

1 **BOATING REGISTRATION FEE**

2 2006 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: David N. Cox**

5 Senate Sponsor: Brent H. Goodfellow

7 **LONG TITLE**

8 **General Description:**

9 This bill increases the boating registration fee.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ increases the boating registration fee from \$10 to \$18; and
- 13 ▶ makes technical corrections.

14 **Monies Appropriated in this Bill:**

15 None

16 **Other Special Clauses:**

17 None

18 **Utah Code Sections Affected:**

19 AMENDS:

20 **73-18-7**, as last amended by Chapter 317, Laws of Utah 2003

22 *Be it enacted by the Legislature of the state of Utah:*

23 Section 1. Section **73-18-7** is amended to read:

24 **73-18-7. Registration requirements -- Exemptions -- Agents -- Records -- Period**
25 **of registration and renewal -- Expiration -- Notice of transfer of interest or change of**
26 **address -- Duplicate registration card -- Invalid registration -- Powers of board.**

27 (1) (a) [Each] Except as provided by Section 73-18-9, the owner of each motorboat and



28 sailboat on the waters of this state shall ~~[be registered, unless it is exempt from registration as~~
29 ~~provided for in Section 73-18-9]~~ register it with the division as provided in this section.

30 (b) A person may not place, ~~[or]~~ give permission for the placement of, ~~[a motorboat or~~
31 ~~sailboat on any waters of this state or]~~ operate, or give permission for the operation of a
32 motorboat or sailboat on the waters of this state, unless the motorboat or sailboat is registered
33 ~~[in accordance with]~~ as provided in this chapter ~~[or is exempt from registration as provided for~~
34 ~~in Section 73-18-9].~~

35 (2) (a) The owner of ~~[each]~~ a motorboat or sailboat required to be registered ~~[by this~~
36 ~~state]~~ shall file an application for registration with the division on forms approved by the
37 division.

38 (b) (i) The ~~[application shall be signed by the]~~ owner of the motorboat or sailboat ~~[and~~
39 ~~accompanied by a]~~ shall sign the application and pay the fee set by the board.

40 (ii) ~~[This]~~ The fee may not exceed ~~[\$10]~~ \$18 per year.

41 (c) ~~[The division, before issuing]~~ Before receiving a registration card and registration
42 decals, ~~[shall require from each]~~ the applicant shall provide the division with a certificate from
43 the county assessor of the county in which the motorboat or sailboat has situs for taxation,
44 containing ~~[one of the following statements]~~ a statement that:

45 (i) the property tax on the motorboat or sailboat for the current year has been paid;

46 (ii) in the county assessor's opinion, the property tax is a lien on real property sufficient
47 to secure the payment of the property tax; or

48 (iii) the motorboat or sailboat is exempt by law from payment of property tax for the
49 current year.

50 (3) (a) Upon receipt of the application in the approved form, the division shall record
51 the receipt and issue to the applicant registration decals and a registration card ~~[which]~~ that
52 state the number assigned to the motorboat or sailboat and the name and address of the owner.

53 (b) The registration card shall be available for inspection on the motorboat or sailboat
54 for which it was issued, whenever that motorboat or sailboat is in operation.

55 (4) The assigned number shall:

56 (a) be painted or permanently attached to each side of the forward half of the motorboat
57 or sailboat;

58 (b) consist of plain vertical block characters not less than three inches in height;

59 (c) contrast with the color of the background and be distinctly visible and legible;

60 (d) have spaces or hyphens equal to the width of a letter between the letter and numeral
61 groupings; and

62 (e) read from left to right.

63 (5) ~~[Any vessel]~~ A motorboat or sailboat with a valid marine document issued by the
64 United States Coast Guard is exempt from the number display requirements of Subsection (4).

65 (6) The nonresident owner of any motorboat or sailboat already covered by a valid
66 number~~[-which]~~ that has been assigned to it pursuant to federal law or a federally approved
67 numbering system of ~~[his]~~ the owner's resident state, ~~[shall be]~~ is exempt from registration
68 while operating the motorboat or sailboat on the waters of this state unless ~~[he]~~ the owner is
69 operating in excess of the reciprocity period provided for in Subsection 73-18-9(1).

70 (7) (a) If the ownership of a motorboat or sailboat changes, the new owner shall file a
71 new application form ~~[with the]~~ and fee ~~[shall be filed]~~ with the division and the division shall
72 issue a new registration card and registration decals ~~[shall be issued]~~ in the same manner as
73 provided for in Subsections (2) and (3).

74 (b) The division shall reassign the current number assigned to the ~~[vessel shall be~~
75 ~~reassigned]~~ motorboat or sailboat to the new owner to display on the motorboat or sailboat.

76 (8) If the United States Coast Guard has in force an overall system of identification
77 numbering for motorboats or sailboats within the United States, the numbering system
78 employed under this chapter by the board shall ~~[be in conformity]~~ conform with that system.

79 (9) (a) The division may authorize any person to act as its agent for the registration of
80 motorboats and sailboats. ~~[Any]~~

81 (b) A number assigned ~~[and any]~~, a registration card, and registration decals issued by
82 an agent of the division in conformity with this chapter and rules of the board ~~[shall be]~~ are
83 valid.

84 (10) (a) ~~[All]~~ The Motor Vehicle Division shall classify all records of the division
85 made or kept ~~[pursuant]~~ according to this section ~~[shall be classified by the Motor Vehicle~~
86 ~~Division]~~ in the same manner ~~[as]~~ that motor vehicle records are classified under Section
87 41-1a-116.

88 (b) Division records are available for inspection in the same manner as motor vehicle
89 records pursuant to Section 41-1a-116.

90 (11) (a) (i) Each registration, registration card, and decal issued under this chapter shall
91 continue in effect for ~~[a period of]~~ 12 months, beginning with the first day of the calendar
92 month of registration.

93 (ii) A registration may be renewed by the owner in the same manner provided for in the
94 initial application.

95 (iii) The division shall reassign the current number assigned to the ~~[vessel shall be~~
96 ~~reassigned]~~ motorboat or sailboat when the registration is renewed.

97 (b) Each registration, registration card, and registration decal expires the last day of the
98 month in the year following the calendar month of registration.

99 (c) If the last day of the registration period falls on a day in which the appropriate state
100 or county offices are not open for business, the registration of the motorboat or sailboat is
101 extended to 12 midnight of the next business day.

102 (d) The division may receive applications for registration renewal and issue new
103 registration cards at any time ~~[prior to]~~ before the expiration of the registration, subject to the
104 availability of renewal materials.

105 (e) The new registration shall retain the same expiration month as recorded on the
106 original registration even if the registration has expired.

107 (f) The year of registration shall be changed to reflect the renewed registration period.

108 (g) If the registration renewal application is an application generated by the division
109 through its automated system, the owner ~~[need not]~~ is not required to surrender the last
110 registration card or duplicate.

111 (12) (a) ~~[The]~~ An owner shall notify the division of:

112 (i) the transfer of all or any part of ~~[his]~~ the owner's interest, other than creation of a
113 security interest, in a motorboat or sailboat registered in this state under Subsections (2) and (3)
114 ~~[or of]; and~~

115 (ii) the destruction or abandonment of the owner's motorboat or sailboat.

116 (b) ~~[This notification]~~ Notification must take place within 15 days of the transfer,
117 destruction, or abandonment.

118 (c) (i) The transfer, destruction, or abandonment of a motorboat or sailboat terminates
119 its registration ~~[except if]~~.

120 (ii) Notwithstanding Subsection (12)(c)(i), a transfer of a part interest ~~[which]~~ that does

121 not affect the owner's right to operate a motorboat or sailboat, ~~[the transfer shall]~~ does not
122 terminate the registration.

123 (13) (a) ~~[The]~~ A registered owner shall notify the division within 15 days if ~~[his]~~ the
124 owner's address changes from the address appearing on the registration card and shall, as a part
125 of ~~[this]~~ the notification, furnish the division with ~~[his]~~ the new address.

126 (b) The board may provide in its rules for:

127 (i) the surrender of the registration card bearing the former address; and ~~[its]~~

128 (ii) (A) replacement of the card with a new registration card bearing the new address~~;~~;

129 or ~~[for]~~

130 (B) the alteration of an ~~[outstanding]~~ existing registration card to show the owner's new
131 address ~~[of the holder]~~.

132 (14) (a) If ~~[the]~~ a registration card is lost or stolen, the division may collect a fee of \$4
133 ~~[may be collected by the division]~~ for the issuance of a duplicate card.

134 (b) If ~~[the]~~ a registration ~~[decals are]~~ decals is lost or stolen, the division may collect a
135 fee of \$3 ~~[may be collected by the division]~~ for the issuance of duplicate decals.

136 (15) A number other than the number assigned to a motorboat or sailboat or a number
137 for a motorboat or sailboat granted reciprocity under this chapter may not be painted, attached,
138 or otherwise displayed on either side of the bow of a motorboat or sailboat.

139 (16) A motorboat or sailboat registration and number ~~[shall be]~~ are invalid if obtained
140 by knowingly falsifying an application for registration.

141 (17) The board may~~[-(a)]~~ designate the suffix to assigned numbers~~[-];~~, and by following
142 the procedures and requirements of Title 63, Chapter 46a, Utah Administrative Rulemaking
143 Act, make rules for:

144 ~~[(b) adopt rules for]~~ (a) the display of registration decals;

145 ~~[(c) adopt rules for]~~ (b) the issuance and display of dealer numbers and registrations;

146 and

147 ~~[(d) adopt rules for]~~ (c) the issuance and display of temporary registrations.

Legislative Review Note

as of 1-20-06 6:44 AM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

State Impact

This bill allows the current boater registration fees of \$10 to be raised to \$18 per boat. Should Parks and Recreation Board increase the boating fees to the new maximum of \$18 per boat, the restricted revenues would increase by \$640,000 annually. However, in the past, the Board has increased the fees incrementally over a period of time.

	<u>FY 2007</u>	<u>FY 2008</u>	<u>FY 2007</u>	<u>FY 2008</u>
	<u>Approp.</u>	<u>Approp.</u>	<u>Revenue</u>	<u>Revenue</u>
General Fund Restricted	\$0	\$0	\$320,000	\$640,000
TOTAL	\$0	\$0	\$320,000	\$640,000

Individual and Business Impact

Boater registration fee may increase by up to \$8 per year.
