WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1971

ENROLLED

HOUSE BILL No. 996

(By Mr. HOLT and Mr. BELKNAP)

PASSED MARCH 11, 1971

In Effect JULY 1, 1971

990 - Veto
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, relating to motorboats, their registration and identification numbers; fees; issuing agents; records; renewals.

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.

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

1 As used in this section and subsequent sections of this
article, unless the context clearly requires a different meaning:

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

(2) "Motorboat" means any vessel propelled by machinery, whether or not such machinery is the principal source of propulsion, but shall not include a vessel which has a valid marine document issued by the bureau of customs of the United States government or any federal agency successor thereto; and

(3) "Owner" means a person, other than a lienholder, having the property in or title to a motorboat. The term includes a person entitled to the use or possession of a motorboat subject to an interest in another person, reserved or created by agreement and securing payment or performance of an obligation, but the term excludes a lessee under 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; re-
Every motorboat, as herein defined, operating upon public waters within the territorial limits of this state, shall be numbered as herein provided:

(a) The owner of each motorboat requiring numbering by this state shall file an application for a number with the director on forms approved by him. The application shall be signed by the owner of the motorboat and shall be accompanied by the fees specified as follows: (1) For motorboats propelled by machinery of five horsepower or less the fee shall be two dollars; (2) For motorboats propelled by machinery of at least six horsepower, but less than twenty-five horsepower, the fee shall be five dollars; and for motorboats propelled by machinery of twenty-five horsepower or more the fee shall be ten dollars. All such fees shall be deposited in the state treasury and shall be credited to the department of natural resources and shall be further credited to and kept in a separate fund designated “license fund-motorboat safety” which shall be used and paid out, upon order
of the director, solely for enforcement of motorboat safety. Upon receipt of the application in approved form, the director shall enter the same upon the records of his office and issue to the applicant a number awarded to the motorboat and the name and address of the owner. The owner shall paint on or attach to each side of the bow of the motorboat the identification number in such manner as may be prescribed by rules and regulations of the director in order that it may be clearly visible. The number shall be maintained in legible condition. The certificates of number shall be pocket size and shall be available at all times for inspection on the motorboat for which issued, whenever such motorboat is in operation. (b) The owner of any motorboat already covered by a number in full force and effect which has been awarded to it pursuant to then operative federal law or a federally approved numbering system of another state shall record the number prior to operating the motorboat on the waters of this state in excess of the ninety day reciprocity period provided for in section fourteen of this article. Such recordation shall be in the manner and pursuant
to procedure required for the award of a number under subdivision (a) of this section, except that no additional or substitute number shall be issued.

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

(d) In the event that an agency of the United States government shall have in force an overall system of identification numbering for motorboats within the United States, the numbering system employed pursuant to this article by the commission shall be in conformity therewith.

(e) The director may designate as issuing agent the clerk of any county court, the West Virginia department of motor vehicles and such other persons in each county as he deems advantageous to provide for the issuance of certificates of number in accordance with the provisions of this article. For services rendered in issuing such certificates, and collecting and paying over such
numbering fees, each issuing agent, other than a state
or county official, shall charge and retain an additional
fee of twenty-five cents from the person obtaining the
certificate of number. Every such issuing agent, unless
already under bond with the director, as an agent for the
collections of its moneys, shall file a bond with the direc-
tor, payable to the state of West Virginia, in an amount
to be fixed by the director at not more than one thou-
sand dollars, before the supply of certificates of num-
ber is delivered to him, conditioned upon the faithful
performance of his obligation to issue certificates only
in conformance with the provisions of this article and
the regulations of the director. Each issuing agent, on
the first day of each month, shall remit to the director
all moneys collected for the director during the preceed-
ing month, and shall accompany his remittance with a
report showing the name of the county, the names and
addresses of the persons paying the same, and the date
of receipt thereof.

(f) All records of the director made or kept pursuant
to this section shall be public records.
(g) Such license shall be valid only until the last day of the fiscal year in which the same is issued. If at the end of such year ownership has remained unchanged, such owner shall, upon application and payment of the fees specified herein, be granted a renewal of such certificate of number for an additional one-year period.

(h) The owner shall furnish the director notice of the transfer of all or any part of his interest, other than the creation of a security interest, in a motorboat numbered in this state pursuant to subdivisions (a) and (b) of this section, or of the destruction or abandonment of such motorboat, within fifteen days thereof. Such transfer, destruction or abandonment shall terminate the certificate of number for such motorboat, except that in the case of a transfer of a part interest which does not affect the owner’s right to operate such motorboat, such transfer shall not terminate the certificate of number.

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

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

(k) It shall be the duty of the director on or before
August thirty-first of each year, commencing with the
year one thousand nine hundred sixty-seven, to forward
to the assessor of each county a list of the names and
addresses of all persons, firms and corporations owning
vessels and operating the same or other boats registered
with the director under the provisions of this article.
In furnishing this information to each county assessor,
the director shall include in his report such information
as is made available to him in the reports and registra-
tions he receives as to make, model, value and cost price
of such vessels and other equipment required to be registered for use by said owner or operator thereof under the provisions of this article: Provided, That the director need not furnish such information to the assessor if the cost price of such vessel does not exceed two hundred dollars or the cost of the motor does not exceed one hundred seventy-five dollars. In order to deal equitably with overlapping license periods, the director may issue a six months’ license from the period January, one thousand nine hundred sixty-eight through June, one thousand nine hundred sixty-eight. This six months’ license is to be issued to avoid the necessity of motorboat owners who have purchased their licenses from January thirtieth, one thousand nine hundred sixty-eight, losing a six months’ period of license entitlement.

(1) No person shall operate an unlicensed motorboat upon any waters of this state without first acquiring such certificate of number or license as required by law.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signatures]
Chairman Senate Committee

Phyllis J. Rutledge
Chairman House Committee

Originated in the House.
Takes effect July 1, 1971.

[Signatures]
Clerk of the Senate

Clerk of the House of Delegates

E. Hans McDougal
President of the Senate

Lewis N. McManus
Speaker House of Delegates

The within ___________ day of ___________ April ___________, 1971, expired.  

[Signature]
Governor
PRESENTED TO THE
GOVERNOR

Date 3/17/71
Time 3:15 p.m.