

## Session 117 - (2007-2008)

### H\*4764 (Rat #0388, Act #0344 of 2008) General Bill, By Witherspoon and Branham

#### Summary: Department of Natural Resources

AN ACT TO AMEND SECTION 49-3-50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MATTERS TO BE CONSIDERED BY THE DEPARTMENT OF NATURAL RESOURCES IN REGARD TO WATER RESOURCES PLANNING AND COORDINATING, SO AS TO REVISE THESE CONSIDERATIONS; TO AMEND SECTION 50-21-10, RELATING TO DEFINITIONS IN REGARD TO EQUIPMENT AND OPERATION OF WATERCRAFT, SO AS TO REVISE CERTAIN DEFINITIONS; TO AMEND SECTION 50-21-30, RELATING TO THE SCOPE OF CERTAIN PROVISIONS OF LAW RELATING TO THE OPERATION OF VESSELS ON THE WATERS OF THIS STATE, SO AS TO CHANGE CERTAIN REFERENCES AND FURTHER PROVIDE FOR THE SCOPE OF THESE PROVISIONS; BY ADDING SECTION 50-23-10 SO AS TO PROVIDE FOR THE ISSUANCE, TERMS, AND CONDITIONS OF MARINE DEALERS' PERMITS; BY ADDING SECTION 50-23-11 SO AS TO PROVIDE FOR THE USE OF DEALER DEMONSTRATION NUMBERS AND CONDITIONS RELATED TO THEIR USE; TO AMEND SECTION 50-23-20, RELATING TO CERTIFICATES OF TITLE REQUIRED FOR WATERCRAFT AND OUTBOARD MOTORS, SO AS TO REQUIRE THE OWNER OF A WATERCRAFT OR OUTBOARD MOTOR TO NOTIFY THE DEPARTMENT WITHIN THIRTY DAYS OF ITS TRANSFER; TO AMEND SECTION 50-23-30, RELATING TO EXEMPTIONS FROM THE TITLING REQUIREMENTS OF WATERCRAFT AND OUTBOARD MOTORS, SO AS TO FURTHER PROVIDE FOR WATERCRAFT AND OTHER DEVICES WHICH ARE NOT REQUIRED TO BE TITLED; BY ADDING SECTION 50-23-55 SO AS TO PROVIDE FOR THE ISSUANCE OF CERTIFICATES OF TITLE TO A WATERCRAFT OR OUTBOARD MOTOR AND PROVIDE FOR THE MANNER OF THEIR USE AND ISSUANCE; TO AMEND SECTION 50-23-60, AS AMENDED, RELATING TO APPLICATIONS FOR A CERTIFICATE OF TITLE FOR A WATERCRAFT OR OUTBOARD MOTOR, SO AS TO FURTHER PROVIDE FOR THE CONTENTS OF THE APPLICATIONS; TO AMEND SECTION 50-23-70, RELATING TO AN APPLICATION FOR A WATERCRAFT CERTIFICATE OF TITLE, SO AS TO AUTHORIZE THE DEPARTMENT TO ISSUE A DUPLICATE AND PROVIDE A FEE FOR PROVIDING THE CERTIFICATE AND A DUPLICATE; TO AMEND SECTION 50-23-90, RELATING TO THE CONTENTS OF CERTIFICATES OF TITLE, SO AS TO FURTHER PROVIDE FOR THESE CONTENTS; TO AMEND SECTION 50-23-110, RELATING TO A MANUFACTURER OR IMPORTER'S CERTIFICATE OF ORIGIN, SO AS TO REVISE THE TERM "CERTIFICATE OF ORIGIN" TO "STATEMENT OF ORIGIN" AND FURTHER PROVIDE FOR WHEN THE STATEMENTS OF ORIGIN MUST BE PROVIDED; TO AMEND SECTION 50-23-120, RELATING TO THE ASSIGNMENT AND WARRANTY OF TITLE TO WATERCRAFT OR OUTBOARD MOTORS, SO AS TO REVISE THE TIME WITHIN WHICH A TITLE OR DUPLICATE TITLE MUST BE APPLIED FOR AND TO DELETE CERTAIN PROVISIONS RELATING TO THE RIGHTS AND DUTIES OF A LIENHOLDER; TO AMEND SECTION 50-23-130, RELATING TO TRANSFER OF OWNERSHIP OF A WATERCRAFT ON AN OUTBOARD MOTOR BY OPERATION OF LAW, SO AS TO REVISE A REFERENCE; TO AMEND SECTION 50-23-140, RELATING TO THE PRIORITY AND VALIDITY OF LIENS AND OTHER ENCUMBRANCES ON WATERCRAFT, SO AS TO PROVIDE FOR SPECIFIC CIRCUMSTANCES UNDER WHICH THE DEPARTMENT MUST ISSUE A TITLE CLEAR OF A LIEN AND TO REVISE THE TIME IN WHICH A SECURITY INTEREST IS PERFECTED; TO AMEND SECTION 50-23-180, RELATING TO A REPORT OF STOLEN WATERCRAFT AND OUTBOARD MOTORS TO THE DEPARTMENT, SO AS TO PROVIDE THAT LAW ENFORCEMENT AGENCIES SHALL NOTIFY THE DEPARTMENT IMMEDIATELY OF THE RECOVERY OF ANY STOLEN WATERCRAFT OR OUTBOARD MOTOR AND TO PROVIDE FOR OTHER PROCEDURAL REQUIREMENTS OF THIS SECTION; TO AMEND SECTION 50-23-190, RELATING TO UNLAWFUL ACTS AND OTHER MATTERS RELATING TO THE POSSESSION, OPERATION, OR TRANSFER OF A WATERCRAFT OR AN OUTBOARD MOTOR, SO AS TO PROVIDE FOR OTHER PROHIBITED ACTS; TO AMEND SECTION 50-23-200, RELATING TO UNLAWFUL ACTS IN REGARD TO WATERCRAFT AND OUTBOARD MOTORS, SO AS TO REVISE A REFERENCE; BY ADDING SECTION 50-23-201 SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR ANY PERSON TO ATTEMPT TO OBTAIN A CERTIFICATE OF TITLE, CERTIFICATE OF NUMBER OR DECALS BY FRAUD OR MISREPRESENTATION OR TO OBTAIN A CERTIFICATE OF TITLE OR CERTIFICATE OF NUMBER OR DECALS BY FRAUD OR MISREPRESENTATION, AND TO PROVIDE PENALTIES FOR VIOLATION; TO AMEND SECTION 50-23-205, RELATING TO SEIZURE OF WATERCRAFT, SO AS TO REQUIRE CERTAIN NOTICE TO HOLDERS OF A PERFECTED SECURITY INTEREST BEFORE THE WATERCRAFT MAY BE USED OR DISPOSED OF ACCORDING TO LAW; TO AMEND SECTION 50-23-270, RELATING TO WHEN BOAT TITLING PROVISIONS APPLY, SO AS TO FURTHER PROVIDE FOR THIS APPLICABILITY AND REVISE WHEN CERTAIN PENALTY PROVISIONS APPLY; TO AMEND SECTION 50-23-280, RELATING TO PENALTIES FOR VIOLATING CERTAIN WATERCRAFT PROVISIONS, SO AS TO REVISE A SPECIFIC PENALTY PROVISION; TO AMEND SECTION 50-23-290, RELATING TO CONDITIONAL TITLES, SO AS TO FURTHER PROVIDE FOR THE CIRCUMSTANCES UNDER WHICH THE DEPARTMENT MAY ISSUE A TITLE WHEN A PERSON COMES INTO

POSSESSION OF A WATERCRAFT WITHOUT PROPER PROOF OF OWNERSHIP; TO AMEND SECTION 50-23-320, RELATING TO EXCEPTIONS TO THE REQUIREMENT THAT VESSELS BE NUMBERED, SO AS TO REVISE THE CIRCUMSTANCES WHEN A VESSEL IS NOT REQUIRED TO BE NUMBERED; TO AMEND SECTION 50-23-345, RELATING TO TEMPORARY CERTIFICATES OF BOAT NUMBER, SO AS TO FURTHER PROVIDE FOR WHEN THE DEPARTMENT MAY ISSUE TEMPORARY CERTIFICATES; TO AMEND SECTION 50-23-370, RELATING TO TERMS AND RENEWAL OF CERTIFICATES OF BOAT NUMBER ISSUED BY THE DEPARTMENT, SO AS TO FURTHER PROVIDE FOR THEIR EXPIRATION AND RENEWAL AND THE CIRCUMSTANCES WHEN THESE CERTIFICATES MAY BE ISSUED; BY ADDING SECTION 50-23-375 SO AS TO PROVIDE THAT IT IS UNLAWFUL TO DISPLAY A REGISTRATION NUMBER OR VALIDATION DECAL OR AN OUTBOARD MOTOR TITLE DECAL ON ANY WATERCRAFT OR OUTBOARD MOTOR EXCEPT ON THOSE FOR WHICH IT WAS ISSUED; TO AMEND SECTION 50-23-380, RELATING TO TRANSFER OF REGISTRATION UPON CHANGE OF OWNERSHIP, SO AS TO REVISE A REFERENCE; TO AMEND SECTION 50-23-400, RELATING TO NOTICE OF CHANGE OF ADDRESS OF A HOLDER OF A CERTIFICATE OF BOAT NUMBER, SO AS TO REVISE THE TIME WITHIN WHICH THIS NOTICE MUST BE PROVIDED; TO REPEAL SECTION 50-21-35 RELATING TO THE USE OF DEALER DEMONSTRATION NUMBERS FOR WATERCRAFT, SECTION 50-21-60 RELATING TO PERSONNEL, EXPENSES AND SALARIES OF DEPARTMENT EMPLOYEES, SECTIONS 50-23-15, 50-23-40, 50-23-50, 50-23-65, 50-23-100, AND 50-23-160 ALL RELATING TO CERTIFICATES OF TITLE OR MARINE DEALER PERMITS, AND SECTION 50-23-135 RELATING TO NOTICE OF POSSESSION OF AN ABANDONED OR JUNKED WATERCRAFT. -

ratified title

02/27/08	House	Introduced and read first time HJ-13
02/27/08	House	Referred to Committee on Agriculture, Natural Resources and Environmental Affairs HJ-16
04/22/08	House	Committee report: Favorable with amendment Agriculture, Natural Resources and Environmental Affairs HJ-6
04/24/08	House	Debate adjourned until Wednesday, April 30, 2008 HJ-72
04/24/08		Scrivener's error corrected
04/30/08	House	Amended HJ-27
04/30/08	House	Read second time HJ-38
05/01/08	House	Read third time and sent to Senate HJ-127
05/01/08	Senate	Introduced and read first time SJ-9
05/01/08	Senate	Referred to Committee on Fish, Game and Forestry SJ-9
05/01/08		Scrivener's error corrected
05/22/08	Senate	Committee report: Favorable with amendment Fish, Game and Forestry SJ-25
05/27/08	Senate	Committee Amendment Adopted SJ-19
05/27/08	Senate	Read second time SJ-19
05/28/08	Senate	Read third time and returned to House with amendments SJ-30
06/05/08	House	Concurred in Senate amendment and enrolled HJ-55
06/05/08		Ratified R 388
06/11/08		Signed By Governor
06/30/08		Copies available
06/30/08		Effective date 12/11/08
07/11/08		Act No. 344