

# HOUSE BILL 504

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CF 0lr3307

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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

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## 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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

8 (i) A private dock; or

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

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

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

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

19 (ii) Is not:

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

22 2. Submerged archaeological historic property as defined in  
23 § 5A-333 of the State Finance and Procurement Article.

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

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

29 (3) The Department, or a person removing, preserving, or storing an  
30 abandoned or sunken vessel on behalf of the Department, may not be held liable for any  
31 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.

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

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

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

10 8-725.2.

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

13 (b) The last known registered owner shown on the certificate of title issued under  
14 § 8-715 of this subtitle shall be considered:

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

17 (2) The person who abandoned the vessel.

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

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

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

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

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