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HOUSE BILL NO. 802

Offered January 13, 2010

Prefiled January 13, 2010

A *BILL to amend and reenact §§ 29.1-700 and 29.1-702 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 29.1-702.01, relating to the registration of antique motorboats.*

Patron—Poindexter

Referred to Committee on Agriculture, Chesapeake and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That §§ 29.1-700 and 29.1-702 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 29.1-702.01 as follows:

§ 29.1-700. Definitions.

As used in this chapter, unless the context clearly requires a different meaning:

"Antique motorboat" means any vessel that (i) is essentially as originally constructed, (ii) is used for noncommercial purposes, and (iii) was manufactured or designated by the manufacturer as a model manufactured in a calendar year not less than 30 years prior to January 1 of each calendar year.

"Motorboat" means any vessel propelled by machinery whether or not the machinery is the principal source of propulsion.

"No wake" means operation of a motorboat at the slowest possible speed required to maintain stearage and headway.

"Operate" means to navigate or otherwise control the movement of a motorboat or a vessel.

"Owner" means a person, other than a lien holder, 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 of performance of an obligation, but the term excludes a lessee under a lease not intended as security.

"Personal watercraft" means a motorboat less than ~~sixteen~~ 16 feet in length which uses an inboard motor powering a jet pump, as its primary motive power and which is designed to be operated by a person sitting, standing, or kneeling on, rather than in the conventional manner of sitting or standing inside, the vessel.

"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.

"Waters of the Commonwealth" means any public waters within the territorial limits of the Commonwealth, the adjacent marginal sea and the high seas when navigated as a part of a journey or ride to or from the Virginia shore.

§ 29.1-702. Registration requirements; display of numbers; cancellation of certificate; exemption.

A. 1. The owner of each motorboat requiring numbering by the Commonwealth shall file an application for a number with the Department on forms approved by it. The owner of the motorboat or the owner's agent shall sign the application and pay the following boat registration fee:

a. For a motorboat under ~~sixteen~~ 16 feet, ~~eighteen dollars~~ \$18;

b. For a motorboat ~~sixteen~~ 16 feet to less than ~~twenty~~ 20 feet, ~~twenty-two dollars~~ \$22;

c. For a motorboat ~~twenty~~ 20 feet to less than ~~forty~~ 40 feet, ~~twenty-eight dollars~~ \$28;

d. For a motorboat ~~forty~~ 40 feet and over, ~~thirty-six dollars~~ \$36; and

e. For an antique motorboat, regardless of length, a one-time fee of \$100.

2. Owners, other than manufacturers or dealers, of more than ~~ten~~ 10 motorboats numbered by the Commonwealth, shall pay ~~eighteen dollars~~ \$18 each for the first ~~ten~~ 10 such boats and ~~twelve dollars~~ \$12 for each additional boat.

3. Upon receipt of the application in approved form, the Department shall have the application entered upon the records of its office and issue to the applicant a certificate of number stating the identification number awarded to the motorboat and the name, address and a social security number or numbers, or federal tax identification number of the owner or owners. Any certificate issued in accordance with this chapter shall expire three years from the first day of the month in which it was issued. Upon proper application and payment of fee, and in the discretion of the Director, the certificate may be renewed.

B. The owner shall paint on or attach to each side of the bow of the motorboat the identification number in the manner prescribed by rules and regulations of the Board. The number shall be maintained in legible condition. The certificate of number shall be pocket-size and shall be available for inspection

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59 on the motorboat for which issued whenever such motorboat is in operation. However, the certificate of
60 number for any vessel less than ~~twenty-six~~ 26 feet in length, and leased or rented to another for the
61 lessee's noncommercial use for less than ~~twenty-four~~ 24 hours, may be retained on shore by the vessel's
62 owner or his representative at the place at which the vessel departs and returns to the possession of the
63 owner or his representative, provided the vessel is appropriately identified as to its owner while in use
64 under such lease or rental.

65 C. No number other than the number awarded to a motorboat or granted reciprocity pursuant to this
66 chapter shall be displayed on either side of the bow of the motorboat.

67 D. The Department is authorized to cancel and recall any certificate of number issued by the
68 Department when it appears proper payment has not been made for the certificate of number or when
69 the certificate has been improperly or erroneously issued.

70 E. Any motorboat purchased and used by a nonprofit volunteer rescue squad or volunteer fire
71 department shall be exempt from the registration fees imposed by subsection A of this section.

72 *§ 29.1-702.01. Registration of antique motorboats; antique plate required.*

73 A. Any antique motorboat certificate of number shall expire three years from the first day of the
74 month in which it was issued. There shall be no cost for renewal of this certificate. In lieu of the owner
75 painting the identification number on or attaching it to each side of the bow, the antique motorboat
76 shall have an antique motorboat identification plate securely affixed to each side of the forward half of
77 the motorboat in the manner prescribed by rules and regulations of the Board. The Director shall
78 prescribe the type and form of the identification plate and shall issue such plate. The identification plate
79 shall bear the identification number, registration decals as required under § 29.1-703, and the
80 inscription "antique motorboat." The certificate and plate shall be valid as long as the motorboat exists
81 and ownership does not change. The certificate of number shall be pocket-size and shall be available
82 for inspection on the antique motorboat whenever such motorboat is in operation.

83 B. No number other than the number awarded to an antique motorboat or granted reciprocity
84 pursuant to this chapter shall be displayed on either side of the bow of the antique motorboat.

85 C. The Department is authorized to cancel and recall any certificate of number issued by the
86 Department when it appears proper payment has not been made for the certificate of number or when
87 the certificate has been improperly or erroneously issued.