

WordPerfect Document Compare Summary

Original document: C:\WP\UBOTA\2011 Annual Meeting\Temp (old).wpd

Revised document: @PFDesktop\MyComputer\C:\WP\UBOTA\2011 Annual Meeting\Temp (new).wpd

Deletions are shown with the following attributes and color:

~~Strikeout~~, **Blue** RGB(0,0,255).

Deleted text is shown as full text.

Insertions are shown with the following attributes and color:

Double Underline, Redline, **Red** RGB(255,0,0).

The document was marked with 412 Deletions, 371 Insertions, 0 Moves.

1 (75) “Certificate of title” means a record, created by the office under [this [act] or
2 by a governmental agency of another jurisdiction under the law of that jurisdiction, thatwhich is
3 designated as a certificate of title by the office or governmental agency and that is evidence of
4 ownership of a vessel.

5 (8) ~~“Damaged,” with respect to a vessel, means:~~

6 (i) ~~not insurer sold; and~~

7 (ii) ~~a casualty has compromised the integrity of the vessel’s hull [or the
8 vessel has sunk in a manner that creates a significant risk that the integrity of the vessel’s hull has
9 been compromised].~~

10 (96) “Dealer” means a person, including a manufacturer, in the business of selling
11 vessels.

12 (107) “Documented vessel” means a vessel covered by a certificate of
13 documentation issued pursuant to 46 U.S.C. Section 12105[, as amended]. The term does not
14 include a foreign-documented vessel.

15 (8) “Electronic” means relating to technology having electrical, digital, magnetic,
16 wireless, optical, electromagnetic, or similar capabilities.

17 (9) “Electronic certificate of title” means a certificate of title consisting of
18 information that is stored solely in an electronic medium and is retrievable in perceivable form.

19 (110) “Foreign-documented vessel” means a vessel the ownership of which is
20 recorded in a registry maintained by a government of a nation other than the United States for the
21 purpose of identifying the persons withthat have an ownership interest in vessels [and in which
22 each vessel is identified by a unique alphanumeric designation].

23 (12) ~~“Electronic certificate of title” means a certificate of title consisting of~~

1 information that is stored solely in an electronic or other medium and is retrievable in perceivable
2 form. The term does not include a written certificate of title.

3 ~~(13)~~(11) “Good faith” means honesty in fact and observance of reasonable
4 commercial standards of fair dealing.

5 (12) “Hull-damaged” means the integrity of a vessel’s hull has been compromised
6 by a collision, allision, lightning strike, fire, explosion, running aground, or the like. The term
7 includes the sinking of a vessel in a manner that creates a significant risk that the integrity of the
8 vessel’s hull has been compromised.

9 (14~~3~~) “Hull identification number” means the number assigned to a vessel
10 pursuant to 33 C.F.R. Part 181 [as amended ~~from time to time~~].

11 ~~(15) “Insurer sold” means an ownership interest in a vessel has been or is about to~~
12 ~~be transferred by an insurer acting on its on behalf or as agent for its insured if a casualty has~~
13 ~~compromised the integrity of the vessel’s hull [or the vessel has sunk in a manner that creates a~~
14 ~~significant risk that the integrity of the vessel’s hull has been compromised].~~

15 ~~(16)~~(14) “Lien creditor” means:

16 (A) a creditor that has acquired a lien on the property involved by
17 attachment, levy, or the like;

18 (B) an assignee for benefit of creditors from the time of assignment;

19 (C) a trustee in bankruptcy from the date of the filing of the petition; or

20 (D) a receiver in equity from the time of appointment.

21 (17~~5~~) “Office” means [insert name of ~~relevant~~the department or agency that
22 creates certificates of title in enacting state].

23 (18~~6~~) “Owner” means a person that has legal title to a vessel.

1 (197) “Owner of record” means the owner as indicated in the files of the office
2 or, if more than one owner is indicated in the files of the office, the one first indicated.

3 (2018) “Person” means an individual, corporation, business trust, estate, trust,
4 statutory trust, partnership, limited liability company, association, joint venture, federally
5 recognized Indian Tribe, public corporation, government, or governmental subdivision, agency,
6 or instrumentality, or any other legal or commercial entity.

7 ~~(21) “Principally used on the waters of this state” means used or to be used on the~~
8 ~~waters within the territorial limits of this state more than on the waters within the territorial limits~~
9 ~~of any other state during a calendar year. For the purposes of this paragraph, “use” includes~~
10 ~~operation, navigation, employment, mooring, and storage in readiness for use in the jurisdiction~~
11 ~~where stored.~~

12 (2219) “Purchase” means to take by sale, lease, mortgage, pledge, consensual
13 lien, security interest, gift, or any other voluntary transaction that creates an interest in a vessel.

14 (230) “Purchaser” means a person that takes by purchase.

15 (241) “Record” means information that is inscribed on a tangible medium or that
16 is stored in an electronic or other medium and is retrievable in perceivable form.

17 (252) “Secured party” means:

18 (A) a person in whose favor a security interest is created or provided for
19 under a security agreement, whether or not any obligation to be secured is outstanding;

20 (B) a person that is a consignor under [~~Uniform Commercial Code~~UCC
21 Article 9];

22 (C) a trustee, indenture trustee, agent, collateral agent, or other
23 representative in whose favor a security interest is created or provided for; or

1 (D) a person that holds a security interest arising under [~~Uniform~~
2 ~~Commercial Code~~UCC Section 2-401, 2-505, 2-711(3), or 2A-508(5)].

3 (263) “Secured party of record” means the secured party whose name is provided
4 as the name of the secured party in an application for a certificate of title received by the office
5 or, if more than one secured party is indicated, the one first indicated in the files of the office.

6 (274) “Security interest” means an interest in a vessel which secures payment or
7 performance of an obligation if the interest is created by contract or arises under [~~Uniform~~
8 ~~Commercial Code~~UCC Section 2-401, 2-505, 2-711(3) or 2A-508(5)]. The term includes any
9 interest of a consignor in a vessel in a transaction that is subject to [~~Uniform Commercial~~
10 ~~Code~~UCC Article 9]. The term does not include the special property interest of a buyer of a
11 vessel on identification of that vessel to a contract for sale under [~~Uniform Commercial~~
12 ~~Code~~UCC Section 2-401], but a buyer may acquire a security interest by complying with
13 [Uniform Commercial Code Article 9]. Except as otherwise provided in [~~Uniform Commercial~~
14 ~~Code~~UCC Section 2-505], the right of a seller or lessor of a vessel under [~~Uniform Commercial~~
15 ~~Code~~UCC Article 2 or 2A] to retain or acquire possession of the vessel is not a security interest,
16 but a seller or lessor may also acquire a security interest by complying with [~~Uniform~~
17 ~~Commercial Code~~UCC Article 9]. The retention or reservation of title by a seller of a vessel
18 notwithstanding shipment or delivery to the buyer under [~~Uniform Commercial Code~~UCC
19 Section 2-401] is limited in effect to a reservation of a security interest. Whether a transaction in
20 the form of a lease creates a security interest is determined by [UCC Section 1-203].

21 (285) “Sign” means, with present intent to authenticate or adopt a record, to:

22 (A) make or adopt a tangible symbol; or

23 (B) attach to or logically associate with the record an electronic ~~sound~~;

1 symbol, sound, or process.

2 (296) “State” means a state of the United States, the District of Columbia, Puerto
3 Rico, the United States Virgin Islands, a federally recognized Indian tribe, or any territory or
4 insular possession subject to the jurisdiction of the United States.

5 (27) “State of principal use” means the state on whose waters a vessel is used or
6 to be used most during a calendar year. For this purpose, “use” means operate, navigate, or
7 employ.

8 (3028) “Title brand” means a designation of previous damage, use, or condition
9 that [this [act] or law other than [this [act] requires to be indicated on a certificate of title created
10 by a governmental agency of any jurisdiction.

11 (3129) “Transfer of ownership” means a voluntary or involuntary conveyance of
12 an ~~ownership~~ interest in a vessel.

13 (320) “Vessel” includes any watercraft used or capable of being used as a means
14 of transportation on water, except ~~the following~~:

15 (A) ~~A~~a seaplane~~;~~;

16 (B) ~~A~~an amphibious vehicle for which a certificate of title is issued
17 pursuant to [state motor vehicle certificate of title act] or a similar statute of another state~~;~~;

18 (C) ~~W~~watercraft less than 16 feet in length and propelled solely by sail,
19 paddles, oars, or an engine of less than 10 horsepower~~;~~;

20 (D) ~~W~~watercraft that operates only on a permanently fixed, manufactured
21 course and the movement of which is restricted to or guided by means of a mechanical device to
22 which the watercraft is attached or by which the watercraft is controlled~~;~~;

23 (E) ~~A~~a stationary floating structure ~~which~~that:

1 (i) does not have and is not designed to have a mode of propulsion
2 of its own;

3 (ii) is dependent for utilities upon a continuous utility linkage to a
4 source originating on shore; and

5 (iii) has a permanent, continuous hookup to a shoreside sewage
6 system.

7 (F) Watercraft owned by the United States, a state, or a foreign
8 government, or a political subdivision of any of them; and

9 (G) Watercraft used solely as a lifeboat on another watercraft.

10 (331) “Written certificate of title” means a certificate of title consisting of
11 information inscribed on a tangible medium.

12 (b) The following definitions and terms also apply to this [act]:

13 (1) “Agreement”, [UCC Section 1-201(b)(3)].

14 (2) “Buyer in ordinary course of business”, [UCC Section 1-201(b)(9)].

15 (23) “Conspicuous”, [UCC Section 1-201(b)(10)].

16 (34) “Consumer goods”, [UCC Section 9-102(a)(23)].

17 (45) “Debtor”, [UCC Section 9-102(a)(28)].

18 (56) “Knowledge”, [UCC Section 1-202].

19 (67) “Lease”, [UCC Section 2A-103(a)(j)].

20 (78) “Lessor”, [UCC Section 2A-103(a)(p)].

21 (89) “Representative”, [UCC Section 1-201(b)(33)].

22 (910) “Sale”, [UCC Section 2-106(1)].

23 (101) “Security agreement”, [UCC Section 9-102(a)(73)].

1 (1+2) “Seller”, [UCC Section 2-103(1)(o)].

2 (123) “Send”, [UCC Section 1-201(b)(36)].

3 (134) “Value”, [UCC Section 1-204].

4
5 **SECTION 3. SUPPLEMENTAL PRINCIPLES OF LAW AND EQUITY.** Unless
6 displaced by a provision of [this [act]], the principles of law and equity supplement its provisions.

7
8 **SECTION 4. LAW GOVERNING VESSEL COVERED BY CERTIFICATE OF**
9 **TITLE.**

10 (a) The local law of the jurisdiction under whose certificate of title a vessel is covered
11 governs all issues relating to the certificate of title from the time the vessel becomes covered by
12 the certificate of title until the ~~time the~~ vessel ~~ceases to be~~subsequently either becomes covered
13 by ~~the~~another certificate of title or becomes a documented vessel, even if no other relationship
14 exists between the jurisdiction and the vessel or its owner.

15 (b) A vessel becomes covered by a certificate of title when an application for a certificate
16 of title and the applicable fee are delivered to the office in accordance with [this [act]] or to the
17 governmental agency that creates certificates of title in another jurisdiction in accordance with
18 the law of that jurisdiction.

19 ~~(c) A vessel ceases to be covered by a certificate of title at the earlier of the time the~~
20 ~~certificate of title ceases to be effective under the law of the jurisdiction under which it was~~
21 ~~created or the time the vessel subsequently either becomes covered by another certificate of title~~
22 ~~or becomes a documented vessel.~~

23

1 **SECTION 5. CERTIFICATE OF TITLE REQUIRED.**

2 (a) Except as otherwise provided in subsections (b) and (c), the owner of a vessel
3 ~~principally used on the waters of~~for which this state is the state of principal use shall deliver to
4 the office an application for a certificate of title for the vessel, together with the applicable fee,
5 not later than ~~[20]~~ days after the later of:

6 (1) the date of any transfer of ownership; or

7 (2) the date the ~~vessel first became~~is state becomes the state of principally used
8 ~~on the waters~~ use of ~~this state~~the vessel.

9 (b) No application for a certificate of title is required for:

10 (1) a documented vessel;

11 (2) a foreign documented vessel;

12 (3) a barge;

13 (4) a vessel under construction pursuant to contract before delivery of the vessel;

14 or

15 (5) a vessel held by a dealer for sale.

16 (c) The [issuing authority in this State] ~~shall~~may not issue, transfer, or renew a certificate
17 of number for a vessel issued pursuant to the requirements 46 U.S.C. Section 12301[, as
18 amended.] unless the office has created a certificate of title for the vessel or an application for a
19 certificate of title for the vessel and the applicable fee hasve been delivered to the office.

20

1 **SECTION 6. APPLICATION FOR CERTIFICATE OF TITLE.**

2 (a) Except as otherwise provided in Sections 14, 18, 19, 20, and 21, only ~~the~~an owner of
3 a vessel may apply for a certificate of title covering the vessel.

4 (b) An application for a certificate of title must be signed by the applicant and contain:

5 (1) the applicant's name, street address, and, if different, address for receiving
6 first class mail delivered by the United States Postal Service;

7 (2) the names of all other owners of the vessel;

8 (3) the principal residence ~~of at least one owner;~~

9 ~~(4)~~ and, if different, the mailing address of at least one owner, ~~if different from the~~
10 principal residence;

11 ~~(5)~~ 4 the social security number or taxpayer identification number of each owner;

12 ~~(6)~~ 5 the hull identification number for the vessel or, if there is none, an
13 application for the issuance of a hull identification number for the vessel;

14 ~~(7)~~ 6 a description of the vessel as required by the office, which must include:

15 (A) the official number for the vessel, if any, assigned by the United
16 States Coast Guard;

17 (B) the name of the manufacturer, builder, or maker;

18 (C) the model year or the year in which the manufacture or build of a
19 vessel was completed;

20 (D) the overall length of the vessel;

21 (E) the vessel type;

22 (F) the hull material;

23 (G) the propulsion type; and

1 (H) the engine drive type, if any.

2 (87) an indication of all security interests in the vessel known to the applicant,
3 including for each security interest, the name and mailing address of the secured party;

4 (98) an affirmation statement that the vessel is neither not a documented vessel
5 nor or a foreign-documented vessel;

6 (109) any title brand known to the applicant and, if known, the jurisdiction under
7 whose law the title brand was created;

8 (110) if the applicant knows that the vessel is damaged or insurer
9 sold hull-damaged, a statement indicating that the vessel is damaged or insurer sold, whichever
10 applies hull-damaged;

11 (121) if the application is made in connection with a transfer of ownership, the
12 transferor's name, street address and, if different, address for receiving first class mail delivered
13 by the United States Postal Service, the sales price if any, and the date of the transfer; and

14 (132) if the vessel was previously registered or licensed titled in another
15 jurisdiction other than the United States or a state, a statement indicating the each jurisdiction
16 known to the applicant in which the vessel was registered or licensed titled.

17 (c) In addition to the information required in by subsection (b), an application for a
18 certificate of title may contain electronic communication addresses of the owner or the transferor.

19 (d) Except as otherwise provided in Section 18, 19, 20, or 21, the application must be
20 accompanied by one of the following:

21 (1) a certificate of title covering the vessel which has been signed by the owner
22 shown on the certificate and which:

23 (A) identifies the applicant as the owner of the vessel; or

1 (B) is accompanied by a record ~~or records~~ that ~~identify~~identifies the
2 applicant as the owner of the vessel; or

3 (2) if there is no certificate of title covering the vessel:

4 (A) if the vessel was a documented vessel, a record issued by the United
5 States Coast Guard ~~that~~which shows ~~that~~ the vessel is no longer a documented vessel and
6 ~~that~~which identifies the applicant as the owner of the vessel;

7 (B) if the vessel was a foreign-documented vessel, a record issued by the
8 foreign country ~~that~~which shows ~~that~~ the vessel is no longer a foreign-documented vessel and
9 ~~that~~which identifies the applicant as the owner of the vessel; or

10 (C) in all other cases, a certificate of origin, bill of sale, or other record
11 that to the satisfaction of the office identifies the applicant as the owner of the vessel.

12 (e) A record submitted in connection with an application is part of the application and the
13 office shall maintain the record, or an electronic image of the record, in its files.

14 (f) The office may require that an application for a certificate of title be accompanied by:
15 ~~(1)~~ payment or evidence of payment of all taxes and fees payable by the applicant
16 under the law of this state in connection with the application or with the acquisition or use of the
17 vessel; ~~or~~

18 ~~(2) evidence of payment of any taxes and fees not paid as provided in paragraph~~
19 ~~(1)~~.

20

1 **SECTION 7. CREATION AND CANCELLATION OF CERTIFICATE OF**
2 **TITLE.**

3 (a) Unless an application for a certificate of title is rejected under subsection (c), the
4 office shall create a certificate of title for the vessel in accordance with subsection (b) not later
5 than ~~[15] business~~20 days after delivery to it of an application that complies with Section 6.

6 (b) If the office ~~is authorized to create~~s electronic certificates of title, the office shall
7 create an electronic certificate of title unless in the application the secured party of record or, if
8 there is no secured party of record, the owner of record, requests that the office create a written
9 certificate of title.

10 (c) Except as otherwise provided in subsection (d), the office may reject an application
11 for a certificate of title only if:

12 (1) the application does not comply with Section 6;

13 (2) the application does not contain documentation sufficient for the office to
14 determine whether the applicant is entitled to a certificate of title for the vessel;

15 (3) there is a reasonable basis for concluding that the application is fraudulent or
16 would facilitate a fraudulent or illegal act; or

17 (4) the application does not comply with law of this state other than ~~[this~~ [act].

18 (d) The office shall reject an application for a certificate of title for a vessel that is a
19 documented vessel or a foreign-documented vessel.

20 (e) The office may cancel a certificate of title created by it only if the office:

21 (1) could have rejected the application for the certificate of title under subsection
22 (c);

23 (2) is required to cancel the certificate of title under another provision of ~~[this~~

1 [act]; or

2 (3) receives satisfactory evidence that the vessel is a documented vessel or a
3 foreign-documented vessel.

4 [(f) (1) In this section subsection, ~~“serve,”~~ “serve” means to provide with personal
5 service or ~~to post in~~ deposit with the United States mail postal service, properly addressed, postage
6 prepaid, return receipt requested. Service by mail is complete upon deposit ~~in~~ with the United
7 States mail postal service. The office may, by rule, authorize service by electronic transmission,
8 if a copy is mailed simultaneously, or by commercial parcel delivery company.

9 (2) The office shall provide an opportunity for a hearing at which the applicant
10 and any other interested party may present evidence in support of or opposition to the
11 cancellation. The office shall serve notice of the opportunity for a hearing to the applicant, ~~the~~
12 ~~owner of record,~~ and to all owners and ~~all~~ secured parties indicated in the files of the office. If
13 not later than [30] days after the notice was sent, the office receives a request for a hearing from
14 the applicant or any other interested party, the office shall hold the hearing not later than [20]
15 days after receiving the request.]

16

17 **SECTION 8. CONTENTS OF CERTIFICATE OF TITLE.**

18 (a) A certificate of title must contain:

19 (1) the date the certificate of title was created;

20 (2) the name of ~~at least~~ the owner of record and, if not all owners are listed, an
21 indication that there are additional owners;

22 (3) the address of the owner of record;

23 (4) the hull identification number;

1 (5) the information listed in Section 6(b)(~~7~~6);

2 (6) except as otherwise provided in Section 14(b), the name and address of the
3 secured party of record, if any, and if not all secured parties are listed, an indication that there are
4 other security interests indicated in the files of the office or on a record created by a
5 governmental agency of another jurisdiction and submitted to the office; and

6 (7) all title brands indicated in the files of the office covering the vessel,
7 including brands indicated on a certificate of title created by a governmental agency of another
8 jurisdiction and delivered to the office.

9 (b) Nothing in ~~the~~ act precludes the office from noting on a certificate of title the
10 name and address of a secured party that is not a secured party of record.

11 (c) ~~An indication of a~~ For each title brand indicated on a certificate of title ~~may consist~~
12 ~~of an abbreviation, but not a symbol, and, the certificate~~ must identify the jurisdiction ~~that~~ under
13 whose law the title brand was created or the jurisdiction that created a certificate of title on
14 which the title brand was indicated. If the meaning of a title brand is not easily ascertainable or
15 cannot be accommodated on the certificate of title, the certificate of title may state: “Previously
16 branded in [insert the particular jurisdiction under whose law the title brand was created or
17 whose certificate of title previously indicated the title brand].”

18 (d) If the files of the office indicate that a vessel was previously registered or
19 ~~licensed~~ titled in a jurisdiction other than the United States or a state, the office shall indicate on
20 the certificate of title that the vessel was registered or ~~licensed~~ titled in that jurisdiction.

21 (e) A written certificate of title must contain a form that all owners shown on the
22 certificate may sign to evidence consent to a transfer of ownership to another person. The form
23 shall include a certification, signed under penalty of perjury, that the statements made are true

1 and correct to the best of the owner’s knowledge, information, and belief.

2 (f) A written certificate of title must contain a form for the owner of record to indicate, in
3 connection with a transfer of an ownership interest, that the vessel is hull-damaged.

4
5 **SECTION 9. TITLE BRAND.**

6 (a) Unless subsection (b) applies, at or before transferring the time the owner of record
7 transfers an ownership interest in a damagedhull-damaged vessel that is covered by a certificate
8 of title created by the office, the owner of record shall:

9 (1) deliver to the office an application to have thefor a new certificate amended by
10 adding that includes the title brand designation “Damaged.”“Hull-Damaged”; or

11 (2) indicate on the certificate in the place designated for that purpose by the office
12 that the vessel is hull-damaged and deliver the certificate to the purchaser.

13 This subsection does not apply unless the hull damage occurred while the owner was an owner of
14 the vessel and a claim for the damage was filed with an insurer. If a secured party has possession
15 of the certificate, the secured party has a duty to facilitate the owner’s compliance with this
16 paragraph unless the transfer is prohibited by the security agreement.

17 (b) Not later than [15] business20 days after delivery to the office of the application
18 to under paragraph (a)(1) or the office certificate under paragraph (a)(2), the office shall create a
19 new certificate of title that conspicuously indicates that the vessel is branded “Damaged”“Hull-
20 Damaged”.²² The office shall deliver the new certificate or a record evidencing an electronic
21 certificate pursuant to Section 11:

22 (b)(a).

23 (c) A person that fails to comply with or that solicits or colludes in a failure to comply

1 with subsection (a), is liable to the office for [an administrative] penalty of \$1,000.

2 (d) Before transferring an ownership interest ~~in an insurer sold~~ on its own behalf or
3 facilitating its insured's transfer of an ownership interest in a hull-damaged vessel that is covered
4 by a certificate of title created by the office, an insurer shall deliver to the office an application to
5 have the ~~for a new~~ certificate ~~amended by adding~~ that includes the title brand designation [“Insurer
6 ~~Sold-Sold”] [“Hull-Damaged”].”~~ Not later than [15] business 20 days after delivery of the
7 application to the office, the office shall create a new certificate of title that conspicuously
8 indicates that the vessel is branded [“Insurer ~~Sold-Sold”] [“Hull-Damaged”].”~~ The office shall
9 deliver the new certificate or a record evidencing an electronic certificate pursuant to Section
10 11(a).

11 (ce) Except as provided in subsection (d), a person An insurer that transfers to a good-
12 faith purchaser for value an ownership interest on its own behalf or facilitates its insured's
13 transfer of an ownership interest in a vessel that is damaged or insurer sold warrants to the
14 purchaser hull-damaged warrants to a transferee that is a good faith purchaser for value, and to all
15 subsequent transferees, that the hull of the vessel is merchantable within the meaning of
16 [Uniform Commercial Code UCC Section 2-314] and seaworthy unless, at or before the purchaser
17 gives value:

18 (1) a certificate of title covering the vessel and indicating the vessel is damaged
19 or insurer sold, whichever applies, [insurer-sold] [hull-damaged] is provided to the purchaser; or

20 (2) a record signed by the person insurer and [conspicuously] indicating that the
21 vessel is damaged or insurer sold, whichever applies, [insurer-sold] [hull-damaged] is provided to
22 the purchaser:

23 (d) Subsection (c) shall not apply to a person[, other than an insurer,] who transfers an

1 ownership interest pursuant to the exercise of the person's rights as a secured party, lien creditor,
2 or the holder of a lien created by statute or rule of law.

3 ~~(e)~~ and, within 20 days thereafter, to the office in the manner prescribed by the office.

4 (f) A warranty made under subsection ~~(c)~~ cannot be modified or disclaimed by
5 agreement. Remedies for breach of the warranty do not include incidental or consequential
6 damages.

7 ~~(f)~~ (g) An action for breach of the warranty arising under subsection ~~(e)~~ must be
8 commenced within ~~the latter of~~ [four~~six]~~ years after the right of action has accrued under
9 paragraph (2) or one year after the breach was or should have been discovered, but no longer than
10 ~~[five] years after the right of action accrued.~~

11 ~~(2)~~ A purchaser's right of action of breach of the warranty arising under
12 ~~subsection (c) accrues when the purchaser receives~~ insurer transfers or facilitates transfer of an
13 ownership interest in the vessel.

15 SECTION 10. MAINTENANCE OF AND ACCESS TO FILES.

16 (a) For each record relating to a certificate of title submitted to the office, the office shall:

17 (1) ascertain or assign the hull identification number for the vessel;

18 (2) maintain in its files the hull identification number and all the information
19 submitted with the application pursuant to Section 6(b) to which the record relates, including the
20 date [and time] the record was delivered to the office;

21 (3) maintain the file for public inspection ~~[subject to subsection (d)];~~ and

22 (4) index the files of the office as required by subsection (b).

23 (b) The office shall maintain in its files the information contained in all certificates of

1 title created under ~~[this [act].~~ The files of the office must be accessible by the hull identification
2 number for the vessel covered by the certificate, by the name of the owner of record, and by any
3 other indexing method used by the office.

4 (c) The office shall maintain in its files, for each vessel for which it has created a
5 certificate of title, all title brands known to the office, the name of each secured party known to
6 the office, the name of each person known to the office to be claiming an ownership interest, and
7 all stolen-property reports the office has received ~~relating to the vessel.~~

8 ~~_____~~ ~~[(d.~~

9 (d) The office shall upon request provide to the federal government or to a state for
10 safety, security or law enforcement purposes the information in its files relating to any vessel for
11 which the office has issued a certificate of title.

12 _____ (e) Except as otherwise provided by [public records law of this state], the information
13 required under Section 8 is a public record. Whether other information in the files of the office is
14 made available to the public is governed by law of this state other than ~~{this [act];}~~

15
16 **SECTION 11. ACTIONS REQUIRED UPON CREATION OF CERTIFICATE OF**
17 **TITLE.**

18 (a) ~~Upo~~On creation of a written certificate of title, the office shall send promptly ~~send~~ the
19 certificate to the secured party of record or, if there is none, to the owner of record, at the address
20 indicated for that person in the files of the office. ~~Upo~~On creation of an electronic certificate of
21 title, the office shall send promptly ~~send~~ a record evidencing the certificate of title to the owner
22 of record and, if there is one, to the secured party of record, at the address indicated for that
23 person in the files of the office. AThe office may send a record evidencing an electronic

1 certificate of title ~~may be sent~~ to a mailing address or, if indicated in the files of the office, an
2 electronic address.

3 (b) If the office creates a written certificate of title for a vessel, any electronic certificate
4 of title for the vessel is ~~thereby~~ cancelled and replaced by the written certificate ~~of title~~. The
5 office shall maintain in the files of the office an indication of the date ~~[and time]~~ of cancellation.

6 (c) Before the office creates an electronic certificate of title for a vessel, any written
7 certificate ~~of title~~ for the vessel must be surrendered to the office. If the office creates an
8 electronic certificate of title for a vessel, the office shall destroy or otherwise cancel the existing
9 written certificate ~~of title~~ for the vessel which has been surrendered to the office; and ~~shall~~
10 maintain in the files of the office an indication of the date ~~[and time]~~ of destruction or other
11 cancellation. If a written certificate of title being cancelled is not destroyed, the office shall
12 indicate on the face of the written certificate of title that the written certificate of title has been
13 cancelled.

14

15 **SECTION 12. EFFECT OF CERTIFICATE OF TITLE.**

16 ~~(a)~~ A certificate of title is prima facie evidence of the accuracy of the information in the
17 record that constitutes the certificate of title.

18 ~~(b) After compliance with Section 16(a), a transferor is not liable as owner for any~~
19 ~~damages resulting from operation of the vessel thereafter even if the transferee fails to apply for a~~
20 ~~new certificate of title reflecting the transfer.~~

21

22 **SECTION 13. EFFECT OF POSSESSION OF CERTIFICATE OF TITLE;**

23 **JUDICIAL PROCESS.** A certificate of title does not by itself provide a right to obtain

1 possession of a vessel. Garnishment, attachment, levy, replevin, or other judicial process against
2 the certificate of title is not effective to determine possessory rights with respect to the vessel.
3 However, [this act] does not prohibit enforcement of a security interest in, levy on, or
4 foreclosure of a statutory or common-law lien on a vessel under law other than [this act]. The
5 absence of an indication of a statutory or common-law lien on a certificate of title does not
6 invalidate the lien.

8 **SECTION 14. PERFECTION OF SECURITY INTEREST.**

9 (a) Except as otherwise provided in this section or in Section (27), a security interest in a
10 vessel may be perfected only by delivery to the office of an application for a certificate of title
11 that identifies the secured party and ~~that~~ otherwise complies with Section 6. The security interest
12 is perfected upon the later of delivery to the office of the application and any applicable fee or
13 attachment of the security interest under [~~Uniform Commercial Code~~ UCC Section 9-203].

14 (b) If the interest of ~~the~~ a person named as owner, lessor, consignee, or bailor in an
15 application for a certificate of title delivered to the office is a security interest, the application
16 sufficiently identifies the person as a secured party. The identification on the application for a
17 certificate of title of a person as owner, lessor, consignee, or bailor is not by itself a factor in
18 determining whether the person's interest is a security interest.

19 (c) If the office has created a certificate of title for a vessel, a security interest in the
20 vessel may be perfected by delivery to the office of an application, on ~~such~~ any form ~~as~~ the office
21 may require,] to have the security interest added to the certificate of title. The application must
22 be ~~authenticated~~ signed by an owner of the vessel or by the secured party and must include:

23 (1) the name of the owner of record;

1 (2) the name and mailing address of the secured party;

2 (3) the hull identification number for the vessel; and

3 (4) if the office has created a written certificate of title for the vessel, the written
4 certificate of title.

5 (d) A security interest perfected under subsection (c) is perfected ~~upon~~on the later of
6 delivery to the office of the application and ~~any~~ll applicable fees~~s~~ or attachment of the security
7 interest under [~~Uniform Commercial Code~~UCC Section 9-203].

8 (e) ~~Upo~~On delivery of an application that complies with subsection (c) and payment of
9 all fees, the office shall create a new certificate of title pursuant to Section 7 and deliver the new
10 certificate or a record evidencing an electronic certificate pursuant to Section 11(a). The office
11 shall maintain in the files of the office the date [and time] of delivery of the application to the
12 office.

13 (f) If a secured party assigns a perfected security interest in a vessel, the receipt by the
14 office of a statement providing the name of the assignee as secured party is not required in order
15 to continue the perfected status of the security interest against creditors of and transferees from
16 the original debtor. However, a purchaser of a vessel subject to a security interest which obtains
17 a release from the secured party indicated in the files of the office or on the certificate of title
18 takes free of the security interest and of the rights of a transferee if the transfer is not indicated
19 either in the files of the office or on the certificate of title.

20 (g) This section does not apply to a security interest in:

21 (1) a vessel created by a person during any period in which the vessel is inventory
22 held for sale or lease by the person or is leased by the person as lessor if the person is in the
23 business of selling ~~goods of that kind~~vessels;

1 (2) a barge for which no application for a certificate of title has been delivered to
2 the office; or

3 (3) a vessel under construction pursuant to contract, for which no application for
4 a certificate of title has been delivered to the office, before delivery of the vessel.

5 (h) If a certificate of documentation for a vessel is deleted or cancelled, a security interest
6 in the vessel which is immediately prior to deletion or cancellation was valid against third parties
7 as a result of compliance with 46 U.S.C. § 31321 Section 31321 remains perfected until the
8 earlier of four months after cancellation of the certificate of documentation or the time the
9 security interest becomes perfected under this [Aact].

10 (i) A security interest in a vessel arising under [Uniform Commercial CodeUCC Sections
11 2-401, 2-505, 2-711(3) or 2A-508(5)] is perfected when it attaches and remains perfected until
12 becomes unperfected when the debtor obtains possession of the vessel, unless before such time
13 the security interest is perfected pursuant to subsection (a) or (c).

14 (j) A security interest in a vessel as proceeds of other collateral is perfected to the extent
15 provided in [Uniform Commercial CodeUCC Section 9-315].

16 (k) A security interest in a vessel perfected under the law of another jurisdiction is
17 perfected to the extent provided in [UCC Section 9-316(d)].

18

19 SECTION 15. TERMINATION STATEMENT.

20 (a) A secured party indicated in the files of the office as having a security interest in a
21 vessel shall deliver a termination statement to the office and, upon the debtor's request, to the
22 debtor, a termination statement upon the earlier of:

23 (1) if the vessel is consumer goods, [30] days after there is no obligation secured

1 by the vessel and no commitment to make an advance, incur an obligation, or otherwise give
2 value secured by the vessel; or

3 (2) ~~[14]~~20 days after the secured party receives a signed demand from an owner
4 and there is no obligation secured by the vessel subject to the security interest and no
5 commitment to make an advance, incur an obligation, or otherwise give value secured by the
6 vessel.

7 (b) If a written certificate of title has been created and delivered to a secured party and a
8 termination statement is required under subsection (a), the secured party, within the time
9 provided in subsection (a), shall deliver the written certificate of title to the debtor or to the office
10 with the termination statement. If the written certificate is lost, stolen, mutilated, ~~or~~ destroyed, or
11 is otherwise unavailable or illegible, the secured party shall deliver with the termination
12 statement, within the time provided in subsection (a), an application for a replacement certificate
13 of title meeting the requirements of Section 21.

14 (c) ~~Upo~~On delivery to the office of a termination statement authorized by the secured
15 party, the security interest to which the termination statement relates ceases to be perfected. If
16 the security interest to which the termination statement relates was indicated on the certificate of
17 title, the office shall create a new certificate ~~of title~~ pursuant to Section 7 and deliver the new
18 certificate or a record evidencing an electronic certificate pursuant to Section 11(a). The office
19 shall maintain in its files the date ~~[and time]~~ of delivery to the office of the termination statement.

20 (d) A secured party that fails to comply with this section is liable for any loss that the
21 secured party had reason to know might result from its failure to comply and which could not
22 reasonably have been prevented, and for the cost of an application for a certificate of title under
23 Section 6 or 21.

1 **SECTION 16. TRANSFER OF OWNERSHIP.**

2 (a) ~~Upo~~On a voluntary transfer of an ownership interest in a vessel covered by a
3 certificate of title, the following rules apply:

4 (1) If the certificate is a written certificate of title and ~~if~~ the transferor's interest is
5 noted on the certificate, the transferor, ~~as promptly as practicable,~~ shall sign the certificate and
6 deliver it to the transferee. If the transferor does not have possession of the certificate, the person
7 in possession of the certificate has a duty to facilitate the transferor's compliance with this
8 paragraph. A secured party does not have a duty to facilitate the transferor's compliance with
9 this paragraph to the extent the transfer is prohibited by the security agreement.

10 (2) If the certificate of title is an electronic certificate of title, the transferor, ~~as~~
11 promptly ~~as practicable,~~ shall sign and deliver to the transferee a record evidencing the transfer of
12 ownership to the transferee.

13 (3) The transferee has a ~~specifically~~right enforceable ~~right~~by specific performance
14 to require the transferor ~~to sign and deliver the written certificate of title to the transferee or sign~~
15 ~~and deliver to the transferee a record evidencing the transfer of ownership~~comply with paragraph
16 (1) or (2).

17 (b) The creation of a certificate of title identifying the transferee as owner of record
18 satisfies subsection (a).

19 (c) ~~As among the parties to a transfer and their assignees and successors, a~~A transfer of
20 ownership of a vessel is not rendered ineffective between the parties merely by a failure to
21 comply with subsection (a) or by a failure to apply for a new certificate of title. However, except
22 as otherwise provided in Sections 17, 18, 22(a), or 23, a transfer of ownership without
23 compliance with subsection (a) is not effective against ~~other~~another persons claiming an interest

1 in the vessel.

2 (d) After compliance with subsection (a), a transferor will not have any liability as owner
3 of the vessel for any event occurring after the transfer even if the transferee fails to apply for a
4 new certificate of title reflecting the transfer.

5
6 **SECTION 17. EFFECT OF MISSING OR INCORRECT INFORMATION.**

7 (a) Except as ~~otherwise~~ provided in ~~this s~~UCC Section 9-337, for the purposes of this
8 [act], a certificate of title or other record required or authorized by ~~[this [act]~~ is effective even if it
9 contains incorrect information or does not contain required information.

10 ~~(b) Nothing in this section affects the application of [Uniform Commercial Code Section~~
11 ~~9-337].~~

12
13 **SECTION 18. TRANSFER OF OWNERSHIP BY SECURED PARTY'S**
14 **TRANSFER STATEMENT.**

15 (a) In this section, “secured party’s transfer statement” with respect to a vessel means a
16 record signed by the secured party of record stating:

17 (1) that ~~the owner of record~~there has been a defaulted ~~ed~~ on an obligation ~~to the~~
18 secured ~~party of record~~by the vessel;

19 (2) that the secured party of record is exercising or has exercised post-default
20 remedies with respect to the vessel;

21 (3) that, by reason of the exercise, the secured party of record has the right to
22 transfer the ~~rights~~ownership interest of an owner, and the name of the owner ~~of record~~;

23 (4) the name and last known mailing address of:

1 (A) the owner of record;
2 (B) and the secured party of record; ~~and~~
3 (C) the ~~person acquiring the rights~~name of the owner of
4 ~~record~~transferee;

5 (56) ~~any~~ other information required by Section 6(b); and

6 (67) that:

7 (A) the certificate of title is an electronic certificate of title;

8 (B) the secured party does not have possession of the written certificate of
9 title created in the name of the owner of record; or

10 (C) the secured party is delivering the written certificate of title to the
11 office with the secured party's transfer statement.

12 (b) Unless the office rejects a secured party's transfer statement for a reason set forth in
13 Section 7(c), not later than ~~[15] business~~20 days after delivery to the office of the transfer
14 statement and payment of all applicable taxes and fees, the office shall:

15 (1) accept the ~~secured party's transfer~~ statement;

16 (2) amend the files of the office to reflect the transfer;

17 (3) ~~cancel~~ and

18 _____ (3) if the name of the owner whose ownership interest is being transferred is

19 indicated on the certificate of title ~~created in the name of the owner of record listed in the~~
20 ~~secured party's transfer statement, whether or not:~~

21 _____ (A) cancel the certificate, even if the certificate of title has not been
22 delivered to the office;

23 _____ (4B) create a new certificate of title indicating as owner the name of the

1 ~~person designated in paragraph (a)(4)(C) as the owner of record~~transferee; and

2 _____(5C) deliver the new certificate of ~~title~~ a record evidencing an electronic
3 certificate pursuant to Section 11(a).

4 (c) Neither an application under subsection (a) nor the creation of a certificate of title
5 under subsection (b) is not by itself a disposition of the vessel and does not by itself relieve the
6 secured party of its duties under [~~Uniform Commercial Code~~UCC Article 9].

7
8 **SECTION 19. TRANSFER BY OPERATION OF LAW.**

9 (a) In this section:

10 (1) “By operation of law” means pursuant to a law or judicial order affecting
11 ownership of a vessel:

12 (A) on account of death, divorce, other family law proceeding, merger,
13 consolidation, dissolution, or bankruptcy;

14 (B) through the exercise of the rights of a lien creditor or a person having
15 a lien created by statute or rule of law; or

16 (C) through other legal process.

17 (2) “Transfer-by-law statement” means a record signed by a transferee stating
18 that; by operation of law; the transferee has acquired or has the right to acquire ~~the~~an ownership
19 interest ~~of the owner of record~~ in a vessel and containing:

20 (A) the name and mailing address of the owner of record and the
21 transferee and the other information required by Section 6(b);

22 (B) documentation sufficient to establish the transferee’s ownership
23 interest or right to acquire the ownership interest ~~of the owner of record~~;-

1 (C) a statement that:

2 (i) the certificate of title is an electronic certificate of title;

3 (ii) the transferee does not have possession of the written
4 certificate of title created in the name of the owner of record; or

5 (iii) the transferee is delivering the written certificate of title to the
6 office with the transfer-by-law statement; and

7 (D) except for a transfer ~~pursuant to~~ described in paragraph (a)(1)(A),
8 evidence that notification of the transfer and the intent to file the transfer-by-law-statement has
9 been sent to all persons indicated in the files of the office as having an interest, including a
10 security interest, in the vessel.

11 (b) Unless the office rejects a transfer-by-law statement for a reason set forth in Section
12 7(c), not later than ~~[15] business~~ 20 days after delivery to the office of the a transfer-by-law
13 statement, including documentation satisfactory to the office as to the transferee's ownership
14 interest or right to acquire the ownership interest ~~of the owner of record~~, and payment of all
15 applicable taxes and fees, the office shall:

16 (1) accept ~~delivery of the transfer-by-law~~ statement;

17 (2) amend the files of the office to reflect the transfer;

18 ~~(3) cancel~~ and

19 (3) if the name of the owner whose ownership interest is being transferred is
20 indicated on the certificate of title:

21 (A) cancel the certificate, even if the certificate of title ~~created in the name~~
22 ~~of the owner of record indicated in the transfer-by-law statement, whether or not the certificate~~
23 ~~has~~ has not been delivered to the office;

1 _____(4B)- create a new certificate ~~of title~~, indicating as owner the name of the
2 transferee ~~as owner of record~~;

3 _____(5C) indicate on the new certificate ~~of title~~ any security interest indicated
4 on the canceled certificate ~~of title~~, unless a court order provides otherwise; and

5 _____(6D) ~~send~~deliver the new certificate ~~of title~~ a record evidencing an
6 electronic certificate pursuant to Section 11(a).

7 (c) This section does not apply to a transfer of an interest in a vessel by a secured party
8 under [~~Uniform Commercial Code~~UCC Article 9, Part 6].

9
10 **SECTION 20. APPLICATION FOR TRANSFER OF OWNERSHIP OR**
11 **TERMINATION OF SECURITY INTEREST WITHOUT CERTIFICATE OF TITLE.**

12 (a) Except as otherwise provided in Section 18 or 19, if the office receives,
13 unaccompanied by submission of a signed certificate of title, ~~either~~ an application for a new ~~or~~
14 ~~amended~~ certificate of title that includes an indication of a transfer of ownership or a termination
15 statement, the office may create ~~or amend~~ aa new certificate of title under this section only if:

16 (1) all other requirements under Sections 6 and 7 are met;

17 (2) the applicant has provided an affidavit stating facts that indicate the applicant
18 is entitled to a transfer of ownership or termination statement;

19 (3) the applicant has provided the office with satisfactory evidence that
20 notification of the application has been sent to the owner of record and to all persons indicated in
21 the files of the office as having an interest in the vessel, at least 45 days have passed since the
22 notification was sent, and no objection from any of those persons has been received by the office;
23 and

1 (4) the applicant submits any other information required by the office ~~to as~~
2 evidence of the applicant's ownership or right to terminate the security interest, and the office has
3 no credible information indicating theft, fraud, or any undisclosed or unsatisfied security interest,
4 lien, or other claim to an interest in the vessel.

5 (b) The office may indicate in a certificate of title created ~~or amended~~ under subsection
6 (a) that the certificate ~~of title~~ was created without submission of a signed certificate of title or
7 termination statement. ~~If no~~ Unless credible information indicating theft, fraud, or any
8 undisclosed or unsatisfied security interest, lien, or other claim to an interest in the vessel has
9 been delivered to the office ~~within~~ not later than one year after creation of the certificate of title,
10 ~~upon~~ on request in a form and manner specified by the office, the office shall remove the
11 indication from the certificate of title.

12 [(c) Unless the office determines, ~~by any reasonable method,~~ that the value of the vessel
13 is less than [\$x,000], before ~~creating or amending~~ the office creates the certificate of title, the
14 office may require an applicant under subsection (a) to post a bond or provide an equivalent
15 source of indemnity or security. The bond, indemnity, or other security, ~~which~~ may not exceed
16 twice the value of the vessel as determined by the office. The bond, indemnity, or other security
17 must be in a form prescribed by the office and provide for indemnification of any owner,
18 purchaser, or other claimant for any expense, loss, delay, or damage, including reasonable
19 attorney's fees and costs, but not including consequential damages, resulting from creation or
20 amendment of the certificate of title.]

21 [(d) ~~If~~ Unless the office ~~has not~~ receives a claim for indemnity ~~within~~ not later than one
22 year after creation ~~or amendment~~ of the new certificate of title under subsection (a), ~~upon~~ on
23 request in a form and manner specified by the office, the office shall release any bond, indemnity,

1 or other security.]

2
3 **SECTION 21. REPLACEMENT CERTIFICATE OF TITLE.**

4 (a) If a written certificate of title is lost, stolen, mutilated, destroyed, or otherwise
5 becomes unavailable or illegible, the secured party of record or, if there is no secured party
6 indicated in the files of the office, the owner of record may apply for and, by furnishing
7 information satisfactory to the office, obtain a replacement certificate of title in the name of the
8 owner of record.

9 (b) An ~~application~~applicant for a replacement certificate ~~of title~~ must be submitted in a
10 ~~record signed by~~sign the ~~applicant~~application, and, except as otherwise permitted by the office,
11 the application must comply with Section 6.

12 ~~(c) Unless it has been lost, stolen, or destroyed or is~~ The application must include the
13 existing certificate unless the certificate is lost, stolen, mutilated, destroyed, or otherwise
14 unavailable, ~~the existing written certificate of title must be submitted to the office with an~~
15 ~~application for a replacement certificate of title.~~

16 (d) A replacement certificate of title created by the office must comply with Section 8
17 and indicate on the face of the certificate of title that it is a replacement certificate of title.

18 (e) If a person receiving a replacement certificate of title subsequently obtains possession
19 of the original written certificate of title, the person shall destroy promptly ~~destroy~~ the original
20 ~~written~~ certificate of title.

21

1 **SECTION 22. RIGHTS OF A PURCHASERS-GENERALLY OTHER THAN A**
2 **SECURED PARTY.**

3 (a) A buyer in ordinary course of business has the protections afforded by [~~Uniform~~
4 ~~Commercial Code~~UCC Sections 2-403(2) and 9-320(a)] even if no existing certificate of title
5 was signed and delivered to the ~~seller does not comply with Section 16(a)~~buyer or no new
6 certificate of title listing the buyer as owner of record was created.

7 (b) Except as otherwise provided in Sections 16 and 23, the rights of ~~other purchasers of~~
8 ~~vessels and of lien creditors~~a purchaser of a vessel, other than a buyer in ordinary course of
9 business , and of a lien creditor are governed by [~~Uniform Commercial Code Articles 2, 2A, [6,~~
10 ~~7, and 9~~the UCC].

11
12 **SECTION 23. RIGHTS OF SECURED PARTIES.**

13 (a) Subject to subsection (b), the effect of perfection and non-perfection of a security
14 interest and the priority of a perfected or unperfected security interest with respect to the rights of
15 purchasers and creditors, including lien creditors, is governed by [the ~~Uniform Commercial~~
16 ~~Code~~UCC].

17 (b) If, while a security interest in a vessel is perfected by any method under this [Act], the
18 office creates a certificate of title ~~for the vessel~~ that does not indicate that the vessel is subject to
19 the security interest or contain a statement that it may be subject to security interests not
20 indicated on the certificate of title:

21 (1) a buyer of the vessel, other than a person in the business of selling or leasing
22 vessels of that kind, takes free of the security interest if the buyer, acting in good faith and
23 without knowledge of the security interest, gives value and receives possession of the vessel.

1 (2) the security interest is subordinate to a conflicting security interest in the
2 vessel that is perfected under Section 14 after creation of the certificate of title and without the
3 conflicting secured party's knowledge of the security interest.
4

5 **SECTION 24. DUTIES AND OPERATION OF ~~FILING~~ OFFICE.**

6 (a) The office shall retain the evidence used to establish the accuracy of the information
7 in its files relating to the current ownership of the vessel and all information on the certificate of
8 title.

9 (b) The office shall retain in its files all information regarding a security interest in a
10 vessel, including any termination statement received by the office under Section 15, until at least
11 ~~[10]~~ years after the office receives a termination statement regarding the security interest. The
12 information must be accessible by the hull identification number for the vessel and any other
13 indexing methods provided by the office.

14 ~~(c) Except as otherwise provided in subsection (a) or (b), the office shall retain~~
15 ~~information about previous owners of a vessel or information on a previous certificate of title for~~
16 ~~a vessel pursuant to [the state's records policy].~~

17 ~~(d)~~ If a person submits a record to the office, or submits information that is accepted by
18 the office, and requests an acknowledgment of the filing or submission, the office shall send to
19 the person an acknowledgment showing the hull identification number of the vessel to which the
20 record or submission relates, the information in the filed record or submission, and the date ~~[and~~
21 ~~time]~~ the record was received or the submission accepted. A request under this section must
22 contain the hull identification number and be delivered by means authorized by the office.

23 ~~(e)~~ The office shall send or otherwise make available in a record the following

1 information to any person that requests it and pays the applicable fee:

2 (1) whether the files of the office indicate, as of a date [and time] specified by the
3 office, but not a date earlier than [three] ~~business~~ days before the office received the request, any
4 certificate of title, security interest, termination statement, or title brand that relates to a vessel:

5 (A) identified by a hull identification number designated in the request; or

6 (B) owned by a person designated in the request; ~~and~~

7 (2) with respect to ~~each such~~ the vessel:

8 (A) the name ~~of the owner of record~~ and address of any owner as indicated
9 in the files of the office or on the certificate of title;

10 (B) the name and address of any secured party as indicated in the files of
11 the office or on the certificate of title, and the effective date of ~~any such~~ the information; and

12 (C) any termination statement indicated in the files of the office and the
13 effective date of the termination statement; and

14 (3) with respect to the vessel, a copy of any certificate of origin, secured party
15 transfer statement, transfer-by-law statement, and other evidence of previous or current transfers
16 or ownership.

17 (fe) In responding to a request under this section, the office may ~~communicate~~ provide the
18 requested information in any medium. However, if requested, the office shall send the requested
19 information in a record that is [self-authenticating] under [cite applicable rule of evidence].

20
21 **SECTION 25. UNIFORMITY OF APPLICATION AND CONSTRUCTION.** In
22 applying and construing this uniform act, consideration must be given to the need to promote
23 uniformity of the law with respect to its subject matter among states that enact it.

1
2 **SECTION 26. RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND**
3 **NATIONAL COMMERCE ACT.** ~~¶~~ This [act] modifies, limits, and supersedes the federal
4 Electronic Signatures in Global and National Commerce Act (15 U.S.C. 7001, et seq.), but
5 does not modify, limit, or supersede Section 101(c) of that act (15 U.S.C. Section 7001(c)), or
6 authorize electronic delivery of any of the notices described in Section 103(b) of that act (15
7 U.S.C. Section 7003(b)).

8
9 **SECTION 27. SAVINGS CLAUSE.**

10 (a) Except as otherwise provided in this section, ~~¶~~ this [act] applies to any transaction,
11 certificate of title, or record involving a vessel, even if the transaction, certificate of title, or
12 record was entered into or created before the [effective date of ~~¶~~ this act].

13 (b) ~~¶~~ With respect to a vessel, a transaction, certificate of title, or record that was validly
14 entered into or created before [the effective date of ~~¶~~ this act] and would be subject to ~~¶~~ this [act] if
15 it had been entered into or created on or after [the effective date of ~~¶~~ this act], and the rights,
16 duties, and interests flowing from the transaction, certificate of title, or record, remains valid on
17 and after the [effective date of ~~¶~~ this act].

18 (c) ~~¶~~ This [act] does not affect an action or proceeding commenced before [the effective
19 date of ~~¶~~ this act].

20 (d) ~~¶~~ Except as otherwise provided in subsection (e), a security interest that is
21 enforceable immediately before [the effective date of ~~¶~~ this act] and would have priority over the
22 rights of a person that becomes a lien creditor at that time is a perfected security interest under
23 ~~¶~~ this act].

1 ~~(e)~~ ~~[This this [act]].~~

2 (e) A security interest perfected immediately before [the effective date of this act]
3 remains perfected for the earlier of:

4 (1) the time perfection would have ceased under the law under which the security
5 interest was perfected; or

6 (2) three years after the [effective date of this act].

7 (f) This [act] does not affect the priority of a security interest in a vessel if immediately
8 before [the effective date of [this act]] the security interest is enforceable and perfected, and that
9 priority is established.

10 ~~(fg)~~ No warranty arises under Section 9 in connection with a transaction entered into
11 before [the effective date of [this act]].

12
13 **SECTION 28. REPEALS.** The following acts and parts of acts are repealed:

14 [add legislative note]

15
16 **SECTION 29. EFFECTIVE DATE.** ~~[T]~~[this [act]] takes effect

17