

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE BILL 397

Short Title: Increase Boating and Waterways Access Funding. (Public)

Sponsors: Senator Hoyle.

Referred to: Appropriations/Base Budget.

February 28, 2007

A BILL TO BE ENTITLED

AN ACT TO INCREASE BOATING AND WATERWAYS ACCESS FUNDING.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 75A-3(c) reads as rewritten:

"(c) The Boating and Waterways Account is established within the Wildlife Resources Fund created under G.S. 143-250. ~~All moneys collected pursuant to the numbering and titling provisions of this Chapter shall be credited to this Account. Motor fuel excise tax revenue is credited to the Account under G.S. 105-449.126. Except as~~ otherwise specified by law, any moneys appropriated or otherwise made available for the purposes of administering and enforcing this Chapter shall remain available until expended, including the income received and accruing from the investment of revenues in this Account, all moneys collected pursuant to the numbering and titling provisions of this Chapter; and motor fuel excise tax revenue credited to the Account under G.S. 105-449.126. The Commission shall use revenue in the Account, subject to the Executive Budget Act and the Personnel Act, for the administration and enforcement of this Chapter; for activities relating to boating and water safety including education and waterway marking and improvement; and for boating access area acquisition, development, and maintenance. The Commission shall use at least three dollars (\$3.00) of each one-year certificate of number fee and at least nine dollars (\$9.00) of each three-year certificate of number fee collected under the numbering provisions of G.S. 75A-5 for boating access area acquisition, development, and maintenance."

SECTION 2. G.S. 75A-5(a) reads as rewritten:

"(a) Application for Certificate of Number and Fees. – The owner of each vessel requiring numbering by this State shall file an application for a certificate of number with the Commission. The Commission shall furnish application forms and shall prescribe the information contained in the application form. The application shall be signed by the owner of the vessel or the owner's agent and shall be accompanied by a fee of ~~ten dollars (\$10.00)~~ fifteen dollars (\$15.00) for a one-year period or by a fee of ~~twenty-five dollars (\$25.00)~~ forty dollars (\$40.00) for a three-year period; provided,

1 however, there shall be no fee charged for vessels owned and operated by nonprofit
2 rescue squads if they are operated exclusively for rescue purposes, including rescue
3 training. The owner shall have the option of selecting a one-year numbering period or a
4 three-year numbering period. Upon receipt of the application in approved form, the
5 Commission shall enter the application in its records and issue the owner a certificate of
6 number stating the identification number awarded to the vessel and the name and
7 address of the owner, and a validation decal indicating the expiration date of the
8 certificate of number. The owner shall paint on or attach to each side of the bow of the
9 vessel the identification number in such manner as may be prescribed by rules of the
10 Commission in order that it may be clearly visible. The identification number shall be
11 maintained in legible condition. The validation decal shall be displayed on the starboard
12 bow of the vessel immediately following the number. The certificate of number shall be
13 pocket size and shall be available for inspection on the vessel for which the certificate is
14 issued at all times the vessel is in operation. Any person charged with failing to so carry
15 a certificate of number shall not be convicted if the person produces in court a
16 certificate of number previously issued to the owner that was valid at the time of the
17 alleged violation."

18 **SECTION 3.** G.S. 75A-5(c) reads as rewritten:

19 "(c) Change of Ownership. – Should the ownership of a vessel change, a new
20 application form with a fee of ~~ten dollars (\$10.00)~~ fifteen dollars (\$15.00) for a one-year
21 period or by a fee of ~~twenty five dollars (\$25.00)~~ forty dollars (\$40.00) for a three-year
22 period shall be filed with the Commission and a new certificate bearing the same
23 identification number shall be awarded to the new owner in the same manner as an
24 original certificate of number. Possession of the certificate shall in cases involving
25 prosecution for violation of any provision of this Chapter be prima facie evidence that
26 the person whose name appears on the certificate is the owner of the vessel referred to
27 on the certificate."

28 **SECTION 4.** G.S. 75A-5(h) reads as rewritten:

29 "(h) Renewal of Certificates. – An owner of a vessel awarded a certificate of
30 number pursuant to this Chapter shall renew the certificate on or before the first day of
31 the month after which the certificate expires; otherwise, the certificate shall lapse and be
32 void until such time as it may thereafter be renewed. Application for renewal shall be
33 submitted on a form approved by the Commission and shall be accompanied by a fee of
34 ~~ten dollars (\$10.00)~~ fifteen dollars (\$15.00) for a one-year period or by a fee of
35 ~~twenty five dollars (\$25.00)~~ forty dollars (\$40.00) for a three-year period; provided,
36 there shall be no fee required for a period of one year for renewal of certificates of
37 number that have been previously issued to commercial fishing vessels as defined in
38 G.S. 75A-5.1, upon compliance with all of the requirements of that section."

39 **SECTION 5.** This act becomes effective January 1, 2008.