

AN ACT

To inspect, register, and license boats and motors, to impose fees upon them, to require certain safety provisions, and for other purposes.

THE PEOPLE OF KOROR REPRESENTED IN THE LEGISLATURE OF THE STATE OF KOROR DO ENACT AS FOLLOWS:

1 SECTION 1. POLICY It is the policy of the State to require all
2 boats and boat motors to be inspected, licensed, and registered and to
3 comply with certain safety requirements and to require certain vessels to
4 pay fees for anchoring, docking, and mooring within the state. This
5 is done for various purposes, including the following ones: reduction
6 of the opportunity for theft; inducement of security; help determine the
7 number, type, and size of boats and motors used in the State and the
8 impact of them upon its resources; and improve the public safety and
9 welfare.

10 SECTION 2. DEFINITIONS.

11 A. "Administrator" means the Koror State Executive Administrator
12 as created by the Koror Constitution Art. VI § 2(5) and VII.

13 B. "Annual" means the 12 month period beginning January 1 of each
14 year.

15 C. "Boat" means any vessel (including but not limited to a canoe,
16 speedboat, jet ski, water scooter, diesel boat, barge, cruise ship,
17 submarine or other submersible vessel, yacht, fishing boat, cargo boat,
18 and ferry but excluding any vessel registered under the laws of a country
19 other than the Republic of Palau) used to carry or transport cargo,
20 people, fish, or other things upon or below the water and which is
21 designed to or does use a motor or engine to propel it.

22 D. "License" is the written permission granted by the State for a
23 person to use and operate a boat and its engine within the State.

24 E. "Person" means any individual human being, firm, partnership,
25 sole proprietor, joint venture, corporation, estate, trust, state, or
26 other entity (except the Republic of Palau) however organized or
27 operated.

28 F. "State" means the State of Koror, Palau.

29 SECTION 3. LICENSE REQUIRED: PRESUMPTION.

30 A. Effective September 1, 198'9, no person may use or operate, or
31 allow any other person to use or operate, any boat or motor therefor,
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unless (1) such boat and motor has been registered in and license for it issued by the State, the fees therefor paid to the State, and the boat displays the identification number and other information as required by this Act and (2) such boat has satisfied the safety requirements imposed by this Act and regulations hereunder.

B. There is hereby created a rebuttable presumption that a boat or engine either (1) belonging to or being operated: by a person who resides or works within the State or who has a place of business (or if a government, has a government office) within the State or (2) being anchored, docked, or moored on a regular or frequent basis within the State is being used or operated within the State and must be registered and licensed by the State.

SECTION 4. INSPECTION, REGISTRATION AND LICENSE.

The owner or operator of every boat or motor therefor within the State shall register such boat and motor and obtain an annual license for it by January 1 of every year. For 1989, such shall be done by September 1. If such boat or motor is obtained and brought into the State during the year at a date later than January 1, then its owner or operator shall register it promptly thereafter with the State and obtain the license for it before operating or using it in the State. The State, before allowing any boat to be registered and licensed, shall inspect it to assure that it complies with the requirements of this Act and of any other law or regulation; no boat may be registered or licensed unless it complies with the requirements of this Act.

For each boat and boat motor, at least the following information must be supplied by its owner before it can be registered and licensed: name, address, and citizenship of the owner; name, address, and citizenship of each intended operator; date when owner bought or otherwise acquired ownership of it; current reasonable value of it; size, color and type of construction of boat; place at which usually anchored, docked, or moored; intended usage of boat; and other relevant information as the Administrator may require. The Administrator shall promulgate the forms to be used for such registration, licensing, and inspection.

SECTION 5. REGISTRATION AND LICENSING FEES.

The annual fee (which shall not be prorated: but which shall not be due for 1989) to be paid at the time of registering and licensing such

boat or motor and before the State may issue the identification numbers

and license therefor is as follows:

a. Boat with a length:

- (1) Under 20 feet \$ 5.00;
 - (2) Equal to or exceeding 20 feet but less than 30 .. \$10.00;
 - (3) Equal to or exceeding 30 feet but less than 40 .. \$15.00;
 - (4) Equal to or exceeding 40 feet but less than 50 .. \$20.00;
 - (5) Equal, to or exceeding 50 feet \$25.00
- plus \$1.00 per foot exceeding 50 feet.

A boat's length is measured by the distance from the top of the transom or otherwise furtherst [sic] aft part of the boat to the frontmost projection of the bow.

B. Motor with horsepower:

- (1) Under 15 \$ 2.50
 - (2) Equal to or exceeding 15 but less than 56 \$ 5.00;
 - (3) Equal to or exceeding 56 but less than 116 \$ 7.50;
 - (4) Equal to or exceeding 116 but less than 176 \$10.00;
 - (5) Equal to or exceeding 176 but less than 236 \$12.50;
 - (6) Equal to or exceeding 236 but less than 306 \$15.00;
 - (7) Equal to or exceeding 306 but less than 400 \$17.50;
 - (8) Equal to or exceeding 400 but less than 600 \$20.00;
 - (9) Equal to or exceeding 600 \$22.50;
- plus \$2.50 per each additional 50 hp.

The fees required by this Act shall be payable at the State Office Building or at such other place as the Administrator may direct.

SECTION 6. IDENTIFICATION NUMBERS: DISPLAY: RECORDS.

A. Permanent Numbers To Be Displayed; Annual Supplements.

Each boat, upon so being initially registered and licensed, shall receive and display on it a permanent identification number. The State shall furnish such number for each boat. Such number shall consist of the letter "K" followed by not less than four digits; it shall be at least seven inches in height and shall be of such additional height as the Administrator may determine to be appropriate for larger boats. Such number shall be affixed to the boat on the forward part of the starboard and port sides of the boat; it shall be located as high as possible on such part of the boat and be easily visible to observers and not obscured in any way. Such numbers shall remain on the boat until the boat is no longer to be used. Upon each subsequent annual regis-

tration and licensing of the boat, the State shall issue a supplemental decal or other device that shall be affixed to the boat adjacent to the identification number or at such other location as the Administrator may determine so as to assure its being preserved and being easily visible.

B. Records. The Administrator shall cause to be maintained a list (1) of all boat identification numbers in sequence showing the boat's owner, date of registration, and such other information as he may require and (2) of all persons, by their names in alphabetical order, that are listed as the owner of a boat.

SECTION 7. NON-REGISTERED VESSELS; ANCHORING, DOCKING, AND MOORING FEES: ROCK ISLAND FEES.

A. Effective September 1, 1989, the owner and/or operator of every vessel that is excluded from or not subject to the provisions of Sections 3,4,5, or 6 of this Act must pay to the State an annual fee as follows for docking, anchoring, or mooring within the waters of the State;

1. For any vessel that is owned by a resident of Palau or that is registered in the Republic of Palau--\$20.00; and

2. For any vessel that is not owned by a resident of Palau or that is not registered in the Republic of Palau:

(a) pleasure yachts less than 100 feet in length--\$50.00;

(b) commercial fishing vessels -----\$100.00; and

(c) pleasure yachts 100 feet or more in length, vessels primarily carrying cargo or passengers-----\$100.00.

B. The provisions of subsection A above do not apply to any vessel that, due to storm or other emergency must so anchor, dock, or moor.

C. Effective September 1, 1989, no vessel that is not owned by a resident of Palau or that is not registered in the Republic of Palau may anchor, dock, or moor at any location in the State other than Malakal Harbor or may enter the waters of the Rock Islandas and cruise thereupon unless the owner or operator of such vessel obtains from the State a license to do so and pays therefor to the State a fee of \$20.00 per 30 days.

SECTION 8. SAFETY REQUIREMENTS.

A. Equipment. Effective September 1, 1989, no person may operate or allow to be operated any boat anywhere within the State unless it

shall have sufficient safety equipment so as to protect the boat's occupants as determined by the Administrator by regulation. The Administrator shall determine by regulation the exact equipment for each type of boat, which shall depend upon the boat's construction type, size, intended use, number of passengers, intended operators, and other relevant factors. Such equipment may include the following things: life vests or jackets, flares, water dye markers, telecommunication devices, life boats, water and food provisions, and other things as the Administrator may determine.

B. Lights. Effective September 1, 1989, no person may operate or allow to be operated any boat anywhere within the State unless it shall have and shall use from dusk to dawn lights to indicate the position and/or movement of the boat. The Administrator by regulation shall determine the exact size, color, location, and nature of such lights which, to the extent feasible, shall conform with international usage and custom.

SECTION 9. PENALTIES.

A. Established. Each person who violates any provision of Sections 3,4,5,6,7, or 8 of this Act or who assists, abets, encourages, or aids any other person to violate such section of this Act:

(1) shall be liable for the following civil penalties:

(a) a civil penalty of two hundred dollars (\$200.00) plus, if applicable, an amount equal to twice the applicable fee required by Section 5 or 7 of this Act per violation;

(b) forfeiture to the State of the boat and motor used while violating such section(s); and/or

(c) (i) revocation forthwith of his license issued under this Act and (ii) disqualification for any new license hereunder from the date of any final judicial action upholding a finding against him hereunder; and/or

(2) shall be guilty of a misdemeanor and punished by (a) for the first offense by incarceration of at least ten but no more than thirty days and/or a fine of at least \$30.00 but no more than \$50.00, and for every offense after the first conviction, incarceration of at least thirty (30) days but not to exceed 90 days and/or (b) a fine of at least fifty (\$50.00) but not to exceed one hundred dollars (\$100.00); and

(3) shall be liable for all of the State's court and legal costs (including attorney fees) that it incurs in enforcing this Act against

him.

B. Separate Violation Per Day [sic] Each day that the person violates any of Sections 3,4,5,6,7, or 8 of this Act shall constitute a separate violation.

C. Liability for Costs. Every person who violates any provision of this Act or who necessitates the State to enforce any provision of this Act and thereby causes the State to incur legal costs (including reasonable attorney fees and court costs) shall be liable for such legal costs. SECTION 10. ADMINISTRATOR'S FUNCTIONS. The Administrator is hereby empowered to take all reasonable action in order to implement and to enforce this Act, to delegate activities and responsibilities hereunder, and to issue regulations that are appropriate or necessary in order to implement this Act.

SECTION 11. REPEAL. Upon the date that this Act becomes effective, Koror Public Laws Nos, 39-67 §1b(5) through (8), 22-62 § 3(d) through (i), 25-65 § 2(e) through (h), 27-64 § 2(e) through (h), and any other laws to the extent of any inconsistency with this Act, are hereby repealed.

SECTION 12. SEVERABILITY. In the event that a court of competent jurisdiction determines that any provision of this Act is invalid, all other parts shall remain in effect.

SECTION 13. EFFECTIVE DATE. This Act shall take effect upon its approval by the House of Traditional Leaders or upon its becoming law without such approval.

PASSED ON: May 02, 1989

CERTIFIED BY: _____/s/
Roman Yano
Speaker

ATTESTED TO BY: _____/s/
Rena Iluches
Clerk

APPROVED THIS 11th DAY OF May 1989.

_____/s/
Ibedul Yutaka M. Gibbons
High Chief
Koror State