

Overview of Proposed Changes to Boat Rental Business Regulations in [58 Pa. Code § 117](#)

(Bold and underlined text = addition; Bold and bracket text = deletion)

SECTION	REGULATION WITH PROPOSED CHANGES	RATIONALE
117.1. Definitions	<p>The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:</p> <p><i>Boat livery</i>—A commercial enterprise (person, partnership, <u>or</u> corporation or other legal entity) that rents or leases rental boats to other persons for use on the waters of this Commonwealth.</p> <p><i>Boat rental business</i>—A boat livery.</p> <p><i>Boat rental transaction</i>—The exchange of consideration in the form of money, goods or services for the use of a rental boat for a period of time.</p> <p><i>Livery operator</i>—The owner or lessee of a boat livery and <b>[employees] employees</b> and other persons authorized to act on behalf of the boat livery.</p> <p><i>Rental boat</i>—A vessel propelled by oars, paddles, sail or power, rented or leased in this Commonwealth.</p> <ul style="list-style-type: none"> <li>(i) The term includes canoes, kayaks, <b>paddleboards</b>, inflatable boats, rowboats, sailboats, personal watercraft, and other motorboats.</li> <li>(ii) The term does not include inner tubes or similar devices not considered to be boats under this title.</li> </ul>	Be more inclusive of all types of boats being rented, especially with the recent surge in paddleboarding.
117.2. Inspections	<p>(a) A livery operator shall inspect its rental boats on a regular basis and shall maintain its rental boats in good repair. It is unlawful for a livery operator to rent or use a rental boat that is not in good repair and serviceable condition.</p> <p>(b) A livery operator shall permit inspection of equipment, facilities and documentation required by this chapter by a waterways conservation officer or other officer authorized to enforce the code.</p> <p>(c) A livery operator shall correct deficiencies noted by a waterways conservation officer or other officer authorized to enforce the code within 2 weeks of notification. If the deficiency involves equipment, the livery may not use the equipment until the deficiency is corrected.</p>	(No changes)
117.3. Responsibilities	<p><b><u>(a) A livery operator shall provide their business information, including business name, address, and types of boats rented, on a form provided by the Commission. If a change in business name, address or contact information occurs, the livery must provide an update to the Commission within 15 days. Advertising by any means, including, but not limited to,</u></b></p>	Connects more potential customers with rental businesses and helps PFBC communicate more effectively with rental businesses.

**websites, business cards, brochures, newspapers, periodicals or billboards, that a person provides boat rentals shall be prima facie evidence of a boat livery operation.**

**(b) Any livery operator or employee who conducts the required safety orientation for motorboat rentals must possess a boating safety education certificate issued by the Commission or other valid documentation specified by this title and produce it upon the request of a waterways conservation officer.**

**[(a)](c) It is unlawful for a livery operator to permit a rental boat to depart from the boat rental business without the equipment required by this title for the type of boat being rented and boat registration or use permit affixed to the boat as required by this title for the access area(s) or waterway where the boat will be operated during the rental period.**

**[(b)](d) A livery operator shall [offer] provide to all persons [renting] operating rental boats an orientation/introduction to boating safety and conditions, including a review of the laws and regulations applicable to the type of boat being rented and the waters on which the boat will be used. The Executive Director will provide guidance [i]on the [preparation]content and documentation of this orientation. [Persons who produce a Boating Safety Education Certificate issued or approved by the Commission under § 91.6 (relating to certificates) are exempt from review.]**

**[(c)](e) Boat rental transactions shall be made using a written agreement, specifying the name and address of the boat rental business and lessee, the names of all individuals completing the required orientation/introduction to boating safety, and [date of departure]the rental period. The lessee shall provide a copy of the boat rental agreement to an officer upon request.**

**[(d)](f) Livery boats shall be clearly marked on both sides for easy identification of the business. Each boat shall be marked with letters, numbers or decals at least 3 inches tall.**

**[(e)](g) A livery operator shall only rent boats that meet or exceed minimum United States Coast Guard requirements for boats of that type. Rental boats shall be of a design and material suitable for their intended use.**

**[(f)](h) A livery operator shall notify the Commission of [submit a boating accident report for] all reportable accidents involving one or more of the rental boats in accordance with Chapter 101 (relating to boating accidents). This requirement is in addition to the requirement that the operator of the boat file a boating accident report in accordance with Chapter 101.**

Enhances safety of motorboat renters and reduces liability for liveries.

Enhances renters' experience by ensuring unpowered rental boats meet legal requirements of specific access areas/waterways.

Clarifies that the safety orientation and overview of boat operations and waterway conditions is required, not optional. Ensures all renters, regardless of knowledge or experience, receive a safety orientation and overview of local conditions/hazards. (See revised safety orientation guidelines.)

Provides Waterway Conservation Officers with important rental details if an incident arises.

Assists with timely investigation and follow up. Accident data contributes to boating safety enhancements.

	<p><b>[(g)](i)</b> It is unlawful for a livery operator to rent or use a boat in excess of its capacity as set forth by the manufacturer for the total number of passengers, total weight or maximum horsepower.</p>	
<p>117.4. Motorboat liveries</p>	<p>(a) <b>[In addition to the requirements of § 117.3 (relating to responsibilities), a livery operator that rents boats equipped with motors greater than 25 horsepower and personal watercraft shall verify that operators of these boats either possess a permanent Boating Safety Education Certificate or have obtained a temporary Boating Safety Certificate from the livery. The Executive Director may authorize boat liveries to issue temporary Boating Safety Education Certificates, effective for the period of rental only, to operators of these boats if the boat livery and the operator comply with the requirements governing the rental of boats and the operation of boat liveries as defined in this chapter. The Executive Director will establish rules and guidelines for the issuance of temporary certificates.]</b>  <u>Persons born on or after January 1, 1982, who rent a boat powered by greater than 25 horsepower or any personal watercraft are exempt from possessing a Boating Safety Education Certificate when the livery operator verifies the renter has completed the required orientation/introduction to boating safety and conditions in accordance with the Executive Director’s guidance established by 117.3(d).</u></p> <p>(b) A personal watercraft livery shall take measures to oversee the operation of rented personal watercraft <b>[by persons who possess only a temporary Boating Safety Education Certificate]</b>. These measures shall include one of the following:</p> <ol style="list-style-type: none"> <li>(1) The designation of a specified <b>[, marked]</b> area of operation for rented personal watercraft <u>as delineated on a map carried onboard the boat.</u></li> <li>(2) The provision of qualified observers employed by the livery to directly observe the operation of rented personal watercraft <u>and provide immediate assistance in case of an incident or breach of terms of the rental agreement.</u> No more than seven personal watercraft may be under the observation of a single observer at any one time. Qualified observers shall be at least 16 years of age, have at least 10 hours of experience operating personal watercraft and have successfully completed the requirements for a permanent Boating Safety Education Certificate. The permanent Boating Safety Education Certificate shall be in the observer’s possession when performing duties under this paragraph.</li> </ol> <p>(c) A personal watercraft livery may not lease, hire or rent a personal watercraft to or for use by a person who is 15 years of age or younger.</p>	<p>Streamlines the rental process while still providing the renter with important safety information and a specific overview of the type of boat being rented. Allows renters to “try out” a boating experience for which they may otherwise be required to possess a boating safety education certificate. Re-aligns Commission regulations with national standards for the issuance of temporary boating safety education certificates, which require completion of official boating safety education certification courses.</p> <p>Helps renters know the area of operation in relation to other waterway features, allows for a variety of methods of delineation, and aids in investigation if an incident occurs. Ensures safety of the renter, provides timely assistance, when needed, and reduces conflicts with other waterway users.</p>