

AN ACT

To repeal, in its entirety, Koror State Public Law No. K2-33-89 regarding boat inspection, registration and licensure and adopt a new law complying with Title 7 of the Palau National Code.

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

Section 1. TITLE. This Act shall be known as the "Boat Registration Act."

Section 2. LEGISLATIVE FINDINGS AND PURPOSE. The Legislature finds that certain motorboats owned by residents of the State of Koror must be registered in this state. The purpose of this enactment is to determine the type, size and class of the boats operating within the state and to provide identification to aid in law enforcement.

Section 3. DEFINITION OF TERMS.

- A. "Annual" means the 12-month period beginning January 1 of each year.
- B. "Length" of a motorboat is measured at the water line, when the vessel is empty of cargo and passengers.
- C. "Outboard engine" is defined as an internal-combustion engine with a propeller integrally attached and temporarily secured to the stern of a boat.
- D. "Owner" means any individual, firm, partnership, sole proprietor, joint venture, corporation, estate, trust, state or national government or other entity however organized or operated.
- E. "State of principal residence" is defined, for purposes of this Act, as either the state where one lives or regularly stays or the state where one owns or leases residential property.
- F. "Motorboat" is defined, for purposes of this Act, as a watercraft that is propelled by machinery, regardless of whether such machinery is the principal source of power. This

definition

includes but is not limited to the following: boat, powerboat, jetboat, skiboat, fishing boat, diving

boat, speedboat, yachts, tour boats, towboat, flatboat, sailboat, party boat, charter boat, ferry boat,

boats for hire, boats carrying cargo.

G. "Waters of this state" means any waters within the 12 nautical mile territorial limits of the

State of Koror as more specifically defined in the Koror Constitution.

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Section 4. REGISTRATION. The owner of every class of motorboat requiring registration

under this Act whose state of principal residence is Koror shall register such motorboat and obtain an annual registration number for it by January 1 of every year. If such motorboat is obtained and

brought into the state during the year at a date later than January 1, then its owner shall register it immediately with the state and obtain the registration number for it before operating it within the

waters of this state. No person shall operate a motorboat on waters in this state if it is unregistered in accordance with this Act.

Section 5. CLASSES OF MOTOR BOATS REQUIRING REGISTRATION.

A. Motorboats subject to the provisions of this Act shall be divided into two classes as

follows:

1. All motorboats, regardless of length, with outboard engines.
2. Motorboats, not having outboard engines, that are 25 feet or less in length.

Section 6. PROCEDURE FOR REGISTRATION.

A. The owner of each motorboat requiring registration by this state shall file an initial application for a registration number with the Koror State Finance Office on forms approved by them.

B. The application shall contain the true name, citizenship and address of the legal owner of the motorboat. The application shall also contain the date the motorboat was acquired, the current reasonable value, size, color and type of construction, the place it is usually anchored, docked or moored, the intended usage of the motorboat and any other relevant information that the Governor may require. The application shall be signed by the owner of the motorboat and shall be accompanied by a fee, as determined by the fee schedule herein.

C. Upon receipt of the application in approved form and the required fee, the state shall issue to the owner a certificate of registration and a registration number showing the number issued to the motorboat.

Section 7. DISPLAY OF IDENTIFICATION NUMBERS.

A. The state shall furnish a registration number for each motorboat. Such number shall consist of the letter "KR" 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 Governor may determine to be appropriate for larger boats.

B. Such number shall be affixed to the motorboat 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 as to be easily visible by observers and not obscured in anyway.

Section 8. FEE SCHEDULE; PLACE OF PAYMENT. The annual fee shall be paid at the time of registering the motorboat and shall not be prorated. The fee shall be paid at the Koror State Finance Office or any other place as the Governor may direct. The fee shall be based on the length of the boat and the power of the engine. The fee schedule is as follows:

A. Motorboats that have a length of less than 25 feet, whether they utilize an outboard or inboard engine, shall pay a flat fee of \$5.00 plus the following fees, depending on the power of the engine or engines:

- | | |
|-----------------------|-------------------|
| 1. Under 15 hp engine | \$ 2.50 per year |
| 2. 15-55 hp engine | \$ 5.00 per year |
| 3. 56-115 hp engine | \$ 7.50 per year |
| 4. 116-175 hp engine | \$ 10.00 per year |

- | | |
|----------------------|---|
| 5. 176-235 hp engine | \$ 12.50 per year |
| 6. 236-305 hp engine | \$ 15.00 per year |
| 7. 306-399 hp engine | \$ 17.50 per year |
| 8. 400-599 hp engine | \$ 20.00 per year |
| 9. 600 and up | \$ 22.50.W per year plus \$
2.50 for each
additional 50 hp. |

B. Boats that have a length of 25 feet or more that are utilizing at least one outboard engine shall pay one fee based on the length of the boat plus one fee based on the power of the engine:

a. Fees Based on Size of Boat:

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|-------------------------------|--|
| (1) boats that are 25-39 feet | \$ 10.00 per year |
| (2) boats that are 30-39 feet | \$ 15.00 per year |
| (3) boats that are 40-49 feet | \$ 20.00 per year |
| (4) boats that are 50-up feet | \$ 25.00 plus 1.00 for each
foot
exceeding 50 feet |

b. Fees Based on Power of Engine:

- | | |
|------------------------|---|
| (1) Under 15 hp engine | \$ 2.50 per year |
| (2) 15-55 hp engine | \$ 5.00 per year |
| (3) 56-115 hp engine | \$ 7.50 per year |
| (4) 116-175 hp engine | \$ 10.00 per year |
| (5) 176-235 hp engine | \$ 12.50 per year |
| (6) 236-305 hp engine | \$ 15.00 per year |
| (7) 306-399 hp engine | \$ 17.50 per year |
| (8) 400-599 hp engine | \$ 20.00 per year |
| (9) 600 and up | \$ 22.50.00 per year plus \$
2.50 for each additional 50 hp. |

Section 9. CERTIFICATION OF INSPECTION REQUIRED. Before any

registration may

issue under this Act, the person applying for registration must provide proof of a safety inspection certificate indicating compliance with the national government regulations.

Section 10. REGISTRATION REQUIRED; PRESUMPTION. There is hereby created a rebuttable presumption that a motorboat that is being anchored, docked, or moored in Koror for a period of 10 days is owned by a resident of Koror and must be registered by the state.

Section 11. PENALTIES. Any person who violates any provision of this Act, shall be guilty of a misdemeanor and punished as follows:

- (a) for the first offense, by a fine of \$50.00;
- (b) for the second offense, by a fine of \$75.00 and/or incarceration of 3 days in jail;
- (c) for the third offense, by a fine of \$100.00 and/or incarceration of 10 days in jail.

Each violation under the Act is a separate offense.

Section 12. REPEALER. KSPL No. K2-33-89 is hereby repealed in its entirety.

Section 13. USE OF FEES; SUNSET DATE.

A. The fees collected by this Act shall be used for the purposes of allowing the monitoring

and enforcement of this Act, including purchase of oil and fuel, boat purchase and maintenance and

other expenses.

B. The registration fees established by this Act shall be collected for a period of ten (10) years from the effective date of this Act.

Section 14. SEVERABILITY. In the event that a Court of competent jurisdiction determines

that any portion or portions of this law is invalid, then the offending portion or portions may be

stricken, and the remaining portions shall continue in full force and effect.

Section 15. EFFECTIVE DATE. This Act shall become effective upon its approval by the

House of Traditional Leaders of the State of Koror, or upon its becoming law by operation of the

Koror State Constitution. Any boat owner who has valid registration from the State of Koror for the

year 1999 is exempt from this law until January 1, 2000.

PASSED: June 24, 1999

CERTIFIED BY:

ATTESTED TO BY:

/s/ _____
Salvador Tellames, Speaker
6th Koror State Legislature

/s/
Charlyne Uong, Clerk
6th Koror State Legislature

APPROVED THIS _____ DAY OF _____, 1999.

/s/
John C. Gibbons
Governor, Koror State

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APPROVED THIS 14 DAY OF July, 1999.

/s/
Ibedul Y. M. Gibbons
House of Traditional Leaders of Koror State