

SENATE BILL 74

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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

Committee Report: Favorable
Senate action: Adopted
Read second time: January 30, 2001

CHAPTER _____

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;

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

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

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

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

19 (d) The notice shall:

20 (1) Describe the vessel;

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

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

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

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

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

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

36 (f) If the owner or secured party fails to claim the abandoned vessel within 3
37 weeks after the certified mail notice or after the notice by publication is given, the

1 Department may sell the vessel at public auction, proceed to receive title to the vessel
2 pursuant to § 8-722 of this subtitle, or otherwise dispose of the vessel.

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

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

10 8-722.

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

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

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

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

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

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

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

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

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

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

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

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