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Referred: State Affairs
and Finance

1 IN THE HOUSE

BY WHITTAKER

2 HOUSE BILL NO. 662

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the registration of watercraft."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 * Section 1. AS 05 is amended by adding new sections to read:

9 ARTICLE 4. WATERCRAFT REGISTRATION.

10 Sec. 05.25.110. ADMINISTRATION. The department shall observe,
11 administer, and enforce secs. 110 - 580 of this chapter.

12 Sec. 05.25.120. POWERS AND DUTIES OF DEPARTMENT. (a) The depart-
13 ment may adopt and enforce regulations necessary to carry out secs. 110-
14 580 of this chapter.

15 (b) The department may take possession of a certificate of title
16 and registration card issued by it upon its expiration, revocation,
17 cancellation or suspension, or which is fictitious or which is unlaw-
18 fully or erroneously issued.

19 (c) The department shall prescribe and provide forms of applica-
20 tions, certificates of title, registration cards and all other forms
21 necessary to carry out secs. 110 - 580 of this chapter.

22 (d) The department shall examine and determine the genuineness,
23 regularity, and legality of every application for registration of a
24 watercraft, certificate of title, and any other application made to it.
25 It may make necessary investigations or require additional information.
26 It shall reject an application if not satisfied as to the genuineness,
27 regularity, or legality of the application, or the truth of any state-
28 ment contained in it.

29 Sec. 05.2 .130. WATERCRAFT SUBJECT TO REGISTRATION. Every

1 watercraft which has propulsion machinery and which does not have Coast
2 Guard documentation is subject to the registration provisions of
3 secs. 110 - 580 of this chapter.

4 Sec. 05.25.140. APPLICATION FOR REGISTRATION. (a) Every owner
5 of a watercraft subject to registration shall apply to the department
6 for the registration of the watercraft on the appropriate form furnished
7 by the department. The application shall be signed by the owner and
8 contain

9 (1) the name, residence, and business address of the owner;

10 (2) a description of the watercraft, including the make,
11 model, type of body, the serial number, the engine or other number of
12 the watercraft, whether new or used, and, if a new watercraft, the date
13 of sale by the manufacturer or dealer to the person intending to operate
14 the watercraft, and any lien or encumbrance and its amount;

15 (3) if the watercraft is a specially constructed, recon-
16 structed, or foreign watercraft, that fact shall be stated in the
17 application; and

18 (4) any other information the department reasonably requires
19 in order to enable it to determine whether or not the watercraft is
20 entitled to registration.

21 (b) An application for the registration of a new watercraft
22 purchased from a dealer shall be accompanied by a "Statement of Water-
23 craft Sale" on a form approved by the department. This statement shall
24 include the following information: the name and address of the dealer;
25 the name and address of the purchaser; the make, body, style, year,
26 engine number, and model or series number of the watercraft. It shall
27 state whether the watercraft is new or a demonstrator and give an
28 itemized breakdown of the price charged the purchaser to clearly
29 reflect the separate charges for taxes, transportation, accessories,

1 transfer, title fees, and all other charges; the total cash delivered
2 price; a clear and concise description of all credits against the
3 purchase price by payment or trade-in or otherwise. If the watercraft
4 is sold on a time contract the statement shall include an itemized
5 breakdown of all finance, insurance, and other charges made by the
6 dealer to arrive at the true balance. The statement shall be subscribed
7 and sworn to before a notary public by an authorized representative of
8 the dealer. The dealer shall furnish the purchaser with a copy before
9 the consummation of the sale.

10 Sec. 05.25.150. WATERCRAFT REGISTERED ELSEWHERE. Upon registering
11 a watercraft registered in another state or country, the applicant shall
12 surrender to the department all certificates of registration, or other
13 evidence of registration which is in his possession or control. However,
14 if in the course of interstate operation of a watercraft registered in
15 another state it is desirable to retain registration of the watercraft
16 in the other state, the applicant need not surrender the evidence of
17 foreign registration but shall submit it for inspection, and the depart-
18 ment, on a proper showing, shall register the watercraft. However, the
19 department may not issue a certificate of title for the watercraft. If
20 the registered or legal owner cannot surrender the out-of-state title,
21 or in the case of a nontitle state, the registration certificate,
22 because of an encumbrance or otherwise, the department shall register
23 the watercraft in the usual manner and shall mark the State of Alaska
24 registration certificate "No Alaska Title Issued".

25 Sec. 05.25.160. APPLICATION FOR REGISTRATION OF NEW WATERCRAFT TO
26 CONTAIN BILL OF SALE. When application for registration is made for a
27 new watercraft purchased from a dealer, the application shall be
28 accompanied either by a receipted invoice, by a bill of sale, or if the
29 sale is conditional by a statement by the dealer showing the lien

1 retained by the dealer.

2 Sec. 05.25.170. GROUNDS FOR REFUSING REGISTRATION. The depart-
3 ment shall refuse registration, or a transfer of registration, upon
4 any of the following grounds:

5 (1) that the application contains a false or fraudulent
6 statement, or that the applicant has failed to furnish required informa-
7 tion or reasonable additional information requested by the department,
8 or that the applicant is not entitled to the issuance of a certificate
9 of registration of the watercraft;

10 (2) that the department has reasonable ground to believe
11 that the watercraft is a stolen or embezzled watercraft, or that the
12 granting of registration would constitute a fraud against the rightful
13 owner or other person having a lien on the watercraft; or

14 (3) that the registration of the watercraft stands suspended
15 or revoked for any reason provided by law.

16 Sec. 05.25.180. ISSUANCE OF REGISTRATION CARD UPON REGISTRATION.

17 (a) The fee for registering of a watercraft is \$5. When the depart-
18 ment registers a watercraft, it shall issue a registration card to the
19 owner. The registration card shall contain on its face the following:
20 the registration number assigned to the watercraft and date of issuance;
21 the owner's name and post office address; the make, model, and serial
22 number of the watercraft; the engine serial number; lien, if any;
23 certificate of ownership number; and other matters the department may
24 require. The registration card shall contain a space for the signature
25 of the registered owner, and the owner shall sign it in ink immediately
26 upon receipt.

27 (b) the registration card shall be carried in the watercraft to
28 which it refers at all times or shall be carried by the person operating
29 or in control of the watercraft who shall display it upon demand of a

1 peace officer or an authorized representative of the department. The
2 owner of a watercraft, used or designed for use in the transportation
3 of persons for hire or transportation of property shall enclose the
4 registration card for the watercraft in a metal or other durable
5 container with transparent covering to permit inspection of the contents
6 of the card, and shall have the card affixed in plain sight to the
7 watercraft or carry it in a tool bag or other convenient receptacle
8 attached to the watercraft.

9 Sec. 05.25.190. ISSUANCE OF DUPLICATE REGISTRATION CARD. If a
10 registration card is lost, mutilated, or destroyed, the owner of a
11 registered watercraft may obtain a duplicate from the department by
12 filing, on appropriate forms prescribed by the department, an applica-
13 tion showing the fact of loss, mutilation, or destruction, and paying
14 a fee of \$2.

15 Sec. 05.25.200. OBTAINING CERTIFICATE OF TITLE AS CONDITION TO
16 REGISTRATION. Except as to watercraft provided for in sec. 150 of this
17 chapter, the department may not register a boat unless the applicant
18 for registration at the same time applies for and obtains an official
19 certificate of title to the watercraft, or presents satisfactory
20 evidence that a certificate of title was previously issued to him. The
21 department may not accept the application for the original registration
22 or certificate of title to a watercraft unless the watercraft is in the
23 state at the time of application. However, the department may accept
24 an application for registration and certificate of title for a water-
25 craft which is not in the state when the application is made by a
26 dealer holding a state business license or by a resident of the state
27 when the application is accompanied by a manufacturer's certificate of
28 origin.

29 Sec. 05.25.210. APPLICATION FOR CERTIFICATE OF TITLE. Every

1 owner of a watercraft subject to registration under this chapter shall
2 apply to the department for a certificate of title for the watercraft
3 on the appropriate form or forms furnished by the department. The
4 application shall be signed by the owner and shall contain

5 (1) the name, residence, business address and post office
6 address of the owner;

7 (2) a description of the watercraft, including the make,
8 model, type of body, the serial number, the engine or other number of the
9 watercraft, whether new or used, and if a new watercraft, the date of
10 sale by the manufacturer or dealer to the person intending to operate
11 the watercraft;

12 (3) a statement of the applicant's title, and a statement
13 of liens or encumbrances upon the watercraft; and

14 (4) other information the department may reasonably require.

15 Sec. 05.25.220. CERTIFICATE OF TITLE FOR WATERCRAFT OF ANOTHER
16 STATE. The department may not issue a certificate of title for a
17 watercraft of another state unless the applicant surrenders the certifi-
18 cate of title issued by the other state, if that state requires a
19 certificate of title. If the other state does not require a certificate
20 of title, the applicant shall surrender the registration card or other
21 evidence of foreign registration in his possession or control.

22 Sec. 05.25.230. TEMPORARY PERMITS. The department may grant a
23 temporary permit to operate a watercraft pending action on the applica-
24 tion for registration and issuance of certificate of title. The fee
25 for a temporary permit is \$2.

26 Sec. 05.25.240. GROUNDS FOR REFUSAL TO ISSUE CERTIFICATE OF TITLE.
27 The department shall refuse to issue a certificate of title on any
28 ground justifying refusal of registration under sec. 170 of this
29 chapter.

1 Sec. 05.25.250. ISSUANCE OF CERTIFICATE OF TITLE. Upon applica-
2 tion and payment of a fee of \$5, the department shall issue a certifi-
3 cate of title. The certificate shall contain the same information
4 contained in the registration card, and in addition, a statement of the
5 owner's title and of all liens and encumbrances upon the watercraft, and
6 whether possession is held by the owner under a lease, contract of
7 conditional sale, or other agreement. The certificate shall contain on
8 the reverse side a space for the signature of the owner, and the owner
9 shall sign his name in ink upon receipt of the certificate. On the
10 reverse side the certificate shall contain forms for assignment of title
11 or interest and warranty of title by the owner with space for notation
12 of liens and encumbrances on the watercraft at the time of transfer.
13 The department may require that other matters also be shown on the
14 certificate.

15 Sec. 05.25.260. DELIVERY OF CERTIFICATE OF TITLE. The certificate
16 of title shall be delivered to the person holding the legal title. If
17 a lien or encumbrance appears on the certificate, it shall be delivered
18 to the person holding the first lien or encumbrance on the watercraft
19 as shown in the certificate.

20 Sec. 05.25.270. DUPLICATE CERTIFICATE OF TITLE. If a certificate
21 of title is lost, or becomes mutilated, or illegible, the owner or
22 legal representative or successor in interest of the owner of the
23 watercraft for which the certificate was issued, as shown by the records
24 of the department, shall immediately apply for and may obtain a
25 duplicate. The applicant shall furnish information satisfactory to the
26 department, and pay a fee of \$2. The duplicate certificate of title
27 shall have printed or stamped in ink upon its face the words "duplicate
28 certificate" and, if more than one duplicate certificate is issued, this
29 fact shall appear upon the face of the duplicate certificate.

1 Sec. 05.25.280. TRANSFER OF TITLE OR INTEREST BY OWNER. When the
2 owner of a registered watercraft transfers or assigns his title or
3 interest, the registration of the watercraft expires. The owner shall
4 endorse an assignment and warranty of title on the certificate of
5 title for the watercraft with a statement of all liens or encumbrances,
6 and he shall deliver the certificate of title and certificate of
7 registration to the transferee at the time of delivering the watercraft,
8 except as provided in sec. 310 of this chapter.

9 Sec. 05.25.290. NEW OWNER TO SECURE TRANSFERS. Before operating
10 or permitting the operation of the watercraft, the transferee shall
11 present the certificate of registration and certificate of title,
12 properly endorsed, accompanied by a fee of \$10, to the department
13 within 20 days following transfer of ownership, and shall apply for
14 and obtain a new certificate of title and new registration for the
15 watercraft, except as permitted in sec. 320 of this chapter.

16 Sec. 05.25.300. ISSUANCE OF NEW REGISTRATION AND CERTIFICATE OF
17 TITLE. The department, upon receipt of an endorsed certificate of
18 title and certificate of registration and application for registration,
19 and the required fee, and when satisfied as to the genuineness and
20 regularity of the transfer and right of the transferee to a certificate
21 of title, shall reregister the watercraft in the name of the new owner
22 and issue a new certificate of registration and a certificate of title.
23 Until the department issues a new certificate of registration and
24 certificate of ownership, delivery of a watercraft required to be
25 registered under this chapter shall be considered not to have been made
26 and title shall be considered not to have passed, and the intended trans-
27 fer shall be considered incomplete and not valid or effective for any
28 purpose.

29 Sec. 05.25.310. TRANSFER BY DEALER OF UNREGISTERED WATERCRAFT.

1 When a dealer transfers an unregistered watercraft, he shall immediately
2 file with the department on a form to be furnished by the department a
3 notice, statement or report containing the date of transfer, a
4 description of the watercraft, the name and post office address of the
5 transferee, together with other information the department may require.

6 Sec. 05.25.320. TRANSFER TO DEALER. When the owner of a regis-
7 tered watercraft transfers or assigns his title or interest to a dealer,
8 the transferor shall merely endorse the certificate of title. The
9 dealer is not required to present the certificate of registration or
10 certificate of title to the department, as provided in sec. 290 of
11 this chapter, until the watercraft is transferred by the dealer, However,
12 the dealer shall immediately notify the department that the watercraft
13 has been transferred to him.

14 Sec. 05.25.330. TRANSFER BY DEALER OF REGISTERED WATERCRAFT. When
15 a dealer transfers a watercraft which was transferred to him as provided
16 in sec. 320 of this chapter, the dealer shall deliver to the transferee
17 the assigned certificate of title received by the dealer from his
18 transferor. The certificate shall be forwarded to the department as
19 provided in sec. 290 of this chapter, together with a fee of \$10. The
20 department shall issue a new certificate of registration and new
21 certificate of title as provided in sec. 300 of this chapter, and
22 deliver them to the transferee of the dealer subject to sec. 260 of
23 this chapter.

24 Sec. 05.25.340. TRANSFER BY OPERATION OF LAW. When the title or
25 interest of an owner to a registered watercraft passes to another by
26 involuntary transfer, the registration expires, and the watercraft may
27 not be operated until the person entitled to possession obtains the
28 registration of it. Upon an involuntary transfer a new owner may
29 either obtain a new registration and certificate of title by applying

1 for it and presenting an instrument or document of authority or a
2 certified copy of it which is sufficient or required by law to
3 evidence or effect a transfer of title or interest to the watercraft, or
4 the new owner, upon transferring his title or interest to another person,
5 shall execute and acknowledge an assignment and warranty of title and
6 deliver them, together with the document of authority or certified copy
7 of it, to the transferee.

8 Sec. 05.25.350. ASSIGNMENT BY LIENHOLDER. A person holding a
9 lien or encumbrance on a watercraft, other than a lien dependent solely
10 on possession, may assign his title or interest to the watercraft to a
11 person other than the owner without the consent of the owner and without
12 affecting the interest of the owner or the registration of the water-
13 craft. The person assigning his interest shall give written notice of
14 the assignment to the owner. Upon receiving a certificate of title
15 assigned by the holder of a lien or encumbrance shown on the certificate
16 and the name and address of the assignee accompanied by a fee of \$5,
17 the department shall issue a new certificate of title.

18 Sec. 05.25.360. RELEASE BY LIENHOLDER TO OWNER. A person holding
19 a lien or encumbrance shown on a certificate of title on a watercraft
20 may release the lien or encumbrance or assign his interest to the owner
21 without affecting the registration of the watercraft. Upon receiving
22 a certificate of title on which a lienholder has released or assigned
23 his interest to the owner, or upon receipt of a certificate of title
24 not endorsed but accompanied by a legal release from a lienholder or his
25 interest to a watercraft, and upon receipt of a fee of \$5, the department
26 shall issue a new certificate of title.

27 Sec. 05.25.370. OWNER DISMANTLING OR WRECKING WATERCRAFT. An
28 owner who dismantles or wrecks a registered watercraft shall immediately
29 forward the certificate of title and registration card for the watercraft

1 to the department.

2 Sec. 05.25.380. UNLAWFUL FAILURE TO ENDORSE AND DELIVER CERTIFI-
3 CATE. No person may fail or neglect to endorse and deliver a certifi-
4 cate of title to a transferee or owner lawfully entitled to it.

5 Sec. 05.25.390. TRANSFER REQUIRING INSURANCE. Every dealer who
6 transfers by sale, lease, or otherwise a new or used watercraft subject
7 to registration and who requires the transferee to insure the watercraft
8 and every lending agency with a security interest in the watercraft
9 which requires its obligor to insure the watercraft, shall if the
10 insurance policy is obtained by the dealer or lending agency and the
11 policy does not insure the transferee or obligor against damages
12 resulting from the ownership or operation of the watercraft arising
13 by reason of personal injury to or the death of a person, or from
14 injury to property, notify the transferee or obligor of that fact and
15 of the general scope of the insurance required by the dealer or lending
16 agency. The notification shall be in writing on a document other than
17 the insurance policy, and the transferee or obligor shall acknowledge
18 the notice in writing on a document other than the insurance policy.
19 However, notice or acknowledgment need not be given if the insurance
20 is obtained by the dealer or lending agency because the transferee or
21 obligor fails or refuses to furnish insurance or to renew insurance in
22 accordance with the terms of the contract of sale, encumbrance, or other
23 loan agreement.

24 Sec. 05.25.400. FILING INSTRUMENTS EVIDENCING LIENS OR ENCUM-
25 BRANCES. No conditional sale contract, conditional lease, chattel
26 mortgage, or other lien or encumbrance or title retention instrument
27 on a registered watercraft, other than a lien dependent on possession,
28 is valid as against the creditor of an owner acquiring a lien by levy
29 or attachment or a subsequent purchaser or encumbrancer without notice

1 until the requirements of secs. 410 - 460 of this chapter are complied
2 with.

3 Sec. 05.25.410. PROVISIONS FOR FILING. (a) a copy of the in-
4 strument creating and evidencing the lien or encumbrance shall be
5 filed with the department. The instrument shall be executed in the
6 manner required by law, with a certificate of a notary or other person
7 authorized by law to administer oaths, stating that it is a true and
8 correct copy of the original.

9 (b) If a certificate of title is issued before the lien or
10 encumbrance attaches, the copy of the instrument creating and evidencing
11 the lien or encumbrance shall be accompanied by the certificate of
12 title issued by the watercraft.

13 (c) If the watercraft is of a type subject to registration but is
14 not registered and no certificate of title is issued for it, then the
15 certified copy of the instrument creating and evidencing the lien or
16 encumbrance shall be accompanied by an application by the owner in the
17 form for an original registration and issuance of an original certifi-
18 cate of title.

19 (d) A filing fee of \$2 shall accompany every lien document filed
20 with the department.

21 Sec. 05.25.420. NEW CERTIFICATE OF TITLE. Upon receipt of the
22 application and documents, the department shall file them, endorsing
23 on them the date of receipt at the central office of the department.
24 If the department is satisfied as to the genuineness and regularity of
25 the application, it shall issue a new certificate of title giving the
26 name of the owner and a statement of liens or encumbrances certified
27 to the department as existing against the watercraft. The certificate
28 of title shall be delivered by the department to the person holding
29 the lien or encumbrance.

1 Sec. 05.25.430. INDEX OF LIENS AND ENCUMBRANCES. The department
2 shall maintain an index of all lien, encumbrance or title retention
3 instruments filed with it.

4 Sec. 05.25.440. FILING EFFECTIVE TO GIVE NOTICE. The filing and
5 the issuance of a new certificate of title is constructive notice of
6 all liens and encumbrances against the watercraft described in the
7 certificate to creditors of the owner, or to subsequent purchasers and
8 encumbrances. However, an encumbrance or lien on a watercraft for
9 work, labor, material, transportation, storage, or similar activity,
10 whether or not dependent on possession for its validity, is subordinate
11 only to mortgages, conditional sales contracts, or similar encumbrances
12 or liens properly filed on or before the time that the watercraft is
13 subject to, or comes into possession of, the encumbrance or lien
14 claimant.

15 Sec. 05.25.450. DATE OF CONSTRUCTIVE NOTICE. If the documents
16 referred to in this section are received and filed in the central
17 office of the department within 10 days after the date the documents
18 are executed, the constructive notice dates from the time of the
19 execution of the documents. Otherwise constructive notice dates from
20 the time of receipt and filing of the documents by the department as
21 shown by its endorsement on them.

22 Sec. 05.25.460. METHOD OF GIVING NOTICE EXCLUSIVE. (a) Filing
23 as provided in sec. 410 of this chapter is the exclusive method of
24 giving constructive notice of a lien or encumbrance on a registered
25 watercraft, except as to liens dependent upon possession, and a lien
26 or encumbrance or title retention instrument which is filed and
27 documents evidencing the instrument are exempt from secs. 22-6-5,
28 29-2-5, and 29-2-6, ACLA 1949, but only to the extent that those
29 sections are inconsistent with the method provided in this section for

1 the giving of constructive notice of a lien or encumbrance on a
2 registered watercraft.

3 Sec. 05.25.470. NONRESIDENT OWNERS OF WATERCRAFT. (a) A person
4 who brings a watercraft subject to registration under this chapter into
5 the state which is registered in another state and who uses the water-
6 craft for pleasure only is exempt from the registration provisions of
7 this chapter for 90 days after entry into the state. The exemption does
8 not apply if the person becomes gainfully employed in the state or takes
9 action which indicates his intention to acquire residence in the state.

10 (b) A person who brings a watercraft subject to registration under
11 this chapter into the state which is registered in another state, and
12 who operates the watercraft in the state for compensation or profit is
13 subject to the registration and licensing provisions of this chapter.
14 However, the watercraft may be operated in the state in the transporta-
15 tion of persons or property exclusively in interstate commerce, if
16 registered and licensed under the laws of another state, but only to
17 the extent that in that state the same exemptions and privileges are
18 granted to watercraft registered and licensed under this chapter and
19 owned by residents of this state.

20 (c) The department may enter into reciprocal contracts and
21 agreements which it considers proper or expedient with the authorities
22 of other states, regulating the use of the watercraft owned in other
23 states and licensed under the laws of those states. The department may
24 confer and advise with the officers, officials, and legislative bodies
25 of the state and other states to promote reciprocal agreements under
26 which the registration of watercraft owned in the state are recognized
27 by other states.

28 Sec. 05.25.480. NOTICE OF CHANGE OF NAME OR ADDRESS. A person
29 who has a registration or has applied for registration and who changes

1 his name or moves from the address shown on the registration card or
2 certificate of title shall notify the department in writing of the
3 change in address or name within 10 days.

4 Sec. 05.25.490. EVIDENCE. In a civil or criminal proceeding when
5 the title or right to possession of a watercraft is involved, the record
6 of registrations and certificates of title as they appear in the files
7 and records of the department are prima facie evidence of ownership
8 or right to possession of the watercraft. Proof of ownership, possession
9 or right to possession of a watercraft shall be made by a copy of the
10 record, certified by the department or by the original certificate of
11 registration or certificate of title issued by the department.

12 Sec. 05.25.500. ENFORCEMENT OF CHAPTER. Peace officers in the
13 state shall enforce secs. 110 - 580 of this chapter.

14 Sec. 05.25.510. LISTS OF REGISTERED WATERCRAFT. The department
15 shall maintain a current record of all watercraft and registrations.

16 Sec. 05.25.520. OPERATION OF UNREGISTERED WATERCRAFT. A person
17 who operates or moves, or an owner who knowingly permits to be operated
18 or moved, a watercraft required to be registered which has not been
19 registered or for which a certificate of title is not issued is guilty
20 of a misdemeanor, and upon conviction is punishable by a fine of not
21 more than \$100.

22 Sec. 05.25.530. FRAUDULENT APPLICATIONS. A person who fraudulently
23 uses a false or fictitious name in an application for the registration
24 of a watercraft or a certificate of title, or knowingly makes a false
25 statement or knowingly conceals a material fact or otherwise commits a
26 fraud in an application for registration is guilty of a felony, and
27 upon conviction is punishable by imprisonment for not less than one
28 year nor more than two years, or by a fine of not more than \$2,000, or
29 by both.

1 Sec. 05.25.540. FALSE EVIDENCE OF TITLE AND REGISTRATION. A
2 person who (1) alters with fraudulent intent a certificate of title,
3 registration card or permit issued by the department, (2) forges or
4 counterfeits a certificate of title, registration card or permit, (3)
5 alters or falsifies with fraudulent intent or forges an assignment
6 upon a certificate of title, or (4) holds or uses a certificate of
7 title, registration card or permit knowing it is altered, forged, or
8 falsified, is guilty of a felony, and upon conviction is punishable by
9 imprisonment for not less than one year nor more than two years, or by
10 a fine or not more than \$2,000, or by both.

11 Sec. 05.25.550. REMOVAL OF WATERCRAFT FROM STATE. A person who
12 removes from the state a watercraft which is the subject of a security
13 interest created under the Alaska Uniform Commercial Code (AS 45.05.-
14 690 - 45.05.794) without the written consent of the secured party, and
15 with the intent to defraud the secured party, is guilty of a felony,
16 and upon conviction is punishable by imprisonment for not more than
17 two years, or by a fine of not more than \$2,000, or by both.

18 Sec. 05.25.560. REPRESENTATION BY DEALERS AS TO WATERCRAFT OF
19 ANOTHER STATE. A dealer or person who represents a watercraft of
20 another state to be new, except new watercraft brought into the state in
21 the ordinary course of business by or through a manufacturer or dealer,
22 and sells or procures the sale of the foreign watercraft as a new boat
23 is guilty of a felony, and upon conviction is punishable by imprisonment
24 for not less than one year nor more than two years, or by a fine of not
25 more than \$2,000, or by both.

26 Sec. 05.25.570. OTHER VIOLATIONS. A person who violates any
27 provision of secs. 110 - 580 of this chapter other than secs. 520 - 560
28 of this chapter is guilty of a misdemeanor, and upon conviction is
29 punishable by a fine of not more than \$100.

1 Sec. 05.25.580. DEFINITIONS. In secs. 110 - 580 of this chapter,
2 unless the context otherwise requires.

3 (1) "dealer" means a franchised dealer, secondhand dealer,
4 used watercraft dealer or other person engaged in the business of
5 buying, selling, or exchanging new or used watercraft of a type required
6 to be registered under this chapter who has an established place of
7 business and who is licensed to do business in the state. A dealer who
8 has an established place of business and is licensed and who sells a
9 watercraft is considered to be carrying on business in the state in the
10 ordinary course of business;

11 (2) "department" means Department of Revenue;

12 (3) "manufacturer" means a person engaged in the business
13 of constructing or assembling watercraft of a type required to be
14 registered under this chapter;

15 (4) "owner" means a person who holds the legal title to a
16 watercraft; but a watercraft is the subject of an agreement for the
17 conditional sale or lease of it with the right of purchase upon per-
18 formance of the conditions stated in the agreement and with an
19 immediate right of possession vested in the conditional vendee or lessee,
20 or if a mortgagor of a watercraft is entitled to possession, the
21 conditional vendee or lessee or mortgagor is the owner for the purposes
22 of this chapter;

23 (5) "specially constructed watercraft" means a watercraft of
24 a type required to be registered under this chapter not originally
25 constructed under a distinctive name, make, model, or type by a
26 generally recognized manufacturer of watercraft and not materially
27 altered from its original construction;

28 (6) "state" means any state, territory, possession, and
29 federal district of the United States, and a province of the Dominion of

1 Canada;

2 (7) "watercraft" includes every device in, upon or by which
3 a person or property is or may be transported or drawn upon the water.
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