

COUNCIL OF THE DISTRICT OF COLUMBIA

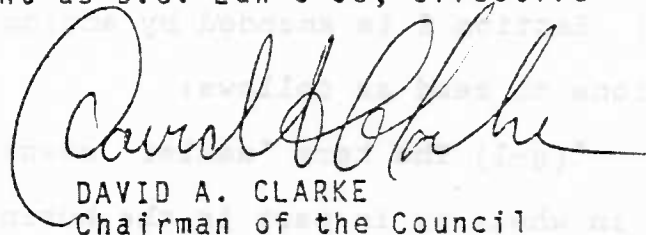
NOTICE

D.C. LAW 5-58

"District of Columbia Boat Titling Act of 1983".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 5-80 on first and second readings, October 18, 1983 and November 1, 1983, respectively. Following the signature of the Mayor on December 2, 1983, this legislation was assigned Act No. 5-86, published in the December 9, 1983 edition of the D.C. Register, (Vol. 30 page 6293) and transmitted to Congress December 6, 1983 for a 30-day review, in accordance with Section 602 (c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 5-58, effective March 14, 1984.

  
DAVID A. CLARKE  
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

January	23,24,25,26,27,30,31
February	1,2,3,6,7,8,9,21,22,23,24,27,28,29
March	1,2,5,6,7,8,9,12,13

EFFECTIVE DATE MAR 14 1984

AN ACT

DC. ACT 5 - 86

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DEC 02 1983

To amend article 29 of the Police Regulations of the District of Columbia to modify administrative fees, to provide for the administration of titles and security interests in boats, and to provide for the licensing and bonding of manufacturers and dealers in boats; and for other purposes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District of Columbia Boat Titling Act of 1983".

Sec. 2. Commissioners' Order No. 298426/38, effective April 26, 1940 (Article 29 of the Police Regulations of the District of Columbia), as amended by the Harbor and Boat Safety Act of 1979, effective September 26, 1979 (D.C. Law 3-25; 26 DCR 497), is amended as follows:

(a) Section 2 is amended by adding the following new subsections to read as follows:

"(g-1) The term 'dealer' means any person who engages in whole or in part in the business of buying, selling, or exchanging new and unused vessels, or used vessels, or both, either outright or on conditional sale, bailment, lease, chattel mortgage, or otherwise, and who has an established place of business for sale, trade, and display of vessels. A yacht broker is a dealer.

"(g-2) The term 'District' means the District of

Columbia.

"(n-1) The term 'lien holder' means any person holding a security interest.

"(n-2) The term 'manufacturer' means any person engaged in the business of manufacturing or importing new and unused vessels for the purpose of sale or trade.

"(z) The term 'vessel principally used' means a vessel used mostly on District of Columbia Waters during a calendar year."

(b) Section 4(a)(4) is amended to read as follows:

"(4) The owners of all vessels required to be registered under subsection (a) other than recreational type public vessels of the United States government, shall remit the following fees at the same time that the owners submit an application for registration or an application for registration renewal:

"(A) For each vessel equipped with propulsion machinery of any type, and the length of which is under 16 feet, \$10.00 per registration year or fraction thereof.

"(B) For each vessel equipped with propulsion machinery of any type and the length of which is at least 16 feet but no greater than 26 feet, \$20.00 per registration year or fraction thereof.

"(C) For each vessel equipped with propulsion machinery of any type and the length of which is over 26 feet but no greater than 40 feet, \$30.00 per registration year or fraction thereof.

"(D) For each vessel equipped with propulsion machinery of any type and the length of which is over 40 feet, \$40.00 per registration year or fraction thereof.

"(E) For each vessel not equipped with propulsion machinery of any type, \$5.00 per registration year or fraction thereof.

"(F) For replacement of a lost or destroyed certificate, \$3.00."

(c) By inserting the following new sections to read as follows:

"Sec. 4-a. Certificate of Title

"(a) Any vessel principally used on District of Columbia Waters and required to be registered and numbered under section 4 shall have a certificate of title issued by the Harbor Master: PROVIDED, That a person who, on the date of enactment of this section, is the owner of a vessel with a valid Certificate of Number issued by the District is not required to file an application for a certificate of title for the vessel unless the person transfers any part of his interest in the vessel or renews the Certificate of Number for the vessel.

"(b) The certificate of title shall show the name and address of the holder, the trade name and engine, serial, or identification number of the vessel, and shall be signed by the parties.

"(c) A Certificate of Number shall not be issued or renewed for any vessel required to be registered and

numbered in the District unless the Harbor Master shall first have issued a certificate of title to the owner of the vessel.

"(d) Every owner of a vessel subject to titling under the provisions of this section shall apply to the Harbor Master for issuance of a certificate of title for the vessel within 30 days of acquisition of the vessel.

"(e) If a dealer buys or acquires a used, District-numbered vessel for resale, the dealer shall report the acquisition to the Harbor Master on the form prescribed by the Harbor Master. If a dealer buys or acquires a used, non-District-numbered vessel, the dealer shall apply for a certificate of title in his name within 15 days of acquisition. If a dealer buys or acquires a new vessel for resale, the dealer may apply for a certificate of title in his name. These transactions are exempt from the title tax required by section 4-b(b).

"(f) Every dealer transferring a vessel required to have a certificate of title under this section shall assign the title to the new owner, or in the case of a new vessel assign the certificate of origin. Within 15 days, the dealer shall forward all fees and applications for a title or a registration to the Harbor Master.

"(g) No person may sell, assign, or transfer a vessel required to be titled by the District without delivering to the purchaser or transferee a certificate of title with an assignment on it showing title in the purchaser or transferee. No person shall purchase or otherwise acquire a

vessel required to be titled by the District without obtaining a certificate of title for it in his or her name.

"(h) If ownership of a vessel is transferred by operation of law, such as inheritance, order in bankruptcy, insolvency, replevin, or execution sale, the transferee, within 30 days after the transferee has acquired the right to possession of the vessel by operation of law, shall deliver to the Harbor Master the proof of ownership which the Harbor Master may require, together with the application for a new certificate of title and the required fees.

"(i) If a lien holder repossesses a vessel by operation of law and holds it for resale, he shall secure a new certificate of title and shall pay the required fees.

"(j) Each certificate of title shall contain the information and shall be issued in the form as the Harbor Master shall prescribe.

"Sec. 4-b. Certificate of Title Fees; Title Tax

"(a) The Harbor Master shall charge a fee of \$2.00 to issue a certificate of title, a duplicate, a corrected certificate of title, or a transfer of title.

"(b) Except as provided in section 4-a(e) and in subsection (c), a title tax is levied on the issuance of every original certificate of title required for a vessel under section 4-a and on the issuance of every subsequent certificate of title following the sale, resale, or transfer of the vessel as follows:

"(1) The Harbor Master shall collect the title tax at the rate of 6 percent of the gross sales price of the

vessel or, if no sale immediately precedes the application for a certificate of title, the fair market value of the vessel for which a certificate of title is applied for and issued. The Harbor Master may require the applicant to submit satisfactory proof of the vessel's gross sales price or fair market value in order to establish the tax due.

"(2) The tax imposed by this subsection is in lieu of collecting any tax which may have been due as a result of a sale required under the District of Columbia Revenue Act of 1949, approved May 27, 1949 (63 Stat. 115; D.C. Code, sec. 47-2001 et seq.).

Note, D.C. Code,  
sec. 47-2005  
(1981 ed.)

"(3) Any person aggrieved by the assessment established by this section may, within 6 months after payment of the tax, appeal from the assessment to the Superior Court of the District of Columbia in the same manner as set forth in section 3 of title 9 of the District of Columbia Revenue Act of 1937, approved May 16, 1938 (52 Stat. 371; D.C. Code, sec. 47-3303).

Note, D.C. Code,  
sec. 47-3003  
(1983 supp.)

"(c) A person is not required to pay the tax provided for in subsection (b) to obtain a certificate of title:

"(1) resulting from a transfer between spouses or between parent and child;

"(2) resulting from a transfer between licensed dealers in vessels for resale;

"(3) if the owner of the vessel for which a certificate of title is sought was the owner of the vessel prior to the date of enactment of this section, and if the applicant paid District sales tax on the vessel as required

by law at the time of acquisition. The Harbor Master may require the applicant for titling to submit satisfactory proof that he owned the vessel prior to the date of enactment of this section;

"(4) resulting from the repossession of a vessel by a lien holder; and

"(5) resulting from the transfer of ownership by operation of law.

"(d) If the Harbor Master determines there has been an overpayment of the title tax on a vessel, the overpayment shall be refunded if an application under oath is filed with the Harbor Master within 1 year from the overpayment.

"Sec. 4-c. Application for Certificate of Title

"(a) The application shall be on the forms prescribed by the Harbor Master, and shall be accompanied by the fee and title tax required by section 4-b.

"(b) The application shall be signed and sworn to before a notary public or other person who administers oaths, or shall be certified in writing that the statements made are true and correct to the best of the applicant's knowledge under penalty of perjury.

"(c) The application shall contain the date of sale and the gross price of the vessel or the fair market value if no sale immediately preceded the transfer. If the application is made for a vessel last registered or titled in another jurisdiction the application shall contain this information and any other information the Harbor Master may require.



"(d) The application shall show whether or not there are any liens against the vessel or any of the equipment or the accessories affixed to the vessel. If there are liens, the application shall list the lien holders in the order of their priority and shall be accompanied by written instruments or any other papers necessary to entitle liens to be entered on the certificate of title.

"Sec. 4-d. Duplicate Certificate of Title if Original Missing or Damaged

"(a) If a certificate of title is lost, stolen, mutilated, destroyed, or becomes illegible, the 1st lien holder or, if there is no lien holder, the owner named in the certificate as shown by the Harbor Master's records, shall within 30 days obtain a duplicate by applying to the Harbor Master. The applicant shall furnish information concerning the original certificate of title and the circumstances of its loss, mutilation, or destruction as the Harbor Master may require. Mutilated or illegible certificates of title shall be returned to the Harbor Master with the application for a duplicate.

"(b) The duplicate certificate of title shall be marked plainly 'duplicate' across its face and shall be delivered to the applicant.

"(c) If a lost or stolen original certificate of title for which a duplicate has been issued is recovered, the original shall be surrendered promptly to the Harbor Master for cancellation.

"Sec. 4-e. Acquiring Title to an Abandoned Vessel