

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA FISH AND BOAT COMMISSION

MINUTES FOR
THE BOATING ADVISORY BOARD MEETING

Monday, December 5, 2022

9:00 a.m.

Harrisburg, Pennsylvania

Members

Chair Loren Lustig

Rocco Ali

Scott Ballantyne

Steven Ketterer

Elizabeth Winand

Members Ex Officio

Timothy D. Schaeffer, Executive Director

Laurel L. Anders, Director of Boating

Ryan Dysinger for Cindy Adams Dunn, Secretary for the
Department of Conservation and Natural Resources

TABLE OF CONTENTS

I.	Roll Call	1
II.	Introduction of Guests	1
III.	Public Comment	1
IV.	New Business	1
	A. Amendments to 58 Pa. Code § 93.1 (Registration) and § 93.5 (Display of registration number and validation decal)	1
	B. Amendment to 58 Pa. Code § 93.3 (Application for boat registration)	2
V.	Adjourn	3

I. Roll Call

The meeting was called to order by Chair Loren Lustig at 9:02 a.m. The meeting consisted of in-person participation in the Commission's Harrisburg Headquarters as well as virtual participation via a webinar link. Board members who attended in person include Steven Ketterer, Executive Director Timothy Schaeffer, and Director of Boating Laurel Anders. Members who participated virtually include Chair Loren Lustig, Scott Ballantyne, Elizabeth Winand, and Ryan Dysinger. A quorum was present.

In addition to the members of the Board, the following staff were present in person: Brian Barner, Deputy Executive Director; Bernard Matscavage, Director, Bureau of Administration; Kathryn Brashear, Assistant Director, Bureau of Administration; John Shero, Chief Information Officer, Bureau of Information Technology; Vienna Vasquez, Assistant Counsel; Chad Whitaker, Administrative Officer; Mark McLaughlin, Chief, Waterways and Marina Management; and Ryan Walt, Boating and Watercraft Safety Manager. Commissioners William Gibney, John Mahn, and Richard Lewis participated virtually.

II. Introduction of Guests

Rick Taylor, U.S. Coast Guard (USCG) Auxiliary State Liaison Officer attended the meeting in-person.

III. Public Comment

There was no public comment.

IV. New Business

A. Amendments to 58 Pa. Code § 93.1 (Registration) and § 93.5 (Display of registration number and validation decal).

Commentary:

Act 28 of 2022, signed into law on June 27, 2022, amended Title 30 (Fish) of the Pennsylvania Consolidated Statutes, § 5308 relating to registration and titling of boats. The Act establishes a calendar-year boat registration cycle that is valid from January 1 through December 31.

Act 28 requires the Pennsylvania Fish and Boat Commission (Commission) to promulgate final regulations to implement the amendment and publish them in the Pennsylvania Bulletin within 18 months of the effective date of the Act. Commission staff have identified two relevant sections of Title 58 Pa. Code that require amendments to be consistent with the Act.

Staff propose the following changes to § 93.1 and § 93.5:

§ 93.1. Registration.

(a) With the exception of a “Manufacturer/Dealer/Jobber” registration certificate, which is valid for 1 year, and a “State Owned” registration certificate, which is valid until the removal of the property from inventory, all other boat registration certificates issued under this chapter are valid for a period not exceeding 2 years. The Commission will not issue 1-year registration certificates except to “Manufacturer/Dealer/Jobbers.” The registration period expires on [March] December 31 of the second year following issuance.

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§ 93.5. Display of registration number and validation decal.

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(b) A set of two color-coded validation decals will be issued for display with each registration number. The decal shall be displayed within 6 inches of the registration number and on a level with the number. The decals shall be approximately 3 inches by 3 inches and color-coded to indicate the registration period. Registration numbers and validation decals shall be displayed in the following manner: PA 12 AM or PA 12 AM. A validation decal may be displayed prior to [April] January 1 of the period for which it is issued.

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Briefer:

Laurel L. Anders, Director, Bureau of Boating

Action:

A motion was made by Scott Ballantyne and seconded by Rocco Ali to recommend this amendment to the Commission. The motion carried.

B. Amendments to 58 Pa. Code § 93.3 (Application for boat registration).

Commentary:

Pennsylvania Fish and Boat Commission (Commission) 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.

Staff propose the following change to § 93.3:

§ 93.3. Application for boat registration.

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(c) *Previously registered boats.* Application for a certificate of registration for a boat previously registered in this Commonwealth shall conform with the following:

- (1) Form REV-336 shall be completed by the purchaser and seller and signed by the last registered owner.
- (2) A bill of sale **or certificate of registration**, signed by the last registered owner, may be substituted for the required signature on REV-336.
- (3) If the registered owner of a boat to be transferred is deceased, the personal representative (executor/administrator) of the decedent shall sign Form REV-336 for the deceased owner. The personal representative shall indicate his capacity with his signature and shall provide documentation—an original death certificate and letters testamentary, letters of administration, original short certificate, court order filed under small estates procedures or Form PFBC-R1—certifying his capacity to act on behalf of the decedent's estate. An original death certificate is not required if Form PFBC-R1 is signed by the attending physician or funeral director. If the boat registration is to be transferred from joint ownership, when one of the joint owners is deceased, the other joint owner shall present the original death certificate to effect the transfer.
- (4) When an applicant seeks to register a boat having an expired registration and the last registered owner has not signed the REV-336 or bill of sale because the applicant is not the seller of the boat, the Commission will, prior to processing the application for registration, notify the last registered owner at his last known address that the applicant is seeking to register the boat. If the last registered owner claims an ownership interest in the boat and objects to the transfer of the registration to the applicant, the Commission will defer further processing until the parties resolve the ownership issues through established civil processes. If the last registered owner does not object to the transfer or fails to respond to the notice after 30 days, the Commission may process the request for registration if it is otherwise satisfied that the applicant is the true and lawful owner of the boat and entitled to registration.

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Briefer:

Laurel L. Anders, Director, Bureau of Boating

Action:

A motion was made by Rocco Ali and seconded by Scott Ballantyne to recommend this amendment to the Commission. The motion carried.

V. Adjourn

A motion to adjourn was made by Scott Ballantyne and seconded by Steve Ketterer. The motion carried and the meeting was adjourned at 9:19 a.m.