WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1974

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ENROLLED

HOUSE BILL No. 1029

(By Mr. )

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PASSED February 23 1974

In Effect Immediately from Passage

C 641

FILED IN THE OFFICE
EDGAR F. HEISKELL III
SECRETARY OF STATE
THIS DATE 3-4-74
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 article, unless the context clearly requires a different meaning:

4 (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;

7 (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, nor to a vessel powered by a motor of less than
three horsepower; 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 perform-
ance 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; renewal of certificate; trans-
fer of interest, abandonment, etc.; change of address;
unauthorized numbers; information to be furnished
assessors.

Every motorboat, as herein defined, operating upon public
waters within the territorial limits of this state, shall be num-
bered 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 ac-
 companied by a fee of five dollars if powered by a motor of
three or more horsepower. All such fees shall be deposited in
the state treasury and shall be credited to the department of
natural resources and shall be used and paid out, upon order
of the director, solely for the state boating program. 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 identifica-
tion 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 certificate 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 sixty-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 there-with.

(e) The director may designate as issuing agent the clerk of any county court 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 collection of its moneys, shall file a bond with the director, payable to the state of West Virginia, in an amount to be fixed by the director at not more than one thousand dollars, before the supply of certificates of number 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 preceding month, and shall accompany his remit-
tance 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 a fee of five dollars, be
granted a renewal of such certificate of number for an addi-
tional 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 abandon-
ment shall terminate the certificate of number for such motor-
boat, except that in the case of a transfer of a part interest
which does not affect the owner’s right to operate such motor-
boat, 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 thou-
sand 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 informa-
tion as is made available to him in the reports and registrations
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.

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

A motorboat shall not be required to be numbered under
this article if it is: (1) Already covered by a number in full
force and effect which has been awarded to it pursuant to
federal law or a federally approved numbering system of
another state: Provided, That such boat shall not have been
within this state for a period in excess of sixty consecutive days.
(2) A motorboat from a country other than the United States
temporarily using the water of this state; (3) Motorboats used
exclusively for racing while participating in races, and the
preparation therefore, which have been authorized pursuant
to the provisions of section twenty of this article.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the House.
Takes effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 41st day of March, 1974.

Governor
PRESENTED TO THE
GOVERNOR

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