

HOUSE BILL 504

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CF 0lr3307

By: **Delegates Metzgar, Brooks, Grammer, Griffith, Hornberger, Lisanti, Long, McComas, Wilson, and P. Young**

Introduced and read first time: January 24, 2020

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Boat Act – Abandoned and Sunken Vessels**

3 FOR the purpose of altering the definition of “abandoned or sunken vessel” for purposes of
4 certain provisions of the Maryland Boat Act to include a vessel that has remained
5 moored or anchored in waters of the State for more than a certain number of days
6 and is in such a condition of disrepair that the vessel will not keep afloat with
7 ordinary care; and generally relating to abandoned and sunken vessels.

8 BY repealing and reenacting, with amendments,
9 Article – Natural Resources
10 Section 8–721
11 Annotated Code of Maryland
12 (2012 Replacement Volume and 2019 Supplement)

13 BY repealing and reenacting, without amendments,
14 Article – Natural Resources
15 Section 8–725.2
16 Annotated Code of Maryland
17 (2012 Replacement Volume and 2019 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
19 That the Laws of Maryland read as follows:

20 **Article – Natural Resources**

21 8–721.

22 (a) In this section, “abandoned or sunken vessel” means any vessel that:

23 (1) Is left illegally or has remained without permission for more than 30

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



days on public property, including public marinas, docks, or boatyards;

(2) Has remained at the following locations for more than 90 days without the consent of the owner or person in control of the property:

(i) A private marina or property operated by a private marina; or

(ii) A private boatyard or property operated by a private boatyard;

(3) Has remained at the following locations for more than 30 days without the consent of the owner or person in control of the property:

(i) A private dock; or

(ii) At or near waters' edge on private property;

(4) Has remained on private property other than the private property described in items (2) and (3) of this subsection for more than 180 days without the consent of the owner or person in control of the property; [or]

(5) HAS REMAINED MOORED OR ANCHORED IN WATERS OF THE STATE FOR MORE THAN 30 DAYS AND IS IN SUCH A CONDITION OF DISREPAIR THAT THE VESSEL WILL NOT KEEP AFLOAT WITH ORDINARY CARE; OR

(6) (i) Has been found adrift or unattended in or upon the waters of the State, and is found in a condition of disrepair as to constitute a hazard or obstruction to the use of the waters of the State or presents a potential health or environmental hazard; and

(ii) Is not:

1. Historic property as defined in § 5A-301 of the State Finance and Procurement Article; or

2. Submerged archaeological historic property as defined in § 5A-333 of the State Finance and Procurement Article.

(b) (1) The Department may seize, remove, and take into custody any abandoned or sunken vessel.

(2) For this purpose, the Department may use its own personnel, equipment, and facilities or use other persons, equipment, and facilities for removing, preserving, or storing abandoned or sunken vessels.

(3) The Department, or a person removing, preserving, or storing an abandoned or sunken vessel on behalf of the Department, may not be held liable for any damage to an abandoned or sunken vessel which may occur during removal, storage, or

1 custody of the vessel.

2 (c) (1) No later than 15 days before an abandoned or sunken vessel is seized,
3 removed, or taken into custody under subsection (b) of this section, the Department shall
4 send a notice, by certified mail, return receipt requested, bearing a postmark from the
5 United States Postal Service to the last known registered owner of the vessel, as shown on
6 the records of the Department.

7 (2) As soon as reasonably possible but not later than 15 days after the
8 Department takes an abandoned or sunken vessel into custody, the Department shall send
9 a notice, by certified mail, return receipt requested, bearing a postmark from the United
10 States Postal Service to the last known registered owner of the vessel and to each secured
11 party, as shown on the records of the Department.

12 (d) The notices required by subsection (c) of this section shall:

13 (1) Describe the vessel;

14 (2) Give the location where the vessel is being held;

15 (3) Inform the owner and secured party of a right to reclaim the vessel
16 within 3 weeks of receipt of the notice required in subsection (c)(2) of this section upon
17 payment to the Department of any expenses incurred during removal and custody of the
18 vessel; and

19 (4) State that failure to claim the vessel will constitute:

20 (i) A waiver of all right, title, and interest in the vessel; and

21 (ii) A consent to the Department's disposition of the vessel.

22 (e) (1) If the Department is unable to determine the last registered owner or
23 the identity of any secured party of the abandoned or sunken vessel, or if the certified mail
24 notice required under subsection (c) of this section is returned as undeliverable, the
25 Department shall give the required notice by publication in at least 1 newspaper of general
26 circulation in the area where the abandoned or sunken vessel was found.

27 (2) The notice by publication shall contain the information required under
28 subsection (d) of this section and shall be published within 30 days of the seizure of the
29 abandoned or sunken vessel, or within 15 days of the return of the certified mail notice as
30 undeliverable.

31 (f) If the owner or secured party fails to claim the abandoned or sunken vessel
32 within 3 weeks after the certified mail notice or after the notice by publication is given, the
33 Department may sell the vessel at public auction, proceed to receive title to the vessel
34 pursuant to § 8-722 of this subtitle, or otherwise dispose of the vessel.

(g) If the abandoned or sunken vessel is in such a condition of disrepair that the Department cannot remove the vessel intact, the Department may dispose of the vessel in whatever manner is reasonable without providing the notice required under subsections (c) through (e) of this section.

(h) The Department may delegate the Department's authority to remove and dispose of abandoned or sunken vessels under this section to any local jurisdiction that consents to the delegation.

(i) The Department, in consultation with the Director of the Maryland Historical Trust, may adopt regulations to implement this section.

8-725.2.

(a) A person may not abandon, as defined in § 8-721 of this subtitle, any vessel upon any waters of the State.

(b) The last known registered owner shown on the certificate of title issued under § 8-715 of this subtitle shall be considered:

(1) The prima facie owner of a vessel at the time the vessel was abandoned;
and

(2) The person who abandoned the vessel.

(c) (1) Any person who violates any provision of this section is guilty of a misdemeanor. Upon conviction, the person is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 6 months, or both.

(2) Any person found guilty of a second or subsequent violation of any provision of this section is subject to a fine not exceeding \$2,000 or imprisonment not exceeding 1 year, or both.

(3) Any person who violates any provision of this section is liable to the State for the cost of removal of the vessel.

(4) The provisions of this section do not apply to a vessel wrecked through an act of God or negligence of a third party.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.