

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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SENATE DRS65008-SBfa-11 (12/03)

Short Title: Increase Funding for Dredging. (Public)

Sponsors: Senator Brown (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE ADDITIONAL FUNDING FOR DREDGING OF THE STATE'S
3 SHALLOW DRAFT INLETS.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 75A-3 reads as rewritten:

6 "§ 75A-3. Wildlife Resources Commission to administer Chapter; Vessel Committee;
7 funds for administration.

8 (a) The Commission shall enforce and administer the provisions of this Chapter.

9 (b) The chair of the Commission shall designate from among the members of the
10 Commission three members who shall serve as the Vessel Committee of the Commission, and
11 who shall, in their activities with the Commission, place special emphasis on the administration
12 and enforcement of this Chapter.

13 (c) The Boating Account is established within the Wildlife Resources Fund created
14 under G.S. 143-250. Interest and other investment income earned by the Account accrues to the
15 Account. All moneys collected pursuant to the numbering and titling provisions of this Chapter
16 shall be credited to this Account. Motor fuel excise tax revenue is credited to the Account
17 under G.S. 105-449.126. The Commission shall use revenue in the Account, subject to the
18 Executive Budget Act and the Personnel Act, for the administration and enforcement of this
19 Chapter; for activities relating to boating and water safety including education and waterway
20 marking and improvement; and for boating access area acquisition, development, and
21 maintenance. The Commission shall use at least three dollars (\$3.00) of each one-year
22 certificate of number fee and at least nine dollars (\$9.00) of each three-year certificate of
23 number fee collected under the numbering provisions of G.S. 75A-5 for boating access area
24 acquisition, development, and maintenance. The Commission shall transfer on a quarterly basis
25 at least fifty percent (50%) of each one-year certificate of number fee and at least fifty percent
26 (50%) of each three-year certificate of number fee collected under the numbering provisions of
27 G.S. 75A-5 to the Shallow Draft Inlet Dredging Fund established by G.S. 143-215.73F."

28 SECTION 2. G.S. 75A-5 reads as rewritten:

29 "§ 75A-5. Application for certificate of ~~number and fees;~~ number; fees; reciprocity;
30 change of ownership; conformity with federal regulations; records; award of
31 certificates; renewal of certificates; transfer of partial interest; destroyed or
32 junked vessels; abandonment; change of address; duplicate certificates;
33 display.

34 (a) Application for Certificate of ~~Number and Fees.~~ Number. – The owner of each
35 vessel requiring numbering by this State shall file an application for a certificate of number



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1 with the Commission. The Commission shall furnish application forms and shall prescribe the
2 information contained in the application form. The application shall be signed by the owner of
3 the vessel or the owner's agent and shall be accompanied by a fee. ~~The fee is fifteen dollars~~
4 ~~(\$15.00) for a one-year period or forty dollars (\$40.00) for a three-year period.~~ fee as set out in
5 subsection (a1) of this section. The fee does not apply to vessels owned and operated by
6 nonprofit rescue squads if they are operated exclusively for rescue purposes, including rescue
7 training. The owner shall have the option of selecting a one-year numbering period or a
8 three-year numbering period. Upon receipt of the application in approved form, the
9 Commission shall enter the application in its records and issue the owner a certificate of
10 number stating the identification number awarded to the vessel and the name and address of the
11 owner, and a validation decal indicating the expiration date of the certificate of number. The
12 owner shall paint on or attach to each side of the bow of the vessel the identification number in
13 such manner as may be prescribed by rules of the Commission in order that it may be clearly
14 visible. The identification number shall be maintained in legible condition. The validation decal
15 shall be displayed on the starboard bow of the vessel immediately following the number. The
16 certificate of number shall be pocket size and shall be available for inspection on the vessel for
17 which the certificate is issued at all times the vessel is in operation. Any person charged with
18 failing to so carry a certificate of number shall not be convicted if the person produces in court
19 a certificate of number previously issued to the owner that was valid at the time of the alleged
20 violation.

21 (a1) Fees. – The fees for certificates of number are as set out in this subsection.

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

- 23 a. Fifteen dollars (\$15.00) for a vessel that is less than 14 feet in length.
24 b. Twenty-five dollars (\$25.00) for a vessel that is 14 feet or more in
25 length but less than 20 feet in length.
26 c. Fifty dollars (\$50.00) for a vessel that is 20 feet or more in length but
27 less than 26 feet in length.
28 d. One hundred dollars (\$100.00) for a vessel that is 26 feet or more in
29 length but less than 40 feet in length.
30 e. One hundred fifty dollars (\$150.00) for a vessel that is more than 40
31 feet in length.

32 (2) The fee for a certificate of number for a three-year period is:

- 33 a. Forty-five dollars (\$45.00) for a vessel that is less than 14 feet in
34 length.
35 b. Seventy-five dollars (\$75.00) for a vessel that is 14 feet or more in
36 length but less than 20 feet in length.
37 c. One hundred fifty dollars (\$150.00) for a vessel that is 20 feet or
38 more in length but less than 26 feet in length.
39 d. Three hundred dollars (\$300.00) for a vessel that is 26 feet or more in
40 length but less than 40 feet in length.
41 e. Four hundred fifty dollars (\$450.00) for a vessel that is more than 40
42 feet in length.

43 (b) Reciprocity. – The owner of any vessel already covered by a number in full force
44 and effect pursuant to federal law or a federally approved numbering system of another state
45 shall record the identification number prior to operating the vessel on the waters of this State in
46 excess of the 90-day reciprocity period provided for in G.S. 75A-7(a)(1). The recordation shall
47 be made pursuant to subsection (a) of this section, except that no additional or substitute
48 identification number shall be issued.

49 (c) Change of Ownership. – Should the ownership of a vessel change, a new application
50 form with a fee in the amount set in subsection ~~(a)~~(a1) of this section shall be filed with the
51 Commission and a new certificate bearing the same identification number shall be awarded to

1 the new owner in the same manner as an original certificate of number. Possession of the
2 certificate shall in cases involving prosecution for violation of any provision of this Chapter be
3 prima facie evidence that the person whose name appears on the certificate is the owner of the
4 vessel referred to on the certificate.

5 (d) Conformity With Federal Regulations. – In the event that an agency of the federal
6 government shall have in force an over-all system of identification numbering for vessels
7 within the United States, the numbering system employed pursuant to this Chapter by the
8 Commission shall be in conformity therewith.

9 (e) Repealed by Session Laws 2006-185, s. 1.

10 (f) Records. – All records of the Commission made or kept pursuant to this section
11 shall be public records.

12 (g) Award of Certificates. – Each certificate of number awarded pursuant to this
13 Chapter, unless sooner terminated or discontinued in accordance with the provisions of this
14 Chapter, shall continue in full force and effect to and including the last day of the month during
15 which the certificate was awarded after the lapse of one year in the case of a one-year
16 certificate or three years in the case of a three-year certificate. No person shall willfully remove
17 a validation decal from any vessel during the continuance of its validity or alter, counterfeit, or
18 otherwise tamper with a validation decal attached to any vessel for the purpose of changing or
19 obscuring the indicated date of expiration of the certificate of number of the vessel.

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

28 (i) Transfer of Partial Interest. – The owner shall furnish the Commission notice of the
29 transfer of any part of the owner's interest other than the creation of a security interest in a
30 vessel numbered in this State pursuant to subsections (a) and (b) of this section within 15 days
31 of the transfer. A transfer of partial interest in a vessel shall not affect the owner's right to
32 operate the vessel, nor shall a transfer of partial interest in a vessel terminate the certificate of
33 number.

34 (i1) Destroyed or Junked Vessels. – The owner of any destroyed or junked vessel shall
35 furnish the Commission notice of the destruction or junking of that vessel within 15 days of its
36 occurrence. Destruction or junking terminates the certificate of number and renders the hull
37 identification number invalid for that vessel.

38 (i2) Abandonment. – A person may acquire ownership of an abandoned vessel by
39 providing proof to the Commission that the lawful owner has actually abandoned the vessel.
40 The Commission shall adopt rules by which a person seeking to acquire ownership may
41 demonstrate that the vessel is actually abandoned. At a minimum, the rules shall provide for a
42 reasonable attempt to locate the lawful owner and, if the owner is located, notice by the
43 claimant of an intention to claim ownership of the vessel.

44 (j) Change of Address. – Whenever any person, after applying for or obtaining the
45 certificate of number of a vessel, moves from the address shown in the application or upon the
46 certificate of number, that person shall notify the Commission of the change of address within
47 30 days of moving in a form acceptable to the Commission.

48 (j1) Duplicate Certificates. – The Commission shall issue a duplicate certificate of
49 number for a vessel upon application by the person entitled to hold the certificate, if the
50 Commission is satisfied that the original certificate of number has been lost, stolen, mutilated,

1 or destroyed, or has become illegible. The Commission shall charge a fee of five dollars (\$5.00)
2 for issuance of each duplicate certificate.

3 (k) Display. – No number other than the identification number set forth in the certificate
4 of number or granted reciprocity pursuant to this Chapter shall be painted, attached, or
5 otherwise displayed on either side of the bow of a vessel, except the validation decal required
6 by subsection (a) of this section.

7 (l) Repealed by Session Laws 2006-185, s. 1."

8 **SECTION 3.** G.S. 75A-7 reads as rewritten:

9 **"§ 75A-7. Exemption from numbering requirements.**

10 (a) A vessel shall not be required to be numbered under this Chapter if it is:

11 (1) A vessel that is required to be awarded an identification number pursuant to
12 federal law or a federally approved numbering system of another state, and
13 for which an identification number has been so awarded: Provided, that any
14 such vessel shall not have been within this State for a period in excess of 90
15 consecutive days.

16 (2) A vessel from a country other than the United States temporarily using the
17 waters of this State.

18 (3) A vessel whose owner is the United States, a state or a subdivision thereof.

19 (4) A ship's lifeboat.

20 ~~(5) A vessel that has a valid marine document issued by the federal Bureau of
21 Customs or any federal agency successor thereto.~~

22 (6) A sailboat of not more than 14 feet on the load water line (LWL).

23 (7) A vessel with no means of propulsion other than drifting or manual
24 paddling, poling, or rowing.

25 (b) The Commission is hereby empowered to permit the voluntary numbering of vessels
26 owned by the United States, a state or a subdivision thereof.

27 (c) Those vessels owned by the United States, a state or a subdivision thereof and those
28 owned by nonprofit rescue squads may be assigned a certificate of number bearing no
29 expiration date but which shall be stamped with the word "permanent" and shall not be
30 renewable so long as the vessel remains the property of the governmental entity or nonprofit
31 rescue squad. If the ownership of any such vessel is transferred from one governmental entity
32 to another or to a nonprofit rescue squad or if a vessel owned by a nonprofit rescue squad is
33 transferred to another nonprofit rescue squad or governmental entity, the Commission shall
34 issue a new permanent certificate of number, displaying the same identification number,
35 without charge to the successor entity. When any such vessel is sold to a private owner or is
36 otherwise transferred to private ownership, the applicable certificate of number shall be deemed
37 to have expired immediately prior to the transfer. Prior to further use on the waters of this State,
38 the new owner shall obtain a certificate of number pursuant to the provisions of this Chapter.
39 The provisions of this subsection applicable to a vessel owned by a nonprofit rescue squad
40 apply only to a vessel operated exclusively for rescue purposes, including rescue training."

41 **SECTION 4.** G.S. 75A-34 reads as rewritten:

42 **"§ 75A-34. Who may apply for certificate of title; authority of employees of Commission.**

43 (a) Any owner of a motorized vessel or sailboat 14 feet or longer or any personal
44 watercraft, as defined in G.S. 75A-13.3(a), that is applying for a certificate of number for the
45 first time in this State pursuant to G.S. 75A-5(a), and any new owner of a motorized vessel or
46 sailboat 14 feet or longer or any personal watercraft to whom ownership is being transferred
47 under G.S. 75A-5(c) shall apply to the Commission for a certificate of title for that vessel. Any
48 other vessel may be titled in this State at the owner's option. A vessel may not be titled in this
49 State if it is titled in another state, unless the current title is surrendered along with the
50 application for a certificate of title in this State. The Commission shall issue a certificate of title
51 upon reasonable evidence of ownership, which may be established by affidavit, bill of sale,

1 manufacturer's statement of origin, certificate of title in this State, certificate of number or title
2 from another state, or other document satisfactory to the Commission. Only one certificate of
3 title may be issued for any vessel in this State. A vessel may not be titled in this State if it is
4 documented with the United States Coast ~~Guard~~-Guard, unless the documentation has expired
5 or been deleted by the United States Coast Guard. The Commission shall issue a certificate of
6 title upon receipt of a completed application, along with the appropriate fee and reasonable
7 evidence of ownership. The Commission shall require a manufacturer's statement of origin for
8 all new vessels being issued a certificate of number and a certificate of title for the first time.
9 The Commission may request a pencil tracing of the hull identification number (serial number)
10 for vessels being transferred, in order to positively identify the vessel before issuance of a
11 certificate of title for that vessel.

12 (b) Employees of the Commission are vested with the power to administer oaths and to
13 take acknowledgements and affidavits incidental to the administration and enforcement of this
14 section. They shall receive no compensation for these services."

15 **SECTION 5.** G.S. 75A-38 reads as rewritten:

16 "**§ 75A-38. Commission's records; fees.**

17 (a) The Commission shall maintain a record of any title it issues.

18 (b) The Commission shall charge a fee of ~~twenty dollars (\$20.00)~~thirty dollars (\$30.00)
19 to issue a new or transfer certificate of title. The Commission shall transfer on a quarterly basis
20 at least ten dollars (\$10.00) of each new or transfer certificate of title to the Shallow Draft Inlet
21 Dredging Fund established by G.S. 143-215.73F. The Commission shall charge a fee of ten
22 dollars (\$10.00) for each duplicate title it issues and for the recording of a supplemental lien."

23 **SECTION 6.** Article 21 of Chapter 143 of the General Statutes is amended by
24 adding a new Part to read:

25 "Part 8B. Shallow Draft Inlet Dredging Fund.

26 "**§ 143-215.73F. Shallow Draft Inlet Dredging Fund.**

27 The Shallow Draft Inlet Dredging Fund is established as a special revenue fund. The Fund
28 consists of fees credited to it under G.S. 75A-3 and G.S. 75A-38. Revenue in the Fund may
29 only be used to provide the State's share of the costs associated with any dredging project
30 designed to keep a shallow draft inlet located in State waters navigable and safe. Any project
31 funded by revenue from the Fund must be cost-shared with non-State dollars on a one-to-one
32 basis."

33 **SECTION 7.** Nothing in this act shall affect the validity, term, or cost of any
34 certificate of number or certificate of title issued prior to July 1, 2013.

35 **SECTION 8.** This act becomes effective July 1, 2013.