

RULES AND REGULATIONS

Title 58—RECREATION

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 93]

Boating; Boat Registration and Numbering

The Fish and Boat Commission (Commission) amends Chapter 93 (relating to boat registration and numbering). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The amendments update the Commission's regulations pertaining to registration and titling of boats.

A. Effective Date

This final-form rulemaking will go into effect upon publication in the *Pennsylvania Bulletin*.

B. Contact Person

For further information on this final-form rulemaking, contact Renae Kluk Kiehl, Esq., P.O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This final-form rulemaking is available on the Commission's web site at www.fishandboat.com.

C. Statutory Authority

The amendment to § 93.1 (relating to registration) is published under the statutory authority of section 5308 of the code (relating to period of registration). The amendment to § 93.5 (relating to display of registration number and validation decal) is published under the statutory authority of section 5122 of the code (relating to registrations, licenses, permits, plates and statistics).

D. Purpose and Background

The specific purpose and background of the amendments are described in more detail under the summary of changes.

E. Summary of Changes

The act of June 27, 2022 (P.L. 386, No. 28) (Act 28), amended section 5308 of the code regarding registration and titling of boats. Act 28 established a calendar-year boat registration cycle that is valid from January 1 through December 31.

Act 28 requires the Commission to promulgate final regulations to implement the amendments and publish them in the *Pennsylvania Bulletin* within 18 months of the effective date of section 2 of Act 28. The Commission has identified two relevant sections of 58 Pa. Code (relating to recreation) that require amendments to be consistent with Act 28.

Additionally, the Commission has identified language in § 93.1(a) relating to "State Owned" boat registrations which is inconsistent with the statutory registration period and Commission practices. "State Owned" boats are issued 2-year registration certificates.

The Commission amends §§ 93.1 and 93.5 to read as set forth at 53 Pa.B. 1679 (March 25, 2023).

F. Paperwork

This final-form rulemaking will not increase paperwork and will not create new paperwork requirements.

G. Fiscal Impact

This final-form rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions.

H. Public Comments

A notice of proposed rulemaking was published at 53 Pa.B. 1679. The Commission did not receive any public comments regarding the proposal.

Findings

The Commission finds that:

(1) Public notice of intention to adopt the amendment adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202), referred to as the Commonwealth Documents Law, and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).

(2) A public comment period was provided and no public comments were received.

(3) The adoption of the amendment of the Commission in the manner provided in this order is necessary and appropriate for administration and enforcement of the authorizing statutes.

Order

The Commission, acting under the authorizing statutes, orders that:

(A) The regulations of the Commission, 58 Pa. Code Chapter 93, are amended by amending §§ 93.1 and 93.5 to read as set forth at 53 Pa.B. 1679.

(B) The Executive Director will submit this order and 53 Pa.B. 1679 to the Office of Attorney General for approval as to legality and form as required by law.

(C) The Executive Director shall certify this order and 53 Pa.B. 1679 and deposit them with the Legislative Reference Bureau as required by law.

(D) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

TIMOTHY D. SCHAEFFER,
Executive Director

Fiscal Note: Fiscal Note 48-341 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 23-1208. Filed for public inspection September 8, 2023, 9:00 a.m.]

Title 58—RECREATION

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 93]

Boating; Boat Registration and Numbering

The Fish and Boat Commission (Commission) amends Chapter 93 (relating to boat registration and numbering). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The amendment updates the Commis-

sion's regulations pertaining to the boat registration process and simplifies it to provide better customer service.

A. *Effective Date*

This final-form rulemaking will go into effect upon publication in the *Pennsylvania Bulletin*.

B. *Contact Person*

For further information on this final-form rulemaking, contact Renae Kluk Kiehl, Esq., P.O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This final-form rulemaking is available on the Commission's web site at www.fishandboat.com.

C. *Statutory Authority*

This amendment to § 93.3 (relating to application for boat registration) is published under the statutory authority of section 5122 of the code (relating to registrations, licenses, permits, plates and statistics).

D. *Purpose and Background*

The specific purpose and background of the amendment is described in more detail under the summary of changes.

E. *Summary of Changes*

The Commission's regulations indicate the required documentation to support an application for boat registration. For boats previously registered, the Commission requires the last registered owner to sign the REV-336 Application for Pennsylvania Boat Registration and/or Boat Title. A bill of sale, signed by the last registered owner, may be substituted for the required signature on the REV-336. The Commission finds that a certificate of registration, also known as a boat registration card, signed by the last registered owner, is also sufficient documentation of ownership and consent to transfer registration to the purchaser of the boat. The addition of this documentation to Commission regulations is intended to simplify the boat registration process and provide better customer service.

The Commission amends § 93.3 to read as set forth at 53 Pa.B. 1176 (March 4, 2023).

F. *Paperwork*

This final-form rulemaking will not increase paperwork and will not create new paperwork requirements.

G. *Fiscal Impact*

This final-form rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions.

H. *Public Comments*

A notice of proposed rulemaking was published at 53 Pa.B. 1176. The Commission did not receive any public comments regarding the proposal.

Findings

The Commission finds that:

(1) Public notice of intention to adopt the amendment adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202), referred to as the Commonwealth Documents Law, and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).

(2) A public comment period was provided and no public comments were received.

(3) The adoption of the amendment of the Commission in the manner provided in this order is necessary and appropriate for administration and enforcement of the authorizing statutes.

Order

The Commission, acting under the authorizing statutes, orders that:

(A) The regulations of the Commission, 58 Pa. Code Chapter 93, are amended by amending § 93.3 to read as set forth at 53 Pa.B. 1176.

(B) The Executive Director will submit this order and 53 Pa.B. 1176 to the Office of Attorney General for approval as to legality and form as required by law.

(C) The Executive Director shall certify this order and 53 Pa.B. 1176 and deposit them with the Legislative Reference Bureau as required by law.

(D) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

TIMOTHY D. SCHAEFFER,
Executive Director

Fiscal Note: Fiscal Note 48A-342 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 23-1209. Filed for public inspection September 8, 2023, 9:00 a.m.]