

SENATE BILL 74

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2001 Regular Session
(11r0429)

ENROLLED BILL

-- Economic and Environmental Affairs/Environmental Matters --

Introduced by **Senator Miller**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

CHAPTER 575

1 AN ACT concerning

2 **Natural Resources - Abandoned ~~Boats~~ Vessels - Period of Abandonment**

3 FOR the purpose of ~~altering the length of time for a vessel to have remained on~~
4 ~~private property without certain consent before it is declared to have been~~
5 ~~abandoned on the waters of the State; altering the length of time for the~~
6 ~~application of certain provisions of law that allow certain individuals to acquire~~
7 ~~title to certain abandoned vessels under certain circumstances; and generally~~
8 ~~relating to abandoned boats~~ authorizing certain landowners to acquire title to
9 certain abandoned vessels on certain property of the landowner under certain
10 circumstances; altering the definition of abandoned vessel; and generally
11 relating to abandoned vessels.

12 BY repealing and reenacting, with amendments,
13 Article - Natural Resources
14 Section 8-721 and 8-722
15 Annotated Code of Maryland
16 ~~(1990 Replacement Volume and 2000 Supplement)~~

1 *(2000 Replacement Volume)*

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

4 **Article - Natural Resources**

5 8-721.

6 (a) In this section, "abandoned vessel" means any vessel that:

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

9 (2) HAS REMAINED AT THE FOLLOWING LOCATIONS FOR MORE THAN 90
10 DAYS WITHOUT THE CONSENT OF THE OWNER OR PERSON IN CONTROL OF THE
11 PROPERTY:

12 (I) A PRIVATE MARINA OR PROPERTY OPERATED BY A PRIVATE
13 MARINA;

14 (II) A PRIVATE BOATYARD OR PROPERTY OPERATED BY A PRIVATE
15 BOATYARD;

16 (III) A PRIVATE DOCK; OR

17 (IV) AT OR NEAR WATERS' EDGE ON PRIVATE PROPERTY;

18 ~~(2)~~ (3) Has remained on private property, ~~including private marinas,~~
19 ~~docks, or boatyards,~~ OTHER THAN THE PRIVATE PROPERTY DESCRIBED IN ITEM (2)
20 OF THIS SUBSECTION for more than ~~180~~ 90 days without the consent of the owner
21 or person in control of the property; or

22 ~~(3)~~ (4) Has been found adrift or unattended in or upon the waters of
23 the State, and is found in a condition of disrepair as to constitute a hazard or
24 obstruction to the use of the waters of the State or presents a potential health or
25 environmental hazard.

26 (b) The Department may seize, remove, and take into custody any abandoned
27 vessel. For this purpose, the Department may use its own personnel, equipment, and
28 facilities or use other persons, equipment, and facilities for removing, preserving, or
29 storing abandoned vessels. The Department may not be held liable for any damage to
30 an abandoned vessel which may occur during removal, storage, or custody of the
31 vessel.

32 (c) (1) NO LATER THAN 15 DAYS BEFORE AN ABANDONED VESSEL IS
33 SEIZED, REMOVED, OR TAKEN INTO CUSTODY UNDER SUBSECTION (B) OF THIS
34 SECTION, THE DEPARTMENT SHALL SEND A NOTICE, BY CERTIFIED MAIL, RETURN
35 RECEIPT REQUESTED, BEARING A POSTMARK FROM THE UNITED STATES POSTAL

1 SERVICE TO THE LAST KNOWN REGISTERED OWNER OF THE VESSEL, AS SHOWN ON
2 THE RECORDS OF THE DEPARTMENT.

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

8 (d) The ~~notice~~ NOTICES REQUIRED BY SUBSECTION (C) OF THIS SECTION
9 shall:

10 (1) Describe the vessel;

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

12 (3) Inform the owner and secured party of a right to reclaim the vessel
13 within 3 weeks OF RECEIPT OF THE NOTICE REQUIRED IN SUBSECTION (C)(2) OF
14 THIS SECTION upon payment to the Department of any expenses incurred during
15 removal and custody of the vessel; and

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

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

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

19 (e) If the Department is unable to determine the last registered owner or the
20 identity of any secured party of the abandoned vessel, or if the certified mail notice
21 required under subsection (c) of this section is returned as undeliverable, the
22 Department shall give the required notice by publication in at least 1 newspaper of
23 general circulation in the area where the abandoned vessel was found. The notice by
24 publication shall contain the information required under subsection (d) of this section
25 and shall be published within 30 days of the seizure of the abandoned vessel, or
26 within 15 days of the return of the certified mail notice as undeliverable.

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

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

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

1 8-722.

2 (a) This section applies only to ~~vessels apparently abandoned for over [6] 3~~
3 ~~months~~ ABANDONED VESSELS AS DEFINED IN § 8-721 OF THIS SUBTITLE.

4 (b) Subject to the provisions of this section, a landowner, a landowner's lessee,
5 or a landowner's agent may acquire title to any ~~vessel apparently abandoned~~
6 ABANDONED VESSEL on the landowner's land or the water immediately adjacent to
7 the landowner's land. Acquisition of title divests any other person of any interest in
8 the vessel.

9 (c) (1) If a vessel has a boat number or other means of identifying the
10 vessel's owner, the person desiring to acquire title, if possible, shall secure the owner's
11 last known address, and the lienholder, if any, appearing on the Department's records.
12 The person shall notify this owner and the lienholder by registered letter to the last
13 known address that, if ownership is not claimed and the vessel removed within 30
14 days, the person will apply for title to the vessel in the person's name. If any vessel's
15 owner or lienholder cannot be identified or address ascertained from the
16 Department's records, it is not necessary to send the letter.

17 (2) The person desiring to acquire title also shall place a notice in a
18 newspaper of general circulation published in the county where the vessel is located,
19 describing the vessel, the vessel's location, and any identifying number. The person
20 shall state in the notice that, if the vessel is not claimed and removed within 30 days
21 after the publication date of the paper, the person will apply for title to the vessel in
22 the person's name.

23 (3) At the end of the 30-day period the person shall apply to the
24 Department for title to the vessel in the person's name on forms the Department
25 approves accompanied by the following affidavits:

26 (i) A statement that the vessel ~~apparently has been abandoned for~~
27 ~~at least [6] 3 months~~ IS AN ABANDONED VESSEL AS DEFINED IN § 8-721 OF THIS
28 SUBTITLE;

29 (ii) Proof the registered letter was mailed at least 30 days before
30 application or a detailed explanation of the unsuccessful steps taken to identify the
31 owner or lienholder and secure the owner's or lienholder's address; and

32 (iii) Proof a notice was printed in a newspaper as required in
33 paragraph (2) of this subsection.

34 (4) Upon receipt of the material required in paragraph (3) of this
35 subsection and payment of any fees and taxes due, the Department shall issue title to
36 the vessel to the applicant.

37 (5) The applicant shall bear any cost incurred in receiving title to a
38 vessel under this section.

1 (6) After receiving title, if the applicant destroys or otherwise disposes of
2 the vessel, the applicant shall report this information to the Department within 15
3 days giving every detail.

4 (7) The Department may receive title to any ~~vessel apparently~~
5 abandoned VESSEL on the waters of the State or on any land owned by the State or
6 any political subdivisions by proceeding in the same manner a property owner does as
7 set forth in this section.

8 (d) A person may not obtain or attempt to obtain title to a vessel under the
9 provisions of this section through any fraudulent means.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2001.