

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 663

Short Title: Repeal Boating Fee Increases. (Public)

Sponsors: Representative Setzer (Primary Sponsor).

For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Finance, if favorable, Appropriations.

April 14, 2015

1 A BILL TO BE ENTITLED
2 AN ACT TO REPEAL THE INCREASES TO CERTIFICATE OF NUMBER FEES AND
3 CERTIFICATE OF TITLE FEES FOR BOATS ENACTED IN THE 2013
4 APPROPRIATIONS ACT.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 75A-5 reads as rewritten:

7 "§ 75A-5. **Application for certificate of number; fees; reciprocity; change of ownership;**
8 **conformity with federal regulations; records; award of certificates; renewal of**
9 **certificates; transfer of partial interest; destroyed or junked vessels;**
10 **abandonment; change of address; duplicate certificates; display.**

11 (a) Application for Certificate of Number. – The owner of each vessel requiring
12 numbering by this State shall file an application for a certificate of number with the
13 Commission. The Commission shall furnish application forms and shall prescribe the
14 information contained in the application form. The application shall be signed by the owner of
15 the vessel or the owner's agent and shall be accompanied by a fee, as set out in subsection (a1)
16 of this section. The fee does not apply to vessels owned and operated by nonprofit rescue
17 squads if they are operated exclusively for rescue purposes, including rescue training. The
18 owner shall have the option of selecting a one-year numbering period or a three-year
19 numbering period. Upon receipt of the application in approved form, the Commission shall
20 enter the application in its records and issue the owner a certificate of number stating the
21 identification number awarded to the vessel and the name and address of the owner, and a
22 validation decal indicating the expiration date of the certificate of number. The owner shall
23 paint on or attach to each side of the bow of the vessel the identification number in such
24 manner as may be prescribed by rules of the Commission in order that it may be clearly visible.
25 The identification number shall be maintained in legible condition. The validation decal shall
26 be displayed on the starboard bow of the vessel immediately following the number. The
27 certificate of number shall be pocket size and shall be available for inspection on the vessel for
28 which the certificate is issued at all times the vessel is in operation. Any person charged with
29 failing to so carry a certificate of number shall not be convicted if the person produces in court
30 a certificate of number previously issued to the owner that was valid at the time of the alleged
31 violation.

32 (a1) Fees. – ~~The fees for certificates of number are as set out in this subsection:~~The fee
33 for certificates of number are fifteen dollars (\$15.00) for a one-year period or forty dollars
34 (\$40.00) for a three-year period.

35 (1) ~~The fee for a certificate of number for a one-year period is:~~



- 1 a. Thirty dollars (\$30.00) for a vessel that is less than 26 feet in length.
 2 b. Fifty dollars (\$50.00) for a vessel that is 26 feet or more in length.
 3 (2) ~~The fee for a certificate of number for a three-year period is:~~
 4 a. ~~Ninety dollars (\$90.00) for a vessel that is less than 26 feet in length.~~
 5 b. ~~One hundred fifty dollars (\$150.00) for a vessel that is 26 feet or~~
 6 ~~more in length.~~

7 ...
 8 (h) Renewal of Certificates. – An owner of a vessel awarded a certificate of number
 9 pursuant to this Chapter shall renew the certificate on or before the first day of the month after
 10 which the certificate expires; otherwise, the certificate shall lapse and be void until such time as
 11 it may thereafter be renewed. Application for renewal shall be submitted on a form approved by
 12 the Commission and shall be accompanied by a fee in the amount set in subsection (a1) of this
 13 section. No fee is required for a period of one year for renewal of certificates of number that
 14 have been previously issued to commercial fishing vessels as defined in G.S. 75A-5.1, upon
 15 compliance with all of the requirements of that section."

16 **SECTION 2.** G.S. 75A-5.1 is reenacted as it existed immediately prior to its repeal
 17 in Section 14.22(c) of S.L. 2013-360.

18 **SECTION 3.** G.S. 75A-7(a)(5) is reenacted as it existed immediately prior to its
 19 repeal in Section 14.22(d) of S.L. 2013-360.

20 **SECTION 4.** G.S. 75A-34(a) reads as rewritten:

21 "**§ 75A-34. Who may apply for certificate of title; authority of employees of Commission.**

22 (a) Any owner of a motorized vessel or sailboat 14 feet or longer or any personal
 23 watercraft, as defined in G.S. 75A-13.3(a), that is applying for a certificate of number for the
 24 first time in this State pursuant to G.S. 75A-5(a), and any new owner of a motorized vessel or
 25 sailboat 14 feet or longer or any personal watercraft to whom ownership is being transferred
 26 under G.S. 75A-5(c) shall apply to the Commission for a certificate of title for that vessel. Any
 27 other vessel may be titled in this State at the owner's option. A vessel may not be titled in this
 28 State if it is titled in another state, unless the current title is surrendered along with the
 29 application for a certificate of title in this State. The Commission shall issue a certificate of title
 30 upon reasonable evidence of ownership, which may be established by affidavit, bill of sale,
 31 manufacturer's statement of origin, certificate of title in this State, certificate of number or title
 32 from another state, or other document satisfactory to the Commission. Only one certificate of
 33 title may be issued for any vessel in this State. A vessel may not be titled in this State if it is
 34 documented with the United States Coast Guard, ~~unless the documentation has expired or been~~
 35 ~~deleted by the United States Coast Guard.~~ The Commission shall issue a certificate of
 36 title upon receipt of a completed application, along with the appropriate fee and reasonable
 37 evidence of ownership. The Commission shall require a manufacturer's statement of origin for
 38 all new vessels being issued a certificate of number and a certificate of title for the first time.
 39 The Commission may request a pencil tracing of the hull identification number (serial number)
 40 for vessels being transferred, in order to positively identify the vessel before issuance of a
 41 certificate of title for that vessel."

42 **SECTION 5.** G.S. 75A-38(b) reads as rewritten:

43 "(b) The Commission shall charge a fee of ~~thirty dollars (\$30.00)~~ twenty dollars (\$20.00)
 44 to issue a new or transfer certificate of title. ~~The Commission shall transfer on a quarterly basis~~
 45 ~~at least ten dollars (\$10.00) of each new or transfer certificate of title to the Shallow Draft~~
 46 ~~Navigation Channel Dredging and Lake Maintenance Fund established by G.S. 143-215.73F.~~
 47 The Commission shall charge a fee of ten dollars (\$10.00) for each duplicate title it issues and
 48 for the recording of a supplemental lien."

49 **SECTION 6.** G.S. 105-449.126 reads as rewritten:

1 "§ 105-449.126. Distribution of part of Highway Fund allocation to Wildlife Resources
2 ~~Fund and Shallow Draft Navigation Channel Dredging and Lake Maintenance~~
3 ~~Fund.~~

4 (a) The Secretary shall credit to the Wildlife Resources Fund one-sixth of one percent
5 (1/6 of 1%) of the amount that is allocated to the Highway Fund under G.S. 105-449.125 and is
6 from the excise tax on motor fuel. Revenue credited to the Wildlife Resources Fund under this
7 section may be used only for the boating and water safety activities described in G.S. 75A-3(c).
8 The Secretary must credit revenue to the Wildlife Resources Fund on a quarterly basis. The
9 Secretary must make the distribution within 45 days of the end of each quarter.

10 ~~(b) The Secretary shall credit to the Shallow Draft Navigation Channel Dredging and~~
11 ~~Lake Maintenance Fund one sixth of one percent (1/6 of 1%) of the amount that is allocated to~~
12 ~~the Highway Fund under G.S. 105-449.125 and is from the excise tax on motor fuel. Revenue~~
13 ~~credited to the Shallow Draft Navigation Channel Dredging and Lake Maintenance Fund under~~
14 ~~this section may be used only for the dredging activities described in G.S. 143-215.73F. The~~
15 ~~Secretary shall credit revenue to the Shallow Draft Navigation Channel Dredging and Lake~~
16 ~~Maintenance Fund on a quarterly basis. The Secretary must make the distribution within 45~~
17 ~~days of the end of each quarter."~~

18 **SECTION 7.** This act becomes effective October 1, 2015, and applies to
19 applications submitted, and new or transfer certificates of title issued, on or after that date.