

LD3420815

HOUSE BILL NO. 2306

Offered January 23, 1995

A BILL to amend and reenact §§ 29.1-703, 29.1-710, and 29.1-717 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 29.1-703.1 and 29.1-703.2, relating to temporary operating certificates for owners of motorboats.

Patrons—Dudley, Callahan, Crouch, Forbes, Griffith, Ingram, Katzen, Kidd, Marshall, Putney, Ruff, Sherwood, Thomas and Wagner; Senators: Goode, Quayle and Stolle

Referred to Committee on Conservation and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That §§ 29.1-703, 29.1-710, and 29.1-717 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 29.1-703.1 and § 29.1-703.2 as follows:

§ 29.1-703. Identification numbers required; decals.

Every motorboat on the waters of this Commonwealth shall be numbered except those specifically exempt in § 29.1-710. No person shall operate or give permission for the operation of any motorboat on such waters unless the motorboat is numbered in accordance with this chapter, federal law, or a federally approved numbering system of another state, *or has been issued a temporary operating certificate pursuant to the provisions of § 29.1-703.1.* In addition to the numbering requirements, (i) the certificate of number awarded *or temporary operating certificate issued* to the motorboat must be in effect, (ii) the identifying number set forth in the certificate of number must be displayed on each side of the bow of the motorboat, and (iii) decals signifying the last month and year during which the certificate of number is valid must be displayed on each side of the motorboat within six inches of the registration number so as to be visible while the motorboat is being operated. Decals will be furnished with each certificate of number issued or reissued by the Department. Expired decals must be removed from the vessel. Upon written request and for good cause, the Board may allow exceptions to the requirement to display decals. If a decal becomes defaced, lost or destroyed, application for replacement shall be made to the Board within fifteen days. A fee of one dollar shall be charged for each decal or set of decals replaced. Decals must be displayed upon the watercraft for which they were purchased and are not transferable.

§ 29.1-703.1. *Temporary operating certificate; fee; application.*

A. *An owner may obtain a temporary operating certificate from the Department or an authorized agent of the Department. The fee for the temporary operating certificate shall be ten dollars. Each temporary operating certificate issued shall be valid for a period of thirty days from the date of issuance. To qualify for a temporary operating certificate, the owner shall provide his name and address (including zip code), sufficient proof of ownership as determined by the Department and a description of the motorboat to include the: present number on the boat (if any); make and model; type of propulsion; year of manufacture; length as measured along the centerline; hull identification number; state of principal use; and required fee. Application for the permanent certificate of number and certificate of title (if applicable) with applicable fees shall be submitted to the Department immediately upon receipt of a temporary operating certificate.*

B. *A temporary operating certificate shall not be valid as proof of ownership for any vessel.*

§29.1-703.2. *Designation of agents; compensation to agents; deposit of temporary operating certificate moneys.*

A. *The Director may authorize any person to act as an agent to issue temporary operating certificates. Persons accepting such authorization may be issued temporary operating certificates which upon issuance, in conformity with this chapter and with any rules and regulations of the Board, shall be valid as if issued directly by the Director.*

B. *Notwithstanding the provisions of § 2.1-180, the money received for temporary operating certificates issued pursuant to § 29.1-703.1 shall be paid by each agent to the Department for payment into the state treasury. All moneys collected by the Department from the issuance of temporary operating certificates shall be deposited into the game protection fund and credited to the motorboat and water safety fund.*

C. *As compensation for such service, agents shall add and retain an amount equal to the fee provided to agents for the sale of hunting and fishing licenses as provided in § 29.1-332.*

D. *Remittance to the Department shall be made by each agent as required by the Department.*

§ 29.1-710. Exemption from numbering requirements.

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60 A motorboat shall not be required to be numbered under this chapter if it is:

61 1. A motorboat which has been awarded a number pursuant to federal law or a federally approved
62 numbering system of another state if the boat has been within the Commonwealth for less than ninety
63 consecutive days.

64 2. A motorboat from a country other than the United States temporarily using the waters of the
65 Commonwealth.

66 3. A motorboat which is used in a governmental function by the United States, a state or a
67 subdivision of the state.

68 4. A ship's lifeboat.

69 5. A vessel which has a valid marine document issued by the Bureau of Customs of the United
70 States government or any federal agency successor thereto.

71 6. A racing boat used during an authorized race and during a twenty-four-hour period before and
72 after the race.

73 7. A motorboat belonging to a class of vessels which has been exempted from numbering by a
74 regulation adopted by the Board after the Board has found that applicable federal law or federal
75 regulation has exempted, or permitted the exemption of, such class of vessels.

76 8. *A motorboat for which (i) a valid temporary operating certificate has been issued by the*
77 *Department or an authorized agent of the Department, and (ii) an application has been made for a*
78 *permanent registration and title (if applicable).*

79 § 29.1-717. Certificate of title required; certificate as evidence; duration; transfer of title.

80 A. Except for amphibious vessels which have a valid title issued by the Department of Motor
81 Vehicles, or a watercraft owned by a bona fide dealer licensed as provided in § 58.1-1406, no person
82 shall operate a watercraft subject to titling under this chapter unless the owner has applied to the
83 Department for a certificate of title for the watercraft *or has been issued a valid temporary operating*
84 *certificate as provided for in § 29.1-703.1.*

85 B. A certificate of title is prima facie evidence of the ownership of a watercraft. A certificate of title
86 shall be in force for the life of the watercraft so long as the certificate is owned or held by the legal
87 holder.

88 C. To sell, assign, or transfer a watercraft title in the Commonwealth, the certificate of title must be
89 delivered to the purchaser or transferee with an assignment on the certificate showing title in the name
90 of the purchaser or transferee. To purchase or otherwise acquire a watercraft required to be titled in the
91 Commonwealth, any purchaser or transferee other than a licensed dealer must obtain a certificate of title
92 for it in his name.