

WAC 308-93-090 Leased or rented vessels. (1) **What is the difference between leased and rented vessels?** For the purposes of this section a vessel is considered leased if the lease agreement is for a period of one year or more or there is an option to purchase. A vessel is considered rented if the rental agreement is for a period of less than one year and there is no option to purchase in the rental agreement.

(2) **When must leased or rented vessels, used on Washington waters, be titled and registered or required to obtain an identification document?** If the vessel is:

(a) Registered out-of-state or out-of-country and leased or rented, and used upon Washington waters, the owner of the vessel must purchase a permanent identification document from the department, issued to the vessel, on or before the sixty-first day of use as provided in RCW 88.02.030(3). If the vessel owner is not available, the person(s) applying for the identification document shall have notarized/certified power of attorney from a registered owner of the vessel authorizing him/her to purchase the permanent identification document and a copy of the valid registration issued by a country other than the United States or a United States Customs Service Cruising License.

(b) Registered in another state or country and leased or rented by a nonresident individual, and used upon Washington waters, the owner must purchase a Vessel Sixty Day Temporary Identification Document on or before the sixty-first day of use as provided in RCW 88.02.030(11). No more than two identification documents may be purchased in any twelve continuous months. If the vessel owner is not available, the person(s) applying for the identification document must have notarized/certified power of attorney from a registered owner of the vessel authorizing him/her to purchase the identification document. If the vessel is used upon Washington waters for more than one hundred and eighty days, it must be titled and registered in this state or removed from the waters of this state.

(c) Registered in another country or another state and leased or rented by a Washington resident, and used upon Washington waters, the following apply:

(i) If the lease is for one year or more or there is an option to buy on either the rental or lease agreement, the Washington resident must register the vessel in his or her name on or before the sixty-first day of use upon Washington waters.

(ii) If the vessel is rented for less than one year, it must be registered in the name of the owner, (not the operator) on or before the sixty-first day of use upon Washington waters. Any secured party is shown as the legal owner on the certificate of ownership.

(3) **Whose name must be shown on the application for certificate of ownership and registration when the vessel is rented?** The name of the owner, not the operator. Any secured party is shown as legal owner on the certificate of ownership.

(4) **What documents must a Washington resident carry with them when they lease or rent a Washington registered vessel and operate the vessel on Washington waters?**

(a) A copy of the lease or rental agreement signed by the owner or his authorized representative and by the person leasing or renting the vessel which must contain the vessel registration number, the period of time for which the vessel is leased or rented and the hull identification number; and

(b) A copy of the current registration certificate.

(5) Does a vessel owner need to surrender an out-of-state certificate of ownership to the department when they register a leased vessel in Washington? Depending on the following situations:

(a) If there is a secured party on the out-of-state certificate of ownership and lessee and lessor designations are shown as required by Washington state law or rule, the certificate of ownership need not be surrendered. Only a certificate of registration will be issued; a Washington certificate of ownership will not.

(b) If the out-of-state certificate of ownership does not show a secured party or is not in name agreement or does not show lessee and lessor designations as required by Washington law or rule, the out-of-state certificate of ownership shall be surrendered and a Washington certificate of ownership will be issued to the lessor/legal owner.

[Statutory Authority: RCW 88.02.070 and 88.02.100. WSR 06-21-025, § 308-93-090, filed 10/9/06, effective 11/9/06; WSR 01-03-128, § 308-93-090, filed 1/23/01, effective 2/23/01; WSR 00-01-027, § 308-93-090, filed 12/6/99, effective 1/6/00; WSR 84-19-026 (Order TL-RG 8), § 308-93-090, filed 9/13/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. WSR 83-23-076 (Order 736-DOL), § 308-93-090, filed 11/18/83.]