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BOAT REGISTRATION AND NUMBERING PROVISIONS OF
THE FEDERAL BOAT SAFETY ACT OF 1971:
AN ANALYSIS OF LEGISLATION, POLICY AND EFFECTIVENESS

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INTRODUCTION

Awareness of the need for new legislation in boating safety has grown for several years. By the late 1960's, over 40 million Americans were engaging in recreational boating annually in approximately 9 million boats. Predictions were that by 1980, well over 50 million people would engage in recreational boating. Though the number of deaths and injuries as a result of boating accidents was not increasing, more emphasis was needed on means to reduce the number of deaths and injuries. While a large number of boating accidents were caused by human error, it seemed clear that many tragedies might be prevented by construction and equipment standards which indicated maximum safe load and maximum power for boats. There was also a need to encourage the states to place added emphasis on boating safety. Approximately half of all fatalities occurred in waters under sole state jurisdiction. It was apparent that existing laws were not adequate to meet the increasing boating safety needs.

In response to these needs, the Federal Boat Safety Act (46 USC 1451-1489) was enacted into law on August 10, 1971. After 5 years it remains as the most current federal legislation governing recreational boating safety. Basically, the body of the Act is divided into four parts. Sections 1454-1465 deal with the establishment of national construction and performance standards for boats and associated equipment, as well as with the unsafe use of recreational boats. Sections 1466-1475 provide for the registration

and numbering of all undocumented¹ motorboats. Sections 1474-1481 are concerned with the establishment of state boating safety programs and with the allocation of federal funds to assist the states in establishing their boating safety programs. Lastly, sections 1482-1486 deal with the establishment of a National Boating Safety Advisory Council to assist in the enactment of boat or equipment safety standards, the creation of state casualty reporting systems and the institution of civil and criminal penalties for violations of the Act.

An examination of the available literature revealed that research in the area of boating safety has been aimed primarily at boating accidents, which include injuries, fatalities and property damage. The U. S. Coast Guard particularly, has been in the forefront of boating accident studies. Much of their work is reported in Boating Statistics and Boating Safety Newsletter. The National Transportation Safety Board, the Outboard Boating Club of America, Boating Industry Associations and National Association of State Boating Law Administrators have also done much research in the area of boating accidents. However, boating safety topics such as state boating safety education programs, boat and equipment standards as well as evaluation of registration and numbering systems have generally been ignored as research topics. The reason for this is not clear. Usually the only research concerning these latter topics is in the form of count data studies. The Outboard Boating Club of America periodically surveys the various states

¹An undocumented boat is a vessel which does not have and is not required to have documents issued to it by the U. S. Coast Guard. Documents are ships papers issued according to the trade in which the vessel is involved.

to compile a digest of state boating safety regulations, including boat registration and numbering, and this is made available to interested parties. Emphasis to date has been on compiling information rather than on analysis.

Purpose of this Research

While various aspects of boating safety dealt with by the Federal Boat Safety Act invite study, this paper will focus only on the registration and numbering provisions of the Act. A study of this aspect of boating safety will not only provide information about the relative success of the states in adopting and implementing the registration and numbering provisions of the Federal Boat Safety Act, but will also help fill some of the gap that presently exists in boating safety research.

It should be made clear at this point that this study is by no means exhaustive, but it is intended to be an exploratory study to guide further research efforts.

Scope of the Research

This study consists of four major sections dealing with various aspects of boat registration and numbering. The first section traces the legislative history of boat registration and numbering in the U. S., primarily at the federal level. This section is intended to provide background information to help understand how and why this aspect of boating safety legislation has evolved to its present form. The second section will examine the requirements for boat registration and numbering systems as expressed in the Federal Boat Safety Act. This will help to clarify the meanings of the various requirements of the Act. The third section will focus on the re-

sponse of the 48 contiguous states² of the United States to the registration and numbering provisions of the Act. This section will focus on the conformities and nonconformities of the states to the provisions of the Act, as well as on the similarities and dissimilarities among the states. The final section will be a discussion of the problems and weaknesses inherent to the Act revealed in this study.

Procedure

The information needed for this paper was obtained as follows. Historical data on the legislative history of boat registration and numbering was obtained through examination of Federal Statutes, hearings, and reports dealing with boat registration. Additional historical information was obtained from U. S. Coast Guard publications and by phone interview of the Liaison Officer for the U. S. Coast Guard in Washington D.C.

Each State Boating Law Administrator was contacted by mail and asked to forward a copy of his state's legislation dealing with the registration and numbering of undocumented boats and an application for certificate of number. In addition, each Administrator was also asked to answer four questions regarding his state's boat registration and numbering system³ (Appen-

² Alaska and Hawaii were excluded from this study because they have unique boat registration and numbering problems, due to their locations, which are atypical of other states.

³ Letters were sent out to the state administrators in November, 1975. Twenty-one administrators responded. A second letter was sent in February, 1976 to those state administrators that did not respond to the first letter. Sixteen additional administrators responded. The administrators of the remaining eleven states were contacted by phone to obtain the needed information. The reader should be cautioned that data used in this study was compiled in early 1976. Recent changes in state boat registration and numbering laws may affect some portions of this study.

dix A). This information was obtained to ascertain how the various states responded to the boat registration and numbering provisions of the Federal Boat Safety Act. Supplementary information was also obtained through correspondence and telephone interviews with the Executive Director of the National Association of State Boating Law Administrators in Washington D.C., the Executive Director of the Outboard Boating Club in Chicago, the Executive Director of Boating Industry Associations in Chicago and the Liaison Officer for the U. S. Coast Guard in Washington D.C.

II

LEGISLATIVE HISTORY OF BOAT REGISTRATION

The Numbering Act of 1918: A First Attempt at Boat Registration

The U. S. Coast Guard was charged with the task of enforcing the Motorboat Act of 1910 (47 USC 511-520) which provided for all motorboats (mechanically propelled vessels of 65 ft. or less) to have lights, life preservers, whistles, means for extinguishing burning gasoline and to comply with navigation laws. In many instances motorboat operators violated the law by dangerously crossing the bow of large steamers and other motorboats greatly interfering with the navigation of these vessels (S.R. 65-63, p2). When motorboats were boarded for inspection, they were frequently found to be in violation of many of the safety equipment provisions. Since motorboats were not required to be registered and numbered, there was no effective means by which the motorboat or owner could be traced. Consequently, violators of the law soon realized that they could avoid the penalty by giving fictitious names or addresses (H.R. 65-361, p1). During 1917, in New York Harbor, 607 violations of the law were detected. Approximately 25 percent of the offenders gave fictitious names or addresses (S.R. 65-63, p2). Eventually, it was realized that some means had to be devised for identifying recreational boats.

On June 7, 1918, the Numbering Act (46 USC 288) was enacted into law. It provided for all undocumented boats owned in the United States and operated in whole or in part by a motor in the navigable waters of the United

States⁴ to be numbered and recorded by the collector of customs in the district in which the boat was kept.⁵ Public boats and boats 16 feet in length or less, temporarily attached with detachable motors (outboard motors) were excluded from the numbering requirements. Numbers were awarded for the life of the boat. No fee was required to record and number the boat. The collector of customs had to be notified if there was a change of ownership or address or if the boat was lost, abandoned or destroyed.

A fine of \$10 was established by the Act as the penalty for violation of any provision of the act, for which the boat was liable and could be seized and proceeded against.

Although the Numbering Act was passed primarily to aid in the identification of boating law violators, it was soon discovered that it could serve other useful purposes such as aiding in the recovery of lost or stolen boats and discouraging the illegal use of numbered boats (S.R. 65-63, p. 3).

The Numbering Act also proved of great benefit to the Treasury Department. Section 603 of the War Revenue Act of 1917 imposed a tax on certain recreational boats. The tax was imposed to raise revenue to help support the allied war effort in Europe, during World War I. U. S. Treasury Depart-

⁴The Federal Power Act of 1920 (16 USC 796 (8)) defines navigable waters as "those parts of streams or other bodies of water which Congress has jurisdiction under its authority to regulate commerce with foreign nations and among the several states and which either in their natural or improved conditions. . . are used or suitable for use for the transportation of persons or property in interstate or foreign commerce."

⁵Numbers issued by the collector of customs were to be no less than 3 inches in height and painted or attached to each bow of the boat in such a manner and color as to be distinctly visible and legible. The number could be displayed in an ornamental fashion.

ment officials, charged with collecting the tax, were having great difficulty in locating the boats subject to the tax. The Numbering Act remedied the problem because tax officials were able to examine the registration files to determine the owners, fix their residences and ascertain the uses to which the boats were put (H.R. 65-361, p1).

When the Numbering Act was passed, it was hailed as a great asset to boating safety. Time, however, revealed several conceptual flaws.

The Numbering Act specifically exempted outboard motorboats less than 16 feet in length from the registration system. In 1918, outboard motors were heavy, hard to start, expensive, and unreliable (House Hearings, Study of Recreational Boating Safety (1956), p6). However, the number of boats equipped with outboard motors was to increase from less than 10,000 in 1918 to nearly 4 million by 1958 (Boating (1959), p2), and to over 5 million at the present time (State Boat Registration (1974)). Since a large percentage of the early fleet was recognized to be less than 16 feet in length, the prime purpose of the Numbering Act, that of identification of motorboats, was largely negated by the less than 16 feet exemption.

Another flaw of the Numbering Act was that it did not provide for a periodic renewal of the registration and number: it was a "one shot" requirement. By 1955, the registration records were cluttered with copies of certificates of numbers on boats that were no longer in existence, or had changed owner, or location (House Hearings, Study of Recreational Boating Safety (1956), p6).

At the time the Numbering Act was passed, it was also intended to provide government agencies with statistical information concerning the size

and other characteristics of boats as well as their geographical distribution (House Hearings, Study of Recreational Boating Safety (1956), p6). However, by the mid 1950's the records were useless for providing reliable statistical information.

Another reason for the inaccuracy of the records was the nominal penalty of \$10 for failure to notify the proper issuing authority⁶ of the owner's change of address, change of ownership of the boat or loss or destruction of the boat. This nominal penalty was undoubtedly the primary reason for the large number of violations of the Numbering Act reported annually by the U. S. Coast Guard (House Hearings, Study of Recreational Boating Safety (1956), p6).

By 1957 there were 300,000 unnumbered inboard motorboats (H. R. 85-2039, p4) and several million unnumbered outboard motorboats being used on waters not under federal jurisdiction. Unless a state had its own numbering system for boats used on state waters, there was no means by which the boat could be identified.

The Federal Boating Act of 1958: Boat Registration at the State Level

In 1956, a massive study was conducted by the House Committee on Merchant Marine and Fisheries to study the problem of boat registration, as well as other problems related to recreational boating safety. The Committee came to the conclusion that major legislative changes had to be made to meet existing and future boating safety needs.

⁶In 1950, the boat numbering program was transferred from the Collector of Customs to the U. S. Coast Guard by the 1950 Reorganization Plan No. 26 (5 USC sec 241).

Recommendations were made by the committee to revise the boat registration program by encouraging the states to participate in the program. The main reason for this recommendation was to improve the weaknesses of the existing law as previously mentioned and to meet the problems created by the boom in the use of recreational boats on the nation's waterways (H. R. 85-2039, p3).

There were also other apparent reasons for the recommendation. For instance, there was a need for the establishment of uniform laws regarding boat registration. Several states including Michigan and Ohio had established state sponsored numbering systems for their inland waters. Thus, boaters who used their boats on federal waters and state waters had to register their boats with both the U. S. Coast Guard and the proper issuing state agency. In several cases, persons who used their boats on the inland waters of another state, would also be required to register and number their boats in that state.

The success of the state boat numbering systems provided another reason for the recommendation that states be encouraged to participate in a boat registration program. Overall, the state numbering systems were more efficient than the previously implemented federal system. There was ample proof that boat registration could be effectively carried out at the state level.

Lastly, the recommendation was made because the U. S. Coast Guard, the agency charged with administering the federal boat registration program, was already overburdened with many other duties and could not effectively administer this program.

Following the recommendations of the House Committee on Merchant Marine and Fisheries, the Federal Boating Act of 1958 (46 USC 527-527h) was enacted

into law. The subsequent Act provided for the numbering of all undocumented boats regardless of size, propelled by machinery of more than 10hp, whether or not such machinery was the principal source of propulsion, using the navigable waters of the United States. Foreign vessels and ships lifeboats were exempted from the registration requirements as well as recreational boats not propelled by a motor.

The Act also provided for the states to establish their own boat numbering systems in accordance with the numbering system requirements established by the U. S. Coast Guard.⁷ The states were also allowed to set fees for the registration and numbering of boats to offset the cost of administering their programs. Registration numbers issued by a state were to be valid for a period not exceeding 3 years. The number could be renewed for additional periods. Owners of numbered boats had to be issued a pocket size certificate of number showing boat registration information such as boat number, and size and type of boat. The certificate of number had to be aboard the boat at all times when it was in use. The owner of a numbered boat was required to notify the issuing authority within a reasonable time if the boat was abandoned or destroyed or if there was a change of ownership or residence. Failure to comply with any of the numbering provisions could result in a fine of \$50 for each violation.

Unlike the Numbering Act, boats were to be registered and numbered in

⁷Registration numbers issued by a state were to be at least three inches in height and attached or painted to each bow of the boat. This requirement was similar to the Numbering Act. The difference was that the numbers had to be block characters of a certain stroke. Ornamental numbers were also not allowed.

the state in which the boat was principally used⁸ rather than where the boat was kept. In the event that a state decided not to establish a boat numbering system, boats principally used in that state were to be numbered by the U. S. Coast Guard. By 1971, Washington, New Hampshire and the District of Columbia were the only jurisdictions that had not established state numbering systems under the Federal Boat Safety Act.

The Federal Boat Safety Act of 1971: A Comprehensive Program

While the boat numbering program established by the Federal Boating Act of 1958 was a significant improvement on the earlier Numbering Act, deficiencies in the new program were soon evident. Clearly, the number of motorboats using engines of less than 10 hp were too many to be ignored. It was necessary that they be included in any boat numbering program. In fact, by 1971, 35 states were already registering boats of less than 10 hp (Senate Hearings, National Boating Safety Program (1971), p37).

A second problem was that of prerequisites to numbering. To insure the collection of taxes on mobile property such as automobiles, airplanes, boats, etc., some states already required proof of payment of applicable taxes before a boat number was issued. The Coast Guard took the position that such tax requirements were not permitted by the Federal Boating Act. If these states persisted in enforcing their tax-related requirements, the Coast Guard would have no choice but to declare their boat numbering systems as being non-

⁸The Federal Boating Act, did not provide a definition for "state of principal use." Consequently, the U. S. Coast Guard issued an interpretive ruling on "state of principal use." It stated that "principally used" included the time when the vessel was not in motion, as for instance when the vessel was moored or at anchor, equally with the time when the vessel was being navigated (Outboard Boating Club (1960) p2).

conformant to federal standards (Senate Hearing, National Boating Safety Program (1971), p114). In essence, this meant the responsibility for numbering boats in these nonconformant states would revert back to the U. S. Coast Guard.

A final problem was that of finances. Many states did not have adequate personnel or facilities to administer their programs, due to shortage of funds (Senate Hearing, National Boating Safety Program (1971), p68). Some type of federal financial assistance was needed to provide for improvement of state boat numbering programs.

To alleviate these deficiencies of the Federal Boating Act, the Federal Boat Safety Act (46 USC 1451-1489) was passed in 1971. While the Federal Boating Act of 1958 dealt primarily with the numbering of undocumented boats, the Federal Boat Safety Act was intended to comprehensively cover all aspects of recreational boating safety. The numbering of undocumented boats was only one of four major provisions of this latter Act.

III

BOAT REGISTRATION AND NUMBERING PROVISIONS OF THE
FEDERAL BOAT SAFETY ACT

Historically, the identification of undocumented boats has continued to be the major purpose for registering and numbering pleasure boats. Consequently, every piece of legislation enacted since the original Numbering Act has sought to improve the numbering system to meet current needs for identification.

This section will analyze only those provisions of the Federal Boat Safety Act that deal with the registration and numbering of undocumented boats. The factors, which prompted changes from previous legislation will also be discussed.

Title 46 U. S. Code

Section 1466

An undocumented vessel equipped with propulsion machinery of any type shall have a number issued by the proper issuing authority in the State in which the vessel is principally used.

This section is similar to the one found in the Federal Boating Act of 1958. The difference is that this section requires all vessels equipped with propulsion machinery of any type to be numbered.

There are two apparent reasons why all motorboats were included in the Federal Boat Safety Act. In 1958, when the Federal Boating Act was passed about 900,000 outboard motors in use were of less than 10 hp. By 1969, the total had grown to about 2 million (BIA (1969) p2). While these statistics

deal with motors rather than boats it gives an indication of the tremendous number of unnumbered motorized recreational boats that were operating on the waterways of the United States. Since the major portion of the boating safety problems consisted of all undocumented vessels equipped with propulsion machinery (Senate Hearing, National Boating Safety Program, (1971), 53), the next step was to include all motorized pleasure boats in the numbering program. Furthermore, in 1970, twenty-six states already had numbering systems that included all motorized recreational boats. It was thus thought that it would not be difficult to get all the states to accept this "broadening" of the system.

The phrase "equipped with propulsion machinery of any type" replaced the phrase found in the 1958 Act "propelled by machinery." This was done to prevent any question concerning whether a boat not being operated at the present time came within this section.

The numbering provisions of the Federal Boat Safety Act do not apply to (a) foreign vessels temporarily using waters subject to U. S., except recreational-type public vessels, (b) a vessel whose owner is a state or subdivisions thereof, which is used principally for governmental purposes and which is clearly identifiable as such, (c) ship's lifeboats, and (d) a vessel which is required to have or has a valid marine document as a vessel of the United States (33 CFR sec 173.11).

Vessels of 5 net tons and over, used exclusively for pleasure, are entitled to documentation as yachts. Should these vessels be documented, they are not required to be numbered. States, however, may require documented yachts to be registered for taxing and other purposes (Lt. Gamble, Liaison Officer, U. S. Coast Guard, Washington, D.C.).

Section 1467

(a) The Secretary shall establish by regulation a standard numbering system for vessels. Upon application by a State the Secretary shall approve a State numbering system which is in accord with the standard numbering system and the provisions of this Act relating to numbering and casualty reporting. A State with an approved system is the issuing authority under the Act. The Secretary is the issuing authority in States where a state numbering system has not been approved.

The Secretary of the Department of Transportation, of which the U. S. Coast Guard is currently a part,⁹ was subsequently designated to establish a numbering system for vessels. The requirements set forth by the Secretary are found in Title 33 of the Code of Federal Regulations, Parts 173 and 174, and are applicable to state boat numbering systems as well as to the federal numbering system administered by the U. S. Coast Guard.

While this subsection authorizes the U. S. Coast Guard to approve State numbering systems which strictly comply with the system established by the Secretary, the U. S. Coast Guard has permitted states to register and number boats under "conditional approval" of their systems. Conditional approval is granted if a state system is in "substantial compliance" with the system established by the Secretary (Lt. Gamble, Liaison U. S. Coast Guard, Washington, D.C.). The states, however, are encouraged to revise their systems to eventually be in full compliance. This "gradual compliance" procedure was probably followed to expedite dispersion of federal funds to the states.

The U. S. Coast Guard numbers boats principally used in the states of Washington and New Hampshire, since they remain as the only two contiguous states that have not been permitted by the U. S. Coast Guard to register and number boats.

⁹ On October 15, 1966, the U. S. Coast Guard was transferred from the Treasury Department to the Department of Transportation.

(b) If a state has a numbering system approved by the Secretary under the Act of September 2, 1958, as amended, prior to enactment hereof, the system need not be immediately revised to conform with this Act and may continue in affect without change for a period not to exceed three years from the date of enactment of this Act.

When the Federal Boat Safety Bill was introduced, it required the various states which had numbering systems under the Federal Boating Act to change to the standard numbering system within two years after enactment of the Bill. However, industry and state witnesses, particularly at hearings held in Boston and Seattle, recommended that the time be expanded to three years because there might be inadequate time for some state legislatures to revise their boat numbering systems to conform with the federal numbering system (HR 92-324, p18).

By 1975, every state that had implemented a numbering system under the 1958 Act had revised its system and had been permitted to number boats by the U. S. Coast Guard.

(c) When a vessel is actually numbered in the State of principal use, it shall be considered as in compliance with the numbering system requirements of any State in which it is temporarily used.

Numerous State Boating Law Administrators felt that too many problems were involved in ascertaining whether a non-numbered, out of state boat was not complying or was specifically exempt in its own state (HR 92-324, p19). For this reason, the reciprocity provision found in the Federal Boat Safety Act applies only to numbered boats. This subsection will be discussed later in this paper.

(d) When a vessel is removed to a new State of principal use, the issuing authority of that State shall recognize the validity of a number awarded by any other issuing authority for a period of at least sixty days before requiring numbering in the new State.

This subsection provides at least a 60 day grace period to a boater who has changed his state of principal use. This subsection also defines the term "temporarily used" found in subsection (c), as it applies to visiting boaters. As long as a boat numbered in one state is not used in another state for a period not exceeding at least 60 consecutive days, the boat is being used temporarily in that state. There are, however, problems with interpretation which will be discussed later.

(e) If a State has a numbering system approved after the effective date of this Act, that State must accept and recognize any certificate of number issued by the Secretary, as the previous issuing authority in that State, for one year from the date that State's system is approved, or until its expiration date, at the option of the State.

This subsection applies only to states that did not have numbering systems under the 1958 Act. The subsection requires that, at the inception of a state numbering system, a state must continue to recognize U. S. Coast Guard numbers previously issued in that state for a period of at least one year or until the federal certificate expires. This subsection applies to the three states, Alaska, New Hampshire and Washington, which have never been permitted by the Coast Guard to register and number boats.

(f) Whenever the Secretary determines that a State is not administering its approved numbering system in accordance with the standard numbering system, or has altered its system without his approval, he may withdraw his approval after giving notice to the State, in writing, setting forth specifically wherein the State has failed to meet the standards required, and the State has not corrected such failures within a reasonable time after being notified by the Secretary.

This subsection is not as severe as the one found in the 1958 Act which deals with the same subject. The 1958 Act provided for the

Secretary¹⁰ to withdraw his approval of a state numbering system after he had given notice to the state setting forth specifically how the state had failed to maintain such standards. No provision was made to allow the states found guilty to correct the non-conformities. The Federal Boat Safety Act, however, grants non-conforming states a reasonable period of time to correct non-conformities. If a state does not correct the non-conformities within the specified period, the U. S. Coast Guard can then remove its approval of the state system. The numbering of boats in the state would subsequently revert to the U. S. Coast Guard. Not only would the state lose the privilege to number boats, but also it would lose its right to federal financial assistance as provided by the Federal Boat Safety Act.

Section 1468

(a) The Secretary, when he is the issuing authority, may exempt a vessel or class of vessels from the numbering provisions of this Act under such conditions as he may prescribe.

(b) When a State is the issuing authority, it may exempt from the numbering provisions of this Act any vessel or class of vessels that has been exempted under subsection (a) of this section or otherwise as permitted by the Secretary.

The U. S. Coast Guard exempts boats used exclusively for racing, and tenderboats under 10 hp from the numbering requirements. The tenderboats use the same number as the mothership followed by the suffix 1 (33 CFR 173.13). The purpose of excluding tenderboats was to reduce the burden of boatmen having to obtain more than one number for what essentially is a single boat and auxillary equipment (S. R. 92-248, p25). Why the 10 hp

¹⁰When the Federal Boating Act was enacted into law the Coast Guard was under the Treasury Department. The Secretary of the Treasury was authorized to establish the boat numbering requirements.

restriction was set by the Coast Guard is not known.

States are allowed to exempt these same vessels from their numbering system as well as other types of vessels permitted by the Secretary.

Section 1469

(a) A certificate of number granted under this Act shall be pocket size, shall be at all times available for inspection on the vessel for which issued when the vessel is in use, and may not be valid for more than three years. The certificate of number for vessels less than twenty-six feet in length and leased or rented to another for the latter's noncommercial use of less than twenty-four hours may be retained on shore by the vessel's owner or his representative at the place from which the vessel departs or returns to the possession of the owner or his representative. A vessel which does not have the certificate of number on board shall be identified while in use, and comply with such other requirements, as the issuing authority prescribes.

The first part of this subsection dealing with the certificate of number is similar to that found in the 1958 Act. The purpose of the certificate of number is to provide complete information about a numbered boat and its owner. The certificate of number also authenticates that the boat has been properly registered and numbered.

Small boats used in boat livery businesses under some circumstances need not have the certificate of number on board. This provision was added because boat livery operators often found it impractical to keep the certificate of number on board small boats. These boats, though, must have some other type of identification on board. The Code of Federal Regulations (33 CFR 173.21a2) specifies that rental boats not required to have the certificate of number on board, must have on board a copy of the lease or rental agreement, signed by the owner or his representative and by the person leasing or renting the vessel, that contains at least the vessel number that appears on

the certificate of number and the period of time for which the vessel is leased or rented.

(b) The owner of a vessel numbered under this Act shall furnish to the issuing authority notice of the transfer of all or part of his interest in the vessel, or of the destruction or abandonment of the vessel, within a reasonable time thereof, and shall furnish notice of any change of address within a reasonable time of the change, in accordance with prescribed regulations.

This subsection contains the same requirements found in the 1958 Act. The purpose of these requirements is to maintain accurate and up to date information on all numbered boats.

Section 1470

A number required by this Act shall be painted on, or attached to, each side of the forward half of the vessel for which it was issued, and shall be of the size, color, and type as may be prescribed by the Secretary. No other number may be carried on the forward half of the vessel.

This section, like the 1958 Act, requires that the number be displayed on each side of the bow of the vessel. While the last sentence restricts the display of any other number on the bow of the boat it does not apply to validation stickers, because the Code of Federal Regulations (33 CFR 174.15a) specifies that validation stickers must be located within 6 inches of the number on the boat.

Section 1471

When a State is the issuing authority it may require that the operator of a numbered vessel hold a valid safety certificate issued under terms and conditions set by the issuing authority.

This provision, identical to the provision in the 1958 Act, deals with boat operator licensing. During the Senate hearings on the National Boating

Safety Program in 1971, witnesses from the National Transportation Safety Board and the U. S. Coast Guard stated that they had not found a direct correlation between increased boating safety and licensing of boat operators. Because of this finding and the administrative problems associated with a federal licensing program, it was concluded that no federal requirements for licensing operators should be adopted at that time. Further, it was decided that the question of licensing boat operators should remain with the individual states. The requirements for obtaining an operator license, were subsequently left to the discretion of each state (H. R. 92-354, p19).

Section 1472

The issuing authority may prescribe regulations and establish fees to carry out the intent of sections 17 through 24 and sections 37 of this Act. A State issuing authority may impose only terms and conditions for vessel numbering (1) which are prescribed by this Act or the regulations of the Secretary concerning the standard numbering system, or (2) which relate to proof of payment of State or local taxes.

This section provides authority for the collection of certain fees to offset the cost of administering the numbering and casualty reporting systems.

At the request of the National Association of State Tax Administrators, this section was amended during the 1971 hearings to permit a state which is an issuing authority to require proof of payment of state or local taxes on boats as a precondition for issuing a number. Tax administrators indicated that the 1958 Act had been interpreted to forbid such a precondition. They viewed this preclusion as an obstacle to efficient administration and collection of sales, use, or personal property tax on boats. The amendment was added with the understanding that such authority not be used to discriminate

against boat owners as compared to owners of other similar kinds of personal property. (S. R. 92-248, p27). Furthermore, the amendment gave the Secretary the authority to establish other preconditions for boat numbering.

Section 1473

Any person may request from an issuing authority vessel numbering and registration information which is retrievable from vessel numbering system records of the issuing authority. When the issuing authority is satisfied that the request is reasonable and related to a boating safety purpose, the information shall be furnished upon payment by such person of the cost of retrieval and furnishing of the information requested.

The original wording of this section allowed only boat or equipment manufacturers to have access to the numbering and registration information. Limiting the right to request information only to manufacturers seemed unduly restrictive. For example, independent testing laboratories or publications providing comparative information on products, would not have been permitted access to information. Similarly, the section would not have permitted the plaintiff in a product liability suit from obtaining information that was otherwise available to the manufacturer-defendant. This section, therefore, was amended in the 1971 hearings, to give the right to any person (S. R. 92-248, p27).

While this section states that reasonable requests for boat registration information related to a boating safety purpose must be honored by the states, it does not preclude the states from making the data available for other purposes. Thus states, which are issuing authorities, may make available registration data to private businesses for marketing purposes, and educational institutions for research purposes.

While the following sections do not deal directly with boat registration and numbering, they are related.

Section 1475

This section states that the Secretary will accept a state boating safety program which includes, among other things, a state boat numbering system and designates the state authority or agency which will administer the boating safety program. Since the boat numbering system is included in the boating safety program, the program must designate which agency or authority will administer the boat numbering system.

Acceptance by the Secretary establishes a state's eligibility to share fully in federal financial assistance provided to help implement the boating safety program.

Sections 1476, 1477, 1479, 1480

Section 1476 describes the basic formula under which federal funds were to be distributed to the states. Section 1477 sets forth certain limitations on the allocation of federal funds. The federal share was not to exceed 75% of the total cost of a state's program in 1972, 66 2/3 % in 1973, 50% in 1974, 40% in 1975 and 33 1/3 % in 1976. Section 1479 authorized appropriation of \$7.5 million each year for grants to the states during fiscal years 1972 through 1976.¹¹ Section 1480 details the procedure used for allocating money to the states. This section permits the Secretary to terminate federal funds to a state when the boating safety program no longer conforms to the requirements of the Act. Since a state boat numbering system is a part of the boat safety program, the provisions of these sections affect state boat numbering systems.

¹¹The financial assistance program of the Federal Boat Safety Act was extended to include fiscal years 1977 and 1978 on July 6, 1976 by the Sullivan Act. (PL 94-340). The annual authorization level was also raised from \$7.5 million to \$10 million. However, only \$5.79 million was appropriated by Congress for FY 1977.

IV

THE STATES' RESPONSE TO THE FEDERAL
BOAT SAFETY ACT

Introduction

A state numbering system established under the requirements of the Federal Boat Safety Act must contain "owner provisions" and "issuing authority provisions." Owner provisions are those provisions for which the owner or operator of a numbered vessel or of a vessel required to be numbered is responsible, such as applying for a certificate of number, correctly displaying the number on the vessel, and notifying the proper issuing authority of a change of address. On the other hand issuing authority provisions are those provisions for which the state issuing authority is responsible such as issuing a certificate of number, granting reciprocity to visiting boaters with vessels numbered by another state and specifying how the number should be displayed on the vessel.

For purposes of this study, issuing authority provisions have been categorized into three groups; "required provisions", "discretionary provisions" and "optional provisions." Required provisions are those provisions which must be included in the system in the exact format specified by the Act and/or the Code of Federal Regulations. An example of a required provision is that the content of the application for certificate of number must contain all seventeen provisions found in the Code of Federal Regulations. On the other hand, discretionary provisions must be included in the system also, but the state is given alternatives from which to choose. For example, a

certificate of number can be issued for 1, 2, or 3 years. Optional provisions are those provisions which may or may not be included in the system. The decision is left up to each individual state. For example, a state may require a title for a boat before a number is issued. In contrast, the operator provisions are all required provisions. Appendices B and C provide a complete listing of the owner and issuing authority provisions, respectively.

This section of the paper will focus on how the states responded to various issuing authority provisions. Operator provisions were excluded because they must be included in every system and there is little, if any, variation from state to state. This is not true of issuing authority provisions, however. In some instances there is considerable variation among states, even in the required provisions. The reason for this will be discussed later. The eight provisions that exhibited the most variation in compliance among the states were selected for inclusion in this section. Each is subsequently discussed.

- (1) A state authority or agency must be designated to administer the boat numbering system. (Discretionary)
- (2) All motorboats used on waters subject to the jurisdiction of the United States and on the high seas beyond the territorial seas must be registered and numbered except those vessels excluded by 33 CFR 173.11. (Required)
- (3) A certificate of number must not be valid for more than three years. (Discretionary)
- (4) The issuing authority may prescribe regulations and establish fees to carry out their boat registration and numbering program. (Optional)
- (5) An issuing authority may condition the issuance of a certificate of number by requiring a title or other proof of ownership of a boat required to be numbered or the payment of state or local taxes on the boat. (Optional)

- (6) The issuing authority may require that the operator of a numbered boat hold a valid safety certificate issued under terms and conditions set by the issuing authority. (Optional)
- (7) Contents of the application for the certificate of number must contain all 17 provisions found in 33 CFR 174.17. (Required)
- (8) Any person may request from the issuing authority registration and numbering information which is retrievable from the records. The information shall be furnished upon payment by such person of the cost of retrieval and furnishing the information if it is requested for boating safety purposes. (Required)

Designation of Issuing Authority

The Federal Boat Safety Act permits each state to select the agency that will administer the numbering system. Because of this, there is considerable variation in the agencies that have been selected (Appendix E). Since most states had numbering systems under the Federal Boating Act of 1958, a state agency or department was already selected to administer a numbering system. With the exception of a few, most states retained the same agency or department to administer the numbering system under the Federal Boat Safety Act. In most cases the responsibility of administering the system was assigned to an already existing state department or agency. Often a special section was created within that department or agency to administer the system.

There are two basic reasons why a particular agency or department was selected. Since the numbering program was established to deal primarily with recreational boats, in most instances, the numbering system was assigned to a department or agency which was most suited, such as a Parks and Recreation

Department, Game and Fish Department, or Natural Resources Department. However, in some cases an agency or department was selected which had the personnel, facilities and finances to administer the system. Furthermore, several states now have independent agencies or departments that have been especially created to deal with various aspects of boating including boat numbering. Examples include Massachusetts with its Marine and Recreation Divisions; Mississippi, with its Boat and Water Safety Commission; and New Jersey with its Bureau of Navigation.

There is a larger question to be answered here. Does it make a difference and how much of a difference which department or agency is designated in each state to administer the numbering system? For example, is the Marine and Recreation Division in Massachusetts organizationally more effective and better suited to administer a numbering system than the Department of Revenue in Montana? Is the organizational format and authority of a Marine and Recreation Division more efficient than that of a Department of Revenue? Are they both equally suited for the particular states in question? Certainly these questions demand attention as long as federal funds are being provided to help administer the state numbering systems. A number of well focused comparative case studies could help answer such questions.

Watercraft Required to be Numbered

While the Federal Boat Safety Act requires that all motorboats be registered and numbered, it in no way prohibits the states from including nonpowerboats (Appendix F). Section 1475b (USC) of the Act states that nothing contained in the Act "is in any way intended to discourage a state program which is more extensive or comprehensive than suggested here in . . ."

Consequently, there are seventeen states that include motorboats as well as non-motorized boats in their registration and numbering systems. Although Michigan numbers only motorboats, it requires non-motorized boats to be registered. Five states, Arizona, Iowa, Minnesota, Ohio and Oklahoma require all watercraft to be numbered.

Certainly there are advantages and disadvantages for including more than just motorboats in the registration and numbering system. Even during the days of the Numbering Act, federal officials saw the value of the numbering system in locating stolen or lost boats. Non-motorized boats are just as susceptible to being stolen or lost as motorboats. When a non-motorized boat is lost or stolen the law enforcement officer responsible for recovering it needs all help possible to aid in the recovery. If the boat was registered and numbered, a boat number would be most helpful. Even though the law allows non-motorized boats to be numbered, at the option of the owner in those states that require only motorboats to be numbered, law enforcement officials would much rather rely on the requirement that non-motorized boats be numbered rather than on the prudence of the owner to number his boat.

Even though boating safety laws are aimed primarily at motorboating, operators of non-motorized boats can violate boating laws as easily as operators of motorboats. Since the primary purpose of registering and numbering motorboats is for identifying boating safety law violators, there appears to be no reason not to include non-motorized boats in a numbering system. In recent times, participation in canoeing and sailing has been increasing at a tremendous rate. A national survey showed that sailing had increased 25% from 26 million activity days in 1965 to 32.5 million activity days in 1972. Similarly, canoeing increased 30% from 12.3 million activity days in 1965

to 18.3 million activity days in 1972. (BOR (1973), p9). The trend appears to point to even greater increases in participation in these two activities. This lends further support to the need for including non-motorized boats such as sailboats and canoes in any numbering system.

Boat registration and numbering systems can also be used very effectively for planning purposes. For instance, the states of Pennsylvania, Indiana and Florida report they use the information gathered through the registration and numbering system to determine locations for construction of launching ramps and associated facilities. Michigan uses the information to plan for marinas, docks and harbors of refuge. However, if the system does not provide information about the total number of boats in actual use then the information obtained is deficient for planning and managing all types of recreational boating.

The system can also serve for taxing and titling purposes. For example, California among other states uses the registration system to issue titles for boats (certificates of ownerships), while local counties use the information as a basis for charging and collecting personal property taxes. If a class of boats is not registered it makes it difficult to identify owners of such boats to title and to tax the boats involved. This could lead to inequities in the taxing process.

Revenue production is another advantage of a registration and numbering system. In most states, money collected through the system is used to pay salaries of boating safety law enforcement officials and for the construction of public boating facilities such as launching ramps and access roadways. Law enforcement officials are obligated to provide protection to boaters using non-motorized boats as well as to boaters using motorboats. Likewise,

boating facilities are used by all boaters. Thus it seems reasonable that all persons using public facilities and services should help maintain them through registration monies.

On the negative side, including non-motorized boats in the system will create additional administrative work by having to process additional numbers of registrations. Greater costs are also incurred in having to process and record additional registrations. However, the advantages of including non-motorized boats in a registration and numbering system seem to far outweigh the disadvantages. The question remains, why are non-motorized boats not required to be registered and numbered by 29 of the 48 contiguous states?

There are basically two reasons why most states do not require non-motorized boats to be registered and numbered. Some states view the numbering system as another program imposed on them by the federal government. As a result they initiate the minimum requirements to meet government standards and receive federal funds. Other states, have simply by choice decided not to include non-motorized boats in their registration and numbering systems. Since the number of non-motorized boats presently is so small, they feel it serves no useful purpose to include them. If there is an agreement on the need to do so, how can we insure that motorboats as well as non-motorized boats are included in a registration and numbering system? The means seems to lie with the Federal Government.

In the 18 year period between 1958 and 1976, only 16 contiguous states have included non-motorized boats in their systems. Of these, 12 require that only sailboats be numbered. Five out of the 12 require only sailboats over a certain length to be numbered. It appears that if it is left up to the states to voluntarily include non-motorized boats in their systems, the

process would be extremely slow. The most appropriate solution seems to be for the federal government to require that non-motorized boats be included in the state registration and numbering systems.

Period of Registration and Required Fees

Federal law permits the states to determine the period of validity for the certificate of number and to charge reasonable fees to number boats to offset the cost of administering the numbering system (Appendices G and H). Twenty-two states issue certificates of number for a period of 1 year, sixteen for a period of 3 years and only six states for a period of 2 years. North Carolina issues certificates for 1 or 3 years, while Tennessee issues them for 1, 2, or 3 years, at the option of the owner. It is difficult to say why the states selected the periods they did. It is probable that in many cases the period of validity of the certificate was established arbitrarily by state legislatures. There appears to be no relationship between the period of validity of the certificate and the number of numbered boats in each state. Neither were there any substantial geographical patterns revealed from analysis.

Numbering fees demonstrate the most variation among the states (Appendix H). In twenty-three states the fee is the same for all boats irrespective of size. By and large it can be said that the fees are nominal. For example, in Arkansas and Mississippi, the fee is \$2.00 for 2 years. In New Mexico, Missouri, Maine, and Louisiana it is \$5.00 for 3 years.

In other states the size of the fee varies according to the size of the boat. Inequality in the fees among states is displayed when a 40 foot boat requires a fee of \$4.00 for 1 year in Wyoming and \$25.00 for 1 year in

Vermont. Undoubtedly, each state feels that the fees it charges are necessary to administer its system.

Presently, the states of Florida, Michigan, Oklahoma and Oregon charge fees which are in lieu of personal property tax. That is to say, that the fee collected when a boat is registered and numbered includes both the registration fee and the personal property tax on the boat. Arizona boaters are charged an additional fee per foot apart from the registration fee. This additional fee is in lieu of personal property tax on the boat.

Michigan, New Jersey, and Iowa are the only states which require documented yachts to be registered and to pay a fee. Yachts in Iowa are registered every 2 years and pay a \$25.00 fee. In Michigan, yachts are registered every 3 years for a fee of \$7.50. As was pointed out earlier in this paper, states may require documented yachts to be registered. Documented yachts are only exempt from having to be numbered.

Preconditions to Numbering

Federal law permits states to establish conditions to be met before a certificate of number will be issued. The federal government permits only title to or other proof of ownership of a boat, or the payment of state or local taxes as the only preconditions to numbering. Eighteen states have adopted this provision. Maryland, Missouri, Nevada, Ohio, Oregon, South Carolina and Texas require that a certificate of title be obtained from the state issuing authority before a certificate of number is issued. California, Delaware, Florida, New York, and Pennsylvania require only some type of proof of ownership before a certificate of number will be issued. Idaho, New York and Iowa require proof of payment of sales or use tax before certificate of number will

be issued. Montana and Utah require proof of the payment of personal property tax before a certificate of number will be issued. Only the state of New York has adopted both preconditions.

Undoubtedly, both preconditions (for titling and taxing) serve useful purposes. The taxing precondition serves to insure that personal property taxes, use taxes or sales taxes have been paid on boats required to be numbered. However, the proof of taxes payment precondition, is of no use in collecting the proper taxes on boats that are not required to be numbered, but are required to be taxed. This topic will be covered in greater detail later. The proof of ownership precondition serves mainly to protect the legal boat owner against someone else registering his boat. However, the issuance of boat titles by the state provides more protection to the boat owner than the proof of ownership precondition, should the boat owner lose his boat or have it stolen. It would be difficult for someone to sell a stolen or found boat without the proper title.

Boating Safety Certificates

The authority to require the licensing of boat operators was placed on the states by the Federal Boating Act and the Federal Boat Safety Act. Only eight states were found to require operators of numbered motorboats to obtain operator licenses. Here, however, the requirements only applied to persons between 10 and 18 years of age operating a boat over a certain horsepower. If an adult is present in the boat, no safety certificate is required of the operator. In no instance did the provision, that of the presence of an adult, indicate that the adult should be an experienced boater. In several states, children as young as 8 years old are permitted to operate motorboats as long

as they are accompanied by an adult. One of the main reasons for opposition to state operator licensing programs is that inevitably, an age limitation would be placed on persons who could obtain an operator license. Thus, many of the youngsters who presently operate a boat would be prohibited from doing so.

It appears that should it be substantiated that licensing boat operators would greatly improve boating safety, this licensing could be initiated at the federal level, by requiring the states to establish licensing programs.

Application Forms for Certificate of Number

The Code of Federal Regulations specifies the application form for certificate of number must contain seventeen provisions (Appendix D). Additional provisions may be added at the discretion of the states. Of thirty-six¹² different state application forms examined, only the forms from California, Delaware, Wisconsin and Wyoming were found to contain all seventeen provisions. As is well known, except for Washington and New Hampshire, all contiguous states have been permitted by the U. S. Coast Guard to number boats. Even though a large number of the states fail to meet the provisions required in the application forms, they were permitted to use the forms as they are because they were in substantial compliance with the Federal Boat Safety Act.

¹²Ten of the forty-six contiguous states that have been permitted by the U. S. Coast Guard to number boats sent the wrong or incomplete information when they responded. Application forms were received from Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Georgia, Illinois, Indiana, Kansas, Louisiana, Maine, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and Wyoming.

Thirty-two of the thirty-six application forms reviewed were found to be missing at least one provision. Ohio, Arkansas and Utah had the most missing provisions with seven. They were followed by Pennsylvania and Michigan with six missing provisions and by Kansas, Missouri and Montana with five missing provisions each. The remaining application forms examined had four or fewer provisions missing.

It is interesting to note that many of the states had the same provisions missing from the forms. Provision 5, (state in which vessel is or will be principally used), was missing from twenty of the thirty-six applications analyzed. This was followed by provision 15, (whether the propulsion is inboard . . . , or sail and name of engine manufacturer if any), missing from nineteen of the thirty-six applications. Provision 4, (citizenship of the owner), was missing in thirteen of the applications. Lastly, provision 3, (date of birth of the owner), was missing in eleven of the applications. Every other provision was missing in fewer than five applications.

Provision 15 is an interesting provision; it requires the propulsion of a boat to be designated as well as the name of the engine manufacturer on motorboats. The federal government does not require the registration, numbering or titling of boat motors, yet it requires the engine manufacturer provision be included in the state application forms for certificate of number. This provision seems to be incongruent with present federal registration and numbering requirements. However, it does bring up an interesting question. Should the states be required to register and number boat motors?

The cost of a boat motor often exceeds \$1,000. Motorboat owners need the same type of protection against loss and theft for their boats as they do for their boat motors, especially outboard motors. Presently, only Mississippi, Missouri, Ohio, Oklahoma, Rhode Island, South Dakota and Texas register and/or title boat motors. Without accurate data the exact number of unrecovered lost or stolen motors can not be known. However, it can be safely assumed that the number would be much smaller if all states were required to register and/or title boat motors.

Provision 5, (requiring the boat owner to designate the state of principal use), appears unnecessary but is not in reality. While motorboats are required to be numbered in the state of principal use, such a requirement does not always apply to non-motorized boats. The owner of a non-motorized boat may have an option, as to which state he chooses to number his boat in. Thus, a non-motorized boat can be numbered in a state other than the one in which it is principally used. This will be discussed later in greater detail.

Provision 4, (asking for the citizenship of the boat owner), needs to be re-evaluated. Is this provision really necessary? In its present form does it provide information as to the exact number and nationality of foreign boat owners and is the number of foreign boat owners significant enough to warrant such a provision? Of those application forms that were examined that contained the provision, about half asked only whether the owner was or was not a U. S. citizen. As such, a nationality breakdown which could be useful to research efforts can not be obtained from these forms.

Provision 3, (asking for the date of birth of the owner), although missing from numerous forms reviewed, is important because it helps in the identification of the owner and should be included in the application form.

Even though non-conformities found in the state application forms are minor, they may reflect the attitudes of the states towards the value of boat numbering systems.

Disposition of Registration and Numbering Data

As mentioned previously, the Federal Boat Safety Act specifies that states must honor reasonable requests for registration and numbering data that are to be used for boating safety purposes. It does not, however, prohibit the states from making the data available to interested persons for purposes other than boating safety (Appendix I). Consequently, twenty-seven states now make registration and numbering data available to any person who requests it.¹³ A fee is usually charged to defray the cost of providing the data. Such data is readily available because most states now use computer storage thus allowing for quick retrieval of any part or all of the data. In fact, only Arkansas, Idaho, Kansas, Montana, New Jersey, New Mexico and South Dakota do not currently have computerized numbering systems. The major reason given for not having computerized systems was lack of funds.

Most states that do not provide numbering data for other than boating safety purposes restrict it only to the private sector. The data is made available to state as well as federal governmental agencies. Oklahoma appears to be the only exception. Here, the data can not be used by any state governmental agency in Oklahoma. The reason for this is not known.

Unquestionably, registration and numbering data can be used for many purposes. Some states have found the data extremely useful in planning for

¹³In most states, registration data is only made available to residents of the state.

recreational boating. Nevertheless, Georgia, Missouri, Montana, Oklahoma, Rhode Island, South Carolina, Utah and West Virginia have indicated their data have not been used for planning purposes. It is difficult to imagine why these states have not availed themselves of such a wealth of information.

Much of the registration data sold to the public is purchased by boat manufacturers, dealers, and servicemen for advertisement purposes. Lodging and eating establishments close to boating areas also make use of registration data for promotional purposes. The data is also used by educational institutions and other research institutions for purposes of researching boat ownership and boating participation trends.

One of the most serious problems associated with the data, is the cost involved. While the cost per record is reasonable, usually one or two cents, the large number of boats registered quickly increases the cost. Therefore, only those persons who have readily available funds can usually afford to purchase the data. This is the dilemma that many educational institutions find themselves in. There is a data base available to study boating but they are often unable to purchase materials needed for research purposes.

Washington and New Hampshire

Washington and New Hampshire remain as the only two contiguous states that have not been permitted by the U. S. Coast Guard to number boats principally used in their states. Washington has had several bills before the legislature to establish a boat registration and numbering system under the Federal Boat Safety Act, but all have been defeated. The strongest opposition to the bills has come from state boating groups. The boating groups feel that some state legislators, specifically members of the Revenue Committee

in the State House of Representatives, are more interested in using boat owners as a source of revenue rather than in meeting the needs of the boating public. For example, a recent boat registration and numbering bill appeared headed for passage until the House Revenue Committee added an amendment that removed the gasoline tax refund for recreational boats. Further, it removed from the bill, the proposal that registration and numbering fees be in lieu of personal property taxes. Boating groups saw these changes as clear evidence that the House Revenue Committee was mainly interested in passing another revenue raising bill. Strong opposition from boating groups ultimately lead to the defeat of the bill.

Therefore, until such time as the conflict between the boating groups and the legislature is resolved and a state registration and numbering program is adopted in Washington, the U. S. Coast Guard will continue to register and number boats used on the navigable waters.

The case of New Hampshire is unique. New Hampshire has no intention of establishing a state registration and numbering system under the Federal Boat Safety Act, because to do so would deprive the State of a considerable amount of income. New Hampshire is a recreational state, with 13,000 bodies of water. The water safety program of New Hampshire is supported by the funds which they receive from their own registration system. Approximately 50 percent to 60 percent of the boats using New Hampshire's waters come from out-of-state. If New Hampshire adopts a state registration and numbering system under the Federal Boat Safety Act, it must include a reciprocity provision as required under federal law. This would mean that the state could no longer register and charge fees on boats numbered from out-of-state. Thus, New Hampshire feels that the loss of the registration fees from the out-of-state boats would seriously injure its boating safety program.

The U. S. Coast Guard is exerting considerable pressure on New Hampshire to compel it to adopt a state registration and numbering system under the Federal Boat Safety Act. How long New Hampshire can resist such pressure remains to be seen.

V

PROBLEMS AND WEAKNESSES OF THE
FEDERAL BOAT SAFETY ACT

Introduction

While the Federal Boat Safety Act contains many excellent provisions, it could be improved. Analysis of the program has revealed certain conceptual weaknesses and interpretation problems, which need to be dealt with if the program is to function more effectively.

This section will present a discussion of some of the weaknesses and problems that were identified, and at the same time will offer possible solutions. The interpretation problems section will deal with the reciprocity provision of the Federal Boat Safety Act and the state of principal use doctrine. The conceptual weaknesses section will cover proof of payment of taxes as a precondition to numbering, boats required to be registered and numbered and approval by the U. S. Coast Guard of state numbering systems.

Interpretation Problems

The Federal Boat Safety Act specifies that boats numbered by another state must be granted at least 60 days reciprocity by the state in which they are being temporarily used. However, this applies only to numbered boats. Consequently, if a non-motorized sailboat, that is not numbered, is owned by a person in a state that does not require the registration and numbering of non-motorized sailboats, he can be required to register and number his sailboat if he uses it in a state that does require non-motorized sailboats to be numbered. As previously mentioned, the reciprocity provision was established

to apply only to numbered boats at the request of Boating Law Administrators.

The states are permitted, though, to enter into agreements among themselves to grant such boats reciprocity. However, neither the U. S. Coast Guard nor the National Association of State Boating Law Administrators or the Outboard Boating Club of America could furnish a list of states having such agreements or could confirm whether any such agreements even existed.

In essence, the reciprocity provision penalizes some boat owners for complying with the law. This problem can be solved in one of two ways; either grant reciprocity to all boats or require that all boats be registered and numbered.

Let us turn our attention now to the state of principal use doctrine. Section 17 of the Federal Boat Safety Act states that a boat equipped with a motor must be registered in the state in which it is principally used. This requirement does not apply to boats that are not equipped with motors unless state law requires it. Thus, the owner of a non-motorized boat who does not principally use his boat in a state that requires non-motorized boats to be numbered, may at his option number his boat in any state he so desires. A boater may want to do this if another state's fees are lower than those where he resides. Thus, his boat is registered, and gets the same protection (at lower cost) against theft or loss that he would otherwise get if he had registered and numbered his boat in his state of residence. He can subsequently operate his vessel in his state of residence or in any other state that does not require non-motorized boats to be registered and numbered for as long as he so desires.

It is difficult if not impossible to determine if a person required to number his boat has done so in the state in which he principally uses it.

A person may principally use his boat in a state other than his state of residence but may have his vessel numbered in his state of residence. As long as he does not use his boat in the other state for a period longer than the reciprocity period granted by the other state, he will never have to number his boat in the other state, even though he principally uses his boat in that state.

This can be resolved by requiring boats to be registered in the owner's state of residence. Visiting boaters could be charged user fees to use the facilities of the state they are visiting.

Conceptual Weaknesses

As was pointed out earlier, it is the practice of the U. S. Coast Guard to permit states to administer a registration and numbering program if they are in substantial compliance with the registration and numbering provisions established by the Secretary. This practice appears to be in violation of section (1467(a) (1) (U. S. Code) of the Federal Boat Safety Act which specifies that states must be in full compliance with the system established by the Secretary before they can be permitted to administer their own programs. Nothing is said about substantial compliance as the basis for approving a system. Substantial compliance is mentioned, however, in section 1475 (a) (2) in relation to the contents of state boating safety programs other than the state numbering systems.

The use of substantial compliance as the basis for permitting states to register and number boats tends to discourage states from eventual full compliance. As long as substantial compliance satisfies the U. S. Coast Guard, and brings in federal funds, there is no incentive for the states to revise their systems.

Since the substantial compliance (lawful or unlawful) practice is presently being used, solutions for full compliance must be incorporated within the substantial compliance practice. One solution would be to set a date for each state at which time each state must be in full compliance. If full compliance is not met, federal funds could be withheld from the noncomplying states. This solution, though, is somewhat harsh. A second solution would be to provide an incentive to the states, such as a monetary grant in addition to the federal funds to which they are currently entitled, if full compliance is met within a certain period of time. A third solution would be to reduce the full compliance requirements to make it easier for the states to comply fully. This, though, may weaken the effectiveness of the program. Thought should be given to these and other possible remedies before they are implemented.

Section 1472 (U.S. Code) of the Federal Boat Safety Act permits states to condition the issuance of a certificate of number subject to proof that the boat owner has paid state or local taxes. As mentioned earlier, this precondition to issuance of a boat number was included at the insistence of the National Association of State Tax Administrators to help in the collection of sales, use, or personal property tax. However, this precondition could lead to inequities in the taxing procedure.

In essence, motorboat owners have been singled out as victims of this numbering precondition. Twenty-nine of the forty-eight contiguous states register and number only motorboats as required by federal law. If all twenty-nine states adopted this precondition, motorboat owners in these states would have to prove that they had paid the appropriate taxes on their motorboats before their boats could be numbered. Owners of sailboats, canoes, pontoons

and other boats without motors in these states would not have to furnish such proof, because these boats do not have to be numbered. While non-motorized boats may also be subject to the same taxes imposed on motorboats, the owner of a non-motorized boat can more easily avoid the taxes, as well as operate his boat whether he has paid the required taxes or not. The motorboat owner, on the other hand, must pay the required taxes to be able to operate his boat because he cannot operate his boat unless it is registered and numbered, and he cannot register and number his boat unless he has paid the required taxes.

This inequity can be corrected by either removing the proof of taxes payment precondition, which would undoubtedly be opposed by tax administrators, or require all boats, motorized and non-motorized, to be numbered, though surely more cumbersome.

Thus far we have looked at two areas of concern, reciprocity and proof of taxes payment precondition, in which the inclusion of all boats in the numbering systems is advanced as a solution. Likewise, earlier in this paper several other advantages for including all boats in numbering systems were presented. From the standpoint of law enforcement, planning, management and financing there is no major reason why all boats should not be included in numbering systems. Lost or stolen registered boats can more easily be recovered. Planning and management can be carried on more systematically and effectively when a complete data base is available. Additional revenue through numbering fees can help improve the quality of boating safety programs.

The disregard of a presently unidentifiable sized portion of the recreational fleet by the federal government is perhaps the most serious weakness of the Federal Boat Safety Act. Though the non-power fleet is considered small at present, it is steadily growing and will have to be dealt with at a later time, when perhaps serious problems will have arisen.

VI

DISCUSSION

It became very apparent during this investigation that boat registration and numbering programs are in a state of transition. They can no longer be regarded as single purpose, aid to law enforcement, programs. Numerous states are employing their registration and numbering programs for a variety of purposes which include the collecting of property, sales, or use tax on boats; raising revenue (by the sale of boat registration lists to the private sector), helping to administer boating programs; and planning, such as determining the need for launching ramps, access roads, harbors of refuge, etc. Of course, aid to law enforcement remains as a major function of the programs.

While not all states presently use their boat registration and numbering programs for a variety of benefits, it is expected that this situation will improve. Some states are prevented by law from certain practices. For instance, laws in several states prohibit the sale of boat registration lists to the private sector. Some states still regard their boat registration and numbering programs as single purpose programs, primarily for law enforcement. Other states simply do not yet have full knowledge of what practices are or are not permitted by law, regarding the use of their boat registration programs. However, the expanded benefits that several states are presently enjoying from their boat registration and numbering programs will no doubt stimulate other states to extend use of their programs.

Legislative action can help not only to accelerate broader usage of boat registration and numbering programs, but to strengthen the benefits that can be enjoyed through the programs as well. Unfortunately, however, the decision makers who determine how the programs are to be used are not the ones who use

them. Therefore, it is imperative that decision makers be made aware, especially at the state level, of all the benefits that can be enjoyed through the programs. At the national level, the quality of the benefits that can be enjoyed through the program can be strengthened. For instance, planners and managers could devise more effective programs if the federal government required states to register all boats, because a complete data base would be available for planning purposes. The regulations regarding the usage of boat registration data could be made clearer than they are at present. Legislative action, though, is usually slow in coming at both the federal and state levels.

Most boat registration legislation to date, like all other legislation, has been reactive. Laws have been passed but only after a problem has arisen. While this is not likely to change, we do have the opportunity and the responsibility to evaluate what we have been doing to find new and possibly more effective means for dealing with boating safety. We know that steadily increasing demands for facilities and services are being placed on planners and managers by recreational boaters. We know that law enforcement officials are also having to deal with increasing numbers of boaters on the nation's waterways. We know there is increased competition for public funding among water users. The time has come for us to consider legislative and policy needs, not in reactive terms, but in terms of new legislative approaches and management strategies based on study and evaluation.

APPENDIX A

TEXAS A&M UNIVERSITY
COLLEGE OF AGRICULTURE
COLLEGE STATION, TEXAS 77843

February 4, 1976

School of
NATURAL BIOSCIENCES
Department of
RECREATION AND PARKS
Instruction — Research — Extension



A/C 713-845-5411

Some time ago, we corresponded with you seeking information concerning your state's boat numbering system. Since we did not receive a reply to our first letter, we are contacting you again. We realize that over the holiday period you may not have had the opportunity to reply. Or perhaps, through unavoidable circumstances, you did not receive our first letter. In any event, we are still interested in obtaining information about the boat numbering system in your state.

As we mentioned in our previous letter, we are conducting a study to determine the status of state boat numbering systems throughout the United States. We have contacted Mr. Morris Rosenbloom, Director of the National Association; State Boating Law Administrators, concerning this study, and he has expressed considerable interest in the results of the study.

We will restate our requests. We would like to obtain a copy of your state's legislation dealing with the numbering of undocumented boats, and a copy of the boat registration application form. In addition, we would like to ask a few specific questions which will not require much of your time to answer.

1. Is there another purpose for your state's boat numbering system besides complying with the Federal Boat Safety Act of 1971?
2. Is the data collected through the numbering system computerized for storage? If no, why not? If yes, what data is recorded and under what headings can it be retrieved?
3. In what manner has the data collected been used by the state agency dealing with recreational planning or management?
4. How can the business sector obtain data collected through the numbering system i.e., marina owners, boat dealers, eating and lodging establishments close to boating areas, etc.? What is the cost to the business sector?

We would appreciate it greatly if you could provide us with all the information we have requested, plus any other information that you believe would be of in-

2.

terest to us. Thank you for your indulgence and assistance. We will forward a copy of our study to you for your information, when it is completed.

Sincerely,

Robert B. Ditton,
Associate Professor
Marine Recreation

Alfonso Zapata,
Research Assistant

APPENDIX B

Owner Provisions Which Must be Included
in State Boat Registration Systems

1. No person may use a vessel that is required to be numbered by law unless it has a number issued by the proper authority in the state where the vessel is principally used (33 CFR 173. 15a).
2. No person can operate a vessel required to be numbered by law that has any number on its forward half that is not issued by an issuing authority for that vessel (33 CFR 173. 19).
3. No person may operate a vessel required to be numbered by law unless it has a valid certificate of number on board issued by the proper authority. Vessels less than 26 feet in length rented or leased for less than 24 hours for noncommercial purposes are required to have on board at least the rental or lease agreement showing the boat's number and the period for which the boat was rented or leased in lieu of the certificate of number. The certificate of number may be retained on shore by the owner or his representative (33 CFR 173. 21a).
4. Any person using a vessel required to be numbered by law shall present the required certificate of number or lease or rental agreement to any federal, state or local law enforcement offices for inspection at his request (33 CFR 173. 23).
5. No person may use a vessel required to be numbered by law unless the appropriate certificate of number or lease or rental agreement is on board in such a manner that it can be handed to a person authorized to inspect it (33 CFR 173. 25).
6. Owner of a numbered vessel must within 15 days notify the issuing authority of any change in his address, the theft or recovery of the vessel, the loss or destruction of a valid certificate of number, the transfer of all or part of his interest in the vessel and the destruction or abandonment of the vessel (33 CFR 173. 29).
7. The owner of a numbered vessel must surrender the certificate of number to the proper authority after it becomes invalid. The certificate becomes invalid if the boat is documented by the Coast Guard, if the owner transfers all of his ownership in the boat, if the vessel is destroyed or abandoned, if the application for certificate of number contains a false or fraudulent statement, if fees for the issuance of the certificate of number are not paid, 60 days after the day on which the boat is no longer principally used in the State where the certificate was issued and when the owner of the vessel loses his interest in the numbered vessel by legal process (33 CFR 173. 31).

8. The owner of a numbered vessel, shall remove the number, and validation sticker if one was issued, from his boat when the vessel is documented by the Coast Guard, the owner transfers all of his ownership in the boat, the vessel is destroyed or abandoned and the vessel is no longer principally used in the State where the certificate of number was issued. (33 CFR 173. 33).
9. The owner of any vessel required to be numbered by law may apply for a certificate of number by submitting to the proper state issuing authority, where the vessel will be principally used, an application for certificate of number and the required fee (33 CFR 173. 71).
10. If a certificate of number is lost or destroyed, the legal owner may apply for a duplicate certificate by submitting to the proper issuing authority an application for a duplicate certificate of number, and the required fee (33 CFR 173. 73).
11. The number required to be put on a vessel must be permanently attached or painted to each side of the forward half of the vessel. The characters must be no less than three inches in height and contrast with the color of the background to be distinctly visible and legible. The number must read from left to right and have spaces or hyphens that are equal to the width of a letter other than I or a number other than 1. between the letter and number groupings. Vessels used by dealers or manufacturers for testing or demonstration purposes may have the number painted or attached to removable plates firmly attached to each side of the forward half of the boat. On a vessel so configured that a number on the hull or superstructure would not be easily visible, the number must be attached to the forward half of the vessel so that the number is visible from each side of the vessel (33 CFR 173. 77).

APPENDIX C

Required, Discretionary and Optional Issuing Authority
Provisions Found in State Boat Numbering SystemsRequired

1. The application for the certificate of number must contain the provisions found in 33 CFR 174. 17. (Appendix D)
2. The certificate of number must contain the provisions in 33 CFR 174. 19.
3. Each certificate of number must be approximately 2 1/2 by 3 1/2 inches (33 CFR 174. 25).
4. All undocumented vessels equipped with a motor used on the waters subject to the jurisdiction of the U. S. and all undocumented vessels equipped with a motor owned in the U. S. using the high seas beyond the territorial seas must be numbered except those vessels exempted in 33 CFR 173. 11.
5. When a vessel is actually numbered in the state of principle use, it shall be considered in compliance with the numbering system requirements of any state in which it is temporarily used (46 USC 1467c).
6. Any person may request from the issuing authority, registration and numbering information which is retrievable from the records. The information shall be furnished upon payment, by such person, of the cost of retrieval and furnishing the information if it is requested for boating safety purposes (46 USC 1473).
7. The state must designate the authority or agency which will administer the vessel numbering system (46 USC 1475a5).

Discretionary

1. A certificate of number must not be valid for more than three years (33 CFR 174. 27).
2. When a numbered vessel is removed to a new state of principle use, the issuing authority of that state shall recognize the validity of a number awarded by any other issuing authority for a period of at least 60 days before requiring numbering in the new state (46 USC 1467d).
3. Each number must consist of two capital letters denoting the state of the issuing authority, followed by not more than four numerals followed by not more than two capital letters or not more than three numerals followed by not more than three capital letters (33 CFR 174. 23).

Appendix C (cont.)

Optional

1. The issuing authority may require that the operator of a numbered vessel hold a valid safety certificate issued under terms and conditions set by the issuing authority (46 USC 1471).
2. The issuing authority may prescribe regulations and establish fees to carry out their boat registration program (46 USC 1472).
3. The issuing authority may issue a temporary certificate, pending the issuance of a permanent certificate of number, that is effective for not more than 60 days (33 CFR 174. 29).
4. A temporary certificate must conform to the requirements in 33 CFR 174. 21.
5. An issuing authority may condition the issuance of a certificate of number by requiring a title or other proof of ownership of a vessel required to be numbered or the payment of state or local taxes on the vessel (33 CFR 174. 31).
6. If a state issues validation stickers they must be approximately 3 inches square, the expiration year must be indicated by the colors blue, international orange, green, and red in rotation beginning with blue for stickers that expired in 1973. The stickers must be located within six inches of the number (33 CFR 174. 15).

APPENDIX D

Federal Provisions Required of State Applications
for Certificate of Number

1. Name of the owner
2. Address of the owner, including ZIP Code
3. Date of birth of the owner
4. Citizenship of the owner
5. State in which vessel is or will be principally used
6. The number previously issued by an issuing authority for the vessel, if any
7. Whether the application is for a new number, renewal of a number, or transfer of ownership
8. Whether the vessel is used for pleasure, rent or lease, dealer or manufacturer demonstration, commercial passenger carrying, commercial fishing, or other commercial use
9. Make of vessel
10. Year vessel was manufactured or model year
11. Manufacturer's hull identification number, if any
12. Overall length of vessel
13. Type of vessel
14. Whether the hull is wood, steel, aluminum, fiberglass, or other
15. Whether the propulsion is inboard, outboard, inboard-outdrive, or sail and name of engine manufacturer if available.
16. Whether the fuel is gasoline, diesel, or other
17. The signature of the owner

APPENDIX E

Agencies or Departments Administering the
Numbering Systems by State

1. Alabama - Dept. of Conservation and Natural Resources
2. Arizona - Game and Fish Dept.
3. Arkansas - Game and Fish Commission
4. California - Division of Motor Vehicles
5. Colorado - Division of Parks and Outdoor Recreation
6. Connecticut - Commission of Environmental Protection
7. Delaware - Dept. of Natural Resources and Environmental Control
8. Florida - Dept. of Natural Resources
9. Georgia - Dept. of Natural Resources
10. Idaho - Dept. of Law Enforcement
11. Illinois - Conservation Dept.
12. Indiana - Dept. of Natural Resources
13. Iowa - State Conservation Commission
14. Kansas - Forestry, Fish, and Game Commission
15. Kentucky - Dept. of Transportation
16. Louisiana - Wildlife and Fisheries Commission
17. Maine - Dept. of Inland Fisheries and Game
18. Maryland - Dept. of Natural Resources
19. Massachusetts - Marine and Recreation Division
20. Michigan - Dept. of Natural Resources
21. Minnesota - Dept. of Natural Resources
22. Mississippi - Boat and Water Safety Commission
23. Missouri - Dept. of Revenue

24. Montana - Department of Revenue
25. Nebraska - Game and Parks Commission
26. Nevada - Dept. of Fish and Game
27. New Jersey - Bureau of Navigation
28. New Mexico - Park and Recreation Commission
29. New York - Dept. of Motor Vehicles
30. North Carolina - Wildlife Resources Commission
31. North Dakota - Game and Fish Dept.
32. Ohio - Dept. of Natural Resources
33. Oklahoma - Tax Commission
34. Oregon - State Marine Board
35. Pennsylvania - Dept. of Revenue
36. Rhode Island - Dept. of Natural Resources
37. South Carolina - Wildlife and Marine Resources Dept.
38. South Dakota - Game, Fish and Parks Dept.
39. Tennessee - Wildlife Resources Agency
40. Texas - Parks and Wildlife Dept.
41. Utah - Division of Parks and Recreation
42. Vermont - Dept. of Public Safety
43. Virginia - Commission of Game and Inland Fisheries
44. West Virginia - Dept. of Natural Resources
45. Wisconsin - Dept. of Natural Resources
46. Wyoming - Game and Fish Dept.

APPENDIX F

Watercraft Required to be Numbered
As Provided by Respective State Boating Laws

Alabama - All motorboats, sailboats and rentals

Arizona - All watercraft

Arkansas - All motorboats

California - All motorboats and sailboats over 8 ft. long

Colorado - All motorboats and sailboats

Connecticut - All motorboats

Delaware - All motorboats

Florida - All motorboats

Georgia - All motorboats and sailboats 12 ft. or over

Idaho - All motorboats

Illinois - All motorboats and sailboats over 12 ft.

Indiana - All motorboats

Iowa - All watercraft

Kansas - All motorboats and sailboats

Kentucky - All motorboats

Louisiana - All motorboats

Maine - All motorboats

Maryland - All motorboats

Massachusetts - All motorboats

Michigan - All motorboats

Minnesota - All watercraft

Mississippi - All motorboats

Missouri - All motorboats and sailboats over 12 ft.

Appendix F (cont.)

Montana - All motorboats
Nebraska - All motorboats
Nevada - All motorboats
New Jersey - All motorboats
New Mexico - All motorboats and sailboats
New York - All motorboats
*North Carolina - All motorboats except boats with electric motors
North Dakota - All motorboats
Ohio - All watercraft
Oklahoma - All watercraft
Oregon - All motorboats and sailboats 12 ft. or over
Pennsylvania - All motorboats
Rhode Island - All motorboats
South Carolina - All motorboats
South Dakota - All motorboats
Tennessee - All motorboats and sailboats
Texas - All motorboats
Utah - All motorboats and sailboats
Vermont - All motorboats
Virginia - All motorboats
West Virginia - All motorboats
Wisconsin - All motorboats and sailboats over 12 ft.
Wyoming - All motorboats

* The U. S. Coast Guard is presently investigating the electric motor exemption in North Carolina to determine if it conforms or not to federal requirements that all motorboats be numbered

APPENDIX G

Period of Validity of Certificate of Number
As Provided by Respective State Boating Laws

Alabama - 1 year	Nebraska - 1 year
Arizona - 1 year	Nevada - 1 year
Arkansas - 2 years	New Jersey - 1 year
Colorado - 1 year	New Mexico - 3 years
Connecticut - 1 year	New York - 3 years
Delaware - 1 year	North Carolina - 1 year or 3 years
Florida - 1 year	North Dakota - 3 years
Georgia - 3 years	Ohio - 1 year
Idaho - 3 years	Oklahoma - 1 year
Illinois - 2 years	Oregon - 1 year
Indiana - 3 years	Pennsylvania - 1 year
Iowa - 2 years	Rhode Island - 1 year
Kansas - 3 years	South Carolina - 3 years
Kentucky - 1 year	South Dakota - 3 years
Louisiana - 3 years	Tennessee - 1, 2, or 3 years
Maine - 3 years	Texas - 2 years
Maryland - 1 year	Utah - 1 year
Massachusetts - 2 years	Vermont - 1 year
Michigan - 3 years	Virginia - 3 years
Minnesota - 3 years	West Virginia - 1 year
Mississippi - 2 years	Wisconsin - 3 years
Missouri - 3 years	Wyoming - 1 year
Montana - 1 year	

APPENDIX H

Required Fees for Registering and Numbering Boats
As Provided by Respective State Boating Laws

	less than 16'	16'-26'	26' & over	26'-40'	40' and over	Renewal
Alabama	\$4.50	\$6.50		\$12.50	\$24.50	same
Arizona	\$2.00	\$2.00	\$2.00			same
Arkansas	\$2.00	\$2.00	\$2.00			same
California	\$5.00	\$5.00	\$5.00			\$2.00
Colorado	\$3.50	\$3.50	\$3.50			same
Connecticut	\$3.00	\$10.00		\$10.00	\$25.00	same
Delaware	\$5.00	\$10.00		\$15.00	\$24.00	same
Georgia	\$5.00	\$12.00		\$30.00	\$50.00	same
Illinois	\$4.00	\$4.00	\$4.00			same
Indiana	\$6.00	\$8.00		\$10.00	\$12.00	same
Kansas	\$9.00	\$9.00	\$9.00			same
Kentucky	\$3.00	\$5.00		\$8.00	\$10.00	same
Louisiana	\$5.00	\$5.00	\$5.00			\$3.00
Maine	\$5.00	\$5.00	\$5.00			same
Massachusetts	\$5.00	\$5.00	\$5.00			same
Mississippi	\$2.00	\$2.00	\$2.00			same
Missouri	\$5.00	\$5.00	\$5.00			same
Montana	\$1.00	\$1.00	\$1.00			same
Nevada	\$5.00	\$5.00	\$5.00			same
New Mexico	\$5.00	\$5.00	\$5.00			\$2.00

Appendix H (cont.)

	less than 16'	16'-26'	26' & over	26'-40'	40' and over	Renewal		
New York	\$3.00	\$6.00	\$10.00			same		
North Carolina	\$3.00	\$3.00	\$3.00 - 1 year			same		
	\$7.50	\$7.50	\$7.50 - 3 years			same		
North Dakota	\$3.00	\$3.00	\$3.00			same		
Pennsylvania	\$4.00	\$6.00	\$6.00			same		
Rhode Island	\$2.00	\$5.00	\$5.00			same		
South Carolina	\$5.00	\$5.00	\$5.00			same		
South Dakota	\$9.00	\$9.00	\$9.00			same		
Texas	\$6.00	\$9.00		\$12.00	\$15.00	same		
Utah	\$5.00	\$5.00	\$5.00			same		
Vermont	\$2.50	\$5.00		\$10.00	\$25.00	same		
Virginia	\$8.00	\$8.00	\$8.00			same		
West Virginia	\$5.00	\$5.00	\$5.00			same		
Wisconsin	\$4.50	\$4.50	\$4.50			same		
Wyoming	\$1.50	\$2.00		\$3.00	\$4.00	same		
	less than 12'	12'-16'	16'-26'	26'-40'	40'-65'	65'-110'	110' & over	Renewal
Florida -	\$2.50	\$3.00	\$11.00	\$31.00	\$51.00	\$61.00	\$76.00	same
Idaho -	\$2.00 plus an additional annual fee based on boat length & HP - minimum \$2.50							same
Iowa -	all motorboats and sailboats \$8.00, all other vessels \$4.00							same
Maryland -	\$5.00 all boats: Boats 16' or less with 7 1/2 HP motor or less - no fee							same

Appendix H (cont.)

	less						
	than 12'	12'-16'	16'-20'	20'-28'	28'-35'	35'-42'	
Michigan -	\$2.50	\$3.00	\$7.50	\$20.00	\$30.00	\$40.00	
	motorized						
	42'-50'	50' +	canoes				Renewal
	\$50.00	\$80.00	\$2.50				same
	19' or less		more than 19'				
Minnesota -	\$5.00		\$10.00				same
	5 HP		5 HP +		40'		
	or less		16'-26'	26'-40'	and over		
Nebraska -	\$2.00	\$5.00	\$8.00	\$15.00	\$25.00		same
	less						
	than 16'	16'-26'	26'-40'	40'-65'	65' +		
New Jersey -	\$4.00	\$10.00	\$20.00	\$30.00	\$100.00		same
Ohio -	Outboard hull \$1.00, sailboats \$3.00, Inboards with						
	motors under 100 HP \$7.50, Inboards with motors over						
	100 HP \$10.00						
Oklahoma -	\$3.00 a year for boats retailing for \$150 or less, plus						
	\$1.00 for each \$100 over \$150. Discount 10% every year						
	for 9 years						
	less						
	than 12'	12'-16'	16'-20'	20' or more		Renewal	
Oregon -	\$3.00	\$6.00	\$8.00	\$8.00 + \$1.00/ft.		Over 21	
							same
	less						
	than 18'	18'-26'	26'-36'	36'-46'	46'-56'	56'-66'	Renewal
Tennessee -	\$2.00	\$4.00	\$6.00	\$8.00	\$10.00	\$12.00	same
	66'-76'						
	\$14.00						

APPENDIX I

Availability of Registration and Numbering Data to Private Sector as Provided by Respective State Boating Laws*

Alabama - not available to private sector

Arizona - not available to private sector

Arkansas - not available to private sector

California - available upon request

Colorado - available upon request

Connecticut - available upon request

Delaware - not available to private sector

Florida - available upon request

Georgia - available upon request

Idaho - available upon request

Illinois - available upon request

Indiana - available upon request

Iowa - available upon request

Kansas - not available to private sector

Kentucky - not available to private sector

Louisiana - available upon request

Maine - not available to private sector

Maryland - not available to private sector

**Massachusetts

Michigan - available upon request

Minnesota - available upon request

Mississippi - available upon request

* In most states, registration and numbering data is made available only to state residents.

Appendix I (cont.)

Missouri - available upon request

Montana - available upon request

Nebraska - available upon request

Nevada - available upon request

New Jersey - not available to private sector

New Mexico - not available to private sector

New York - not available to private sector

North Carolina - available upon request

North Dakota - available upon request

Ohio - not available to private sector

Oklahoma - not available to private sector

Oregon - available upon request

Pennsylvania - not available to private sector

Rhode Island - not available to private sector

South Carolina - not available to private sector

South Dakota - available upon request

Tennessee - not available to private sector

Texas - available upon request

Utah - available upon request

****Vermont**

Virginia - available upon request

West Virginia - available upon request

Wisconsin - available upon request

Wyoming - available upon request

****Massachusetts and Vermont did not provide information on the availability of boat registration and numbering data to the private sector.**

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