

SENATE BILL NO. 2382

Introduced by

Senator Larsen

Representative Porter

1 A BILL ~~for an Act to amend and reenact section 20.1-13-03 and subsection 6 of section~~
2 ~~20.1-13-07 of the North Dakota Century Code, relating to motorboat identification numbers and~~
3 ~~boating regulations; to repeal section 20.1-13-06 of the North Dakota Century Code, relating to~~
4 ~~exemptions for motorboat identification numbers; and to provide a penalty.~~ for an Act to amend
5 and reenact section 20.1-13-06 of the North Dakota Century Code, relating to motorboat
6 numbering exemptions.

7 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

8 ~~— **SECTION 1. AMENDMENT.** Section 20.1-13-03 of the North Dakota Century Code is~~
9 ~~amended and reenacted as follows:~~

10 ~~— **20.1-13-03. Identification number and license -- Penalty.**~~

11 ~~— 1. The owner of each motorboat shall file an application for number and license with the~~
12 ~~department on forms approved by it~~ the department. ~~The application must be signed by~~
13 ~~the owner of the motorboat and must be accompanied by the appropriate fee. Upon~~
14 ~~receipt of the application in approved form, the department shall enter the same upon~~
15 ~~the records of its office and issue the applicant a certificate of number and license~~
16 ~~stating the number awarded to the motorboat and the name and address of the owner.~~
17 ~~When an identification number has previously been issued by the department, the~~
18 ~~same application procedure and fee apply for the issuance of a current license. The~~
19 ~~department shall pay all funds collected hereunder~~ under this section ~~to the state~~
20 ~~treasurer who shall credit such~~ the ~~funds to the state game and fish fund to pay for the~~
21 ~~costs of administering this chapter. The owner shall attach to each side of the bow of~~
22 ~~the motorboat the identification number and current license of such type~~ in the form
23 ~~and in such manner as may be prescribed by rules of the department in order that they~~
24 ~~may be to ensure the identification number and license are clearly visible. The number~~

1 and license must be maintained in legible condition. The certificate of number must be
2 available at all times for inspection on the motorboat for which issued, whenever
3 suchthe motorboat is in operation.

4 ~~2.~~ The owner of any motorboat already covered by a number in full force and effect
5 which has been awarded to it pursuant to then operative federal law or a federally
6 approved numbering system of another state may operate the motorboat on the
7 waters of this state for the ninety-day reciprocity period provided for in section
8 20.1-13-06. After the ninety-day reciprocity period has expired, such motorboats are
9 subject to the numbering and licensing provisions of subsection 1.

10 ~~3.~~ Shouldif the ownership of a motorboat changechanges, a new application form, with
11 the license fee prorated on a yearly basis, must be filed with the department and a
12 new certificate of number and license must be awarded in the same manner as
13 provided for in an original award of number and license.

14 ~~4.~~ In the event that

15 ~~3.~~ If an agency of the United States government has in force an overall system of
16 identification numbering for motorboats within the United States, the numbering
17 system employed pursuant tounder this chapter by the department must be in
18 conformity therewithwith that system.

19 ~~5.4.~~ The department may award any certificate of number or license directly or may
20 authorize any person to act as agent for the awarding thereofto award the certificate of
21 number of license. In the event thatif a person accepts suchthe authorization, that
22 person may be assigned a block of numbers, certificates, and licenses which upon
23 award, in conformity with this chapter and with any rules of the department, are valid
24 as if awarded directly by the department.

25 ~~6.5.~~ All records of the department made or kept pursuant to this section are public records.

26 ~~7.6.~~ Every certificate of number and license awarded pursuant tounder this chapter
27 continues in full force and effectis valid for a period of three years unless sooner
28 terminated or discontinued in accordance with this chapter. Certificates of number and
29 licenses may be renewed by the owner in the same manner provided for in the initial
30 securing of the sameapplication for certificate of number and license.

1 ~~8.7.~~ The department shall fix a day and month on which certificates of number and licenses
2 due to expire during the calendar year lapse and are no longer of any force and
3 effect valid unless renewed pursuant to this chapter.

4 ~~9.8.~~ The owner shall furnish the department notice of the transfer of all or any part of the
5 owner's interest other than the creation of a security interest in a motorboat numbered
6 and licensed in this state pursuant to subsection subsection 1 and 2, of the theft or
7 recovery of such the motorboat, or of the destruction or abandonment of such the
8 motorboat, within fifteen days thereof. Such The transfer, destruction, or abandonment
9 terminates the certificate of number and license for such the motorboat except that, in
10 the case of a transfer of a part interest which does not affect the owner's right to
11 operate such the motorboat, such the transfer does not terminate the certificate of
12 number and license.

13 ~~10.9.~~ Any holder of a certificate of number and license shall notify the department within
14 fifteen days if the holder's address no longer conforms to the address appearing on
15 the certificate and shall, as a part of such notification, furnish provide the department
16 with the holder's new address. The department may provide in its rules for the
17 surrender of the certificate bearing the former address and its replacement with a
18 certificate bearing the new address or for the alteration of an outstanding certificate to
19 show the new address of the holder.

20 ~~11.10.~~ No A number other than the number and license awarded to a motorboat or granted
21 reciprocity pursuant to this chapter may not be painted, attached, or otherwise
22 displayed on either side of the bow of such the motorboat.

23 ~~12.11.~~ The certificate of number for vessels less than twenty-six feet [7.92 meters] in length
24 and leased or rented to another for the latter's noncommercial use of less than
25 twenty-four hours may be retained on shore by the vessel's owner or owner's
26 representative at the place from which the vessel departs or returns to the possession
27 of the owner or owner's representative. A vessel which that does not have the
28 certificate of number on board must be identified while in use and comply with such
29 other any requirements as prescribed by the department prescribes.

30 ~~13.12.~~ Any person who violates this section is guilty of a class 2 noncriminal offense.

1 ~~SECTION 2. AMENDMENT.~~ Subsection 6 of section 20.1-13-07 of the North Dakota
2 Century Code is amended and reenacted as follows: ~~SECTION 2. AMENDMENT.~~

3 ~~6. An individual may not operate a motorboat or vessel within one hundred feet [30.48-~~
4 ~~meters] of a person fishing from a shoreline, swimmer, swimming diving raft, or an~~
5 ~~occupied, anchored or nonmotorized vessel, or within two hundred fifty feet [76.20-~~
6 ~~meters] of a reduced speed or slow or no wake sign at greater than slow or no wake~~
7 ~~speed. An individual who violates this subsection is subject to a fine of one hundred~~
8 ~~dollars.~~

9 ~~SECTION 3. REPEAL.~~ Section 20.1-13-06 of the North Dakota Century Code is repealed.

10 **SECTION 1. AMENDMENT.** Section 20.1-13-06 of the North Dakota Century Code is
11 amended and reenacted as follows:

12 **20.1-13-06. Exemption from numbering provisions of this chapter.**

13 A motorboat may not be required to be numbered under this chapter if it is:

- 14 1. Already covered by a number, in full force and effect, awarded it pursuant to federal
- 15 law or a federally approved numbering system of another state, provided such
- 16 motorboat has not been within this state for more than ninety consecutive days.
- 17 2. A motorboat from a foreign country temporarily using the waters of this state.
- 18 3. A motorboat owned by the United States, a state, or a subdivision thereof.
- 19 4. A ship's lifeboat.

20 ~~5. A motorboat belonging to a class of boats exempted from numbering by the~~
21 ~~department after said agency has found that the numbering of motorboats of such~~
22 ~~class will not materially aid in their identification; and, if an agency of the federal~~
23 ~~government has a numbering system applicable to the class of motorboats to which~~
24 ~~the motorboat in question belongs, after the department has further found that the~~
25 ~~motorboat would also be exempt from numbering if it were subject to the federal law.~~