

Chapter 308-93 WAC

VESSEL REGISTRATION AND CERTIFICATES OF TITLE

WAC			
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308-93-370	Format required for name and address—Names separated by the words "and," "or," or the slash symbol (/).		
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308-93-390	Vessels held in trust.	308-93-073	New vessels. [Statutory Authority: RCW 88.02.070 and 88.02.100. 98-16-030, § 308-93-073, filed 7/29/98, effective 8/29/98. Statutory Authority: RCW 88.02.-030, 88.02.070, 88.02.120, 88.02.130, 88.02.140, 88.02.150 and 88.02.100. 86-10-068 (Order TL/RG 25), § 308-93-073, filed 5/7/86.] Repealed by 01-08-021, filed 3/27/01, effective 4/27/01. Statutory Authority: RCW 88.02.070 and 88.02.100.
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308-93-470	Certification of signatures.		
308-93-490	Law enforcement sale.		
308-93-500	Name change.		
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308-93-700	Indian tribe vessels.		
308-93-710	Definitions.	308-93-075	Inspection of certificate. [Statutory Authority: RCW 88.02.070 and 88.02.100. 92-24-035, § 308-93-075, filed 11/25/92, effective 12/26/92. Statutory Authority:
308-93-720	Indian tribe exempt vessels.		
308-93-730	Indian tribe vessel numbering system.		

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

	1985 c 258. 85-23-066 (Order TL-RG-19), § 308-93-075, filed 11/19/85. Statutory Authority: RCW 88.02.070 and 88.02.100. 84-13-086 (Order TL-RG-2), § 308-93-075, filed 6/21/84.] Repealed by 98-16-030, filed 7/29/98, effective 8/29/98. Statutory Authority: RCW 88.02.070 and 88.02.100.		[88.02].100. 93-14-082, § 308-93-174, filed 6/30/93, effective 7/31/93.] Repealed by 96-13-055, filed 6/14/96, effective 7/1/97. Statutory Authority: RCW 88.02.100 and 46.01.140.
308-93-077	UCC search—Multiple legal owners. [Statutory Authority: 1985 c 258. 85-23-066 (Order TL-RG-19), § 308-93-077, filed 11/19/85.] Repealed by 92-24-035, filed 11/25/92, effective 12/26/92. Statutory Authority: RCW 88.02.070 and 88.02.100.	308-93-180	Time of renewal of registration—Duration. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-180, filed 11/18/83.] Repealed by 98-21-001, filed 10/8/98, effective 11/8/98. Statutory Authority: RCW 88.02.070 and 88.02.100.
308-93-080	Registration certificate. [Statutory Authority: RCW 88.02.070 and 88.02.100. 84-13-086 (Order TL-RG-2), § 308-93-080, filed 6/21/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-080, filed 11/18/83.] Repealed by 98-16-030, filed 7/29/98, effective 8/29/98. Statutory Authority: RCW 88.02.070 and 88.02.100.	308-93-190	Prerequisite to issuance of vessel registration and decals. [Statutory Authority: 1985 c 258. 85-23-066 (Order TL-RG-19), § 308-93-190, filed 11/19/85. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-190, filed 11/18/83.] Repealed by 98-21-001, filed 10/8/98, effective 11/8/98. Statutory Authority: RCW 88.02.070 and 88.02.100.
308-93-085	Contents of a certificate of registration. [Statutory Authority: RCW 88.02.070 and 88.02.100. 92-24-035, § 308-93-085, filed 11/25/92, effective 12/26/92; 84-13-086 (Order TL-RG-2), § 308-93-085, filed 6/21/84.] Repealed by 98-16-030, filed 7/29/98, effective 8/29/98. Statutory Authority: RCW 88.02.070 and 88.02.100.	308-93-210	Procedure when department unsatisfied as to ownership. [Statutory Authority: 1985 c 258. 85-23-066 (Order TL-RG-19), § 308-93-210, filed 11/19/85. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-210, filed 11/18/83.] Repealed by 98-21-001, filed 10/8/98, effective 11/8/98. Statutory Authority: RCW 88.02.070 and 88.02.100.
308-93-100	Retention of registration certificate for leased or rented vessels. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-100, filed 11/18/83.] Repealed by 00-01-027, filed 12/6/99, effective 1/6/00. Statutory Authority: RCW 88.02.070 and 88.02.100.	308-93-215	Validity of certificate of registration. [Statutory Authority: RCW 88.02.070 and 88.02.100. 84-13-086 (Order TL-RG-2), § 308-93-215, filed 6/21/84.] Repealed by 98-21-001, filed 10/8/98, effective 11/8/98. Statutory Authority: RCW 88.02.070 and 88.02.100.
308-93-110	Vessels previously registered or titled in another state. [Statutory Authority: RCW 88.02.070 and 88.02.100. 84-13-086 (Order TL-RG-2), § 308-93-110, filed 6/21/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-110, filed 11/18/83.] Repealed by 98-21-001, filed 10/8/98, effective 11/8/98. Statutory Authority: RCW 88.02.070 and 88.02.100.	308-93-225	Surrender of certificate of registration. [Statutory Authority: RCW 88.02.070 and 88.02.100. 84-13-086 (Order TL-RG-2), § 308-93-225, filed 6/21/84.] Repealed by 92-24-035, filed 11/25/92, effective 12/26/92. Statutory Authority: RCW 88.02.070 and 88.02.100.
308-93-120	Transfer of certificate of title or registration. [Statutory Authority: RCW 88.02.070 and 88.02.100. 92-24-035, § 308-93-120, filed 11/25/92, effective 12/26/92. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-120, filed 11/18/83.] Repealed by 98-21-001, filed 10/8/98, effective 11/8/98. Statutory Authority: RCW 88.02.070 and 88.02.100.	308-93-240	Duplicate for lost, stolen, mutilated, etc., certificates. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-240, filed 11/18/83.] Repealed by 87-01-030 (Order TL/RG 31), filed 12/11/86. Statutory Authority: RCW 46.01.-110 and 88.02.100.
308-93-130	Exemption for vessels undergoing repair or alteration. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-130, filed 11/18/83.] Repealed by 92-24-035, filed 11/25/92, effective 12/26/92. Statutory Authority: RCW 88.02.-070 and 88.02.100.	308-93-245	Confidential vessel registrations—Records disclosure. [Statutory Authority: RCW 88.02.070, 88.02.100 and 88.02.120. 98-16-001, § 308-93-245, filed 7/22/98, effective 8/22/98. Statutory Authority: RCW 88.02.-035(3). 92-15-023, § 308-93-245, filed 7/6/92, effective 8/6/92.] Repealed by 00-22-068, filed 10/30/00, effective 11/30/00. Statutory Authority: RCW 88.02.070, 88.02.100, 88.02.120.
308-93-135	Vessel number required. [Statutory Authority: 1985 c 258. 85-23-066 (Order TL-RG-19), § 308-93-135, filed 11/19/85. Statutory Authority: RCW 88.02.070 and 88.02.100. 84-13-086 (Order TL-RG-2), § 308-93-135, filed 6/21/84.] Repealed by 99-21-097, filed 10/20/99, effective 11/20/99. Statutory Authority: RCW 88.02.-070 and 88.02.100.	308-93-250	Secured party not liable for acts of vessel owner. [Statutory Authority: RCW 88.02.070 and 88.02.100. 99-03-002, § 308-93-250, filed 1/7/99, effective 2/7/99. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-250, filed 11/18/83.] Repealed by 02-04-001, filed 1/23/02, effective 2/23/02. Statutory Authority: RCW 46.16.381.
308-93-150	1983 Property tax credit. [Statutory Authority: RCW 88.02.070 and 88.02.100. 84-13-086 (Order TL-RG-2), § 308-93-150, filed 6/21/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-150, filed 11/18/83.] Repealed by 92-24-035, filed 11/25/92, effective 12/26/92. Statutory Authority: RCW 88.02.070 and 88.02.100.	308-93-260	State or director not liable for acts in administering chapter. [Statutory Authority: RCW 88.02.070 and 88.02.100. 84-13-086 (Order TL-RG-2), § 308-93-260, filed 6/21/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-260, filed 11/18/83.] Repealed by 85-23-066 (Order TL-RG-19), filed 11/19/85. Statutory Authority: 1985 c 258.
308-93-155	Form of number. [Statutory Authority: RCW 88.02.070 and 88.02.100. 84-13-086 (Order TL-RG-2), § 308-93-155, filed 6/21/84.] Repealed by 99-21-097, filed 10/20/99, effective 11/20/99. Statutory Authority: RCW 88.02.070 and 88.02.100.	308-93-290	Transfer of ownership, how perfected. [Statutory Authority: RCW 88.02.100 and 1991 c 339 § 30 and 31. 92-03-075, § 308-93-290, filed 1/14/92, effective 2/14/92. Statutory Authority: RCW 88.02.070 and 88.02.100. 84-13-086 (Order TL-RG-2), § 308-93-290, filed 6/21/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-290, filed 11/18/83.] Repealed by 98-21-001, filed 10/8/98, effective 11/8/98. Statutory Authority: RCW 88.02.070 and 88.02.100.
308-93-165	Other numbers prohibited. [Statutory Authority: RCW 88.02.070 and 88.02.100. 84-13-086 (Order TL-RG-2), § 308-93-165, filed 6/21/84.] Repealed by 00-09-065, filed 4/18/00, effective 5/19/00. Statutory Authority: RCW 88.02.100.	308-93-300	Original applications—Renewals—Fees—Preissuance, when. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-300, filed 11/18/83.] Repealed by 98-16-030, filed 7/29/98, effective 8/29/98. Statutory Authority: RCW 88.02.070 and 88.02.100.
308-93-170	Applications to agents—Transmittal to director. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-170, filed 11/18/83.] Repealed by 92-24-035, filed 11/25/92, effective 12/26/92. Statutory Authority: RCW 88.02.-070 and 88.02.100.	308-93-310	Loss, defacement, or destruction of decals—Replacement fee. [Statutory Authority: RCW 88.02.070 and
308-93-174	County auditors and subagents—Disposition of application fees. [Statutory Authority: RCW 88.02.070 and		

- 88.02.100. 84-13-086 (Order TL-RG-2), § 308-93-310, filed 6/21/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-310, filed 11/18/83.] Repealed by 87-01-030 (Order TL/RG 31), filed 12/11/86. Statutory Authority: RCW 46.01.110 and 88.02.100.
- 308-93-320 Registration certificate and decals follow vessel on transfer. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-320, filed 11/18/83.] Repealed by 99-21-097, filed 10/20/99, effective 11/20/99. Statutory Authority: RCW 88.02.070 and 88.02.100.
- 308-93-330 Certificate of title—Application. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-330, filed 11/18/83.] Repealed by 98-16-030, filed 7/29/98, effective 8/29/98. Statutory Authority: RCW 88.02.070 and 88.02.100.
- 308-93-340 Commercial fishing vessels. [Statutory Authority: RCW 88.02.070 and 88.02.100. 92-24-035, § 308-93-340, filed 11/25/92, effective 12/26/92. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-340, filed 11/18/83.] Repealed by 00-01-027, filed 12/6/99, effective 1/6/00. Statutory Authority: RCW 88.02.070 and 88.02.100.
- 308-93-410 Cancel/refusal to issue certificate. [Statutory Authority: RCW 88.02.070 and 88.02.100. 92-24-035, § 308-93-410, filed 11/25/92, effective 12/26/92. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-410, filed 11/18/83.] Repealed by 99-03-002, filed 1/7/99, effective 2/7/99. Statutory Authority: RCW 88.02.070 and 88.02.100.
- 308-93-420 Special mailing. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-420, filed 11/18/83.] Repealed by 98-16-030, filed 7/29/98, effective 8/29/98. Statutory Authority: RCW 88.02.070 and 88.02.100.
- 308-93-430 Release of interest. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-430, filed 11/18/83.] Repealed by 98-09-023, filed 4/8/98, effective 5/9/98. Statutory Authority: RCW 88.02.070.
- 308-93-480 Certification of signature—Departmental employees. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-480, filed 11/18/83.] Repealed by 98-09-023, filed 4/8/98, effective 5/9/98. Statutory Authority: RCW 88.02.070.
- 308-93-550 Owner deceased—Signature of personal representative. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-550, filed 11/18/83.] Repealed by 99-07-041, filed 3/15/99, effective 4/15/99. Statutory Authority: RCW 88.02.070 and 88.02.100.
- 308-93-560 Owner deceased—Estate administered. [Statutory Authority: RCW 88.02.070 and 88.02.100. 84-13-086 (Order TL-RG-2), § 308-93-560, filed 6/21/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-560, filed 11/18/83.] Repealed by 99-07-041, filed 3/15/99, effective 4/15/99. Statutory Authority: RCW 88.02.070 and 88.02.100.
- 308-93-570 Owner deceased—No will left. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-570, filed 11/18/83.] Repealed by 99-07-041, filed 3/15/99, effective 4/15/99. Statutory Authority: RCW 88.02.070 and 88.02.100.
- 308-93-580 Owner deceased—To spouse "in lieu of homestead." [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-580, filed 11/18/83.] Repealed by 99-07-041, filed 3/15/99, effective 4/15/99. Statutory Authority: RCW 88.02.070 and 88.02.100.
- 308-93-590 Owner deceased—In name of estate. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-590, filed 11/18/83.] Repealed by 99-07-041, filed 3/15/99, effective 4/15/99. Statutory Authority: RCW 88.02.070 and 88.02.100.
- 308-93-600 Owner deceased—Estate not administered. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-600, filed 11/18/83.] Repealed by 99-07-041, filed 3/15/99, effective 4/15/99. Statutory Authority: RCW 88.02.070 and 88.02.100.
- 308-93-610 Security interest—When perfected. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-610, filed 11/18/83.] Repealed by 84-13-086 (Order TL-RG-2), filed 6/21/84. Statutory Authority: RCW 88.02.070 and 88.02.100.
- 308-93-620 Hull identification number required. [Statutory Authority: RCW 88.02.070 and 88.02.100. 98-16-030, § 308-93-620, filed 7/29/98, effective 8/29/98. Statutory Authority: 1985 c 258. 85-23-066 (Order TL-RG-19), § 308-93-620, filed 11/19/85. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-620, filed 11/18/83.] Repealed by 99-03-002, filed 1/7/99, effective 2/7/99. Statutory Authority: RCW 88.02.070 and RCW 88.02.100.
- 308-93-630 Assignment of hull identification number. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-630, filed 11/18/83.] Repealed by 98-16-030, filed 7/29/98, effective 8/29/98. Statutory Authority: RCW 88.02.070 and 88.02.100.
- 308-93-660 Destruction of records by department. [Statutory Authority: RCW 88.02.070 and 88.02.100. 99-01-134, § 308-93-660, filed 12/21/98, effective 1/21/99. Statutory Authority: RCW 88.02.100 and 88.02.120. 90-08-018, § 308-93-660, filed 3/28/90, effective 4/28/90.] Repealed by 01-16-105, filed 7/30/01, effective 8/30/01. Statutory Authority: RCW 88.02.070, 88.02.100.
- 308-93-670 Disclosure of individual vessel owner names and addresses. [Statutory Authority: RCW 88.02.070, 88.02.100 and 46.12.380. 96-03-046, § 308-93-670, filed 1/11/96, effective 2/11/96. Statutory Authority: RCW 88.02.100 and 88.02.070. 91-03-089, § 308-93-670, filed 1/18/91, effective 2/18/91.] Repealed by 99-01-134, filed 12/21/98, effective 1/21/99. Statutory Authority: RCW 88.02.070 and 88.02.100.

WAC 308-93-010 Definitions. The following definitions apply to the rules in this chapter:

- (1) "Bare boat" means a vessel rented without a captain or crew.
- (2) "Carpenter certificate" means a certificate issued by a manufacturer describing the vessel and certifying the first conveyance of the vessel after its manufacture.
- (3) "Certificate of ownership" means the ownership document issued by the department or other jurisdiction, sometimes referred to as a title.
- (4) "Charter vessel" means a vessel rented with a crew.
- (5) "Commercial fishing vessel" means a vessel primarily used for commercial or charter fishing.
- (6) "Conveyance" means transfer of title of a vessel from one person to another.
- (7) "Declaration of value form" means the department of licensing form used to declare the value for purposes of assessing excise tax when a vessel is acquired by lease, trade, gift, is homemade, or the most recent purchase price is not known.
- (8) "Director" means the director of the department of licensing.
- (9) "Display permit" means the document issued by the department, its agents or subagents, for display on the vessel for which it was issued under the authority of WAC 308-93-055 or 308-93-056.
- (10) "Docking hull" means vessels that are powered by one or more personal watercrafts and are designed for use with personal watercraft.
- (11) "Documented vessel" means a vessel that is documented by the United States Coast Guard and is issued a valid marine certificate.
- (12) "Exclusively" means solely and without exception.

(13) "Foreign vessel" means a vessel registered in accordance with the laws of another state or jurisdiction. Also referred to as "out-of-country."

(14) "Houseboat" means any vessel as defined in RCW 88.02.010(1). For registration and certificate of ownership purposes, a houseboat does not include any building on a float used in whole or in part for human habitation as a single-family dwelling which is not powered by self-propulsion by mechanical means or wind.

(15) "Identification documents" means the vessel registration receipt and display permit issued under the authority of WAC 308-93-055 or 308-93-056.

(16) "Issuing authority" means the number system has not been approved by the Coast Guard or it is a state or other jurisdiction that has a vessel identification numbering system approved by the Coast Guard. (Also see definition for out of country vessel.)

(17) "Legal owner/secured party" means a person, business, or institution having a security interest in a vessel perfected in accordance with RCW 88.02.070.

(18) "Lifeboat" means watercraft used exclusively for lifesaving purposes.

(19) "Manufacturer's certificate of origin" (MCO) or "Manufacturer's statement of origin" (MSO) means a certificate issued by a manufacturer describing the vessel and certifying the first conveyance of the vessel after manufacture.

(20) "Out-of-country vessel" means a vessel registered or numbered by the laws of another country or has a valid United States Customs Service Cruising License.

(21) "Overall length" means a straight-line measurement of the overall distance from the foremost point of the vessel to the aftermost part of the vessel, measured parallel to the centerline. Bowsprits, bumpkins or boomkins, rudders, outboard motor brackets, outdrive units, propellers, and similar fittings or attachments are not included in the measurement.

(22) "Paperless title" means electronic ownership record.

(23) "Person" includes every natural person, firm, copartnership, corporation, association or organization.

(24) "Personal watercraft" for the purpose of this rule has the same meaning as in RCW 79A.60.010, such as Jet Ski or Wet Bike.

(25) "Primarily" means the principal purpose for which a vessel is used when considered in conjunction with all of its uses.

(26) "Principal use" means when a vessel is used on waters of this state for one hundred eighty-three days or more.

(27) "Propulsion machinery/mechanical power" means any device providing motion to a vessel through such means as combustion, steam, or electric machinery.

(28) "Racing vessel" is a vessel used exclusively in racing events.

(29) "Release of interest" means the act of signing over any ownership in a vessel. A notarized or certified release of interest is also a document relinquishing interest in a vessel.

(30) "Renewal notice" and "special mailer" means the notice to renew a vessel registration mailed by the department to the owner.

(31) "Tender" means watercraft used exclusively to furnish transportation from a larger vessel to shore and return.

(32) "Time share charters" means leased vessels where none of the parties leasing the vessel under a "time share" option agreement is acquiring an equity in the vessel and there is no option to buy.

(33) "United States Customs Service Cruising License" means an annual certificate issued by U.S. Customs Service under 19 C.F.R. Sec. 4.94, which exempts pleasure boats from certain countries from formal entry and clearance procedures, from payment of tonnage tax and clearance fees at all but the first port of entry.

(34) "Use of waters" means to navigate, operate, employ, or moor any vessel upon the waters.

(35) "Valid marine document" means a document issued by the Coast Guard which declares it to be a United States documented vessel.

(36) "Vessel data form" means the form, approved by the department, completed by the applicant describing the vessel.

(37) "Vessel seller's report of sale." A vessel seller's report of sale is a document that protects the seller from certain criminal and civil liabilities arising from use of the vessel by another person after the vessel has been sold or a change in ownership has occurred.

(38) "Waters of this state" means any waters within the territorial limits of this state as defined in U.S. Code: Title 43, Section 1312.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 06-21-025, § 308-93-010, filed 10/9/06, effective 11/9/06; 01-21-072, § 308-93-010, filed 10/18/01, effective 11/18/01; 01-03-128, § 308-93-010, filed 1/23/01, effective 2/23/01; 00-11-131, § 308-93-010, filed 5/23/00, effective 6/23/00; 98-16-029, § 308-93-010, filed 7/29/98, effective 7/30/98. Statutory Authority: RCW 88.02.100 and United States v Washington, Subproceeding No. 88-1. 96-16-038, § 308-93-010, filed 8/1/96, effective 9/1/96. Statutory Authority: RCW 88.02.070 and 88.02.100. 92-24-035, § 308-93-010, filed 11/25/92, effective 12/26/92. Statutory Authority: RCW 88.02.120 and 88.02.100. 90-08-018, § 308-93-010, filed 3/28/90, effective 4/28/90; 87-09-073 (Order TL/RG-32), § 308-93-010, filed 4/22/87. Statutory Authority: RCW 88.02.030, 88.02.070, 88.02.120, 88.02.130, 88.02.140, 88.02.150 and 88.02.100. 86-10-068 (Order TL/RG 25), § 308-93-010, filed 5/7/86. Statutory Authority: RCW 88.02.070 and 88.02.100. 84-19-026 (Order TL-RG 8), § 308-93-010, filed 9/13/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-010, filed 11/18/83.]

WAC 308-93-030 Vessels subject to excise tax, registration and titling exemptions. (1) **What vessels are subject to excise tax?** All vessels sixteen feet and over with mechanical power or sails are subject to excise tax unless specifically exempt under chapter 82.49 RCW and vessels owned by Indian tribes and tribal members as provided in WAC 308-93-700 through 308-93-770.

(2) **What vessels are subject to registration?** Most vessels are subject to registration under chapter 88.02 RCW, including the following:

- (a) Amphibious vessels (vehicles);
- (b) Docking hulls;
- (c) Houseboats;
- (d) Inflatable vessels with motors;
- (e) Sailboats (sixteen feet or longer);
- (f) Personal watercraft (Jet Ski, Sea-Doo, AquaTrax, Wave Runner, etc.);
- (g) Documented pleasure vessels.

(3) **What do I do with the vessel registration identification document?** The vessel registration must be:

- (a) Carried on board the vessel whenever on the waters;

(b) Made available to any law enforcement officer on request.

(4) **What vessels are exempt from registration?** Vessels exempted from registration under RCW 88.02.030, include but are not limited to, the following:

- (a) Vessels under sixteen feet in overall length are:
 - (i) Powered by ten horsepower or less; and
 - (ii) Used on waters where there is no federal jurisdiction.
- (b) Sailboats under sixteen feet;
- (c) Ship's tender when properly identified as a tender to the parent vessel; and

(i) Is used only for direct transportation from ship to shore; and

(ii) Is less than ten horsepower.

(d) Vessels powered by human power, such as canoes, kayaks, and rowboats.

(e) Documented charter vessels, including, bare boat and time share charters.

(f) Vessels used exclusively for racing.

(5) **What vessels are subject to titling?** All vessels subject to registration are issued a title, except the following:

(a) Vessel documented by the United States Coast Guard;

(b) Owner is unable to provide proof of ownership;

(c) Out-of-state title is being held by a lien holder (bank, credit union, etc.).

[Statutory Authority: RCW 88.02.070 and 88.02.100. 06-21-025, § 308-93-030, filed 10/9/06, effective 11/9/06; 01-03-128, § 308-93-030, filed 1/23/01, effective 2/23/01; 99-21-097, § 308-93-030, filed 10/20/99, effective 11/20/99; 84-19-026 (Order TL-RG 8), § 308-93-030, filed 9/13/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-030, filed 11/18/83.]

WAC 308-93-055 Vessels from out-of-state operating in this state—Identification document required. (1) What documentation must be carried aboard a vessel from another state or out-of-country when being operated upon the waters of this state? The current foreign vessel registration is valid for the first sixty days of operation. In addition the following must apply:

(a) The vessel must have been issued a valid number under federal law or by an approved issuing authority of the state of principal operation, if the vessel is remaining in this state for personal use or enjoyment.

(b) On or before the sixty-first day of use, the foreign vessel owner must obtain a vessel sixty-day temporary identification document issued by the department, its agents or subagents.

(c) A second sixty-day temporary identification document must be purchased on or before the one hundred twenty-first day of use in this state.

(2) What must I provide to obtain a vessel sixty-day temporary identification document?

(a) Proof of nonresidency by showing the vessel owner's out-of-state driver's license or out-of-state photo identification;

(b) A copy of the current foreign vessel registration or current United States Coast Guard certificate of documentation;

(c) Date the vessel first came into the state;

(d) A nonrefundable fee of twenty-five dollars plus a filing fee and subagent fee, if applicable, per vessel sixty-day temporary identification document.

(3) How many vessel sixty-day temporary identification documents may be obtained? Not more than two may be obtained in any continuous twelve-month period for any single vessel. The twelve months begins on the date the vessel first entered this state.

(4) How do I display the vessel sixty-day temporary identification document?

(a) Keep aboard at all times when moored and during operation;

(b) Displayed in the windshield, side window, cockpit or operation area of the vessel, so that it is visible to law enforcement from either the dock or from the water;

(c) Protected from the weather.

(5) If the vessel owner is not available, how do I obtain a vessel sixty-day temporary identification document? The person applying for the vessel sixty-day temporary identification document must have a:

(a) Notarized/certified power of attorney from a registered owner of the vessel;

(b) Copy of the vessel owner's out-of-state driver's license or photo identification; and

(c) Copy of the out-of-state or out-of-country registration certificate.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 06-21-025, § 308-93-055, filed 10/9/06, effective 11/9/06; 01-03-128, § 308-93-055, filed 1/23/01, effective 2/23/01; 98-16-029, § 308-93-055, filed 7/29/98, effective 7/30/98.]

WAC 308-93-056 Out of country vessel operating in this state—Identification document required. (1) What documentation must be carried aboard an out of country vessel when being operated upon the waters of this state?

(a) The current out of country vessel registration or a United States Customs Service Cruising License is valid for the first sixty days of operation when the vessel is remaining in this state for personal use or enjoyment.

(b) The foreign vessel must have been issued a valid number or registration issued by a country other than the United States or a United States Customs Service Cruising License

(c) On or before the sixty-first day of use, the out of country vessel owner must obtain a vessel out of country permanent identification document issued by the department, its agents or subagents.

(2) What must I provide to obtain a vessel out of country permanent identification document? You must provide the following:

(a) Proof of identification as described in WAC 308-56A-275(2);

(b) A copy of the current foreign vessel registration or current United States Coast Guard certificate of documentation;

(c) Date the vessel first came into the state;

(d) A nonrefundable fee of twenty-five dollars plus a filing fee and subagent fee, if applicable.

(3) How many vessel out of country permanent identification documents may be obtained? One, the vessel out of country permanent identification document is valid as long

as the vessel continues to be registered in a country other than the United States or has a United States Customs Service Cruising License. New owners may apply for a corrected vessel out of country permanent identification document listing the new owner's name and address. The new owner shall pay a nonrefundable fee of three dollars plus a filing fee and subagent fee, if applicable.

(4) **How do I display the vessel out of country permanent identification document?** The vessel out of country permanent identification document must be:

(a) Kept aboard the vessel at all times when moored and during operation;

(b) Displayed in the windshield, side window, cockpit or operation area of the vessel, so that it is visible to law enforcement from either the dock or from the water;

(c) Protected from the weather.

(5) **If the vessel owner is not available, how do I obtain a vessel out of country permanent identification document?** If the vessel owner is not available, the person applying for the vessel out of country permanent identification document must have a:

(a) Notarized/certified power of attorney from a registered owner of the vessel;

(b) Copy of the valid registration numbers issued by a country other than the United States or a United States Customs Service Cruising License.

[Statutory Authority: RCW 88.02.070, 88.02.100.01-03-128, § 308-93-056, filed 1/23/01, effective 2/23/01; 98-16-029, § 308-93-056, filed 7/29/98, effective 7/30/98.]

WAC 308-93-060 Registration period. (1) What is the length of a vessel registration period? The vessel registration period is July 1 of the current year through June 30 of the following year for purposes of RCW 88.02.050.

Any vessels registered for the first time in Washington will be assessed the registration fee for the registration period in which the vessel is registered. In addition, excise tax in the amount prescribed in chapter 82.49 RCW will be assessed through the current registration period.

(2) **How will my excise tax be calculated if I purchase or transfer a vessel in a month other than July?** When registering a vessel in Washington for the first time and assigning a registration period of fewer than twelve months or transferring ownership of a vessel for which the registration has expired, the annual excise tax shall be reduced by one-twelfth for each full month of the registration period you did not own or possess the vessel. The registration fee will not be reduced. Excise tax on renewals will be assessed twelve months of excise tax.

[Statutory Authority: RCW 88.02.070 and 88.02.100.01-08-021, § 308-93-060, filed 3/27/01, effective 4/27/01; 98-16-030, § 308-93-060, filed 7/29/98, effective 8/29/98; 92-24-035, § 308-93-060, filed 11/25/92, effective 12/26/92. Statutory Authority: 1985 c 258. 85-23-066 (Order TL-RG-19), § 308-93-060, filed 11/19/85. Statutory Authority: RCW 88.02.070 and 88.02.100.84-19-026 (Order TL-RG 8), § 308-93-060, filed 9/13/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-060, filed 11/18/83.]

WAC 308-93-069 Application for certificate of ownership—Accompanied by. (1) What documentation must accompany my application for certificate of ownership for my vessel? Vessel owners must submit with their appli-

cation for certificate of ownership all proper fees and excise tax and the following documentation:

(a) New vessels:

(i) Application for certificate of ownership to a vessel never before licensed or titled shall be accompanied by a manufacturer's statement of origin, carpenter's certificate, or a copy of the factory invoice.

(ii) The manufacturer's statement of origin, carpenter's certificate, or factory invoice must reflect the model year, make, length and hull identification number of the vessel.

(iii) The department shall not accept any manufacturer's statement of origin, carpenter's certificate, or factory invoice for the issuance of a certificate of ownership unless all persons named on the manufacturer's statement of origin, including dealers, have released or assigned their interest thereon, or on a release of interest form approved by the department.

(iv) Dealer-to-dealer transfers may be accomplished either by appropriate endorsement of the manufacturer's statement of origin, carpenter's certificate, or factory invoice, or release of interest form approved by the department. A complete chain of ownership shall be reflected from the original dealer named on the manufacturer's statement of origin to the retail selling dealer making the application.

(v) A copy of the factory invoice may be used in lieu of the manufacturer's statement of origin or carpenter's certificate only when such documents are not available and obtaining a replacement from the manufacturer would cause an undue amount of delay in titling the vessel. A certificate of fact describing why the statement of origin or carpenter's certificate is not available shall be accompanied by the photocopy of the factory invoice and any necessary releases of interest on a form approved by the department.

(b) Vessels with existing certificate of ownership from a foreign titling jurisdiction:

(i) Excise exemption affidavit;

(ii) A copy of the bill of sale or sales agreement;

(iii) Declaration of value form;

(iv) Previous ownership document properly released;

(v) Proof of sales tax paid;

(vi) Release of interest;

(vii) Other verification of ownership approved by the department to include:

(A) A judgment from a district or superior court of any county of this state awarding ownership; or

(B) Document from an involuntary divestiture sale or auction; and/or

(C) Copy of certificate of documentation of vessel issued by the United States Coast Guard.

(c) Vessels without existing certificate of ownership or from a nontitling jurisdiction:

(i) Excise exemption affidavit;

(ii) A copy of the bill of sale or sales agreement;

(iii) Declaration of value form;

(iv) Previous ownership document properly released;

(v) The registration, if it is from a nontitle state;

(vi) Proof of sales tax paid;

(vii) Manufacturer's statement of origin, factory invoice, or carpenter's certificate;

(viii) An affidavit in lieu of title;

(ix) Release of interest;

(x) Other verification of ownership approved by the department to include:

(A) A judgment from a district or superior court of any county of this state awarding ownership; or

(B) Document from an involuntary divestiture sale or auction; and/or

(C) Copy of certificate of documentation of vessel issued by the United States Coast Guard; and/or

(D) An affidavit certifying when and where the vessel was acquired or brought into the state.

(2) Will the department accept an application if any information is found to be inaccurate? Upon application for a vessel certificate of ownership an authorized agent or employee must verify the application and supporting documents to ensure accuracy. If all requirements are not met, an authorized agent or employee shall refuse to accept the application.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 01-08-021, § 308-93-069, filed 3/27/01, effective 4/27/01; 98-16-030, § 308-93-069, filed 7/29/98, effective 8/29/98.]

WAC 308-93-070 Application for certificate of ownership/registration. (1) When am I required to register my vessel in Washington? Current out-of-state or out-of-country registration will be recognized for a period of sixty days. On or before the sixty-first day, if Washington is to be the principal state of use, you must apply for a Washington state certificate of ownership and/or registration.

(2) What information must be supplied on an application to obtain a Washington vessel certificate of ownership and/or registration? Vessel owners applying for certificate of ownership and/or registration of a vessel must submit an application, which includes:

(a) The name of each registered owner of the vessel and if the vessel is subject to security interest, the name of each legal owner;

(b) The mailing address for one of the registered owners;

(c) The mailing address of the first legal owner (lienholder);

(d) The Washington registration number;

(e) Make and model year;

(f) Length of vessel;

(g) Type of power (gasoline, diesel, etc.);

(h) Primary use (commercial, pleasure, etc.);

(i) Primary method of propulsion (inboard, sail, etc.);

(j) Type of vessel (runabout, cabin, etc.);

(k) Primary vessel construction (fiberglass, wood, etc.);

(l) County of moorage;

(m) Hull identification number;

(n) Latest purchase price and purchase year or, if the vessel was not acquired by purchase, a declaration of value and year of declaration;

(o) The signature of all registered owners.

For the purposes of this section, purchase price or declared value includes the vessel, vessel motor, or engine, and all other equipment and accessories, excluding a boat trailer, purchased or acquired in a single transaction;

(p) United States Coast Guard documentation number, if applicable.

(3) If my vessel is homemade, what information must be supplied on an application for Washington certificate

of ownership? In addition to the information listed above in subsection (2) of this section, upon original application for certificate of ownership and/or registration of a homemade vessel, the owner must provide:

(a) Certificates of ownership to any vessels used in the construction of the homemade vessel; or

(b) Bills of sale from the previous registered owners (these must be notarized or certified);

(c) Bills of sale or invoices for materials or parts used in the construction of the homemade vessel;

(d) Declaration of Value (TD-420-737). This form is used to establish the value of the vessel;

(e) Vessel Data Form.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 07-08-026, § 308-93-070, filed 3/27/07, effective 4/27/07; 06-21-025, § 308-93-070, filed 10/9/06, effective 11/9/06; 01-08-021, § 308-93-070, filed 3/27/01, effective 4/27/01; 98-16-030, § 308-93-070, filed 7/29/98, effective 8/29/98. Statutory Authority: RCW 46.01.110, 88.02.100, 46.10.040, 46.12.030, 46.16.040, 88.02.050 and 88.02.070. 96-04-004, § 308-93-070, filed 1/25/96, effective 2/25/96; 95-13-058, § 308-93-070, filed 6/19/95, effective 7/20/95. Statutory Authority: RCW 88.02.070 and [88.02].100. 93-14-082, § 308-93-070, filed 6/30/93, effective 7/31/93; 92-24-035, § 308-93-070, filed 11/25/92, effective 12/26/92. Statutory Authority: RCW 88.02.100 and 1991 c 339 § 30 and 31. 92-03-075, § 308-93-070, filed 1/14/92, effective 2/14/92. Statutory Authority: 1985 c 258. 85-23-066 (Order TL-RG-19), § 308-93-070, filed 11/19/85. Statutory Authority: RCW 88.02.070 and 88.02.100. 84-13-086 (Order TL-RG-2), § 308-93-070, filed 6/21/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-070, filed 11/18/83.]

WAC 308-93-071 Class "A" and Class "B" certificate of ownership. Is there more than one class of certificate of ownership for my vessel? From June 30, 1985, through June 30, 1990, there were two classes of vessel certificate of ownership: Class "A" and Class "B."

Effective July 1, 1990, the "A" and "B" classifications of vessel certificate of ownership were discontinued. All vessel certificate of ownership, regardless of any classification previously assigned are considered to be exclusive evidence of ownership unless a person can provide sufficient evidence the certificate of ownership was issued in error or is invalid for some other reason.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 01-08-021, § 308-93-071, filed 3/27/01, effective 4/27/01; 98-16-030, § 308-93-071, filed 7/29/98, effective 8/29/98; 92-24-035, § 308-93-071, filed 11/25/92, effective 12/26/92. Statutory Authority: 1985 c 258. 85-23-066 (Order TL-RG-19), § 308-93-071, filed 11/19/85.]

WAC 308-93-076 Vessel brands and comments. (1) What is a brand? For the purposes of this section, a brand is a notation on the certificate of ownership or vessel registration certificate that records a special circumstance or condition involving a vessel.

(2) What brands are assigned to vessels by the department? Brands used by the department include, but are not limited to:

(a) Contaminated described in chapter 64.44 RCW.

(b) Decontaminated described in chapter 64.44 RCW.

(3) Why is a brand used? A brand is used for consumer protection. The brand is used to inform any subsequent owners of the current or former condition or use of the vessel.

(4) Will the department remove a brand? Brands stay on vessel records indefinitely. The department will only

remove a brand if the brand was applied to a Washington certificate of title in error.

(5) **What is a comment?** For the purposes of this section, a comment is a notation on the certificate of title, or vessel registration certificate that relates to tax liability, type of ownership, title transaction type.

(6) **What comments could the department print on certificates of title?**

(a) Comments relating to the ownership that include: Bonded, leased, JTWROS.

(b) Comments relating to tax liability that include: Use tax waived - Gift, value code, value year.

(c) Comments relating to the type of title transaction, which include duplicate and reprint.

(d) Miscellaneous comments.

(7) **What comments could the department print on vessel registration certificates?** Comments printed on vessel registration certificates may include, but are not limited to:

(a) "Registration only";

(b) "Additional owners on record";

(c) "Use tax waived: Gift";

(d) Title transaction type duplicate, reprint, NTI, dual registration, corrected title data, corrected registration.

(8) **Why are comments used?** Comments are used for consumer protection to inform any subsequent owners and vessel licensing personnel of the current tax liability, type of ownership, or title transaction type or other pertinent information.

(9) **Will the department remove a comment?** The department will remove a comment if:

(a) The comment was applied in error; or

(b) The comment no longer applies.

[Statutory Authority: RCW 46.01.110 and 88.02.070. 08-20-034, § 308-93-076, filed 9/23/08, effective 10/24/08.]

WAC 308-93-078 Temporary use of an unregistered vessel. May a vessel be operated on the waters of this state if it is not registered? An unregistered vessel may be operated on the waters of this state for fifteen consecutive days from the date of purchase using the notarized bill of sale in lieu of a registration certificate. The notarized bill of sale shall be carried on the vessel and contain:

(1) The name and address of the purchaser;

(2) The model year, make, and hull identification number of the vessel;

(3) The date of sale; and

(4) The name, address and signature of the seller.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 01-08-021, § 308-93-078, filed 3/27/01, effective 4/27/01; 98-16-030, § 308-93-078, filed 7/29/98, effective 8/29/98. Statutory Authority: RCW 88.02.030, 88.02.070, 88.02.120, 88.02.130, 88.02.140, 88.02.150 and 88.02.100. 86-10-068 (Order TL/RG 25), § 308-93-078, filed 5/7/86.]

WAC 308-93-079 Government exempt vessels. (1) If a government agency chooses to display registration numbers and current vessel decals in addition to being clearly identifiable as a government vessel, what fees are required? Government agencies are required to pay filing and registration fees but are not subject to excise tax.

(2) **If the department issues a Washington registration number and current decals, is the government agency required to display them?** Yes, if a registration number and decals are issued, they must be displayed as prescribed in WAC 308-93-140.

[Statutory Authority: RCW 88.02.070, 88.02.100. 01-03-128, § 308-93-079, filed 1/23/01, effective 2/23/01; 00-01-027, § 308-93-079, filed 12/6/99, effective 1/6/00. Statutory Authority: RCW 88.02.030, 88.02.070, 88.02.-120, 88.02.130, 88.02.140, 88.02.150 and 88.02.100. 86-10-068 (Order TL/RG 25), § 308-93-079, filed 5/7/86.]

WAC 308-93-087 Disclosure of names and addresses of individual vessel owners. (1) What vessel record information is protected from disclosure?

Vessel information protected from disclosure is the same as under chapters 42.56 and 46.12 RCW.

(2) **Who may receive disclosure of individual vessel owner names and addresses?**

(a) Government agencies;

(b) Any business entity that uses the name and address information in their normal course of business in accordance with these rules;

(c) Vessel manufacturers that require vessel ownership information for recall of their own products;

(d) A vessel owner for their own vessel; or

(e) Individuals who meet the criteria listed in subsection (6) of this section.

(3) **What documentation does the department require to disclose vessel owner names and addresses?**

The department requires:

(a) A disclosure request form provided by the department and completed by the applicant; and

(b) Acceptable business verification.

(4) **What is acceptable business verification?**

For purposes of this section acceptable business verification includes:

(a) If a licensed Washington business, a copy of its current unexpired master business license;

(b) If a business is not required to be licensed in this state, its federal employer identification number/federal tax number (or Uniform Business Identifier) on its official letterhead with a signature of the owner or an authorized representative;

(c) If an attorney, a copy of the current bar card; or

(d) If a private investigator, a copy of the current private investigator's license; or

(e) If an out-of-state business not licensed in Washington:

(i) If the business is required to be licensed, a copy of its current business license issued by the governmental authority with jurisdiction over the license; or

(ii) If the business is not required to be licensed, its federal employer identification number/federal tax number on its official letterhead with a signature of the owner or an authorized representative.

(5) **If a business has entered into an agreement with the department, is a separate request for each inquiry required?**

No. If a business has entered into a written agreement with the department, a separate request for each inquiry is not required.

(6) When may an individual be provided vessel owner name and address information?

(a) When the owner of record is requesting the information; or

(b) When the requester presents a bill of sale or other evidence of ownership and needs the ownership information to obtain a release of interest.

(7) Who may release the vessel owner name and address information?

(a) The department of licensing; or

(b) Agents and subagents, only when disclosing information for purposes described in subsection (6)(b) of this section.

(8) When may the department disclose the names and addresses of vessel owners?

Notwithstanding the provisions of chapter 42.56 RCW, the department may disclose the names and addresses of vessel owners when:

(a) The requesting party is a business that requests the information for use in their normal course of business;

(b) The request is in writing, signed by the person requesting disclosure, contains the full legal name and address of the requesting party or their business, and specifies the purpose for which the information will be used;

(c) The requesting party enters into a disclosure agreement with the department in which the parties:

(i) Agree they will use the information only for the purpose stated in the request for the information; and

(ii) Individuals meet the criteria listed in subsection (6) of this section.

(9) Is the department required to notify the vessel owner when ownership information is disclosed?

When the department grants a request from an attorney or private investigator, for information under this section, the department will provide notice to the vessel owner that the request has been granted. In addition, the notice will contain the name and address of the requesting party.

Additionally, if contract holders release owner information to a private investigator or attorney, they must notify the vessel owner that a request has been granted and include the name and address of the requesting party and send a copy to the department public disclosure unit.

(10) Who is responsible for assuring that the information is used appropriately?

Any person, business, agency or association that receives vessel owner information under this section is responsible for assuring under penalty of perjury under the laws of the state of Washington that the information received is not used for a purpose contrary to the agreement between the person, business, agency or association and the department.

[Statutory Authority: RCW 46.16.276 and 46.01.110. 10-11-030, § 308-93-087, filed 5/11/10, effective 6/11/10. Statutory Authority: RCW 88.02.070, 88.02.100. 01-16-105, § 308-93-087, filed 7/30/01, effective 8/30/01; 99-01-134, § 308-93-087, filed 12/21/98, effective 1/21/99; 92-24-035, § 308-93-087, filed 11/25/92, effective 12/26/92. Statutory Authority: RCW 88.02.070. 88-24-003 (Order TL/RG 47), § 308-93-087, filed 11/29/88.]

WAC 308-93-088 Disclosure violations, penalties. (1) What are violations of chapters 42.56 and 46.12 RCW,

(5/11/10)

this chapter, or a disclosure agreement with the department?

(a) The unauthorized disclosure of information from a department vessel record;

(b) The use of a false representation to obtain information from the department's vessel records;

(c) The use of information obtained from the department vessel records for a purpose other than what is stated in the request for information or in the disclosure agreement executed with the department; or

(d) The sale or other distribution of any vessel owner name or address to another person not disclosed in the request or disclosure agreement.

(2) What are the penalties associated with these violations?

The department may suspend or revoke for up to five years the privilege of obtaining vessel record information.

[Statutory Authority: RCW 46.16.276 and 46.01.110. 10-11-030, § 308-93-088, filed 5/11/10, effective 6/11/10. Statutory Authority: RCW 88.02.070, 88.02.100. 01-16-105, § 308-93-088, filed 7/30/01, effective 8/30/01; 99-01-134, § 308-93-088, filed 12/21/98, effective 1/21/99. Statutory Authority: RCW 88.02.070, 88.02.100 and 46.12.380. 96-03-046, § 308-93-088, filed 1/11/96, effective 2/11/96. Statutory Authority: RCW 88.02.070 and 88.02.100. 92-24-035, § 308-93-088, filed 11/25/92, effective 12/26/92.]

WAC 308-93-089 Lists of registered and legal owners of vessels—Furnished for certain purposes—Penalty for unauthorized use. (1) What vessel record information is protected?

Vessel information protected from disclosure is the same as under chapters 42.56 and 46.12 RCW and Executive Order 00-03 for vehicles.

(2) Who may receive a list of individual vessel owner names and addresses?

In addition to any other authority that it may have, the department of licensing may furnish lists of registered and legal owners of vessels only for the purposes specified in this section to:

(a) The manufacturers of vessels, or their authorized agents, to be used to enable those manufacturers to carry out the provisions of the Federal Boat Safety Act of 1971 (85 Stat. 213; 46 U.S.C. 1451 et seq.) and the Code of Federal Regulations adopted by the United States Coast Guard;

(b) Any governmental agency of the United States or Canada, or political subdivisions, to be used by them or their authorized commercial agents or contractors only in connection with the enforcement of the laws governing the operation of a vessel or vessel safety programs administered by that government agency. Only such parts of the list as are required for completion of the work required of the agent or contractor shall be provided to such agent or contractor;

(c) A person, organization or entity for the purposes of compiling statistical data relating to vessel demographics in this state. The department may provide only a specific part of the list that is required for completion of the work required of the person, organization or entity;

(d) An authorized agent or contractor of the department to be used only in connection with providing vessel excise tax, licensing and registration information to vessel dealers; or

(e) Any business regularly making loans to other persons to finance the purchase of vessels, to be used to assist the per-

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son requesting the list to determine ownership of a specific vessel for the purpose of determining whether or not to provide such financing.

(3) What documentation is needed to receive lists of vessel owner names and addresses?

Each entity must submit the following to the department:

(a) A record disclosure request form provided by the department and completed by the applicant; and

(b) Verification of the applicant's identity as a business; and

(c) A formal agreement between the requester and the department.

(4) What is acceptable verification?

For purposes of this section acceptable business verification includes:

(a) If a licensed Washington business, a copy of its current unexpired master business license;

(b) If a business not required to be licensed in this state, its federal identification number/federal tax number (or Uniform Business Identifier) on its official letterhead with a signature of the owner or an authorized representative;

(c) If an attorney, a copy of the current bar card;

(d) If a private investigator, a copy of the current private investigator's license; or

(e) If an out-of-state business not licensed in Washington:

(i) If the business is required to be licensed, a copy of its current business license issued by the governmental authority with jurisdiction over the license; or

(ii) If the business is not required to be licensed, its federal employer identification number/federal tax number on its official letterhead with a signature of the owner or an authorized representative.

(5) If a business or governmental agency has entered into an agreement with the department, is a separate request for each inquiry required?

No. If a business or governmental agency has entered into an agreement with the department, a separate request for each inquiry is not required if the information will be used as originally stated.

(6) Who may release a list of vessel owner name and address information?

The department of licensing, driver and vehicle services division's public disclosure/records section, is authorized to release lists of names and addresses to qualified applicants.

(7) When may the department disclose lists of names and addresses of vessel owners?

Notwithstanding the provisions of chapter 42.56 RCW, the department may disclose the names and addresses of vessel owners when:

(a) The requesting party is a business that requests the information for use in their normal course of business;

(b) The request is in writing, signed by the person requesting disclosure, containing the full legal name and address of the requesting party and/or their business, and specifies the purpose for which the information will be used; and

(c) The requesting party enters into a disclosure agreement with the department in which the party:

(i) Agrees they will use the information only for the purpose stated in the request for the information; and

(ii) Will not use, or facilitate the use of, the information for the purpose of making any unsolicited business contact with a person named in the disclosed information.

(8) What does the term "unsolicited business contact" mean?

The term "unsolicited business contact" means a contact that is intended to result in or promote the sale of any goods or services to a person named in the disclosure information or to use the information for the purposes of facilitating a profit expecting business activity. The term does not apply to situations where the requesting party and such person have been involved in a business transaction prior to the date of the disclosure request and where the request is made in connection with the transaction.

(9) Is the department required to notify the vessel owner when ownership information is disclosed?

No, except when the information is granted to an attorney or private investigator. The department will then provide the owner of the vessel with notification; the notice will also contain the name and address of the requesting party.

(10) Additionally, if contract holders release owner information to a private investigator or attorney, they must notify the vessel owner that a request has been granted, and include the name and address of the requesting party, and send a copy to the department's public disclosure unit.

(11) Who is responsible for assuring that the information is used appropriately?

Any person, business, agency or association that receives vessel owner information under this section shall be responsible, under penalty of perjury under the laws of the state of Washington, for assuring that the information received is not used for a purpose contrary to the agreement between the person, business, agency or association and the department or state and federal laws and regulations.

[Statutory Authority: RCW 46.16.276 and 46.01.110. 10-11-030, § 308-93-089, filed 5/11/10, effective 6/11/10. Statutory Authority: RCW 46.01.110. 06-15-059, § 308-93-089, filed 7/12/06, effective 8/12/06. Statutory Authority: RCW 88.02.070, 88.02.100. 01-16-105, § 308-93-089, filed 7/30/01, effective 8/30/01.]

WAC 308-93-090 Leased or rented vessels. (1) What is the difference between leased and rented vessels? For the purposes of this section a vessel is considered leased if the lease agreement is for a period of one year or more or there is an option to purchase. A vessel is considered rented if the rental agreement is for a period of less than one year and there is no option to purchase in the rental agreement.

(2) When must leased or rented vessels, used on Washington waters, be titled and registered or required to obtain an identification document? If the vessel is:

(a) Registered out-of-state or out-of-country and leased or rented, and used upon Washington waters, the owner of the vessel must purchase a permanent identification document from the department, issued to the vessel, on or before the sixty-first day of use as provided in RCW 88.02.030(3). If the vessel owner is not available, the person(s) applying for the identification document shall have notarized/certified power of attorney from a registered owner of the vessel authorizing him/her to purchase the permanent identification document and a copy of the valid registration issued by a country other

than the United States or a United States Customs Service Cruising License.

(b) Registered in another state or country and leased or rented by a nonresident individual, and used upon Washington waters, the owner must purchase a Vessel Sixty Day Temporary Identification Document on or before the sixty-first day of use as provided in RCW 88.02.030(11). No more than two identification documents may be purchased in any twelve continuous months. If the vessel owner is not available, the person(s) applying for the identification document must have notarized/certified power of attorney from a registered owner of the vessel authorizing him/her to purchase the identification document. If the vessel is used upon Washington waters for more than one hundred and eighty days, it must be titled and registered in this state or removed from the waters of this state.

(c) Registered in another country or another state and leased or rented by a Washington resident, and used upon Washington waters, the following apply:

(i) If the lease is for one year or more or there is an option to buy on either the rental or lease agreement, the Washington resident must register the vessel in his or her name on or before the sixty-first day of use upon Washington waters.

(ii) If the vessel is rented for less than one year, it must be registered in the name of the owner, (not the operator) on or before the sixty-first day of use upon Washington waters. Any secured party is shown as the legal owner on the certificate of ownership.

(3) **Whose name must be shown on the application for certificate of ownership and registration when the vessel is rented?** The name of the owner, not the operator. Any secured party is shown as legal owner on the certificate of ownership.

(4) **What documents must a Washington resident carry with them when they lease or rent a Washington registered vessel and operate the vessel on Washington waters?**

(a) A copy of the lease or rental agreement signed by the owner or his authorized representative and by the person leasing or renting the vessel which must contain the vessel registration number, the period of time for which the vessel is leased or rented and the hull identification number; and

(b) A copy of the current registration certificate.

(5) **Does a vessel owner need to surrender an out-of-state certificate of ownership to the department when they register a leased vessel in Washington?** Depending on the following situations:

(a) If there is a secured party on the out-of-state certificate of ownership and lessee and lessor designations are shown as required by Washington state law or rule, the certificate of ownership need not be surrendered. Only a certificate of registration will be issued; a Washington certificate of ownership will not.

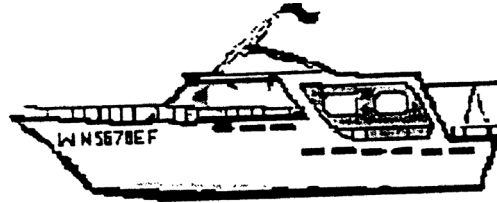
(b) If the out-of-state certificate of ownership does not show a secured party or is not in name agreement or does not show lessee and lessor designations as required by Washington law or rule, the out-of-state certificate of ownership shall be surrendered and a Washington certificate of ownership will be issued to the lessor/legal owner.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 06-21-025, § 308-93-090, filed 10/9/06, effective 11/9/06; 01-03-128, § 308-93-090, filed 1/23/01, effective 2/23/01; 00-01-027, § 308-93-090, filed 12/6/99, effective 1/6/00; 84-19-026 (Order TL-RG 8), § 308-93-090, filed 9/13/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-090, filed 11/18/83.]

WAC 308-93-140 Decals—Placement, size, and color. (1) **Where do I place the decals I receive when I register my vessel in Washington?** Decals must be placed on the vessel for which they were assigned. Decals must be affixed on (see illustration):

(a) Each side of the forward half of the vessel above the water line so it is easily visible for law enforcement; and

(b) Within six inches aft of, and directly on line with, the vessel registration number as provided by WAC 308-93-145(3).



(c) For documented vessels, one decal must be affixed to each side of the forward half of the vessel for which it was assigned so it is easily visible for law enforcement.

(2) **What do the vessel decals look like that are issued by the department?** In accordance with 33 Code of Federal Regulations (CFR), vessel decals are approximately three inches square. The years in which validation decals expire must be indicated by the colors blue, international orange, green, and red, in rotation beginning with blue for decals that expired in 1985.

(3) **Which vessel decal shall be displayed?** To legally own or operate your vessel on Washington waters, you must

only display the decal that shows your vessel is registered for the current registration year.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 00-23-094, § 308-93-140, filed 11/21/00, effective 12/22/00; 99-21-097, § 308-93-140, filed 10/20/99, effective 11/20/99. Statutory Authority: RCW 88.02.100 and 88.02.120. 90-08-018, § 308-93-140, filed 3/28/90, effective 4/28/90. Statutory Authority: RCW 88.02.100. 84-21-131 (Order TL/RG-10), § 308-93-140, filed 10/24/84. Statutory Authority: RCW 88.02.070 and 88.02.100. 84-13-086 (Order TL-RG-2), § 308-93-140, filed 6/21/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-140, filed 11/18/83.]

WAC 308-93-145 Vessel registration numbers—Display, size, color. (1) **What vessels are required to display a**

vessel registration number? All vessels registered under chapter 88.02 RCW are required to display the vessel registration numbers. Vessels documented by the United States Coast Guard are prohibited from displaying the registration number.

(2) **What are vessel registration numbers?** Vessel registration numbers are configured in accordance with 33 CFR 174.23 and:

(a) Uniquely identify a vessel (the same way license plate numbers identify a vehicle);

(b) Are assigned by the department when you apply for initial registration for your vessel or when a vessel owner is retaining the registration number issued by the United States Coast Guard prior to July 1984;

(c) Are printed on your registration certificate and certificate of ownership;

(3) **How do I display the assigned vessel registration number on my vessel?** The registration number assigned must:

(a) Be painted on or permanently attached to each side of the forward half of the vessel and easily visible for law enforcement except as allowed by subsection (6) of this section or required by subsection (9) of this section and must be on a vertical surface;

(b) Be in plain vertical block characters of not less than three inches in height;

(c) Contrast with the color of the background and be distinctly visible and legible;

(d) Have spaces or hyphens that are equal to the width of a letter other than "I" or a number other than "1" between the letter and number groupings (example: WN 5678 EF or WN-5678-EF); and

(e) Read from left to right.

(4) **Are vessel registration numbers transferable from vessel to vessel?** Vessel registration numbers are not transferable between vessels. Once assigned, a vessel registration number cannot be reassigned to another vessel.

(5) **Does a Washington licensed dealer need to display registration numbers and decals when demonstrating or testing a vessel held for sale?** Washington licensed vessel dealers must display dealer registration numbers and decals assigned and issued by the department. Dealer registration numbers and decals must be displayed in the following manner:

(a) The department assigned dealer vessel registration number must be permanently attached to a backing plate;

(b) The department issued decal must be affixed within six inches aft of and directly on line with the dealer registration number as provided by WAC 308-90-070(1); and

(c) The backing plate must be attached to the forward half of the vessel so that the number is visible from each side of the vessel when observed from outside the vessel.

(6) **How do I display my vessel registration number if my vessel's hull or superstructure is configured so that the vessel registration number would not be easily visible?** In this case, the vessel registration number must be painted on or permanently attached to backing plates that are attached to the forward half of the vessel so that the number is visible from the outside of the vessel.

(7) **Are any numbers other than those issued by an issuing authority allowed on the front half of my vessel?**

No person may use a vessel on the waters of this state that has any number that is not issued by an issuing authority (as defined in WAC 308-93-010) for that vessel on its forward half.

(8) **Are there any letters that may not be used in the configuration of a vessel registration number?** Yes, the letters I, O, and Q. Registration numbers that currently contain I, O, and Q will be reassigned by the department upon registration renewal due on or after July 1, 2004.

(9) **Is a tender as described in chapter 88.02 RCW required to display a vessel registration number?** Vessels used as a tender, while exempt from registration under RCW 88.02.030, must display the numbers of the parent vessel with an additional number following the letter of the vessel registration number. (Example a) WN 5678 EF 1 or WN-5678-EF-1. The second tender vessel registration number will be the next consecutive number. (Example b) WN 5678 EF 2 or WN-5678-EF-2.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 01-11-100, § 308-93-145, filed 5/21/01, effective 6/21/01; 00-23-094, § 308-93-145, filed 11/21/00, effective 12/22/00. Statutory Authority: RCW 88.02.100. 00-09-065, § 308-93-145, filed 4/18/00, effective 5/19/00. Statutory Authority: RCW 88.02.070 and 88.02.100. 99-21-097, § 308-93-145, filed 10/20/99, effective 11/20/99; 84-13-086 (Order TL-RG-2), § 308-93-145, filed 6/21/84.]

WAC 308-93-146 Vessel carbon monoxide warning sticker. (1) **What is a carbon monoxide warning sticker?**

A carbon monoxide warning sticker is displayed on a vessel to warn people of the dangers of carbon monoxide poisoning.

(2) **What vessels are required to have a carbon monoxide warning sticker?** Any vessel with an engine that produces carbon monoxide by burning a carbon based fuel such as: Gas, propane, oil, diesel, or charcoal. A personal watercraft (Jet Ski type) is exempt from this rule.

(3) **How do I get a carbon monoxide warning sticker?** You will receive the carbon monoxide warning sticker from your vessel dealer, or vehicle/vessel licensing offices when you:

- (a) Purchase a vessel from a dealer; or
- (b) Renew your vessel registration; or
- (c) Transfer a vessel into your name from a private sale;

or

(d) Transfer a vessel from outside the state or country with a certificate of ownership or registration to a Washington certificate of ownership or registration; or

(e) Request one through your local vehicle/vessel licensing office; or

(f) Receive one that has been approved by the Coast Guard from a boating safety organization.

(4) **Where do I attach the carbon monoxide warning sticker to my boat or vessel?** You must attach it on the interior of the vessel so it is clearly visible to a person and where they may be exposed to carbon monoxide.

(5) **Is there a charge for the carbon monoxide warning sticker?** No.

(6) **Will I ever have to replace my vessel carbon monoxide warning sticker?** Yes, when the sticker becomes faded, damaged, or is no longer readable you can request a replacement at no cost.

(7) **Will a carbon monoxide warning sticker installed by the manufacturer or issued by another state meet the**

requirements of this rule? Yes, the department will accept any warning sticker that warns of the dangers of carbon monoxide poisoning, provided the warning sticker is attached on the interior of the vessel.

[Statutory Authority: Chapter 88.02 RCW. 06-22-026, § 308-93-146, filed 10/25/06, effective 11/25/06.]

WAC 308-93-160 Excise tax exemptions—Indians.

(1) What definitions does the department apply to this section? For purposes of this rule, the following words and terms have the following meanings:

(a) "Indian country" means all lands, notwithstanding the issuance of any patent, within the exterior boundaries set aside by the United States for the use and occupancy of Indian tribes by treaty, law or executive order and which are areas currently recognized as "Indian country" by the United States Department of the Interior as referenced in 18 USC 1151 and CFR 25.

(b) "Indian tribe" means an Indian nation, tribe, band, or community recognized as an "Indian tribe" by the United States Department of the Interior.

(c) "Indian" means a person on the tribal rolls of the Indian tribe occupying an Indian reservation.

(2) What Indian tribes in Washington are recognized by the United States Department of the Interior? The only Washington "Indian tribes" are those currently recognized as such by the United States Department of the Interior. As of the effective date of this rule there are twenty-eight federally recognized Indian tribes in the state of Washington. You may contact the governor's office of Indian affairs for an up-to-date list of federally recognized Indian tribes in the state of Washington at its web site, www.goia.wa.gov or at:

Governor's Office of Indian Affairs
531 15th Ave. S.E.
P.O. Box 40909
Olympia, WA 98504-0909
(360) 753-2411

(3) How does an Indian qualify for a vessel excise tax exemption? To qualify for a vessel excise tax exemption, an Indian must:

(a) Be enrolled as a tribal member of a recognized Washington tribe;

(b) Have their principal residence within the boundaries of the Indian reservation of the tribe of which they are a member; and

(c) Be a registered owner of the vessel for which the exemption is requested; or

(d) Be the owner of a vessel used in the exercise of treaty fishing rights as defined in the Consent Decree, dated November 28, 1994, entered in *United States v. Washington*, Civ. No. 9213 - Phase I - Sub. 88-1 and signed by the United States, the signatory tribes and the state of Washington.

(4) Are vessels owned by or leased to a governing body of an Indian tribe subject to vessel excise tax? No. Vessels owned by or leased to a governing body of an Indian tribe are not subject to vessel excise tax. Tribal treaty fishing vessels are exempt from excise tax and registration as described in WAC 308-93-700 through 308-93-770.

(5) What documentation does the department require from a tribal member to qualify for a vessel excise tax exemption?

(a) The department requires a properly completed affidavit of exemption on a form supplied or approved by the department. An affidavit for each vessel must be submitted at the time the exemption is established and at the time of renewal if there is a change of address. The department may require such other proof of qualification for exemption as it deems necessary.

(b) If the vessel is used in the exercise of treaty fishing rights, as defined in the Consent Decree dated November 28, 1994, entered in *United States v. Washington*, Civ. No. 9213 - Phase I - Sub. 88-1 and signed by the United States, the signatory tribes and the state of Washington, the registered owner must provide proof that the vessel is registered under the provisions of WAC 308-93-700 through 308-93-770.

(6) What information must be contained within the affidavit of exemption described in subsection (5)(a) of this section? At the minimum, the affidavit of exemption must include the following:

(a) Description of the vessel including the year and make and either the Washington registration number or the hull identification number;

(b) The registered owner's name, tribe, reservation and enrollment or Bureau of Indian Affairs number;

(c) The principal address of the registered owner as will be shown on the vessel registration certificate;

(d) Signature of the registered owner;

(e) A certification of an authorized tribal authority representing the Indian reservation of the tribe of which the registered owner is a member. The position or title of the tribal authority, their telephone number and their signature must appear on the certification. The certification must include a statement that the registered owner is an enrolled tribal member and that the address provided by the registered owner is within the boundaries of their reservation.

[Statutory Authority: RCW 88.02.070, 88.02.100. 01-03-128, § 308-93-160, filed 1/23/01, effective 2/23/01; 00-01-027, § 308-93-160, filed 12/6/99, effective 1/6/00; 84-13-086 (Order TL-RG-2), § 308-93-160, filed 6/21/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-160, filed 11/18/83.]

WAC 308-93-200 Involuntary transfer of a vessel. (1) Who may repossess a vessel? A Washington titled vessel may only be repossessed by the legal owner of record or secured party.

(2) What documentation does the department require when a vessel is repossessed? In addition to other documents required:

(a) The most recent certificate of ownership; or

(b) An affidavit in lieu of certificate of ownership; and

(c) A notarized/certified signature on an affidavit of repossession.

(3) Is the secured party/legal owner required to apply for a new certificate of ownership when a vessel has been repossessed? If the secured party/legal owner intends to hold the vessel for resale, they do not need to apply for a new certificate of ownership. Upon transfer to another person, the buyer must promptly mail or deliver to the department those documents referenced in subsection (2) of this section.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 00-23-029, § 308-93-200, filed 11/7/00, effective 12/8/00; 98-21-001, § 308-93-200, filed 10/8/98, effective 11/8/98. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-200, filed 11/18/83.]

WAC 308-93-220 Department may refuse or cancel certificates. (1) **Can the department refuse to issue a certificate of ownership or registration?** Yes, if the department determines at any time that an applicant for certificate of ownership or registration for a vessel is not entitled to these certificates, the department may refuse to issue such certificates.

(2) **Can the department cancel a certificate of ownership or registration?** Yes, the department may cancel the certificate of ownership or registration already acquired.

(3) **How will the department notify an applicant if a certificate of ownership or registration has been refused or canceled?** Notice of cancellation may be accomplished by sending a notice by first class mail using the last known address in department records for the legal vessel owner or owners, and recording the transmittal on an affidavit of first class mail.

(4) **May the vessel be operated if the certificate of ownership or registration has been refused or canceled?** No. It is unlawful for any person to operate the vessel until a proper certificate of ownership and registration has been issued. Any person operating a vessel after the refusal or cancellation of the certificates by the department will be guilty of a gross misdemeanor.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 00-23-029, § 308-93-220, filed 11/7/00, effective 12/8/00; 98-21-001, § 308-93-220, filed 10/8/98, effective 11/8/98. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-220, filed 11/18/83.]

WAC 308-93-230 Procedure for perfecting security interest. (1) **How is the security interest in a vessel perfected?**

A security interest in a vessel is perfected when the requirements similar to RCW 46.12.095 for vehicles is followed. Security interest in a vessel (other than one held as inventory by a manufacturer or a dealer and for which a certificate of ownership is required) is perfected only by completing the requirements of RCW 46.12.103 for vessels under the circumstances provided for in this section:

(a) The existing certificate and application for certificate of ownership containing the name and address of the secured party is received by the department with required fees; or

(b) The secured interest is perfected as of the time of its creation if the secured party's name and address appear on the outstanding certificate of ownership when received in (a) of this subsection with appropriate fees; or

(c) The vessel is subject to a security interest when brought into this state. The perfection of the security interest is determined by the jurisdiction in which the vessel was either purchased, registered and/or titled and the security interest is attached.

If perfected through the laws of another jurisdiction, the following applies:

(i) If the name of the secured party is shown on the existing certificate of ownership issued by that jurisdiction, the security interest continues perfected in this state.

(ii) If the security interest was not perfected under the law of the jurisdiction where the vessel was when the security interest was attached, it may be perfected in this state, in that case perfection dates from the time of perfection in this state.

The application must be in the same manner as provided for vehicles and WAC 308-93-069 and 308-93-070 as provided for vessels.

(2) **When would the department of licensing not issue a certificate of ownership?**

(a) Vessels that are documented in compliance with federal regulations are issued a registration and are not issued a certificate of ownership; or

(b) When ownership in doubt; or

(c) The out-of-state lien holder retains title.

(3) **What fees are charged for adding, deleting or changing a secured party?**

An application fee and filing fee are due for each transaction. An additional service fee is charged if a licensing sub-agent processes the transaction as referenced in RCW 88.02.070.

(4) **What is the secured party's obligation when the lien has been satisfied?**

When a certificate of ownership is required, the secured party must comply with RCW 46.12.170 as provided for vehicles, and WAC 308-93-069 and 308-93-070 as provided for vessels and pay the required fees.

Requirements for application for certificate of ownership:

(a) New vessels:

(i) Application for certificate of ownership to a vessel never before licensed or titled shall be accompanied by a manufacturer's statement of origin, carpenter's certificate, or a copy of the factory invoice.

(ii) The manufacturer's statement of origin, carpenter's certificate, or factory invoice must reflect the model year, make, length and hull identification number of the vessel.

(iii) The department will not accept any manufacturer's statement of origin, carpenter's certificate, or factory invoice for the issuance of a certificate of ownership unless all persons named on the manufacturer's statement of origin, including dealers, have released or assigned their interest, or on a release of interest form approved by the department.

(iv) Dealer-to-dealer transfers may be accomplished either by appropriate endorsement of the manufacturer's statement of origin, carpenter's certificate, or factory invoice, or release of interest form approved by the department. A complete chain of ownership must be reflected from the original dealer named on the manufacturer's statement of origin to the retail selling dealer making the application.

(v) A copy of the factory invoice may be used in lieu of the manufacturer's statement of origin or carpenter's certificate only when such documents are not available and obtaining a replacement from the manufacturer would cause an undue amount of delay in titling the vessel. A certificate of fact describing why the statement of origin or carpenter's certificate is not available must be accompanied by the photocopy of the factory invoice and any necessary releases of interest on a form approved by the department.

(b) Vessels with existing certificate of ownership from a foreign titling jurisdiction:

(i) Excise exemption affidavit;

(ii) A copy of the bill of sale or sales agreement;

(iii) Declaration of value form;

(iv) Previous ownership document properly released;

(v) Proof of sales tax paid;

(vi) Release of interest;
 (vii) Other verification of ownership approved by the department, such as:

(A) A judgment from a district or superior court of any county of this state awarding ownership; or

(B) Document from an involuntary divestiture sale or auction; and/or

(C) Copy of certificate of documentation of vessel issued by the United States Coast Guard.

(c) Vessels without existing certificate of ownership or from a nontitling jurisdiction:

(i) Excise exemption affidavit;

(ii) A copy of the bill of sale or sales agreement;

(iii) Declaration of value form;

(iv) Previous ownership document properly released;

(v) The registration, if it is from a nontitle state;

(vi) Proof of sales tax paid;

(vii) Manufacturer's statement of origin, factory invoice, or carpenter's certificate;

(viii) An affidavit in lieu of title;

(ix) Release of interest;

(x) Other verification of ownership approved by the department to include:

(A) A judgment from a district or superior court of any county of this state awarding ownership; or

(B) Document from an involuntary divestiture sale or auction; and/or

(C) Copy of certificate of documentation of vessel issued by the United States Coast Guard; and/or

(D) An affidavit certifying when and where the vessel was acquired or brought into the state.

(5) What is the secured party's obligation when the lien has been satisfied due to the sale of the vessel?

The secured party must comply with RCW 46.12.101 as provided for vehicles and WAC 308-93-069 and 308-93-070 as provided for vessels.

Vessel owners applying for certificate of ownership and/or registration of a vessel must submit an application, which includes, but is not limited to:

(a) Expiration date of the certificate of registration;

(b) The name of each owner of the vessel and if the vessel is subject to security interest, the name of each secured party;

(c) The department-assigned customer account number for each owner of the vessel including secured parties if available;

(d) The address at which one of the owners regularly receives mail;

(e) The mailing address of the first secured party;

(f) The Washington registration number as assigned;

(g) Make and model year;

(h) Length of vessel;

(i) Type of power (gasoline, diesel, etc.);

(j) Primary use (commercial, pleasure, etc.);

(k) Primary method of propulsion (inboard, sail, etc.);

(l) Type of vessel (runabout, cabin, etc.);

(m) Primary vessel construction (fiberglass, wood, etc.);

(n) County of moorage;

(o) Hull identification number, if one has been assigned;

(p) Latest purchase price and purchase year or, if the vessel was not acquired by purchase, a declaration of value and year of declaration.

For the purposes of this section, purchase price or declared value includes the vessel, vessel motor, or engine, and all other equipment and accessories, excluding a boat trailer, purchased or acquired in a single transaction;

(q) United States Coast Guard document number, if applicable.

In addition to the information listed above, upon original application for certificate of ownership and/or registration of a homemade vessel, the owner shall complete and sign a declaration of value form. The owner's signature must be notarized/certified in accordance with WAC 308-93-470.

(6) Is the secured party liable for the acts of the vessel owner?

No. The secured party is not liable or responsible for any act or contract made by the vessel owner or by any person representing the vessel owner.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 03-15-019, § 308-93-230, filed 7/8/03, effective 8/8/03. Statutory Authority: RCW 46.16.381. 02-04-001, § 308-93-230, filed 1/23/02, effective 2/23/02. Statutory Authority: RCW 88.02.070 and 88.02.100. 98-21-001, § 308-93-230, filed 10/8/98, effective 11/8/98; 92-24-035, § 308-93-230, filed 11/25/92, effective 12/26/92. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-230, filed 11/18/83.]

WAC 308-93-241 Undercover and confidential vessel registration—Application procedures. (1) What are undercover and confidential vessel registrations? They are vessel registrations and decals assigned only to vessels owned or operated by government agencies as identified in RCW 88.02.035.

(2) When is an undercover or confidential vessel registration issued? An undercover or confidential vessel registration is issued to government agencies when the vessel is being used in confidential, investigative, or undercover work.

(3) How are undercover and confidential vessels registered?

(a) An undercover vessel registration record will show fictitious names and addresses on all department records subject to public disclosure.

(b) A confidential vessel registration record will show the government agency name and address on all department records subject to public disclosure.

(4) Who is responsible for verifying that only fictitious names and addresses are used for undercover vessel registrations? The individual signing the application.

(5) How does a government agency apply for an undercover or confidential vessel registration?

(a) A completed application form approved by the department needs to be signed by the government agency head or designated contact person.

(b) A copy of the current title, registration or other documents approved by the department of licensing that proves the vessel is owned or operated by the government agency.

[Statutory Authority: RCW 46.08.066 and 88.02.035. 06-04-026, § 308-93-241, filed 1/24/06, effective 2/24/06. Statutory Authority: RCW 88.02.100, 88.02.070, 88.02.120. 02-22-004, § 308-93-241, filed 10/24/02, effective 11/24/02; 00-22-068, § 308-93-241, filed 10/30/00, effective 11/30/00; 98-16-001, § 308-93-241, filed 7/22/98, effective 8/22/98. Statutory Authority: RCW 88.02.035(3). 92-15-023, § 308-93-241, filed 7/6/92, effective 8/6/92.]

WAC 308-93-242 Undercover/confidential vessel registration—Agency contact. (1) **Who may represent a government agency regarding undercover or confidential vessel registrations?** The government agency head may designate a maximum of two agency employees to represent the agency regarding undercover/confidential registration. The government agency head must provide name, signature, title, address, telephone number, and if applicable, fax number and e-mail address of each designee must be provided.

(2) **How often does the government agency contact information need to be updated?** The government agency contact information must be updated, in writing, within thirty days of any change in the agency head or designee.

[Statutory Authority: RCW 88.02.100, 88.02.070, 88.02.120. 02-22-004, § 308-93-242, filed 10/24/02, effective 11/24/02; 00-22-068, § 308-93-242, filed 10/30/00, effective 11/30/00; 98-16-001, § 308-93-242, filed 7/22/98, effective 8/22/98. Statutory Authority: RCW 88.02.035(3). 92-15-023, § 308-93-242, filed 7/6/92, effective 8/6/92.]

WAC 308-93-243 Undercover or confidential vessel registrations—Vessel inventory. (1) **How does the department maintain a current inventory listing of vessels with undercover or confidential registrations?**

(a) The department provides an inventory list of vessels, scheduled to be renewed within the next quarter, to each agency participating in the undercover/confidential vessel registration program. Each government agency verifies the accuracy of the information by:

- (i) Correcting any erroneous information;
- (ii) Deleting vessels no longer in the program by marking plainly on the list "deleted" next to the vessel that needs to be deleted;
- (iii) Signing the inventory list certifying that all undercover and confidential vessels shown on the list are being utilized under RCW 88.02.035(3); and
- (iv) Returning the updated inventory list to the department by the date requested.

(b) The department updates the agency inventory based on information submitted by the agencies.

(2) **What action does the department take if a government agency fails to return their inventory list?** The department may refuse to renew a vessel(s) shown on the quarterly inventory list until the government agency has complied with the requirements of subsection (1) of this section.

[Statutory Authority: RCW 88.02.100, 88.02.070, 88.02.120. 02-22-004, § 308-93-243, filed 10/24/02, effective 11/24/02; 00-22-068, § 308-93-243, filed 10/30/00, effective 11/30/00; 98-16-001, § 308-93-243, filed 7/22/98, effective 8/22/98. Statutory Authority: RCW 88.02.035(3). 92-15-023, § 308-93-243, filed 7/6/92, effective 8/6/92.]

WAC 308-93-244 Undercover or confidential vessel registrations—Cancellation. (1) **Who may cancel undercover or confidential vessel registrations?** Undercover or confidential vessel registrations may be canceled in one of two ways:

(a) The department may cancel or refuse to renew undercover or confidential vessel registrations when the department has reasonable cause to believe the vessel is being used for purposes other than those authorized in RCW 88.02.035; or

(b) A government agency may request cancellation of their undercover or confidential vessel registration when the undercover or confidential registration is no longer required.

(2) **How does a government agency cancel undercover or confidential vessel registration?** The government agency notifies the department in writing that the undercover or confidential vessel registration is no longer required, and indicates that the vessel registration numbers and decals have been removed from the vessel. The department of licensing then changes the record to indicate the vessel is registered to the government agency.

(3) **May the undercover or confidential vessel registration numbers and decals remain on the vessel when it is removed from the program?** No. The registration numbers and decals must be removed from the vessel.

[Statutory Authority: RCW 88.02.100, 88.02.070, 88.02.120. 02-22-004, § 308-93-244, filed 10/24/02, effective 11/24/02; 00-22-068, § 308-93-244, filed 10/30/00, effective 11/30/00; 98-16-001, § 308-93-244, filed 7/22/98, effective 8/22/98. Statutory Authority: RCW 88.02.035(3). 92-15-023, § 308-93-244, filed 7/6/92, effective 8/6/92.]

WAC 308-93-270 Appeals to superior court from suspension, cancellation, or refusal of registration or certificate of ownership. May I appeal the department's decision to refuse to issue a registration or certificate of ownership or suspend or cancel a registration or certificate of ownership?

Yes. The suspension, cancellation, or refusal by the department of any registration or certificate of title provided for in chapter 88.02 RCW and chapter 250, Laws of 1984, or chapter 308-93 WAC will be conclusive unless the person whose registration or certificate is suspended, canceled, or refused appeals to the superior court of Thurston County, or to the superior court of the county of the person's residence, for the purpose of having the suspension, cancellation, or refusal of such registration or certificate set aside. Notice of appeal must be filed within ten days after receipt of the notice of suspension, cancellation, or refusal. Upon the filing of the notice of appeal the court must issue an order to the department to show cause why the registration should not be granted or reinstated, which order must be returned not less than ten days after the date of service thereof upon the department. Service must be in the manner prescribed for service of summons and complaint in other civil actions.

At the hearing on the order to show cause, the court will hear evidence concerning matters with reference to the suspension, cancellation, or refusal of the registration or certificate and will enter judgment either affirming or setting aside such suspension, cancellation, or refusal.

[Statutory Authority: RCW 46.16.381. 02-04-001, § 308-93-270, filed 1/23/02, effective 2/23/02. Statutory Authority: RCW 88.02.070 and 88.02.-100. 99-03-002, § 308-93-270, filed 1/7/99, effective 2/7/99; 84-13-086 (Order TL-RG-2), § 308-93-270, filed 6/21/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-270, filed 11/18/83.]

WAC 308-93-275 Abandoned vessels. What are the options for disposing of an abandoned vessel?

An abandoned vessel may be disposed of in several ways, depending upon where it is abandoned.

- (1) Vessel abandoned adrift.

The watercraft adrift laws (chapter 79A.60 RCW) provide details for disposing of vessels abandoned on water.

(a) In addition to other documents required by law or rule, the following documents are required when applying for a certificate of ownership to a vessel that was abandoned adrift.

(i) A copy of the court order authorizing the sale of the abandoned vessel;

(ii) A bill of sale from the entity selling the vessel; and

(iii) A properly completed and notarized/certified vessel data form unless a completed vessel title application is submitted in lieu of the vessel data form.

(2) Vessel abandoned on land.

(a) A vessel abandoned on land may be disposed of by one of the following:

(i) The lost and found property laws in chapter 63.21 RCW; or

(ii) The unclaimed property in hands of city police (chapter 63.32 RCW); or

(iii) Unclaimed property in the hands of Washington state patrol (chapter 63.35 RCW); or

(iv) Unclaimed property in hands of sheriff (chapter 63.40 RCW).

(b) Documents needed to apply for a certificate of ownership for vessel that was abandoned on a highway of this state and towed by a registered tow truck operator. Vessels that are:

(i) Registered with the department; and

(ii) Found abandoned on a highway of this state; and

(iii) Towed by a registered tow truck operator

are subject to the requirements of the abandoned vehicle laws (chapter 46.55 RCW). The vessel may be sold using an abandoned vehicle report as proved in chapter 46.55 RCW. A properly completed and notarized/certified vessel data form is required upon application for certificate of ownership unless a completed vessel title application is submitted in lieu of the vessel data form.

(3) Vessel considered abandoned at a moorage facility.

A vessel moored in a moorage facility is considered abandoned when the vessel owner fails to pay the port charges owed.

Publicly owned moorage facilities attempting to dispose of a vessel for failure of the owner to pay port charges must follow the requirements of RCW 53.08.320. Privately owned moorage facilities attempting to dispose of a vessel for failure of the owner to pay port charges must follow the requirements of RCW 88.26.020.

[Statutory Authority: RCW 46.16.381. 02-04-001, § 308-93-275, filed 1/23/02, effective 2/23/02.]

WAC 308-93-276 Vessel seller's report of sale. (1) **Who must file a vessel seller's report of sale?** With the exception of certain vessel transfers by registered Washington vessel dealers, Washington law (RCW 88.02.070 and 46.12.101) requires filing of a vessel seller's report of sale by any person or business that transfers their interest in a Washington registered/titled vessel to anyone else. For the purposes of this rule, transferring an interest includes, but is not limited to, selling, gifting, trading or disposing of your vessel, but does not include the creation, deletion, or change of a security interest.

(5/11/10)

(2) **When must a vessel seller's report of sale be filed?**

Vessel seller's report of sale must be received by the department within five days of the date of sale, gift, trade or other disposition of the vessel, excluding Saturdays, Sundays, and state and federal holidays.

(3) **Who is the seller?** The seller is a person (individual or business) who transfers their right of ownership of a vessel to another person or business.

(4) **Who is the purchaser?** The purchaser is a person (individual or business) who takes a vessel into their possession, by voluntary acquisition.

(5) **How do I file my vessel seller's report of sale?** You may file your seller's report of sale by mailing it to the department.

(6) **What information is required on the vessel seller's report of sale?** You are required to provide the following information:

(a) The date of the sale or transfer;

(b) Name(s) and address of seller;

(c) Name(s) and address of transferee (buyer);

(d) Description of vessel including:

(i) Vessel hull identification number; and

(ii) Vessel registration number.

(7) **May a vessel seller's report of sale be removed from my vessel record?** Yes. As a registered owner, you may have a vessel seller's report of sale removed by notifying the department in writing. You will need to provide the reason you are removing the report of sale.

(8) **How will I show that I filed a vessel seller's report of sale?** To obtain a copy of the filed seller's report of sale, you must contact the department.

Washington law makes it clear that it is a felony to knowingly make a false statement of fact. The penalty, upon conviction, shall be a fine of not more than five thousand dollars or imprisonment of not more than ten years, or both the fine and imprisonment. (RCW 46.12.210.)

[Statutory Authority: RCW 46.01.110 and 46.12.101. 06-23-038, § 308-93-276, filed 11/7/06, effective 12/8/06. Statutory Authority: RCW 88.02.070 and 88.02.100. 02-24-013, § 308-93-276, filed 11/25/02, effective 12/26/02.]

WAC 308-93-280 Hull identification numbers. (1) **Is a hull identification number required to use a vessel on the waters of Washington state?**

Yes. A hull identification number is required on any vessel that is used on the waters of this state unless application for hull identification number has been made and issuance of the hull identification number is pending.

(2) **Is it unlawful to destroy, remove, alter, cover or deface the HIN?**

Yes. It is unlawful for a person, firm, association or corporation to destroy, remove, alter, cover or deface a HIN.

(3) **When is the hull identification number (HIN) assigned by the department?**

If a HIN is not affixed during manufacture, a HIN is assigned by the vehicle field system at the time of application for registration, whenever the HIN has been:

(a) Altered;

(b) Removed;

(c) Obliterated;

(d) Defaced;

(e) Omitted; or

(f) Is otherwise absent.

If the model year of the vessel is a 1985 or newer, then the HIN will be verified via the manufacturer's statement of origin (MSO).

(4) How is the department assigned HIN affixed to the vessel?

(a) The HIN must be clearly imprinted or otherwise permanently affixed above the waterline in such a way that alteration, removal, or replacement would be obvious or evident; and

(b) The HIN must be at least one quarter of an inch in height and shall be placed on:

(i) The outboard starboard side of the transom; or

(ii) The outermost starboard side at the end of the hull that bears the rudder or other steering mechanism, if there is no transom.

(5) Can the previous HIN be reaffixed?

The department may authorize the vessel owner to reattach the HIN.

(6) If a HIN is missing on a vessel that is abandoned on or along a public highway, may the vessel be processed through the abandoned vehicle process?

Yes, if a certificate of ownership/registration has been issued. If not, then vessels abandoned on or along the public highways may not be processed through the abandoned vehicle statute (chapter 46.55 RCW). Such vessels are considered personal property and must be disposed of in accordance with chapters 63.32, 63.35 and 63.40 RCW.

[Statutory Authority: RCW 46.16.381, 02-04-001, § 308-93-280, filed 1/23/02, effective 2/23/02. Statutory Authority: RCW 88.02.070 and 88.02.100, 99-03-002, § 308-93-280, filed 1/7/99, effective 2/7/99. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46, 83-23-076 (Order 736-DOL), § 308-93-280, filed 11/18/83.]

WAC 308-93-285 Vessel length measurement. (1)

How is the length of my vessel calculated? The overall length of a vessel provided by the owner on application for certificate of ownership must be rounded down to the nearest whole foot. Vessel measurement must be from the tip of the bow to the stern of the vessel down the centerline but not including boomkins, swim ladders, outboard engines, or other extremities.

(2) How do I change the recorded length of my vessel if incorrect? Changing the recorded vessel length, unless incorrectly entered by the department requires:

(a) Verification of remeasurement from:

(i) A law enforcement agency; or

(ii) A port agency; or

(iii) The United States Coast Guard; or

(iv) Authorized representatives of the department.

(b) Documentation from the vessel manufacturer providing the correct length for that model vessel.

(c) Verification must be on agency letterhead and include the vessel description and signature of an authorized representative.

[Statutory Authority: RCW 88.02.070 and 88.02.100, 01-08-021, § 308-93-285, filed 3/27/01, effective 4/27/01; 98-16-030, § 308-93-285, filed 7/29/98, effective 8/29/98; 92-24-035, § 308-93-285, filed 11/25/92, effective 12/26/92.]

WAC 308-93-295 Dealer temporary permits to operate vessels. (1) What documents are required to place or

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use a vessel on the water if purchased from a Washington licensed vessel dealer? If a vessel is purchased from a Washington vessel dealer licensed under chapter 88.02 RCW, the following documents are required:

(a) If the vessel is currently registered in Washington state, the vessel may be placed or used on the waters immediately, provided the sale documents are carried on the vessel; or

(b) If the vessel is not currently registered in Washington state, the dealer may issue a thirty-day temporary permit, allowing the vessel to be placed or used on the water. In addition to the permit the sale documents must be carried on the vessel and made available upon request.

(2) How long does the dealer have to apply for certificate of ownership and provide a new registration to the purchaser? The dealer must apply for a certificate of ownership within thirty days from the date of delivery. The dealer must make available a new registration to the purchaser within limits set by WAC 308-90-150 from the date of delivery. Only one vessel dealer temporary permit may be used.

(3) How does a Washington licensed vessel dealer complete a vessel temporary permit? A Washington licensed vessel dealer completes a temporary permit as follows:

(a) Fill out the certificate of ownership portion of the permit, detailing all owners and all fees collected, including the dealer's report of sale and date of sale/delivery. All registered owners must sign the application and signatures must be notarized/certified.

(b) Detach the cardboard copy of the permit and record the date of expiration in dark permanent ink, with bold letters and numbers, on the permit side of that copy. Present the remaining copies to a license agent within thirty calendar days of delivery as an application for registration and certificate of ownership. The dealer will receive a five-dollar credit for a properly issued permit.

(c) Advise customer to:

(i) Display the cardboard copy of the permit on the vessel;

(ii) Carry the purchase order identifying the sale on the vessel; and

(iii) Make the permit and purchase order readily available upon request by law enforcement.

(d) Collect fees for certificate of ownership and registration for a June expiration.

(4) Can a Washington licensed vessel dealer use a dealer temporary permit to operate a vessel? No. The permit may only be used by the purchaser of the vessel. A dealer may not use the permit to operate or demonstrate a vessel.

(5) Under what conditions may a dealer turn in the permits and be eligible for a refund? Refunds are only allowed when the dealer ceases doing business as a vessel dealer.

(6) May a Washington licensed vessel dealer transfer unused temporary vessel permits to another vessel dealer? No, temporary permits are not transferable from one vessel dealer to another.

[Statutory Authority: RCW 88.02.070 and 88.02.100, 00-23-029, § 308-93-295, filed 11/7/00, effective 12/8/00; 98-21-001, § 308-93-295, filed 10/8/98, effective 11/8/98. Statutory Authority: RCW 88.02.100, 92-06-

009, § 308-93-295, filed 2/24/92, effective 3/26/92. Statutory Authority: 1987 c 149 § 9. 88-01-011 (Order TL/RG 40), § 308-93-295, filed 12/7/87.]

WAC 308-93-350 Erasures and alterations and incorrect information. (1) Will the department accept an application for certificate of ownership if the certificate of ownership or supporting documents have been altered?

The department may refuse to accept any certificate of ownership when ownership or vessel information has been altered. A replacement ownership document may be required.

(2) What does the department require when a certificate of ownership, an application for certificate of ownership or a supporting document has been altered?

(a) The department may require an affidavit explaining any erasure or alteration on the application, certificate of ownership, or any supporting documentation.

(b) The department may require a notarized/certified release of interest when:

(i) A signature or name that has been altered or erased appears on an application; or

(ii) A security interest is named to be shown on the new certificate of ownership and the applicant claims there is no lien; or

(iii) A security interest is shown incorrectly or is altered on the application for certificate of ownership. In lieu of a release of interest, Washington licensed vessel dealers may attach an affidavit explaining the error in the security interest.

(c) If an erasure has been made on a title, a notarized/certified affidavit must be attached. The affidavit must state why and by whom the erasure was made. The one whose name was erased must sign a notarized/certified release of interest.

(d) If a name is erroneously shown on the title as the purchaser, the department may require a statement from the seller or owner (of record) that the sale was not completed.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 01-08-021, § 308-93-350, filed 3/27/01, effective 4/27/01; 98-16-030, § 308-93-350, filed 7/29/98, effective 8/29/98; 84-13-086 (Order TL-RG-2), § 308-93-350, filed 6/21/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-350, filed 11/18/83.]

WAC 308-93-360 Application for certificate of ownership required. When is a certificate of ownership required? An application for certificate of ownership is required when:

(1) A person purchases a new vessel unless otherwise exempt from chapter 88.02 RCW.

(2) There is a change of ownership due to:

(a) Sale;

(b) Gift;

(c) Inheritance;

(d) Trade;

(e) Addition or deletion of an owner;

(f) Proprietorship or partnership forming a corporation, whether or not the business name is changing; or

(g) Proprietorship or partnership purchasing a corporation which will no longer be operated as a corporation, whether or not the business name is changed.

(3) There is a name change of:

(a) The owner;

(b) The secured party; or

(c) A business entity as shown on the current certificate of ownership.

(4) There is no change in the owner of the vessel but the certificate of ownership needs to be reissued because:

(a) A lien has been satisfied and the lien holder's name needs to be removed;

(b) A lien holder's name needs to be added. If a secondary lien holder is being added, the address of only the primary lien holder will be recorded;

(c) There is a change of lien holders;

(d) There has been a structural change in the vessel that changes the physical description of the vessel on the current certificate of ownership; or

(e) The vessel hull identification number has been altered, or removed, or needs to be corrected on the vessel or on the certificate of ownership.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 01-08-021, § 308-93-360, filed 3/27/01, effective 4/27/01; 98-16-030, § 308-93-360, filed 7/29/98, effective 8/29/98. Statutory Authority: 1985 c 258. 85-23-066 (Order TL-RG-19), § 308-93-360, filed 11/19/85. Statutory Authority: RCW 88.02.070 and 88.02.100. 84-13-086 (Order TL-RG-2), § 308-93-360, filed 6/21/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-360, filed 11/18/83.]

WAC 308-93-370 Format required for name and address—Names separated by the words "and," "or," or the slash symbol (/). (1) Does the department use the words "and," "or," or the slash symbol (/) when recording multiple interests on a certificate of ownership?

No, the department no longer uses these designations when recording ownership interest. For those certificates of ownership that have been issued using one of these designations:

(a) Any registered owners shown are considered to have equal registered owner interest in the vessel; and

(b) Any secured parties shown are considered to have equal secured party interest in the vessel.

(2) Will the department use the words "and," "or," or the slash symbol (/) if another jurisdiction has recorded multiple interests on the foreign certificate of ownership using one of these designations? No. The department does not allow the use of these designations when recording ownership interest.

[Statutory Authority: RCW 88.02.070, 88.02.100. 03-07-076, § 308-93-370, filed 3/18/03, effective 4/18/03; 01-21-071, § 308-93-370, filed 10/18/01, effective 11/18/01; 99-22-059, § 308-93-370, filed 11/1/99, effective 12/2/99. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-370, filed 11/18/83.]

WAC 308-93-380 Format required for name and address—Ownership in joint tenancy. (1) What does joint tenancy with rights of survivorship (JTWROS) mean when noted on a certificate of ownership?

If a vessel certificate of ownership shows the owners are in joint tenancy with rights of survivorship and one of the named parties dies, ownership vests in the surviving joint owner(s). The department will issue a certificate of ownership in the name of the surviving joint owner(s) upon application supported by a copy of the death certificate issued by a government entity and an application for certificate of ownership signed by the surviving owner(s).

(2) How is joint tenancy with rights of survivorship shown on the application for certificate of ownership?

The application for certificate of ownership must show the name of every owner with the phrase "Joint tenants with rights of survivorship" spelled out.

(3) How is joint tenancy with rights of survivorship shown on the certificate of ownership? The certificate of ownership will be printed showing the abbreviation "JTWROS" in the brands/comments section.

[Statutory Authority: RCW 88.02.070, 88.02.100. 03-07-076, § 308-93-380, filed 3/18/03, effective 4/18/03; 01-21-071, § 308-93-380, filed 10/18/01, effective 11/18/01; 99-22-059, § 308-93-380, filed 11/1/99, effective 12/2/99. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-380, filed 11/18/83.]

WAC 308-93-390 Vessels held in trust. (1) How is a trust shown on a certificate of ownership? A certificate of ownership may show the name of the trustee(s) or trust in one of the following manners:

(a) The trustee(s) name(s) only followed by the designation trustee, i.e., John Doe, trustee; or

(b) The trustee(s) name(s) followed by the designation trustee and the name of the trust, i.e., John Doe, trustee John Doe Family Trust; or

(c) The name of the trust only, i.e., John Doe Family Trust.

Note: If necessary, the name of the trust will be abbreviated to meet the department's system limitations.

(2) What trust documents do I need to present to apply for a certificate of ownership in the name of the trust? You will need to provide a copy of the signed trust documents, showing the name of the trust, trustee(s) and successor trustees.

Note: Massachusetts Trusts described in chapter 23.90 RCW must provide verification that the trust was filed with the Washington secretary of state.

(3) What is required when the trustee no longer acts on behalf of a trust? If a trustee no longer acts on behalf of a trust, and the vessel ownership currently shows:

(a) The trustee(s) name(s) only followed by the designation trustee, i.e., John Doe, trustee, application must be made for a new certificate of ownership; or

(b) The trustee(s) name(s) followed by the designation trustee and the name of the trust, i.e., John Doe, trustee John Doe Family Trust, application must be made for a new certificate of ownership; or

(c) The name of the trust only, i.e., John Doe Family Trust application for new certificate of ownership is not required.

Note: New, or successor, trustees must provide documentation showing they are named as such in the trust.

(4) What is required when a trust is terminated? If the termination of the trust results in a change of ownership for the vessel, the new owner must apply for a new certificate of ownership under chapter 88.02 RCW.

[Statutory Authority: RCW 88.02.070, 88.02.100. 03-07-076, § 308-93-390, filed 3/18/03, effective 4/18/03. Statutory Authority: RCW 46.01.110, 88.02.070 and 88.02.100 [88.02.100]. 01-08-022, § 308-93-390, filed 3/27/01, effective 4/27/01. Statutory Authority: RCW 88.02.070 and 88.02.-100. 99-22-059, § 308-93-390, filed 11/1/99, effective 12/2/99. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-390, filed 11/18/83.]

WAC 308-93-400 Multiple security interests. (1) Will the department issue a certificate of ownership indicating more than one security interest? Yes, more than one security interest may be shown on the certificate of ownership.

(2) How are additional security interests shown on the certificate of ownership? Additional security interests are shown on the next name line, directly after the first security interest. Only the address of the first security interest is shown on the certificate of ownership.

(3) If the lien has been satisfied with one of the secured parties shown on a certificate of ownership, how is their interest released? When the lien has been satisfied with one of the secured parties shown on a certificate of ownership, that secured party's interest will be released on the certificate of ownership or a department approved release of interest form. The remaining secured party(s) shall, within ten days of receiving the properly released certificate of ownership, apply for reissue of the certificate of ownership showing the remaining secured parties' name and address.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 01-21-071, § 308-93-400, filed 10/18/01, effective 11/18/01; 99-22-059, § 308-93-400, filed 11/1/99, effective 12/2/99. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-400, filed 11/18/83.]

WAC 308-93-440 Ownership in doubt—Bonded title or three-year registration without title. (1) What is ownership in doubt? Ownership in doubt is when a vessel owner(s) is unable to obtain satisfactory evidence of ownership or release of interest described in WAC 308-93-460.

(2) What options are available in an ownership in doubt situation? When in an ownership in doubt situation, the owner may:

(a) Apply for three-year registration without title; or

(b) Apply for a bonded title as described in vehicle law RCW 46.12.151; or

(c) Petition any district or superior court of any county of this state to receive a judgment. This is required if ownership of the vessel is contested after the applicant makes application for ownership in doubt and before the three-year ownership in doubt period has lapsed.

(3) What documents are required when applying for a bonded title or three-year registration without title? Required documents when applying for a bonded title or three-year registration include:

(a) The originals or copies of letters sent by registered or certified mail to the registered and legal owners of record, including the return receipt. The letters must include information regarding the applicant's claim to the ownership and request for the released certificate of ownership (title) or a notarized or certified release of interest.

(i) Registered and legal owner information will be released under WAC 308-93-087 for applicants needing that information.

(ii) If there is no Washington record, (a) of this subsection does not apply.

(iii) If the owners of record do not respond before submitting the application, the applicant must wait fifteen days from acknowledged receipt of the letter.

(iv) If the letter is returned unclaimed, the applicant must submit the letter, unopened, with the application.

(b) A bonded title or three-year registration without title affidavit completed by the applicant and signed by all persons to be shown as registered owner(s).

(c) Application for certificate of ownership (title).

(d) A bond as described in vehicle law RCW 46.12.151, if the applicant is applying for a bonded title.

(e) Other documents that may be required by law or rule.

(4) **How is a vessel value determined for filing a bond?** Vessel value may be determined from one of the following sources:

(a) The department's automated valuing system; or

(b) A published appraisal guide; or

(c) Appraisal from a licensed vessel dealer or appraisal company. The appraisal must be on company letterhead and have the business card attached; or

(d) An appraisal from the department of revenue; or

(e) Insured amount; or

(f) Consideration or payment plus estimated repairs by a bona fide repair facility; or

(g) Other valuing sources approved by the department.

(5) **May I sell or release my interest in the vessel during the three-year ownership without title period?** Yes. A bonded certificate of ownership may be released and provided to the buyer in the same way as any other certificate of ownership. The Washington bonded title may not be accepted by another state. If the other state has a similar program, they may issue their own type of bonded certificate of ownership. For three-year registration without title, provide the buyer with a notarized or certified release of interest. The new owner may either provide a judgment from a district or superior court of Washington or wait until the expiration of the time remaining on the previous ownership in doubt period and then make application for the certificate of ownership. If a notarized or certified release of interest cannot be obtained from the current registered owner, the new owner must start over with a new three-year bonded or three-year registration without title process.

[Statutory Authority: RCW 46.01.110. 07-13-082, § 308-93-440, filed 6/19/07, effective 7/20/07. Statutory Authority: RCW 88.02.070, 88.02.100. 03-07-076, § 308-93-440, filed 3/18/03, effective 4/18/03; 00-23-028, § 308-93-440, filed 11/7/00, effective 12/8/00. Statutory Authority: RCW 88.02.070. 98-09-023, § 308-93-440, filed 4/8/98, effective 5/9/98. Statutory Authority: RCW 88.02.070, 88.02.100 and 46.12.380. 96-03-046, § 308-93-440, filed 1/11/96, effective 2/11/96. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-440, filed 11/18/83.]

WAC 308-93-445 Personal property lien—Chattel.

(1) **What is a chattel lien?** For the purposes of this chapter, a chattel lien is a process by which a person may sell or take ownership of a vessel when:

(a) They provide services or materials for the vessel at the request of the registered owner; and

(b) The person who provided the services and/or materials has not been compensated.

(2) **What documents are required to issue a certificate of ownership for a vessel?** The required documents include:

(a) A completed Vehicle/Vessel Chattel Lien Sale Affidavit form provided or approved by the department; and

(b) A certified copy of the lien filing that is filed with the county auditor; and

(c) A copy of the letter(s) sent by the lien applicant via first class mail, and certified or registered mail, to the registered and legal owners of record, including the return receipt; and

(d) Affidavit of service by mail; and

(e) Application for certificate of ownership; and

(f) Other documents that may be required by law or rule.

(3) **When is a Washington court order required to issue a certificate of ownership as a result of a chattel lien?** A court order is required when:

(a) Someone other than the owner of record requested the services and/or materials; or

(b) There is no record of the vessel on file with the department.

(4) **What laws regulate chattel liens?** Chapters 60.08 and 60.10 RCW regulate chattel liens.

[Statutory Authority: RCW 88.020 [88.02.070], 88.02.100. 07-03-128, § 308-93-445, filed 1/23/07, effective 2/23/07. Statutory Authority: RCW 46.01.110. 06-17-145, § 308-93-445, filed 8/22/06, effective 9/22/06. Statutory Authority: RCW 88.02.070 and 88.02.100. 01-21-071, § 308-93-445, filed 10/18/01, effective 11/18/01.]

WAC 308-93-446 Personal property lien—Landlord's lien for rent.

(1) **What is a landlord's lien for rent?** For the purposes of this chapter, a landlord's lien for rent is a process by which a landlord may sell or take ownership of a tenant's vessel as security for rent due.

This chapter does not apply to vessels (including transient vessels) moored or stored at a private moorage facility (see chapter 88.26 RCW).

(2) **What documents are required to issue a certificate of ownership for a vessel obtained through the landlord's lien for rent process?** The required documents include:

(a) A completed affidavit of landlord lien form provided or approved by the department;

(b) Application for certificate of ownership; and

(c) Other documents that may be required by law or rule.

(3) **When is a Washington court order required to issue a certificate of ownership as a result of a landlord's lien for rent?** A Washington court order is required when there is no record of the vessel on file with the department.

(4) **What laws regulate landlord's liens for rent?** Chapters 58.18, 60.10, and 60.72 RCW regulate landlord's liens for rent.

[Statutory Authority: RCW 46.01.110. 06-17-145, § 308-93-446, filed 8/22/06, effective 9/22/06.]

WAC 308-93-447 Personal property lien—Self-service storage facilities.

(1) **What is a self-service storage facilities lien?** A self-service storage facilities lien is a process by which the owner of a self-service storage facility may sell a vessel stored at the facility as security for rent or other charges due.

(2) **What documentation is required to obtain a certificate of ownership for a vessel obtained through the self-service storage facilities lien process?** The required documents include:

(a) A completed affidavit of self-service storage facilities lien form provided or approved by the department;

(b) Application for certificate of ownership; and

(c) Other documents that may be required by law or rule.

(3) When is a Washington court order required to issue a certificate of ownership as a result of a self-service storage facilities lien?

(a) The vessel is no longer in the possession of the person who is claiming the self-service storage facilities lien; or

(b) There is an existing lien holder on the vessel record; or

(c) There is no record of the vessel on file with the department.

(4) What law regulates self-service storage facilities liens? Chapter 19.150 RCW regulates self-service storage facilities liens.

[Statutory Authority: RCW 46.01.110, 06-17-145, § 308-93-447, filed 8/22/06, effective 9/22/06.]

WAC 308-93-450 Signature of owner on application—Exceptions. (1) When is the signature of a registered owner(s) required? Each registered owner is required to sign the application for certificate of ownership except when:

(a) The application is for the sole purpose of removing a secured party of record from the certificate of ownership;

(b) Authorized supportive documentation, such as a power of attorney, is used in lieu of the signature(s);

(c) The legal owner applies for a duplicate certificate of ownership;

(d) There is a statutorily authorized lien filed by a government agency against the vessel;

(e) An existing legal owner's perfected security interest is transferred to another party and the new secured party is perfecting its security interest.

(2) If there are multiple registered owners on an application for certificate of ownership, when is only one registered owner's signature required? Only one registered owner's signature is required when:

(a) The last certificate of ownership was issued in another jurisdiction; and

(b) The last certificate of ownership shows multiple registered owners; and

(c) Ownership is not changing.

[Statutory Authority: RCW 88.02.070 and 88.02.100, 00-23-028, § 308-93-450, filed 11/7/00, effective 12/8/00. Statutory Authority: RCW 88.02.070, 98-09-023, § 308-93-450, filed 4/8/98, effective 5/9/98. Statutory Authority: RCW 88.02.070 and 88.02.100, 92-24-035, § 308-93-450, filed 11/25/92, effective 12/26/92. Statutory Authority: 1985 c 258, 85-23-066 (Order TL-RG-19), § 308-93-450, filed 11/19/85. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46, 83-23-076 (Order 736-DOL), § 308-93-450, filed 11/18/83.]

WAC 308-93-460 Release of interest. (1) How does an owner release their interest in a vessel? A vessel owner(s) or secured party who intends to release interest in a vessel must:

(a) Sign the release of interest provided on the certificate of ownership; or

(b) Sign a release of interest document or form approved by the department.

(2) What documentation may be used in lieu of a release of interest? Documents that may be used in lieu of a release of interest include, but are not limited to, a certified or notarized:

(a) Bill of sale;

(b) Affidavit in lieu of title with the release of interest portion properly completed;

(c) Release of interest form;

(d) Letter of release;

(e) Affidavit of repossession;

(f) Abandoned vessel reported on an abandoned vehicle report and the affidavit of sale on the report has been completed by the issuing tow company;

(g) Other documentation approved by the department.

(3) What forms may secured parties use in lieu of subsection (1)(a) and (b) of this section when their intent is to release interest? Secured parties who intend to release their interest in a vessel may provide one of the following if accompanied by the most recently issued certificate of ownership:

(a) Their properly completed official lien release form;

or

(b) The secured party is a business entity, a release of interest on its official letterhead.

(4) How is the release of interest submitted on an electronically stored Washington certificate of ownership? If the Washington certificate of ownership is a paperless certificate of ownership (title), the secured party may release its interest electronically or by signing an affidavit in lieu of title.

(5) When do signatures releasing interest need to be notarized or certified? An owner's release of interest on department approved documents other than the certificate of ownership must be notarized or certified in accordance with WAC 308-93-470.

(6) Are there situations when signatures would not need to be notarized or certified in order to release interest? Yes, the following are situations where notarization or certification is not required:

(a) When a signature releasing interest is provided on the certificate of ownership issued by the department or another jurisdiction;

(b) When a signature releasing interest is provided on an affidavit in lieu of title printed at a Washington paperless title institution's location;

(c) If the Washington certificate of ownership is a paperless certificate of ownership (title), the secured party may release its interest electronically;

(d) When there is a secured party and:

(i) The secured party is a business; and

(ii) Release of interest in a vessel is in accordance with subsection (2)(a) or (b) of this section; and

(iii) The current certificate of ownership is submitted with the separate release of interest and an application for a new certificate of ownership;

(e) A release of interest or bill of sale is obtained from the registered owner when the vessel is from a jurisdiction which does not issue certificate of ownership or titles for this type of vessel;

(f) Documentation for a dissolution of marriage indicates the vessel had been awarded through the court;

(g) The registered owner is deceased (refer to WAC 308-93-520);

(h) Signature notarized on repossession if the vessel has been repossessed by the legal owner of record;

(i) A release of interest or a bill of sale from a wrecker or insurance company;

(j) If a valid marine document has been issued by or applied for from the United States Coast Guard documentation office;

(k) A court order awarding the vessel is provided;

(l) The director determines a notarized signature is not needed.

(7) When is a registered owner's release of interest not required? A release of interest is not required when:

(a) A registered owner is identified as a lessee or sublessee on an ownership document or a lienholder sells a contract to another lienholder;

(b) Documentation is required by the department in the event of death;

(c) A dissolution of a marriage has occurred; or

(d) Repossession.

(8) What is required to release the interest of a secured party in a documented vessel registered in Washington? A United States Coast Guard abstract may be used to release the interest of the secured party for a vessel registered in Washington.

(9) What documentation will be provided by the United States Coast Guard documentation office? The United States Coast Guard documentation office must provide the following documentation for secured parties who intend to release interest on a marine documented vessel:

(a) Their properly completed official lien release form; or a release of interest on their official letterhead, if the secured party is a business entity;

(b) Provide a certified copy of the satisfaction of preferred marine mortgage;

(c) Provide a certified copy of the document abstract from the United States Coast Guard, documentation office showing the lien has been satisfied.

These documents are provided to the United States Coast Guard by the lienholder/secured party, seller, new owner etc. Copies of these items may be requested from the United States Coast Guard for submission to the department when applying for certificate of ownership.

(10) What must the owner provide to the department when a vessel will no longer be documented with the United States Coast Guard? The owner must provide:

(a) A copy of the removal letter from the United States Coast Guard documentation office; and

(b) Documentation described in subsection (9) of this section for removing lienholder/secured party; and

(c) If ownership is changing, approved releases of interest as described in this rule.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 00-23-028, § 308-93-460, filed 11/7/00, effective 12/8/00. Statutory Authority: RCW 88.02.070. 98-09-023, § 308-93-460, filed 4/8/98, effective 5/9/98. Statutory Authority: RCW 88.02.070 and [88.02].100. 93-14-082, § 308-93-460, filed 6/30/93, effective 7/31/93. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-460, filed 11/18/83.]

WAC 308-93-470 Certification of signatures. (1) Who may certify or notarize vessel certificate of ownership and registration activities on behalf of the department? Signatures must be notarized by a notary public or certified by agents and subagents appointed by the director.

The certification must include the signature and the county, office, and operator number of the person certifying the signature. Signatures may also be certified by one of the following:

(a) Employees authorized by the director to certify signatures. The employees are:

(i) Deputy director; and

(ii) Assistant director for vehicle services; and

(iii) Administrator and managers of the division primarily responsible for vessel title and registration; and

(iv) Persons assigned to liaison duties between the department and its agents and subagents; and

(v) Persons assigned the responsibility of accepting title and registration applications at the department's offices; and

(vi) Persons assigned the responsibility for investigating vessel dealer activities.

(b) Persons named on a Washington vessel dealers bond, filed with the department, if the vessel is sold by that licensed vessel dealer. The certification must include the dealer number, signature, and title, of the person certifying the signature.

(2) What proof of identification must be presented to the person certifying the signature(s)? The person certifying the signatures shall require proof of identification. Approved identification includes:

(a) Drivers license; or

(b) Any signed photo identification card; or

(c) Any two of the following:

(i) A nationally or regionally recognized credit card (signed);

(ii) A signed ID card issued by a city, county, state or federal government agency;

(iii) Any certificate or other document issued by a government agency for the purpose of establishing identity; or

(d) Other documentation satisfactory to the person certifying the signature.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 00-23-028, § 308-93-470, filed 11/7/00, effective 12/8/00. Statutory Authority: RCW 88.02.070. 98-09-023, § 308-93-470, filed 4/8/98, effective 5/9/98. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-470, filed 11/18/83.]

WAC 308-93-490 Law enforcement sale. (1) What ownership documents does the department require to issue a certificate of ownership for a vessel, which has been purchased at a law enforcement sale? In addition to other documents and fees required by chapters 46.01 and 88.02 RCW the department requires:

(a) The current certificate of ownership, if it is available; and

(b) A bill of sale from law enforcement to the purchaser stating that the vessel was sold in accordance with chapter 63.32, 63.35 or 63.40 RCW; or

(c) A copy of an order, describing the vessel, from any district or superior court of any county of this state authorizing law enforcement to sell the vessel.

(2) Does the sale of a vessel at a law enforcement sale remove any previous security interest? Yes, security interests are released upon the sale of a vessel at a law enforcement sale. No additional releases of interest are required from the secured party.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 01-21-071, § 308-93-490, filed 10/18/01, effective 11/18/01; 99-22-059, § 308-93-490, filed 11/1/99, effective 12/2/99. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-490, filed 11/18/83.]

WAC 308-93-500 Name change. What documentation does the department require to change my name as shown on the certificate of ownership? In addition to other documents required by chapters 88.02 RCW and 308-93 WAC, the department requires:

(1) A copy of a court order from any district or superior court of this state authorizing the change of name if the name was changed by a court action; or

(2) An affidavit signed by you stating:

(a) Your previous and current names; and

(b) The reason for the name change; and

(c) That the purpose of the name change is not to defraud creditors.

(3) What documentation does the department require to change the name of a business or corporation as shown on the certificate of ownership?

(a) If two or more businesses merge and a new UBI number is created, applications for each vessel in the new company name and documentation substantiating the name change and/or merger. All certificates of ownership changing from the previous business name(s) to the new business are processed as transfers.

(b) If two or more businesses merge and one of the UBI numbers is retained for the new business, notarized signatures are required on the new application. The certificate of ownership transactions for the business whose UBI number is retained will be processed as name change transactions; certificate of ownership transactions from the other business will be processed as transfers.

(c) If a business has changed names without a change in ownership, documentation such as a copy of the new business or corporate license must be submitted with the application for certificate of ownership and the existing ownership document or an affidavit in lieu. The certificate of ownership will be reissued in the new business name.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 01-21-071, § 308-93-500, filed 10/18/01, effective 11/18/01; 99-22-059, § 308-93-500, filed 11/1/99, effective 12/2/99; 84-13-086 (Order TL-RG-2), § 308-93-500, filed 6/21/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-500, filed 11/18/83.]

WAC 308-93-510 Transfer by court order. (1) What does the department require if ownership of a vessel is awarded by court order? In addition to other documents required by chapters 88.02 RCW and 308-93 WAC, for each of the specific situations the department requires the following:

(a) If the vessel is most recently titled in Washington, a copy of the court order from any district or superior court of any county of this state, or certification from the clerk of the court confirming the courts' action. The court order or certification from the clerk must describe the vessel and to whom the vessel is awarded; or

(b) If the vessel for which ownership was most recently established, is in the same jurisdiction as the court action, a copy of the foreign court order is required. For example: A

California court order and California vessel ownership documents; or

(c) If the court order and vessel for which ownership was most recently established are not from the same jurisdiction, the court order is required to be filed in accordance with RCW 6.36.025 prior to being submitted with the application for certificate of ownership.

(2) What information needs to be on the court order for the department to accept it? The department requires the court order to contain, at a minimum:

(a) The name of the person to whom the property is awarded;

(b) A description of the vessel(s) awarded, including the hull identification number and/or Washington registration number, if available;

(c) Validation that the court order has been filed;

(d) An indication that the court order is the final judgment of the court in this matter; and

(e) A signature of an authorized representative of the court.

(3) What does the department require if the court order does not describe the vessel by vessel identification number or Washington registration number? The department requires a certified or notarized statement from the person awarded the vessel. The statement must describe the vessel in the court order by year, make, and hull identification number as a minimum.

(4) Does the department require all pages of the final court order? No, the department requires only copies of pages of the final court order containing:

(a) The information listed in subsection (2) of this section; and

(b) If the court order identifies any collateral agreements, those portions of the collateral agreement identifying the vessel and its disposition, the first page and the signature page of that collateral agreement; and

(c) The page of the order signed by the judge/commissioner.

(5) Does the copy of the court order need to be certified? The copy of the court order does not need to be certified.

(6) Will the department remove the security interest recorded on the current certificate of ownership with a court order? The department will:

(a) Remove the security interest if the court order specifically directs the department to do so.

(b) Not remove the security interest if not specified to do so in the court order unless the new owner has obtained either a release of interest or a new security agreement or petition the original court that issued the order, or higher court, to have the matter of the secured interest resolved.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 01-21-071, § 308-93-510, filed 10/18/01, effective 11/18/01; 99-22-059, § 308-93-510, filed 11/1/99, effective 12/2/99. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-510, filed 11/18/83.]

WAC 308-93-520 Owner deceased. (1) What titling options are available when a vessel owner is deceased?

(a) The vessel ownership may be released by a personal representative or beneficiary and transferred into the name of a new owner; or

(b) The surviving owner may transfer into their name if joint tenancy was indicated on the certificate of ownership; or

(c) The surviving owner, heir, or personal representative may transfer ownership into their name if proper documentation is provided as in subsection (4) of this section; or

(d) The vessel can be titled into the name of the estate of the deceased.

(2) **How can a vessel be titled in the name of the estate of the deceased?** The signature of a personal representative as described in RCW 11.02.005(1) is required to release interest for the deceased owner. The vessel may then be titled and registered in the name of the estate of the deceased pending final settlement of the estate. A certificate of county clerk or a copy of the court order appointing or confirming the personal representative must be attached to the application for certificate of ownership.

(3) **How will the name of the estate be shown on the certificate of ownership?** The name will be shown as "estate of (deceased name)."

(4) **What documentation is required to remove the name of the deceased from the certificate of ownership or registration?** In addition to any other documents or releases required by law or rule you will need:

(a) If the estate is administered:

- (i) Letters of testamentary; or
- (ii) Letter of administration; or
- (iii) Certificate of county clerk.

(b) If there are joint tenants with rights of survivorship: Copy of death certificate.

(c) If there is a community property agreement:

- (i) Copy of the death certificate; and
- (ii) A copy of the community property agreement.

(d) If the estate was not administered:

- (i) Copy of the death certificate; and
- (ii) Affidavit of inheritance; or
- (iii) Affidavit of succession.

(5) **If the vessel was last registered in another jurisdiction and the owner is deceased, what documents do I need when applying for a Washington certificate of ownership in my name?** The requirements are the same as those provided in subsections (1) through (4) of this section. Equivalent documentation issued by the foreign jurisdiction may be acceptable.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 02-05-059, § 308-93-520, filed 2/15/02, effective 3/18/02; 99-07-041, § 308-93-520, filed 3/15/99, effective 4/15/99. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-520, filed 11/18/83.]

WAC 308-93-530 Owner incompetent—Release of interest. Who is eligible to release interest on a vessel ownership document if the owner is declared incompetent?

The release of interest may be signed by either:

(1) The court appointed guardian, if one has been appointed by the court, may release interest in a vessel owned by an individual who has been declared incompetent.

(2) Durable power of attorney as provided in Title 11 RCW. A copy of the court order or the durable power of attorney appointing the guardian must accompany the release of interest.

(5/11/10)

[Statutory Authority: RCW 88.02.070 and 88.02.100. 02-05-059, § 308-93-530, filed 2/15/02, effective 3/18/02; 99-07-041, § 308-93-530, filed 3/15/99, effective 4/15/99. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-530, filed 11/18/83.]

WAC 308-93-540 Owner bankrupt—Release of interest. Who has the authority to release interest in a vessel when an owner has been declared bankrupt?

A trustee appointed by the court has the authority to release interest on a vessel for the owner who has been declared bankrupt. The release of interest must be accompanied by a copy of the court order appointing the trustee.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 02-05-059, § 308-93-540, filed 2/15/02, effective 3/18/02; 99-07-041, § 308-93-540, filed 3/15/99, effective 4/15/99. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-540, filed 11/18/83.]

WAC 308-93-640 Reciprocity. Is my foreign registration valid in Washington? Current foreign registration will be recognized for a period of sixty days to the extent a similar reciprocity is granted for vessels registered in the state of Washington. However, on or before the sixty-first day of use in this state, the owner of a foreign vessel must obtain a two-month vessel identification document issued by the department, its agents or subagents in accordance with WAC 308-93-055 if the state of principal use is not changing to Washington and the vessel owner wishes to keep the vessel located on Washington waters.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 01-08-021, § 308-93-640, filed 3/27/01, effective 4/27/01; 98-16-029, § 308-93-640, filed 7/29/98, effective 7/30/98; 84-19-026 (Order TL-RG 8), § 308-93-640, filed 9/13/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-640, filed 11/18/83.]

WAC 308-93-650 Title purpose only. Can I obtain a certificate of ownership for my vessel without securing a vessel registration number and decal? Yes, you may obtain a certificate of ownership for a vessel without securing a registration number and vessel decal.

[Statutory Authority: RCW 88.02.100. 00-09-065, § 308-93-650, filed 4/18/00, effective 5/19/00. Statutory Authority: 1985 c 258. 85-23-066 (Order TL-RG-19), § 308-93-650, filed 11/19/85. Statutory Authority: RCW 88.02.100 and 88.02.070. 84-11-060 (Order TL/RG-1), § 308-93-650, filed 5/18/84.]

WAC 308-93-700 Indian tribe vessels. What is the purpose of WAC 308-93-700 through 308-93-770? WAC 308-93-700 through 308-93-770 are adopted to implement the Consent Decree entered in *United States v. Washington*, Civ. No. 9213 - Phase I - Sub. 88-1 entered on November 28, 1994, and signed by the United States, the signatory tribes, and the state of Washington. These rules do not repeat all of the sections of the Consent Decree and are not intended to include all of the requirements and provisions of the Consent Decree. However, the tribes and the state have agreed to an intergovernmental cooperative registration procedure. In the event of conflicting provisions, interpretations, or applications between these rules and the Consent Decree, resolution shall give precedence to the Consent Decree.

[Statutory Authority: RCW 88.02.100. 02-05-058, § 308-93-700, filed 2/15/02, effective 3/18/02. Statutory Authority: RCW 88.02.100 and United States v Washington, Subproceeding No. 88-1. 96-16-038, § 308-93-700, filed 8/1/96, effective 9/1/96.]

WAC 308-93-710 Definitions. The following terms used in WAC 308-93-700 through 308-93-770 have the meaning given to them in this section unless the context clearly indicates otherwise:

(1) "Indian tribe" and "tribal" means the Indian tribes which are signatory to the Consent Decree entered in *United State v. Washington*, Civ. No. 9213 - Phase I - Sub. 88-1 entered on November 28, 1994, including: Lower Elwha S'Klallam Tribe, Hoh Tribe, Jamestown S'Klallam Tribe, Lummi Nation, Makah Tribe, Muckleshoot Tribe, Nisqually Tribe, Nooksack Tribe, Port Gamble S'Klallam Tribe, Puyallup Tribe, Quileute Tribe, Quinault Indian Nation, Sauk-Suiattle Tribe, Skokomish Tribe, Squaxin Island Tribe, Stillaquamish Tribe, Suquamish Tribe, Swinomish Indian Tribal Community, Tulalip Tribes, Upper Skagit Tribe, and Yakama Nation.

(2) "Tribal member(s)" means those persons duly enrolled in the Indian tribes identified in subsection (1) of this section.

(3) The terms "vessels" or "boats" are synonymous and mean watercraft used in connection with the exercise of federally secured fishing rights.

(4) All other terms have the same meaning as used in chapter 88.02 RCW and chapter 308-93 WAC.

[Statutory Authority: RCW 88.02.100. 02-05-058, § 308-93-710, filed 2/15/02, effective 3/18/02. Statutory Authority: RCW 88.02.100 and *United States v. Washington*, Subproceeding No. 88-1. 96-16-038, § 308-93-710, filed 8/1/96, effective 9/1/96.]

WAC 308-93-720 Indian tribe exempt vessels. (1) What is an Indian tribe exempt vessel under the Consent Decree entered in *United States v. Washington*, Civ. No. 9213 - Phase I - Sub. 88-1 entered on November 28, 1994? State ad valorem property (personal property) and watercraft excise taxes will not be imposed upon any vessel owned by a tribal member(s) and used in connection with the exercise of federally secured fishing rights, so long as the member's tribe imposes a treaty, fishing rights-related tax. The taxes also will not apply to tribally owned boats used in connection with or in activities related to the exercise of tribal fishing rights, including but not limited to, management, regulation or enforcement thereof.

(2) Are state registration numbering and fee requirements applied to vessels recognized under Consent Decree entered in *United States v. Washington*, Civ. No. 9213 - Phase I - Sub. 88-1 entered on November 28, 1994? State registration, numbering, and fee requirements otherwise applicable to a nontreaty vessel, will not be applied to any tribally owned vessel or vessel owned by a tribal member(s) which is used in the exercise of treaty fishing rights and is tribally registered.

[Statutory Authority: RCW 88.02.100. 02-05-058, § 308-93-720, filed 2/15/02, effective 3/18/02. Statutory Authority: RCW 88.02.100 and *United States v. Washington*, Subproceeding No. 88-1. 96-16-038, § 308-93-720, filed 8/1/96, effective 9/1/96.]

WAC 308-93-730 Indian tribe vessel numbering system. (1) What are the specifications for an Indian tribe vessel registration number? A tribal vessel number conforming to the specifications of 33 C.F.R. sections 173.27 and 174.23 and a certificate of number conforming to 33 C.F.R. section 174.19, must be assigned, and a "decal" must

be issued for each Indian tribe and tribal member vessel and displayed thereon. Upon agreement of the Coast Guard and Indian tribes, different specification may be established for treaty fishing vessels.

(2) How are Indian tribe vessel registration numbers dispersed? Each tribe is entitled to a block of numbers with a unique tribal suffix. Each tribe may select a unique, three-letter suffix for its state or tribally produced vessel number, unless otherwise agreed upon by the Coast Guard. The vessel numbers must be of the same size and placed in the same location as specified for those vessels registered under chapter 88.02 RCW. The department will not issue a plaque, sticker, or other form of number to affix to a numbered vessel.

(3) Are Indian tribe vessel registration number decals unique to the tribe? The decal may be unique to each tribe, as long as the decal conforms to the Coast Guard specifications regarding size and color. A tribe may choose to use decals provided by the department.

(4) When will the department supply the Indian tribe with a list of vessel numbers and decals? By June 1st of each year, the department will provide each Indian tribe a list of vessel numbers, and state decals if the Indian tribe so requests, in the quantity, and with any particular three-letter suffix specified by the Indian tribe. Such quantity must be sufficient to enable each Indian tribe to issue a vessel number to each of its tribal fishers for the vessels they use in the treaty fishery. The department has thirty days to provide an Indian tribe the list of vessel numbers and decals after the Indian tribe has advised the department of its number and decal requirement.

(5) What happens if the department fails to provide a list of vessel numbers requested by an Indian tribe in the time frame outlined in subsection (4) of this section? Failure by the department to provide a list of vessel numbers requested by an Indian tribe in the time frames outlined in this section will not prohibit the Indian tribe or tribal fishermen from lawfully fishing under the treaty fishing right, and will be a complete defense in any action by the state to enforce its tax or vessel registration laws until the state complies with the terms of this section.

[Statutory Authority: RCW 88.02.100. 02-05-058, § 308-93-730, filed 2/15/02, effective 3/18/02. Statutory Authority: RCW 88.02.100 and *United States v. Washington*, Subproceeding No. 88-1. 96-16-038, § 308-93-730, filed 8/1/96, effective 9/1/96.]

WAC 308-93-740 Indian tribe vessel registration. What registration conditions must be met to satisfy the state and the Coast Guard? Tribal and tribal member vessels will be deemed by the state and the Coast Guard to be properly registered provided the following conditions are met:

(1) The tribal member has provided information listed in subsection (3) of this section to the Indian tribe of which they are a member, on forms satisfactory to the tribe and the state; and

(2) The tribe to which the individual member belongs has approved registration of the vessel and has notified the department, using forms satisfactory to the tribe and the state which contain information listed in subsection (3) of this section;

(3) Information required on the form for registration of a tribal vessel:

- (a) Name and address of the owner, including zip code;
 - (b) State in which vessel is or will be principally used;
 - (c) The hull identification number previously issued by an issuing authority for the vessel, if any;
 - (d) Whether the application is for a new registration, renewal, or transfer of ownership;
 - (e) Whether the vessel is used for pleasure, rent or lease, dealer or manufacturer demonstration, commercial passenger carrying, commercial fishing, or other commercial use;
 - (f) Make of vessel;
 - (g) Year vessel was manufactured or model year;
 - (h) Manufacturer's or department assigned hull identification number, if any;
 - (i) Overall length of vessel;
 - (j) Type of vessel, i.e., open, cabin, house, or other;
 - (k) Hull building material, i.e., wood, steel, aluminum, fiberglass, plastic, or other;
 - (l) The propulsion, i.e., inboard, outboard, inboard-out-drive, sail, or other;
 - (m) The fuel, i.e., gasoline, diesel, or other;
 - (n) The signature of the owner;
- (4) The registering tribe may issue a vessel number from the list obtained from the department, upon tribal approval of a member's registration application. The registration:

- (a) Will be valid for a term of one year;
- (b) Will be effective immediately; and
- (c) Will remain in effect until suspended or revoked by the tribe in accordance with the procedure set forth in WAC 308-93-750, or for any other reason the tribe determines appropriate.

[Statutory Authority: RCW 88.02.100, 02-05-058, § 308-93-740, filed 2/15/02, effective 3/18/02. Statutory Authority: RCW 88.02.100 and United States v Washington, Subproceeding No. 88-1. 96-16-038, § 308-93-740, filed 8/1/96, effective 9/1/96.]

WAC 308-93-750 Improper Indian tribe registration. (1) **May the department either object to or seek revocation of tribal issuance of a registration contained in the tribal vessel registration maintained with the department?** Yes. The department may object to and seek revocation of tribal issuance of a registration contained in the tribal vessel registration program maintained with the department only if it is determined that:

- (a) Inaccurate or false information has been submitted; or
- (b) Information required pursuant to WAC 308-93-740(3) is omitted; or
- (c) The department obtains information that the vessel is stolen or is not owned by the registrant.

(2) **Is the department required to notify the tribe that the registration appears to be improper?** Yes, the department must notify the tribe that the registration appears to be improper. The department's objection must be made either in person or by certified mail, return receipt requested. Within thirty days of receipt of the notice, the tribe must provide the information requested, take the requested action, clarify any misunderstanding, or inform the department that the tribe does not intend to take the action requested or provide the requested information.

(5/11/10)

(3) **Does the department have the right to request revocation of a tribally issued registration and number?**

Yes, the department may request a tribally issued registration and number be revoked at any time should it be determined that the information originally submitted was false or inaccurate, the vessel is stolen or not owned by the registrant. The registrant and tribe must be given a reasonable opportunity to correct inaccurate information.

(4) **Is the revocation of a tribal vessel registration request effective immediately?** No, nor will any tribe be required to revoke, the registration, number, or vessel decal issued by the tribe to the tribal member until all dispute resolution procedures have been exhausted. If the state establishes the registration is improper, the tribe must revoke the registration number and decal.

[Statutory Authority: RCW 88.02.100, 02-05-058, § 308-93-750, filed 2/15/02, effective 3/18/02. Statutory Authority: RCW 88.02.100 and United States v Washington, Subproceeding No. 88-1. 96-16-038, § 308-93-750, filed 8/1/96, effective 9/1/96.]

WAC 308-93-760 Indian tribe vessel computer data base. (1) **When must the tribe notify the department of a vessel registration?** Each tribe must forward the proper forms and documentation to the department within five working days after approval of the registration. The mailing address is:

Department of Licensing
Title and Registration Services
Post Office Box 9909
Olympia, Washington 98507-9909

The department will store the registration data in a computer system, with twenty-four-hour availability, and have procedures that will limit access to civil or criminal law enforcement entities seeking information for law enforcement purposes.

(2) **Shall the tribe notify the department if they find information that is not correct or is incomplete on a tribal vessel registration?** Yes, if a tribe becomes aware that information regarding a vessel authorized by that tribe to participate in the treaty fishery, and contained in the department vessel identification system, or the vessel identification system of another tribe, may be erroneous or incomplete and should be corrected, the tribe will promptly notify the department or the tribe which operates the identification system. The notice to the department and the other tribe must state the reasons why it is believed the system information is incorrect or incomplete. The notifying tribe must also identify the correct or additional information the tribe believes should be entered into the system. The department will respond promptly to each notice regarding inaccurate or incomplete information, explaining what, if any, changes or corrections have been made.

[Statutory Authority: RCW 88.02.100, 02-05-058, § 308-93-760, filed 2/15/02, effective 3/18/02. Statutory Authority: RCW 88.02.100 and United States v Washington, Subproceeding No. 88-1. 96-16-038, § 308-93-760, filed 8/1/96, effective 9/1/96.]

WAC 308-93-770 Disclosure of Indian tribal vessel data. (1) **Who has access to tribal vessel data?** Indian tribes and tribal member vessel registration data will be stored in the department's computer system, which has

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twenty-four-hour availability. The department has procedures limiting access to civil or criminal law enforcement entities seeking information for law enforcement purposes. Unless ordered by a court of competent jurisdiction, no access by business persons or other private individual will be permitted unless the treaty fisher or tribe has authorized such release of information in writing. Release of information may be made to other persons or groups when specifically authorized in writing by all persons identified in the information to be released.

(2) **How is access to tribal vessel information obtained?** Access to Indian tribe vessel information must be available via a modem, or other suitable electronic format, to all state, tribal, federal, and foreign law enforcement agencies. Information available by computer will not be considered in the possession or control of any other entity. On-line access is authorized between and among all parties' vessel registration information systems to permit state, tribal, and federal enforcement personnel to directly obtain vessel registration information from the various governments' vessel information systems, regarding treaty and nontreaty vessels. No altering of another party's information will be made without that party's consent.

(3) The state shall defend against any private entity's attempt to establish a legal right to obtain tribal registration data. The department must notify the affected tribe of any such private party's claim at the time the claim is made, and must keep the tribe informed as to the status of the matter.

[Statutory Authority: RCW 88.02.100. 02-05-058, § 308-93-770, filed 2/15/02, effective 3/18/02. Statutory Authority: RCW 88.02.100 and United States v Washington, Subproceeding No. 88-1. 96-16-038, § 308-93-770, filed 8/1/96, effective 9/1/96.]