

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 696 (Delegate Malone)
Environment and Transportation

State Boat Act - Abandoned or Sunken Vessels - Vessels Remaining on Private Property

This bill – under provisions that authorize the Department of Natural Resources (DNR) to seize, remove, and take into custody any abandoned or sunken vessel – reduces the number of days a vessel must have remained at or on specified private property without the consent of the owner or person in control of the property, in order for the vessel to meet the definition of an “abandoned or sunken vessel.” **The bill takes effect July 1, 2020.**

Fiscal Summary

State Effect: The bill is not expected to materially affect State finances.

Local Effect: The bill is not expected to materially affect local government finances.

Small Business Effect: Minimal.

Analysis

Bill Summary: The bill reduces the number of days, from 90 to 60 days, that a vessel must have remained at a private marina or boatyard, or property operated by a private marina or boatyard, without the consent of the owner or person in control of the property, in order for it to meet the definition of an “abandoned or sunken vessel.” The bill also reduces the number of days, from 180 to 90 days, that a vessel must have remained on private property – other than a private marina or boatyard, property operated by a private marina or boatyard, a private dock, or at or near waters’ edge on private property – without the consent of the owner or person in control of the property, in order for it to meet the definition of an “abandoned or sunken vessel.”

Current Law:

Authorization to Seize, Remove, and Take into Custody Abandoned or Sunken Vessels

DNR is authorized to seize, remove, and take into custody any abandoned or sunken vessel. 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. DNR, or a person removing, preserving, or storing an abandoned or sunken vessel on the department's behalf, may not be held liable for any damage to an abandoned or sunken vessel, which may occur during removal, storage, or custody of the vessel. DNR may delegate its authority to remove and dispose of abandoned or sunken vessels to any local jurisdiction that consents to the delegation.

“Abandoned or sunken vessel” means any vessel that:

- is left illegally or has remained without permission for more than 30 days on public property, including public marinas, docks, or boatyards;
- has remained for more than 90 days at a private marina or boat yard, or property operated by a private marina or boatyard, without the consent of the owner or person in control of the property;
- has remained for more than 30 days at a private dock or at or near waters' edge on private property without the consent of the owner or person in control of the property;
- has remained on any other private property for more than 180 days without the consent of the owner or person in control of the property; or
- (1) has been found adrift or unattended in or upon the waters of the State; (2) 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 (3) is not specified historic property.

Required Notice

No later than 15 days before an abandoned or sunken vessel is seized, removed, or taken into custody, DNR must send a specified notice to the last known registered owner of the vessel, as shown on the department's records. In addition, as soon as reasonably possible, but not later than 15 days after the department takes an abandoned or sunken vessel into

custody, it must send a specified notice to the last known registered owner of the vessel and to each secured party, as shown on the department's records.

The notices must (1) describe the vessel; (2) give the location where the vessel is being held; (3) inform the owner and secured party of a right to reclaim the vessel within three weeks of receipt of the notice sent after the department takes custody of the vessel upon payment to the department of any expenses incurred during removal and custody of the vessel; and (4) state that failure to claim the vessel will constitute a waiver of all right, title, and interest in the vessel, and a consent to the department's disposition of the vessel. If the department is unable to determine the last registered owner or the identity of any secured party, or if a notice is returned as undeliverable, the department must give notice by publication in at least one newspaper of general circulation in the area where the abandoned or sunken vessel was found.

Disposal of Vessels Not Claimed

If the owner or secured party of an abandoned or sunken vessel fails to claim the vessel within three weeks after notice is given, DNR may sell the vessel at public auction, proceed to receive title to the vessel, or otherwise dispose of the vessel.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Department of Natural Resources; Anne Arundel County; Department of Legislative Services

Fiscal Note History: First Reader - February 19, 2020
af/lgc

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