

*10/11/25 P-First Reading*

**A BILL FOR AN ACT**

Adding a new Title 72 to the Pohnpei Code relative to boating which title contains a new Chapter 1 entitled “Motorboat Registration”; and for other purposes.

**BE IT ENACTED BY THE POHNPEI LEGISLATURE:**

1 Section 1. The Pohnpei Code is hereby amended by adding a new Title  
2 72 thereto to read as follows:

3 **“TITLE 72**

4 **BOATING**

5 **CHAPTER 1**

6 **MOTORBOAT REGISTRATION**

7 §1-101. Definitions. As used in this chapter of the Code unless the  
8 context clearly requires a different meaning:

9 (1) “Commercial motorboat” means any motorized boat that  
10 operates as a business to generate revenue or serve a commercial venture or  
11 carrying out a commercial activity or profit-making purposes, such as  
12 transporting property or people for hire, but does not include motorboats  
13 utilized primarily for subsistence fishing.

14 (1~~2~~) “Motorboat” means any marine or aquatic vessel not  
15 more than 65 feet in length propelled by operational machinery in excess of  
16 a rated horse power of 15 hp, (fifteen horse power), whether or not such  
17 machinery is the principal source of propulsion.

18 (2~~3~~) “Operate” means to navigate or otherwise use a  
19 motorboat.

20 (3~~4~~) “Operator” means the person who operates or has charge  
21 of the navigation or use of a motorboat.

22 (4~~5~~) “Owner” is a person having all the incidents of  
23 ownership; PROVIDED that for purposes of this chapter of the Code in the  
24 instance that legal title is held by another, not in possession of the  
25 motorboat, as security under a conditional sale contract or as the mortgagee

1 of a motorboat, “owner” means the person who has purchased or is in the  
2 process of purchasing the motorboat and is entitled to possession and use of  
3 the motorboat under the sales contract or mortgage document.

4 (56) “Person” means an individual, partnership, firm,  
5 corporation, association or other legal entity.

6 (67) “Vessel” means every description of watercraft, other  
7 than a seaplane on the water, used or capable of being used as a means of  
8 transportation on water.

9 (78) “Waters of this state” means any waters within the  
10 territorial limits of Pohnpei State, inclusive of the territorial seas adjacent  
11 to the islands of Pohnpei State.

12 §1-102. Operation of unnumbered motorboats prohibited. Every  
13 motorboat using the waters of this State shall be numbered except those  
14 exempted by 72 PC 1-103. No person shall operate or be given permission  
15 to operate any motorboat on such waters unless the motorboat is currently  
16 numbered in accordance with this chapter of the Code and unless:

17 (1) A valid certificate of the number issued to such  
18 motorboat is on board and in full force and effect; and

19 (2) The identifying number set forth in the certificate of  
20 number is displayed on each side of the bow of such motorboat.

21 §1-103. Exemptions. A motorboat shall not be required to be  
22 numbered under this chapter of the Code if it is:

23 (1) Covered by a certificate of number in full force and effect  
24 which has been issued to it pursuant to National law or a nationally  
25 approved numbering system of the National Government of the Federated

1 States of Micronesia where authorized under a valid national law.

2 (2) From a country other than the Federated States of  
3 Micronesia; PROVIDED that such motorboat shall not be used on the  
4 waters of this State for a period in excess of 365 consecutive days.

5 (3) A motorboat whose owner is the National Government of  
6 the Federated States of Micronesia, a state or a subdivision thereof, used  
7 exclusively in the public service and which is clearly identifiable as such.

8 (4) A motorboat's lifeboat if the boat is used solely for  
9 lifesaving purposes. This exemption does not include dinghies, tenders,  
10 speedboats, of other types of craft carried aboard motorboats and used for  
11 other than lifesaving purposes.

12 (5) A motorboat belonging to a class of boats which has been  
13 exempted from numbering by the Pohnpei Department of Public Safety  
14 after said Department has found that:

15 (a) The motorboat has been documented by an agency  
16 of the National Government where authorized under valid national law;

17 (b) When operating temporarily by virtue of evidence  
18 that a recent application for a certificate of number under this chapter of the  
19 Code has been submitted; or

20 (c) A motor has been temporarily attached to a floating  
21 structure, solely for the purpose of moving that structure from one  
22 permanent mooring point to another; PROVIDED that the operator of the  
23 motored structure shall bear the burden of proof that the movement of the  
24 structure meets the requirements of this paragraph.

25 §1-104. Classification and fees. Motorboats subject to the

1 provisions of this chapter of the Code shall be divided into four classes and  
2 be subject to the payment of certificate of number registration fees as  
3 follows; PROVIDED that upon a showing to the satisfaction of the  
4 Department of Public Safety that the motorboat will be used for  
5 commercial purposes as set forth in 72 PC 1-101(1), the registration fee  
6 required of the commercial motorboat shall be fifty percent, (50%) of the  
7 regular registration fee for said motorboat of the same application length:

- 8 (1) CLASS I: less than 16 feet in length---\$105;  
9 (2) CLASS II: 16 feet or over and less than 26 feet in length--  
10 -\$157.50;  
11 (3) CLASS III: 26 feet or over and less than 40 feet in length-  
12 --\$3015; and  
13 (4) CLASS IV: 40 feet or over and not more than 65 feet in  
14 length---\$10050.

15 §1-105. Application. ~~Within three months following the effective~~  
16 ~~date of this chapter of the Code, the owner of each motorboat required to be~~  
17 ~~numbered by this State shall file an application for number with the~~  
18 ~~Pohnpei Department of Public Safety on forms approved for it. Such forms~~  
19 ~~shall be prepared in cooperation with the Department of Treasury and~~  
20 ~~Administration. The application shall contain the name and address of the~~  
21 ~~legal owner(s) and the builder's hull number or any other distinguishing~~  
22 ~~mark of the motorboat, and the serial number of the outboard motor engine~~  
23 ~~as may be required by the Department. The application shall be signed by~~  
24 ~~the owners of the motorboat and shall be accompanied by a fee as~~  
25 ~~prescribed in 72 PC 1-104. Upon receipt of the application in approved~~

1 ~~form, the Pohnpei Department of Public Safety shall enter the same upon~~  
2 ~~into its records and issue a certificate of ownership to the owner and a~~  
3 ~~certificate of number to the owner, stating the number assigned to the~~  
4 ~~motorboat, the name and address of the owner and such additional~~  
5 ~~information as may be prescribed by regulation of the Pohnpei Department~~  
6 ~~of Public Safety. The owner shall paint on or attach to each side of the~~  
7 ~~forward half of the motorboat the identification number in such a manner~~  
8 ~~as may be prescribed by rules and regulations of the Pohnpei Department~~  
9 ~~of Public Safety in order that it may be clearly visible. The number shall~~  
10 ~~be maintained in legible condition. The certificate of number shall be~~  
11 ~~pocket size and shall be available at all times for inspection on the~~  
12 ~~motorboat for which issued, whenever such motorboat is in operation.~~

13 (1) Within three months following the effective date of  
14 this chapter of the Code, the owner of each motorboat required to be  
15 numbered by this State shall file an application for number with the  
16 Pohnpei Department of Public Safety on forms approved for it.

17 (2) Such forms shall be prepared in cooperation with the  
18 Department of Treasury and Administration.

19 (3) The application shall contain:  
20 (a) the name and address of the legal owner(s) and  
21 the builder's hull number or any other  
22 distinguishing mark of the motorboat;  
23 (b) the serial number of the outboard motor  
24 engine as may be required by the Department;  
25 and  
26 (c) whether the motorboat is intended to be used for  
27 commercial purposes as set forth in 72 PC 1-  
28 101(1).

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1                   (4)   The application shall be signed by the owners of the  
2 motorboat and shall be accompanied by a fee as prescribed in 72 PC 1-104.

3                   (5)   Upon approval of the application for motorboat  
4 registration under the terms of this chapter of the Code, the Department of  
5 Public Safety shall provide the successful applicant with a vessel  
6 identification number in the form of a self-adhesive registration sticker or  
7 self-adhesive set of numerical figures which the owner shall attach to each  
8 side of the forward half of the motorboat in such a manner as may be  
9 prescribed by rules and regulations of the Pohnpei Department of Public  
10 Safety issued under this chapter in order that it may be clearly visible. The  
11 number shall be maintained in legible condition. The certificate of number  
12 shall be pocket size and shall be available at all times for inspection on the  
13 motorboat for which issued, whenever such motorboat is in operation.

14                   (6)   The owner shall attach to each side of the forward  
15 half of the motorboat the identification number in such a manner as may be  
16 prescribed by rules and regulations of the Pohnpei Department of Public  
17 Safety issued under this chapter in order that it may be clearly visible. The  
18 number shall be maintained in legible condition. The certificate number  
19 shall be available at all times for inspection on the motorboat for which  
20 issued, whenever such motorboat is in operation.

21                   §1-106. Change of ownership. Should the ownership of a  
22 numbered motorboat change, the existing certificate of ownership and a  
23 new application form with a registration fee as set forth in 72 PC1-104  
24 shall be filed with the Pohnpei Department of Public Safety and a new  
25 certificate of ownership and a new certificate of number shall be issued in

1 the same manner as provided for in the original assignment of number and  
2 the number shall be reassigned to the new owner.

3 §1-107. Issuing agents. Any officer or employee of the Pohnpei  
4 Department of Public Safety may issue a certificate of ownership or a  
5 certificate of number or temporary certificate of number directly when such  
6 officer or employee is so authorized by the Director of the Department in  
7 conformity with this chapter of the Code, and with the rules and regulations  
8 of the Pohnpei Department of Public Safety promulgated under the  
9 provisions of this chapter of the Code.

10 §1-108. Numbering records to be public. All records of the  
11 Pohnpei Department of Public Safety made or kept pursuant to this chapter  
12 of the Code shall be public records.

13 §1-109. Registration period. Every certificate of number issued  
14 pursuant to this chapter of the Code shall continue in full force and effect  
15 through the 31<sup>th</sup> day of the third January following the month of  
16 registration unless sooner terminated or discontinued in accordance with  
17 the provisions of this chapter of the Code or the regulations promulgated  
18 pursuant to this chapter. Certificates of number may be renewed by the  
19 owner in the same manner provided for in the initial securing of the same;  
20 PROVIDED that the fee for renewal shall be as set forth in 72 PC 1-104.

21 §1-110. Expiration date. The Pohnpei Department of Public Safety  
22 shall record on the certificate of number the day, month and year on which  
23 ~~on which~~ the certificate is due to expire and will no longer be of any force  
24 and effect unless renewed pursuant to this chapter of the Code.

25 §1-111. Notices. The owner shall furnish the Pohnpei Department

1 of Public Safety written notice of the transfer of all or any part of his  
2 interest in a motorboat numbered in this State pursuant to this section, or  
3 the destruction or abandonment of such motorboat within fifteen days  
4 thereof. Such transfer, destruction or abandonment shall terminate the  
5 certificate of number for such motorboat except that in the case of a  
6 transfer of a part interest which does not affect the owner's right to operate  
7 such motorboat, such transfer shall not terminate the certificate of number.

8 §1-112. Change of address. Any holder of a certificate of number  
9 shall notify the Pohnpei Department of Public Safety in writing within  
10 fifteen days if his address no longer conforms to the address appearing on  
11 the certificate and shall, as a part of such notification, furnish the Pohnpei  
12 Department of Public Safety with his new address.

13 §1-113. No other number on forward half. No number other than  
14 the number validly assigned to a motorboat shall be painted, attached or  
15 otherwise displayed on either side of the forward half of such motorboat.

16 §1-114. Provision for regulations. The Pohnpei Department of  
17 Public Safety shall, subject to the provisions of Chapter 1 of Title 8 of this  
18 Code, promulgate regulations to administer the provisions of this section  
19 chapter of the code related to numbering applications, certificates of  
20 ownership, certificates of number, display of number, reports on change of  
21 address, destruction, abandonment, sale or transfer of ownership. The  
22 regulations shall direct that in order for a motorboat to register, it shall have  
23 sufficient safety equipment so as to protect the boat's occupants, shall  
24 determine the exact equipment for each type of boat, which shall depend  
25 upon the boat's construction type, size, intended use, number of  
26 passengers, intended operators, and other

1 relevant factors. Such equipment may include the following things: life  
2 vests or jackets, flares, telecommunication devices, water and food  
3 provisions, and other things as they may be determined necessary.

4           §1-115. Proof of ownership. The Pohnpei Department of Public  
5 Safety shall, subject to the provisions of Chapter 1 of Title 8 of this Code,  
6 promulgate rules and regulations setting forth requirements relative to  
7 establishing proof of ownership to be submitted by the owner at the time of  
8 filing initial application for a certificate of number.

9           §1-116. Transfer to dealer. Application for a new certificate of  
10 number or payment of the fee shall not be required on transfer of a  
11 motorboat to a dealer in the course of his business as is otherwise provided  
12 in this chapter of the Code, PROVIDED that:

13           (1) The motorboat is held and operated by the dealer only for  
14 the purpose of resale in the course of his business;

15           (2) The dealer has been issued a sales permit by the  
16 appropriate department or agency covering sale of such property; and

17           (3) The dealer shall, not later than five business days  
18 following such transfer, give written notice of purchase to the Pohnpei  
19 Department of Public Safety upon an appropriate form provided for it.

20           (4) Upon receipt of the notice of purchase referred to in  
21 Subsection (3) of this section, the Pohnpei Department of Public Safety  
22 shall issue a temporary certificate of number of such motorboat in the name  
23 of the dealer upon payment of a fee of five dollars and note the transfer on  
24 the Department's record of ownership.

25           (5) The certificate of ownership bearing the endorsement of

1 the transferor to the dealer of a motorboat registered pursuant to this  
2 section and the certificate of number thereof shall be retained by the dealer  
3 until a transfer of the motorboat by him, during such time, such certificates  
4 shall be subject to inspection by the Pohnpei Department of Public Safety  
5 or other authorized agency. Upon transfer of the motorboat by the dealer,  
6 the certificate of ownership shall be endorsed by the dealer and transfer  
7 further accomplished as otherwise provided in this chapter of the Code.

8 §1-117. Enforcement. [RESERVED; PROVIDED that the Office  
9 of Attorney General is requested to submit draft legislation to the Governor  
10 and the Pohnpei Legislature within 60 days following the effective date of  
11 this chapter of the Code to amend this section of the chapter to provide for  
12 meaningful enforcement provisions having due regard to issues of probable  
13 cause.

14 ~~(1) Any person empowered to enforce the provisions of this~~  
15 ~~chapter of the Code and of any rule or regulation adopted pursuant thereto~~  
16 ~~shall have the authority to stop and board any motorboat subject to this~~  
17 ~~chapter for the purpose of inspection or determining compliance with this~~  
18 ~~chapter or any such rule or regulation, and is empowered to issue a~~  
19 ~~summons for appearance in court for all violations of this chapter or of the~~  
20 ~~rules and regulations prescribed hereunder. Motorboats of law enforcement~~  
21 ~~personnel shall be marked to identify them as designated enforcement~~  
22 ~~motorboats.~~

23 ~~(2) Every motorboat subject to this chapter of the Code, if~~  
24 ~~under way and upon being hailed by a designated law enforcement officer,~~  
25 ~~shall stop immediately and lay to, or shall maneuver in such a way as to~~

1 ~~permit such officer to come aboard.~~

2 ~~(3) Any person employed or elected by this state whose duty~~  
3 ~~is to preserve the peace or to make arrest or to enforce the law is~~  
4 ~~empowered to enforce the provisions of this chapter of the Code. The~~  
5 ~~Pohnpei Department of Public Safety shall be primarily responsible for~~  
6 ~~enforcement of this chapter and rules and regulations issued hereunder.~~

7 §1-118. Civil Penalties. Any person who violates any provision of  
8 this chapter of the Code or the implementing regulations issued hereunder  
9 shall be subject to a civil penalty of not more than 300 percent (300%) of  
10 the valuation of the registration fee of the motorboat affected by the  
11 violation for each such violation; PROVIDED that any person who  
12 commits any additional violations of any provisions of this chapter of the  
13 Code or the implementing regulations issued hereunder with regards to the  
14 same motorboat within one year of the first violation shall be subject to  
15 double the maximum civil fine set forth above doubling of the fine shall be  
16 compounded for each additional offense beyond the second offense in the  
17 one year period.

18 §1-119. Criminal penalties. Any person who shall unlawfully and  
19 intentionally submit false or fraudulent information with respect to an  
20 application under this chapter of the Code or who shall unlawfully and  
21 intentionally display numbers on a motorboat in an attempt to deceive law  
22 enforcement officers that the motorboat has been duly registered under the  
23 provisions of this chapter when it has not been so registered shall be guilty  
24 of an offense against the state of Pohnpei and upon conviction thereof shall  
25 be fined not more than \$500.”

