WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1995

ENROLLED

SENATE BILL NO. 187

(By Senator ____________)

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)

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

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 article, unless the context clearly requires a different meaning:

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;

3 (2) "Motorboat" means any vessel propelled by an electrical, steam, gas, diesel or other fuel propelled or driven motor, whether or not the 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;

4 (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;

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

6 (5) "Director" means the director of the division 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.

1 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 division of motor vehicles. The application shall be signed by the owner of the motorboat and shall be accompanied by a fee of fifteen dollars for a three-year registration period if propelled by a motor of three or more horsepower. The fee may be prorated by the commissioner for periods of less than three years. 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 division 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 division 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 commissioner shall enter the same upon the records of the division 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 the manner as may be prescribed by rules 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 the 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 a 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 certificate, upon rescission 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 prescribe additional requirements upon the 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. The 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 an additional or substitute number shall not 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 division 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) The license shall be valid for a maximum period of
three years. If at the expiration of that period ownership
has remained unchanged, the owner shall, upon applica-
tion and payment of the proper fee, be granted a renewal
of the certificate of number for an additional three-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 num-
bered in this state pursuant to subdivisions (a) and (b) of
this section, or of the destruction or abandonment of the
motorboat, within fifteen days thereof. The transfer,
destruction or abandonment shall terminate the certifi-
cate of number for the motorboat, except that in the case
of a transfer of a part interest which does not affect the
owner's right to operate the motorboat, the transfer shall
not terminate the certificate of number.

(i) Any holder of a certificate of number shall notify
the commissioner within fifteen days if his or her ad-
dress no longer conforms to the address appearing on the
certificate and shall, as a part of the notification, furnish
the commissioner with his or her new address. The
commissioner may provide rules 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 the motorboat.

(k) It shall be the duty of the commissioner on or before
the thirtieth day of August of each year, commencing
with the year one thousand nine hundred eighty, to
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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 commissioner under the provisions of this article. In furnishing this information to each county assessor, the commissioner shall include the information as to make and model of the 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 the information to the assessor if the cost price of the vessel does not exceed five hundred dollars or the cost of the motor does not exceed two hundred fifty dollars.

(1) No person may operate an unlicensed motorboat upon any waters of this state without first acquiring the 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.

Certificates of number and renewals therefor shall not be issued or furnished by the division of motor vehicles, or any other officer charged with the duty, unless the applicant therefor furnishes the receipt hereinafter provided to show full payment of the personal property taxes for the calendar year which immediately precedes the calendar year in which application is made on all motorboats which were listed with the division of motor vehicles in the applicant’s name on the tax day for the former calendar year. If the applicant contends that any motorboat so listed was not subject to personal property taxation for that year, he or she shall furnish the information and evidence as the commissioner of motor vehicles may require to substantiate his or her contention.

The assessor shall require any person having a duty to make a return of property for taxation to him or her to
furnish information identifying each motorboat subject to the numbering provisions of this article. When the property taxes on the motorboat have been paid, the officer to whom the payment was made shall deliver to the person paying the taxes a written or printed receipt therefor, and shall retain for his or her records a duplicate of the receipt. The assessor and sheriff, respectively, shall see that the assessment records and the receipts contain information adequately identifying the motorboat as registered under the provisions of this article. The officer receiving payment shall sign each receipt in his or her own handwriting.

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

The state tax commissioner shall annually compile a schedule of motorboat values, based on the lowest values shown in a nationally accepted used motorboat guide, which schedule shall be furnished to each assessor and shall be used by him or her as a guide in placing the 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.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.
In effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the 17th day of March, 1995.

Governor
PRESENTED TO THE
GOVERNOR
Date 3/15/45
Time 9:21 AM