

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

S

2

SENATE BILL 58

Agriculture/Environment/Natural Resources Committee Substitute Adopted 3/5/13

Short Title: Increase Funding for Dredging.

(Public)

Sponsors:

Referred to:

February 6, 2013

A BILL TO BE ENTITLED

AN ACT TO PROVIDE ADDITIONAL FUNDING FOR DREDGING OF THE STATE'S  
SHALLOW DRAFT INLETS.

The General Assembly of North Carolina enacts:

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

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

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

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

(c) The Boating Account is established within the Wildlife Resources Fund created under G.S. 143-250. Interest and other investment income earned by the Account accrues to the Account. 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. 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. The Commission shall transfer on a quarterly basis at least fifty percent (50%) of each one-year certificate of number fee and at least fifty percent (50%) of each three-year certificate of number fee collected under the numbering provisions of G.S. 75A-5 to the Shallow Draft Inlet Dredging Fund established by G.S. 143-215.73F."

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

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

(a) Application for Certificate of ~~Number and Fees~~.Number. – 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



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

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

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

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

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

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

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

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

1 certificate shall in cases involving prosecution for violation of any provision of this Chapter be  
2 prima facie evidence that the person whose name appears on the certificate is the owner of the  
3 vessel referred to on the certificate.

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

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

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

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

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

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

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

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

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

47 (j1) Duplicate Certificates. – The Commission shall issue a duplicate certificate of  
48 number for a vessel upon application by the person entitled to hold the certificate, if the  
49 Commission is satisfied that the original certificate of number has been lost, stolen, mutilated,  
50 or destroyed, or has become illegible. The Commission shall charge a fee of five dollars (\$5.00)  
51 for issuance of each duplicate certificate.

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

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

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

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

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

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

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

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

17 (4) A ship's lifeboat.

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

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

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

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

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

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

40 **"§ 75A-34. Who may apply for certificate of title; authority of employees of Commission.**

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

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

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

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

14 "**§ 75A-38. Commission's records; fees.**

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

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

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

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

24 "**§ 143-215.73F. Shallow Draft Inlet Dredging Fund.**

25 The Shallow Draft Inlet Dredging Fund is established as a special revenue fund. The Fund  
26 consists of fees credited to it under G.S. 75A-3 and G.S. 75A-38. Revenue in the Fund may  
27 only be used to provide the State's share of the costs associated with any dredging project  
28 designed to keep a shallow draft inlet located in State waters navigable and safe. Any project  
29 funded by revenue from the Fund must be cost-shared with non-State dollars on a one-to-one  
30 basis. For purposes of this section, "shallow draft inlet" means a waterway connection, with a  
31 maximum depth of 14 feet, between the Atlantic Ocean and a bay or the Atlantic Intracoastal  
32 Waterway, or a river entrance to the Atlantic through which tidal and other currents flow."

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.