

CHAPTER 331
FORMERLY
SENATE BILL NO. 261

AN ACT TO AMEND TITLE 23 OF THE DELAWARE CODE RELATING TO WATERWAY MANAGEMENT

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Three-fifths of all members elected to each house thereof concurring therein):

Section 1. Amend §2112, Title 23 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§2112 Definitions.

Unless otherwise provided for in this section or Department regulations, the definitions used in this chapter shall be the same as those used in the Federal Boat Safety Act of 1971 [46 U.S.C. §4301 et seq.]. Other definitions are:

(9) "Waterway Management" – Those activities necessary to provide for the planning, surveying, design, engineering and construction, or other activities directly related to the maintenance of public waterways, including dredging, channel marking, debris and derelict vessel/structure removal, the beneficial use of sediment, and shoreline and bathymetric survey work for commercial or recreational waterways.

(10) "Waterway Management Fund" – Fifty percent of funds collected pursuant to §2113(a) of this chapter shall be considered waterway management funds and utilized for waterway management.

Section 2. Amend §2113, Title 23 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§2113 Licensing and registration fees and waterway management fund.

(a) All vessels subject to this subchapter shall be divided into classes as follows and subject to the appropriate registration fees:

Class A – less than 16 feet ~~\$40~~ \$20 per year

Class 1 – 16 feet or over and less than 26 feet in length ~~20~~ \$40 per year

Class 2 – 26 feet or over and less than 40 feet in length ~~30~~ \$60 per year

Class 3 – 40 feet or over and less than 65 feet in length ~~50~~ \$100 per year

Class 4 – 65 feet or over and not required to be documented ~~60~~ \$120 per year

(f) Beginning July 1, 2000, and annually thereafter, the funds derived by the State from Boat Registration Fees shall be deposited as Appropriated Special Funds by the Department with the State Treasurer.

(g) Effective January 1, 2017, and annually thereafter, the funds derived by the State from the registration fees pursuant to §2113(a) of this chapter shall be deposited as Appropriated Special Funds by the Department with the State Treasurer, and fifty percent of those funds shall be considered a waterway management fund.

(h) Fifty percent of all funds collected pursuant to §2113(a) of this chapter shall be considered a waterway management fund and the Department shall be authorized to utilize these waterway management funds in the maintenance of Delaware's public waterways for the purposes defined in Waterway Management in this subchapter. In addition, the Secretary may direct the Department to perform any other waterway management services that may be identified to preserve, maintain and enhance recreational and commercial use of the State's waters.

Section 3. Amend §2113A(b), Title 23 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2113A. Licensing Agents; service charge, regulations

(b) Licensing agents may add a service charge to the required fee for a boat registration or boat ramp certificate, provided the service charge does not exceed ~~\$1.50~~ \$5.00 for a boat registration and ~~\$0.75~~ \$1.50 for a boat ramp certificate. Said service charge, if imposed, shall be posted by the licensing agent and shall be clearly visible to prospective purchasers.

Section 4. This Act shall take effect on January 1, 2017.

Approved July 22, 2016