

HOUSE BILL 936

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By: **Delegate R. Long**

Introduced and read first time: February 2, 2024

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Department of Natural Resources – Issuance of Salvage Title for Abandoned or**
3 **Sunken Vessels – Authorization**

4 FOR the purpose of authorizing a person to apply for a salvage title for an abandoned or
5 sunken vessel; authorizing the Department of Natural Resources to issue a salvage
6 title for an abandoned or sunken vessel under certain circumstances; and generally
7 relating to salvage titles for abandoned or sunken vessels.

8 BY repealing and reenacting, without amendments,

9 Article – Natural Resources

10 Section 8–721(a), (c), and (d) and 8–722

11 Annotated Code of Maryland

12 (2023 Replacement Volume and 2023 Supplement)

13 BY repealing and reenacting, with amendments,

14 Article – Natural Resources

15 Section 8–721(g)

16 Annotated Code of Maryland

17 (2023 Replacement Volume and 2023 Supplement)

18 BY adding to

19 Article – Natural Resources

20 Section 8–722.1

21 Annotated Code of Maryland

22 (2023 Replacement Volume and 2023 Supplement)

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

25 **Article – Natural Resources**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 8-721.

2 (a) In this section, “abandoned or sunken vessel” means any vessel that:

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

5 (2) Has remained at the following locations for more than 60 days without
6 the consent of the owner or person in control of the property:

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

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

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

11 (i) A private dock; or

12 (ii) At or near waters’ edge on private property;

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

16 (5) (i) Has been found adrift or unattended in or upon the waters of the
17 State and:

18 1. Is found in a condition of disrepair;

19 2. Presents a hazard or obstruction to the use of the waters
20 of the State; or

21 3. Presents a potential health or environmental hazard; and

22 (ii) Is not:

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

25 2. Submerged archaeological historic property as defined in
26 § 5A-333 of the State Finance and Procurement Article.

27 (c) (1) Except as provided in subsection (g)(2) of this section, not later than 15
28 days before an abandoned or sunken vessel is seized, removed, or taken into custody under
29 subsection (b) of this section, the Department shall send a notice, by certified mail, return

1 receipt requested, bearing a postmark from the United States Postal Service to the last
2 known registered owner of the vessel, as shown on the records of the Department.

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

9 (ii) As soon as reasonably possible but not later than 15 days after
10 the Department takes an abandoned or sunken vessel into custody in accordance with
11 subsection (g)(2) of this section, the Department shall send a notice, by certified mail, return
12 receipt requested, bearing a postmark from the United States Postal Service to the last
13 known registered owner of the vessel and to each known secured party, as shown on the
14 records of the Department.

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

16 (1) Describe the vessel;

17 (2) If the vessel was taken into custody in accordance with subsection (g)(2)
18 of this section, describe the actual or potential hazard mitigated by removal of the vessel;

19 (3) Give the location where the vessel is being held;

20 (4) Inform the owner and secured party of a right to reclaim the vessel
21 within 3 weeks of receipt of the notice required in subsection (c)(2) of this section upon
22 payment to the Department of any expenses incurred during removal and custody of the
23 vessel; and

24 (5) State that failure to claim the vessel will constitute:

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

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

27 (g) (1) If the abandoned or sunken vessel is in such a condition of disrepair
28 that the Department cannot remove the vessel intact, the Department may [dispose],
29 **WITHOUT PROVIDING THE NOTICE REQUIRED UNDER SUBSECTIONS (C) AND (D) OF**
30 **THIS SECTION:**

31 (I) **DISPOSE** of the vessel in whatever manner is reasonable
32 [without providing the notice required under subsections (c) through (e) of this section]; **OR**

1 **(II) ISSUE A SALVAGE TITLE UNDER § 8-722.1 OF THIS**
2 **SUBTITLE.**

3 (2) (i) If the Department determines that an abandoned or sunken
4 vessel poses an immediate hazard or obstruction to navigation, a potential health hazard,
5 or a potential environmental hazard, the Department shall take the vessel into custody
6 without providing the notice required under subsection (c)(1) of this section.

7 (ii) The Department shall keep a written record of a determination
8 made under this paragraph, including the actual or potential hazards mitigated by removal
9 of the vessel.

10 8-722.

11 (a) This section applies only to abandoned vessels as defined in § 8-721 of this
12 subtitle.

13 (b) Subject to the provisions of this section, a landowner, a landowner's lessee, or
14 a landowner's agent may acquire title to any abandoned vessel on the landowner's land or
15 the water immediately adjacent to the landowner's land. Acquisition of title divests any
16 other person of any interest in the vessel.

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

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

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

34 (i) A statement that the vessel is an abandoned vessel as defined in
35 § 8-721 of this subtitle;

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

4 (iii) Proof a notice was printed in a newspaper as required in
5 paragraph (2) of this subsection;

6 (iv) A clear and accurate photograph of the vessel; and

7 (v) A tracing or certification of the hull identification number.

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

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

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

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

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

21 **8-722.1.**

22 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
23 INDICATED.

24 (2) "ABANDONED OR SUNKEN VESSEL" HAS THE MEANING STATED IN
25 § 8-721 OF THIS SUBTITLE.

26 (3) "TOTAL LOSS" MEANS THE CONDITION OF A VESSEL FOR WHICH
27 THE COST OF REPAIRS EQUALS OR EXCEEDS THE ACTUAL CASH VALUE OF THE
28 VESSEL.

29 (B) (1) SUBJECT TO § 8-722 OF THIS SUBTITLE, A PERSON MAY APPLY TO
30 THE DEPARTMENT FOR A SALVAGE TITLE FOR AN ABANDONED OR SUNKEN VESSEL.

31 (2) ON REQUEST BY A PERSON FOR A SALVAGE TITLE UNDER
32 PARAGRAPH (1) OF THIS SUBSECTION, THE DEPARTMENT MAY ISSUE THE SALVAGE

1 TITLE FOR THE ABANDONED OR SUNKEN VESSEL IF THE DEPARTMENT DETERMINES
2 THAT THE VESSEL IS A TOTAL LOSS.

3 (C) THE DEPARTMENT SHALL ADOPT REGULATIONS NECESSARY TO
4 IMPLEMENT THE PROVISIONS OF THIS SECTION.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2024.