

2018 Regular Session

HOUSE BILL NO. 549

BY REPRESENTATIVE WHITE

BOATS/SHIPS/VESSELS: Registration of non-motorized house boats

1 AN ACT

2 To amend and reenact R.S. 34:851.19, 851.20(A)(1)(introductory paragraph), (2), (3), and
3 (4) and (B), (C), (D), (G), and (J), 851.21(A) and (B)(2), (3), and (4) and 851.32 and
4 to enact R.S. 34:851.2(13) and R.S. 56:10(B)(14), relative to houseboats; to provide
5 for the registration and numbering of houseboats; to create the derelict houseboat
6 account in the Conservation Fund; to provide for the issuance of a certificate of
7 number; to provide for registration fees; to provide for notices of transfer; to provide
8 for a numbering system; to provide for the distribution of funds; and to provide for
9 related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 34:851.19, 851.20(A)(1)(introductory paragraph), (2), (3), and (4)
12 and (B), (C), (D), (G), and (J), 851.21(A) and (B)(2), (3), and (4) and 851.32 are hereby
13 amended and reenacted and R.S. 34:851.2(13) is hereby enacted to read as follows:

14 §851.2. Definitions

15 As used in this Part unless the context requires a different meaning:

16 * * *

17 (13) "Houseboat" means a vessel constructed for the primary purpose of a
18 temporary or permanent dwelling without an effective means of propulsion for safe
19 navigation.

20 * * *

1 §851.19. Operation of unnumbered motorboats, houseboat, or sailboats prohibited;
2 exception

3 Every motorboat, houseboat, or sailboat operated on the waters of this state
4 shall be numbered. No person shall operate or give permission for the operation of
5 any houseboat, motorboat, or sailboat on such waters unless the motorboat,
6 houseboat, or sailboat is numbered in accordance with this Part or in accordance with
7 applicable federal law or in accordance with a federally approved numbering system
8 of another state, and unless the certificate of number awarded to motorboat,
9 houseboat, or sailboat is in full force and effect, and the identifying number set forth
10 in the certificate of number is displayed on each side of the bow of motorboat,
11 houseboat, or sailboat as provided ~~herein~~ in this Part.

12 §851.20. Identification number

13 A.(1) The owner of each motorboat, houseboat, or sailboat requiring
14 numbering by this state shall file an application for number with the Department of
15 Wildlife and Fisheries on forms approved by ~~it~~ the department. The application shall
16 be signed by the owner of the motorboat, houseboat, or sailboat and shall be
17 accompanied by a fee as follows:

18 * * *

19 (2) Upon receipt of the application in approved form, the department shall
20 enter the same upon the records of its office and issue to the applicant a certificate
21 of number stating the number assigned to the motorboat, houseboat, or sailboat and
22 the name and address of the owner with a description of the motorboat, houseboat,
23 or sailboat. The department shall maintain a record of the hull identification number
24 of the boat and the serial number of the motor for motorized vessels along with the
25 assigned certificate of number on its computer.

26 (3) The owner shall paint on or attach to each side of the bow of the
27 motorboat, houseboat, or sailboat the certificate of number in such manner as may
28 be prescribed by rules and regulations of the department in order that it may be

1 clearly visible. The number on the motorboat, houseboat, or sailboat shall be
2 maintained in legible condition.

3 (4) The certificate of number shall be issued in addition to a decal which
4 shall be permanently attached to the motorboat, houseboat, or sailboat, both to be
5 accessible for inspection at all times when such boat is in operation; however,
6 owners of duly registered livery motorboats less than twenty-six feet in length, or of
7 duly registered houseboats or sailboats which are rented for not more than seven
8 continuous days at a time for noncommercial purposes may retain such certificates
9 of number for each such rental motorboat, houseboat, or sailboat on shore and have
10 them readily available for inspection.

11 B. The owner of any motorboat, houseboat, or sailboat already covered by
12 a number in full force and effect which has been awarded to it pursuant to then-
13 operative federal law or a federally approved numbered system of another state shall
14 record the number prior to operating the motorboat, houseboat, or sailboat on the
15 waters of this state in excess of the ninety consecutive day reciprocity period
16 provided for in R.S. 34:851.22(A)(1). Such recordation shall be in the manner and
17 pursuant to the procedure required for the award of a number ~~under~~ pursuant to
18 Subsection A of this Section except that no additional or substitute number shall be
19 issued.

20 C. Should the ownership of a motorboat, houseboat, or sailboat change, a
21 new application form with a five dollar fee shall be filed with the commission, along
22 with the registration fee required by this Section, and a new certificate of number and
23 a decal, valid for three years, shall be awarded in the same manner as provided for
24 in an original award of number.

25 D. In the event that an agency of the United States government shall have in
26 force an overall system of identification numbering for ~~motorboat~~ motorboats,
27 houseboats, or sailboats within the United States, the numbering system employed
28 pursuant to this Part by the commission shall be in conformity therewith.

29 * * *

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 G. The owner shall furnish the commission notice of the transfer of all or any
2 part of his interest other than the creation of a security interest in a motorboat,
3 houseboat, or sailboat numbered in this state pursuant to Subsections A and B of this
4 Section or of the destruction or abandonment of such motorboat, houseboat, or
5 sailboat within fifteen days thereof. Such transfer, destruction, or abandonment shall
6 terminate the certificate of number for such motorboat, houseboat, or sailboat, except
7 that in the case of a transfer of a part interest which does not affect the owner's right
8 to operate such motorboat, houseboat, or sailboat such transfer shall not terminate
9 the certificate of number.

* * *

11 J. No number other than the number awarded to a motorboat, houseboat, or
12 sailboat or granted reciprocity pursuant to this Part shall be painted, attached, or
13 otherwise displayed on either side of the bow of such motorboat, houseboat, or
14 sailboat.

* * *

16 §851.21. Numbering system

17 A. The motorboat, houseboat, or sailboat identification number issued by the
18 commission pursuant to this Part shall be divided into parts which include a symbol
19 indicating the state and a combination of numerals, letters, and words indicating the
20 individual identification of the motorboat, houseboat, or sailboat. The group of three
21 digits appearing between letters shall be separated from those letters by hyphens or
22 equivalent spaces. Numbers shall be block characters not less than three inches in
23 height and of a color to contrast on the hull, dark on light or light on dark or as
24 otherwise provided by rules and regulations of the commission.

25 B.

* * *

27 (2) The second part of the motorboat, houseboat, or sailboat number shall
28 consist of not more than four Arabic numerals and not more than two capital letters

1 as a suffix separated by a hyphen or equivalent space. Since the letters "I", "O", and
2 "Q" may be mistaken for numerals, they shall not be used.

3 (3) Motorboats, houseboat, or sailboats for hire or rent shall have painted or
4 attached to each side of the bow the word "HIRE" in letters of not less than one and
5 one-half inches which shall appear below the awarded number.

6 (4) Motorboats, houseboat, or sailboats owned by the state or any of its
7 political subdivisions shall have painted or attached to each side of the bow the word
8 "PUBLIC" in letters of not less than one and one-half inches which shall appear
9 below the awarded number except when used for undercover or investigative work.

10 * * *

11 §851.32. Disposition of funds

12 A. Funds accruing to the state of Louisiana from registration fees paid by
13 owners of motorboats and sailboats shall be paid into the state treasury and shall be
14 credited to the Bond Security and Redemption Fund. Out of the funds remaining in
15 the Bond Security and Redemption Fund, after a sufficient amount is allocated from
16 that fund to pay all obligations secured by the full faith and credit of the state which
17 become due and payable within any fiscal year, the treasurer shall, prior to placing
18 such remaining funds in the State General Fund, pay into the Conservation Fund of
19 the Louisiana Wildlife and Fisheries Commission an amount equal to the total
20 amount of the sums recovered as registration fees in R.S. 34:851.20 and ~~R.S.~~
21 ~~34:851.23~~ of this Part for the purpose of administering and enforcing the provisions
22 of this Part or for such other purposes as may be determined by said commission.

23 B. The revenues derived from the registration fees paid into the Conservation
24 Fund pursuant to Subsection A of this Section shall be made available for the
25 purpose of providing the necessary additional funds for the administration and
26 enforcement of the provisions of this Part or for such other purposes as may be
27 determined by the Louisiana Wildlife and Fisheries Commission.

28 C. Funds accruing to the state of Louisiana from registration fees paid by
29 owners of houseboats shall be paid into the state treasury and shall be credited to the

1 Bond Security and Redemption Fund. Out of the funds remaining in the Bond
 2 Security and Redemption Fund, after a sufficient amount is allocated from that fund
 3 to pay all obligations secured by the full faith and credit of the state which become
 4 due and payable within any fiscal year, the treasurer shall pay into the derelict
 5 houseboat account an amount equal to the total amount of the sums recovered as
 6 registration fees in R.S. 34:851.20 of this Part.

7 Section 2. R.S. 56:10(B)(14) is hereby enacted to read as follows:

8 §10. Annual report to governor; estimate of proposed expenditures; particular funds;
 9 limitations on purposes for use of monies in particular funds; warrants;
 10 vouchers; surplus funds

11 * * *

12 B.

13 * * *

14 (14) There is hereby created within the Conservation Fund a special account
 15 known as the "derelict houseboat account" which shall consist of those revenues
 16 collected from the registration of houseboats provided for in R.S. 34:851.32(C). The
 17 revenues shall be subject to the same requirements as provided for other revenues
 18 placed in the Conservation Fund in Paragraph (1) of this Subsection. The funds in
 19 this account shall be used solely for the purpose of awarding grants to parish
 20 governments to remove any unattended, derelict, junked, or abandoned houseboat
 21 in any canal, coulee, drainage ditch, outfall canal, bayou, bay, lake, or any other
 22 waterway, whether navigable or not, or on the banks thereof within the state of
 23 Louisiana. The commission may promulgate rules and regulations in accordance
 24 with the Administrative Procedure Act to provide for the application, administration,
 25 and award of such grants.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 549 Engrossed

2018 Regular Session

White

Abstract: Requires houseboats without motors to be registered and numbered with the registration fees to be used for a grant program to parish governments to remove derelict houseboats.

Proposed law defines "houseboat" as a vessel constructed for the primary purpose of a temporary or permanent dwelling without an effective means of propulsion for safe navigation.

Present law requires every motorboat or sailboat operated in state waters to be registered and numbered. Present law provides for the numbering system and application process for the Dept. of Wildlife and Fisheries to issue a number and certificate of number. Along with the application, present law requires the owner to pay a fee based upon the length of the boat as follows:

- (1) \$20 for boats 14 ft. or less
- (2) \$25 for boats greater than 14 ft. and less than 18 ft.
- (3) \$30 for boats 18 ft. or greater plus \$2 for each foot or portion of a foot greater than 18 ft.

Present law provides for the department's records of numbering, the proper display of the number on the motorboat or sailboat, where the certificate of number must be located, and for boats numbered by another state or the federal government.

Present law requires a new application accompanied by a \$5 fee when there is a change in ownership.

Present law requires the owner to notify the commission of a transfer of any portion of ownership, the creation of a security interest, destruction, or abandonment of a boat within 15 days.

Proposed law makes motorboat and sailboat registration and numbering provisions in present law, including application fees, applicable to houseboats.

Present law requires the revenue collected from motorboat and sailboat registration fees be paid into the Conservation Fund to administer and enforce present law motorboat and vessel provisions.

Proposed law requires the revenue collected from houseboat registration fees be paid into the "derelict houseboat account" in the Conservation Fund.

Proposed law creates the derelict houseboat account and requires the funds in that account are to be used solely for awarding grants to parish governments to remove any unattended, derelict, junked, or abandoned houseboat in any canal, coulee, drainage ditch, outfall canal, bayou, bay, lake, or any other waterway, whether navigable or not, or on the banks thereof within the state of Louisiana.

Proposed law authorizes the commission to promulgate rules and regulations in accordance with the Administrative Procedure Act to provide for the application, administration, and award of such grants.

(Amends R.S. 34:851.19, 851.20(A)(1)(intro. para.), (2), (3), and (4) and (B), (C), (D), (G), and (J), 851.21(A) and (B)(2), (3), and (4) and 851.32; Adds R.S. 34:851.2(13) and R.S. 56:10(B)(14))