

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #2

Do Not Mark In this Box

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NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: Department of Motor Vehicles TITLE NUMBER: 91

RULE TYPE: Procedural; CITE AUTHORITY 17A-2-9

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: 23

TITLE OF RULE BEING PROPOSED: Regulations Governing Vessel Numbers

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON December 31, 1987 AT 12:00 Noon.

ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

Department of Motor Vehicles
1800 Washington Street East, Rm. 75
Charleston, West Virginia 25317
Attention: Steven O. Dale

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.



L. W. Bechtold, Commissioner

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL



DEPARTMENT OF MOTOR VEHICLES
STATE OFFICE BUILDING
CHARLESTON, W. VA.
25317

ARCH A. MOORE, JR.
Governor

L. W. BECHTOLD
Commissioner

Title 91
Procedural Rules
Series 23
Regulations Governing Vessel Numbers

The purpose of these rules is to prescribe procedures to govern the application for and the issuance of certificates of numbers for motorboats and the placement of vessel numbers on motorboats. These rules were formerly promulgated by the Department of Natural Resources.

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Regulations Governing Vessel Numbers

Type of Rule: Legislative Interpretive Procedural

Agency Department of Motor Vehicles Address 1800 Washington Street
East, Charleston, West Virginia

1. Effect of Proposed Rule	ANNUAL		FISCAL YEAR		
	Increase	Decrease	Current	Next	Thereafter
Estimated Total Cost	\$	\$	\$	\$	\$
Personal Services					
Current Expenses					
Repairs and Alterations		N/A			N/A
Equipment					
Other					

2. Explanation of above estimate:

These Procedural Rules will not affect department revenue.

3. Objectives of these rules:

The purpose of these rules is to re-promulgate rules previously filed by the Department of Natural Resources prior to the 1979 legislative change of boat registration responsibility.

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

None

B. Economic Impact on Political Subdivisions; Specific Industries;
Specific groups of citizens.

None

C. Economic Impact on Citizens/Public at Large.

None

Date: November 23, 1987

Signature of Agency Head or Authorized Representative


E. W. Bechtold, Commissioner

(Proposed)
TITLE 91
PROCEDURAL RULES
DEPARTMENT OF MOTOR VEHICLES

SERIES 23

TITLE: Regulations Governing Vessel Numbers

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§91-23-1. General

1.1 Scope and Purpose - These rules prescribe procedures to govern the application for and issuance of certificates of number for motorboats and the placement of vessel numbers on such motorboats.

1.2 Authority - West Virginia Code §17A-2-9, §20-7-12.

1.3 Filing Date -

1.4 Effective Date -

§91-23-2. Definitions

2.1 "Commissioner" means the Commissioner of the West Virginia Department of Motor Vehicles.

2.2 "Motorboat" means any vessel propelled by an electrical, steam, gas, diesel, or other fuel-propelled or drive motor, whether or not such 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.

2.3 "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 or performance of an obligation, but the term excludes a lessee under a lease not intended as security.

2.4 "Person" means an individual, partnership, firm, corporation, association, or other entity.

2.5 "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.

2.6 "Waters of this State" means any public waters within the territorial limits of this State to include that portion of the Ohio River which flows along the boundary of this State.

(Proposed)
Department of Motor Vehicles
Procedural Rule 17A-2
Series 23, Sec. 3

§91-23-3. Persons Subject to These Regulations.

3.1 All persons operating a vessel on the waters of this State and all persons classified as owners within the meaning of Section 2.3 of these regulations are subject to the provisions of these regulations.

§91-23-4. Motorboats Requiring Numbering by the State of West Virginia.

4.1 All motorboats operating on the waters of this State must be numbered in accordance with the provisions of Chapter 20 of the Code of West Virginia, as amended, and these regulations

§91-23-5. Exceptions from Numbering Provisions.

5.1 Public vessels of the United States, State or municipal vessels, and ships' lifeboats shall be exempt from the numbering provision of these regulations.

5.2 Motorboats covered by a number in full force and effect awarded pursuant to a federally-approved numbering system of another State, provided that such motorboats shall not have been within this State for a period in excess of sixty (60) consecutive days, shall be exempt from the numbering provisions of these regulations.

5.3 A motorboat from a country other than the United States, temporarily using the waters of this State, shall be exempt from the numbering provisions of these regulations.

5.4 Motorboats used exclusively for racing while participating in races, and the preparation therefore, which have been authorized pursuant to the provisions of Chapter 20 of the Code of West Virginia, as amended, shall be exempt from the numbering provisions of these regulations.

§91-23-6. Application for Number.

6.1 The owner of each motorboat requiring numbering by this State shall file an application for a number with the Commissioner. Applications may be secured from the various county clerks, designated hunting and fishing license agents, and designated marine supply stores, or by writing to the Department of Motor Vehicles, 1800 Washington Street East, Charleston, West Virginia 25317, Attention: Motorboat License Section. The application shall be signed by the owner of the motorboat and shall be accompanied by the fee as prescribed by West Virginia Code §20-7-12. There shall be no fee for motorboats propelled by motors of less than three (3) horsepower. Upon receipt of the application in approved form, the applicant shall be issued a West Virginia certificate of number stating the number awarded to the motorboat.

6.2 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

(Proposed)
Department of Motor Vehicles
Procedural Rule 17A-2
Series 23, Sec. 6

shall be awarded in the same manner as provided for in an original award of number. The application for number by a new owner of a vessel shall, for purposes of fee, be regarded as a original application for number. The new number shall be identical with the previous one, except where a lienholder acquires title and lawful possession by virtue of his lien, in which case a new number shall be issued.

§91-23-7. Certificate of Number.

7.1 The certificates of number shall be pocket-size and shall be available at all times for inspection on the motorboat for which issued, whenever such motorboat is in operation.

7.2 Such certificate of number shall be valid only until the last day of June of each year. If at the end of such year, ownership has remained unchanged, such owner shall, upon application and payment of the fee as prescribed by West Virginia Code §20-7-12, be granted a renewal of such certificate of number for an additional one (1) year period.

7.3 The owner shall furnish the Commissioner with notice of the transfer of all or any part of his interest, other than the creation of a security interest, in a motorboat numbered in this State, or of the destruction or abandonment of such motorboat, within fifteen (15) days thereof.

7.4 Any holder of a certificate of number shall notify the Commissioner within fifteen (15) days, if his address no longer conforms to the address appearing on the certificate and shall, as a part of such notification, furnish the Commissioner with his new address.

§91-23-8. Vessel Identification

8.1 Vessel Numbers.

8.1.1 The number shall be divided into three parts. The first part shall consist of the symbols WV, identifying the State of West Virginia, followed by a combination of numerals which furnish individual vessel identification. The group of digits appearing after the letters WV shall be separated by an equivalent space (e.g., WV 100 AA).

8.1.2 The remainder of the boat number shall consist of not more than four (4) arabic numerals and two (2) capital letters, in sequence, separated by an equivalent space, in accordance with the serials numerically and alphabetically.

8.1.3. Since the letters "I", "O", and "Q" may be mistaken for arabic numerals, all letter sequences using "I", "O", and "Q" shall be omitted. Objectionable words formed by the use of letters will not be used.

(Proposed)
Department of Motor Vehicles
Procedural Rule 17A-2
Series 23, Sec. 8

8.2. Display of Number on Vessel.

8.2.1. The number awarded, exactly as shown on the certificate of number, shall be painted on or attached to each side of the bow of the vessel for which it was issued.

8.2.2 The number shall be placed on each side of the forward half of the vessel in such position as to provide clear legibility for identification. The numbers shall read from left to right and shall be in block characters of good proportion not less than three (3) inches in height. The numbers shall be of a color which will contrast with the background, and so maintained as to be clearly visible and legible (i.e., dark numbers on a light background or light numbers on a dark background).

8.2.3 No number other than the number awarded to a motorboat or granted reciprocity pursuant to these regulations shall be painted, attached, or otherwise displayed on either side of the bow of such vessel.

8.3. The Commissioner shall furnish to all applicants two (2) decals bearing the numbers of the current year, which will establish valid registration. The decals are to be displayed on each side of the bow of the boat immediately following (within six (6) inches) the assigned West Virginia number.

§91-23-9. Numbering Livery Boats.

9.1 The numbering requirements of these regulations shall apply to livery boats except:

9.1.1. The certificate of number of a livery boat shall be plainly marked "livery boat".

9.1.2. The description of the motor and type of fuel will be omitted from the certificate of number in any case where the motor is not rented with the boat.



DEPARTMENT OF MOTOR VEHICLES

STATE OFFICE BUILDING
CHARLESTON, W. VA.
25317

ARCH A. MOORE, JR.
Governor

L. W. BECHTOLD
Commissioner

Public Comment on Proposed Rules

Rule Title: Regulations Governing Vessel Numbers

Rule Type: Procedural

Comment Period Expiration: December 31, 1987

Persons/Groups notified of intent to promulgate rules:

1. Capitol Press Service
2. American Automobile Association
3. Department of Natural Resources
4. Lowell Cade - Huntington Herald Dispatch
5. Andy Hansroth - Charleston Daily Mail
6. Skip Johnson - Charleston Gazette

Comments Received for the Record: None

Amendments prior to agency adoption: None


L. W. Bechtold, Commissioner

TITLE 91
PROCEDURAL RULES
DEPARTMENT OF MOTOR VEHICLES

SERIES 23

TITLE: Regulations Governing Vessel Numbers

§91-23-1. General

1.1 Scope and Purpose - These rules prescribe procedures to govern the application for and issuance of certificates of number for motorboats and the placement of vessel numbers on such motorboats.

1.2 Authority - West Virginia Code §17A-2-9, §20-7-12.

1.3 Filing Date - January 11, 1988

1.4 Effective Date - February 11, 1988

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