

# Frequently Asked Questions on SB92

## Can you clearly describe the changes in registration and titling? How does this affect Alaska's boaters?

First, let's clear up the difference between "registration" and "title". This is similar to your car or boat trailer. A title is a document that is used to clearly claim ownership to a boat. Registration is a means of a state to have a regular touch in on a boat to more easily trace ownership for law enforcement and fee collection. At least 26 other states require documented vessels to also be registered. Alaska is only one of a handful of states that still don't title undocumented boats.

Vessel Type	Registration		Title	
	Currently	Under SB92	Currently	Under SB92
Undocumented	Registered with the State of Alaska/has AK numbers. \$24 every three years. Penalty for no registration is \$50. Regulations exist under the Dept. of Administration as to how the registration/numbering of boats works and how it is enforced.	No change to the system of boat registration except a fee increase of \$6 every three years.	Alaska does not provide vessel titles	A title program is rolled out through regulations under DMV and titles are established and required. Penalties for not having a title are the same as not having registration
Documented	Alaska does not currently register documented vessels.	The State's current boat registration program is expanded to include documented vessels. All the existing components are unchanged as far as length of time in state waters, enforcement, etc. The registration fee is increased by \$6 and is no \$30 every three years for all boats. Documented vessels do not have to carry AK numbers as part of their registration requirement per federal law.	Federal Law prohibits state titling of documented vessels.	No change.

Definition of “federally documented”: A vessel or boat over 5 net tons that is engaged in commerce and is owned by a US citizen is required under federal law to be documented with the United States Coast Guard. Under federal law, a documented vessel is NOT ALLOWED to be state titled. It is entirely legal, and very common, for state registration to also be required for documented vessels. Recreational boats that meet the above guidelines may elect to be federally documented, however it is not a requirement.

*More information on federal documentation:*

USCG National Documentation Center FAQ: <http://www.dco.uscg.mil/Our-Organization/Assistant-Commandant-for-Prevention-Policy-CG-5P/Inspections-Compliance-CG-5PC-/National-Vessel-Documentation-Center/National-Vessel-Documentation-Center-FAQ/>

Boat US Government FAQ: <http://www.boatus.com/gov/faq.asp>

Boat US 101 on registration: <https://www.boatus.org/study-guide/boat/registration/>

**Why would we need documented vessels to also be registered? Isn’t that redundant?**

Through boat registrations, we know there are 68,000 recreational boats in Alaska’s waters. We have no idea how many documented vessels are operating across our coast and rivers. Without state registration, there is no way to keep track of the scope of vessels operating in Alaska. Given the expense and liability of abandoned boats that we experience, it is only prudent that the State join the 26 other states around the country (including Washington) in requiring federally documented vessels to also register with the state. This will not only provide information on the sheer number of vessels that call Alaska home, but it will also provide another avenue for determining ownership in derelict vessel disputes.

**Okay, aside from registration and title how does this bill impact Alaska’s boaters?**

It doesn’t. If you are a responsible boat owner and don’t walk away from a mess, nothing else in the bill will impact you.

**Why does the bill talk about ‘boats’ and ‘vessels’? Shouldn’t the language be consistent?**

This bill amends two different chapters under two different titles of statute. The first eight sections address title and registration, and are under AS 05.25. Our intention is to change as little of this chapter as possible to meet the needs brought forth by the Task Force. AS 05.25 (Watercraft) generally uses the term ‘boat’, and the chapter covers a full suite of boating laws for the state’s boating safety program in addition to registration requirements. This is good law, and we do not wish to change any more of it than is outlined in the bill. The remaining sections of the bill address AS 30.30 where the term ‘vessel’ is defined and utilized throughout.

**This legislation won’t change anything – the irresponsible people will still walk away from their boats, so why bother?**

First, this is an argument against nearly any law. We know there are major holes in our current derelict vessel statutes, and this bill will create better law that is more understandable, enforceable, and fair. Second, the current law does not provide sufficient due process to boat owners in the event that a public entity seeks to impound their vessel. This bill addresses that and provides a major improvement in the rights afforded to boat owners under federal law. Third, we have seen across the country that states that are doing *something* – even with limited funds and resources, are seeing improvements in their response to the growing problem of derelict vessels. We cannot afford to keep our heads in the sand with outdated, unenforceable, and unclear laws.

### **Does this require DNR to impound boats? Where's the funding? Do they have the resources to do that?**

No – nothing in this bill requires action from any party, except for clearly spelling out the process for when a vessel is being impounded. The state has only ever impounded three vessels – two in 2013 and one in 2017. We don't anticipate this changing dramatically any time soon. However, the bill does permissively allow for the creation of a derelict vessel prevention program under ADNR. Right now, ADNR is spending ample staff time dealing with derelict vessel cases around the state in a bad game of 'whack-a-mole'. To name just a few on state waters: F/V Akutan, the Adak tugs, M/V Challenger, F/V Pacific Producer, 30+ derelict barges in Steamboat Slough (including the first ever case being brought against an owner under our current derelict vessel laws), illegal floating facilities outside of Kake, Port Protection, and Thorne Bay, and the F/V Kupreanof and F/V Leading Lady. Under this bill, DNR would at least have the statutory authority to begin streamlining their efforts to be more effective in dealing with this statewide chronic problem.

Through the development of the derelict vessel prevention fund, there is an opportunity to begin creating a funding source for this effort. There is revenue generated by the user groups through the registration and titling sections, some of which may be directed by the legislature to help address derelict vessels.

Nothing in the bill ties the hands of DNR; everything in it is work they are already tasked with doing to some degree or another as the manager of our public land and waters.

### **What about private businesses?**

Private individuals and entities are not necessarily required to follow the same rules as state agencies or municipalities when it comes to trespass issues. Derelict vessels left illegally on private property are included in the bill as a violation of state law; however, the requirements for notice, impoundment, disposal, and hearings are specifically written to cover public entities.

### **Why don't the harbors keep these old boats instead of turning them out onto state waters?**

Alaska's harbors are critical infrastructure needed for our fisheries, our subsistence communities, transportation, and our quality of life in coastal and riverine communities. Municipalities are rightfully protective of this infrastructure and their paying customers. Most harbors are operated as enterprise funds, and as such asking the harbor to subsidize derelict boats alone is akin to asking the slip holders and harbor users to pay for this statewide problem. A number of our harbors have dramatically improved their local ordinances to protect against derelict vessels (including Juneau, Kodiak, Cordova, Homer, Seward, and others). If we don't improve our state laws and work together, the burden of liability will rest on the State and on the smaller communities lacking the legal and financial resources to better protect themselves. This is irresponsible at best; this bill provides a more level playing field for all parties to work together to hold vessel owners responsible and better manage derelict vessels statewide.

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