

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Introduced

House Bill 4222

BY DELEGATES HAMILTON, FRICH, R. ROMINE, A. EVANS,
AMBLER, COOPER, LYNCH, PYLES, SPONAUGLE, IAQUINTA
AND MARCUM

[Introduced January 19, 2018; Referred
to the Committee on Banking and Insurance then the
Judiciary.]

1 A BILL to amend and reenact §20-7-12 of the Code of West Virginia, 1931, as amended, relating
 2 to requiring the owners of motorboats to carry liability insurance, regardless of the
 3 horsepower or length of the motorboat.

Be it enacted by the Legislature of West Virginia:

ARTICLE 7. LAW ENFORCEMENT, MOTORBOATING, LITTER.

§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; liability insurance.

1 Every motorboat, as defined in this section, operating upon public waters within the
 2 territorial limits of this state shall be numbered as provided in this section:

3 (a) The owner of each motorboat requiring numbering by this state shall file an application
 4 for a number with the commissioner on forms approved by the Division of Motor Vehicles. The
 5 application shall be signed by the owner of the motorboat and shall be accompanied by a fee of
 6 \$15 for a three-year registration period if the motorboat is propelled by a motor of three or more
 7 horsepower: *Provided*, That beginning on April 1, 2000, the fee for a three-year registration period
 8 is as follows:

- 9 (1) Class A, motorboats less than sixteen feet in length, \$30;
- 10 (2) Class 1, motorboats sixteen feet or over and less than twenty-six feet in length, \$45;
- 11 (3) Class 2, motorboats twenty-six feet or over and less than forty feet in length, \$60; and
- 12 (4) Class 3, forty feet in length or over, \$75.

13 The fee may be prorated by the commissioner for periods of less than three years. There
 14 is no fee for motorboats propelled by motors of less than three horsepower. All fees, including
 15 those received under subdivision (b) of this section, shall be deposited in the state Treasury. On
 16 and after July 1, 2007, all moneys deposited pursuant to this section and credited to the Division

17 of Motor Vehicles and fifty percent of all fees collected thereafter shall be credited to the state
18 Road Fund. The remaining fifty percent shall be credited to the Division of Natural Resources and
19 shall be used and paid out upon order of the director solely for the enforcement and safety
20 education of the state boating system. Upon receipt of the application in approved form, the
21 commissioner shall enter the application upon the records of the division and issue to the applicant
22 a number awarded to the motorboat and the name and address of the owner. The owner shall
23 paint on or attach to each side of the bow of the motorboat the identification number in the manner
24 prescribed by rules of the commissioner in order that it is clearly visible. The owner shall maintain
25 the number in legible condition. The certificate of number shall be pocket size and shall be
26 available at all times for inspection on the motorboat for which it is issued, whenever the motorboat
27 is in operation.

28 (b) In order to permit a motorboat sold to a purchaser by a dealer to be operated pending
29 receipt of the certificate of number from the commissioner, the commissioner may deliver
30 temporary certificates of number to in turn be issued to purchasers of motorboats to dealers, upon
31 application by the dealer and payment of \$1 for each temporary certificate. Every person who is
32 issued a temporary certificate by a dealer shall, under the provisions of subdivision (a) of this
33 section, apply for a certificate of number no later than ten days from the date of issuance of the
34 temporary certificate. A temporary certificate expires upon receipt of the certificate, upon rescission
35 of the contract to purchase the motorboat in question or upon the expiration of forty days from the
36 date of issuance, whichever occurs first. It is unlawful for any dealer to issue any temporary
37 certificate knowingly containing any misstatement of fact or knowingly to insert any false
38 information on the face of the temporary certificate. The commissioner may by rule prescribe
39 additional requirements upon the dealers and purchasers that are consistent with the effective
40 administration of this section.

41 (c) The owner of any motorboat already covered by a number in full force and effect which
42 has been awarded to it pursuant to then operative federal law or a federally approved numbering

43 system of another state shall record the number prior to operating the motorboat on the waters of
44 this state in excess of the sixty-day reciprocity period provided for in section fourteen of this article.
45 The recordation shall be in the manner and pursuant to procedure required for the award of a
46 number under subdivision (a) of this section, except that the commissioner shall not issue an
47 additional or substitute number.

48 (d) If the ownership of a motorboat changes, the new owner shall file a new application
49 form with the required fee with the commissioner who shall award a new certificate of number in
50 the same manner as provided for in an original award of number.

51 (e) In the event that an agency of the United States government has in force an overall
52 system of identification numbering for motorboats within the United States, the numbering system
53 employed pursuant to this article by the Division of Motor Vehicles shall be in conformity with the
54 federal system.

55 (f) The license is valid for a maximum period of three years. If at the expiration of that
56 period ownership has remained unchanged, the commissioner shall, upon application and
57 payment of the proper fee, grant the owner a renewal of the certificate of number for an additional
58 three-year period.

59 (g) The owner shall furnish the commissioner notice of the transfer of all or any part of an
60 interest, other than the creation of a security interest, in a motorboat numbered in this state
61 pursuant to subdivisions (a) and (b) of this section or of the destruction or abandonment of the
62 motorboat within fifteen days of the transfer of interest, destruction or abandonment. The transfer,
63 destruction or abandonment shall terminate the certificate of number for the motorboat, except
64 that in the case of a transfer of a part interest which does not affect the owner's right to operate
65 the motorboat, the transfer shall not terminate the certificate of number.

66 (h) Any holder of a certificate of number shall notify the commissioner within fifteen days
67 if his or her address no longer conforms to the address appearing on the certificate and shall, as
68 a part of the notification, furnish the commissioner with his or her new address. The commissioner

69 may provide by rule for the surrender of the certificate bearing the former address and its
70 replacement with a certificate bearing the new address or for the alteration of an outstanding
71 certificate to show the new address of the holder.

72 (i) An owner shall not paint, attach or otherwise display a number other than the number
73 awarded to a motorboat or granted reciprocity pursuant to this article on either side of the bow of
74 the motorboat.

75 (j) The commissioner shall on or before August 30, of each year forward to the assessor
76 of each county a list of the names and addresses of all persons, firms and corporations owning
77 vessels and operating the vessels or other boats registered with the commissioner under the
78 provisions of this article. In furnishing this information to each county assessor, the commissioner
79 shall include information on the make and model of the vessels and other equipment required to
80 be registered for use by the owner or operator of the boats under the provisions of this article:
81 *Provided*, That the commissioner is not required to furnish the information to the assessor if the
82 cost price of the vessel does not exceed \$500 or the cost of the motor does not exceed \$250.

83 (k) No person may operate an unlicensed motorboat upon any waters of this state without
84 first acquiring the certificate of number or license as required by law.

85 (l) No person may operate a motorboat upon any waters of this state, regardless of the
86 horsepower or length of the motorboat, without first acquiring liability insurance in an amount no
87 less than the minimum amounts required for the operation of a motor vehicle in this state. A copy
88 of the proof of insurance shall be carried on a motorboat at all times of operation. Failure to
89 maintain liability insurance as required by this section shall result in the loss of the certificate to
90 operate a motorboat upon the public waters of this state.

NOTE: The purpose of this bill is to require the owners of motorboats to carry liability insurance, regardless of the horsepower or length of the motorboat.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.