AN ACT to amend and reenact sections eleven, twelve and fifteen, article seven, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to transferring from the department of natural resources to the department of motor vehicles authority for motorboat registration and issuance of motorboat certificates of number; providing for use of fifty percent of fee proceeds to be used by the department of motor vehicles for administration of the program; providing for use of fifty percent of fee proceeds to be used by the department of natural resources for the state boating program; changing the annual license renewal requirement from a calendar year to fiscal year basis; removing authority to appoint county officials as license issuing agents; and authorizing the department of motor vehicles to deliver to motorboat dealers temporary certificates of number for issuance to purchasers.

Be it enacted by the Legislature of West Virginia:

That sections eleven, twelve and fifteen, 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:
Enr. S. B. No. 563] 2

(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 an electrical, steam, gas, diesel or other fuel propelled or driven motor, whether or not such motor 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;

(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;

(4) "Commissioner" means the commissioner of the department of motor vehicles; and

(5) "Director" means the director of the department of natural resources.

§20-7-12. Motorboat identification numbers required; application for numbers; fee; displaying; reciprocity; change of ownership; conformity with United States regulations; records; renewal of certificate; transfer 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 numbered as herein provided:

(a) The owner of each motorboat requiring numbering by this state shall file an application for a number with the commissioner on forms approved by the department of motor vehicles. The application shall be signed by the owner of the motorboat and shall be accompanied by a fee of five dollars if propelled by a motor of three or more horsepower. There shall be no fee for motorboats propelled by motors of less than three horsepower. All such
fees, including those received under subdivision (b) of this section, shall be deposited in the state treasury, and fifty percent shall be credited to the department of motor vehicles and shall be used and paid out upon order of the commissioner solely for the administration of the certificate of number system. The remaining fifty percent shall be credited to the department of natural resources and shall be used and paid out upon order of the director solely for the enforcement and safety education of the state boating system. Upon receipt of the application in approved form, the commission shall enter the same upon the records of the department 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 commissioner 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) In order to permit a motorboat sold to a purchaser by a dealer to be operated pending receipt of the certificate of number from the commissioner, the commissioner may deliver to dealers, upon application therefor and payment of one dollar for each, temporary certificates of number to in turn be issued to purchasers of motorboats. Every person who is issued a temporary certificate by a dealer shall, under the provisions of subdivision (a) of this section, apply for an annual certificate of number no later than ten days from the date of issuance of the temporary certificate. A temporary certificate shall expire upon receipt of the annual certificate, upon recession of the contract to purchase the motorboat in question or upon the expiration of forty days from the date of issuance, whichever shall first occur. It is unlawful for any dealer to issue any temporary certificate knowingly containing any misstatement of fact, or knowingly to insert any false information on the face thereof. The commissioner may, by rule or regulation,
prescribe such additional requirements upon such dealers and purchasers as are consistent with the effective administration of this section.

(c) 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.

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

(e) 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 department of motor vehicles shall be in conformity therewith.

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

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

(h) The owner shall furnish the commissioner notice of the transfer of all or any part of an 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 trans-
fer, destruction or abandonment shall terminate the cer-
tificate 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 trans-
fer shall not terminate the certificate of number.

(i) Any holder of a certificate of number shall notify
the commissioner within fifteen days if his address no
longer conforms to the address appearing on the certifi-
cate and shall, as a part of such notification, furnish the
commissioner with his new address. The commissioner
may provide rules and regulations for the surrender of
the certificate bearing the former address and its replace-
ment 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 commissioner on or
before the thirtieth day of August of each year, commenc-
ing with the year one thousand nine hundred eighty, to
forward to the assessor of each county a list of the names
and addresses of all persons, firms and corporations own-
ing vessels and operating the same or other boats regis-
tered with the commissioner under the provisions of this
article. In furnishing this information to each county
assessor, the commissioner shall include such information
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 commissioner 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 commissioner may issue a six months'
license from the period January, one thousand nine hun-
dred eighty through June, one thousand nine hundred
eighty. The fee shall be one half of the annual fee.

(l) 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.

§20-7-15. Dealers' and manufacturers' certificate of number; applications and fees.

Dealers' and manufacturers' certificate of number, containing the word "manufacturer" or "dealer," as appropriate, may be used in connection with the operation of any motorboat in the possession of such dealer or manufacturer, when the boat is being used for demonstrative purposes. Application for a dealer's or manufacturer's certificate of number shall be made upon a form provided by the commissioner and shall contain such information as may be required by the commissioner. Upon receipt of the application and upon payment of a fee of five dollars for the initial certificate of number, and five dollars for each additional certificate of number, the commissioner shall issue to the applicant a manufacturer's or dealer's certificate of number which shall contain the word "manufacturer" or "dealer" in lieu of a description of the boat. The manufacturer or dealer may have the number awarded to him printed upon or attached to a removable sign or signs to be temporarily but firmly mounted upon or attached to the boat being demonstrated, so long as the display meets the requirements of the provisions of this article and regulations issued hereunder.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James L. Davis
Chairman Senate Committee

Lawrence C. Christie
Chairman House Committee

Originated in the Senate.

To take effect July 1, 1979.

John C. McConkey
Clerk of the Senate

Charles M. Yoder
Clerk of the House of Delegates

Mark H. Budnitz
President of the Senate

Charles M. Beamer
Speaker House of Delegates

The within is approved this the 24

day of March, 1979.

John D. Bales
Governor