
By: **Delegates McClenahan, Weir, and Wood**
Introduced and read first time: January 15, 2001
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources - Abandoned Vessels - Removal of Vessel**

3 FOR the purpose of authorizing the owner or operator of certain marinas, docks, or
4 boatyards to remove a vessel from the premises under certain conditions;
5 prohibiting an owner or operator of certain marinas, docks, or boatyards from
6 moving the vessel to certain locations; requiring a person that moves a vessel to
7 notify and provide certain information to the vessel owner or vessel owner's
8 agent; providing certain penalties for a person who violates provisions of this
9 Act; authorizing certain landowners to acquire title to a vessel apparently
10 abandoned on certain property of the landowner if the vessel has been
11 abandoned for a certain time; altering the definition of abandoned vessel; and
12 generally relating to the removal of abandoned vessels.

13 BY repealing and reenacting, with amendments,
14 Article - Natural Resources
15 Section 8-721, 8-721.1, and 8-722
16 Annotated Code of Maryland
17 (2000 Replacement Volume)

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

20 **Article - Natural Resources**

21 8-721.

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

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

25 (2) Has remained on private property, including private marinas, docks,
26 or boatyards, for more than [180] 90 days without the consent of the owner or person
27 in control of the property; or

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

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

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

16 (d) The notice shall:

17 (1) Describe the vessel;

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

19 (3) Inform the owner and secured party of a right to reclaim the vessel
20 within 3 weeks upon payment to the Department of any expenses incurred during
21 removal and custody of the vessel; and

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

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

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

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

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

37 (g) If the abandoned vessel is in such a condition of disrepair that the
38 Department cannot remove the vessel intact, the Department may dispose of the

1 vessel in whatever manner is reasonable without providing the notice required under
2 subsections (c) through (e) of this section.

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

6 8-721.1.

7 (a) The owner or operator of a PUBLIC OR PRIVATE marina, DOCK, OR
8 BOATYARD or the owner's or operator's agent may have a vessel removed from the
9 PUBLIC OR PRIVATE marina, DOCK, OR BOATYARD by a private person if the vessel
10 has remained on the [marina] premises without permission for more than 48 hours
11 and the owner, operator, or agent has placed in conspicuous locations signs that:

12 (1) State that vessels left at the PUBLIC OR PRIVATE marina, DOCK, OR
13 BOATYARD without permission for more than 48 hours are subject to removal at the
14 vessel owner's expense;

15 (2) State the location to which the vessel will be removed;

16 (3) State that the vessel owner will be responsible for all costs associated
17 with the removal and storage of the vessel; and

18 (4) Provide the telephone number of a person who can be contacted to
19 arrange for the reclaiming of the vessel by its owner or the owner's agent.

20 (b) A vessel may not be removed from a PUBLIC OR PRIVATE marina, DOCK, OR
21 BOATYARD to a location that is more than 30 miles from the marina.

22 (c) The owner or operator of a PUBLIC OR PRIVATE marina, DOCK, OR
23 BOATYARD, or the agent of the owner or operator, on finding a vessel left at the
24 PUBLIC OR PRIVATE marina, DOCK, OR BOATYARD without permission, shall make a
25 reasonable attempt to notify the vessel owner or the vessel owner's agent of the
26 intended removal of the vessel before the vessel may be removed under this section.

27 (d) A person who removes the vessel from a [marina] PUBLIC OR PRIVATE
28 MARINA, DOCK, OR BOATYARD:

29 (1) Shall notify the vessel owner or the vessel owner's agent at the
30 earliest possible time after removing the vessel from the PUBLIC OR PRIVATE marina,
31 DOCK, OR BOATYARD and shall provide the following information:

32 (i) A description of the vessel including the vessel's certificate of
33 boat number;

34 (ii) The date and time the vessel was removed;

35 (iii) The reason the vessel was removed; and

36 (iv) The locations from which and to which the vessel was moved;

1 (2) Before removing the vessel, shall have authorization of the marina
2 owner; and

3 (3) May not pay any remuneration to the owner of the [marina] PUBLIC
4 OR PRIVATE MARINA, DOCK, OR BOATYARD.

5 (e) (1) The person who removes a vessel from a PUBLIC OR PRIVATE marina,
6 DOCK, OR BOATYARD shall immediately deliver the vessel directly to a location
7 customarily used by the person.

8 (2) The person who exercises control over the vessel at the location to
9 which the vessel is delivered after removal from a PUBLIC OR PRIVATE marina, DOCK,
10 OR BOATYARD shall provide the vessel owner or the vessel owner's agent immediate
11 and continuous opportunity to retake possession of the vessel.

12 (f) Any person who removes a vessel from a PUBLIC OR PRIVATE marina,
13 DOCK, OR BOATYARD in violation of any provision of this section:

14 (1) Shall be liable for actual damages sustained by the vessel owner or
15 the vessel owner's agent as a result of the violation; and

16 (2) Shall be liable to the vessel owner or the vessel owner's agent for up
17 to triple the amount paid by the owner or the owner's agent to retake possession of
18 the vessel, as the court may determine.

19 8-722.

20 (a) This section applies only to vessels apparently abandoned for over [6] 3
21 months.

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

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

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

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

4 (i) A statement that the vessel apparently has been abandoned for
5 at least [6] 3 months;

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

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

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

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

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

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

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

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