operate a boat displaying an illegible capacity plate. Owners of these boats shall apply for a replacement plate as provided in § 99a.3 (relating to replacement plates).**
- (d) A person may not operate a boat for which a capacity plate is required unless the boat displays the capacity plate.**

- (e) 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.]**

Briefer:

Paul Littman, Director of Boating

Action: