

PROPOSED RULEMAKING

FISH AND BOAT COMMISSION

[58 PA. CODE CHS. 51 AND 53]

Administration and Commission Property

The Fish and Boat Commission (Commission) proposes to amend Chapters 51 and 53 (relating to administrative provisions; and Commission property). The Commission is publishing these amendments as a notice of proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The proposed amendments relate to administration and Commission property.

A. Effective Date

These proposed amendments will, if approved on final rulemaking, go into effect upon publication of an order adopting the regulations.

B. Contact Person

For further information on the proposed changes, contact Dennis Guise, Chief Counsel, (717) 657-4525, P. O. Box 67000, Harrisburg, PA 17106-7000.

C. Statutory Authority

These proposed amendments are published under the statutory authority of sections 741 and 2711 of the code (relating to control of property; and issuing agents).

D. Purpose and Background

The proposed amendments are designed to update, modify and improve Commission regulations relating to issuing agents and Commission property. The specific purpose for the various amendments is described in more detail under the summary of proposal.

E. Summary of Proposal

1) *Chapter 51, Subchapter D (relating to issuing agents)*. The Commission issues a *Handbook for License Issuing Agents* that is distributed at the beginning of each license year. This handbook details procedures to be followed in the performance of an agency's responsibilities and is based on the code, the Commission's regulations and the experience gained by selling licenses over the years. The handbook also contains operational suggestions and highlights penalties that may be imposed for noncompliance with the code and the regulations promulgated thereunder. Sections 51.31—51.33 (relating to responsibility of issuing agents; resident and nonresident licenses; and effective date of fishing licenses and trout/salmon permits) currently address certain aspects of an issuing agency, including responsibilities, resident versus nonresident status and the effective dates of licenses. However, a considerable portion of the Commission's requirements of an issuing agency as detailed in the handbook has not been adopted by the Commission as regulations. The result is a body of requirements absent the effect of law. The Commission therefore proposes regulations adopting the procedures in the handbook. This will provide remedies to the Commission for noncompliance that are not now available to it.

2) *Section 53.4 (relating to closed areas and hours)*. The Commission owns and operates fish culture stations, boating access areas, administrative facilities and other property. Some of the property is open for general public use; other properties are production or other facilities to which public access may be limited. This is ordinarily handled by use of signs or other means at the facilities. On rare occasions, persons enter or remain upon Commission property and disrupt ordinary operations. In these cases, the Executive Director should have the authority to issue a letter or order barring the person from entering or remaining on the property in question. Managers of Federal installations have similar authority, and it works well in the handful of episodes where specific individuals cause persistent problems at specific facilities. The Commission proposes to amend its property regulations by adding a new subsection to § 53.4 to give the Executive Director this authority.

3) *Section 53.11 (relating to off-highway vehicles and snowmobiles)*. The section, as currently written, requires that the permit application include a statement from a physician licensed to practice in this Commonwealth describing the disability and certifying that the applicant meets the requirements of this section. One applicant has suggested that the Commission also accept certification from licensed chiropractors as well as medical doctors. Staff already have interpreted this section this way in light of court precedent and the practices of other State agencies. In addition, clarification is needed regarding what qualifies as an off-road motorized vehicle. One application for a permit described the off-road motorized vehicle as a Ford Ranger 4x4 Truck; another described it as a golf cart or car or whatever is available. The Commission proposed to amend this section to address these concerns.

F. Fiscal Impact

The proposed amendments will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed amendments will impose no new costs on the private sector or the general public.

G. Paperwork

Under the *Handbook for License Issuing Agents*, issuing agents are already subject to certain reporting requirements. The proposed amendments relating to issuing agents accordingly will not increase paperwork and will create no new paperwork requirements. The other proposed amendments similarly will not increase paperwork and will create no new paperwork requirements.

H. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about the proposed amendments to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

PETER A. COLANGELO,
Executive Director

Fiscal Note: 48A-60. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart A. GENERAL PROVISIONS

CHAPTER 51. ADMINISTRATIVE PROVISIONS

Subchapter D. ISSUING AGENTS

§ 51.31. Responsibility of issuing agents.

(a) Issuing agents [shall be] are responsible to insure that the fishing license application is fully completed by the applicant. The issuing agent may assist the applicant in completing the application, but the applicant shall sign his own name or place his mark in the place indicated on the application.

(b) Issuing agents shall verify the eligibility of the applicant for the class of license indicated on the application under § 51.32 (relating to resident and nonresident licenses). Issuing agents shall notate on the application the type of proof that the applicant provided to demonstrate resident status.

(c) The issuing agent shall transfer the information from the application to the license certificate, assuring that the information can be easily read. Information on the license certificate shall agree with the application and shall be typed or printed in ink.

(d) Agents shall use standard abbreviations supplied by the Commission for color of hair and color of eyes.

(e) Each license shall bear the account number of the issuing agent and the signature or initials of the person issuing the license.

(f) Issuing agents shall issue licenses in sequence.

(g) Issuing agents shall provide the book *Summary of Fishing Regulations and Laws* with each license issued. Issuing agents also shall provide a copy of the summary book to any holder of a Senior Resident Lifetime Fishing License who requests one. Issuing agents are encouraged to provide a copy of the summary book, if adequate numbers are available, to other individuals who request one.

§ 51.32. Resident and nonresident licenses.

(a) Only bona fide residents of this Commonwealth who establish their resident status by producing a Pennsylvania motor vehicle driver's license or other positive means of identification are entitled to one of the various forms of a resident fishing license.

(1) Other positive means of identification for establishing bona fide residence in this Commonwealth include, [but are not limited to: motor vehicle registration showing residence address in Pennsylvania; boat registration showing residence address in Pennsylvania;] proof of payment of Pennsylvania personal income tax as a resident of Pennsylvania; proof of payment of [local wage,] earned income, [personal property,] Personal Income Tax or per capita [or occupation] taxes showing residence in a Pennsylvania municipality; resident hunting license; and Pennsylvania nondriver identification card.

* * * * *

(d) A Senior Resident Lifetime Fishing License is valid only so long as the holder is a bona fide resident of this Commonwealth. A holder of a Se-

nior Resident Lifetime Fishing License who establishes residence in another state and continues to fish in this Commonwealth without purchasing a Nonresident Fishing License may be charged with violating sections 923(c) and 2703 of the code (relating to additional penalty for fishing without license; and possession and display of licenses).

§ 51.33. Effective [date] dates of [filing] licenses and [trout/salmon] permits.

Fishing licenses and permits, such as trout/salmon permits, are valid for the year printed on the license certificate or stamp and the month of December [in] of the [prior] preceding year, except for tourist licenses that are valid for the dates specified on the license certificate.

§ 51.34. Stamps and permits.

(a) The Commission may require licensees to possess stamps or permits to fish for certain species or in certain bodies of water. It is not necessary for the purchaser of a stamp or permit to complete an application.

(b) Individuals who purchase the stamp or permit to fish for the specified species or in designated bodies of water shall permanently affix the stamp or permit to their license certificate, sign their names (or in the instance of small stamps or permits, their initials) in ink across the face of the stamp or permit and display the stamped or permitted license certificate when fishing for the specified species or on the designated body of water. The buyer is not required to affix the stamp or permit on the license certificate until he actually engages in the stamped or permitted activity.

(c) Issuing agents shall make stamps and permits available to individuals purchasing them as collectibles. An application is not required, and the buyer does not have to sign the stamp or permit.

§ 51.35. Operation of the issuing agency.

(a) A person, sole proprietorship, partnership or corporation may apply to become an issuing agent of the Commission for the purpose of selling fishing licenses. The Commission will not consider an application unless it is accompanied by a bond in favor of the Commission in a minimum amount specified by the Commission.

(b) An entity accepted by the Commission to act as an issuing agent shall perform in the following manner:

(1) An issuing agent, including county treasurers, may not appoint subagents to issue fishing licenses, stamps or permits.

(2) Issuing agents shall file monthly reports of the fishing licenses, stamps and permits sold during the month in the manner determined by the Commission. Agents may file reports more frequently at the discretion of the agent.

(i) Agents shall include in their monthly report detailed sales information and remittance for the licenses, stamps and permits sold during the reporting period.

(ii) Agents shall file the reports so that they are received in the Harrisburg office by the 15th of the month following the reportable month.

(iii) Agents shall file a report even if there is no sales activity to report for the month. Failure to file a report places the agency in a delinquent status.

(iv) Agents shall indicate their agent number on the report, as well as the remittance.

(3) Issuing agents shall retain the third copy of the license certificate and the original application for 1 year after the close of any given license year.

(4) Issuing agents shall maintain a bond in favor of the Commission in a minimum amount specified by the Commission for each location where licenses, stamps and permits are issued.

(5) An issuing agent may not borrow, lend or otherwise transfer a supply of licenses, stamps or permits to another agent without the prior written consent of the Commission.

§ 51.36. Lost license certificates.

(a) An issuing agent shall replace a lost license regardless of where the licensee purchased the original license.

(b) If a licensee seeks to purchase a replacement license at the agency where he bought the original license, the licensee shall present the original license number and complete the form provided by the Commission relating to the lost license certificate. If the original license number is not known, the form shall be notarized.

(c) If a licensee seeks to purchase a replacement license at an agency other than the agency where he bought the original license, the licensee shall complete the form provided by the Commission relating to the lost license certificate and have it notarized.

(d) The issuing agent shall write the word "DUPLICATE" and the original number, if known, across the face of the replacement license certificate.

(e) The issuing agent shall attach to the monthly report the form relating to the lost license certificate, any voided license certificate and the original and duplicate of the license certificate. The issuing agent shall record the certificate number in the body of the report.

CHAPTER 53. COMMISSION PROPERTY

§ 53.4. [Closed areas and hours] Limiting access to Commission property.

(a) Commission-owned or -controlled property may be closed to the public during hours as the Executive Director may direct. It is unlawful for any person to enter or remain upon the property during the times it is closed to public use, without the express written consent of the Executive Director or [his] a designee.

(b) The Executive Director or a designee may issue an order barring any person from entering or remaining upon a named Commission property when the Executive Director finds that the presence of the person on Commission property constitutes a substantial disruption of Commission operations or a reasonable threat to the health and safety of Commission personnel or other persons who are engaged in other lawful uses of the property. Orders issued under this subsection may be appealed to the Commission under 1 Pa. Code § 35.20 (relating to appeals from the actions of the staff).

§ 53.11. Off-highway vehicles and snowmobiles.

(a) General rule. Except as provided in subsection (c), the use of motorized vehicles which are not registered and which are capable of off-highway use, including trail bikes, Tote Gotes, [Land Rovers, Jeeps,] ATVs and the like, is prohibited on Commission-owned or -controlled property.

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(c) Persons with disabilities.

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(2) Other motorized vehicles. The Executive Director or a designee may permit persons exempt from the fishing license requirement under section 2709(b) of the code (relating to exemptions from license requirements) and persons who are deprived of the use of a leg or both legs in a manner that significantly limits mobility to use an off-road motorized vehicle on Commission property for the purpose of gaining access to fishing or boating opportunities under the following conditions:

(i) The person applies in writing for permission stating the nature of the disability, the description of the vehicle and the areas for which use is proposed. The application should be sent to: Director, Bureau of Law Enforcement, Pennsylvania Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000. The application shall include a statement from a physician or a chiropractor licensed to practice in this Commonwealth describing the disability and certifying that the applicant meets the requirements of this section.

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(3) As used in this subsection, the term, "off-road motorized vehicle," means a motorized vehicle specifically designed for this use. The term does not include a vehicle licensed or registered for on-road use, such as a 4 by 4 sport utility vehicles and the like.

[Pa.B. Doc. No. 96-2139. Filed for public inspection December 20, 1996, 9:00 a.m.]

[58 PA. CODE CHS. 91, 97, 99, 111 AND 115]

Boating

The Fish and Boat Commission (Commission) proposes to amend Chapters 91, 97, 99, 111 and 115. The Commission is publishing these amendments as a notice of proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The proposed amendments relate with boating.

A. Effective Date

These proposed amendments will, if approved on final rulemaking, go into effect on January 1, 1997, or upon publication of an order adopting these amendments, whichever comes later.

B. Contact Person

For further information on the proposed changes, contact Dennis Guise, Chief Counsel, (717) 657-4525, P. O. Box 67000, Harrisburg, PA 17106-7000.

C. Statutory Authority

These proposed amendments are published under the statutory authority of sections 5123 and 5124 of the code (relating to general boating regulations; and particular areas of water).

D. Purpose and Background

The proposed amendments are designed to update, modify and improve Commission regulations on boating. The specific purpose for the various amendments is described in more detail under the summary of proposal.

E. Summary of Proposal

1) *Section 91.2(b) (relating to definitions)*. The regulations require that all boats display running lights (red/green side lights and a white stern light) while underway at night and during periods of limited visibility. Boats at anchor are required to display an anchor light (an all around white light). There appears to be some confusion by the public concerning when a boat is underway and when it is not. The Commission proposes to add a definition of "underway," as set forth in the *Navigation Rules* published by the United States Coast Guard.

2) *Section 91.5 (relating to parental and boat owner responsibility)*. The regulations currently place requirements on young boaters, including the prohibition against the operation of boats powered by motors in excess of 10 horsepower. See § 91.4 (relating to age of operator). Enforcement generally is not an issue, but in certain instances where more than a warning is needed, an enforcement officer's only recourse is to issue a citation to the youthful operator. In many cases where a law enforcement response in excess of a warning is required, it would be preferable to proceed against the adult parent or guardian or boat owner who allowed the child to violate the regulation. This change would place the responsibility on the owner of the boat or the parent or guardian to assure compliance with the regulations.

3) *Section 91.6 (relating to certificates)*. Certain regulations, for example § 91.4(b), require that certain boat operators obtain Boating Safety Certificates before operating a motorboat. When adopted, the intent of the regulations was to ensure that operators have sufficient knowledge to operate a boat. While implied, the regulations do not require that operators carry this certificate or show it to a law enforcement officer. This creates somewhat of a problem in that operators can state that they have a certificate but the officer cannot demand proof. The Commission proposes to add a new section that would place a general requirement that any certificate required by the code be carried and produced when requested by an enforcement officer.

4) *Section 97.1(h) and (i) (relating to personal flotation devices)*. The term "open waters" as used in subsection (h) is not defined or described anywhere in the regulations. Nor is the term defined in the *Navigation Rules* or in *Chapman's Piloting*. Some individuals have interpreted this term as referring only to larger waters, such as Lake Erie, Raystown or other big lakes. So that this subsection is not misinterpreted, the Commission proposes to amend the regulation to delete the phrase "on open waters." The Commission also proposes to add language to subsection (h) that would allow a law enforcement officer to proceed against the operator of a boat who does not cause a child 12 years of age or younger to wear a personal flotation device as required by this section. Although enforcement generally is not an issue, there are certain instances where more than a warning is needed and an enforcement officer's issuance of a citation to the child is not desirable. In addition, the Commission proposes to delete subsection (i) because on May 1, 1996, its provisions became obsolete.

5) *Section 99.1(b) (relating to boats requiring capacity plates)*. The Commission has received numerous tele-

phone calls questioning the requirement for a capacity plate on pontoon boats. To eliminate any confusion that a pontoon boat does not require a capacity plate, the Commission proposes to amend this section to exempt specifically pontoon boats.

6) *Section 111.31(c) (relating to Huntingdon County)*. Perez Lake, located in Barree Township, Huntingdon County, is owned and operated by Penn State University and is classified as an approved trout water. The lake is also open to public fishing. The University has established its own property regulations on Perez Lake. One of the University regulations is that only nonpowered and electric-powered boats are permitted on the lake. Because this regulation is solely a University property regulation, the Commission's enforcement officers cannot enforce it under the code. The Commission proposes to amend this section to add a new subsection that prohibits the operation of boats powered by internal combustion motors on Perez Lake.

7) *Section 115.11 (relating to personal flotation devices)*. The current regulations permit the carriage and use of Type I and Type II personal flotation devices (PFDs) on passenger carrying vessels. This restriction is based on the better performance characteristics of these devices. Other generally approved PFDs have less buoyancy and may not perform as well in certain circumstances. The problem is that Type I and II PFDs are also more uncomfortable to wear. The Commission has been encouraging boaters to wear PFDs. Type III and V PFDs are much more wearable and would be a better choice than Type I and Type II devices on this Commonwealth's inland waters yet cannot be used on passenger for hire boats. The Commission therefore proposes that the regulation be amended to allow the use of Type III and Type V PFDs on boats carrying passengers for hire.

F. Paperwork

The proposed amendments will not increase paperwork and will create no new paperwork requirements.

G. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about the proposed amendments to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*

PETER A. COLANGELO,
Executive Director

Fiscal Note: 48A-59. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart C. BOATING

CHAPTER 91. GENERAL PROVISIONS

§ 91.2. Definitions.

(a) * * *

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

§ 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 a watercraft 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 watercraft in violation of this subpart.

§ 91.6. Certificates.

A certificate, license or other document required under this subpart or the code shall be carried when the boat is in operation and shall be carried so that it can be handed to an officer authorized to enforce this subpart.

CHAPTER 97. OPERATOR PROVIDED EQUIPMENT

§ 97.1 Personal flotation devices.

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(h) Children 12 years of age and younger shall wear an approved Type I, II, III or V PFD while underway [on open waters] on any boat 20['] feet or less in length and all canoes and kayaks. The operator of the watercraft violates this subsection if he does not cause a child 12 years of age or younger to wear a PFD as required by this subsection.

[(i) Exemptions to this section are as follows:

(1) Prior to May 1, 1995, a Type IV PFD may be carried in lieu of any Type PFD required under subsection (a) for each person on a boat which is less than 16 feet in length.

(2) Prior to May 1, 1996, a Type IV PFD may be carried in lieu of any Type PFD required under subsection (a) for each person on the boat if the boat is:

(i) Leased or rented to another for the latter's pleasure as part of a livery or rental business.

(ii) Manually propelled.]

CHAPTER 99. CAPACITY PLATES

§ 99.1. Boats requiring capacity plates.

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(b) [Canoes.] Pontoon boats, canoes, sailboats, kayaks, inflatables, hydroplanes, personal watercraft and boats considered by the Commission to be of unusual or unique design are exempt from this chapter.

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CHAPTER 111. SPECIAL REGULATIONS COUNTIES

§ 111.31. Huntingdon County.

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(c) Perez Lake. The operation of boats powered by internal combustion motors is prohibited.

CHAPTER 115. BOATS CARRYING PASSENGERS FOR HIRE

§ 115.11. Personal flotation devices.

It is unlawful to operate a boat carrying passengers for hire unless it carries sufficient, serviceable [Type I or Type II] Type I, II, III or V 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.

[Pa.B. Doc. No. 96-2140. Filed for public inspection December 20, 1996, 9:00 a.m.]

[58 PA. CODE CH. 93]

Boating

The Fish and Boat Commission (Commission) proposes to adopt Chapter 93 (relating to registration and numbering). The Commission is publishing these regulations as a notice of proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The proposed regulations deal with boat titling.

A. Effective Date

These proposed regulations will, if approved on final rulemaking, go into effect on June 30, 1997, or upon publication of an order adopting the regulations which ever occurs later.

B. Contact Person

For further information on the proposed changes, contact Laurie E. Shepler, Assistant Counsel, telephone (717) 657-4546, P. O. Box 67000, Harrisburg, PA 17106-7000.

C. Statutory Authority

These regulations are proposed under the statutory authority of section 5325 of the code (relating to rules and regulations).

D. Purpose and Background

On July 2, 1996, Governor Ridge signed Act 1996-73 into law. One section of this act (30 Pa.C.S. § 5325) directs the Commission to promulgate regulations on the titling of boats. This section took effect on September 2, 1996. The remainder of the act, which contains the requirement that boats have certificates of title, takes effect 6 months after the effective date of the regulations. The proposed regulations will have an effective date of June 30, 1997, so that titles will be required and available on or after January 1, 1998.

In drafting the proposed regulations on boat titling, the Commission reviewed parallel Department of Transportation regulations on titles for motor vehicles. The Commission also reviewed model state guidelines on boat titling and regulations and forms used for titling of snowmobiles and all-terrain vehicles.

Prior to consideration of these regulations on final rulemaking (probably at the Spring 1997 meeting), the Commission will seek input from the Boating Advisory Board. In addition to seeking public comment in the normal manner by publishing a notice of proposed rulemaking in the Pennsylvania Bulletin, copies of the proposals will be sent to marine trade and banking associations for specific comment and input. The Commission will attempt to convene a working group meeting with representatives of boat dealers and finance agencies to ensure that maximum input on the proposed regulations is obtained. In order to accomplish this goal during the public comment period, the Commission proposes a 45-day public comment period.

E. Summary of Proposal

Under the newly enacted law (30 Pa.C.S. § 5325), the Commission is required to promulgate rules and regulations on boat titling pertaining to:

- (1) Application procedures for certificates of title
- (2) Contents of applications
- (3) Boats brought into this Commonwealth from outside this Commonwealth
- (4) Boats purchased from dealers
- (5) Boats sold or transferred privately
- (6) Specially constructed or reconstructed boats
- (7) Delivery of certificates of title
- (8) Duplicate or replacement titles
- (9) Transfer of ownership of boats
- (10) Transfers to or from manufacturers or dealers
- (11) Repossession of boats
- (12) Boats which are junked, destroyed, lost, stolen or abandoned
- (13) Voluntary titling of boats by owners prior to sale or transfer
- (14) Suspension or cancellation of certificates of title
- (15) Creation and perfection of security interests in boats
- (16) Assignments of security interests
- (17) Satisfaction of security interests
- (18) Recordkeeping, documentation and information verification

F. Fiscal Impact

Act 1996-73 will result in estimated Boat Fund revenue in the amount of \$225,000. It is estimated by the Commission that the costs to implement the boat titling program will be approximately equal to the additional revenues generated. The proposed regulations will have no adverse fiscal impact on the Commonwealth or its political subdivisions. Nor will the proposed regulations impose new costs on the private sector or the general public.

G. Paperwork

The proposed regulations implement a statute that requires some new paperwork. However, the regulations themselves will not increase paperwork and will create no new paperwork requirements.

H. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about the proposed regulations to the Executive Director, Pennsylvania Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 45 days after publication of this notice in the *Pennsylvania Bulletin*.

PETER A. COLANGELO,
Executive Director

Fiscal Note: 48A-62. No fiscal impact; (8) recommends adoption.

(Editor's Note: The following subchapter is new. It has been printed in regular type to enhance readability.)

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart C. BOATING

CHAPTER 93. REGISTRATION AND NUMBERING

Subchapter A. REGISTRATION OF BOATS

Subchapter B. TITLING OF BOATS

Sec.	Definitions.
93.101.	Definitions.
93.102.	Application procedure and contents of applications for certificate of title.
93.103.	Boats brought into this Commonwealth from outside this Commonwealth.
93.104.	Boats purchased from dealers/transfer to or from manufacturer or dealer.
93.105.	Boats sold or transferred privately.
93.106.	Specially constructed or reconstructed boats.
93.107.	Delivery of certificate of title.
93.108.	Duplicate/replacement titles.
93.109.	Transfer or repossession of boat by operation of law.
93.110.	Boats that are junked, destroyed, lost, stolen or abandoned.
93.111.	Voluntary titling of boats.
93.112.	Suspension, revocation or cancellation of certificate of title.
93.113.	Creation and perfection of security interests in boats.
93.114.	Assignments of security interests.
93.115.	Satisfaction of security interests.
93.116.	Exemptions.
93.117.	Recordkeeping, documentation and information verification regarding boats.
93.118.	Prohibited acts.
93.119.	Forms.

§ 93.101. Definitions.

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

Dealer—A person who engages in whole or in part in the business of buying, selling or exchanging new and unused boats, or used boats, or both, either outright or on conditional sale, bailment, lease, chattel mortgage, or otherwise, and who has an established place of business for sale, trade and display of boats. The term includes a yacht broker.

Manufacturer—A person engaged in the business of manufacturing or importing new and unused boats, or new and unused outboard motors, for the purpose of sale or trade.

Reconstructed boat—One of the following:

(i) A boat for which a certificate of title (salvage/junk) has been issued, which is thereafter restored to operating condition and which is substantially in conformance with the specifications of the manufacturer.

(ii) A boat that has been materially altered by the removal, addition or substitution of essential parts derived from various other makes or models, or that the Commission has determined is readily recognizable as a boat of a generally recognized make or model.

Specially constructed boat—One of the following:

(i) A boat not originally constructed by a generally recognized manufacturer of boats under a distinctive name and not materially altered from its original construction, but assembled from parts of various boats or kits, or both, and that would be commonly known as a "homemade" boat.

(ii) A boat that has been materially altered by the removal, addition or substitution of essential parts derived from various other makes and models and that the Commission determines cannot be readily identified as a boat of a generally recognized make or model.

Use—To operate or navigate a boat. A boat is in use whenever it is upon the water.

§ 93.102. Application procedure and contents of applications for certificates of title.

(a) Boat owners shall apply for a certificate of title on Form REV-336, provided by the Commission. The completed form shall be forwarded to the Commission at the address listed on the application.

(b) The applicant shall provide the following information on the application (REV-336) for a title:

(1) The name, mailing address, residence address, phone number and zip code of the owner. If there are co-owners, the applicants shall provide information relating to both owners and indicate whether the boat is owned as joint tenants with right of survivorship or as tenants in common.

(2) The name and address from whom the boat was purchased.

(3) The state registration number, if any, currently assigned to the boat.

(4) The hull material, such as wood, steel, aluminum, plastic, fiberglass or other.

(5) The full hull identification number (HIN).

(6) The make, model and year built, if known.

(7) The length of the boat to the nearest half-foot.

(8) The type of propulsion, such as, outboard, inboard, sterndrive or unpowered.

(9) The type of fuel, such as, gas, diesel, electric or unpowered.

(10) The complete capacity information.

(11) The primary usage such as, pleasure, rental/livery, manufacturer/dealer/jobber, commercial passenger and the like.

(12) The names and addresses of each lien holder (in the order of priority).

(13) The amount of the lien.

(14) The date of lien encumbrance.

(15) The date the applicant completed the form.

(16) The signature of the owners.

(17) Complete sales and use tax information.

§ 93.103. Boats brought into this Commonwealth from outside this Commonwealth.

(a) When the owner of a boat having a certificate of title from another state brings the boat into this Commonwealth as its state of principal use, the owner shall obtain a Pennsylvania certificate of title for the boat when the boat is registered in this Commonwealth or its ownership is transferred to another person, whichever occurs first.

(b) When the owner of a boat not having a certificate of title from another state brings the boat into this Commonwealth as its state of principal use, the owner shall obtain a Pennsylvania certificate of title when the boat is sold or is otherwise transferred to another owner. This provision does not apply to boats for which a title is not required under section 5322(a) of the code (relating to when certificate of title not required).

§ 93.104. Boats purchased from dealers/transfer to or from manufacturer or dealer.

(a) A dealer may not purchase or acquire a new boat without obtaining from the seller a manufacturer's or importer's certificate of origin when provided by the manufacturer or importer.

(b) When certificates of origin are provided by the manufacturer or importer, a manufacturer or dealer may not transfer ownership of a new boat without supplying the transferee with the certificate of origin signed by the manufacturer's or importer's authorized agent.

(c) A dealer transferring a boat requiring title under this subchapter shall assign ownership to the new owner, in the case of a previously titled boat, by completing the appropriate assignment portion of the certificate of title, or in the case of a new boat, by completing the assignment portion of the certificate of origin.

(d) A dealer shall forward the monies and applications to the Commission within 10 days of transferring ownership.

(e) Except as otherwise provided in this subsection, a dealer buying or acquiring a used boat for resale need not obtain a certificate of title for the used boat if the dealer reports the acquisition to the Commission within 15 days. In lieu of submitting a report of acquisition, the dealer may apply for and obtain a certificate of title as provided in this subchapter. If a dealer buys or acquires a used unnumbered boat that is otherwise required to be titled, the dealer shall apply for a certificate of title in his name within 15 days. If a dealer buys or acquires a new boat for resale, the dealer may, but is not required to, apply for a certificate of title for the boat in his name.

(f) Every dealer shall maintain for 3 years a record of any boat he bought, sold, exchanged or received for sale or exchange. This record shall be open to inspection by Commission representatives during reasonable business hours.

(g) A dealer/lessor who leases a boat for more than 30 consecutive days shall obtain a certificate of title for the boat unless exempt under section 5322(a) of the code (relating to when certificate of title not required). The lessor shall maintain the certificate of title of a leased boat.

§ 93.105. Boats sold or transferred privately.

(a) A person transferring a boat requiring title under this subchapter shall assign ownership to the new owner, in the case of a previously titled boat, by completing the appropriate assignment portion of the certificate of title, or in the case of a new boat, by completing the assignment portion of the certificate of origin.

(b) Moneys and applications shall be forwarded to the Commission within 10 days of transferring ownership.

(c) The lessor shall maintain the certificate of title of a leased boat.

§ 93.106. Specially constructed or reconstructed boats.

(a) The owner of a specially constructed or reconstructed boat shall apply for a certificate of title as required by this subchapter.

(b) The application for certificate of title shall be accompanied by one of the following:

(1) The outstanding certificates of title.

(2) The manufacturer's certificates of origin or certificates of title (salvage/junk), issued for boats, the parts of which were used in construction of the boat, if the boats are no longer operable or able to be registered.

(3) The bills of sale for the major components of the boat for which no other proof of ownership is available.

(c) The certificate of title issued for every specially constructed boat and reconstructed boat, as defined in this subchapter, shall clearly describe the boats by type as follows:

(1) The certificate of title for every specially constructed boat shall describe the make of boat as "specially constructed."

(2) The certificate of title for every reconstructed boat shall describe the boat by its original make or trade name but shall be coded to designate it as a reconstructed boat.

§ 93.107. Delivery of certificate of title.

The Commission will mail the original certificate of title to the first lien holder named therein, or if there is none, to the owner named therein. The Commission will retain the data necessary to generate a copy of the certificate of title.

§ 93.108. Duplicate/replacement titles.

(a) If a title is lost, stolen, mutilated, destroyed or becomes illegible, the first lien holder or, if there is none, the owner named on the title, as shown by the Commission's records, may obtain a duplicate/replacement by applying to the Commission. The applicant shall furnish information concerning the original title and the circumstances of its loss, theft, mutilation or destruction. Applications for replacement titles shall be filed within 30 days of the loss, theft, mutilation or destruction. Mutilated or illegible titles shall be returned to the Commission with the application for a duplicate/replacement.

(b) The duplicate/replacement title shall be marked "duplicate/replacement" across its face and shall be mailed or delivered to the applicant.

(c) If a lost or stolen original title for which a duplicate/replacement has been issued is recovered, the original shall be surrendered to the Commission for cancellation within 10 days of its recovery.

§ 93.109. Transfer or repossession of boat by operation of law.

(a) If ownership of a boat is transferred by operation of law, such as by inheritance, divorce, order in bankruptcy, insolvency, replevin or execution sale, the transferee, within 30 days after he has acquired the right to possession of the boat by operation of law, shall mail or deliver to the Commission a court order or other document evidencing the transfer by operation of law, together with his application for a new title and the required fee.

(b) If a lien holder repossesses a boat by operation of law and holds it for resale, the lien holder shall secure a new title and shall pay the required fee.

(c) Issuance of a certificate of title does not constitute an adjudication of issues relating to ownership of boats.

§ 93.110. Boats that are junked, destroyed, lost, stolen or abandoned.

(a) *Reporting requirements.* The destruction, loss, theft or abandonment of a boat titled under this subchapter shall be reported to the Commission within 5 days. The recovery of a boat that is lost, stolen or abandoned shall be reported to the Commission within 5 days of recovery.

(b) *Acquiring title to abandoned boats.*

(1) Subject to this subsection, a landowner, his lessee or agent may acquire title to any boat abandoned on his land or waters immediately adjacent to it. This subsection applies only to boats that have been abandoned on the property of a person other than the owner of the boat for over 6 months.

(2) A person desiring to obtain a certificate of title for an abandoned boat shall provide written notice to the Commission of intent to obtain title to the boat. The notice shall, at a minimum, set forth the date and place the boat was abandoned, a description of the boat, including the make, model and year, and, if known, the hull identification number, registration number, temporary decal number and other identifying data.

(3) If a boat abandoned on a person's lands or waters has a hull identification number, registration number, temporary decal number or other identifying indicia, the person desiring to acquire title shall include in the written notice filed under paragraph (2) a request that the Commission notify the boat's owner and lien holder, if any, that the boat has been abandoned and that the requester desires to acquire title to it.

(4) Upon receipt of the written request, the Commission will notify the owner and the lien holder by certified mail that someone desires to acquire title to the boat and if ownership is not claimed and the boat removed within 30 days, the Commission may, upon proper application and payment of fees, issue a certificate of title in the name of the person desiring to acquire title. The Commission is not required to send a letter if it cannot identify a boat's owner or lien holder or ascertain an address. If the abandoned boat has a registration number, temporary decal number or other identifying indicia, evidencing that the boat is registered in another state, the Commission will notify the other state and ask it to notify the boat's owner and lien holder by certified mail that someone desires to acquire title to the boat. The other state's notice shall provide that if ownership is not claimed and the boat removed within 30 days, the Commission may, upon proper application and payment of fees, issue a certificate of title in the name of the person desiring to acquire title. The other state is not required to send a letter if it cannot identify a boat's owner or lien holder or ascertain an address. When the other state notifies the owner and lien holder, if known, as provided in this paragraph and advises the Commission that the transfer of title to the requester is unobjectionable to the other state, the Commission may notify the requester to proceed under paragraph (6).

(5) Regardless of whether the abandoned boat has a hull identification number, registration number, temporary decal number or other identifying indicia, the person desiring to acquire title shall place a notice in a newspaper of general circulation published in the county where the boat is located, describing the boat, its location, the date it was abandoned and any identifying number. The person shall state in the notice that if the boat is not claimed and removed within 30 days after publication in the newspaper, he will apply for title to the boat in his name.

(6) After the notices described in paragraphs (4) and (5) have expired, but no earlier than 60 days after the person desiring to obtain title has first notified the Commission, the person may apply to the Commission for a certificate of title to the boat in his name as required by this subchapter and accompanied by the following af-

fidavits: a statement made under penalty of law that the boat has been abandoned for at least 6 months; proof that the applicant provided notice as set forth in paragraphs (2)—(4); and proof that a notice was published in a newspaper as required by paragraph (5). In cases involving boats registered in other states, the Commission may extend the 60-day period to 180 days.

(7) Upon receipt of the material required by this subsection and the payment of fees required by law, the Commission will issue a certificate of title to the boat to the applicant. Issuance of a certificate of title divests any other person of any interest in the boat.

(8) The Commonwealth, its agencies and political subdivisions may acquire title to a boat abandoned on areas under their respective jurisdictions by proceeding in the manner set forth in this subsection.

§ 93.111. Voluntary titling of boats.

An owner of a boat may voluntarily apply for a certificate of title by applying at any time and paying the fees required under section 5327 of the code (relating to fees). Once an owner voluntarily acquires a certificate of title, titling for the boat is thereafter mandatory.

§ 93.112. Suspension, revocation or cancellation of certificate of title.

(a) The Commission will initiate an action to suspend or revoke a certificate of title by filing an order to show cause under 1 Pa. Code § 35.14 (relating to orders to show cause), when authorized by statutory or other authority, or if the Commission determines that the certificate of title was fraudulently procured.

(b) The Commission has the authority to cancel a certificate of title when the Commission determines that one of the following applies:

- (1) The certificate of title was erroneously issued.
- (2) The boat was junked, destroyed, lost, stolen or abandoned.

(c) Suspension, revocation or cancellation of a certificate of title does not, in itself, affect the validity of a security interest noted on it.

(d) When the Commission suspends, revokes or cancels a certificate of title, the owner or person in possession of the certificate shall, upon receiving notice of the suspension, revocation or cancellation, immediately mail or deliver the certificate of title to the Commission.

(e) The Commission may seize, in accordance with the law, a certificate of title that it has suspended, revoked or canceled.

§ 93.113. Creation and perfection of security interests in boats.

(a) An owner creates a security interest in a boat when he signs a note, agreement or other instrument containing terms that create a security interest. When an owner creates a security interest in a boat:

(1) The owner shall provide lien holder information on the space on the title or on a separate form that the Commission prescribes. The information provided shall include the name and address of the secured party, the amount of the security interest and the date of the security agreement. The owner shall have the title, application and fee delivered to the Commission.

(2) The security interest is perfected as of the time of its creation if delivery and payment to the Commission

are completed within 10 days of the date of its creation; otherwise, perfection shall be as of the time of its delivery and payment.

(3) Upon receipt of the title, application and the required filing fee, the Commission will endorse on the existing title or on a new title that it then issues, the name and address of the secured parties, and mail or deliver the title to the secured party.

(b) A security interest in a boat is not valid against creditors of the owner or subsequent transferees or secured parties of the boat until perfected as provided by this subchapter.

(c) The issuance of a title, other than in the case of the initial issuance to a purchaser from a dealer, does not invalidate a previously perfected security interest under 13 Pa.C.S. (relating to Uniform Commercial Code), other than a dealer's security interest in inventory.

§ 93.114. Assignments of security interests.

(a) A secured party may assign, absolutely or otherwise, all or part of his security interest in the boat to a person other than the owner without affecting the interest of the owner or the validity of the security interest.

(b) The assignee shall deliver to the Commission the title, if available, and an assignment by the secured party named in the title in the form the Commission may prescribe, accompanied by the filing fee required by law. The assignee's security interest is perfected as of the time of its creation if delivery and payment to the Commission are completed within 10 days of the date of its creation; otherwise, perfection is as of the time of its delivery and payment.

§ 93.115. Satisfaction of security interests.

Within 10 days of the satisfaction of a security interest in a boat, the secured party shall mail or deliver the title with the release to the owner and notify the Commission of the release of security interest.

§ 93.116. Exemptions.

The provisions of this subchapter relating to procedures for creating, perfecting, assigning and satisfying security interests do not apply to the following:

(1) A lien given by statute or rule of law to a supplier of services or materials for the boat.

(2) A lien given by statute to the United States, the Commonwealth or a political subdivision of this Commonwealth.

(3) A security interest in a boat created by a manufacturer or dealer who holds the boat for sale, but a buyer in the ordinary course of trade from the manufacturer or dealer takes free of the security interest.

(4) A lien arising out of an attachment of a boat.

(5) A security interest claimed on proceeds, if the original security interest did not have to be noted on the title in order to be perfected.

(6) A boat for which a title is not issued under this subchapter.

§ 93.117. Recordkeeping, documentation and information verification regarding boats.

(a) The Commission will maintain a record of any title it issues.

(b) Upon written request specifically identifying a particular boat, the Commission will provide the following information about a boat having a certificate of title:

- (1) The name of the owner.
- (2) The name and address of a lien holder.
- (3) The date the certificate of title was issued.
- (4) The make, model and year of the boat.

(c) The Commission will not release the home address of a title holder, except with the consent of the title holder or upon court order or subpoena.

(d) The Commission will not release mailing lists or records of title holders, except to agencies of the Federal, State and local government for official purposes.

(e) Nothing in this section affects the authority of the Commission and other agencies of Federal, State and local government to use information contained in certificates of title for official purposes.

§ 93.118. Prohibited acts.

(a) A person may not sell, assign or transfer a boat titled by the Commonwealth without delivering to the purchaser or transferee a title with an assignment on it showing title in the purchaser or transferee.

(b) A person may not purchase or otherwise acquire a boat required to be titled by the State without obtaining a title for it in his name.

(c) A person may not obtain or attempt to obtain title to a boat under this subchapter through fraudulent means.

§ 93.119. Forms.

(a) The Commission will provide suitable forms of applications, title, notice for security interests, and other notices and forms necessary to carry out this subchapter.

(b) Except as otherwise provided in this subchapter, the forms and notices required in this chapter shall be forwarded to the Pennsylvania Fish and Boat Commission, Boat Registration Section, P. O. 68900, Harrisburg, PA 17106-8900.

[Pa.B. Doc. No. 96-2141. Filed for public inspection December 20, 1996, 9:00 a.m.]

[58 PA. CODE CHS. 69 AND 111] Fishing and Boating

The Fish and Boat Commission (Commission) proposes to amend Chapters 69 and 111 (relating to fishing in Lake Erie and boundary lakes; and special regulations counties). The Commission is publishing these amendments as a notice of proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The proposed amendments relate with fishing and boating.

A. Effective Date

These proposed amendments will, if approved on final rulemaking, go into effect on January 1, 1997, or upon publication of an order adopting these regulations, whichever comes later.

B. Contact Person

For further information on the proposed changes, contact Dennis Guise, Chief Counsel, (717) 657-4525, P. O. Box 67000, Harrisburg, PA 17106-7000.

C. Statutory Authority

These proposed amendments are published under the statutory authority of sections 2102 and 5124 of the code (relating to rules and regulations; and particular areas of water).

D. Purpose and Background

The proposed amendments are designed to update, modify and improve Commission regulations on fishing and boating. The specific purpose for the amendments is described in more detail under the summary of proposal.

E. Summary of Proposal

a) *Section 69.12 (relating to seasons, sizes and creel limits—Lake Erie)*. At its January 1996 meeting, the Commission, on final rulemaking, amended § 69.12 to provide that from 8 a.m. the first Saturday after April 11 until 12:01 a.m. the day after Labor Day, the daily limit for trout and salmon is 8 (combined species), only two of which can be lake trout and of the entire catch (combined species), only three can exceed 15 inches in length. After the final rulemaking was approved, the Commission received inquiries and comments concerning the restriction as applied to Lake Erie and Presque Isle Bay. It was pointed out that, on Lake Erie and Presque Isle Bay, the three fish over 15-inch limit could be unduly restrictive since a relatively high proportion of the catch of trout and salmon exceeds 15 inches. The Commission, therefore, proposes to increase the number of trout and salmon per day that may exceed 15 inches in length from three to five.

b) *Section 111.58 (relating to Susquehanna County)*. The Laurel Lake Association, Inc. Boating Committee petitioned the Commission to reconsider the current 60 horsepower restriction on Laurel Lake, Susquehanna County. The petitioners cited the size of the lake, more stringent restrictions on lakes of similar size, environmental concerns of the use of gasoline motors on such a small lake, the lack of enforcement by the Commission of current restrictions, and interference with other uses of the lake caused by high speed operation of motorboats as valid reasons for the reconsideration.

The Commission accepted the petition for further review at its July 1995 meeting and directed staff to prepare a report with recommendations for further action. After considering the use of the Laurel Lake and its physical constraints, staff recommended that additional restrictions on the operations of boats on this lake may be appropriate. The Boating Advisory Board (Board) reviewed the report and staff recommendations at its January 1996 meeting. The Board voted to recommend that the Commission consider an alternative regulation. The Commission's Boating Committee then recommended that the Commission not approve the staff and Board recommendations. The Commission therefore proposed to keep the present regulations in effect with one change, that is, to ban the operation of personal watercraft. At its July 1996 meeting, the Commission, on final rulemaking, adopted the personal watercraft amendment to § 111.58(d).

At its July and October 1996 meetings, the Commission also authorized the publication of a separate notice of proposed rulemaking to seek public comment on proposed amendments further limiting the operation of boats with internal combustion motors. Although there are at least two distinct viewpoints from persons who reside around or boat on Laurel Lake, there is general agreement that the interests of safe boating on this small impoundment require restrictions on the number of boats on the lake.

In addition, the Commission is seeking public comment on a proposed system whereby boats powered by internal combustion motors of up to 60 horsepower must have a special permit to operate on Laurel Lake.

The proposed changes set forth in Annex A contain a number of provisions related to limiting the number of boats powered by internal combustion motors that may receive permits to operate on Laurel Lake and further restricting operations of the boats on the Lake. The Commission is specifically inviting public comment on the various aspects of the proposal as alternatives. Although the proposed changes are not mutually exclusive, the Commission is asking commentators to address comments to two distinct aspects of the proposal:

a) Limiting the number of Laurel Lake permits for boats powered by internal combustion motors. One aspect of the proposal provides that no boats powered by internal combustion motors will be permitted to operate on Laurel Lake if the Lake was not its site of principal operation during the preceding year and if Laurel Lake is not the site of principal operation in the year of the permit. The Commission envisions a very simple application process for this permit whereby a registered boat owner would simply certify, under penalty of law, that Laurel Lake was the site of principal operation in the preceding year. Since Laurel Lake has no publicly owned or controlled boating access, this means that only those boats that operated on the Lake in the past will be allowed to do so in the future. This will essentially freeze the number of internal combustion boats on Laurel Lake. This aspect of the proposal also provides that number of permits for boats powered by internal combustion motors will gradually be reduced as boats go out of service, are moved elsewhere or are sold or transferred.

b) Creating an internal combustion motorboat operating zone. Another aspect of the proposal provides that internal combustion motorboats, which hold special Laurel Lake permits, are restricted to slow, minimum height swell speed operation except in a marked operating zone on the upper pond where, at any one time, no more than two such boats may operate at higher speeds (with or without water skiers) by boating in a counterclockwise direction in accordance with the Rules of the Road and other restrictions on operation of boats at Laurel Lake. The Commission is asking commentators to provide comments and suggestions as to whether, if the operating zone aspect of the proposal were adopted, it would be necessary or appropriate to limit permits to boats that

had used Laurel Lake as the site of principal operation during the preceding year and whether it would be necessary or appropriate to gradually phase out the number of internal combustion motorboats on the Lake.

F. Paperwork

The proposed amendments will result in modest increases in paperwork. The proposed Laurel Lake motorboat permit will affect a small number of boaters. Estimates are that less than 20 motorboats use Laurel Lake as a site of principal operation, and these may desire to obtain annual permits. We envision the no-fee permit process to be very simple, involving a description of the boat, its HIN, its Pennsylvania registration number, its motor serial number and a certification that Laurel Lake was and will be the site of principal operation of the boat.

G. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about the proposed amendments to the Executive Director, Pennsylvania Fish and Boat Commission, P. O. 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

PETER A. COLANGELO
Executive Director

(Editor's Note: Amendments to §§ 69.12 and 69.13 appeared at 26 Pa.B. 5701 and 5711 (November 23, 1996) and an amendment to § 111.58 appeared at 26 Pa.B. 5711 (November 23, 1996). These amendments will be codified in MTS 266 (January, 1997).)

Fiscal Note: 48A-58. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart B. FISHING

CHAPTER 69. FISHING IN LAKE ERIE AND BOUNDARY LAKES

§ 69.12. Seasons, sizes and creel limits—Lake Erie

* * * * *

(d) The following seasons, sizes and creel limits apply to Lake Erie and Presque Isle Bay, including peninsula waters:

<i>SPECIES</i>	<i>SEASONS</i>	<i>MINIMUM SIZE</i>	<i>DAILY LIMIT</i>
TROUT and SALMON	First Saturday after April 11 until [12:01 a.m. the day after] midnight Labor Day.	9 inches	8 (combined species only 2 of which may be lake trout). Of the entire catch (combined species) only [3] 5 fish total may exceed 15 inches in length.
	12:01 a.m. the day after Labor Day until midnight on the Friday before the first Saturday after April 11	15 inches	3 (combined species only 2 of which may be lake trout).

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§ 69.13. Seasons, sizes and creel limits—Lake Erie Tributaries

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(d) Except as provided in §§ 69.14 and 69.15 (relating to special regulations applicable during the fall season; and miscellaneous special regulations) and for those waters listed as nursery waters, the following seasons, sizes and creel limits apply to the tributary streams of Lake Erie in this Commonwealth:

<i>SPECIES</i>	<i>SEASONS</i>	<i>MINIMUM SIZE</i>	<i>DAILY LIMIT</i>
TROUT and SALMON	8:00 a.m. first Saturday after April 11 until [12:01 a.m. the day after] midnight Labor Day.	9 inches	8 (combined species only 2 of which may be lake trout). Of the entire catch (combined species) only 3 fish total may exceed 15 inches in length.
	12:01 a.m. the day after Labor Day until midnight on the Friday before the first Saturday after April 11	15 inches	3 (combined species only 2 of which may be lake trout).
	* * * * *		

Subpart C. BOATING
CHAPTER 111. SPECIAL REGULATIONS
COUNTIES

§ 111.58. Susquehanna County

* * * * *

(d) *Laurel Lake.*

(1) **General restriction.** After [**January 1, 1994**] **April 1, 1997**, the operation of boats [**with motors rated greater than 60 horsepower**] **powered by internal combustion motors** is prohibited except as provided in paragraphs (2) and (3).

(2) **Special permits for operation of boats powered by motors of up to 60 horsepower.** Upon application, the Commission may issue a permit to authorize a boat powered by a motor of up to 60 horsepower to operate on Laurel Lake. Permits may be obtained from the Northeast Regional Law Enforcement Office, Box 88, Sweet Valley, PA 18656. To qualify for a permit, an applicant shall certify, under penalty of law, that Laurel Lake was the site of principal operation of the boat during the preceding boating season and will be the site of principal operation during the season for which the permit is issued. The permit will expire on December 31 of the year for which issued, provided that a permit may be renewed upon certification, under penalty of law, that Laurel Lake was the site of principal operation during the preceding year and will be the site of principal operation during the season for which the permit is issued. In addition, a permit issued under this section terminates when the boat is sold, transferred or otherwise conveyed to a person other than the spouse or child or a deceased owner.

(3) **Restrictions on operation of boats powered by internal combustion motors.** Operation of boats powered by internal combustion motors that have been issued permits under paragraph (2) shall be subject to the following restrictions:

[(2)] (i) **Waterskiing.** No more than one waterski device with a maximum of one skier may be towed by a boat.

[(3)] (ii) [**Boats are limited to slow, minimum height swell speed from 6 p.m. until noon of the following day on the upper lake and at all times on the lower lake.**] **Upper Lake:** Boat speed is limited to slow, minimum height swell speed except that, during the period from noon until 6 p.m., no more than two boats powered by internal combustion

motors may, at any one time, operate at speeds greater than slow, minimum height swell speed in the marked boat operating zone. Boats operating in the marked zone shall circle in a counter-clockwise direction and shall be subject to the restrictions in this subsection and the provisions of the code and this subpart. It is unlawful to waterski or to operate a boat at greater than slow, minimum height swell speed at any location on the upper lake from 6 p.m. until noon of the following day.

[(4)] (iii) [**Water skiing is prohibited from 6 p.m. until noon of the following day on the upper lake and at all times on the lower lake.**] **Lower Lake:** It is unlawful to waterski or to operate a boat at greater than slow, minimum height swell speed at any time at any location on the lower lake.

[(5)] (iv) The operation of personal watercraft is prohibited.

* * * * *

[Pa.B. Doc. No. 96-2142. Filed for public inspection December 20, 1996, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Advance Notice of Proposed Rulemaking Regarding Standardized Cost Support Data by Incumbent Local Exchange Carriers (ILECs)

[Doc. No. L-960119]

The Pennsylvania Public Utility Commission, through the Law Bureau, is considering regulations pertaining to standardized cost support data to be provided by ILECs in arbitration proceedings. The regulation is to be located in 52 Pa. Code (relating to public utilities).

A copy of the Commission order proposing a regulation is being sent to the Office of Consumer Advocate, the Office of Small Business Advocate and the Office of Trial Staff.

A copy of the Commission order proposing a regulation is available to the public by contacting Stephen E. Gorka, Pennsylvania Public Utility Commission, Room 203, North Office Building, P. O. Box 3265, Harrisburg, PA 17105-3265, (717) 772-8840. Any written comments or

PROPOSED RULEMAKING

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draft language (an original and 15 copies) must be received 60 days after the date the notice is published in the *Pennsylvania Bulletin*.

This is an advance notice of proposed rulemaking and is in addition to the normal rulemaking procedures for publication and comment established under the act of

July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1102, 1201 et seq.).

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 96-2143. Filed for public inspection December 20, 1996, 9:00 a.m.]
