

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 103 Session of 2025

INTRODUCED BY KULIK, SANCHEZ, GREINER, MENTZER, NEILSON, GIRAL, KUZMA, HILL-EVANS, HADDOCK, HOHENSTEIN, HARKINS, DELLOSO AND GALLAGHER, JANUARY 14, 2025

AS REPORTED FROM COMMITTEE ON GAME AND FISHERIES, HOUSE OF REPRESENTATIVES, AS AMENDED, MARCH 24, 2025

AN ACT

1 Amending Title 30 (Fish) of the Pennsylvania Consolidated
2 Statutes, providing for at-risk, derelict and abandoned
3 boats; and imposing penalties.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Title 30 of the Pennsylvania Consolidated
7 Statutes is amended by adding a chapter to read:

CHAPTER 57

AT-RISK, DERELICT AND ABANDONED BOATS

10 Sec.

11 5701. Scope of chapter.

12 5702. Definitions.

13 5703. Abandoned boats.

14 5704. Investigations, notice and related actions.

15 5705. Forms.

16 5706. Nuisances.

17 5707. Rules and regulations.

1 § 5701. Scope of chapter.

2 This chapter relates to at-risk boats, derelict boats and
3 abandoned boats.

4 § 5702. Definitions.

5 The following words and phrases when used in this chapter
6 shall have the meanings given to them in this section unless the
7 context clearly indicates otherwise:

8 "Abandoned boat." A boat that is presumed to be abandoned
9 under section 5703 (relating to abandoned boats).

10 "At-risk boat." As follows:

11 (1) A boat that is at risk of becoming a derelict boat.

12 (2) The term may involve any of the following
13 circumstances:

14 (i) The boat is taking on or has taken on water
15 without an effective means to dewater.

16 (ii) Spaces on the boat that are designed to be
17 enclosed are incapable of being sealed off or remain open
18 to the elements for extended periods of time.

19 (iii) The boat has broken loose or is in danger of
20 breaking loose from its anchor.

21 (iv) The boat does not have an effective means of
22 propulsion for safe navigation.

23 "Derelict boat." A boat that is on the waters of this
24 Commonwealth or other public property and may involve any of the
25 following circumstances:

26 (1) The boat is sunk or partially sunk.

27 (2) The boat is aground without the ability to extricate
28 itself absent mechanical assistance.

29 (3) The boat remains on waters of this Commonwealth or
30 other public property after a boating accident, fire or

1 weather event.

2 (4) The boat is in a neglected or deteriorating
3 condition such that the boat's hull, steering or propulsion
4 systems are compromised due to missing, incomplete, damaged,
5 broken or inoperable components.

6 "Law enforcement agency." An agency that employs a law
7 enforcement officer.

8 "Law enforcement officer." As follows:

9 (1) An individual who, by virtue of the individual's
10 office or public employment, is vested by law with a duty to
11 maintain public order or make arrests for offenses, whether
12 that duty extends to all offenses or is limited to specific
13 offenses.

14 (2) The term includes an individual who is employed or
15 elected by the Commonwealth or a municipality and whose duty
16 it is to preserve the peace, make arrests or enforce the laws
17 of this Commonwealth.

18 "Municipality." A county, city, borough, incorporated town
19 or township of this Commonwealth.

20 § 5703. Abandoned boats.

21 (a) Presumption.--Subject to subsection (b), a boat is
22 presumed to be abandoned under any of the following <--

23 circumstances: IF THE OWNER OF THE BOAT CANNOT BE CONTACTED AND <--
24 THE BOAT:

25 (1) ~~The boat~~ is physically inoperable and is left <--
26 unattended on waters of this Commonwealth or other public
27 property-; <--

28 (2) ~~The boat~~ has remained illegally on waters of this <--
29 Commonwealth or other public property-; <--

30 (3) ~~The boat~~ is left unattended on or along waters of <--

1 this Commonwealth or other public property and does not bear
2 a valid registration-; OR <--

3 (4) The boat has remained on the private property of a <--
4 salvor for 20 30 CALENDAR days. <--

5 (b) Rebutting presumption.--The presumption under subsection
6 (a) is rebuttable by a preponderance of the evidence.
7 § 5704. Investigations, notice and related actions.

8 (a) Authorization.--A municipality or law enforcement agency
9 may investigate at-risk boats, derelict boats and abandoned
10 boats within the jurisdiction of the municipality or law
11 enforcement agency, in collaboration with the commission.

12 (b) Notice to commission.--If an investigation under
13 subsection (a) uncovers an at-risk boat, derelict boat or
14 abandoned boat, the municipality or law enforcement agency
15 shall, within five SEVEN CALENDAR days of the discovery of the <--
16 at-risk boat, derelict boat or abandoned boat, notify the
17 commission in writing of the following: <--

18 (1) The name and contact information of the municipality
19 or law enforcement agency that made the discovery.

20 (2) The location of the at-risk boat, derelict boat or
21 abandoned boat.

22 (3) The condition of the at-risk boat, derelict boat or
23 abandoned boat.

24 (4) Identifying information regarding the at-risk boat,
25 derelict boat or abandoned boat, including registration,
26 license, capacity plate and name of the owner, if known.

27 (c) Notice to owner.--

28 (1) Following notification under subsection (b), the
29 municipality or law enforcement agency shall, in
30 collaboration with the commission, make reasonable efforts to

1 notify the owner by certified mail, return receipt requested,
2 IN PERSON OR BY VERIFIABLE ELECTRONIC MEANS, SUCH AS PUBLICLY <--
3 ACCESSIBLE DIGITAL MEDIA, of the at-risk boat, derelict boat
4 or abandoned boat.

5 (2) Notice under this subsection shall contain the
6 following:

7 (i) Identification of the at-risk boat, derelict
8 boat or abandoned boat that must be removed from its
9 current location, repaired, salvaged, securely stored or
10 junked.

11 (ii) The location and condition of the at-risk boat,
12 derelict boat or abandoned boat.

13 (iii) The name and contact information of the
14 municipality or law enforcement agency that is providing
15 the notice.

16 (iv) Contact information for the commission.

17 (v) A statement that if, within ~~10~~ 14 CALENDAR days <--
18 after receipt of the notice under this subsection, the
19 at-risk boat, derelict boat or abandoned boat is not
20 removed from its current location, repaired, salvaged,
21 securely stored or junked, or alternate arrangements are
22 not made with the municipality, law enforcement agency or
23 commission:

24 (A) The at-risk boat, derelict boat or abandoned
25 boat shall be removed and, as appropriate, stored or
26 junked at the expense of the owner of the at-risk
27 boat, derelict boat or abandoned boat.

28 (B) The owner of the at-risk boat, derelict boat
29 or abandoned boat shall be subject to a ~~fine~~ <--
30 RESTITUTION COSTS and any other penalty prescribed by <--

1 law.

2 (d) Public notice.--If notice under subsection (c) cannot be
3 accomplished, the municipality or law enforcement agency shall,
4 in collaboration with the commission, take steps to publish the
5 notice described in subsection (c) in a newspaper of general
6 circulation OR BY VERIFIABLE ELECTRONIC MEANS, SUCH AS PUBLICLY <--
7 ACCESSIBLE DIGITAL MEDIA, within the municipality or
8 jurisdiction of the law enforcement agency that provided the
9 notice under subsection (c), except that the statement under
10 subsection (c) (2) (v) shall refer to a time frame that is ~~10~~ 14 <--
11 CALENDAR days after publication of the notice under this
12 subsection.

13 (e) Actions by owner.--

14 (1) Within ~~10~~ 14 CALENDAR days of receipt of the notice <--
15 under subsection (c) or of publication of the notice under
16 subsection (d), the owner of the at-risk boat, derelict boat
17 or abandoned boat shall:

18 (i) remove, repair, salvage, securely store or junk
19 the at-risk boat, derelict boat or abandoned boat, as
20 appropriate; or

21 (ii) make alternate arrangements with the
22 municipality, law enforcement agency or commission, which
23 may include the relinquishment of the at-risk boat,
24 derelict boat or abandoned boat to the custody of the
25 municipality, law enforcement agency or commission.

26 (2) In the case of an at-risk boat, the owner of the at-
27 risk boat that is removed and stored after the time period
28 specified in the notice under subsection (c) or (d):

29 (i) May, subject to ~~State~~ EXISTING law, including a <--
30 rule or regulation established by the commission, claim

1 the at-risk boat upon paying the accrued costs of removal
2 and storage of the at-risk boat and any applicable fine
3 regarding the at risk boat. WITHIN 30 CALENDAR DAYS OF <--
4 THE ORIGINAL NOTICE UNDER SUBSECTION (B).

5 (ii) Commits a misdemeanor of the third degree IF <--
6 RECOVERY AND DISPOSAL COSTS EXCEED \$2,500 AND THE OWNER
7 WAS PROPERLY NOTIFIED OTHERWISE THAT THE PENALTY WOULD BE
8 A SUMMARY OFFENSE OF THE FIRST DEGREE and shall, upon
9 conviction, be sentenced to pay a fine of not more than <--
10 \$5,000. AND RESTITUTION COSTS OF THE RECOVERING ENTITY. <--

11 (3) In the case of a derelict boat or abandoned boat,
12 after the time period specified in the notice under
13 subsection (c) or (d):

14 (i) The owner of the derelict boat or abandoned boat
15 shall have no right to claim the derelict boat or
16 abandoned boat. AFTER 30 CALENDAR DAYS FOLLOWING THE <--
17 ORIGINAL NOTICE UNDER SUBSECTION (B).

18 (ii) The owner of the derelict boat or abandoned
19 boat shall be responsible for the expenses to remove or
20 junk the derelict boat or abandoned boat.

21 (iii) The owner of the derelict boat or abandoned
22 boat commits a misdemeanor of the third degree IF <--
23 RECOVERY AND DISPOSAL COSTS EXCEED \$2,500 AND THE OWNER
24 WAS PROPERLY NOTIFIED OTHERWISE THAT THE PENALTY WOULD BE
25 A SUMMARY OFFENSE OF THE FIRST DEGREE and shall, upon
26 conviction, be sentenced to pay a fine of not more than <--
27 \$5,000. AND RESTITUTION COSTS OF THE RECOVERING ENTITY. <--

28 (f) Recovery of costs.--A municipality, a law enforcement
29 agency or the commission may commence an action to recover the
30 costs incurred by the municipality, law enforcement agency or

1 commission regarding:

2 (1) the removal or storage of an at-risk boat; or

3 (2) the removal or junking of a derelict boat or

4 abandoned boat.

5 (G) LIABILITY.--A PERSON INVOLVED IN THE NOTIFICATION, <--

6 INVESTIGATION, RECOVERY OR STORAGE OF A BOAT UNDER THIS CHAPTER

7 SHALL NOT BE LIABLE FOR ANY CLAIM OF PROPERTY DAMAGE RELATED TO

8 THE BOAT.

9 § 5705. Forms.

10 (a) Development.--The commission shall develop forms to be

11 used by municipalities and law enforcement agencies to provide

12 notice in accordance with section 5704(b) and (c) (relating to

13 investigations, notice and related actions).

14 (b) Posting.--The forms described under subsection (a) shall

15 be posted on the publicly accessible Internet website of the

16 commission.

17 (c) Submittal.--A municipality or law enforcement agency may

18 submit the notice described under section 5704(b) to the

19 commission by electronic means or as otherwise provided by the

20 commission.

21 § 5706. Nuisances.

22 This chapter is not intended to alter or supersede any law or

23 ordinance regarding the investigation, removal, abatement or

24 prevention of nuisances under the jurisdiction of the State or a

25 municipality or any available enforcement mechanism, remedy or

26 penalty relating to nuisances under State law or municipal

27 ordinance.

28 § 5707. Rules and regulations.

29 The commission may adopt or promulgate rules or regulations

30 relating to at-risk boats, derelict boats or abandoned boats,

1 including the transfer of ownership of or interest in at-risk
2 boats, derelict boats or abandoned boats.

3 Section 2. This act shall take effect in 180 days.