

PROPOSED RULEMAKING

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 107]

Boating; Boating Restrictions

[55 Pa.B. 3883]

[Saturday, June 7, 2025]

The Fish and Boat Commission (commission) proposes to amend Chapter 107 (relating to boating restrictions). The commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The proposed amendments relate to restrictions for boats with electric motors.

A. Effective Date

This proposed rulemaking, if approved on final-form rulemaking, will go into effect upon publication in the *Pennsylvania Bulletin*.

B. Contact Person

For further information on this proposed rulemaking, contact Christopher M. Andreoli, Esq., Acting Chief Counsel, P.O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This proposed rulemaking is available on the commission's website at <https://www.pa.gov/en/agencies/fishandboat.html>.

C. Statutory Authority

The amendments to § 107.2 (relating to electric motors) are proposed under the statutory authority of section 5124(a) of the code (relating to particular areas of water).

D. Purpose and Background

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

E. Summary of Proposal

Currently, under § 107.2, boats with electric motors in compliance with horsepower limitations or equivalent kilowatt ratings as set forth in Chapter 111 (relating to special regulations counties) shall not operate at greater than slow, no-wake speed on commission and Department of Conservation and Natural Resources (DCNR) owned or controlled waterways.

The proposed changes to § 107.2(1) simplify and clarify that boats are only limited to slow, no-wake speed on commission and DCNR owned or controlled waterways that are restricted to electric motors. The proposed integration of § 107.2(1.1) and (2) provides a more complete description of restrictions for electric motor only locations.

Additionally, commission staff propose to delete § 107.2(3). At its January 5, 1981, May 30, 1981, and October 3, 1983, meetings, the commission acted under section 903 of the code (relating to delegation of enforcement powers) to approve the designation of State Park Officers, Forest Rangers and other law enforcement officers to enforce the code and regulations promulgated thereunder.

The commission proposes that § 107.2 be amended to read as set forth in Annex A.

F. *Paperwork*

This proposed rulemaking will not increase paperwork and will not create new paperwork requirements.

G. *Fiscal Impact*

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

H. *Public Comments*

Interested persons are invited to submit written comments, objections or suggestions about this proposed rulemaking 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*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically to RA-pfbcregulations@pa.gov. Electronic comments submitted in any other manner will not be accepted.

TIMOTHY D. SCHAEFFER,
Executive Director

Fiscal Note: 48A-364. No fiscal impact; recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart C. BOATING

CHAPTER 107. BOATING RESTRICTIONS

§ 107.2. Electric motors.

Except as otherwise specified in Chapter 111 (relating to special regulations counties) **on waterways owned or controlled by the commission or Department of Conservation and Natural Resources:**

(1) Electric motors are permitted **[on Commission owned or controlled lakes and on State park lakes]** where boating is permitted. On waters where horsepower limitations are prescribed in Chapter 111, electric motors in excess of maximum horsepower limitations or equivalent kilowatt ratings shall not be used.

(1.1) Boats propelled by electric motors **[on Commission owned or controlled lakes, State park lakes and water bodies in Chapter 111] where boating is permitted and internal combustion engines are prohibited** shall not be operated at greater than slow, no-wake speed.

(2) **[On Commission and State park owned or controlled lakes, internal combustion motors] Internal combustion engines** attached to or installed in boats need not be removed, but the operation of engines is specifically prohibited.

(3) **[Officers authorized to enforce the code and this part and, in the case of State park lakes, officers and officials of the Bureau of State Parks and operators of emergency vessels may operate boats powered by internal combustion motors in the performance of their official duties on waters otherwise restricted to electric motors only] {Reserved}.**

[Pa.B. Doc. No. 25-745. Filed for public inspection June 6, 2025, 9:00 a.m.]

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