

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1971

ENROLLED

HOUSE BILL No. 990

(By Mr. HOLT AND MR. BELKNAP)

PASSED MARCH 11, 1971

In Effect JULY 1, 1971 Passage



FILED IN THE OFFICE
ARTHUR D. COCKEYER, IV
SECRETARY OF STATE
THIS DATE 4-2-71

990 - Veto

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House Bill No. 990

(By MR. HOLT and MR. BELKNAP)

[Passed March 11, 1971; in effect July 1, 1971.]

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

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
6 of being used as a means of transportation on water;

7 (2) "Motorboat" means any vessel propelled by ma-
8 chinery, whether or not such machinery is the principal
9 source of propulsion, but shall not include a vessel which
10 has a valid marine document issued by the bureau of
11 customs of the United States government or any fed-
12 eral agency successor thereto; and

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

**§20-7-12. Motorboat identification numbers required; appli-
cation for numbers; fee; displaying; reciprocity;
change of ownership; conformity with United
States regulations; issuing agents; records; re-**

newal 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
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 number-
5 ing by this state shall file an application for a number
6 with the director on forms approved by him. The applica-
7 tion shall be signed by the owner of the motorboat and
8 shall be accompanied by the fees specified as follows: (1)
9 For motorboats propelled by machinery of five horse-
10 power or less the fee shall be two dollars; (2) For motor-
11 boats propelled by machinery of at least six horsepower,
12 but less than twenty-five horsepower, the fee shall be
13 five dollars; and for motorboats propelled by machinery
14 of twenty-five horsepower or more the fee shall be ten
15 dollars. All such fees shall be deposited in the state
16 treasury and shall be credited to the department of na-
17 tural resources and shall be further credited to and kept
18 in a separate fund designated "license fund-motorboat
19 safety" which shall be used and paid out, upon order

20 of the director, solely for enforcement of motorboat
21 safety. Upon receipt of the application in approved form,
22 the director shall enter the same upon the records of his
23 office and issue to the applicant a number awarded to
24 the motorboat and the name and address of the owner.

25 The owner shall paint on or attach to each side of the
26 bow of the motorboat the identification number in such
27 manner as may be prescribed by rules and regulations
28 of the director in order that it may be clearly visible.

29 The number shall be maintained in legible condition. The
30 certificates of number shall be pocket size and shall be
31 available at all times for inspection on the motorboat
32 for which issued, whenever such motorboat is in operation.

33 (b) The owner of any motorboat already covered by a
34 number in full force and effect which has been awarded
35 to it pursuant to then operative federal law or a federally
36 approved numbering system of another state shall record
37 the number prior to operating the motorboat on the
38 waters of this state in excess of the ninety day reciprocity
39 period provided for in section fourteen of this article.
40 Such recordation shall be in the manner and pursuant

41 to procedure required for the award of a number under
42 subdivision (a) of this section, except that no additional
43 or substitute number shall be issued.

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

49 (d) In the event that an agency of the United States
50 government shall have in force an overall system of iden-
51 tification numbering for motorboats within the United
52 States, the numbering system employed pursuant to this
53 article by the commission shall be in conformity there-
54 with.

55 (e) The director may designate as issuing agent the
56 clerk of any county court, the West Virginia depart-
57 ment of motor vehicles and such other persons in each
58 county as he deems advantageous to provide for the
59 issuance of certificates of number in accordance with the
60 provisions of this article. For services rendered in issuing
61 such certificates, and collecting and paying over such

62 numbering fees, each issuing agent, other than a state
63 or county official, shall charge and retain an additional
64 fee of twenty-five cents from the person obtaining the
65 certificate of number. Every such issuing agent, unless
66 already under bond with the director, as an agent for the
67 collections of its moneys, shall file a bond with the direc-
68 tor, payable to the state of West Virginia, in an amount
69 to be fixed by the director at not more than one thou-
70 sand dollars, before the supply of certificates of num-
71 ber is delivered to him, conditioned upon the faithful
72 performance of his obligation to issue certificates only
73 in conformance with the provisions of this article and
74 the regulations of the director. Each issuing agent, on
75 the first day of each month, shall remit to the director
76 all moneys collected for the director during the preced-
77 ing month, and shall accompany his remittance with a
78 report showing the name of the county, the names and
79 addresses of the persons paying the same, and the date
80 of receipt thereof.

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

83 (g) Such license shall be valid only until the last
84 day of the fiscal year in which the same is issued.
85 If at the end of such year ownership has remained un-
86 changed, such owner shall, upon application and pay-
87 ment of the fees specified herein, be granted a re-
88 newal of such certificate of number for an additional
89 one-year period.

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

101 (i) Any holder of a certificate of number shall notify
102 the director within fifteen days if his address no longer
103 conforms to the address appearing on the certificate and
104 shall, as a part of such notification, furnish the director

105 with his new address. The director may provide in his
106 rules and regulations for the surrender of the certificate
107 bearing the former address and its replacement with a
108 certificate bearing the new address or for the alteration
109 of an outstanding certificate to show the new address of
110 the holder.

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

115 (k) It shall be the duty of the director on or before
116 August thirty-first of each year, commencing with the
117 year one thousand nine hundred sixty-seven, to forward
118 to the assessor of each county a list of the names and
119 addresses of all persons, firms and corporations owning
120 vessels and operating the same or other boats registered
121 with the director under the provisions of this article.
122 In furnishing this information to each county assessor,
123 the director shall include in his report such information
124 as is made available to him in the reports and registra-
125 tions he receives as to make, model, value and cost price

126 of such vessels and other equipment required to be regis-
127 tered for use by said owner or operator thereof under
128 the provisions of this article: *Provided*, That the director
129 need not furnish such information to the assessor if the
130 cost price of such vessel does not exceed two hundred
131 dollars or the cost of the motor does not exceed one
132 hundred seventy-five dollars. In order to deal equitably
133 with overlapping license periods, the director may issue
134 a six months' license from the period January, one thou-
135 sand nine hundred sixty-eight through June, one thou-
136 sand nine hundred sixty-eight. This six months' license
137 is to be issued to avoid the necessity of motorboat owners
138 who have purchased their licenses from January thir-
139 tieth, one thousand nine hundred sixty-eight, losing a
140 six months' period of license entitlement.

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

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

Russell G. Brall
Chairman Senate Committee

Phyllis J. Rutledge
Chairman House Committee

Originated in the House.

Takes effect July 1, 1971.

Howard Myers
Clerk of the Senate

W. A. Blankenship
Clerk of the House of Delegates

E. Hans McBourne
President of the Senate

Lewis W. McManus
Speaker House of Delegates

The within disapproved this the 1st
day of April, 1971.

Arch A. Shaare Jr.
Governor

PRESENTED TO THE
GOVERNOR

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

RECEIVED

APR 2 11 49 PM '71

OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA