

Chapter 408

(House Bill 1253)

AN ACT concerning

State Boat Act – Removal of Abandoned or Sunken Vessels

FOR the purpose of altering the definition of “abandoned vessel” to include a sunken vessel but exclude certain historic property or submerged archaeological historic property; clarifying that certain provisions of law relating to the removal and disposal of abandoned vessels apply to sunken vessels; extending liability protections for damage that may occur during removal, storage, or custody of an abandoned or sunken vessel to a person that removes, preserves, or stores the abandoned or sunken vessel on behalf of the Department of Natural Resources; authorizing the Department, in consultation with the Director of the Maryland Historical Trust, to adopt certain regulations; making certain stylistic changes; and generally relating to the removal of abandoned or sunken vessels.

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

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

Article – Natural Resources

8–721.

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

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

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

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

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

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

- (i) A private dock; or
- (ii) At or near waters' edge on private property;

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

(5) **(I)** Has been found adrift or unattended in or upon the waters of the State, and 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**

(II) IS NOT:

1. HISTORIC PROPERTY AS DEFINED IN § 5A-301 OF THE STATE FINANCE AND PROCUREMENT ARTICLE; OR

2. SUBMERGED ARCHAEOLOGICAL HISTORIC PROPERTY AS DEFINED IN § 5A-333 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

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

(2) For this purpose, 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.

(3) The Department, **OR A PERSON REMOVING, PRESERVING, OR STORING AN ABANDONED OR SUNKEN VESSEL ON BEHALF OF THE DEPARTMENT**, 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.

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

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

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

- (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 3 weeks of receipt of the notice required in subsection (c)(2) of this section 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:
 - (i) A waiver of all right, title, and interest in the vessel; and
 - (ii) A consent to the Department's disposition of the vessel.
- (e) **(1)** If the Department is unable to determine the last registered owner or the identity of any secured party of the abandoned **OR SUNKEN** vessel, or if the certified mail notice required under subsection (c) of this section is returned as undeliverable, the Department shall give the required notice by publication in at least 1 newspaper of general circulation in the area where the abandoned **OR SUNKEN** vessel was found.
- (2)** The notice by publication shall contain the information required under subsection (d) of this section and shall be published within 30 days of the seizure of the abandoned **OR SUNKEN** vessel, or within 15 days of the return of the certified mail notice as undeliverable.
- (f) If the owner or secured party fails to claim the abandoned **OR SUNKEN** vessel within 3 weeks after the certified mail notice or after the notice by publication is given, the Department may sell the vessel at public auction, proceed to receive title to the vessel pursuant to § 8-722 of this subtitle, or otherwise dispose of the vessel.
- (g) If the abandoned **OR SUNKEN** vessel is in such a condition of disrepair that the Department cannot remove the vessel intact, the Department may dispose of the vessel in whatever manner is reasonable without providing the notice required under subsections (c) through (e) of this section.
- (h) The Department may delegate the Department's authority to remove and dispose of abandoned **OR SUNKEN** vessels under this section to any local jurisdiction that consents to the delegation.
- (I) THE DEPARTMENT, IN CONSULTATION WITH THE DIRECTOR OF THE MARYLAND HISTORICAL TRUST, MAY ADOPT REGULATIONS TO IMPLEMENT THIS SECTION.**

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

Approved by the Governor, May 4, 2017.