

DEPARTMENT OF BOATING AND WATERWAYS

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Information Letter

DATE: *August 1, 2005*

TO: *Licensed Yacht and Ship Brokers*

FROM: *Department of Boating and Waterways*

SUBJECTS: *1) Change in staff - DBW Yacht and Ship Unit 2) Enactment of Carbon Monoxide Legislation*

REMINDERS: *3) Transfers 4) Address/telephone changes 5) Salesperson Application Packages 6) Surety Bond Submissions*

1. Change in Staff - DBW Yacht and Ship Unit

Investigator Gina Ebling has been assigned to oversee the Yacht and Ship Unit. She will be investigating consumer initiated complaints against Yacht and Ship brokers and salespeople, and may be reached at (916) 263-8195. Gina comes to us from the Department of Justice with 15 years of investigative experience. Former investigator, Derrick Yee, has accepted a position at the California Department of Corrections.

2. Carbon Monoxide Decal Requirement

As discussed at the California Yacht Brokers Association legal seminar in June of 2005 effective January 1, 2005 AB 2222 is enacted, as follows:

AB 2222 - Carbon Monoxide

It is a violation of California law to operate a vessel's motor or generator while a person is teak surfing, platform dragging, or bodysurfing behind the vessel, or holding onto the swim platform or swim ladder except briefly while assisting with the docking or departure, while existing or entering the vessel, or while the vessel is engaged in law enforcement or emergency rescue activity. Violation may result in a fine of up to \$100.

Teak surfing or platform dragging means holding onto the back of the vessel while the vessel is underway at any speed. Carbon monoxide from the vessel's exhaust is a colorless, odorless gas that displaces oxygen when inhaled.

Attached, please find further information regarding the responsibility of brokers and boat dealers in regards to affixing the required decals.

REMINDERS

3. Transfers Between Brokerages or Cancellations of Sales Licenses

Pursuant to the provisions of Harbors and Navigation Code Section 735(c) salespersons licenses are required to be under the control of the broker by whom the salesperson is licensed until the license is cancelled or the salesperson leaves the employment of the broker. Upon termination of employment, the broker shall **immediately** return such salespersons license to the Department for cancellation and shall notify the Department of the exact date of termination.

4. Name/Address/Telephone Changes

When changing the DBA for an **individual** license of a brokerage, it is the broker's responsibility to notify the department in writing, within five business days. The original license must be included with the request. There are no fees associated with this change.

When changing a **corporation or a partnership name**, the broker is required to obtain a **new bond which reflects the changes**. It is the broker's responsibility to notify the department in writing, within five business days. The license must be included with the request along with a notarized, duplicate of the new bond (photo copies will not be accepted). There are no fees associated with this change.

When changing your address or telephone number for a brokerage, it is the broker's responsibility to send a letter to the department requesting the change along with **all licenses** issued to that address. Once this is completed, new licenses will be issued at no cost.

5. Salesperson Application Packages

Application Packages should only be requested by licensed Brokers. It is also the Broker's responsibility to have the most current application packages on file. **PLEASE make sure you are using the current application form (YSB3 (NEW 9/01) when submitting the application.** In addition, the fingerprint card is obsolete for this office. We currently use the LIVE SCAN Form (BCII 8016 (NEW 9/01)). If the department receives an old salesperson application, it will be returned to your office to resubmit. This will delay the application process. Please review all salesperson applications for completeness prior to submitting.

6. Surety Bond Submission(s)

When applying for an individual or partnership license, PLEASE have your signature notarized on the surety bond, along with any/all supporting documents. The bond will be unacceptable by the Department if the signatures are not notarized by a notary public.

We are receiving a high volume of phone calls regarding the above issues, which in turn interferes with the issuance of licenses. Please share this Information Letter with your staff, so that everyone is up to date on changes and procedures within the Department. If you have any questions, please contact us at (866) 836-3740.

attachment

