

SENATE BILL 1168

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CF HB 293

By: **Senator Hershey**

Introduced and read first time: February 14, 2024

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **State Boat Act – Abandoned or Sunken Recreational Vessels – Identification and**
3 **Removal**

4 FOR the purpose of authorizing the Department of Natural Resources to remove abandoned
5 or sunken recreational vessels secured to certain apparatuses or left anchored and
6 unattended for a certain period of time under certain circumstances; requiring the
7 Department to consider and document certain factors when determining whether a
8 recreational vessel is abandoned or sunken under certain provisions of law; and
9 generally relating to abandoned or sunken recreational vessels.

10 BY repealing and reenacting, with amendments,
11 Article – Natural Resources
12 Section 8–721
13 Annotated Code of Maryland
14 (2023 Replacement Volume and 2023 Supplement)

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

17 **Article – Natural Resources**

18 8–721.

19 (a) In this section, “abandoned or sunken vessel” means [any]:

20 (1) **ANY** vessel that:

21 [(1)] **(I)** Is left illegally or has remained without permission for more than
22 30 days on public property, including public marinas, docks, or boatyards;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **[(2)] (II)** Has remained at the following locations for more than 60 days
2 without the consent of the owner or person in control of the property:

3 **[(i)] 1.** A private marina or property operated by a private
4 marina; or

5 **[(ii)] 2.** A private boatyard or property operated by a private
6 boatyard;

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

9 **[(i)] 1.** A private dock; or

10 **[(ii)] 2.** At or near waters' edge on private property;

11 **[(4)] (IV)** Has remained on private property other than the private
12 property described in items **[(2)] (II)** and **[(3)] (III)** of this [subsection] **ITEM** for more than
13 180 days without the consent of the owner or person in control of the property; or

14 **[(5) (i)] (V) 1.** Has been found adrift or unattended in or upon the
15 waters of the State and:

16 **[1.] A.** Is found in a condition of disrepair;

17 **[2.] B.** Presents a hazard or obstruction to the use of the
18 waters of the State; or

19 **[3.] C.** Presents a potential health or environmental
20 hazard; and

21 **[(ii)] 2.** Is not:

22 **[1.] A.** Historic property as defined in § 5A–301 of the State
23 Finance and Procurement Article; or

24 **[2.] B.** Submerged archaeological historic property as
25 defined in § 5A–333 of the State Finance and Procurement Article; **OR**

26 **(2) A RECREATIONAL VESSEL THAT:**

27 **(i) MEETS ANY OF THE CRITERIA UNDER ITEM (1) OF THIS**
28 **SUBSECTION;**

1 **(II) HAS REMAINED TIED TO A PRIVATELY OWNED APPARATUS**
2 **USED TO SECURE, BERTH, OR MOOR VESSELS IN THE WATERS OF THE STATE FOR**
3 **MORE THAN 60 DAYS WITHOUT THE CONSENT OF THE OWNER OR PERSON IN**
4 **CONTROL OF THE APPARATUS; OR**

5 **(III) HAS REMAINED ANCHORED AND UNATTENDED IN THE SAME**
6 **LOCATION FOR MORE THAN 60 DAYS.**

7 (b) (1) The Department may seize, remove, and take into custody any
8 abandoned or sunken vessel.

9 (2) For this purpose, the Department may use its own personnel,
10 equipment, and facilities or use other persons, equipment, and facilities for removing,
11 preserving, or storing abandoned or sunken vessels.

12 (3) The Department, or a person removing, preserving, or storing an
13 abandoned or sunken vessel on behalf of the Department, may not be held liable for any
14 damage to an abandoned or sunken vessel which may occur during removal, storage, or
15 custody of the vessel.

16 (c) (1) Except as provided in subsection (g)(2) of this section, not later than 15
17 days before an abandoned or sunken vessel is seized, removed, or taken into custody under
18 subsection (b) of this section, the Department shall send a notice, by certified mail, return
19 receipt requested, bearing a postmark from the United States Postal Service to the last
20 known registered owner of the vessel, as shown on the records of the Department.

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

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

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

34 (1) Describe the vessel;

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

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

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

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

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

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

9 (e) (1) If the Department is unable to determine the last registered owner or
10 the identity of any secured party of the abandoned or sunken vessel, or if the certified mail
11 notice required under subsection (c) of this section is returned as undeliverable, the
12 Department shall give the required notice by publication in at least 1 newspaper of general
13 circulation in the area where the abandoned or sunken vessel was found.

14 (2) The notice by publication shall contain the information required under
15 subsection (d) of this section and shall be published within 30 days of the seizure of the
16 abandoned or sunken vessel, or within 15 days of the return of the certified mail notice as
17 undeliverable.

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

22 (g) (1) If the abandoned or sunken vessel is in such a condition of disrepair
23 that the Department cannot remove the vessel intact, the Department may dispose of the
24 vessel in whatever manner is reasonable without providing the notice required under
25 subsections (c) through (e) of this section.

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

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

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

1 (i) The Department, in consultation with the Director of the Maryland Historical
2 Trust, may adopt regulations to implement this section.

3 (j) The Department may not use funds budgeted for the Natural Resources Police
4 for the purpose of removing or storing abandoned or sunken vessels under this section.

5 **(K) FOR THE PURPOSES OF DETERMINING WHETHER A RECREATIONAL**
6 **VESSEL MEETS THE CRITERIA FOR AN ABANDONED OR SUNKEN VESSEL UNDER**
7 **SUBSECTION (A)(2)(II) OR (III) OF THIS SECTION, THE DEPARTMENT SHALL**
8 **CONSIDER AND DOCUMENT:**

9 **(1) WHETHER THE VESSEL HAS A VALID, CURRENT REGISTRATION;**

10 **(2) ANY STANDING WATER IN THE VESSEL;**

11 **(3) THE CONDITION OF THE VESSEL;**

12 **(4) IF THE VESSEL IS ANCHORED, WHETHER THE VESSEL IS**
13 **EQUIPPED WITH AN ANCHOR LIGHT; AND**

14 **(5) IF THE VESSEL IS MOORED, THE CONDITION OF THE EQUIPMENT**
15 **USED TO MOOR THE VESSEL.**

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