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LC004530

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

A N A C T

RELATING TO WATERS AND NAVIGATION -- REGISTRATION OF OUTBOARD MOTORS

Introduced By: Representatives Chippendale, Quattrocchi, Nardone, Price, Bennett, Filippi, Tobon, Shanley, Fenton-Fung, and Place

Date Introduced: March 02, 2022

Referred To: House State Government & Elections

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 46-8-2 of the General Laws in Chapter 46-8 entitled "Registration of
2 Outboard Motors" is hereby amended to read as follows:

3 **46-8-2. Registration of motors required.**

4 (a) Any person who is the owner of an outboard motor for use on any waters within the
5 territorial limits of the State of Rhode Island shall register the outboard motor as provided in § 46-
6 8-3 within ten (10) days after the ownership is acquired.

7 (b) No registration nor registration certificate as prescribed by the director under § 46-8-4,
8 shall require that the owner provide their social security number or other tax identification number.

9 SECTION 2. Section 46-22-4 of the General Laws in Chapter 46-22 entitled "Regulation
10 of Boats" is hereby amended to read as follows:

11 **46-22-4. Identification number and registration fee.**

12 (a)(1) Except as otherwise provided in subsection (b), the owner of each motorboat shall
13 file biennially an application for registration with the department of environmental management on
14 forms approved by the director. No registration nor registration certificate as prescribed by the
15 director under this section, shall require that the owner provide their social security number or other
16 tax identification number. The application shall be accompanied by a registration fee according to
17 the following schedule:

18 OVERALL LENGTH AT NOT MORE THAN FEET BIENNIAL FEE

1	LEAST FEET		
2	UNDER	15	\$30
3	16	20	\$40
4	21	25	\$60
5	26	30	\$100
6	31	35	\$200
7	36	40	\$250
8	41	45	\$300
9	46	50	\$400
10	51 and over		\$600

11 (i) For the purpose of the above fee schedule, "overall length" shall be defined as the
12 horizontal distance between the foremost part of the stem, and, the aftermost part of the stern,
13 excluding bowsprits, bumpkins, rudders, outboard motor brackets, and similar fittings or
14 attachments. For purposes of this section, a fraction of a foot shall be deemed to be the next higher
15 foot.

16 (ii) The fee payable under this section for any motorboat owned by a nonprofit organization
17 shall not exceed fifty dollars (\$50.00).

18 (iii) All vessels over thirty feet (30') may, upon request, pay the registration fee annually
19 at the rate of one-half (1/2) the biennial fee for a vessel of the same length.

20 (2) Upon receipt of the completed application and correct registration fee, the department
21 of environmental management shall enter the application and registration fee into its records, and
22 issue to the owner a certificate of number stating the number awarded to the motorboat and the
23 name and address of the owner. The owner shall paint on or attach to each side of the bow of the
24 motorboat the identification number in such manner as may be prescribed by rules and regulations
25 of the department of environmental management in order that it may be clearly visible. The number
26 shall be maintained in legible condition. The certificate of number shall be pocket size and shall be
27 available at all times for inspection on the motorboat for which issued, whenever that motorboat is
28 in operation.

29 (b) The owner of any motorboat already covered by an identification number, in full force
30 and effect, which has been awarded to it pursuant to then operative federal law or a federally
31 approved numbering system of another state, shall record the number with the department of
32 environmental management prior to operating the motorboat on the waters of this state in excess of
33 the ninety (90) day reciprocity period provided for in § 46-22-6(a). The recordation shall be in the
34 manner and subject to the procedure and fees required for the award and transfer of a number under

1 subsections (a) and (c) through (i), except that no additional or substitute number shall be issued.

2 (c) Should the ownership of a motorboat change, a new application form shall be filed with
3 the department of environmental management. Should the change in ownership take place before
4 the date upon which the certificate of number expires, the new owner shall pay an administrative
5 fee of ten dollars (\$10.00). The number assigned to the vessel shall remain with the vessel and be
6 non-transferable while the vessel remains certified in the state of Rhode Island; provided, however,
7 that upon the request of the owner of a duly registered vessel of historic value that is more than
8 fifty (50) years old, the number assigned to the vessel may be transferred to a different historic
9 vessel owned by the same person. The original vessel will be given a new registration number and
10 the owner shall pay a transfer fee of six dollars (\$6.00) for each vessel.

11 (d) In the event that an agency of the United States government shall have in force an
12 overall system of identification numbering for motorboats within the United States, the numbering
13 system employed pursuant to this chapter by the department of environmental management shall
14 be in conformity therewith.

15 (e) All records of the department of environmental management made or kept pursuant to
16 this section shall be public records.

17 (f) The department of environmental management shall fix a day and month of the year on
18 which the certificate of number is due to expire and no longer be of any force and effect, unless
19 renewed pursuant to this chapter.

20 (g) The owner shall furnish the department of environmental management notice of the
21 transfer of all or any part of the owner's interest, other than the creation of a security interest in a
22 motorboat numbered in this state, pursuant to subsections (a) and (b), or of the destruction or
23 abandonment of the motorboat, within fifteen (15) days thereof. That destruction shall terminate
24 the certificate of number for the motorboat.

25 (h) Any holder of a certificate of number shall notify the department of environmental
26 management within fifteen (15) days if the holder's address no longer conforms to the address
27 appearing on the certificate and shall, as a part of the notification, furnish the department of
28 environmental management the new address. The department of environmental management may
29 provide, in its rules and regulations, for the surrender of the certificate bearing the former address
30 or for the alteration of an outstanding certificate to show the new address of the holder.

31 (i) No number, other than the number awarded to a motorboat or granted reciprocity
32 pursuant to this chapter, shall be painted, attached, or otherwise displayed on either side of the bow
33 of the motorboat.

34 (j) Biennial registration shall be phased in, alphabetically, over a two (2) year period

1 starting January 1, 1999 at which time all owners whose last names begin with the letters "A"
2 through "M" applications for registration will be accepted for consideration on a biennial basis.
3 Owners whose last names begin with the letters "N" through "Z" shall be subject to biennial
4 registration starting January 1, 2000.

5 SECTION 3. Section 46-22.1-3 of the General Laws in Chapter 46-22.1 entitled "Uniform
6 Boat Title Act" is hereby amended to read as follows:

7 **46-22.1-3. Owner's certificate of title.**

8 (a) Except as provided in subsections (b) and (e), any owner of a vessel principally used
9 on the waters of this state shall apply to the department for a certificate of title for the vessel. No
10 certificate of title required under this section, shall require that the owner provide their social
11 security number or other tax identification number.

12 (b) A certificate of title shall not be required under this chapter for any vessel that is:

13 (1) A ship's lifeboat; or

14 (2) A non-motorized inflatable vessel, surfboard, racing shell, rowing scull, or tender for
15 direct transportation between a vessel and the shore, where the vessel is used solely for direct
16 transportation between a vessel and the shore; or

17 (3) A documented vessel or vessels fourteen feet (14') or less.

18 (c) Each certificate of title shall contain the title number, the name of the vessel
19 manufacturer, model year, hull identification number, the registration number, hull material,
20 propulsion, fuel type, use of vessel length, audit number, as well as name and address of the
21 registered owner, date of issue of the certificate of title, first lien holder, if any, date and amount of
22 lien, second lien holder, if any, date and amount of lien, and any evidence of first and second lien
23 satisfaction with signature and title of agent, as well as notary public seal and any other information
24 as required by the director. Certificates of title shall be issued on forms prescribed by the
25 department.

26 (d) The department may not issue or renew a certificate of number to any vessel required
27 to be registered and numbered in this state, unless the owner of the vessel has a valid certificate of
28 title.

29 (e) A person who, on January 1, 1989, is the owner of a vessel with a valid certificate of
30 number issued by this state is not required to file an application for a certificate of title for the vessel
31 until he or she transfers any part of his or her interest in the vessel or renews the certificate of
32 number for the vessel.

33 (f) Every owner of a vessel subject to titling under the provisions of this chapter shall apply
34 to the department for the issuance of a certificate of title for the vessel within thirty (30) days after

1 taking possession of a vessel. The application shall be on forms the department prescribes, and be
2 accompanied by the required fee. The application shall be signed and sworn to before a notary
3 public and contain a certification signed in writing, representing that statements made on the
4 application are true and correct to the best of the applicant's knowledge, information, and belief,
5 under penalty of perjury. The application shall contain the date of sale and gross purchase price of
6 the vessel or the fair market value, if no sale immediately proceeded the transfer, and any additional
7 information the department requires. If the application is made for a vessel last previously
8 registered or titled in another state or foreign country, the application shall contain the information
9 set forth above and any other the department may require; provided, however, no certificate of title
10 required under this section, shall require that the owner provide their social security number or
11 other tax identification number.

12 (g) If a dealer buys or acquires a used numbered vessel for resale, he or she shall report the
13 acquisition to the department on forms the department provides, or he or she may apply for and
14 obtain a certificate of title as provided in this chapter. If a dealer buys or acquires a used
15 unnumbered vessel, he or she shall apply for a certificate of title in his or her name within fifteen
16 (15) days. If a dealer buys or acquires a new vessel for resale, he or she may apply for a certificate
17 of title in his or her name, but is not required to do so.

18 (h) Every dealer transferring a vessel requiring titling under this chapter shall assign the
19 title to the new owner if the dealer is required under subsection (g) to obtain a title, or, in the case
20 of a new vessel, assign the manufacturer's statement of origin. In the event the dealer accepts an
21 application for title certificate and accompanying fee from the purchaser of a vessel, the dealer shall
22 forward the required fee and application to the department within fifteen (15) days of the receipt of
23 the application and fee.

24 (i) The department shall maintain a record of any certificate of title it issued.

25 (j) No person may sell, assign, or transfer a vessel titled by the state without delivering to
26 the purchaser or transferee a certificate of title with an assignment on it showing title in the
27 purchaser or transferee. No person may purchase or otherwise acquire a vessel required to be titled
28 by the state without obtaining a certificate of title for it in his or her name.

29 SECTION 4. Section 46-27-2 of the General Laws in Chapter 46-27 entitled "Personal
30 Watercraft Safety Act" is hereby amended to read as follows:

31 **46-27-2. Regulation of personal watercraft.**

32 (a) No person shall operate a personal watercraft at any time between the hours from one-
33 half (½) hour after sunset to one-half (½) hour before sunrise; provided, that police and fire
34 department personnel on official duty may operate personal watercraft with proper equipment and

1 lighting and are exempted from the provisions of this subsection.

2 (b) A personal watercraft must at all times be operated in a reasonable and prudent manner.
3 Maneuvers that unreasonably or unnecessarily endanger life, limb, or property, including, but not
4 limited to, weaving through congested vessel traffic, circling a larger vessel unreasonably or
5 jumping the wake of another vessel unreasonably, constitutes reckless operation of a vessel and are
6 prohibited.

7 (c) No person under the age of sixteen (16) shall operate a personal watercraft on the waters
8 of the state unless an adult accompanies him or her or unless he or she has passed a department of
9 environmental management approved or United States Coast Guard approved safety course.

10 (d) It is unlawful for the owner of any personal watercraft or any person having charge
11 over or control of a personal watercraft to authorize or knowingly permit the watercraft to be
12 operated by a person under sixteen (16) years of age in violation of this section unless the provisions
13 of subsection (c) are met.

14 (e) No person shall operate a personal watercraft within two hundred feet (200') of
15 swimmers, divers, shore, or moored vessels, except at headway speed.

16 (f) Personal watercraft, when launched from shore or returning to shore, must proceed
17 directly to the area where operation is allowed in a direction as near perpendicular as possible, not
18 in excess of headway speed.

19 (g) No person shall operate a personal watercraft unless he or she and any passenger is
20 wearing a personal flotation device approved by the United States Coast Guard.

21 (h) No person shall operate any personal watercraft in a reckless manner so as to endanger
22 the life, limb, or property of another.

23 (i) No person shall operate any personal watercraft unless it is numbered in accordance
24 with § 46-22-4.

25 (j) A person operating a personal watercraft equipped by the manufacturer with a lanyard-
26 type engine cutoff switch must attach the lanyard to his or her person, clothing, or personal flotation
27 device as appropriate for the specific vessel.

28 (k) The towns of Charlestown and Westerly have joint jurisdiction over any waters that
29 transcend both jurisdictions, may enter into a binding memorandum pursuant to § 46-23-15.1, and
30 are hereby authorized to provide, by ordinance, regulations controlling the use of personal
31 watercraft within their jurisdictions. The ordinances may include a ban or limitation on operation
32 on:

33 (1) Waterbodies that are less than three hundred (300) acres in size, or four hundred feet
34 (400') in width;

1 (2) Waterbodies upon which a tradition of swimming, shellfishing, fishing, paddle sports,
2 or small craft rowing or sailing exists;

3 (3) Waterbodies that can be demonstrated to be ecologically sensitive;

4 (4) Waterbodies or portions of them surrounded or bordered by significant concentrations
5 of residential development;

6 (5) Waterbodies where a history of powerboat regulation already exists; or

7 (6) Waterbodies where navigational considerations due to congestion can be shown to
8 exist.

9 (l) The department of environmental management shall review and grant final approval of
10 municipal regulations adopted pursuant to this section.

11 (m) The town of Coventry is hereby authorized to provide, by ordinance, regulations
12 controlling the use of personal watercraft on Tiogue Lake. The ordinances may include a ban or
13 limitation on operation on Tiogue Lake.

14 (n) The towns of South Kingstown, Narragansett, Middletown, and North Kingstown are
15 hereby authorized to provide, by ordinance, regulations controlling the use of personal watercraft
16 on any or all fresh or inland waters of this town. The ordinances may include a ban or limitation of
17 personal watercraft on any waters in this town. To the extent that any body of water may transcend
18 more than one of the towns set forth in this section, each town shall have joint jurisdiction over the
19 body or bodies of water and may enter into a binding memorandum pursuant to § 46-23-15.1
20 regarding each town's joint jurisdiction over the body or bodies of water.

21 (o) The town of Narragansett is hereby authorized to provide, by ordinance, regulations
22 controlling the use of personal watercraft on any or all fresh or inland waters of this town. The
23 ordinances may include a ban or limitation of personal watercraft on any waters in this town. To
24 the extent that any body of water may transcend more than one of the towns set forth in this section,
25 each town shall have joint jurisdiction over the body or bodies of water and may enter into a binding
26 memorandum pursuant to § 46-23-15.1 regarding each town's joint jurisdiction over the body or
27 bodies of water.

28 (p) The town of South Kingstown is hereby authorized to provide, by ordinance,
29 regulations controlling the use of personal watercraft on Narrow River and Green Hill Pond. To the
30 extent that Narrow River transcends the towns of South Kingstown, North Kingstown, and
31 Narragansett, each town shall have joint jurisdiction over such body of water and may enter into a
32 binding memorandum pursuant to § 46-23-15.1 regarding each town's joint jurisdiction over such
33 body of water.

34 (q) The town of West Greenwich is hereby authorized to provide, by ordinance, regulations

1 controlling the use of personal watercraft on any or all fresh or inland waters of this town. The
2 ordinances may include a ban or limitation of personal watercraft on any waters in this town.

3 (r) Nothing in this section authorizes any city or town, or the department of environmental
4 management, from requiring any owner of personal watercraft to provide their social security
5 number or other tax identification number for registering, titling, or operating such watercraft.

6 SECTION 5. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T
RELATING TO WATERS AND NAVIGATION -- REGISTRATION OF OUTBOARD
MOTORS

1 This act would prohibit the department of environmental management and any city or town
2 from requiring an owner of a boat, vessel, personal watercraft or outboard motor to provide their
3 social security number or other tax identification number in order to register or obtain a certificate
4 of title for such watercraft.

5 This act would take effect upon passage.

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