

SENATE BILL 74

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2001 Regular Session
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(PRE-FILED)

By: **Senator Miller**

Requested: August 30, 2000

Introduced and read first time: January 10, 2001

Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources - Abandoned Boats**

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.

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

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

16 **Article - Natural Resources**

17 8-721.

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

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

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

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

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

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

12 (d) The notice shall:

13 (1) Describe the vessel;

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

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

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

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

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

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

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

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

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

4 8-722.

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

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

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

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

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

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

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

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

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

38 (5) The applicant shall bear any cost incurred in receiving title to a
39 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 on the waters of the State or on any land owned by the State or any
6 political subdivisions by proceeding in the same manner a property owner does as set
7 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.