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OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1976



ENROLLED

HOUSE BILL No. 1518

(By Mr. Treets.....)



PASSED March 9,..... 1976

In Effect ninety days from..... Passage



FILED IN THE OFFICE OF
SECRETARY OF STATE OF
WEST VIRGINIA

THIS DATE 3/18/76

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H. B. 1518

(By MR. TEETS)

[Passed March 9, 1976; in effect ninety days from passage.]

AN ACT to amend and reenact sections eleven and twelve, article seven, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, all relating to motorboating; requiring licensing of motorboats propelled by motors of less than three horsepower; fee for agents issuing motorboat licenses; period licenses shall be valid; date of report to assessor of persons owning vessels; authorizing director to issue six months license; fee.

Be it enacted by the Legislature of West Virginia:

That sections eleven and twelve, 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 meaning:

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

6 (2) "Motorboat" means any vessel propelled by an electrical,
7 steam, gas, diesel or other fuel propelled or driven motor,

8 whether or not such motor is the principal source of propulsion,
9 but shall not include a vessel which has a valid marine docu-
10 ment issued by the bureau of customs of the United States
11 government or any federal agency successor thereto; and

12 (3) "Owner" means a person, other than a lienholder,
13 having the property in or title to a motorboat. The term
14 includes a person entitled to the use or possession of a
15 motorboat subject to an interest in another person, reserved
16 or created by agreement and securing payment or performance
17 of an obligation, but the term excludes a lessee under a lease
18 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; transfer
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
3 numbered 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 be
7 signed by the owner of the motorboat and shall be accom-
8 panied by a fee of five dollars if propelled by a motor
9 of three or more horsepower. There shall be no fee for
10 motorboats propelled by motors of less than three horse-
11 power. All such fees shall be deposited in the state treasury
12 and shall be credited to the department of natural resources
13 and shall be used and paid out, upon order of the director,
14 solely for the state boating program. Upon receipt of the
15 application in approved form, the director shall enter the
16 same upon the records of his office and issue to the applicant
17 a number awarded to the motorboat and the name and
18 address of the owner. The owner shall paint on or attach
19 to each side of the bow of the motorboat the identification
20 number in such manner as may be prescribed by rules and

21 regulations of the director in order that it may be clearly
22 visible. The number shall be maintained in legible condition.
23 The certificate of number shall be pocket size and shall be
24 available at all times for inspection on the motorboat for
25 which issued, whenever such motorboat is in operation.

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

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

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

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

59 is delivered to him, conditioned upon the faithful perform-
60 ance of his obligation to issue certificates only in conformance
61 with the provisions of this article and the regulation of the di-
62 rector. Each issuing agent, on the first day of each month, shall
63 remit to the director all moneys collected for the director dur-
64 ing the preceding month, and shall accompany his remittance
65 with a report showing the name of the county, the names and
66 addresses of the persons paying the same, and the date of re-
67 ceipt thereof.

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

70 (g) Such license shall be valid only until the last day of
71 December. If at the expiration of that date ownership has re-
72 mained unchanged, such owner shall, upon application and
73 payment of the proper annual fee, be granted a renewal of
74 such certificate of number for an additional one-year period.

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

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

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

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

98 (k) It shall be the duty of the director on or before Feb-
99 ruary twenty-eight of each year, commencing with the year
100 one thousand nine hundred seventy-seven, to forward to the
101 assessor of each county a list of the names and addresses
102 of all persons, firms and corporations owning vessels and
103 operating the same or other boats registered with the director
104 under the provisions of this article. In furnishing this in-
105 formation to each county assessor, the director shall include
106 in his report such information as is made available to him
107 in the reports and registrations he receives as to make,
108 model, value and cost price of such vessels and other equip-
109 ment required to be registered for use by said owner or
110 operator thereof under the provisions of this article: *Provided,*
111 That the director need not furnish such information to the
112 assessor if the cost price of such vessel does not exceed two
113 hundred dollars or the cost of the motor does not exceed
114 one hundred seventy-five dollars. In order to deal equitably
115 with overlapping license periods, the director may issue a
116 six months' license from the period July, one thousand nine
117 hundred seventy-six through December, one thousand nine
118 hundred seventy-six. The fee shall be one half of the annual
119 fee.

120 (l) No person shall operate an unlicensed motorboat upon
121 any waters of this state without first acquiring such certificate
122 of number or license as required by law.

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

James L. Davis
Chairman Senate Committee

Clarence C. Thurston
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

J. O'Connell Jr.
Clerk of the Senate

W. A. Blankenship
Clerk of the House of Delegates

W. T. Bratherton Jr.
President of the Senate

Louis T. McMan
Speaker House of Delegates

The within *approved* this the *16th*
March
day of _____, 1976.

Arba Shaufer Jr.
Governor

PRESENTED TO THE
GOVERNOR

Date 3/12/76

Time 4:10 p.m.