

Department of Legislative Services
Maryland General Assembly
2017 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 1253

(Delegate Long)

Environment and Transportation

Education, Health, and Environmental Affairs

State Boat Act - Removal of Abandoned or Sunken Vessels

This bill clarifies that provisions which authorize the Department of Natural Resources (DNR) to seize, remove, and take into custody an abandoned vessel also apply to sunken vessels. However, for purposes of those provisions, specified vessels that are found adrift or unattended in or upon the waters of the State are not considered to be “abandoned or sunken” if they are specified historic property. Existing protection from liability established for DNR, for any damage to an abandoned vessel which may occur during removal, storage, or custody of the vessel, is extended to a person removing, preserving, or storing an abandoned or sunken vessel on behalf of the department. DNR, in consultation with the director of the Maryland Historical Trust, may adopt regulations to implement the provisions governing seizure, removal, and custody of abandoned or sunken vessels.

Fiscal Summary

State Effect: The bill does not directly affect State finances.

Local Effect: Local government expenditures may decrease to the extent the bill provides increased protection from liability for local governments that remove abandoned vessels on behalf of DNR. Local revenues are not affected.

Small Business Effect: Minimal.

Analysis

Current Law: DNR is authorized to seize, remove, and take into custody any abandoned vessel. The department may use its own personnel, equipment, and facilities or use other

persons, equipment, and facilities for removing, preserving, or storing abandoned vessels. DNR may not be held liable for any damage to an abandoned vessel which may occur during removal, storage, or custody of the vessel.

“Abandoned vessel” means any vessel that:

- is left illegally or has remained without permission for more than 30 days on public property, including public marinas, docks, or boatyards;
- has remained for more than 90 days at a private marina or boat yard, or property operated by a private marina or boatyard, without the consent of the owner or person in control of the property;
- has remained for more than 30 days at a private dock or at or near waters’ edge on private property without the consent of the owner or person in control of the property;
- has remained on any other private property for more than 180 days without the consent of the owner or person in control of the property; or
- has been found adrift or unattended in or upon the waters of the State and is found in a condition of disrepair so that it constitutes a hazard or obstruction to the use of the waters of the State or presents a potential health or environmental hazard.

DNR must follow specified procedures to (1) give notice to the last known registered owner of the vessel and each secured party regarding the seizure, removal, and custody of the vessel and (2) dispose of the vessel if the owner or secured party fails to claim the abandoned vessel within three weeks of being given notice. If the vessel is in such a condition of disrepair that it cannot be removed intact, DNR may dispose of it in whatever manner is reasonable without providing notice to the last known registered owner and secured parties.

DNR may delegate its authority to remove and dispose of abandoned vessels to any local jurisdiction that consents to the delegation.

Background: DNR’s Boating Services Division removes abandoned vessels, including sunken vessels, if they meet the criteria under the law for an “abandoned vessel.” DNR uses licensed/insured contractors, or in some cases, with smaller vessels, conducts the removal with its own personnel and equipment. The department also provides grants to some local governments for abandoned vessel removal.

Local Expenditures: To the extent the bill provides a local government that removes, preserves, or stores abandoned vessels, using funding provided by DNR, with protection from liability that the local government does not already have, any local government expenditures otherwise resulting from liability associated with such removal, preservation, or storage, decrease. DNR indicates that it has provided grants to seven counties and

municipalities in fiscal 2017 (Cecil, Kent, and St. Mary's counties, the cities of Annapolis and Laurel, and the towns of Federalsburg and Perryville).

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Natural Resources; Maryland Department of Transportation; Department of Legislative Services

Fiscal Note History: First Reader - March 6, 2017
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