

Rulemaking Hearing Rules  
of  
Tennessee Wildlife Resources Agency

Chapter 1660-02-01  
Rules and Regulations for Boating Certificates

Amendments

Rule 1660-02-01-.01, Application for Certificate of Number, is amended by deleting subparagraph (3)(b) in its entirety and replacing it with a new subparagraph (3)(b) to read as follows:

- (b) A dealer and manufacturer certificate is to be used for demonstration and or testing purposes and may be transferred from boat to boat. However, no certificate may be used to operate more than one boat at the same time and each boat operated simultaneously requires a separate certificate.
  - 1. Persons who wish to conduct an on-the-water dealer or manufacturer show may, through an approved application for a Tennessee Wildlife Resources Agency marine permit, use a single manufacturer / dealer certificate of number, followed by a numerical suffix for each boat used: Example: (TN 1234 AA – 1, TN 1234 AA – 2, etc.)
  - 2. The number of boats to utilize this format must be listed on the marine event application and the appropriate fee for each vessel must be remitted to the Tennessee Wildlife Resources Agency.

Authority: T.C.A. §§69-9-209 and 70-1-206.

Rule 1660-02-01-.01, Application for Certificate of Number, is further amended by adding a new paragraph (6) to read as follows:

- (6) Applications for a consignment vessel, certificate of number, shall adhere to the following guidelines:
  - (a) A consignment vessel is one which is owned by a vessel manufacturer, and is consigned to an individual or other entity for a period of time for demonstration or advertising use, and for which no sale has occurred.
  - (b) A consignment vessel certificate of number may only be issued to a vessel manufacturer, whose manufacturing facility is located in Tennessee, and who has obtained a Manufacturer Identification Code issued by the United States Coast Guard.
  - (c) Applications for consignment vessels shall be made using the Tennessee Wildlife Resources Agency "application for boat certificate of number" (WR0292), and include all applicable information outlined in 1660-02-01-.02 (Issuance of Certificate of Number).
  - (d) Applications must be accompanied by proof of manufacturer's status which shall include at least the company name, Manufacturer Identification Code, location of the company office, and United States tax identification number or tax number issued by the Tennessee Department of Revenue.

- (e) The application fee shall be the same as any other vessel of the same length.
- (f) Applications for consignment vessels may be made only with the Nashville office of the Tennessee Wildlife Resources Agency.
- (g) The certificate of number shall be issued in the name of the manufacturer's business name.
- (h) If the vessel is sold at the end of the consignment period, it must be sold as a used vessel.
- (i) The vessel number will remain unchanged at the time of sale unless the state of principal use changes or as outlined in 1660-02-01-.01(5), 1660-02-01-.02(8) or 1660-02-01-.02(9).

Authority: T.C.A. §§69-9-209 and 70-1-206.

1660-02-01-.02, Issuance of Certificate of Number, is amended by deleting paragraph nine (9) and replacing it with a new paragraph nine (9) to read as follows:

- (9) The certificate of number is invalid if the person whose name appears on the certificate loses his interest by legal process.

Authority: T.C.A. §70-1-206.

1660-02-01-.03, Fees for Vessel Registration and Certificate of Number, is amended by deleting this rule in its entirety and replacing it with a new rule to read as follows:

The fee to be collected for issuance of a vessel certificate of number or registration shall be as follows:

| Vessel Fee Category               | 1 year | 2 years | 3 years |
|-----------------------------------|--------|---------|---------|
| 16 feet and under                 | \$13   | \$24    | \$35    |
| Over 16 feet to less than 26 feet | 25     | 48      | 71      |
| 26 feet to less than 40 feet      | 38     | 72      | 107     |
| 40 feet and over                  | 51     | 97      | 142     |
| Dealer / Manufacturer             | 32     | 64      | 95      |
| Duplicate                         | 6      |         |         |
| Consignment:                      |        |         |         |
| 16 feet and under                 | 13     | 24      | 35      |
| Over 16 feet to less than 26 feet | 25     | 48      | 71      |
| 26 feet to less than 40 feet      | 38     | 72      | 107     |
| 40 feet and over                  | 51     | 97      | 142     |

Authority: T.C.A. §§69-9-207 and 70-1-206.

The rulemaking hearing rule amendment set out herein was properly filed in the Department of State on the 3rd day of April, 2008 and will become effective on the 17th day of June, 2008. (FS 04-04-08; DBID 2856)

## ECONOMIC IMPACT STATEMENT

### Rule 1660-02-01 RULES AND REGULATIONS FOR BOATING CERTIFICATES

(1) The type or types of small business and an identification and estimate of the number of small businesses subject to the proposed rule that would bear the cost of, and/or directly benefit from the proposed rule:

Boat dealerships, marinas, and boat manufacturers will be affected by this rule.

(2) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed rule, including the type of professional skills necessary for preparation of the report or record:

This proposed rule does not change the level of administration already in place.

(3) A statement of the probable effect on impacted small businesses and consumers:

There will be an increased fee for boat registration certificates, but more options are open for business' in complying with the boat registration rules.

(4) A description of any less burdensome, less intrusive or less costly alternative methods of achieving the purpose and/or objectives of the proposed rule that may exist, and to what extent, such alternative means might be less burdensome to small business:

Parts of this rule (consignment vessels) will be a decrease in present fees; the other options which are now available should facilitate dealer and manufacturer shows and publicity.

(5) A comparison of the proposed rule with any federal or state counterparts:

These rules are consistent with those in other states.

(6) Analysis of the effect of the possible exemption of small businesses from all or any part of the requirements contained in the proposed rule:

Exemption of small businesses from this rule would make identification of vessels impossible on the water and would place Tennessee in violation of federal laws pertaining to the operation of vessels on state and federal waters.