

SB 0187

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# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1995



## ENROLLED

SENATE BILL NO. 187

(By Senator MULLER, ET AL)



PASSED MARCH 8, 1995

In Effect FROM Passage

**ENROLLED**  
**Senate Bill No. 187**

(BY SENATORS MILLER, BAILEY, LOVE, ANDERSON, DITTMAR,  
BLATNIK, WHITLOW, ROSS, HELMICK AND SCHOONOVER)

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[Passed March 8, 1995; in effect from passage.]

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AN ACT to amend and reenact sections eleven, twelve and twelve-a, article seven, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, all relating to establishing a three-year registration period for motorboats; establishing a fee of fifteen dollars for the three-year registration period; and providing that the assessor shall be furnished boat registration if the cost price of the vessel exceeds five hundred dollars or the cost of a motor exceeds two hundred fifty dollars.

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

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

**ARTICLE 7. LAW ENFORCEMENT, MOTORBOATING, LITTER.**

**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  
3 meaning:

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

7 (2) "Motorboat" means any vessel propelled by an  
8 electrical, steam, gas, diesel or other fuel propelled or  
9 driven motor, whether or not the motor is the principal  
10 source of propulsion, but shall not include a vessel which  
11 has a valid marine document issued by the bureau of  
12 customs of the United States government or any federal  
13 agency successor thereto;

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,  
18 reserved or created by agreement and securing payment  
19 or performance of an obligation, but the term excludes  
20 a lessee under a lease not intended as security;

21 (4) "Commissioner" means the commissioner of the  
22 division of motor vehicles; and

23 (5) "Director" means the director of the division of  
24 natural resources.

**§20-7-12. Motorboat identification numbers required; appli-  
cation for numbers; fee; displaying; reciprocity;  
change of ownership; conformity with United  
States regulations; records; renewal of certifi-  
cate; transfer of interest, abandonment, etc.;  
change of address; unauthorized numbers; infor-  
mation to be furnished assessors.**

1 Every motorboat, as herein defined, operating upon

2 public waters within the territorial limits of this state,  
3 shall be numbered as herein provided:

4 (a) The owner of each motorboat requiring numbering  
5 by this state shall file an application for a number with  
6 the commissioner on forms approved by the division of  
7 motor vehicles. The application shall be signed by the  
8 owner of the motorboat and shall be accompanied by a  
9 fee of fifteen dollars for a three-year registration period  
10 if propelled by a motor of three or more horsepower.  
11 The fee may be prorated by the commissioner for periods  
12 of less than three years. There shall be no fee for motor-  
13 boats propelled by motors of less than three horsepower.  
14 All such fees, including those received under subdivision  
15 (b) of this section, shall be deposited in the state treasury  
16 and fifty percent shall be credited to the division of  
17 motor vehicles and shall be used and paid out upon order  
18 of the commissioner solely for the administration of the  
19 certificate of number system. The remaining fifty  
20 percent shall be credited to the division of natural  
21 resources and shall be used and paid out upon order of  
22 the director solely for the enforcement and safety  
23 education of the state boating system. Upon receipt of  
24 the application in approved form, the commissioner shall  
25 enter the same upon the records of the division and issue  
26 to the applicant a number awarded to the motorboat and  
27 the name and address of the owner. The owner shall  
28 paint on or attach to each side of the bow of the motor-  
29 boat the identification number in the manner as may be  
30 prescribed by rules of the commissioner in order that it  
31 may be clearly visible. The number shall be maintained  
32 in legible condition. The certificate of number shall be  
33 pocket size and shall be available at all times for inspec-  
34 tion on the motorboat for which issued, whenever the  
35 motorboat is in operation.

36 (b) In order to permit a motorboat sold to a purchaser  
37 by a dealer to be operated pending receipt of the certifi-  
38 cate of number from the commissioner, the commissioner  
39 may deliver to dealers, upon application therefor and  
40 payment of one dollar for each, temporary certificates of

41 number to in turn be issued to purchasers of motorboats.  
42 Every person who is issued a temporary certificate by a  
43 dealer shall, under the provisions of subdivision (a) of  
44 this section, apply for a certificate of number no later  
45 than ten days from the date of issuance of the temporary  
46 certificate. A temporary certificate shall expire upon  
47 receipt of the certificate, upon rescission of the contract to  
48 purchase the motorboat in question or upon the expira-  
49 tion of forty days from the date of issuance, whichever  
50 shall first occur. It is unlawful for any dealer to issue  
51 any temporary certificate knowingly containing any  
52 misstatement of fact or knowingly to insert any false  
53 information on the face thereof. The commissioner may  
54 by rule prescribe additional requirements upon the  
55 dealers and purchasers as are consistent with the effec-  
56 tive administration of this section.

57 (c) The owner of any motorboat already covered by a  
58 number in full force and effect which has been awarded  
59 to it pursuant to then operative federal law or a federally  
60 approved numbering system of another state shall record  
61 the number prior to operating the motorboat on the  
62 waters of this state in excess of the sixty-day reciprocity  
63 period provided for in section fourteen of this article.  
64 The recordation shall be in the manner and pursuant to  
65 procedure required for the award of a number under  
66 subdivision (a) of this section, except that an additional  
67 or substitute number shall not be issued.

68 (d) Should the ownership of a motorboat change, a new  
69 application form with fee shall be filed with the commis-  
70 sioner and a new certificate of number shall be awarded  
71 in the same manner as provided for in an original award  
72 of number.

73 (e) In the event that an agency of the United States  
74 government shall have in force an overall system of  
75 identification numbering for motorboats within the  
76 United States, the numbering system employed pursuant  
77 to this article by the division of motor vehicles shall be  
78 in conformity therewith.

79 (f) All records of the director made or kept pursuant to  
80 this section shall be transferred to the commissioner and  
81 shall be maintained as public records.

82 (g) The license shall be valid for a maximum period of  
83 three years. If at the expiration of that period ownership  
84 has remained unchanged, the owner shall, upon applica-  
85 tion and payment of the proper fee, be granted a renewal  
86 of the certificate of number for an additional three-year  
87 period.

88 (h) The owner shall furnish the commissioner notice of  
89 the transfer of all or any part of an interest, other than  
90 the creation of a security interest, in a motorboat num-  
91 bered in this state pursuant to subdivisions (a) and (b) of  
92 this section, or of the destruction or abandonment of the  
93 motorboat, within fifteen days thereof. The transfer,  
94 destruction or abandonment shall terminate the certifi-  
95 cate of number for the motorboat, except that in the case  
96 of a transfer of a part interest which does not affect the  
97 owner's right to operate the motorboat, the transfer shall  
98 not terminate the certificate of number.

99 (i) Any holder of a certificate of number shall notify  
100 the commissioner within fifteen days if his or her ad-  
101 dress no longer conforms to the address appearing on the  
102 certificate and shall, as a part of the notification, furnish  
103 the commissioner with his or her new address. The  
104 commissioner may provide rules for the surrender of the  
105 certificate bearing the former address and its replace-  
106 ment with a certificate bearing the new address or for  
107 the alteration of an outstanding certificate to show the  
108 new address of the holder.

109 (j) No number other than the number awarded to a  
110 motorboat or granted reciprocity pursuant to this article  
111 shall be painted, attached or otherwise displayed on  
112 either side of the bow of the motorboat.

113 (k) It shall be the duty of the commissioner on or before  
114 the thirtieth day of August of each year, commencing  
115 with the year one thousand nine hundred eighty, to

116 forward to the assessor of each county a list of the names  
117 and addresses of all persons, firms and corporations  
118 owning vessels and operating the same or other boats  
119 registered with the commissioner under the provisions of  
120 this article. In furnishing this information to each  
121 county assessor, the commissioner shall include the  
122 information as to make and model of the vessels and  
123 other equipment required to be registered for use by said  
124 owner or operator thereof under the provisions of this  
125 article: *Provided*, That the commissioner need not  
126 furnish the information to the assessor if the cost price  
127 of the vessel does not exceed five hundred dollars or the  
128 cost of the motor does not exceed two hundred fifty  
129 dollars.

130 (l) No person may operate an unlicensed motorboat  
131 upon any waters of this state without first acquiring the  
132 certificate of number or license as required by law.

**§20-7-12a. Payment of personal property taxes prerequisite  
to application for certificate or renewal of  
number; duties of assessors; schedule of motor-  
boat values.**


1 Certificates of number and renewals therefor shall not  
2 be issued or furnished by the division of motor vehicles,  
3 or any other officer charged with the duty, unless the  
4 applicant therefor furnishes the receipt hereinafter  
5 provided to show full payment of the personal property  
6 taxes for the calendar year which immediately precedes  
7 the calendar year in which application is made on all  
8 motorboats which were listed with the division of motor  
9 vehicles in the applicant's name on the tax day for the  
10 former calendar year. If the applicant contends that any  
11 motorboat so listed was not subject to personal property  
12 taxation for that year, he or she shall furnish the infor-  
13 mation and evidence as the commissioner of motor  
14 vehicles may require to substantiate his or her conten-  
15 tion.

16 The assessor shall require any person having a duty to  
17 make a return of property for taxation to him or her to

18 furnish information identifying each motorboat subject  
19 to the numbering provisions of this article. When the  
20 property taxes on the motorboat have been paid, the  
21 officer to whom the payment was made shall deliver to  
22 the person paying the taxes a written or printed receipt  
23 therefor, and shall retain for his or her records a dupli-  
24 cate of the receipt. The assessor and sheriff, respec-  
25 tively, shall see that the assessment records and the  
26 receipts contain information adequately identifying the  
27 motorboat as registered under the provisions of this  
28 article. The officer receiving payment shall sign each  
29 receipt in his or her own handwriting.

30 The assessors shall commence their duties hereunder  
31 during the tax year one thousand nine hundred eighty-  
32 nine and the division of motor vehicles shall commence  
33 its duties hereunder as of the first day of January, one  
34 thousand nine hundred ninety.

35 The state tax commissioner shall annually compile a  
36 schedule of motorboat values, based on the lowest values  
37 shown in a nationally accepted used motorboat guide,  
38 which schedule shall be furnished to each assessor and  
39 shall be used by him or her as a guide in placing the  
40 assessed values on all motorboats in his or her county.





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

*Randy Schoonover*  
.....  
Chairman Senate Committee

*Ernest C. Moore*  
.....  
Chairman House Committee

Originated in the Senate.

In effect from passage.

*Russell Adams*  
.....  
Clerk of the Senate

*Danald L. Hoff*  
.....  
Clerk of the House of Delegates

*Earl Ray Tomblin*  
.....  
President of the Senate

*Paul Aben*  
.....  
Speaker House of Delegates

The within *is approved* this the *17<sup>th</sup>*.....

day of *March*....., 1995.

*Gaston Capner*  
.....  
Governor

PRESENTED TO THE

GOVERNOR

Date 3/15/45

Time 9:21 a.m.