

**CHAPTER 105. OPERATIONAL CONDITIONS**

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**Cross References**

This chapter cited in 58 Pa. Code § 107.8 (relating to vessels permitted on restricted waters); and 58 Pa. Code § 115.12 (relating to applicability of other regulations).

**§ 105.1. Conditions requiring immediate corrective action.**

A condition requiring immediate corrective actions shall exist when a boat:

- (1) Does not display the navigation lights prescribed by § 95.3 (relating to lights for boats) between sunset and sunrise or during periods of reduced visibility.
- (2) Has fuel leakage from either the fuel system, engine or another source.
- (3) Has an accumulation of fuel in the bilges or a compartment other than a fuel tank.
- (4) Does not meet the ventilation requirements for tanks and engine spaces prescribed by § 95.5 (relating to ventilation).
- (5) Does not meet the requirements for backfire flame control prescribed by § 95.6 (relating to backfire flame control).
- (6) Is overloaded or improperly loaded.
- (7) Is operating immediately above or below dams and reservoir structures and discharge from water impoundments.
- (8) Is pulling a water skier without the required observer aboard.
- (9) Is being operated with insufficient serviceable personal flotation devices onboard as described by § 97.1 (relating to personal flotation devices).

**Source**

The provisions of this § 105.1 amended June 3, 1994, effective June 4, 1994, 24 Pa.B. 2795. Immediately preceding text appears at serial page (147915).

**§ 105.2. Corrective actions.**

(a) It is unlawful for an operator of a boat to fail to follow the directions of a waterways conservation officer or other person authorized to enforce the code to take immediate and reasonable steps necessary for the safety of persons or property when the officer reasonably believes that a condition requiring immediate corrective actions may exist.

(b) Directions may include requiring the operator to do one or more of the following:

- (1) Correct the condition immediately.

- (2) Proceed to a mooring, dock or anchorage.
- (3) Suspend further use of the boat until the condition is corrected.

**Source**

The provisions of this § 105.2 amended June 3, 1994, effective June 4, 1994, 24 Pa.B. 2795. Immediately preceding text appears at serial page (147915).

**§ 105.3. Unacceptable boating practices.**

It is unlawful to:

(1) Operate a motorboat at greater than slow, no wake speed with a person riding outside the passenger carrying area or while a person is riding on bow decking, gunwales, transom or motor cover. It is not a violation of this paragraph to ride on the motor cover of an inboard motorboat while underway at that speed if the motor cover is designed by the manufacturer for the operator or a passenger to ride on it. For the purposes of this paragraph, the passenger carrying area is defined as the space intended by the manufacturer for persons to sit or stand while the boat is underway. This prohibition does not apply when the operator of the boat is docking, mooring, anchoring or rafting the boat.

(2) Operate a motorboat—less than 20 feet in length—at greater than slow, no wake speed while a person is standing on or in the boat. It is not a violation of this paragraph if the boat is designed for the operator or a passenger, or both, to stand while underway at that speed.

(3) Operate or stop a boat in a marked marine event area in violation of the conditions of the event.

(4) Operate or stop a boat in a manner that interferes with the conduct of a permitted marine event.

(5) Cause a boat to become airborne or completely leave the water while crossing the wake of another boat when within 100 feet of the boat creating the wake.

(6) Weave through congested traffic.

(7) Follow too close to another boat, including personal watercraft. For the purposes of this paragraph, following too close shall be construed as operating in excess of slow, no wake speed within 100 feet to the rear or 50 feet to the side of another boat that is underway, unless the boats are operating in a narrow channel, in which case the boats may operate at the speed and flow of other boat traffic.

(8) Operate within 100 feet of a water-skier being towed by another boat.

(9) Operate a pontoon boat while a person is riding outside the passenger carrying area. For the purposes of this paragraph, the passenger carrying area is defined by continuous railings or enclosed spaces intended for persons to use while the pontoon boat is underway. This prohibition does not apply when the operator of the boat is docking, mooring, anchoring or rafting the pontoon boat.

(10) Operate a motorboat at any speed with a person or persons sitting, riding or hanging on a swim platform or swim ladder attached to the motorboat, except when launching, retrieving, docking or anchoring the motorboat.

(11) Operate a motorboat at any speed when towing a person on waterskis or other devices using a tow rope of 20 feet or less as measured from the transom of the boat. This prohibition does not apply to wake surfing as defined in § 109.4 (relating to waterskiing, aquaplaning, kiteskiing and similar activities).

(12) Operate a motorboat propelled by an outboard motor, inboard/outboard motor or water jet while a person is wake surfing in or on the wake of the motorboat, unless the propulsion system is specifically designed by the manufacturer for that activity.

#### Authority

The provisions of this § 105.3 amended under the Fish and Boat Code, 30 Pa.C.S. § 5123.

#### Source

The provisions of this § 105.3 amended June 22, 1990, effective June 23, 1990, 20 Pa.B. 3502; amended June 3, 1994, effective June 4, 1994, 24 Pa.B. 2795; amended August 8, 1997, effective August 9, 1997, 27 Pa.B. 3999; amended June 15, 2001, effective January 1, 2002, 31 Pa.B. 3208; amended August 13, 2004, effective August 14, 2004, 34 Pa.B. 4444; amended November 24, 2004, effective January 1, 2005, 34 Pa.B. 6332; amended October 2, 2009, effective October 3, 2009, 39 Pa.B. 5730; amended December 21, 2012, effective January 1, 2013, 42 Pa.B. 7688; amended December 6, 2013, effective January 1, 2014, 43 Pa.B. 7083; amended December 8, 2017, effective December 9, 2017, 47 Pa.B. 7467. Immediately preceding text appears at serial pages (369400) and (380137).

### § 105.4. Overloading and improper loading.

(a) A person may not operate a boat when the boat is loaded with passengers or cargo beyond its safe carrying capacity as determined by one of the following:

- (1) The boat's maximum weight capacity.
- (2) The boat's maximum persons capacity.
- (3) The boat's maximum horsepower.

(4) Capacity limits as identified on the boat's capacity label or through calculations provided by the United States Coast Guard through the Commission.

(b) A person may not operate a boat loaded in a manner that adversely affects its trim or stability, taking into consideration weather and other existing operating conditions.

#### Authority

The provisions of this § 105.4 amended under the Fish and Boat Code, 30 Pa.C.S. § 5123.

#### Source

The provisions of this § 105.4 amended June 3, 1994, effective June 4, 1994, 24 Pa.B. 2795; amended March 25, 2016, effective March 26, 2016, 46 Pa.B. 1549. Immediately preceding text appears at serial page (369401).

**§ 105.5. [Reserved].****Source**

The provisions of this § 105.5 amended January 6, 1984, effective January 7, 1984, 14 Pa.B. 58; reserved June 3, 1994, effective June 4, 1994, 24 Pa.B. 2795. Immediately preceding text appears at serial page (147917).

**§§ 105.6—105.8. [Reserved].****Source**

The provisions of these §§ 105.6—105.8 reserved June 3, 1994, effective June 4, 1994, 24 Pa.B. 2795. Immediately preceding text appears at serial page (147918).

**§ 105.9. [Reserved].****Source**

The provisions of this § 105.9 adopted June 22, 1990, effective June 23, 1990, 20 Pa.B. 3502; reserved June 3, 1994, effective June 4, 1994, 24 Pa.B. 2795. Immediately preceding text appears at serial page (147918).

**§ 105.10. [Reserved].****Source**

The provisions of this § 105.10 adopted June 22, 1990, effective June 23, 1990, 20 Pa.B. 3502; reserved June 3, 1994, effective June 4, 1994, 24 Pa.B. 2795. Immediately preceding text appears at serial page (147918).

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