

HOUSE BILL 1253

M1

7lr2944

By: **Delegate Long**

Introduced and read first time: February 10, 2017

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **State Boat Act – Removal of Abandoned or Sunken Vessels**

3 FOR the purpose of clarifying that certain provisions of law relating to the removal and
4 disposal of abandoned vessels apply to sunken vessels; extending liability protections
5 for damage that may occur during removal, storage, or custody of an abandoned or
6 sunken vessel to a person that removes, preserves, or stores the abandoned or
7 sunken vessel on behalf of the Department of Natural Resources; authorizing the
8 Department to adopt certain regulations; making certain stylistic changes; and
9 generally relating to the removal of abandoned or sunken vessels.

10 BY repealing and reenacting, with amendments,
11 Article – Natural Resources
12 Section 8–721
13 Annotated Code of Maryland
14 (2012 Replacement Volume and 2016 Supplement)

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

17 **Article – Natural Resources**

18 8–721.

19 (a) In this section, “abandoned **OR SUNKEN** vessel” means any vessel that:

20 (1) Is left illegally or has remained without permission for more than 30
21 days on public property, including public marinas, docks, or boatyards;

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

5 (i) A private dock; or

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

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

10 (5) Has been found adrift or unattended in or upon the waters of the State,
11 and is found in a condition of disrepair as to constitute a hazard or obstruction to the use
12 of the waters of the State or presents a potential health or environmental hazard.

13 (b) (1) The Department may seize, remove, and take into custody any
14 abandoned **OR SUNKEN** vessel.

15 (2) For this purpose, the Department may use its own personnel,
16 equipment, and facilities or use other persons, equipment, and facilities for removing,
17 preserving, or storing abandoned **OR SUNKEN** vessels.

18 (3) The Department, **OR A PERSON REMOVING, PRESERVING, OR**
19 **STORING AN ABANDONED OR SUNKEN VESSEL ON BEHALF OF THE DEPARTMENT,**
20 may not be held liable for any damage to an abandoned **OR SUNKEN** vessel which may
21 occur during removal, storage, or custody of the vessel.

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

27 (2) As soon as reasonably possible but not later than 15 days after the
28 Department takes an abandoned **OR SUNKEN** vessel into custody, the Department shall
29 send a notice, by certified mail, return receipt requested, bearing a postmark from the
30 United States Postal Service to the last known registered owner of the vessel and to each
31 secured party, as shown on the records of the Department.

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

1 (1) Describe the vessel;

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

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

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

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

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

10 (e) **(1)** If the Department is unable to determine the last registered owner or
11 the identity of any secured party of the abandoned **OR SUNKEN** vessel, or if the certified
12 mail notice required under subsection (c) of this section is returned as undeliverable, the
13 Department shall give the required notice by publication in at least 1 newspaper of general
14 circulation in the area where the abandoned **OR SUNKEN** vessel was found.

15 **(2)** The notice by publication shall contain the information required under
16 subsection (d) of this section and shall be published within 30 days of the seizure of the
17 abandoned **OR SUNKEN** vessel, or within 15 days of the return of the certified mail notice
18 as undeliverable.

19 (f) If the owner or secured party fails to claim the abandoned **OR SUNKEN** vessel
20 within 3 weeks after the certified mail notice or after the notice by publication is given, the
21 Department may sell the vessel at public auction, proceed to receive title to the vessel
22 pursuant to § 8-722 of this subtitle, or otherwise dispose of the vessel.

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

27 (h) The Department may delegate the Department's authority to remove and
28 dispose of abandoned **OR SUNKEN** vessels under this section to any local jurisdiction that
29 consents to the delegation.

30 **(I) THE DEPARTMENT MAY ADOPT REGULATIONS TO IMPLEMENT THIS**
31 **SECTION.**

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 October 1, 2017.