

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1174 (Calvert County Delegation)
Environment and Transportation

State Boat Act – Removal of Vessels From Marinas – Calvert County Board of
County Commissioners Facilities

This bill defines the term “marina” as it relates to the authority to remove a vessel from a marina under the State Boat Act. “Marina” means a facility at which vessels may be moored, docked, or stored. “Marina” includes all docks, ramps, mooring locations, and pump stations owned and operated by the Calvert County Board of County Commissioners. **The bill takes effect June 1, 2021.**

Fiscal Summary

State Effect: General fund expenditures may increase minimally beginning as early as FY 2021. The bill is not anticipated to materially affect State revenues.

Local Effect: Calvert County expenditures may increase minimally beginning as early as FY 2021 to remove vessels from its marina. However, overall, the county likely benefits from being able to so; once it removes abandoned vessels from the marina, the county can accommodate other customers.

Small Business Effect: Minimal.

Analysis

Current Law: In general, under the State Boat Act, the owner or operator of a marina may have a vessel removed from the marina by a private person if the vessel has remained on the marina premises without permission for more than 48 hours.

The owner or operator of a marina must have placed signs in conspicuous locations that (1) state that vessels left at the marina without permission for more than 48 hours are subject to removal at the vessel owner's expense; (2) state the location to which the vessel will be removed; (3) state that the vessel owner will be responsible for all costs of removal and storage of the vessel; and (4) provide the telephone number of a person who can be contacted to arrange for the reclaiming of the vessel by its owner. A vessel may not be removed from a marina to a location that is more than 30 miles from the marina.

The owner or operator of a marina must make reasonable attempt to notify the vessel owner of the intended removal of the vessel. A person who removes the vessel from a marina:

- must notify the vessel owner at the earliest possible time after removing the vessel from the marina and provide (1) a description of the vessel including the certificate of boat number; (2) the date and time of the removal; (3) the reason for removal; and (4) the location from which the vessel was removed;
- before removing the vessel, must have authorization of the marina owner;
- may not pay any remuneration to the owner of the marina; and
- must immediately directly deliver it to a location customarily used.

The person who exercises control over the vessel at the location where it is delivered must provide the vessel owner immediate and continuous opportunity to retake possession of the vessel.

Any person who removes a vessel in violation of the above provisions must be liable (1) for actual damages sustained by the vessel owner as a result of the violation and (2) to the vessel owner, for up to triple the amount paid by the owner to retake possession of the vessel as the court may determine.

Abandoned or Sunken Vessels

The Department of Natural Resources (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.

“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 60 days 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;
- 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
- has been found adrift or unattended in or upon the waters of the State; is found in a condition of disrepair or presents a potential health or environmental hazard; and is not specified historic property.

In general, 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. 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 the title to the vessel, or otherwise dispose of the vessel.

State Expenditures: As noted above, pursuant to current law, DNR is authorized to remove an abandoned vessel from a public marina. Under the bill, Calvert County is authorized to remove a vessel from a marina owned and operated by the Calvert County Board of Commissioners, subject to specified requirements.

DNR advises that when vessels are removed from a private marina pursuant to the authority provided under the State Boat Act, they are often anchored in open water, where they quickly fall into a state of disrepair or sink. When a vessel sinks in open water, DNR must raise and tow the vessel, at a cost of approximately \$15,000 per vessel. DNR advises that it has historically removed approximately five vessels annually from open waters in Calvert County. By allowing vessels to be removed from a marina owned and operated by the Calvert County Board of Commissioners, DNR anticipates an increase in the number of abandoned or sunken vessels that it must remove from open waters in Calvert County. Any such increase cannot be readily estimated at this time; however, given that there is only one marina in the county owned and operated by the Calvert County Board of Commissioners, it is not anticipated to be significant.

Although DNR incurs costs under current law to the extent it removes abandoned vessels from the marina, DNR advises that the cost to remove vessels from open waters is higher than the cost to haul vessels out of the marina. Accordingly, general fund expenditures may increase minimally beginning as early as fiscal 2021 to the extent the bill results in DNR removing additional vessels out of open waters in Calvert County.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

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

Fiscal Note History: First Reader - March 1, 2021
rh/lgc

Analysis by: Amberly Holcomb

Direct Inquiries to:
(410) 946-5510
(301) 970-5510