

Memo

To: EM Miller

From: Robert S. Fisher, Esq.

CC: John Sebert, Stephen Sepinuck

Date: June 5, 2009

Re: Limited Registration Act Amendments

EM:

This is the easiest way to give you a clear version of the captioned enhancements is to list them in this memo with minimum discussion. The most important thing is for the panel to understand what they are and then see how they would fit into the registration and titling processes for a boat.

1. Where would we place these enhancements? Those that affect state registration and titling would be at the end of UCOTA-Vessels. We would explain which apply to the registration act and which are part of UCOTA-Vessels itself. Those that affect federal documentation would have to be included in the title surrender bill MLA is working on so that federal and state procedures complement each other. This effort would not require a CG regulatory project on 33 CFR Chapter 174 (General numbering regulations) or 187 (VIS regulations). They would be self-executing with limited form changes described below, subject to future modification by CG regulations if CG sees a need to do so after notice to the states.

2. Clarify that the certificate of number and the certificate of registration are the same certificate or, if not, how they differ. Argument over this question has already wasted too much time. If, for some reason, they must be different, then let's face that now.

3. Require the application for a temporary certificate of registration and for it to state where the vessel is to be titled, if other than the state of registration. General federal regulations on numbering already allow such temporary

certificates for up to 60 days. We need to check into the use states currently make of such certificates. We have discussed federal TCODs a lot in recent years but not the state counterparts.

4. Require the application for a certificate of title in a state other than the state of registration to tell where the vessel is or is to be registered and attach a copy of the temporary certificate of registration so the titling state can mark its records.

5. Require the permanent certificate of registration to indicate the state where the vessel is titled, if other than the registration state, once the certificate of title issued.

6. Require the registration state to confirm registration to the titling state, if other than the state of registration.

7. Require the titling state to confirm titling to the registration state, if other than the state of titling.

8. Notices between state offices should be by electronic process—either e-mail or digital.

9. States could send scanned copies of the certificate of registration or the certificate of title, as appropriate, to confirm issuance to each other. Similarly, with the CG.

10. If the vessel is to be federally documented, that fact should also be shown in both the application for state registration and, if separate, in the application for state certificate of title.

11. At the same time, the application for federal documentation should tell whether the vessel is or is to be state titled and where and, if it is to be registered in another state or not to be titled, the state of registration. A copy of the temporary registration certificate could be required along with the federal application.

12. If we decide to require a state to show the official federal number to be shown on a state certificate of registration, we could require the CG to send the number by

electronic means directly to the state. Documentation services are able to obtain the official federal number for a vessel to be documented very quickly after an application is filed. This should enable the CG to notify the state directly or through an authorized documentation service or other trusted agent, such as the owner's attorney.

13. Some states waive the title and just issue the certificate of registration with the official federal number that will be used to document the vessel. Lenders have to decide whether they accept this procedure or always want a title to issue.

13. CG ultimately would be required to notify both titling and registration states when the vessel is documented.

14. Meanwhile, we have to decide the status of the certificate of title if surrendered prior to issuance of the certificate of documentation. This can be put into the federal bill the MLA is drafting for the purpose of instructing CG and should be in UCOTA-Vessels for purposes of surrender to the states or treatment of the certificate of title on the state record if CG retains it.

15. If CG does not want to send the original certificate of title through the mail, it could destroy it and notify the state to issue a duplicate certificate of title. State law (presumably UCOTA-Vessels) would have to indicate in such case that the state may reissue the certificate under such circumstances. This may not necessarily fit under the current definition of a lost certificate.

16. We could also establish a procedure for dealing with electronic certificate of title. Can we send e-mail or digital certified copies or do we have to stick with paper titles for the above purposes?

The foregoing would integrate the various applications in separate states for registration and titling and integrate those with the federal process.

We should go through a scenario utilizing all of the items and see how the panel thinks each segment could fit in what order. Then, I can run it past some veteran documentation services to check the timing based on their experience in dealing with the CG.

Cordially,

Robert S. Fisher, Esq.
1735 York Avenue
Ste 7H
New York, NY 10128
Tel No.: (212) 348-4202 Cell: 201-396-7738
E-Mail: rsfisher.atty.t-fly@att.net