

SENATE BILL REPORT

SB 5270

As Reported By Senate Committee On:
Transportation, January 26, 2005
Ways & Means, February 16, 2005

Title: An act relating to vessel registration enforcement.

Brief Description: Assisting vessel registration enforcement.

Sponsors: Senators Haugen, Swecker, Kastama, Oke, Spanel, Esser, Jacobsen and Shin.

Brief History:

Committee Activity: Transportation: 1/26/05 [w/oRec].
Ways & Means: 2/15/05, 2/16/05 [DPS].

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: That it be referred to Committee on Ways & Means without recommendation.

Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Eide, Esser, Kastama, Mulliken, Oke, Swecker and Weinstein.

Staff: David Ward (786-7341)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Substitute Senate Bill No. 5270 be substituted therefor, and the substitute bill do pass.

Signed by Senators Prentice, Chair; Doumit, Vice Chair; Fraser, Vice Chair; Zarelli, Ranking Minority Member; Brandland, Fairley, Hewitt, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler and Thibaudeau.

Staff: Dean Carlson (786-7305)

Background: With few exceptions, no person may own or operate a vessel on the waters of this state unless the vessel has been registered and displays a registration number and a valid decal. Vessels that are validly registered in another state, but are brought into this state for principal use, must be registered in this state within 60 days.

However, vessels owned by a nonresident that are registered under the laws of another state are not required to register their vessel if the vessel is within Washington and is intended to be kept here for less than six months (180 days). For the first 60 days, vessels owned by a nonresident brought into the state for his or her use or enjoyment are not required to obtain a permit. After the first 60 days, the vessel owner must apply for a temporary permit that is valid for two months (60 days). The temporary permit may be renewed once for another two month (60 day) period.

Failure to register a vessel is a misdemeanor. All law enforcement officers have the authority to enforce the vessel registration requirements within their respective jurisdictions.

A watercraft excise tax is imposed for the privilege of using a vessel upon the waters of this state. The excise tax is due to the Department of Licensing or its agents at the time of registration of a vessel. The Department of Revenue (DOR) is authorized to collect any unpaid watercraft excise tax and assess penalties and interest.

Summary of Substitute Bill: DOR is given the authority to assess a penalty to an owner of a vessel that is not registered as required by law of: \$100 for a first offense; \$200 for a second offense; and \$400 for a third offense and each additional offense thereafter. The penalty is in addition to any other civil or criminal penalty imposed by law.

Any marina in the state that leases permanent moorage to vessels must require proof of vessel registration or a written statement of intent to register a vessel as a condition of leasing moorage space. If the applicant's vessel is not registered, the marina must inform the person applying for moorage space of the state law requiring vessel registration and of the penalties for failure to comply with the state's registration laws.

As an additional condition of leasing moorage space, a marina operator must obtain certain information from the lease applicant. Such information includes, among other things: the name, address and phone number of the legal owner of the vessel; the vessel's hull identification number; the vessel's coast guard registration; and the vessel's country or state of registration and registration number. The marina operator must keep this information for at least two years, and must provide the information for DOR's review upon request at a mutually agreed upon time and within 30 days of the request.

Substitute Bill Compared to Original Bill: Removes the requirement for a marina operator to collect home port information from a lessee. DOR's review of a marina's information must be done at a mutually agreed upon time withing 30 days of their request. The marina does not have to direct the moorage applicant to the appropriate forms, but has to describe the penalties for lack of registration in their description of the vessel registration laws.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: The bill takes effect on August 1, 2005.

Testimony For: It is disturbing to people who have paid taxes to see others that have not. There are a lot of people that are not registering their vessel and you can see them anywhere you go. There are 20 out of 70 unregistered vessels on one person's dock alone. We need to find a way to get the Department of Revenue to enforce the law.

Testimony Against: None.

Other: We are for enforcement of registration laws. However, this bill requires us to collect information that we don't already have. We do not want to be responsible to do the

Department of Revenues job. We want to make sure that when they review the record that it is at a mutually agreed upon time.

Who Testified: PRO: Senator Mary Margaret Haugen, prime sponsor; Stephen Hulsizer, citizen.

OTHER: Tim Layton, Northwest Marine Trade Association.