
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2531 Session of
2024

INTRODUCED BY KULIK, MERSKI, HILL-EVANS, HADDOCK, SANCHEZ,
GALLAGHER, BOYD, HARKINS, DALEY AND KUZMA, AUGUST 12, 2024

REFERRED TO COMMITTEE ON GAME AND FISHERIES, AUGUST 12, 2024

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:

8 CHAPTER 57

9 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.

18 § 5701. Scope of chapter.

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

3 § 5702. Definitions.

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

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

9 "At-risk boat." As follows:

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

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

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

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

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

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

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

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

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

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

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

5 "Law enforcement agency." An employer of a law enforcement
6 officer.

7 "Law enforcement officer." As follows:

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

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

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

19 § 5703. Abandoned boats.

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

23 (1) The boat is physically inoperable and is left
24 unattended on waters of this Commonwealth or other public
25 property.

26 (2) The boat has remained illegally on waters of this
27 Commonwealth or other public property.

28 (3) The boat is left unattended on or along waters of
29 this Commonwealth or other public property and does not bear
30 a valid registration.

1 (4) The boat has remained on the private property of a
2 salvor for 20 days.

3 (b) Rebutting presumption.--The presumption under subsection
4 (a) is rebuttable by a preponderance of the evidence.

5 § 5704. Investigations, notice and related actions.

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

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

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

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

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

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

25 (c) Notice to owner.--

26 (1) Following notification under subsection (b), the
27 municipality or law enforcement agency shall, in
28 collaboration with the commission, make reasonable efforts to
29 notify the owner by certified mail, return receipt requested,
30 of the at-risk boat, derelict boat or abandoned boat.

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

3 (i) Identification of the at-risk boat, derelict
4 boat or abandoned boat that must be removed from its
5 current location, repaired, salvaged, securely stored or
6 junked.

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

9 (iii) The name and contact information of the
10 municipality or law enforcement agency that is providing
11 the notice.

12 (iv) Contact information for the commission.

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

19 (A) The at-risk boat, derelict boat or abandoned
20 boat shall be removed and, as appropriate, stored or
21 junked at the expense of the owner of the at-risk
22 boat, derelict boat or abandoned boat.

23 (B) The owner of the at-risk boat, derelict boat
24 or abandoned boat shall be subject to a fine and any
25 other penalty prescribed by law.

26 (d) Public notice.--If notice under subsection (c) cannot be
27 accomplished, the municipality or law enforcement agency shall,
28 in collaboration with the commission, take steps to publish the
29 notice described in subsection (c) in a newspaper of general
30 circulation within the municipality or jurisdiction of the law

1 enforcement agency that provided the notice under subsection
2 (c), except that the statement under subsection (c) (2) (v) shall
3 refer to a time frame that is 10 days after publication of the
4 notice under this subsection.

5 (e) Actions by owner.--

6 (1) Within 10 days of receipt of the notice under
7 subsection (c) or of publication of the notice under
8 subsection (d), the owner of the at-risk boat, derelict boat
9 or abandoned boat shall:

10 (i) remove, repair, salvage, securely store or junk
11 the at-risk boat, derelict boat or abandoned boat, as
12 appropriate; or

13 (ii) make alternate arrangements with the
14 municipality, law enforcement agency or commission, which
15 may include the relinquishment of the at-risk boat,
16 derelict boat or abandoned boat to the custody of the
17 municipality, law enforcement agency or commission.

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

21 (i) May, subject to State law, including any rule or
22 regulation established by the commission, claim the at-
23 risk boat upon paying the accrued costs of removal and
24 storage of the at-risk boat and any applicable fine
25 regarding the at-risk boat.

26 (ii) Commits a misdemeanor of the third degree and
27 shall, upon conviction, be sentenced to pay a fine of not
28 more than \$5,000.

29 (3) In the case of a derelict boat or abandoned boat,
30 after the time period specified in the notice under

1 subsection (c) or (d):

2 (i) The owner of the derelict boat or abandoned boat
3 shall have no right to claim the derelict boat or
4 abandoned boat.

5 (ii) The derelict boat or abandoned boat shall be
6 removed and junked, as appropriate, at the expense of the
7 owner of the derelict boat or abandoned boat.

8 (iii) The owner of the derelict boat or abandoned
9 boat commits a misdemeanor of the third degree and shall,
10 upon conviction, be sentenced to pay a fine of not more
11 than \$5,000.

12 (f) Recovery of costs.--A municipality, a law enforcement
13 agency or the commission may commence an action to recover the
14 costs incurred by the municipality, law enforcement agency or
15 commission regarding:

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

17 (2) the removal or junking of a derelict boat or
18 abandoned boat.

19 § 5705. Forms.

20 (a) Development.--The commission shall develop forms to be
21 used by municipalities and law enforcement agencies to provide
22 notice in accordance with section 5704(b) and (c) (relating to
23 investigations, notice and related actions).

24 (b) Posting.--The forms described under subsection (a) shall
25 be posted on the publicly accessible Internet website of the
26 commission.

27 (c) Submittal.--A municipality or law enforcement agency may
28 submit the notice described under section 5704(b) to the
29 commission by electronic means or as otherwise provided by the
30 commission.

1 § 5706. Nuisances.

2 This chapter is not intended to alter or supersede any law or
3 ordinance regarding the investigation, removal, abatement or
4 prevention of nuisances under the jurisdiction of the State or a
5 municipality or any available enforcement mechanism, remedy or
6 penalty relating to nuisances under State law or municipal
7 ordinance.

8 § 5707. Rules and regulations.

9 The commission may adopt or promulgate rules or regulations
10 relating to at-risk boats, derelict boats or abandoned boats,
11 including the transfer of ownership of or interest in at-risk
12 boats, derelict boats or abandoned boats.

13 Section 2. This act shall take effect in 60 days.