

**NASBLA MODEL ACT FOR
NUMBERING AND TITLING OF NON-POWERED VESSELS USING THE USCG
REGISTRATION SYSTEM**

This act originally was adopted by the membership of the National Association of State Boating Law Administrators on Sept. 13, 2000. In developing the original act, the NASBLA Numbering and Titling Committee reasoned that there was a need for the states, as well as the United States Coast Guard, to know how many non-powered vessels are being operated in this country. Non-powered vessel is the term used here to identify vessels such as canoes, kayaks, paddlecraft and other vessels propelled by human power.

*In 2005, the Committee reviewed, approved and recommended this version of the act to the NASBLA membership as part of the Association's Model Act Review and Standardization Project. * The act was approved in this revised form by the membership on Sept. 21, 2005.*

In August 2005, the Paddlesports Committee in conjunction with the paddlesports community reviewed the model act and suggested revisions regarding proof of ownership, minimal display requirements for the state issued number, a convenient and affordable fee structure, and the elimination of the carriage requirement for the certificate of number. In February 2006, the Numbering and Titling committee reviewed the suggestions and made the following revisions to the act:

- 1. A new section six was added to reflect proof of ownership requirements.*
- 2. The minimal display requirements were addressed in section nine. No revision to the act was made by the committee.*
- 3. A comment in section 11 addresses the fee structure.*
- 4. Section 10 addresses the carriage requirement by giving the states two options.*

At the time of original adoption and even at the time of the review and update of this model act, the majority of the states did not require the numbering of non-powered vessels, and there were no accurate data available to determine what percentage of boating accidents or deaths occur from the operation of these non-powered vessels.

COMMENT: *Two options are presented for Section 10 regarding carriage of the certificate of number -- one requiring the certificate to be carried on board when the vessel is in use; the other was taken from Ohio's Revised Code 1547.54 (D) (2) requiring the vessel operator to produce the certificate within 72 hours of having been stopped by a law enforcement officer. Among the reasons for the first option are: 1) An intent to create more consistency throughout the states; 2) Compliance with CFR 173.21 (states that want the non-powered vessels to be counted towards their registered numbers must require that the certificate be carried on the vessel); 3) Identification purposes for law enforcement, theft detection, and Homeland Security; 4) To ensure that the vessel is properly registered. (officers may not be able to run the number if it is not displayed on the vessel) 5) Waterproof containers and waterproof duct tape make it easy to carry the registration without getting wet or damaged; 6) Vessels such as canoes and rubber rafts that use an outboard or trolling motor must carry a certificate, so this*

would not discriminate between types of watercraft and the carriage requirement.

Nevertheless, any state considering adoption of this act should note that there are relative advantages and disadvantages to requiring the numbering of non-powered vessels. The Committee identified a set of potential costs and benefits, and they include the following:

Advantages:

- 1. Ability to trace the vessel if it is stolen.*
- 2. Source of statistical information for non-powered vessel accidents and other incidents.*
- 3. Defrays the costs of programs that directly benefit paddlers, such as the acquisition and development of access sights, river safety programs (removing or marking hazards), barrier float systems, rescue training, portages, and campsites.*
- 4. Defrays the costs associated with the printing and distribution of safety pamphlets and canoe route maps.*
- 5. Funds can be used for search and rescue operations for lost and drowned paddlers, as most boating fatalities are capsizing and falling overboard accidents involving small boats and canoes.*
- 6. Aids law enforcement officers in the identification of abandoned, capsized and stolen non-powered vessels, an ultimate benefit to the vessel owner.*
- 7. Ability to inform the non-powered vessel owners of changes in the law, such as PFD requirements, if the vessels are numbered and a mailing list of owners is available.*

Disadvantages:

- 1. Affixing the state-assigned registration number and decal to certain hull material.*
- 2. Many non-powered vessels like canoes and kayaks are purchased at carport sales or have been abandoned, making registration and titling difficult because of the lack of a clear chain of ownership. Small non-powered vessels sit for years and change ownership several times before registering. Broken chains of ownership or abandoned non-powered vessels are very common.*
- 3. Some owners of non-powered vessels, such as kayaks, do not use access facilities, such as boat ramps, and argue that they should not have to register.*
- 4. Costs related to livery owners to pay the registration fee for many canoes.*

See also the NASBLA Model Act for Vessel Titling, originally adopted in September 1996, and subsequently revised and approved by the NASBLA membership on Sept. 21, 2005, as part of the aforementioned Review Project.

*In March, 2022 the Numbering and Titling sub-committee of the Vessel, Identification, Registration and Titling committee along with the Paddlesports Committee reviewed the previous approved September, 27, 2006 Model Act titled **NUMBERING AND TITLING OF NON-POWERED VESSELS** to ensure the definitions and terminology aligned with the USCG's SNS changes which became effective in 2017. The necessary definitions were amended and included in this updated version of the act. In order to reflect those changes, both Committees agreed to also amend the Title of the act to: **NASBLA MODEL ACT FOR NUMBERING AND TITLING OF NON-POWERED VESSELS USING THE USCG REGISTRATION SYSTEM** in an effort to further clarify this updated version of the act. *The act was approved in this revised form by the membership on September 30, 2022.*

** Federal definitions from 33 CFR 173 and 174 were used as the basis for this standardization.*

1 Section 1. [*Short Title.*] This act may be cited as the Numbering and Titling of Non-Powered
2 Vessels Act.

1 Section 2. [*Applicability.*] The provisions of this act apply to non-powered vessels that are
2 operated on waters of this state.

1 Section 3. [*Definitions.*] As used in this act:

2 (1) "Hull identification number" means the number assigned to a non-powered vessel under
3 Subpart C of 33 CFR Part 181.

4 (2) "Issuing authority" means [insert name of agency/authority designated by the legislative
5 body to administer the state's USCG approved vessel numbering system and provisions of this act].

6 (3) "Non-powered vessel" means a vessel propelled by human or wind power and that is
7 operated or capable of being operated as a means of transportation on the water.

8 (4) "Owner" means a person, other than a secured party, having the property rights in [or title
9 to] a non-powered vessel. Including persons entitled to use or possess a non-powered vessel
10 subject to a security interest in another person, but excluding lessees under a lease not intended as
security.

11 (5) "Person" means an individual, firm, partnership, corporation, company, association, joint-stock
association, or government entity and includes a trustee, receiver, assignee, or similar representative of
any of them.

12 (6) "State of principal operation" means the state in whose waters a non-powered vessel will be
operated most during a calendar year.

13 (7) "Operate," "Operated" or "Operation" means to use, navigate, or employ.

Non-Powered Vessels –Approved Sept. 27, 2006

(8) “Waters of this state” means any waters within the jurisdiction of the state.

Section 4. [*Certificate of Number Required.*] Any owner(s) of a non-powered vessel [principally operated on the waters of this state] shall apply to the issuing authority for a certificate of number for the vessel.

Section 5. [*Application for Certificate of Number; Form, Content.*]

(a) The owner(s) of a non-powered vessel shall apply to the issuing authority for a certificate of number in the manner prescribed by the issuing authority and on a form the issuing authority shall provide.

(b) The issuing authority shall specify the information required on the application as stated in Section 7, which must be signed by the owner(s).

(c) A state-assigned certificate of number may be issued by the issuing authority upon receipt of the approved application and the fee(s) prescribed by Section 11 of this act.

Section 6. [*Proof of Ownership.*] Owners of non-powered vessels shall provide evidence of ownership to the issuing authority as follows:

(a) A signed off title if the vessel is from a title state, or

(b) A signed off registration certificate if the vessel is from a registration state, or

(c) If the vessel was never registered or titled, a signed bill of sale from the previous owner that includes the following information:

(1) The name of the buyer.

(2) The name and signature of the seller.

(3) The hull identification number. If the vessel does not have a valid hull identification number, the vessel must be inspected and the issuing authority shall assign a valid hull number.

(4) The purchase price.

(5) The sales tax paid if purchased from a vessel dealer.

(6) The manufacturer of the vessel.

(d) A “Statement of Facts” form, notarized or signed in the presence of a clerk in the issuing authority, may be used if a title, registration, bill of sale, court order or other legal documentation establishing lawful ownership does not exist either in the possession of the vessel owner or in the records of any jurisdiction responsible for registering or titling vessels. The owner or owners of the vessel shall provide the hull identification number of the watercraft on the Statement of Facts form and shall certify one of the following:

(1) The vessel was manufactured prior to 1972, is twelve (12) feet in length or less, and is not propelled by a motor;

(2) The vessel is owned by the applicant, and it has never been registered or titled; or

(3) The vessel was owned in a state that required registration, but the vessel was never registered or titled; or

(4) The vessel has not been registered, titled, or otherwise documented in the past five (5) years. The vessel shall be inspected prior to issuance of the registration.

Section 7. [*Certificate of Number; Content.*] Each certificate of number shall contain the:

Non-Powered Vessels –Approved Sept. 27, 2006

- 2 (1) Number issued to the non-powered vessel by the issuing authority;
- 3 (2) Expiration date of the certificate
- 4 (3) State of principal operation;
- 5 (4) Name(s) of owner(s);
- 6 (5) Owner(s)' address(es) including ZIP code;
- 7 (6) Primary operation;
- 8 (7) Manufacturer's hull identification number;
- 9 (8) Make and model of the non-powered vessel;
- 10 (9) Model Year;
- 11 (10) Overall length of the non-powered vessel;
- 12 (11) Vessel type;
- 13 (12) Hull material; and
- 14 (13) Propulsion type

1 Section 8. [*Assignment of Numbers.*] Once issued, a number assigned by an issuing authority to
2 a non-powered vessel cannot later be reassigned to a different non-powered vessel.

1 Section 9. [*Display of Validation Decal.*] A non-powered vessel shall display a validation decal
2 furnished by the issuing authority for such a vessel. This decal shall be securely affixed on either
3 side of the forward half of the non-powered vessel for which the decal was issued, in such a
4 position as to provide clear and legible identification. The decal shall contain or provide
5 reference to the number assigned to the vessel by the issuing authority.

1 Section 10. [*Carriage requirement for certificate of number.*] Operators of non-powered
2 vessels shall be required to carry the registration certificate on board the vessel when it is in
use. 3

OR

1 Section 10. [*Carriage requirement for certificate of number.*] A person who is operating on the
2 waters of [insert state] a non-powered vessel that has not been numbered under [insert reference
3 to statute] and who is stopped by a law enforcement officer in the enforcement of [insert state
4 statute], shall present to the officer, not later than [seventy-two (72) hours] after being stopped, a
5 registration certificate. The registration certificate shall have been obtained prior to the time the
6 vessel was stopped. Failure of the person to present the registration certificate within [seventy-
7 two (72) hours] constitutes prima-facie evidence of a violation of [insert reference to state
8 statute].

Non-Powered Vessels –Approved Sept. 27, 2006

1 Section 11. [*Fees.*] [Insert registration fee schedule for non-powered vessels by length or type
2 as appropriate.]

COMMENT: . It is recommended that the registration fee structure be affordable for the non-powered vessels to reflect the reduced costs associated with non-powered vessels and include a pricing scale or “fleet license” for owners of multiple vessels.

1 Section 12. [*Reciprocity.*] Non-powered vessels from states not requiring numbering and
2 registration of such vessels may be temporarily operated on the waters of this state for a period
3 not to exceed [sixty (60)] consecutive days.

1 Section 13. [*Penalty for Violation.*] Any person violating any provisions of this act shall be
2 guilty of [insert offense and penalty(ies)].

1 Section 14. [*Effective Date.*] [Insert effective date.]