



# Basics to Boat Transactions

Purpose: The information presented here is intended to aid in processing basic boat/outboard motor transactions and to provide the user with information to help answer questions from the general public. This information should be used in conjunction with the Forms and Supporting Document Requirements for Specific Transactions matrices. (Information pertaining to the use and breakdown of these matrices is available within this training aid.)

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# Answers to Common Questions

A list of commonly asked questions and their corresponding answers.

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## BOAT/OUTBOARD MOTOR TITLING/REGISTRATION ISSUES

**Q: What is the difference between a title and registration?**

**A:** A title provides documented proof of ownership for a boat/outboard motor. Registration allows the boat/outboard motor to be legally docked, stored, moored and/or operated on the public waters of this state.

**Q: What is the difference between documentation from the United States Coast Guard (USCG) and titling through TPWD?**

**A:** Documentation with the USCG is the federal equivalent to a title issued by TPWD. A vessel cannot be both titled with TPWD and documented through the USCG. Commercial fishing vessels are required to maintain USCG documentation. USCG documentation is useful to owners who travel the coastline and cross into various state or international waters. In order to title a USCG documented vessel, a Letter of Deletion is required from the USCG confirming the vessel's documentation is no longer in effect.

**Q: Why does TPWD require registration of vessels which are documented through the USCG?**

**A:** To ensure payment of the required sales/use tax is made at the time of purchase and to ensure that USCG documentation is kept current. USCG documentation is valid for 1-5 years and must be renewed within 30 days of expiration by the owner.

**Q: Can a customer use their boat in Texas if it is registered in another state?**

**A:** Yes, if the boat is registered in the customer's name, they can operate the vessel for up to 90 consecutive days with current out-of-state registration. However, Use Tax is due upon arrival in Texas. In lieu of paying Use Tax, owners that qualify for the applicable tax exemption can opt to obtain a Temporary Use Tax Permit.

**Q: What is a Temporary Use Tax Permit?**

**A:** A Temporary Use Tax Permit allows the owner of a taxable boat or outboard motor who qualifies for a specific tax exemption to have their boat or outboard motor in Texas for not more than 90 days without paying sales/use tax. (This permit does **not** apply to registration and operation of the vessel on public waters.)

**Q: Does the Temporary Use Tax Permit allow the owner to legally operate their boat in Texas?**

**A:** The permit does allow the qualifying owner to have their boat or outboard motor in Texas up to 90 days without having to pay sales/use tax.

The permit does not allow the owner to operate the boat in Texas public waters. In order to operate the boat the owner must have one of the following:

- A current Certificate of Number issued by another state (i.e. current registration)
- Current USCG documentation
- A valid temporary placard provided to a purchaser by a Texas marine dealer
- In the event of an individual sale – Current Texas registration (the prior owner must provide the new owner the certificate of number identification card in order to legally operate the boat).

**Q: What documents do customers need to have in order to register their boat or title their boat or outboard motor?**

**A:** In general, a bill of sale and a signed title. However, there are over 200 different situations that arise where boats and outboard motor titles are affected. In order to determine what documents are

needed for each specific situation, please refer to the TPWD Forms and Supporting Document Requirements for Specific Transactions matrices which can be found at: [https://tpwd.texas.gov/fishboat/boat/owner/titles\\_and\\_registration/](https://tpwd.texas.gov/fishboat/boat/owner/titles_and_registration/)

You will need to answer which categories the vessel or motor in question fits into:

**New – Brand New or Newly Built**

Acquired as New from Texas Dealer/Manufacturer or New Homemade

Acquired as New Outside of Texas from Dealer/Manufacturer or New Homemade

**Used - TPWD Record Exists - Transfer of Boat/Outboard Motor With Existing Title and/or Registration Through TPWD**

Vessels and Outboard Motors Titled – TPWD Record Exists

Vessels Registered but not Titled – TPWD Record Exists

**TPWD Record Exists - Maintenance of Existing Record; Renew Registration, Replacement(s), Change(s), and Correction(s)**

Vessels and Outboard Motors Titled

Vessels Registered But Not Titled

**Used - Not Currently Titled and/or Registered Through TPWD**

No Record Exists – Original Owner

No Record Exists – Acquired from Previous Owner

Record Exists Outside of Texas – Original Owner

Record Exists Outside of Texas – Acquired from Previous Owner

**Registration of USCG Documented Vessels**

New Registration

Renewal of Registration

Transfer of Registration-due to change in ownership with registration current and greater than 90 days from expiration

Transfer of Registration-due to change in ownership with registration within 90 days of expiration or registration is expired

**Sold Under Statutory Lien**

Self Storage Lien

Storage Lien

Garageman/Mechanic/Towing Lien

**Sales Tax Only Payments for Vessels or Outboard Motors**

**Q: What is acceptable as a bill of sale when purchasing a boat or outboard motor?**

**A:** Bill of Sale or Invoice (signed by the seller(s)) - is required for every transfer of ownership.

One of the following is acceptable to meet the bill of sale or invoice requirement:

- (1) Form PWD 143/144 application - tax affidavit must be completed and signed by the seller(s), **OR**
- (2) Handwritten Receipt or Sales Invoice - must contain date of sale, sales price (DO NOT include sales price of trailer), description of vessel and/or outboard motor (make, TX or serial number and year built), purchaser(s) name, and seller(s) signature, **OR**
- (3) Back of original brown Texas title – seller(s) must sign and list purchaser(s) name and address, sales price (DO NOT include sales price of trailer), and date of sale. If the sale includes more than one asset (for example, a boat and an outboard motor) the sales price of each asset should be listed separately on the back of each respective title.

**Q: How long is my registration valid for?**

**A:** Two years

**Q: What is a certificate of number card?**

**A:** A certificate of number card is an identification card which must be carried on the boat when in use. This card lists the boat owner, boat description, expiration date of registration, and whether the boat is titled or documented through the United State Coast Guard.

**Q: Why does the customer have to carry the certificate of number card?**

**A:** It is a state and federal legal requirement to be able to identify the owner of the vessel and match the description on the card to the vessel being operated. Failure to carry or present this card can result in the issuance of a citation.

**Q: Can an owner have more than one certificate of number card?**

**A:** Yes, there is no limit on the number of cards that an owner may purchase. The information on all cards in use must reflect current information.

**Q: When is a pencil tracing or photograph of the serial number for the vessel or outboard motor required?**

**A:** The following situations require verification (pencil tracing or photograph) of boat/outboard motor serial numbers by completing the PWD 504 form:

- When the boat/motor is coming from out-of-state or another country (registered/titled in another state/country).
- When the boat was previously documented with the USCG and is now being titled.
- When the boat/motor serial numbers are incorrect on the ownership document (title/registration).
- When the boat/motor is used and has never been titled or registered.
- When the serial number does not conform to Coast Guard regulation formatting.

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## IDENTIFICATION/SIGNATURE ISSUES

**Q: Do I need to check a valid ID for everyone who comes in to get a transaction processed?**

**A:** Yes. Valid photo ID includes current state issued driver's license, current state issued ID card, current military ID card, current passport or other current government issued ID.

**Q: Why?**

**A:** To prevent a boat or outboard motor from being transferred without the owner's knowledge and permission. In short, to prevent fraud and theft.

**Q: Why is the owner's driver's license and date of birth, or company EIN, now required?**

**A:** The United States Code of Federal Regulations, Title 33 Navigation & Navigable Waters, Section 174 governs the requirements for state numbering programs, and revisions to these regulations now require the Texas Boat Titling & Registration Program to collect and record new information for certain transactions.

The purpose of the revisions is to ensure:

- All state numbering programs are aligned to collect and report the same information.
- Standardization of information provided in the federal Vessel Information System (VIS), which is used by all states to verify asset and owner information, particularly for assets moving between states.
- Standardization and improved reporting for the Boating Accident Report Database (BARD). This database contains data on recreational boating accidents, which are reported to local district offices of the United States Coast Guard (USCG). The U.S. Coast Guard (USCG) office of boating safety is dedicated to reducing loss of life, injuries and property damage that occur on U.S. waterways by improving the knowledge, skills and abilities of recreational boaters. The data collected is used for this purpose.

**Q: If the owner doesn't have a driver's license, what other forms of ID are acceptable?**

**A:** Any of the following are acceptable in lieu of a driver's license:

- US State Issued Identification (ID) Card
- US Military ID Card
- US Passport

- US Citizenship & Immigration ID Card
- US Department of Homeland Security ID Card
- US Department of State ID Card
- Mexico Driver's License
- Foreign Passport
- Foreign Military ID Card

**Q: Are Owner Identifiers public information?**

**A:** No. If an open records request is received by TPWD, the information will be redacted prior to fulfilling the request.

**Q: What is the difference between Power of Attorney and Letter of Authorization and what does each do?**

**A:** A Power of Attorney allows the owner(s) to designate another individual to act on their behalf in providing documentation and signing applications and related forms in place of the owner(s). A Letter of Authorization should be used when the owner(s) of record wants to send someone else to bring in their paperwork. The letter of authorization does not allow the person to sign documents in place of the owner of record. In other words, we want to know that the person coming in with paperwork has the permission of the owner before we process transactions, even if they are signed by the owner of record.

**Q: Can a husband or wife renew the registration, or obtain a replacement certificate of number card or decals for a boat on which their spouse is listed as the sole owner of record?**

**A:** Yes, but only if they can provide valid identification showing their last name and address is the same as that of the owner of record. If they present a renewal notice, no signature is needed; if not they can either print their name and sign the transaction receipt or complete and sign the PWD 143M form.

**Q: Can a husband or wife change the address for a boat on which their spouse is listed as the sole owner of record?**

**A:** No, they must have either; 1) the green renewal notice with the address change completed by the owner of record (for registration renewal); 2) a 143M with the address change completed and signed by the owner of record; 3) a signed letter of authorization (PWD 581) from the owner of record allowing them to process the requested transaction and/or change the address, (or verification by telephone contact with the owner can be obtained by staff at the time the transaction is processed), or; 4) the owner of record must come in and sign the applicable forms.

**Q: Can a husband or wife sign the request for a replacement title if they aren't listed as the owner?**

**A:** No, the owner of record must sign the request. The spouse may bring in the request without having to supply a letter of authorization but only if they can provide valid identification showing their last name and address is the same as that of the owner of record and the request must be signed by the owner of record.

**Q: Can a husband or wife bring in the request for a replacement title or transfer of ownership transaction if they aren't listed as the owner?**

**A:** Yes. The spouse may bring in the request without having to supply a letter of authorization but only if they can provide valid identification showing their last name and address is the same as that of the owner of record and the request must be signed by the owner of record.

**Q: Do all co-owners have to sign applications, bills of sale, and supporting documents to sell or transfer ownership?**

**A:** Yes

**Q: Do all co-owners have to be present when the transaction is requested?**

**A:** No

**Q: If there are co-owners listed, do both have to sign the application for a replacement title?**

**A:** No, only one signature is required. The replacement title will be mailed to the address recorded for the owner listed first on the asset record (which is designated as the primary mailing address but has no meaning regarding who has controlling interest in the asset).

**Q: Can the co-owner request a replacement title and change the address of the person listed as the primary owner?**

**A:** Yes

**Q: Can a co-owner change which owner is listed as the primary owner for mailing purposes?**

**A:** Yes

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## CONTACT INFORMATION

**Q: If a customer wants to call TPWD Headquarters directly, what is the best phone number to give them?**

**A:** Give them the toll-free Boat Information Help Line number, 1-800-262-8755. Staff is available from 8:00 a.m.–5:00 p.m. each workday to answer any questions or research any problems that the customer may encounter.

**Q: Where can a customer get their boat registration/title and outboard motor title processed?**

**A:** The forms must be completed and submitted together with any required application fees, supporting documents, and any boat/outboard motor taxes due to:

- Texas Parks and Wildlife Headquarters in Austin, TX
- Any of the 28 Texas Parks and Wildlife Law Enforcement field offices ([https://tpwd.texas.gov/fishboat/boat/owner/office\\_locations/](https://tpwd.texas.gov/fishboat/boat/owner/office_locations/))
- Any participating Tax Assessor-Collector Office ([https://tpwd.texas.gov/fishboat/boat/owner/office\\_locations/](https://tpwd.texas.gov/fishboat/boat/owner/office_locations/))

**Q: Where can the customer get their boat trailer titled and registered?**

**A:** Boat trailer titling and registration is handled through the Department of Motor Vehicles and is processed through your local county tax assessor-collector office.

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## REFUND REQUESTS

**Q: If a customer requests a refund for fees paid, what should I tell them?**

**A:** Typically, if the service has been provided, no refunds will be issued. However, the customer may send a written request with any supporting documentation and applicable title, registration card and/or decals to TPWD HQ for review and consideration. This review does not guarantee that a refund will be issued.

Refund requests should be mailed to: TPWD, Attn: Boat Section, 4200 Smith School Road, Austin, Texas 78744.

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# Exemptions - Quick Reference List

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| <b>Exemption List 1 - Exemption from Titling</b>   |
| <b>For Vessels:</b>  |
| Documented in another state or from another country and not operated in Texas > 90 days  |
| Canoes, kayaks, punts, rowboats, or rubber rafts not used with a motor   |
| Other vessels less than 14' and used without a motor   |
| USCG Documented-31.055 of the Water Safety Act exempts documented vessels from the requirement of titling  |
| Ship's Lifeboat  |
| <b>For Motors:</b>   |
| From another state or country and not operated in Texas > 90 days  |
| <b>Exemption List 2 - Exemption from Vessel Registration</b>   |
| Documented in another state or from another country and not operated in Texas > 90 days  |
| Canoes, kayaks, punts, rowboats, or rubber rafts not used with a motor   |
| Other vessels less than 14' and used without a motor   |
| USCG Documented vessels which exceed 115' in length, or are commercial tugboats, or are pilot or crew boats transporting freight, supplies, or personnel to or from cargo ships, freighters, or offshore oil infrastructure. <i>Shrimp boats and commercial fishing boats are not exempt.</i>  |
| Used only at a tournament, competition or exhibition sanctioned by governmental entity   |
| Vessel owned by the US government, a state, counties, municipalities, quasi-governmental agency  |
| Vessel Not In Use on Texas Public Waters   |
| Ship's Lifeboat  |
| <b>Exemption List 3 - Exemption from Boat Sales/Use Tax (Tax Code, Chapter 160 - 6.25% tax rate)</b>   |
| Government Entity such as State, Federal, Political Subdivisions, volunteer fire department, or emergency services   |
| Acquired as Gift   |
| Vessel or outboard motor purchased in Texas or first used in Texas prior to January 1, 2000.   |
| Vessel or outboard motor titled for resale purposes by a licensed Texas Marine Dealer, insurance company, lien holder, or pawnshop.  |
| For outboard motor titling, if sales tax was paid with a vessel titling transaction for the entire value of boat and motor. (practical exemption) <i>Vessels and outboard motors purchased in Texas on or after 9/1/19 with a combined sales price greater than \$300,000.00 are not eligible to combine the sales price and pay it all on the vessel.</i> |
| Sales tax for vessels and outboard motors purchased in Texas on or after 9/1/19 is capped at \$18,750.00 per asset (\$300,000.00 equivalent sales price). Tax must be reported and paid separately for each individual vessel or outboard motor (vessel and outboard motor sales price may not be combined).   |
| A new resident of this state who brings into this state for use in this state a taxable boat or motor that has been purchased and owned by the new resident in any other state or foreign country is charged \$15 for each taxable boat or motor.  |
| Vessel or outboard motor is used temporarily in this state & the owner has obtained a Temporary Use Tax Permit.  |
| Vessel or outboard motor is sold in Texas for use in another state or nation and is either removed or placed in a registered boat repair facility within 10 days. If placed for repair, it is removed within 20 days of repair completion.   |
| <b>Exemption List 4 - Exempt from Boat Sales/Use Tax (Tax Code, Chapter 160 - 6.25% tax rate)</b><br><b>The following vessels are not subject to Tax Code, Chapter 160, BUT ARE SUBJECT to Limited Sales, Excise &amp; Use Taxes (Tax Code, Chapter 151 - 6.25% + local tax rates up to 2%)</b>  |
| <b><i>This tax is collected by either permitted sellers or sent directly to the Comptroller of Public Accounts.</i></b>  |
| Canoes, Kayaks, rowboats, rafts, punts, or other vessel not designed to be used with a motor (160.001)   |
| Vessels greater than 115 feet in length.   |
| Vessels greater than 65 feet in length when purchased prior to 9/1/19.   |
| <b>Exemption List 5 - Exempt from Dealer Licensing Requirements (Dealer, Distributor, and Manufacturer)</b><br><b>Parks &amp; Wildlife Code 31.0413</b>  |
| The sale of a canoe, kayak, punt, rowboat, rubber raft, paddleboat, other vessel that is less than 12 feet in length and has a horsepower rating of five horsepower or less or to the sale of an outboard motor with a manufacturer's rating of five horsepower or less.   |

## **Exemptions**

### **Registration**

#### **Parks & Wildlife Code § 31.022. Exemptions From Required Numbering**

- (a) A vessel is not required to be numbered under the provisions of this chapter if it is:
- (1) operated within this state for a period not exceeding 90 consecutive days and is covered by a number in full force and effect which has been awarded under federal law or a federally approved numbering system of another state;
  - (2) from a country other than the United States temporarily using the water of this state;
  - (3) owned by the United States, a state, or a subdivision of a state; or
  - (4) a ship's lifeboat.
- (b) The department may exempt from numbering a class of vessels if it finds that the numbering of the vessels of that class will not materially aid in their identification. The department may also exempt a vessel if it finds that it belongs to a class of vessels that would be exempt from numbering under a numbering system of an agency of the federal government if it were subject to federal law.
- (c) All canoes, kayaks, punts, rowboats, rubber rafts or other vessels under 14 feet in length when paddled, poled, oared or windblown are exempt from the numbering provisions of this chapter.
- (d) A vessel in use at a water ski tournament, competition or exhibition sanctioned in writing by the governing board of the governmental entity that has jurisdiction over the body of water on which the tournament, competition or exhibition occurs is exempt from the numbering provisions of this chapter.

#### **Texas Administrative Code §53.90. Display of Registration Validation Sticker.**

- (a) Documented vessels are required to display the registration validation sticker on both sides of the bow and maintain current documentation through the United States Coast Guard or display the state-assigned TX numbering series with the decal. The following are exempt from registration requirements:
- (1) commercial tugboats;
  - (2) vessels exceeding 115 feet in length; and
  - (3) pilot or crew boats transporting freight, supplies, or personnel to or from cargo ships, freighters, or offshore oil infrastructure.
- (b) For the purposes of this section, vessel length is the length of the vessel listed on the United States Coast Guard national documentation.
- (c) Vessels registered as antique boats are permitted to display the registration validation sticker on the left portion of the windshield. In the absence of a windshield, the registration validation sticker must be attached to the certificate of number and made available for inspection when the boat is operated on public water.

### **Titling**

#### **Parks & Wildlife Code § 31.055. Exceptions**

This subchapter does not apply to vessels with a valid marine document issued by the United States Coast Guard's National Vessel Documentation Center or a federal agency that is a successor to the National Vessel Documentation Center.

### **Sales or Use Tax**

#### **Tax Code § Sec. 160.001. Definitions**

- (2) "Boat" means a vessel not more than 115 feet in length, measured from the tip of the bow in a straight line to the stern.
- (9) "Taxable boat or motor" means:
- (A) a boat other than a canoe, kayak, rowboat, raft, punt, or other vessel designed to be propelled by paddle, oar, or pole; or
  - (B) an outboard motor.

#### **Tax Code § 160.024. Exemption**



The taxes imposed by this chapter do not apply to the sale of a taxable boat or motor or to the use of a taxable boat or motor by this state or its political subdivisions or the federal government.

**Tax Code § 160.0245. Exemption for Emergency Service Organizations**

The taxes imposed by this chapter do not apply to the sale of a taxable boat or motor to or to the use of a taxable boat or motor by a volunteer fire department or other department, company, or association organized for the purpose of answering fire alarms and extinguishing fires or for the purpose of answering fire alarms, extinguishing fires, and providing emergency medical services, the members of which receive no compensation or only nominal compensation for their services rendered, if the boat or motor is used exclusively by the department, company, or association.

**Tax Code § 160.0246. Exemption for Certain Boats and Motors Temporarily Used in This State**

- (a) The taxes imposed by this chapter do not apply to the sale of a taxable boat or motor if:
  - (1) the boat or motor is sold in this state for use in another state or nation and is removed from this state not more than 10 days after the date of purchase;
  - (2) the boat or motor:
    - (A) is sold in this state for use in another state or nation;
    - (B) not later than the 10th day after the date the boat or motor is purchased, is docked at or placed in a boat repair facility registered with the comptroller for repairs or modifications;
    - (C) is not used by a person while it is being repaired or modified, except as necessary to test the repairs or modifications; and
    - (D) is removed from this state not more than 20 days after the date the repairs or modifications are finished; or
  - (3) the boat or motor:
    - (A) is sold in this state for use in another state or nation;
    - (B) displays a permit described by Section 160.0247 at all times after the boat or motor is purchased until the boat or motor is removed from this state; and
    - (C) is removed from this state not more than 90 days after the date of purchase.
- (b) The tax imposed by Section 160.022 does not apply to a taxable boat or motor used in this state or brought into this state for use if the boat or motor:
  - (1) has a current certificate of number issued under any federal law or a federally approved numbering system of another state;
  - (2) displays a permit described by Section 160.0247 at all times while the boat or motor is located in this state; and
  - (3) is removed from this state not more than 90 days after the date the boat or motor is brought into this state.
- (c) The comptroller shall adopt rules and procedures to implement this section and Section 160.0247.

**Tax Code § 160.0247. Temporary Use Permit**

- (a) The comptroller or an agent of the department may issue a temporary use permit to the owner of a taxable boat or motor that qualifies for an exemption from tax under Section 160.0246(a)(3) or (b).
- (b) The fee for a permit is \$150.
- (c) A permit is valid for 90 days and may not be renewed.
- (d) The owner of a taxable boat or motor may obtain not more than two permits in a calendar year for the boat or motor. The second permit in a calendar year may not be issued before the 30th day after the date the first permit expires.

**Tax Code § 160.026. Limitation on Amount of Tax**

Notwithstanding any other law, the tax imposed under Section 160.021 on the sale of a taxable boat or motor may not exceed \$18,750.

**Dealer Licensing**

**Parks & Wildlife Code § 31.0413. Exemption from Dealer Licensing Requirements**

The dealer licensing provisions of this subchapter do not apply to the sale of a canoe, kayak, punt rowboat, rubber raft, paddleboat, or other vessel that is less than 12 feet in length and has a horsepower rating of five horsepower or less or to the sale of an outboard motor with a manufacturer's rating of five horsepower or less.

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# Who Can Do What...

**Answers the question of what you should do if the person requesting a transaction is not the owner of record and provides information on the acceptable documentation in each case.**

## **Power of Attorney (PWD 1055)**

A power of attorney allows the owner(s) of record to designate another individual to act on their behalf in providing documentation and signing applications and related forms in place of the owner(s) of record. The power of attorney must have original signatures and the signatures must be notarized.

A person designated as the power of attorney for the owner of record should sign their own name with (POA) indicated after their name – for instance, *Richard Smith (POA)*

When a company or business is designated as the power of attorney, the company's name should be listed in the signature block followed by the signature of the person representing the company – for instance *Bank of America, John Roberts (POA)*

## **Letter of Authorization (PWD 581)**

The owner of record may authorize another individual to bring in their registration or titling transaction to an office for processing. The Letter of Authorization form must accompany the application for the transaction requested. This form does not allow the authorized individual to sign for the owner/applicant. This form does not function as Power of Attorney.

## **Rights of Survivorship (PWD 790)**

This is a service used when two or more persons enter into a Rights of Survivorship agreement. The vessel and/or outboard motor is then jointly owned (co-owned) by those persons, which shall be effective as of the date the PWD 790 is signed and notarized. If one or more of the persons that completed the Rights of Survivorship agreement dies, ownership of the vessel and/or outboard motor will vest in and belong to the surviving owner(s). Rights of Survivorship may be noted on the title record. This service may be added to an existing title, but a replacement title fee will be charged. If this service is requested at the time of initial application, there is no additional charge for the right of survivorship service.

The PWD 790 form must be completed in full, signed and notarized. Upon completion of the form two options are available:

- Submit the completed form, along with all applicable supporting documentation and fees, and have the Rights of Survivorship (ROS) designation added to the title for all owners of record. Upon the death of any person(s) named in the agreement, the survivor(s) may obtain a new title by submitting the applicable supporting documentation and the required fees.

OR

- Retain the original completed form, and after the death of any person(s) named in the agreement the survivor(s) may obtain a new title by submitting the form, all applicable supporting documentation, and the required fees.

## Trail of Ownership

Anytime a boat or outboard motor is sold, the title must be transferred into the new owner's name. Non-titling is not allowed and can result in the person receiving a citation for failure to title.

### **Parks & Wildlife Code § 31.045. Ownership of Vessels and Outboard Motors; Certificates of Title**

- (a) The ownership of a vessel or of an outboard motor is evidenced by a certificate of title issued by the department, unless the vessel or the outboard motor is new.
- (b) The ownership of a new vessel or a new outboard motor is evidenced by a manufacturer's or an importer's certificate executed on a form prescribed by the department.
- (c) Separate certificates are required for vessels and for outboard motors.

## What is needed to transfer ownership when the owner is deceased?

- Estate Exists:
  - When a will exists and an application for administration has been filed or an estate has been probated, the court may issue either letters testamentary, letters of administration, or a copy of the will and muniment of title.
- Affidavit of Heirship Form: (PWD 738)
  - When the deceased left either no will or a will and that no application for administration has been filed; that there is no necessity for an administration upon the estate; that the signed heirs are the sole and only known heirs at law of the deceased and are, therefore, authorized under the law to sell, transfer and assign the ownership to said boat and/or motor; that there are no other known heirs who have prior right to the estate of the deceased.

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# Requirements Under the Law

Excerpts taken from the Texas Water Safety Act, the Texas Tax Code, and the Texas Property Code and how they correlate to the different types of transactions we process. Including:

- Registration
- Titling
- Sales Tax
- Information/History Requests
- Storage/Mechanics Liens
- Marine Licensing

The following excerpts have been taken from the

- Parks and Wildlife Code (Texas Water Safety Act)
- Texas Administrative Code
- Texas Tax Code and the
- Texas Property Code.

These statutes and rules set the standard for the policies and procedures we follow when processing all boat and outboard motor transactions. They are presented here in conjunction with the type of transaction to which they directly apply.

## **Parks & Wildlife Code § 31.002. State Policy**

It is the duty of this state to promote recreational water safety for persons and property in and connected with the use of all recreational water facilities in the state, to promote safety in the operation and equipment of facilities, and to promote uniformity of laws relating to water safety.

## **Parks & Wildlife Code § 31.004. Application of Chapter**

The provisions of this chapter apply to all public water of this state and to all vessels on public water. Privately owned water is not subject to the provisions of this chapter.

# Transaction Types

## Registration

### Registration of Vessels

#### **Parks & Wildlife Code § 31.021. Required Numbering**

- (a) Each vessel on the water of this state shall be numbered in accordance with the provisions of this chapter unless specifically exempted. The numbering system shall be in accord with the Federal Boating Act of 1958 and subsequent federal legislation.
- (b) No person may operate or give permission for the operation of any vessel or may dock, moor, or store a vessel owned by the person on the water of this state unless:
  - (1) the vessel is numbered as required by this chapter;
  - (2) the certificate of number awarded to the vessel is in full force and effect; and
  - (3) the identifying number set forth in the certificate is properly displayed on each side of the bow of the vessel as required by this chapter.

### **Parks & Wildlife Code § 31.029. Term of Certificate of Number**

Every certificate of number awarded pursuant to this chapter shall continue in full force and effect for a period of two years unless sooner terminated or discontinued in accordance with the provisions of this chapter.

### **USCG Documented Vessels**

#### **Parks & Wildlife Code § 31.021. Required Numbering**

- (a) Each vessel on the water of this state shall be numbered in accordance with the provisions of this chapter unless specifically exempted. The numbering system shall be in accord with the Federal Boating Act of 1958 and subsequent federal legislation.

#### **Texas Administrative Code §53.90 Display of Registration Validation Sticker**

- (a) Documented vessels are required to display the registration validation sticker on both sides of the bow and maintain current documentation through the United States Coast Guard or display the state-assigned TX numbering series with the decal. Commercial tugboats, vessels exceeding 115 feet in length; and pilot or crew boats transporting freight, supplies, or personnel to or from cargo ships, freighters, or offshore oil infrastructure are exempted from registration. For the purposes of this section, vessel length is the length of the vessel listed on the United States Coast Guard national documentation.

### **Out of State Vessels Used in Texas**

#### **Parks & Wildlife Code § 31.023. Vessels Numbered Under Federal or Other State Law**

The owner of any vessel for which a current certificate of number has been awarded under any federal law or a federally approved numbering system of another state shall, if the vessel is operated on the water of this state in excess of 90 consecutive days, make application for a certificate of number in the manner prescribed in this chapter for residents of this state.

### **Antique Vessels**

#### **Parks & Wildlife Code § 31.032 Numbering On Bow**

- (c) The commission shall adopt rules for the placement of the validation decal in an alternate location for antique boats. In this subsection, "antique boat" means a boat that:
  - (1) is used primarily for recreational purposes; and
  - (2) was manufactured 35 or more years before the date the validation decal is issued.

#### **Texas Administrative Code §53.90 Display of Registration Validation Sticker**

- (b) Vessels registered as antique boats are permitted to display the registration validation sticker on the left portion of the windshield. In the absence of a windshield, the registration validation sticker must be attached to the certificate of number and made available for inspection when the boat is operated on public water.

### **Registration Renewal**

#### **Parks & Wildlife Code § 31.025. Renewal of Certificates of Number**

- (a) An application for the renewal of each certificate of number shall be prepared by the department and mailed to the owner of the vessel during the period of the last 90 days before the expiration date of the certificate. The same number shall be issued on renewal.
- (b) The application for renewal may be returned to the department, to any participating county tax assessor-collector or if permitted by the department, to an agent of the department.
- (c) Applications not received during the 90-day period shall be treated in the same manner as original applications.

## **Address Change**

### **Parks & Wildlife Code § 31.038. Change of Address; Notice to Department**

- (a) The holder of a certificate of number shall notify the department within a reasonable time if his address no longer conforms to the address appearing on the certificate and shall inform the department of his new address.
- (b) The department may provide in its regulations for the surrender of the certificate bearing the former address and its replacement with a certificate bearing the new address or for the alteration of the outstanding certificate to show the new address of the holder. Changes of address shall be noted on the records of the department.

## **Replacement Certificate of Number and Decals**

### **Parks & Wildlife Code § 31.030. Duplicate Certificates and Decals**

- (a) If a certificate of number becomes lost, mutilated, or illegible, the owner of the vessel for which the certificate was issued may obtain a duplicate on application to the department and the payment of a fee of \$2 or an amount set by the commission, whichever amount is more.
- (b) If a registration decal becomes lost, mutilated, or illegible, the owner of the vessel for which the decal was issued may obtain a replacement decal on application (for decal and new certificate of number card) to the department and the payment of a fee of \$2 or an amount set by the commission, whichever amount is more.

## **Transfer**

### **Parks & Wildlife Code § 31.037. Change in Ownership Interest; Notice to Department**

- (a) The recorded owner of a vessel numbered in this state shall notify the department not later than the 20th day after the date:
  - (1) of the transfer by sale, donation, gift, or other means of all or any part of the owner's interest in the vessel, other than the creation of a security interest in the vessel;
  - (2) of the destruction or disposal of the vessel; or
  - (3) of the permanent removal of the vessel from this state to another state or country.
    - (a-1) The notification under Subsection (a) must be on a form prescribed by the department that includes:
      - (1) the name and address of the new owner, as applicable; and
      - (2) the vessel's certificate of number.
- (b) If the vessel is destroyed, disposed of, or permanently moved to another state or country, the department shall cancel the certificate of number and enter the cancellation in its records.
- (c) The new owner of a vessel shall, not later than the 45th day after the date ownership was transferred, submit an application to the department with:
  - (1) evidence of ownership;
  - (2) the new owner's name and address;
  - (3) the number of the vessel; and
  - (4) a fee of \$2 or an amount set by the commission, whichever amount is more.
- (d) On receipt of the new owner's application and fee the department shall transfer the certificate of number issued for the vessel to the new owner. Unless the application is made and the fee is paid on time, the vessel is without a certificate of number, and it is unlawful for any person to operate the vessel until the certificate is issued.

## **Sales and Use Tax**

### **Parks & Wildlife Code § 31.024. Application for Number**

- (e) The department, an authorized agent or a county tax assessor-collector may not issue a certificate of number unless the tax due on the vessel under Chapter 160, Tax Code, is paid.

## **Titling**

### **Original and Transfer**

#### **Parks & Wildlife Code § 31.036. Proof of Ownership**

- (a) A certificate of title is required as proof of ownership of a vessel for which a certificate of number is sought.
- (b) A certified statement of ownership is sufficient proof of ownership for a vessel of a type for which a certificate of title is not required.

#### **Parks & Wildlife Code § 31.045. Ownership of Vessels and Outboard Motors; Certificates of Title**

- (a) The ownership of a vessel or of an outboard motor is evidenced by a certificate of title issued by the department, unless the vessel or the outboard motor is new.
- (b) The ownership of a new vessel or a new outboard motor is evidenced by a manufacturer's or an importer's certificate executed on a form prescribed by the department.
- (c) Separate certificates are required for vessels and for outboard motors.
- (d) The ownership of a vessel exempted from numbering under Section 31.022(c) of this code is not required to be evidenced by a certificate of title issued by the department.

#### **Parks & Wildlife Code § 31.037. Change in Ownership Interest; Notice to Department**

- (a) The recorded owner of a vessel numbered in this state shall notify the department not later than the 20th day after the date:
  - (1) of the transfer by sale, donation, gift, or other means of all or any part of the owner's interest in the vessel, other than the creation of a security interest in the vessel;
  - (2) of the destruction or disposal of the vessel; or
  - (3) of the permanent removal of the vessel from this state to another state or country.
    - (a-1) The notification under Subsection (a) must be on a form prescribed by the department that includes:
      - (1) the name and address of the new owner, as applicable; and
      - (2) the vessel's certificate of number.
- (b) If the vessel is destroyed, disposed of, or permanently moved to another state or country, the department shall cancel the certificate of number and enter the cancellation in its records.
- (c) The new owner of a vessel shall, not later than the 45th day after the date ownership was transferred, submit an application to the department with:
  - (1) evidence of ownership;
  - (2) the new owner's name and address;
  - (3) the number of the vessel; and
  - (4) a fee of \$2 or an amount set by the commission, whichever amount is more.
- (d) On receipt of the new owner's application and fee the department shall transfer the certificate of number issued for the vessel to the new owner. Unless the application is made and the fee is paid on time, the vessel is without a certificate of number, and it is unlawful for any person to operate the vessel until the certificate is issued.

### **Bill of Sale**

#### **Texas Administrative Code, Comptroller of Public Accounts, Tax Administration**

#### **3.741 Imposition and Collection of Tax (Boat And Boat Motor Sales And Use Tax)**

- (7) Taxable boat--Any watercraft, other than a seaplane on water, not more than 115 feet in length. This includes federally documented boats, motorboats, sailboats, jet skis, and boats designed to accommodate an outboard motor. Excluded from this definition are canoes, kayaks, rowboats, inflatable rafts, or other watercraft designed to be propelled by paddle, oar, or pole. These excluded watercraft are taxed under Limited Sales, Excise and Use Tax, unless some other exemption applies.

#### **Tax Code § 160.042. Required Affidavits**



- (a) A person obligated to pay a tax imposed by this chapter on a transaction shall file the affidavit as provided by this section with the department, agent of the department, or tax assessor-collector on payment of a tax imposed by this chapter.
- (b) If a taxable boat or motor is sold by a person at a retail sale, the seller and purchaser shall make a joint affidavit stating the value in dollars of the total consideration for the boat or motor at the time of sale.
- (c) If the ownership of a taxable boat or motor is transferred as a result of a gift, the donor shall make an affidavit stating the nature of the transaction.
- (d) If the ownership of a taxable boat or motor is transferred as a result of an even exchange, the parties shall make a joint affidavit stating the nature of the transaction.
- (e) The department, agent of the department, or the tax assessor-collector shall examine each affidavit for the purpose of determining the truth and accuracy of the information it contains. If the department, agent of the department, the tax assessor-collector, or the comptroller has reason to question the truth of the information in an affidavit, or if any material fact fails to meet the rules adopted by the comptroller, the department, agent of the department, the tax assessor-collector, or the comptroller may require any party to the affidavit to furnish substantiation of information in the affidavit before accepting an application for a Texas certificate of number or certificate of title.

### **Application Requirements**

#### **Parks & Wildlife Code § 31.047. Application; Form and Content; Fee**

- (a) A person may apply for a certificate of title on a form prescribed by the department.
- (b) The form must contain:
  - (1) the owner's name, address, and owner identifier as prescribed by 33 C.F.R Section 174.17;
  - (2) a description of the vessel or outboard motor, including, as appropriate, the manufacturer, make, model, year, length, construction material, manufacturer's or builder's number, hull identification number (HIN), motor number, outdrive number, primary operation purpose, vessel type, propulsion type, fuel, and horsepower;
  - (3) name and address of purchaser;
  - (4) date of purchase;
  - (5) name and address of any security interest owner;
  - (6) the appropriate affidavit as required by Section 160.042, Tax Code; and
  - (7) other information required by the department to show the ownership of the vessel or outboard motor, a security interest in the vessel or outboard motor, or a further description of items listed in the subdivision.
- (c) The application must be accompanied by other evidence reasonably required by the department to establish that the applicant or other person is entitled to a certificate of title or a noted security interest. The evidence may include:
  - (1) a certificate of title issued by another state or jurisdiction;
  - (2) a manufacturer's or importer's certificate;
  - (3) a bill of sale, assignment, or contract;
  - (4) a promissory note;
  - (5) a security agreement;
  - (6) an invoice;
  - (7) a bill of lading;
  - (8) an affidavit;
  - (9) a probate or heirship proceeding or information;
  - (10) a judgment of a court of competent jurisdiction;
  - (11) evidence of an involuntary transfer as defined in Subdivision (5) of Subsection (a) of Section 31.053, as amended, which may be in affidavit form attaching copies of any pertinent underlying documents; or
  - (12) other documents.
- (d) An application for a certificate of title must be accompanied by the fee required by Section 31.048 of this code.

- (e) The department shall be authorized to issue certificates of title on an accelerated basis upon the payment of a fee in addition to the fees provided in Section 31.048 of this code as determined periodically by the department based on regulations the department shall establish.
- (f) An application for a certificate of title on a homemade vessel, the origin of which is based on the affidavit of the person building the vessel, proof of materials incorporated into the vessel, and the like, must be accompanied by a certificate from a game warden commissioned by the department that the vessel has been inspected by such officer and appears to be as applied for. The applicant shall pay a fee of \$25 to the department for this inspection.
- (g) If administration of an estate is not required by law, an affidavit submitted under Subsection (c) must include:
  - (1) a showing that the administration is not required;
  - (2) identification of all heirs; and
  - (3) a statement by the heirs of the name in which to issue the certificate.

**Parks & Wildlife Code § 31.046. Application for Certificate of Title**

- (a) Except as provided in Subsections (b) and (c) of this section, the purchaser of a vessel or an outboard motor shall apply to the department or to a county tax assessor-collector for a certificate of title not later than the 45<sup>th</sup> day after the date of the sale of the vessel or outboard motor.
- (b) A manufacturer or a dealer who sells a vessel or an outboard motor to a person other than a manufacturer or a dealer shall apply to the department or to a county tax assessor-collector for a certificate of title for the vessel or outboard motor in the name of the purchaser not later than the 45<sup>th</sup> day after the date of the sale.
- (c) A dealer who acquires a vessel or an outboard motor, other than a new vessel or outboard motor, is not required to apply for a certificate of title in the name of the dealer, but on resale of the vessel or outboard motor shall apply for the subsequent purchaser under Subsection (b) of this section and shall submit to the department or to a county tax assessor-collector the endorsed certificate of title acquired by the dealer.

**Parks & Wildlife Code § 31.049. Form of Certificate of Title**

- (a) A certificate of title must be on a form prescribed by the department and must contain:
  - (1) the name and address of the owner of the vessel or outboard motor;
  - (2) the name of the owner of a security interest in the vessel or outboard motor; and
  - (3) a description of the vessel or outboard motor.
- (e) Title may be transferred by surrender of the original certificate of title properly endorsed to show the transfer, by evidence of an involuntary transfer as defined in Subdivision (5) of Subsection (a) of Section 31.053, or by following the provisions of Subsection (c) of Section 31.053 of this code.

**Parks & Wildlife Code § 31.050. Form of Manufacturer's and Importer's Certificate**

- (a) A manufacturer's certificate or an importer's certificate must include:
  - (1) a description of the vessel or outboard motor as required by Subdivision (2) of Subsection (b) of Section 31.047 of this code;
  - (2) the name and place of construction or other origin;
  - (3) the signature of the manufacturer or an equivalent of the signature of the manufacturer; and
  - (4) the endorsement of the original and each subsequent transferee, including the applicant for the original certificate of title.
- (b) A lien, security interest, or other encumbrance may not be shown on a manufacturer's or importer's certificate.
- (c) A security interest in a vessel or outboard motor held as inventory by a person who is in the business of selling or leasing goods of that kind may be perfected only by complying with Chapter 9, Business & Commerce Code.

**Parks & Wildlife Code § 31.053. Transfers of Vessels and Outboard Motors**

- (a) No person may sell, assign, transfer, or otherwise dispose of an interest in a vessel or an outboard motor without:

- (1) if the transferee is not a manufacturer or a dealer and the vessel or outboard motor is new, delivering to the department a manufacturer's or importer's certificate showing the endorsement of the manufacturer and all intervening owners;
  - (2) if the transferee is a manufacturer or a dealer and the vessel or outboard motor is new, delivering to the transferee a manufacturer's or importer's certificate showing the endorsement of the manufacturer and all intervening owners;
  - (3) if the vessel or outboard motor is not covered by a certificate of title or a manufacturer's or importer's certificate and if the transferor is a manufacturer or dealer, delivering to the department sufficient evidence of title or other information to permit the issuance of a certificate of title for the vessel or outboard motor in the name of the transferee;
  - (4) if the vessel or outboard motor is not covered by a certificate of title or a manufacturer's or importer's certificate and if the transferor is not a manufacturer or dealer, delivering to the transferee sufficient evidence of title or other information to permit the transferee to apply for and receive a certificate of title for the vessel or outboard motor in the name of the transferee; or
  - (5) delivering to the transferee a certificate of title for the vessel or outboard motor in the name of the transferor and properly endorsed to show the transfer or evidence of an involuntary transfer.
- (b) For the purposes of Subsection (a)(5) of this section an involuntary transfer shall mean the transfer of ownership pursuant to a contractual or statutory lien which confers the power or right to the transfer. The evidence shall reflect the proper exercise of the right conferred pursuant to the lien.
- (c) The transferor shall provide the documents or evidence required by Subsection (a) of this section to the department or the transferee, as appropriate, in sufficient time to allow the transferee to register and obtain a certificate of title for the vessel or outboard motor not later than the 45<sup>th</sup> day after the date of the sale.
- (d) Notwithstanding the provisions of Subsection (a) of this section, a buyer of a new vessel or a new outboard motor in the ordinary course of business as provided in Section 9.320(a), Business & Commerce Code, takes the interest free of security interests as provided in that section. A buyer of a vessel or outboard motor that is not new shall be governed by Subsection (a) of this section.
- (e) The transferee shall provide the department with sufficient evidence of ownership for transfer of a vessel or outboard motor if the transferee:
- (1) failed to obtain the title from the transferor or the title was lost, stolen, or mutilated before the transfer was made; and
  - (2) has made reasonable efforts to contact the transferor to obtain the required documentation.
- (f) A person who is not licensed as a dealer, distributor, or manufacturer under this chapter must obtain a certificate of number or certificate of title to a vessel or outboard motor in the person's name before transferring the certificate of number or certificate of title.

## **Bonded Titles**

### **Parks & Wildlife Code § 31.0465. Appeal Regarding Certificate of Title; Bond; Rules**

- (a) An applicant for a certificate of title under Section 31.046 may appeal the department's refusal to issue the title by filing a bond with the department as provided by this section.
- (b) A bond filed under this section must be:
- (1) in the form prescribed by the department;
  - (2) executed by the applicant;
  - (3) issued by a person authorized to act as a surety business in this state;
  - (4) in an amount equal to 1-1/2 times the value of the vessel or outboard motor as determined by the department; and
  - (5) conditioned to indemnify all prior owners and lienholder and all subsequent purchasers of the vessel or outboard motor or persons who acquire a security interest in the vessel or outboard motor, and their successors in interest, against any expense, loss, or damage, including reasonable attorney's fees, resulting from:
    - (A) the issuance of the certificate of title for the vessel or outboard motor; or
    - (B) a defect in or undisclosed security interest in the right, title, or interest of the applicant to or in the vessel or outboard motor.
- (c) The department may issue the certificate of title to the person filing the bond if the applicant proves to the satisfaction of the department that:

- (1) the vessel or outboard motor is not stolen; and
- (2) issuance of a certificate of title would not defraud the owner or a lienholder of the vessel or outboard motor.
- (d) A person described by Subsection (b)(5) has a right of action to recover on the bond for a breach of a condition of the bond described by Subsection (b)(5). The aggregate liability of the surety to all persons may not exceed the amount of the bond.
- (e) A bond filed under this section expires on the third anniversary of the date the bond became effective. The department shall return an expired bond to the person who filed the bond unless the department has been notified of a pending action to recover on the bond.
- (f) On return of a bond under Subsection (e), the department shall issue a certificate of title to the person to whom the bond is returned.
- (g) In addition to the situation described by Subsection (c), the commission by rule may define acceptable situations in which certificates of title may be issued after the filing of a bond under this section.

### **Abandoned Bonded Titles**

#### **Parks & Wildlife Code § 31.003. Definitions**

- (17) "Abandoned vessel or outboard motor" means a vessel or outboard motor that has remained on private property without the consent of the owner or person in charge of the property for more than seven consecutive days.

#### **Parks & Wildlife Code § 31.0466. Title for Abandoned Vessel; Bond**

- (a) A person may apply for a certificate of title for an abandoned vessel or outboard motor found on the person's property.
- (b) The department may cancel the certificate for the abandoned vessel or outboard motor and issue a new certificate to the applicant if the applicant:
  - (1) executes and files a bond with the department:
    - (A) in the form prescribed by the department;
    - (B) issued by a person authorized to act as a surety business in this state;
    - (C) in an amount equal to 1-1/2 times the value of the abandoned vessel or outboard motor as determined by the department; and
    - (D) conditioned to indemnify all prior owners and lienholders and all subsequent purchasers of the abandoned vessel or outboard motor or persons who acquire a security interest in the vessel or outboard motor, and their successors in interest, against any expense, loss, or damage, including reasonable attorney's fees, resulting from:
      - (i) the issuance of the certificate of title for the abandoned vessel or outboard motor; or
      - (ii) a defect in or undisclosed security interest in the right, title, or interest of the applicant to or in the abandoned vessel or outboard motor;
  - (2) proves to the satisfaction of the department that:
    - (A) the abandoned vessel or outboard motor is not stolen;
    - (B) issuance of a certificate of title would not defraud the owner or a lienholder of the abandoned vessel or outboard motor;
    - (C) at least 30 days before the applicant applied for the certificate, the applicant contacted the applicant's local law enforcement agency through certified mail to report that the vessel or outboard motor is abandoned; and
    - (D) the local law enforcement agency has not taken the abandoned vessel or outboard motor into custody or informed the applicant of the agency's intent to take the abandoned vessel or outboard motor into custody; and
  - (3) posts notice of the certificate of title application in the manner and for a period of time designated by rule by the department.
- (c) A person described by Subsection (b)(1)(D) has a right of action to recover on the bond for a breach of a condition of the bond described by Subsection (b)(1)(D). The aggregate liability of the surety to all persons may not exceed the amount of the bond.

- (d) A bond filed under this section expires on the third anniversary of the date the bond became effective. The department shall return an expired bond to the person who filed the bond unless the department has been notified of a pending action to recover on the bond.
- (e) On return of a bond under Subsection (d), the department shall issue a certificate of title to the person to whom the bond is returned.
- (f) If an abandoned vessel or outboard motor is not claimed before the department issues a certificate of title under this section, the owner or lienholder waives all rights and interests in the abandoned vessel or outboard motor and consents to the cancellation of the certificate for the abandoned vessel or outboard motor.
- (g) The applicant for the certificate of title for the abandoned vessel or outboard motor takes title free and clear of all liens and claims of ownership.
- (h) In addition to the situation described by Subsection (b)(2), the commission by rule may define acceptable situations in which certificates of title may be issued after the filing of a bond under this section.
- (i) This section does not apply to a vessel or outboard motor that is subject to a contract or lien under Chapter 59 or 70, Property Code.

**Texas Administrative Code, Title 31, Part 2, Chapter 53**

**Bonded Title for Vessels/Outboard Motors**

**§53.100 Bonded Title Acceptable Situations**

- (a) A bonded title situation exists when complete documentation cannot be provided or obtained by an applicant requesting title, registration or ownership transfer of a vessel or outboard motor. The applicant may appeal the department's refusal to issue a certificate of title by applying for consideration of a bonded title. The department will accept applications for bonded title as provided in Parks and Wildlife Code, §31.0465.
- (b) Bonded titles may be used in situations where the applicant is unable to produce complete documentation required by the department in order to title or transfer ownership of a vessel or outboard motor. Acceptable situations regarding the filing and award of a bonded title situation will apply where a complete history of ownership for a vessel or outboard motor cannot be produced by the applicant and the department has determined that the customer is unable to provide the history. Missing ownership documentation may consist of a certificate of title, bill of sale, invoice, or tax affidavit signed by the owner of record, or authority to handle a deceased person's estate. The inability to obtain the required documentation from the previous owner(s) or applicable lien holders must be evidenced by one of the following:
  - (1) notice of verified mail, as defined in Property Code, §59.043(c), as mail considered delivered when the notice, properly addressed with postage prepaid, is deposited with the United States Postal Service or a common carrier;
  - (2) proof of returned certified mail; or
  - (3) the lack of any known addresses for a previous owner.
- (c) The department shall not under any circumstances issue a bonded title if the applicant does not have any proof of payment, ownership transfer or other related documentation to support a claim of ownership, unless the vessel or outboard motor is determined to be abandoned, as defined by Parks and Wildlife Code, §31.003(17).
- (d) For a bonded title situation involving an abandoned vessel or outboard motor, the requirements of this subsection apply, in addition to any other requirements of this section or Parks and Wildlife Code, Chapter 31, Subchapters B and B-1.
  - (1) The applicant shall send notice via certified mail to a law enforcement agency, as defined in Transportation Code, §683.001(3), in whose jurisdiction the property on which the abandoned vessel or outboard motor is located. The notice shall be on a form provided or prescribed by the department. The applicant shall provide a copy of the completed form and evidence of certified mailing to the department at the time the application for bonded title is submitted. The agency receiving the notification shall notify the applicant within 30 days of receipt of the notice of any intent to remove the vessel or outboard motor under the provisions of Transportation Code, §683.011.

- (2) The department shall publish public notice of a qualified application for title to an abandoned vessel or outboard motor for a period of six consecutive months on the department's website. The publication shall take place within 10 days of receipt of the application by the department.
  - (A) If there is a documented claim of interest by a recorded owner or lien holder adverse to the applicant, the department shall not issue a title until the issue is resolved. The parties may apply to a court of competent jurisdiction for resolution.
  - (B) If there is no claim of interest, the applicant may proceed with consideration of the bonded title upon expiration of the six-month posting period.
- (3) The department may employ the department's Boat Registration Information and Titling System (BRITS) and the Vessel Identification System (VIS) operated by the United States Coast Guard to determine the most recent owner of record of a vessel or outboard motor.

## **Liens**

### **Parks & Wildlife Code § 31.049. Form of Certificate of Title**

- (b) If there is no lien on the vessel or outboard motor, the original certificate of title shall be delivered to the owner and a copy retained by the department.
- (c) If there is a lien on the vessel or outboard motor, the original certificate of title shall be sent to the first lien holder and a copy shall be retained by the department.

### **Parks & Wildlife Code § 31.050. Form of Manufacturer's and Importer's Certificate**

- (c) A security interest in a vessel or outboard motor held as inventory by a person who is in the business of selling or leasing goods of that kind may be perfected only by complying with Chapter 9, Business & Commerce Code.

### **Parks & Wildlife Code § 31.052. Security Interest Liens**

- (a) Except as provided in Subsection (c) of Section 31.050 of this code and except for statutory liens, security interests in a vessel or outboard motor shall be noted on the certificate of title of the vessel or outboard motor to which the security interest applies.

## **Homemade Vessels**

### **Parks & Wildlife Code § 31.047. Application; Form and Content; Fee**

- (f) An application for a certificate of title on a homemade vessel, the origin of which is based on the affidavit of the person building the vessel, proof of materials incorporated into the vessel, and the like, must be accompanied by a certificate from a game warden commissioned by the department that the vessel has been inspected by such officer and appears to be as applied for. The applicant shall pay a fee of \$25 to the department for this inspection.

## **Serial Numbers**

Serial numbers are mandatory on all vessels and outboard motors. Serial numbers are used by all states to identify and recover vessels. Vessels built after November 1, 1972, must have a serial number in one of the following standardized formats dictated by the USCG. Outboard motors do not have a standardized serial number format.

## Hull Identification Number Formats

| Date Required by USCG                                 | Format   |                                     |   |                          |                      |                           |
|---|--|-------------------------------------|---|--------------------------|----------------------|---------------------------|
| November 1, 1972                                      | Straight Year                                  | <u>ABC</u>                          | <u>12345</u>  | <u>12</u>                | <u>83</u>            |                           |
|   |  | ↑<br>Manufacturers<br>ID Code (MIC) | ↑<br>Production or<br>Serial #                          | ↑<br>Production<br>Month | ↑<br>Production Year | ↓<br>Production<br>Month* |
|   | Model Year                                     | <u>TRU</u>                          | <u>12345</u>  | <u>M</u>                 | <u>84</u>            | <u>E</u>                  |
|   |  |                                     | ↑<br>Designates<br>Model Year<br>Format (Always<br>'M') | ↑<br>Model Year          |                      |                           |
|   | * KEY TO PRODUCTION MONTH OF MODEL YEAR FORMAT |                                     |   |                          |                      |                           |
|   | A - August                                     | D - November                        | G - February  | J - May                  |                      |                           |
|   | B - September                                  | E - December                        | H - March   | K - June                 |                      |                           |
|   | C - October                                    | F - January                         | I - April   | L - July                 |                      |                           |
| Optional January 1, 1984,<br>Mandatory August 1, 1984 | New Format                                     | <u>XYZ</u>                          | <u>12345</u>  | <u>L</u>                 | <u>4</u>             | <u>85</u>                 |
|   |  | ↑<br>Manufacturers<br>ID Code (MIC) | ↑<br>Production or<br>Serial #                          | ↑<br>Production<br>Month | ↑<br>Production Year | ↑<br>Model Year           |
|   |  |                                     |   |                          |                      |                           |
|   | * KEY TO PRODUCTION MONTH OF NEW FORMAT        |                                     |   |                          |                      |                           |
|   | A - January                                    | D - April                           | G - July  | J - October              |                      |                           |
|   | B - February                                   | E - May                             | H - August  | K - November             |                      |                           |
|   | C - March                                      | F - June                            | I - September   | L - December             |                      |                           |

The following situations require verification (pencil tracing) of boat/outboard motor serial numbers:

- When the boat/motor is coming from out-of-state or another country (registered/titled in another state/country).
- When the boat was previously documented with the USCG and is now being titled.
- When the boat/motor serial numbers are incorrect on the ownership document (title/registration).
- When the boat/motor is used and has never been titled or registered.
- When the serial number does not conform to Coast Guard regulation formatting (above).

### Parks & Wildlife Code § 31.043. Manufacturer's Identification Number

- All vessels manufactured in Texas for sale and all vessels sold, numbered, or titled in Texas shall carry a manufacturer's hull identification number clearly imprinted on the structure of the vessel or displayed on a plate permanently attached to the vessel. Except as required to comply with Section 31.024 or 31.047, this subsection does not apply to a vessel that is not required by the United States Coast Guard to have a hull identification number.
- The owner of a vessel that does not have a manufacturer's hull identification number may file an application for a hull identification number with the department on forms approved by it. The application must include a sworn statement describing the vessel, proving legal ownership, and, if known, stating the reason for the lack of hull identification number. The application must be signed by the owner of the vessel and must be accompanied by a fee of \$25 and a certificate from a game warden commissioned by the department stating that the vessel has been inspected by the officer and appears to be as applied for. On receipt of the application in approved form, the department shall enter the information on the records of its office and shall issue to the applicant a hull identification number.
- No person may intentionally or knowingly destroy, remove, alter, cover, or deface an outboard motor serial number, the manufacturer's hull identification number or plate bearing the hull identification number, or the hull identification number or serial number issued by the department. No person may possess a vessel with a hull identification number or an outboard motor with a serial number that has been altered, defaced, mutilated, or removed.

- (d) A person who has a vessel with an altered, defaced, mutilated, or removed hull identification number or an outboard motor with an altered, defaced, mutilated, or removed serial number shall file a sworn statement with the department describing the vessel or outboard motor, proving legal ownership, and, if known, stating the reason for the destruction, removal, or defacement of the number. The statement must be accompanied by a fee of \$25 and a certificate from a game warden commissioned by the department that the vessel or outboard motor has been inspected by the officer and appears to be as applied for. On receipt of the statement in approved form, the department shall enter the information on records of its office and shall issue to the applicant a hull identification number or outboard motor serial number.
- (e) This section does not apply to vessels with a valid marine document issued by the United States Coast Guard's National Vessel Documentation Center or a federal agency that is a successor to the National Vessel Documentation Center.

## **Replacement Titles**

### **Parks & Wildlife Code § 31.049. Form of Certificate of Title**

- (b) If there is no lien on the vessel or outboard motor, the original certificate of title shall be delivered to the owner and a copy retained by the department.
- (c) If there is a lien on the vessel or outboard motor, the original certificate of title shall be sent to the first lien holder and a copy shall be retained by the department.
- (d) "Original" shall be printed on an original certificate of title and "duplicate original" shall be marked on a duplicate of the original certificate.

## **Sales Tax**

### **Parks & Wildlife Code § 31.046. Application for Certificate of Title**

- (d) The department or county tax assessor-collector may not issue a certificate of title unless the tax due on the vessel or outboard motor under Chapter 160, Tax Code, is paid.

## **Sales Tax**

### **Sales, Use and New Resident Tax**

#### ***Outboard Motors and Vessels 115 feet in Length and Under***

### **Tax Code § 160.021. Retail Sales Tax**

- (a) A tax is imposed on every retail sale of a taxable boat or motor sold in this state. The tax is an obligation of and shall be paid by the purchaser of the taxable boat or motor. If the purchaser pays the tax to the seller, the tax is an obligation of and shall be paid by the seller.
- (b) The tax rate is 6-1/4 percent of the total consideration.

### **Tax Code § 160.022. Use Tax**

- (a) A use tax is imposed on a taxable boat or motor purchased at retail outside this state and used in this state or brought into this state for use by a Texas resident or other person who is domiciled or doing business in this state. The tax is an obligation of and shall be paid by the person who uses the boat or motor in this state or brings the boat or motor into this state.
- (b) The tax rate is 6-1/4 percent of the total consideration.

### **Tax Code § 151.3291. Boats and Boat Motors**

- (a) The sale, other than the lease or rental, and the storage, use, or other consumption of a taxable boat or motor is exempt from the taxes imposed by this chapter.
- (b) In this section, "taxable boat or motor" has the meaning assigned by Section 160.001.



### **Parks & Wildlife Code § 31.003. Definitions**

- (1) "Boat" means a vessel not more than 115 feet in length, measured from the tip of the bow in a straight line to the stern.

### **Tax Code § 160.025. Credit for Other Taxes**

A person is entitled to a credit against the tax imposed by Section 160.022 on a taxable boat or motor in an amount equal to the amount of any similar tax paid by the person in another state on the sale, purchase, or use of the taxable boat or motor if the state in which the tax was paid provides a similar credit for a taxpayer of this state.

### **Tax Code § 160.026. Limitation on Amount of Tax**

Notwithstanding any other law, the tax imposed under Section 160.021 on the sale of a taxable boat or motor may not exceed \$18,750.00.

### **Tax Code § 160.002. Total Consideration (Total Taxable Value Amount)**

- (a) "Total consideration" means the amount paid or to be paid for a taxable boat or motor, including accessories attached on or before the sale, without deducting:
  - (1) the cost of the item;
  - (2) the cost of material, labor or service, interest paid, loss, or any other expense;
  - (3) the cost of transportation of the item before its sale; or
  - (4) the amount of any manufacturer's or importer's excise tax imposed on the item by the United States.
- (b) "Total consideration" does not include amounts separately stated on the bill or contract for the following:
  - (1) a cash discount;
  - (2) a full cash or credit refund to a customer of the sales price of the item returned to the seller;
  - (3) the amount charged for labor or service rendered in installing, applying, remodeling, or repairing the item sold;
  - (4) a financing, carrying, or service charge or interest on credit extended on the item sold under a conditional sale or other deferred payment contract;
  - (5) the value of a taxable boat or motor taken by a seller as all or a part of the consideration for sale of the item; or
  - (6) a charge for transportation of the item after a sale.

### **Tax Code § 160.023. New Resident**

- (a) A use tax is imposed on a new resident of this state who brings into this state for use in this state a taxable boat or motor that has been purchased and owned by the new resident in any other state or foreign country.
- (b) The tax is \$15 for each taxable boat or motor.
- (c) The tax imposed by this section is in lieu of the tax imposed by Section 160.022.

### **Penalty and Interest**

#### **Tax Code § 160.041. Collection Procedure**

- (c) The tax imposed by Section 160.021 is due on the 45<sup>th</sup> working day after the date that the taxable boat or motor is delivered to the purchaser. The purchaser or the seller, if the purchaser paid the tax to the seller, shall pay the tax to the department, to an agent of the department, or to a tax assessor-collector on or before the due date.
- (e) The tax imposed by Section 160.022 or 160.023 is due on the 45<sup>th</sup> working day after the date that the taxable boat or motor is brought into this state. The person liable for the tax shall pay the tax to the department or to a tax assessor-collector on or before the due date.

#### **Tax Code § 160.045. Penalty**

- (a) A person who fails to pay a tax imposed by this chapter when due forfeits five percent of the amount due as a penalty, and if the person fails to pay the tax before the 31st day after the date on which the tax is due, the person forfeits an additional five percent.
- (b) The minimum penalty imposed by this section is \$1.

**Tax Code § 111.060. Interest**

- (a) The yearly interest rate on all delinquent taxes imposed by this title is at the rate of 12 percent for report periods originally due on or before December 31, 1999, after which the rate of interest is variable and determined as provided in Subsection (b).
- (b) The rate of interest to be charged to the taxpayer is the prime rate plus one percent, as published in The Wall Street Journal on the first day of each calendar year that is not a Saturday, Sunday, or legal holiday.
- (c) Except as provided by Subsection (d), delinquent taxes draw interest beginning 60 days after the date due.
- (d) Subsection (c) does not apply to the taxes imposed by Chapters 152 and 211 or under an agreement made under Section 162.003.

## Information/History Requests

**Parks & Wildlife Code § 31.039. Public Records; Fees**

- (a) Except as provided by subsection (c), all ownership records of the department made or kept under this chapter are public records.
- (b) The commission may by rule charge a fee for access to ownership records and other records made or kept under this chapter.
- (c) An owner identifier as prescribed by C.F.R. Section 174.17 is not a public record.

**Parks & Wildlife Code § 31.0391. Release of Information**

- (a) The department or a county may not release the name or address of a person recorded in the department vessel and outboard motor ownership records unless the department or county receives a written request that:
  - (1) contains the requester's name and address; and
  - (2) states that the use of the information is for a lawful purpose.
- (b) This section does not apply to the release of information to:
  - (1) a peace officer as defined by Article 2.12, Code of Criminal Procedure, who is acting in an official capacity; or
  - (2) a state official or an official of a political subdivision of this state who requests the information for tax purposes.

## Self-Storage, Storage and Mechanics Liens

### Self-Storage Liens

**Property Code § 59.001. DEFINITIONS. In this chapter:**

- (1) "Lessor" means an owner, lessor, sublessor, or managing agent of a self-service storage facility.
- (1-a) "Military service" means:
  - (A) military service as defined by Section 101, Servicemembers Civil Relief Act (50 U.S.C. App. Section 511); and
  - (B) active duty service for a period of more than 30 consecutive days as a member of the Texas State Guard or Texas National Guard under the call of the governor.
- (2) "Rental agreement" means a written or oral agreement that establishes or modifies the terms of use of a self-service storage facility.

- (3) "Self-service storage facility" means real property that is rented to be used exclusively for storage of property and is cared for and controlled by the tenant.
- (4) "Tenant" means a person entitled under a rental agreement to the exclusive use of storage space at a self-service storage facility.
- (5) "Verified mail" means any method of mailing that provides evidence of mailing.

**Property Code § 59.006. Attachment and Priority of Lien**

A lien under this chapter attaches on the date the tenant places the property at the self-service storage facility. The lien takes priority over all other liens on the same property.

**Property Code § 59.010. Rights of Certain Military Members**

- (a) In this section, "servicemember" has the meaning assigned by Section 101, Servicemembers Civil Relief Act (50 U.S.C. App. Section 511).
- (b) A member of the Texas State Guard or Texas National Guard who is in military service is entitled to the same protections and rights relating to the enforcement of storage liens under the Servicemembers Civil Relief Act (50 U.S.C. App. Section 501 et seq.) to which a servicemember is entitled.

**Property Code § 59.021. Lien; Property Attached**

A lessor has a lien on all property in a self-service storage facility for the payment of charges that are due and unpaid by the tenant.

**Property Code § 59.042. Procedure for Seizure and Sale**

- (a) A lessor who wishes to enforce a contractual landlord's lien by seizing and selling or otherwise disposing of the property to which it is attached must deliver written notice of the claim to the tenant.
- (b) If the tenant fails to satisfy the claim on or before the 14th day after the date the notice is delivered, the lessor must publish or post notices advertising the sale as provided by this subchapter.
- (c) If notice is by publication, the lessor may not sell the property until the 15th day after the date the notice is first published. If notice is by posting, the lessor may sell the property after the 10th day after the date the notices are posted.

**Property Code § 59.043. Contents and Delivery of Notice of Claim; Information Regarding Tenant's Military Service.**

- (a) The lessor's notice to the tenant of the claim must contain:
  - (1) an itemized account of the claim;
  - (2) the name, address, and telephone number of the lessor or the lessor's agent;
  - (3) a statement that the contents of the self-service storage facility have been seized under the contractual landlord's lien;
  - (4) a statement that if the tenant fails to satisfy the claim on or before the 14th day after the date the notice is delivered, the property may be sold at public auction; and
  - (5) a statement underlined or printed in conspicuous bold print requesting a tenant who is in military service to notify the lessor of the status of the tenant's current military service immediately.
- (b) A lessor may require written proof of a tenant's military service in the form of documentation from the United States Department of Defense or other documentation reasonably acceptable to the lessor.
- (c) Subject to Subsection (d), the lessor must deliver the notice in person or by e-mail or verified mail to the tenant's last known e-mail or postal address as stated in the rental agreement or in a written notice from the tenant to the lessor furnished after the execution of the rental agreement. Notice by verified mail is considered delivered when the notice, properly addressed with postage prepaid, is deposited with the United States Postal Service or a common carrier. Notice by e-mail is considered delivered when sent to the last known e-mail address of the tenant.
- (d) The notice may not be sent by e-mail unless a written rental agreement between the lessor and the tenant contains language underlined or in conspicuous bold print that notice may be given by e-mail if the tenant elects to provide an e-mail address.

**Property Code § 59.044. Notice of Sale**

- (a) The notice advertising the sale must contain:
  - (1) a general description of the property;
  - (2) a statement that the property is being sold to satisfy a landlord's lien;
  - (3) the tenant's name;
  - (4) the address of the self-service storage facility; and
  - (5) the time, place, and terms of the sale.
- (b) The lessor must publish the notice once in each of two consecutive weeks in a newspaper of general circulation in the county in which the self-service storage facility is located. If there is not a newspaper of general circulation in the county, the lessor may instead post a copy of the notice at the self-service storage facility and at least five other conspicuous locations near the facility.

**Property Code § 59.0445. Notice to Owner and Lienholders**

- (a) This section applies to the enforcement of a lien under this chapter on:
  - (1) a motor vehicle subject to Chapter 501, Transportation Code;
  - (2) a motorboat, vessel, or outboard motor for which a certificate of title is required under Subchapter B, Chapter 31, Parks and Wildlife Code; or
  - (3) a motor vehicle, motorboat, vessel, or outboard motor registered or titled outside this state.
- (b) In addition to the notices required by Sections 59.042 and 59.044, not later than the 30th day after the date the lessor takes possession of the motor vehicle, motorboat, vessel, or outboard motor to enforce a lien under this chapter, the lessor shall give written notice of sale to the last known owner and each holder of a lien recorded on the registration or certificate of title of the motor vehicle, motorboat, vessel, or outboard motor or, if the registration or title is outside this state, the owner and each lienholder of record in the location in which the motor vehicle, motorboat, vessel, or outboard motor is registered or titled.
- (c) Except as provided by Subsection (d), the notice required by this section must be sent by verified mail. Notice by verified mail is considered mailed when the notice, properly addressed with postage prepaid, is deposited with the United States Postal Service or a common carrier. The notice must include:
  - (1) the amount of the charges secured by the lien;
  - (2) a request for payment; and
  - (3) a statement that if the charges are not paid in full before the 31st day after the date the notice is mailed or published, as applicable, the property may be sold at public auction.
- (d) The notice required by this section may be given by publishing the notice once in a print or electronic version of a newspaper of general circulation in the county in which the motor vehicle, motorboat, vessel, or outboard motor is stored if:
  - (1) the lessor submits a written request by verified mail to the governmental entity with which the motor vehicle, motorboat, vessel, or outboard motor is registered or titled requesting information relating to the identity of the last known owner of record and any lienholder of record;
  - (2) the lessor:
    - (A) is advised in writing by the governmental entity with which the motor vehicle, motorboat, vessel, or outboard motor is registered or titled that the entity is unwilling or unable to provide information on the last known owner of record or any lienholder of record; or
    - (B) does not receive a response from the governmental entity with which the motor vehicle, motorboat, vessel, or outboard motor is registered or titled on or before the 21st day after the date the lessor submits the request;
  - (3) the identity of the last known owner of record cannot be determined;
  - (4) the registration or title does not contain an address for the last known owner of record; and
  - (5) the lessor cannot determine the identities and addresses of the lienholders of record.
- (e) The lessor is not required to publish notice under Subsection (d) if a correctly addressed notice is sent with sufficient postage in accordance with Subsections (b) and (c) and is returned as unclaimed or refused or with a notation that the addressee is unknown or has moved without leaving a forwarding address or the forwarding order has expired.
- (f) After notice is given under this section to the owner of or the holder of a lien on the motor vehicle, motorboat, vessel, or outboard motor, the owner or lienholder may take possession of the motor

vehicle, motorboat, vessel, or outboard motor by paying all charges due to the lessor before the 31st day after the date the notice is mailed or published as provided by this section.

- (g) If the charges are not paid before the 31st day after the date the notice is mailed or published, as applicable, the lessor may sell the motor vehicle, motorboat, vessel, or outboard motor at a public sale and apply the proceeds to the charges.
- (h) A person commits an offense if the person knowingly provides false or misleading information in a notice required by this section. An offense under this subsection is a Class B misdemeanor.

#### **Property Code § 59.045. Conduct of Sale**

A sale under this subchapter must be a public sale at the self-service storage facility or a reasonably near public place. The lessor must conduct the sale according to the terms specified in the notice advertising the sale and sell the property to the highest bidder.

#### **Storage and Mechanics Liens**

##### **Property Code § 70.003. Stable Keeper's, Garageman's, Pasturer's, And Cotton Ginner's Lien's.**

- (a) A stable keeper with whom an animal is left for care has a lien on the animal for the amount of the charges for the care.
- (b) An owner or lessee of a pasture with whom an animal is left for grazing has a lien on the animal for the amount of charges for the grazing.
- (c) A garageman with whom a motor vehicle, motorboat, vessel, or outboard motor is left for care has a lien on the motor vehicle, motorboat, vessel, or outboard motor for the amount of the charges for the care, including reasonable charges for towing the motor vehicle, motorboat, vessel, or outboard motor to the garageman's place of business and excluding charges for repairs.

##### **Property Code § 70.004. Possession of Motor Vehicle, Motorboat, Vessel, or Outboard Motor.**

- (a) A holder of a lien under Section 70.003 on a motor vehicle, motorboat, vessel, or outboard motor who obtains possession of the motor vehicle, motorboat, vessel, or outboard motor under a state law or city ordinance shall give notice for a motor vehicle, motorboat, vessel, or outboard motor registered in this state to the last known registered owner and each lienholder of record not later than the fifth day after the day possession is obtained. If the motor vehicle, motorboat, vessel, or outboard motor is registered outside this state, the notice shall be given to the last known registered owner and each lienholder of record not later than the 14th day after the day possession is obtained.
- (b) Except as provided by Subsection (c), the notice must be sent by certified mail with return receipt requested and must contain:
  - (1) a request to remove the motor vehicle, motorboat, vessel, or outboard motor;
  - (2) a request for payment;
  - (3) the location of the motor vehicle, motorboat, vessel, or outboard motor; and
  - (4) the amount of accrued charges.
- (c) The notice may be given by publishing the notice once in a newspaper of general circulation in the county in which the motor vehicle, motorboat, vessel, or outboard motor is stored if:
  - (1) the motor vehicle, motorboat, vessel, or outboard motor is registered in another state;
  - (2) the holder of the lien submits a written request by certified mail, return receipt requested, to the governmental entity with which the motor vehicle, motorboat, vessel, or outboard motor is registered requesting information relating to the identity of the last known registered owner and any lienholder of record;
  - (3) the holder of the lien:
    - (A) is advised in writing by the governmental entity with which the motor vehicle, motorboat, vessel, or outboard motor is registered that the entity is unwilling or unable to provide information on the last known registered owner or any lienholder of record; or
    - (B) does not receive a response from the governmental entity with which the motor vehicle, motorboat, vessel, or outboard motor is registered on or before the 21st day after the date the holder of the lien submits a request under Subdivision (2);
  - (4) the identity of the last known registered owner cannot be determined;

- (5) the registration does not contain an address for the last known registered owner; and
- (6) the holder of the lien cannot determine the identities and addresses of the lien holders of record.
- (d) The holder of the lien is not required to publish notice under Subsection (c) if a correctly addressed notice is sent with sufficient postage under Subsection (b) and is returned as unclaimed or refused or with a notation that the addressee is unknown or has moved without leaving a forwarding address.

**Property Code § 70.006. Sale of Motor Vehicle, Motorboat, Vessel, or Outboard Motor**

- (a) A holder of a lien under this subchapter or Chapter 59 on a motor vehicle subject to Chapter 501, Transportation Code, or on a motorboat, vessel, or outboard motor for which a certificate of title is required under Subchapter B, Chapter 31, Parks and Wildlife Code, as amended, who retains possession of the motor vehicle, motorboat, vessel, or outboard motor shall, not later than the 30<sup>th</sup> day after the date on which the charges accrue, give written notice to the owner and each holder of a lien recorded on the certificate of title. If the motor vehicle, motorboat, vessel, or outboard motor is registered outside this state, the holder of a lien under this subchapter who retains possession during that period shall give notice to the last known registered owner and each lienholder of record.
- (b) Except as provided by Subsection (c), the notice must be sent by certified mail with return receipt requested and must include the amount of the charges and a request for payment.
- (c) The notice may be given by publishing the notice once in a newspaper of general circulation in the county in which the motor vehicle, motorboat, vessel, or outboard motor is stored if:
  - (1) the holder of the lien submits a written request by certified mail, return receipt requested, to the governmental entity with which the motor vehicle, motorboat, vessel, or outboard motor is registered requesting information relating to the identity of the last known registered owner and any lienholder of record;
  - (2) the holder of the lien:
    - (A) is advised in writing by the governmental entity with which the motor vehicle, motorboat, vessel, or outboard motor is registered that the entity is unwilling or unable to provide information on the last known registered owner or any lienholder of record; or
    - (B) does not receive a response from the governmental entity with which the motor vehicle, motorboat, vessel, or outboard motor is registered on or before the 21st day after the date the holder of the lien submits a request under Subdivision (1);
  - (3) the identity of the last known registered owner cannot be determined;
  - (4) the registration does not contain an address for the last known registered owner; and
  - (5) the holder of the lien cannot determine the identities and addresses of the lienholders of record.
- (d) The holder of the lien is not required to publish notice under Subsection (c) if a correctly addressed notice is sent with sufficient postage under Subsection (b) and is returned as unclaimed or refused or with a notation that the addressee is unknown or has moved without leaving a forwarding address.
- (e) After notice is given under this section to the owner of or the holder of a lien on the motor vehicle, motorboat, vessel, or outboard motor, the owner or holder of the lien may obtain possession of the motor vehicle, motorboat, vessel, or outboard motor by paying all charges due to the holder of a lien under this subchapter before the 31st day after the date a copy of the notice is filed with the county tax assessor-collector's office.
- (f) If the charges are not paid before the 31st day after the date that a copy of the notice required by Subsection (a) is filed with the county tax assessor-collector's office, the lienholder may sell the motor vehicle, motorboat, vessel, or outboard motor at a public sale and apply the proceeds to the charges. The lienholder shall pay excess proceeds to the person entitled to them. The public sale may not take place before the 31st day after the date a copy of the notice is filed with the county tax assessor-collector's office.

## **Marine Licensing - Requirements**

**Parks & Wildlife Code § 31.0003. Definitions**

- (7) "Dealer" means a person engaged in the business of buying, selling, selling on consignment, displaying for sale, or exchanging at least five vessels, motorboats, or outboard motors during a calendar year.

- (11) "Manufacturer" means a person engaged in the business of manufacturing new and unused vessels and outboard motors for the purpose of sale or trade.
- (16) "Distributor" means a person who offers for sale, sells, or processes for distribution new vessels or outboard motors to dealers in this state.

**Parks & Wildlife Code § 31.041. Duties of Dealers, Distributors, and Manufacturers; License Required**

- (a) A person may not engage in business in this state as a dealer, distributor, or manufacturer unless the person holds a license issued under this section. A dealer must have a license for each place of business owned and operated by the person.

**Parks & Wildlife Code § 31.0411. Term of License; Transfer**

- (a) Except as provided by Subsection (b), a license issued under Section 31.041:
  - (1) is valid for two years from the date of issuance; and
  - (2) may not be transferred to another person.

**Parks & Wildlife Code § 31.0413. Exemption From Dealer Licensing Requirements**

The dealer licensing provisions of this subchapter do not apply to the sale of a canoe, kayak, punt, rowboat, rubber raft, paddleboat, or other vessel that is less than 12 feet in length and has a horsepower rating of five horsepower or less or to the sale of an outboard motor with a manufacturer's rating of five horsepower or less.

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# Definitions

Commonly used terms defined to clarify their meaning as they relate to boat/outboard motor transaction processing. Terms defined by Texas statute or Texas Administrative Code.

**Abandoned** – a vessel and/or outboard motor that has remained on private property without the consent of the owner or person in charge of the property for more than seven consecutive days.

**Abandoned Bonded Title** – The owner of private property on which an abandoned vessel and/or outboard motor is located may be able to obtain a title for the abandoned vessel and/or outboard motor (upon approval) by filing a Certificate of Title Surety Bond with TPWD.

**Administrator** – The person appointed by the court to handle the estate of someone who died without a will, with a will with no named executor, or the executor named in the will cannot serve.

**Authorized Agent** – a dealer who is authorized by the department under Section 31.006 of this code to collect taxes and fees and issue certificates of number. [Parks and Wildlife Code 31.006]

**Bill of Sale** – Handwritten Receipt or Sales Invoice is required receipt of the sales transaction for every transfer of ownership. The bill of sale must contain the date of sale, sales price (DO NOT include sales price of trailer), description of vessel and/or outboard motor (make, TX or serial number and year built), purchaser(s) name, and seller(s) signature.

**Boat** – (1) a vessel not more than 65 feet in length, measured from the tip of the bow in a straight line to the stern. [Parks and Wildlife Code 31.003(1)]; (2) a vessel not more than 115 feet in length, measured from the tip of the bow in a straight line to the stern. [Tax Code 160.001 (2)]

**Bond** – See “Certificate of Title Surety Bond”.

**Bonded Title** – When a boat or motor does not qualify for standard titling because the properly assigned title and/or legal documentation cannot be obtained, an applicant (upon approval) may still be able to obtain one by filing a surety bond with TPWD.

**Builder’s Certificate** – See “Manufacturer’s Statement of Origin”.

**Certificate of Number** – (registration card) – a pocket-sized card displaying the name and address of the owner, a description of the vessel, the TX number assigned, and the date of expiration. This card should be carried on board the vessel and must be produced at the request of a law enforcement officer. [Parks and Wildlife Code 31.028]

**Certificate of Title Surety Bond** – A Certificate of Title Surety Bond is purchased from an insurance or surety bond company and is basically an extension of credit to the bond purchaser. It allows for payment up to the bond amount to a legal owner who files against the bond. While the surety bond company may make the initial payment to the legal owner, they will request reimbursement from the purchaser of the bond. For questions regarding the cost and conditions of a surety bond, contact an insurance agent or surety bond company.

**Circumstances** – detailed course of events, (what happened, supporting documents, expected outcome), including a description of the vessel and/or outboard motor (i.e. HIN, MIN, TX#, etc.).

➤ Note: Circumstances are documented on PWD 314 - Affidavit of Facts



**Dealer** – "Dealer" means a person engaged in the business of buying, selling, selling on consignment, displaying for sale, or exchanging at least five vessels, motorboats, or outboard motors during a calendar year. [Parks and Wildlife Code 31.003(7)]

**Decal** – a sticker that shows the month and year the registration expires. This sticker must be displayed on each side of the vessel towards the stern and in line with the registration number. [Parks and Wildlife Code 31.032]

**Distributor** – a person who offers for sale, sells, or processes for distribution new vessels or outboard motors to dealers in this state. [Parks and Wildlife Code 31.003(16)]

**Divorce Decree** – a legal document dissolving a marriage. The description of vessel and/or outboard motor should be included. If we can verify the couple has only one vessel and/or outboard motor and the description is not included in the decree, this is acceptable. We must have the entire copy of the certified copy issued by the county courthouse.

**Executor** – the person legally appointed to execute a will and administer the distribution of an estate.

**Fulfillment** – is the documents issued at the completion of a vessel/outboard motor transaction (i.e. title, decals, id card, receipts).

**Heir** – one who inherits or is entitled to inherit property (legal documentation is required).

**Letters of Administration** – a document issued by the court clerk which states the authority of the administrator of an estate of person who has died, when there is no will or no available executor named by a will and an administrator has been appointed by the court.

**Letters Testamentary** – a document issued by the court clerk which states the authority of the executor of an estate of a person who has died.

**HIN** – acronym for hull identification number.

**Lien Holder** – a person or business that has a security interest in the vessel and/or outboard motor.

**Livery**– (vessel livery) means a business establishment engaged in renting or hiring out vessels for profit.

**Manufacturer** – a person engaged in the business of manufacturing new and unused vessels and outboard motors for the purpose of sale or trade. [Parks and Wildlife Code 31.003 (11)]

**Manufacturer's Statement of Origin** – a document issued by the manufacturer of a boat or outboard motor to identify the boat or outboard motor by its specifications (make, model, year, length, construction material, hull identification number, motor serial number, horsepower) and to track all transfers of ownership (assignments) prior to the issuance of a title. The M.S.O. must be properly assigned to show a clear progression of ownership from the manufacturer to the purchaser applying for a title. [Parks and Wildlife Code 31.050]

**Mechanic's lien** – a process used for a business and/or repair facility to recoup unpaid fees for repairs. Charges are recovered by foreclosing and selling the boat/outboard motor at public auction. [Property Code, 70.001]

**Motorboat** – any vessel propelled or designed to be propelled by machinery, whether or not the machinery is permanently or temporarily affixed or is the principal source of propulsion. [Parks and Wildlife Code 31.003(3)]

**Muniment of Title** – a decree of distribution proving inheritance.

**Negotiable Title** – (certificate of title) – the legal instrument that constitutes evidence of ownership and is legally transferable when the boat or outboard motor is sold or given. It includes a description of the vessel and/or outboard motor, the name and address of the owner, and, if applicable, lien holder information. It will have an area on the back for documenting transfers of ownership (title assignments) such as the seller assigning the title over to the purchaser, or a dealer assigning the title to another dealer, etc.). [Parks and Wildlife Code 31.045 and 31.049]

**New** – every vessel or outboard motor after its manufacture and before its sale or other transfer to a person not a manufacturer or dealer. [Parks and Wildlife Code 31.003 (12)]

**Non-negotiable title** – (certificate of title) when a lien is recorded on a boat or outboard motor title, the *negotiable* title is issued by Texas Parks and Wildlife to the lien holder instead of to the owner. The lien holder holds the *negotiable* title until the loan is paid and then forwards the *negotiable* title to the owner. Prior to September 1, 2003, a *non-negotiable* copy of the title was issued to the purchaser for his records. These *non-negotiable* titles are clearly marked “non-negotiable” on the face and have no title assignments printed on the back. They do not constitute evidence of ownership and are not legally transferable. ***As of September 1, 2003, non-negotiable titles are no longer issued by TPWD.***

**Notary** – (notarization) – a person approved by the Office of the Secretary of State to attest and certify that signatures are authentic. Notarization requires the signature and the seal/stamp of notary.

**Operate** – to navigate or otherwise use a motorboat or a vessel. [Parks and Wildlife Code 31.003 (6)]

**Original** – a vessel and/or outboard motor being registered and titled in Texas for the first time. Also, a document containing the original signatures of the participants – not a photocopy, facsimile or reproduction.

**Outboard motor** – any self-contained internal combustion propulsion system, excluding fuel supply, which is used to propel a vessel and which is detachable as a unit from the vessel. [Parks and Wildlife Code 31.003 (13)]

**Owner** - the person who rightfully claims lawful possession of a vessel by virtue of the legal title or an equitable interest. [Parks and Wildlife Code 31.003 (4)]

**Owner of record** – the individual named in Texas Parks and Wildlife (or out of state Agency) records (and thus on the face of the title) as the owner of a boat or motor. A transfer of ownership is not recognized in TPWD records until the purchaser fulfills the legal obligation of transferring the title (and record of ownership) into his or her name with the Department.

**Personal watercraft** – a type of motorboat that is specifically designed to be operated by a person or persons sitting, standing, or kneeling on the vessel rather than in the conventional manner of sitting or standing inside the vessel. [Parks and Wildlife Code 31.003 (14)]

**Political Subdivisions** – any branch of government (i.e. federal, state, city and county).

**Power of Attorney** – is a legal document used to designate a representative (individual or company) to conduct business on behalf of another. Signatures must be notarized.

**Probate** – the process of proving a will is valid and thereafter administering the estate of a dead person according to the terms of the will or under court supervision. The first step is to file the purported will with the clerk of the appropriate court in the county where the deceased lived, along with a petition to have the court approve the will and appoint the executor named in the will (or, if none is available, then an administrator). If the court determines the will is valid, the court “admits” the will to probate. Probate

may not be necessary if the estate is small with no real estate title to be transferred, or all of the estate is jointly owned or community property.

**Properly Assigned** – means all information is correct and complete with purchaser’s name and address, lienholder information if applicable, and signature of company/individual authorized to sell the item.

**Purchaser** – name in which the vessel and/or outboard motor will be titled.

**Reasonable time** – 15 days. [Parks and Wildlife Code 31.003 (10)]

**Reject letter** – a document that indicates the reasons why an application cannot be processed and is being returned to the customer.

**Replacement Certificates (Title)** – a replacement title issued by Texas Parks and Wildlife. Once this title is reissued, the original title is no longer valid. [Parks and Wildlife Code 31.051]

**Retail Sale** – a sale of an item other than a sale in which the dealer or manufacturer acquires the item for the exclusive purpose of resale. [Tax Code 160.001 (6)]

**Sale** – includes: [Tax Code 160.001 (7)]

- an installment and credit sale;
- an exchange of property for property or money;
- an exchange in which property is transferred but the seller retains title as security for payment of the purchase price; and
- any other closed transaction that constitutes a sale.

**Self-service storage facility** – real property that is rented to be used exclusively for storage of property and is cared for and controlled by the tenant. [Property Code 59.001(3)]

**Skip transfer** – transfer of a vessel and/or outboard motor from a non-recorded owner to a purchaser. [Parks and Wildlife Code 31.053] (See “Trail of Ownership” under Who Can Do What ... section)

**Statutory lien** – is a lien imposed by statute, such as a statutory lien held by a self-service storage facility or a mechanic’s lien. [Property Code Chapter 59 and 70]

**Storage lien** – a process used by a business and/or storage facility to recoup unpaid storage fees. Charges are recovered by foreclosing and selling the boat/outboard motor at public auction. (Self-service storage liens use form PWD 309B, all other statutory liens use form PWD 309A.) [Property Code, Chapter 59 & 70]

**Surety Bond** – See “Certificate of Title Surety Bond”.

**Taxable boat or motor** – a boat other than a canoe, kayak, rowboat, raft, punt, or other vessel designed to be propelled by paddle, oar, or pole; or an outboard motor. [Tax Code 160.001 (9)]

**Temporary Use Tax Permit** – a permit issued to the owner of a taxable boat or motor in accordance with Tax Code, Sections 160.0246(a)(3) or (b). A separate permit is required for each boat or outboard motor. This permit does not apply to registration and operation of the vessel on public waters.

**Title** – see ‘negotiable title’.

**TX number** – the unique number assigned by TPWD to identify a vessel or outboard motor on record in Texas. Vessel TX numbers must be displayed on the vessel itself. (The only exception being USCG documented vessels.) [Parks and Wildlife Code 31.021, 31.031, 31.032]

**U. S. Coast Guard** (USCG) – the federal agency that sets and enforces federal regulations concerning water and vessel safety, the manufacturing of vessels, and documents vessels for which federal ownership records apply rather than state titles.

**Verified Mail** – means any method of mailing that provides evidence of mailing.

**Vessel** – any watercraft, other than a seaplane on water, used or capable of being used for transportation on water. [Parks and Wildlife Code 31.003 (2)]

**Water of this state** – any public water within the territorial limits of this state. [Parks and Wildlife Code 31.003 (5)]

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# Additional Available Resources

Includes information on the TPWD Boat Titling and Registration Matrix, TPWD Field Liaisons, and TPWD Boat Information.

**Forms and Supporting Document Requirements for Specific Transactions matrices** – Provide requirements for specific transactions. These matrices were created to assist staff and the general public in the following areas:

- Standardization of existing rules for current employees and the general public to reference.
- Quick reference guides for use by new employees.
- Used to print out and provide customers with a listing of the required documents and actions needed to get their transaction processed. Specific lines within the matrix can be highlighted to provide a customer with better information regarding the needed actions and documents.
- Quick reference guides for the public to access on the TPWD web site and follow when buying or selling vessels or outboard motors.

They are available to view or to print at:

[https://tpwd.texas.gov/fishboat/boat/owner/titles\\_and\\_registration/](https://tpwd.texas.gov/fishboat/boat/owner/titles_and_registration/)

They are broken out into seven separate categories:

- **New from Dealer or Manufacturer or New Homemade** - This matrix provides the requirements for titling/registration of a brand new boat/outboard motor or a newly built homemade boat. This matrix is broken down into the following categories:
  - Acquired as New from Texas Dealer/Manufacturer or New Homemade
  - Acquired as New Outside of Texas from Dealer/Manufacturer or New Homemade➤ Ex: Customer purchased new boat from licensed Texas dealer and is now titling and registering.
- **Not Currently Titled and/or Registered through TPWD** - This matrix provides the requirements for titling/registration of a boat/outboard motor that is currently not titled/registered through Texas Parks and Wildlife Department. This matrix is broken down into the following categories:
  - No Record Exists – Original Owner
  - No Record Exists – Acquired from Previous Owner
  - Record Exists Outside of Texas – Original Owner
  - Record Exists Outside of Texas – Acquired from Previous Owner➤ Ex: Boat was titled and/or registered in another state. Customer has moved and is now wanting to title and register in Texas.
- **Transfer of Boat/Outboard Motor With Existing Title and/or Registration Through TPWD** - This matrix provides the requirements for transferring ownership of a boat/outboard motor that is titled/registered through the Texas Parks and Wildlife Department. This matrix is broken down into the following categories:
  - Vessels and Outboard Motors Titled – TPWD Record Exists
  - Vessels Registered but not Titled – TPWD Record Exists➤ Ex: Boat is currently titled and registered in Texas and the owner of record has sold it. Purchaser now wants to transfer the title and registration into their name.
- **Maintenance of Boat/Outboard Motor With Existing Title and/or Registration through TPWD** - This matrix provides the requirements for maintenance events by the existing owner to a boat/outboard motor that is titled/registered through TPWD. Maintenance events include: renewal of registration; replacement of title(s), registration decals with matching ID card or

Certificate of Number ID Card; additional ID card(s); and change or correction to name, address or vessel/outboard motor description. This matrix is broken down into the following categories:

- Vessels and Outboard Motors Titled
  - Vessels Registered But Not Titled
- **Registration of USCG Documented Vessels** - This matrix provides the requirements for registering or transferring registration of a boat/vessel that has been documented through the United States Coast Guard (USCG). This matrix is broken down into the following categories:
    - New Registration
    - Renewal of Registration
    - Transfer of Registration-due to change in ownership with registration current and greater than 90 days from expiration
    - Transfer of Registration-due to change in ownership with registration within 90 days of expiration or registration is expired
  - **Sold Under Statutory Lien Foreclosure** - This matrix provides the requirements for titling/registration of a boat/outboard motor that is being sold for non-payment of storage or mechanic fees. This matrix is broken down into the following categories:
    - Self Storage Lien
    - Storage Lien
    - Garageman/Mechanic/Towing Lien
    - Ex: Owner of record has left their boat at mechanic's shop for repair and has failed to pay for the repairs and pick up their boat. The mechanic's shop can, under the provisions of the foreclosure lien statute, execute a mechanics lien to recoup their losses.
  - **Sales Tax Only** - This matrix provides the requirements for paying Sales Tax Only. This applies when the boat/outboard motor is exempt from title and/or registration through TPWD but still subject to boat sales and use tax.
    - Ex: Customer has purchased boat in Texas and will be titling and/or registering it out of state.

**USCG Documented Vessel Search Sites** - The Coast Guard maintains a searchable database on vessels. The PSIX Vessel Search Page allows you to search for a particular vessel by using one or more search criteria, including Vessel Name, Vessel Number, Vessel Call Sign, and Vessel Hull Number. (This database will not provide any ownership information.) This information is available on the Coast Guard website at the following address: <http://cgmix.uscg.mil/PSIX/PSIXSearch.aspx>

### **Manufacturers Identification Code (MIC)**

The Coast Guard maintains a searchable database of all recreational boat manufacturers in the United States and U.S. importers of recreational boats. It gives you fast access to information including the company name, address, phone number, and operating status. Searches can be performed by the three-letter MIC identifier, the Company Name, the City, and/or the State. This information is available on the Coast Guard website at the following address: <https://uscgboating.org/content/manufacturers-identification.php>

**Lien Holder Information** – The following links are available to search for bank and/or financial institution contact information and/or status (names changes, etc):  
<http://www.ffiec.gov/nicpubweb/nicweb/SearchForm.aspx>  
<https://research2.fdic.gov/bankfind/>

**Texas Comptroller of Public Accounts** – Available from 7:30 am – 5:30 pm each business day to answer specific questions regarding boat and outboard motor sales, use and new resident tax. The Comptroller's office can be reached at 1-800-252-5555.

**TPWD Field Liaisons** - Available from 8:00 am - 5:00 pm each business day to answer questions and concerns from TPWD Law Enforcement Offices and Tax Assessor-Collector County Offices. They can be reached at (512) 389-8090 or (512) 389-4393.

**TPWD Boat Information** - Available from 8:00 am - 5:00 pm each business day to answer questions and concerns from the general public. Boat information can be reached at (512) 389-4828 or toll free at 1-800-262-8755.

**NADA Guides** – This website can be used to aid in the determination of value for a boat or outboard motor in the event that a purchaser/applicant is unable to acquire a bill of sale. (Please see the Bill of Sale sections of the matrices which outline this procedure in detail. They can be found under ‘New’, ‘On TPWD Record’, ‘Not on TPWD Record’, ‘USCG’, and ‘Sales Tax Only’.) <http://www.nadaguides.com/>

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# Forms

A list of current form names and their corresponding form numbers. The use for each form is also listed.

All current forms can be found on the Texas Parks and Wildlife web site at:

<http://www.tpwd.state.tx.us/fishboat/boat/forms/>

## Fee Chart – Boat/Outboard Motor and Related Items

This form contains an itemized listing of the fees required for all vessel/boat, outboard motor, and marine license transactions.

## Vessel/Boat Color Chart

Use this color chart to determine which of the available color choices best matches the predominant color, or color that appears the most, on your vessel/boat.

## Sample Texas Certificate of Number Card

This document provides a sample of the Texas Certificate of Number for a Vessel Card which is provided with vessel/boat registration. A legend describing the information printed on the certificate is also included. The certificate, when issued, is valid through the expiration date shown, must always be aboard the vessel/boat (including USCG documented vessels that require Texas registration), and be available for inspection by an enforcement officer.

Additional forms are available and listed in numerical order as follows:

## PWD 143 - Vessel/Boat Application: Title and Registration, Registration for USCG, or Sales Tax Only

This form is used to:

- Apply for Texas title and registration for a brand new vessel/boat.
- Transfer ownership (registration & title) of a used vessel/boat.
- Apply for Texas registration for a USCG documented vessel.
- Pay "sales tax only" on vessels 115 feet and under.

Instructions for completing the application are included with the form. Please see Fee Chart – Boat/Outboard Motor and Related Items and PWD 930 – Boat/Motor Sales, Use and New Resident Tax Calculator for additional assistance.

## PWD 143M - Vessel/Boat Records Maintenance

This form is used to:

- Renew TX vessel/boat registration.
- Replace a lost or destroyed vessel/boat title.
- Replace registration decals and ID card.
- Replace Certificate of Number ID Card.
- Obtain additional Certificate of Number ID Card(s).
- Make changes or corrections to owner name, mailing address or vessel/boat description.

Instructions for completing the application are included with the form. Please see Fee Chart – Boat/Outboard Motor and Related Items for additional assistance.

Additional Tools:

Renew, Replace Decals/Titles, or Update Address Online at [www.tpwd.texas.gov/boatrenewal](http://www.tpwd.texas.gov/boatrenewal).

- USCG documented vessels must renew registration in person or by mail due to the requirement to show evidence of current documentation.
- Vessels/boats with a recorded lien holder are not eligible for replacement titles online.

## PWD 144 - Outboard Motor Application: Title or Sales Tax Only

This form is used to:

- Apply for Texas title for a brand new outboard motor.
- Transfer ownership (title) of a used outboard motor.



- Pay "sales tax only" on an outboard motor.

Instructions for completing the application are included with the form. Please see Fee Chart – Boat/Outboard Motor and Related Items and PWD 930 – Boat/Motor Sales, Use and New Resident Tax Calculator for additional assistance.

### **PWD 144M - Outboard Motor Records Maintenance**

This form is used to:

- Replace a lost or destroyed outboard motor title.
- Make changes or corrections to owner name, mailing address or outboard motor description.

Instructions for completing the application are included with the form. Please see Fee Chart – Boat/Outboard Motor and Related Items for additional assistance.

Additional Tools:

Replace Titles or Update Address Online at [www.tpwd.texas.gov/boatrenewal](http://www.tpwd.texas.gov/boatrenewal).

- Outboard Motors with a recorded lien holder are not eligible for replacement titles online.

### **PWD 231 - Release of Lien for Vessel/Outboard Motor**

- The recorded lien holder may release the lien by: signing and dating the face of the negotiable Certificate of Title; completing the Release of Lien form; or completing the "release a lien" section on form **PWD 403**. Separate application form(s) are required for each vessel/boat and outboard motor.
- Submit with applicable forms(s): **PWD 143**, **PWD 144**, or **PWD 403**.
- Lien holder signature must be notarized.

### **PWD 309A - Affidavit of Statutory Lien Foreclosure Sale for Storage or Mechanic's Lien**

- This form is completed when transferring ownership to the purchaser of a vessel/boat and/or outboard motor sold due to a storage or mechanic's statutory foreclosure lien.
- Detailed information is provided with this form to explain the steps and supporting documentation required to complete the statutory foreclosure lien process.
- Additional form(s) needed: **PWD 143** and/or **PWD 144**, **PWD 504**, and **PWD 763**.
- The Questionnaire Affidavit form(s) must be completed in full, signed, and notarized.

### **PWD 309B - Affidavit of Statutory Lien Foreclosure Sale by Self-Service Storage Facility**

- This form is completed when transferring ownership to the purchaser of a vessel/boat and/or outboard motor sold due to a self-service storage lien.
- Detailed information is provided with this form to explain the steps and supporting documentation required to complete the statutory foreclosure lien process.
- Additional form(s) needed: **PWD 143** and/or **PWD 144**, **PWD 504**, and **PWD 763**.
- The Questionnaire Affidavit form(s) must be completed in full, signed, and notarized.

### **PWD 310 - Application for Dealer, Distributor or Manufacturer License**

The basic application form used for all Marine License activity including:

- Original (new) license.
- Renew license.
- Transfer license to new owner.
- Transfer license to new location.
- Purchase additional Temporary Use Validation Card with Decal Set.
- Correct or update license information.
- The application form must be completed in full, signed and notarized.

PWD 310 Supplemental Information – Rules and statutes pertaining to Dealer, Distributor and/or Manufacturer Licenses.

### **PWD 310A - Application for Marine Licensee Temporary Use Validation Card and/or Decal Set**

This form is used to:

- Purchase additional Temporary Use Validation Card with Decal Set.
- Replace a lost Temporary Use Validation Card.
- Request a corrected Temporary Use Validation Card.

### **PWD 312 - Affidavit for Repossessed Boat and/or Motor**

- Form used by lien holder to repossess a vessel/boat and/or outboard motor due to owner's failure to meet the terms of their financial obligation.
- Submit with applicable form(s): **PWD 143** and/or **PWD 144**.
- The Affidavit for Repossessed Boat and/or Motor form must be completed in full, signed and notarized.

### **PWD 314 - Affidavit of Facts**

- This form is used to provide written explanations of specific situations.
- Form is used as a support document. Submit with applicable form(s): **PWD 143**, **PWD 143M**, **PWD 144**, **PWD 144M**, or **PWD 403**.

### **PWD 388 - Bonded Title Review**

- This form is used to request the Texas Parks and Wildlife Department (TPWD) to consider issuing a bonded title for a vessel/boat and/or outboard motor which does not qualify for standard titling because the properly assigned title and/or required legal documentation cannot be obtained.
- Detailed instructions are provided with this form to explain the steps and supporting documentation required to complete the bonded title review process.
- The completed form with support documents will be used to review and assess the circumstance to determine if a bonded title is appropriate.
- Do not send fees with this application.

### **PWD 403 - Request to Release a Lien, Add a New Lien, or Correct a Lien**

This form is used to make the following changes to lien holder information:

- Release an existing lien. The lien holder signature must be notarized for release of existing lien.
- Add a new lien.
- Correct existing lien information.

Please see Fee Chart – Boat/Outboard Motor and Related Items for additional assistance.

### **PWD 504 - Affidavit of Facts for Identification/Serial Number**

- This form is used to verify the serial number/hull identification number on a vessel or outboard motor.
- An attempt to trace the serial/identification number is required. If the numbers cannot be read on the tracing, trace it anyway, then write the number below the tracing.
- Form is used as a support document. Submit with applicable form(s): **PWD 143**, **PWD 143M**, **PWD 144**, or **PWD 144M**.

### **PWD 581 - Letter of Authorization**

- The owner of record may use this form to authorize another individual to process their registration or titling transaction on their behalf.
- This form does not function as Power of Attorney.
- This form does not allow the authorized individual to sign for the owner/applicant.

### **PWD 736 - Affidavit for Proof of Ownership of Vessel or Outboard Motor \***

A TPWD Law Enforcement Field Office provides this form to an applicant after applicable ownership documents have been reviewed and determined processable.

- This form is used to verify ownership and description of vessel/outboard motor. Front of form to be completed in full by vessel/outboard motor owner. Back of form to be completed in full by a Texas Game Warden upon inspection of vessel/outboard motor. Separate application forms required for each vessel and outboard motor.
- Submit with applicable form(s): **PWD 143**, **PWD 143M**, **PWD 144**, or **PWD 144M**.

\*This form is only available at a TPWD Law Enforcement Field Office.

### **PWD 738 - Affidavit of Heirship for a Vessel/Boat and/or Outboard Motor**

- This form is used when the owner is deceased and left either no will or a will; no application for administration has been filed; and there is no necessity for an administration upon the estate.
- Form is used as a support document. Submit with applicable form(s): **PWD 143** and/or **PWD 144**.
- The Affidavit of Heirship form must be completed in full, signed and notarized.

### **PWD 763 - Ownership/Lien Holder Information Printout or Ownership History Report**

This form is used to:

- Obtain a computer printout, which provides the current owner/lien holder name, address and vessel/boat and/or outboard motor description.
- Obtain the History, which provides a copy of all documents submitted for transactions on file for a vessel/boat and/or outboard motor. TPWD retains historical documentation for vessels/boats and outboard motors for a period of 10 years.
- All history requests will be fulfilled by TPWD Austin Headquarters within 10 days of processing.

Please see Fee Chart – Boat/Outboard Motor and Related Items for additional assistance.

Additional Tools:

Request Current Ownership Printout Online at <https://apps.tpwd.state.tx.us/tora/> – This provides current ownership information only; ownership histories must be submitted in person or by mail.

### **PWD 778 - Pawn Shop Affidavit**

- This form is used when a vessel/boat and/or outboard motor has been left as unredeemed pledged goods at a pawn shop. Separate application forms are required for each vessel/boat and outboard motor.
- The pawn shop is required to title the vessel/outboard motor in the pawn shop's name before selling (unless the pawn shop is a licensed Marine Dealer).
- Additional form(s) needed: **PWD 143** and/or **PWD 144**.
- The Pawn Shop Affidavit must be completed in full, signed and notarized.

### **PWD 790 - Rights of Survivorship Ownership Agreement for a Vessel and/or Outboard Motor**

- This form is used when two or more persons enter into a Rights of Survivorship agreement. The vessel/boat and/or outboard motor is then jointly owned (co-owned) by those persons, which shall be effective as of the date this form is signed and notarized. If one or more of the persons that completed the Rights of Survivorship agreement dies, ownership of the vessel/boat and/or outboard motor will vest in and belong to the surviving owner(s).
- Upon completion of this form, two options are available:
  - Submit this completed form, along with all applicable supporting documentation and fees, and have the Rights of Survivorship (ROS) designation added to the title for all owners of record. Upon the death of any person(s) named in this agreement, the survivor(s) may obtain a new title by submitting the applicable supporting documentation and the required fees.

OR

- Retain this original form, and after the death of any person(s) named in this agreement, the survivor(s) may obtain a new title by submitting this form, all applicable supporting documentation, and the required fees.
- This form is used as a support document. Submit with applicable form(s):
  - For Change of ownership: **PWD 143** and/or **PWD 144**.
  - When no change of ownership has occurred: **PWD 143M** and/or **PWD 144M**
- The Rights of Survivorship form must be completed in full, signed and notarized.

### **PWD 930 – Boat/Motor Sales, Use and New Resident Tax Calculator**

Calculator used in preparing forms **PWD 143** and **PWD 144**. This form is used to:

- Calculate **sales tax** owed Texas.
- Calculate **penalties** for delinquent sales tax payments.
- Calculate **interest** for delinquent sales tax payments.

### **PWD 1055 – Limited Power of Attorney for Vessels and/or Outboard Motors**

- This form is a legal document used to designate a representative (individual or company) to conduct business and sign documents on behalf of another.
- Form is used as a support document. Submit with applicable form(s): **PWD 143**, **PWD 143M**, **PWD 144**, **PWD 144M**, and/or **PWD 403**
- The Limited Power of Attorney form must be completed in full, signed and notarized.

### **PWD 1056 – Affidavit of Authority to Administer Trust**

- This form is used when the owner of record is in a trust name and the trust is transferring ownership. The trustee can use this form or a complete copy of the trust to show authority as trustee and authorization to sign on behalf of the trust.

- Form is used as a support document. Submit with applicable form(s): **PWD 143, PWD 143M, PWD 144, PWD 144M, and/or PWD 403.**
- The Affidavit of Authority to Administer Trust must be completed in full, signed and notarized.

### **PWD 1084 – Void Request**

- This form is used by TPWD or its Agent to void a vessel/boat and/or outboard motor title/registration transaction.
- A void is a transaction within the Boat Registration Information and Titling System that involves reversing prior transactions. Some corrections may be handled through Processor Error, or other correction methods, which are available on the Maintenance forms.
- Additional form(s) available: **PWD 143M and/or PWD 144M.**

### **PWD 1175 – Affidavit of Fee Exemption for Military Personnel**

- This form is used by military personnel preparing to be deployed to serve in a hostile fire zone for exemption from payment of the following fees:
  - Transfer of ownership
  - Vessel/motor Certificate of Title (includes original, replacement, quick, and bonded titles)
  - All other fees and taxes will apply and are due at the time of application.
- Form is used as a support document. Submit with applicable form(s): **PWD 143, PWD 143M, PWD 144, PWD 144M, and/or PWD 403.**

### **PWD 1178 - Marine Licensee Validation Card Usage Log**

This form is used to:

- Maintain a daily log accounting for all usage of Marine Licensee Temporary Use Validation Card with Decals by the Licensee.

### **PWD 1207 – Application for Party Boat Operator License**

This form is used to:

- Apply for a new license, renew a license, replace a lost license, or update information on an existing license.

Please see Fee Chart – Boat/Outboard Motor and Related Items for additional assistance.

For additional information about this license view the requirements for the Party Boat Program at: [http://www.tpwd.state.tx.us/fishboat/boat/laws/party\\_boat/index.phtml](http://www.tpwd.state.tx.us/fishboat/boat/laws/party_boat/index.phtml).

### **PWD 1208 – Application for Annual Party Boat Inspection**

This form is used to:

- Apply for an annual party boat safety inspection.

Please see Fee Chart – Boat/Outboard Motor and Related Items for additional assistance.

For additional information about this inspection view the requirements for the Party Boat Program at: [http://www.tpwd.state.tx.us/fishboat/boat/laws/party\\_boat/index.phtml](http://www.tpwd.state.tx.us/fishboat/boat/laws/party_boat/index.phtml).

### **PWD 1238 – Request to Skip Titling Requirement of Previous Owner(s)**

This form should be completed by an applicant when this person has purchased or acquired a vessel/boat or outboard motor from a seller and the title is in the name of a prior owner (not the sellers' name). This form should only be submitted when the previous owner refuses to title the asset or when proof can be provided that the previous owner cannot be located. This form will not negate the tax liability owed by the previous, non-titled owners. Information provided will be followed up for non-payment of sales/use tax and vessel/outboard motor titling fees. Incomplete information may result in denial of the application.

This form is subject to approval and should be submitted only when:

- The applicant is not a licensed marine dealer, and
- The applicant has obtained a written bill of sale from the seller, and
- Either the title from the owner on record is signed on the back of the title or a signed statement of no financial interest from the owner on record can be submitted, and
- A clear progression of ownership can be determined through the documentation provided, and
- The previous (non-titled) owners cannot be reached or have refused to title the asset as required by state law.

This form is used as a support document for applicable ownership transfers. Submit with appropriate application form(s): **PWD 143 and/or PWD 144.**

## PWD 1340 – Ownership Change Notification – Vessel/Boat or Outboard Motor

Sold or no longer own your vessel/boat and/or outboard motor? Notify Texas Parks & Wildlife online at <https://apps.tpwd.state.tx.us/otn/>.

- It's free
  - It's required by law
  - It limits your liability
- The notification is used to allow the owner recorded on the Texas title/registration to notify the Texas Parks and Wildlife Department of the sale, donation, destruction or permanent removal of his/her vessel/boat or outboard motor from this state as required by Parks & Wildlife Code, Title 4, Chapter 31, Section 31.037.
  - When the notification is submitted, the information will be added to the asset record. This can provide protection from future liability if the purchaser or recipient fails to promptly transfer the title and will prevent further registrations from occurring until the ownership is transferred.
  - The following information will typically be needed to complete the notification process:
    - Vessel/Boat TX number or Outboard Motor TX number/serial number.
    - Purchaser/New Owner – Name, address, phone number.
    - Sales Date and Sales Price (exclude the trailer) – sales price of the vessel/boat must be listed separately from the sales price of the outboard motor.

Additional Tools:

- A paper process is available, but the online option (above) updates the record much quicker (overnight in most cases).
- When using the paper form, it should be completed and mailed to TPWD Boat Registration, 4200 Smith School Rd, Austin, TX 78744, or faxed to 512-389-4900, or scanned and attached to an email to [boat.reg@tpwd.texas.gov](mailto:boat.reg@tpwd.texas.gov).

## PWD 1344 – Abandoned Boat and/or Outboard Motor Request for Bonded Title Review

- This form is used to request a bonded title review for an abandoned vessel/boat and/or outboard motor left on private property without the consent of the property owner for more than seven (7) days. The request will be reviewed and if approved, a packet will be mailed to the applicant containing information and additional form letters to use for sending notice to the proper law enforcement agency and the owner(s) and lien holder(s).
- If approved, a public notice will be posted on the TPWD website for a period of six (6) months to allow owners to claim the asset. If, after the six (6) month web posting, the assets are not picked up by the legal owner, lien holder, or law enforcement agency and there are no legal claims of ownership, applicants will qualify for a bonded title.
- If the situation does not qualify, then a response will be mailed back to the applicant stating the reason for denial.
- Additional form(s) needed: **PWD 504**.

## PWD 1434 – Temporary Use Tax Permit

- This form is used to apply for a temporary use permit by the owner of a taxable vessel/boat or outboard motor who qualifies for a specific tax exemption to have their vessel/boat or outboard motor in Texas for not more than 90 days without paying sales/use tax.
- Separate permits are required for each vessel/boat and/or outboard motor. The fee for each permit is \$150.00.
- This permit does not apply to registration and operation of a vessel/boat or outboard motor on public waters.
- This permit is valid for 90 days and is non-renewable, non-transferable, and non-refundable. Only two temporary use permits may be issued for the same taxable vessel/boat or outboard motor within a calendar year. The second permit in a calendar year may not be issued before the 30<sup>th</sup> day after the date the first permit expires.
- Complete instructions and requirements are available on the form.

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# Common Form Selections

## Quick Reference List

| Category  | It is a  | Leads to these transaction choices  |
|---|--|---|
| Change Ownership<br>or New Texas<br>Record<br><br>Forms 143 & 144 | New Vessel<br>or<br>Used Vessel<br>or<br>New Motor<br>or<br>Used Motor | <ul style="list-style-type: none"> <li>○ Title and register a vessel</li> <li>○ Register a USCG documented vessel</li> <li>○ Pay sales tax only w/o registration</li> </ul>   |
| Maintenance of<br>record<br><br>Forms 143M & 144M<br>& 403 *      | Used Vessel<br>or<br>Used Motor  | <ul style="list-style-type: none"> <li>○ Registration renewal</li> <li>○ Registration renewal with address change</li> <li>○ Citizenship indicator change</li> <li>○ Owner name change</li> <li>○ Owner address change</li> <li>○ Change/correct vessel description</li> <li>○ Replace title without change</li> <li>○ Replace certificate of number card without change</li> <li>○ Replace decals and ID card without change</li> <li>○ Order extra certificate of number cards</li> <li>○ Correct name or address</li> <li>○ * Add, correct, release Lien information (Form 403)</li> </ul> |
| Ownership records or<br>reports<br>Form 763                       | Vessel<br>or<br>Motor  | ○ Current Owner/Lien Holder Report  |
|   |  | ○ Request Ownership History Report  |

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# FEE CHART

## Boat / Outboard Motor and Related Items Effective September 1, 2009

| <b>VESSEL REGISTRATION:</b>   |           |       |
|---|-----------|-------|
| Less than 16 feet in length   | (Class A) | \$32  |
| 16 feet but less than 26 feet in length   | (Class 1) | \$53  |
| 26 feet but less than 40 feet in length   | (Class 2) | \$110 |
| 40 feet or more in length   | (Class 3) | \$150 |
| Livery Boat less than 16 feet in length   | (Class A) | \$32  |
| <b>CERTIFICATE OF NUMBER (registration ID card):</b>  |           |       |
| Transfer of Ownership (applies to existing Texas vessel record)   |           | \$11  |
| Replacement Certificate of Number Card  |           | \$11  |
| Corrected Certificate of Number Card  |           | \$11  |
| <b>REGISTRATION REPLACEMENT DECALS:</b>   |           |       |
| Replacement Registration Decals with new certificate of number card (required)  |           | \$22  |
| <b>TEXAS CERTIFICATE OF TITLE:</b>  |           |       |
| Certificate of Title- Vessel / Outboard Motor   |           | \$27  |
| Certificate of Title- Transfer of Vessel / Outboard Motor   |           | \$27  |
| Certificate of Title- "Standard" - Replacement for Lost or Destroyed Title  |           | \$27  |
| Certificate of Title- "Quick" - Expedited Replacement for Lost or Destroyed Title   |           | \$64  |
| Certificate of Title- Correction Transaction  |           | \$27  |
| Certificate of Title- Bonded Title  |           | \$37  |
| <b>TAXES:</b>   |           |       |
| New Resident Tax (applies to owner relocating from out of state to Texas)   |           | \$15  |
| Sales / Use Tax (percentage of the sales price)*  |           | 6.25% |
| *Sales tax for vessels and outboard motors purchased in Texas on or after September 1, 2019 is capped at \$18,750.00.   |           |       |
| Penalties and Interest (apply when tax is not paid by the date due - 20 business days when purchased prior to 9/1/19 or 45 business days when purchased on or after 9/1/19 - see form PWD 930 to calculate the amount owed) |           |       |
| Temporary Use Tax Permit (applies to owner seeking qualifying tax exemption)  |           | \$150 |
| <b>OTHER:</b>   |           |       |
| Game Warden Inspection / State Assigned Hull Identification Number  |           | \$25  |
| Ownership History Request   |           | \$11  |
| <b>PARTY BOATS:</b>   |           |       |
| Annual Party Boat Inspection  |           | \$132 |
| New Party Boat Operators License  |           | \$132 |
| Renew Existing Party Boat Operators License   |           | \$53  |
| Replace a Lost or Destroyed Party Boat Operators License  |           | \$53  |
| Update an Existing Party Boat Operators License   |           | \$53  |
| <b>MARINE LICENSE:</b>  |           |       |
| New License Application   |           | \$500 |
| Additional Marine Decal and ID card   |           | \$126 |
| Renewal of License  |           | \$500 |
| Transfer Business (New Owner)   |           | \$500 |
| Transfer Business Location (Same Owner)   |           | \$11  |
| Correction / Update of Information  |           | \$4   |