

WEST VIRGINIA LEGISLATURE  
REGULAR SESSION, 1974



ENROLLED

HOUSE BILL No. 1029

(By Mr. Seibert)



PASSED February 23 1974

In Effect Ninety Days From Passage



C 641

1029

FILED IN THE OFFICE  
RICHARD F. WENDELL III  
SECRETARY OF STATE  
THIS DATE 3-4-74

**ENROLLED**

**H. B. 1029**

(By MR. SEIBERT)

[Passed February 23, 1974; in effect ninety days from passage.]

AN ACT to amend and reenact sections eleven, twelve and fourteen, article seven, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to motorboats, their registration and identification numbers; fees; reciprocity; state boating program and renewals.

*Be it enacted by the Legislature of West Virginia:*

That sections eleven, twelve and fourteen, article seven, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

**ARTICLE 7. LAW ENFORCEMENT, PROCEDURES AND PENALTIES; MOTORBOATING.**

**PART II. MOTORBOATING.**

**§20-7-11. Motorboats and other terms defined.**

1 As used in this section and subsequent sections of this  
2 article, unless the context clearly requires a different mean-  
3 ing:

4 (1) "Vessel" means every description of watercraft, other  
5 than a seaplane on the water, used or capable of being used  
6 as a means of transportation on water;

7 (2) "Motorboat" means any vessel propelled by machinery,  
8 whether or not such machinery is the principal source of

9 propulsion, but shall not include a vessel which has a valid  
10 marine document issued by the bureau of customs of the  
11 United States government or any federal agency successor  
12 thereto, nor to a vessel powered by a motor of less than  
13 three horsepower; and

14 (3) "Owner" means a person, other than a lienholder,  
15 having the property in or title to a motorboat. The term  
16 includes a person entitled to the use or possession of a  
17 motorboat subject to an interest in another person, reserved  
18 or created by agreement and securing payment or perform-  
19 ance of an obligation, but the term excludes a lessee under  
20 a lease not intended as security.

**§20-7-12. Motorboat identification numbers required; application  
for numbers; fee; displaying; reciprocity; change of  
ownership; conformity with United States regulations;  
issuing agents; records; renewal of certificate; trans-  
fer of interest, abandonment, etc.; change of address;  
unauthorized numbers; information to be furnished  
assessors.**

1 Every motorboat, as herein defined, operating upon public  
2 waters within the territorial limits of this state, shall be num-  
3 bered as herein provided:

4 (a) The owner of each motorboat requiring numbering by  
5 this state shall file an application for a number with the  
6 director on forms approved by him. The application shall  
7 be signed by the owner of the motorboat and shall be ac-  
8 companied by a fee of five dollars if powered by a motor of  
9 three or more horsepower. All such fees shall be deposited in  
10 the state treasury and shall be credited to the department of  
11 natural resources and shall be used and paid out, upon order  
12 of the director, solely for the state boating program. Upon  
13 receipt of the application in approved form, the director  
14 shall enter the same upon the records of his office and issue  
15 to the applicant a number awarded to the motorboat and the  
16 name and address of the owner. The owner shall paint on or  
17 attach to each side of the bow of the motorboat the identifica-  
18 tion number in such manner as may be prescribed by rules and  
19 regulations of the director in order that it may be clearly .

20 visible. The number shall be maintained in legible condition.  
21 The certificate of number shall be pocket size and shall be  
22 available at all times for inspection on the motorboat for which  
23 issued, whenever such motorboat is in operation.

24 (b) The owner of any motorboat already covered by a  
25 number in full force and effect which has been awarded  
26 to it pursuant to then operative federal law or a federally  
27 approved numbering system of another state shall record the  
28 number prior to operating the motorboat on the waters of this  
29 state in excess of the sixty-day reciprocity period provided  
30 for in section fourteen of this article. Such recordation shall  
31 be in the manner and pursuant to procedure required for  
32 the award of a number under subdivision (a) of this section,  
33 except that no additional or substitute number shall be issued.

34 (c) Should the ownership of a motorboat change, a new  
35 application form with fee shall be filed with the director and  
36 a new certificate of number shall be awarded in the same  
37 manner as provided for in an original award of number.

38 (d) In the event that an agency of the United States  
39 government shall have in force an overall system of  
40 identification numbering for motorboats within the United  
41 States, the numbering system employed pursuant to this  
42 article by the commission shall be in conformity there-  
43 with.

44 (e) The director may designate as issuing agent the clerk  
45 of any county court and such other persons in each county  
46 as he deems advantageous to provide for the issuance of  
47 certificates of number in accordance with the provisions of  
48 this article. For services rendered in issuing such certificates,  
49 and collecting and paying over such numbering fees, each  
50 issuing agent, other than a state or county official, shall charge  
51 and retain an additional fee of twenty-five cents from the  
52 person obtaining the certificate of number. Every such issuing  
53 agent, unless already under bond with the director as an  
54 agent for the collection of its moneys, shall file a bond with  
55 the director, payable to the state of West Virginia, in an  
56 amount to be fixed by the director at not more than one  
57 thousand dollars, before the supply of certificates of number  
58 is delivered to him, conditioned upon the faithful performance

59 of his obligation to issue certificates only in conformance with  
60 the provisions of this article and the regulations of the director.  
61 Each issuing agent, on the first day of each month, shall  
62 remit to the director all moneys collected for the director  
63 during the preceding month, and shall accompany his remit-  
64 tance with a report showing the name of the county, the  
65 names and addresses of the persons paying the same, and the  
66 date of receipt thereof.

67 (f) All records of the director made or kept pursuant to  
68 this section shall be public records.

69 (g) Such license shall be valid only until the last day of the  
70 fiscal year, in which the same is issued. If at the end of such  
71 year ownership has remained unchanged, such owner shall,  
72 upon application and payment of a fee of five dollars, be  
73 granted a renewal of such certificate of number for an addi-  
74 tional one-year period.

75 (h) The owner shall furnish the director notice of the  
76 transfer of all or any part of his interest, other than the  
77 creation of a security interest, in a motorboat numbered in  
78 this state pursuant to subdivisions (a) and (b) of this section,  
79 or of the destruction or abandonment of such motorboat, within  
80 fifteen days thereof. Such transfer, destruction or abandon-  
81 ment shall terminate the certificate of number for such motor-  
82 boat, except that in the case of a transfer of a part interest  
83 which does not affect the owner's right to operate such motor-  
84 boat, such transfer shall not terminate the certificate of  
85 number.

86 (i) Any holder of a certificate of number shall notify the  
87 director within fifteen days if his address no longer conforms  
88 to the address appearing on the certificate and shall, as a part  
89 of such notification, furnish the director with his new address.  
90 The director may provide in his rules and regulations for the  
91 surrender of the certificate bearing the former address and its  
92 replacement with a certificate bearing the new address or for  
93 the alteration of an outstanding certificate to show the new  
94 address of the holder.

95 (j) No number other than the number awarded to a  
96 motorboat or granted reciprocity pursuant to this article shall

97 be painted, attached or otherwise displayed on either side of  
98 the bow of such motorboat.

99 (k) It shall be the duty of the director on or before August  
100 thirty-first of each year, commencing with the year one thou-  
101 sand nine hundred sixty-seven, to forward to the assessor of  
102 each county a list of the names and addresses of all persons,  
103 firms and corporations owning vessels and operating the same  
104 or other boats registered with the director under the provisions  
105 of this article. In furnishing this information to each county  
106 assessor, the director shall include in his report such informa-  
107 tion as is made available to him in the reports and registrations  
108 he receives as to make, model, value and cost price of such  
109 vessels and other equipment required to be registered for use  
110 by said owner or operator thereof under the provisions of this  
111 article: *Provided*, That the director need not furnish such  
112 information to the assessor if the cost price of such vessel does  
113 not exceed two hundred dollars or the cost of the motor does  
114 not exceed one hundred seventy-five dollars. In order to deal  
115 equitably with overlapping license periods, the director may  
116 issue a six months' license from the period January, one  
117 thousand nine hundred sixty-eight through June, one thousand  
118 nine hundred sixty-eight. This six months' license is to be  
119 issued to avoid the necessity of motorboat owners who have  
120 purchased their licenses from January thirtieth, one thousand  
121 nine hundred sixty-eight, losing a six months' period of license  
122 entitlement.

123 (1) No person shall operate an unlicensed motorboat upon  
124 any waters of this state without first acquiring such certificate  
125 of number or license as required by law.

**§20-7-14. Motorboats exempt from numbering.**

1 A motorboat shall not be required to be numbered under  
2 this article if it is: (1) Already covered by a number in full  
3 force and effect which has been awarded to it pursuant to  
4 federal law or a federally approved numbering system of  
5 another state: *Provided*, That such boat shall not have been  
6 within this state for a period in excess of sixty consecutive days.  
7 (2) A motorboat from a country other than the United States  
8 temporarily using the water of this state; (3) Motorboats used

9 exclusively for racing while participating in races, and the  
10 preparation therefore, which have been authorized pursuant  
11 to the provisions of section twenty of this article.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*H. Harold Dyer*

*Chairman Senate Committee*

*Arrence C. Christman*

*Chairman House Committee*

Originated in the House.

Takes effect ninety days from passage.

*Howard Robinson*

*Clerk of the Senate*

*C. A. Blankenship*

*Clerk of the House of Delegates*

*W. T. Brotherton Jr.*

*President of the Senate*

*Lewis T. McManus*

*Speaker House of Delegates*

The within *approved* this the *4th*  
day of *March*, 1974.

*Arthur A. Moore Jr.*

*Governor*



PRESENTED TO THE  
GOVERNOR

Date 2/28/74  
Time 1:43 p.m.