

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Assignment of Hull Identification Numbers to Undocumented Vessels Manufactured in Louisiana (LAC 76:XI.309)

In accordance with the emergency provisions of R.S. 49:962 and under the authority of R.S. 34:852.13, the Department of Wildlife and Fisheries hereby amends LAC 76:XI.309 providing for regulations governing assignment of Hull Identification Numbers (HIN) to undocumented vessels manufactured for sale in Louisiana that do not qualify for the assignment of such numbers by the United States Coast Guard.

Federal regulations require recreational boats sold in the United States to have a Hull Identification Number (HIN) affixed by the manufacturer. Further, manufacturers of recreational vessels for sale in the United States are required to apply for a manufacturer identification code from the U.S. Coast Guard and to meet certain manufacturer specifications. However, there is an exemption from the federal flotation requirement applications for vessels used in shallow water/ marsh conditions. This exemption expires on July 31, 2024.

Louisiana law mandates the Department of Wildlife and Fisheries to develop regulations that allow for assignment of HINs to boat manufacturers in Louisiana for undocumented vessels manufactured in the state that do not qualify for the assignment of such number by the U.S. Coast Guard. As a result, the current regulations are in conflict with federal law and regulation and provide boat manufacturers an opportunity to circumvent certain federal regulatory requirements by applying for and purchasing blocks of ten HINs from the department that start with the "LAZ" manufacturer identification code. The state's "LAZ" designation is intended to be used to register and title homemade vessels built for personal use, or vessels with a missing, removed or obliterated HIN numbers, not for recreational boat manufacturers to avoid U.S. Coast Guard regulatory requirements.

Failure to adopt an Emergency Rule to address the conflict between the current regulations and federal law will potentially place consumers at risk of purchasing manufactured vessels that do not meet U.S. Coast Guard manufacturer standards and therefore result in imminent peril to the public welfare. Further, the U.S. Coast Guard has notified the Department of Wildlife and Fisheries that failure to take immediate action to bring vessel registration into compliance with the federal framework could result in loss of federal funding associated with enforcement and administration of recreational boating safety.

This Emergency Rule is effective December 29, 2022 and shall remain in effect for the maximum period allowed by law (180 days), unless rescinded or modified by the Secretary, or until promulgation of a final Rule regulation governing assignment of hull identification numbers to undocumented vessels manufactured in Louisiana, whichever occurs first.

Title 76

WILDLIFE AND FISHERIES

Part XI. Boating

Chapter 3. Boating Safety

§309. Assignment of Hull Identification Numbers to Vessels Manufactured in Louisiana

A. All vessels manufactured for sale in Louisiana shall conform to federal standards established in 46 USC 4301, et seq. or any federal regulation prescribed thereunder. Each vessel manufactured for sale in Louisiana shall have a hull identification number (HIN) assigned by the United States Coast Guard (USCG).

B. Notwithstanding the provisions of Subsection A, the following regulations shall provide for the assignment of hull identification numbers (HIN) to certain undocumented vessels manufactured in this state that do not qualify for the assignment of such numbers by the USCG.

1. Airboat and mudboat vessels that do not meet USCG level flotation regulations, but are manufactured principally to be used in shallow water/marsh conditions and do not travel far from shore are eligible for consideration for assignment of a Louisiana HIN, assuming the vessel meets the following criteria:

- a. The vessel model is designed for shallow water use;
- b. The vessel is only marketed and sold in typical shallow water and marsh areas;
- c. The vessel meets all other Federal Safety Standards for recreational boats manufactured in the United States;
- d. The manufacturer strictly adheres to all requirements of the Grant of Exemption;
- e. The vessel must be powered by a mud motor or fan blade.

2. The manufacturer(s) of such vessels shall submit an Application for Eligibility requesting approval from the department. The Application of Eligibility shall be submitted on company letterhead describing in detail the model(s) an exemption is sought for, photographs of the model(s), where the boats are typically sold including dealer network, marketing method for the model(s), and any flotation utilized on the model. The Application for Eligibility should include the following information for each model:

- a. Model name;
- b. Overall length;
- c. Vessel type;
- d. Hull material;
- e. Propulsion type;
- f. Engine drive type;
- g. Fuel

3. The manufacturer must be capable of producing a minimum of 10 vessels annually and must provide proof of security in one of the following forms to be eligible to receive the HIN's:

- a. pre-payment of a minimum of one block of 10 HIN numbers, or
- b. bond, letter of credit, or other security, in an amount and form acceptable to the secretary, determined on a case by case basis.

4. Upon receipt of an application for eligibility from a manufacturer, an agent from the enforcement division shall conduct an initial inspection of the manufacturer's vessel fabrication location.

5. Upon favorable inspection, the manufacturer(s) shall be approved to receive HIN's issued in blocks of 10 individual HINs upon the manufacturer's request. The department shall charge a fee of \$25 per issued HIN.

6. Manufacturer(s) receiving department-issued HIN, as described in this Section, shall comply with the following procedures.

a. The HIN must be stamped on the vessel before it leaves the manufacturer's facility.

b. The manufacturer(s) must produce a manufacturer statement of origin (MSO) as described in R.S. 34:852.11. The manufacturer shall provide the purchaser and/or transferee with the original MSO.

c. Manufacturer(s) must maintain records of all vessels stamped with HIN from the block of numbers issued to the manufacturer by the department. These records must include the date the vessel was stamped, vessel make, principle vessel hull material, vessel length, vessel type, HIN stamped on vessel, date vessel was sold or ownership transferred, and name and address of the transferee. These records shall be kept in the form of a log book issued by the department. The log book shall be returned to the department upon completion. Manufacturers must maintain a copy of the log book for three years.

C. Agents from the enforcement division may inspect the manufacturer(s)' facility, records, and/or vessels to verify that the manufacturer is maintaining compliance with the stated procedures.

D. Violation of this Section shall be fined not less than \$500; but no more than \$1000, or imprisoned for not more than 30 days, or both, for each violation as provided in R.S. 34:852.22.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:852.13.B.

HISTORICAL NOTE: Promulgated by Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 37:922 (March 2011), amended LR 49:

Jack Montoucet
Secretary