

HOUSE BILL 1461

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4lr3453
CF SB 674

By: **Delegate Allen**

Introduced and read first time: February 12, 2024

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Abandoned or Sunken Vessels and Waterway Improvement Fund Grants**

3 FOR the purpose of requiring the owner of a vessel that is required to be numbered to
4 include certain contact information with the application for a certificate of number;
5 requiring the Department of Natural Resources, within a certain number of days
6 before and after seizing, removing, or taking an abandoned or sunken vessel into
7 custody, to attempt to contact certain individuals in a certain manner; requiring the
8 Department to provide certain notice by posting certain information on the
9 Department's website or through social media platforms under certain
10 circumstances; authorizing the Department to establish and administer a voluntary
11 vessel turn-in program; requiring the Department to distribute each fiscal year at
12 least a certain amount from the Waterway Improvement Fund to a certain
13 organization; and generally relating to abandoned and sunken vessels and the
14 Waterway Improvement Fund.

15 BY adding to

16 Article – Natural Resources
17 Section 8–709(e) and 8–721.2
18 Annotated Code of Maryland
19 (2023 Replacement Volume and 2023 Supplement)

20 BY repealing and reenacting, with amendments,

21 Article – Natural Resources
22 Section 8–712(b) and 8–721
23 Annotated Code of Maryland
24 (2023 Replacement Volume and 2023 Supplement)

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

27 **Article – Natural Resources**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 8-709.

2 **(E) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, FOR FISCAL YEAR**
3 **2026 AND EACH FISCAL YEAR THEREAFTER, THE DEPARTMENT SHALL DISTRIBUTE**
4 **AT LEAST \$250,000 FROM THE WATERWAY IMPROVEMENT FUND TO A STATEWIDE**
5 **MARYLAND-BASED HISTORIC PRESERVATION NONPROFIT ORGANIZATION WITH**
6 **DEMONSTRATED EXPERIENCE IN GRANTMAKING.**

7 8-712.

8 (b) **(1)** The owner of any vessel to be numbered by this subtitle shall file an
9 application for a certificate of number with the Department.

10 **(2)** The application is on forms the Department approves, accompanied by
11 the requisite fee, and signed by every vessel owner.

12 **(3) (I) THE OWNER OF THE VESSEL SHALL INCLUDE WITH THE**
13 **APPLICATION CONTACT INFORMATION TO BE USED:**

14 **1. IN THE EVENT OF AN EMERGENCY; OR**

15 **2. IF THE VESSEL IS AT RISK OF BECOMING AN**
16 **ABANDONED OR SUNKEN VESSEL AS DEFINED IN § 8-721 OF THIS SUBTITLE.**

17 **(II) THE CONTACT INFORMATION REQUIRED UNDER THIS**
18 **PARAGRAPH SHALL INCLUDE THE MAILING ADDRESS, TELEPHONE NUMBER, AND**
19 **E-MAIL ADDRESS FOR EACH OWNER OF THE VESSEL.**

20 **(III) THE DEPARTMENT MAY REQUIRE THE OWNER OF THE**
21 **VESSEL TO PROVIDE ALTERNATE EMERGENCY CONTACT INFORMATION.**

22 8-721.

23 (a) In this section, “abandoned or sunken vessel” means any vessel that:

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

26 (2) Has remained at the following locations for more than 60 days without
27 the consent of the owner or person in control of the property:

28 (i) A private marina or property operated by a private marina; or

29 (ii) A private boatyard or property operated by a private boatyard;

1 (3) Has remained at the following locations for more than 30 days without
2 the consent of the owner or person in control of the property:

3 (i) A private dock; or

4 (ii) At or near waters' edge on private property;

5 (4) Has remained on private property other than the private property
6 described in items (2) and (3) of this subsection for more than 180 days without the consent
7 of the owner or person in control of the property; or

8 (5) (i) Has been found adrift or unattended in or upon the waters of the
9 State and:

10 1. Is found in a condition of disrepair;

11 2. Presents a hazard or obstruction to the use of the waters
12 of the State; or

13 3. Presents a potential health or environmental hazard; and

14 (ii) Is not:

15 1. Historic property as defined in § 5A–301 of the State
16 Finance and Procurement Article; or

17 2. Submerged archaeological historic property as defined in
18 § 5A–333 of the State Finance and Procurement Article.

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

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

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

28 (c) (1) Except as provided in subsection (g)(2) of this section, not later than 15
29 days before an abandoned or sunken vessel is seized, removed, or taken into custody under
30 subsection (b) of this section, the Department shall [send]:

31 (I) **SEND** a notice, by certified mail, return receipt requested,

1 bearing a postmark from the United States Postal Service to the [last known] registered
2 owner of the vessel, as shown on the records of the Department; AND

3 (II) ATTEMPT, BY TELEPHONE OR E-MAIL, TO CONTACT:

4 1. THE REGISTERED OWNER OF THE VESSEL AT THE
5 TELEPHONE NUMBER OR E-MAIL ADDRESS SHOWN ON THE RECORDS OF THE
6 DEPARTMENT; AND

7 2. IF THE APPLICATION FOR A CERTIFICATE OF NUMBER
8 UNDER § 8-712(B) OF THIS SUBTITLE INCLUDES AN ALTERNATE EMERGENCY
9 CONTACT, THE ALTERNATE EMERGENCY CONTACT.

10 (2) (i) Except as provided in subparagraph (ii) of this paragraph, as
11 soon as reasonably possible but not later than 15 days after the Department takes an
12 abandoned or sunken vessel into custody, the Department shall [send]:

13 1. SEND a notice, by certified mail, return receipt requested,
14 bearing a postmark from the United States Postal Service to the [last known] registered
15 owner of the vessel and to each known secured party, as shown on the records of the
16 Department; AND

17 2. ATTEMPT, BY TELEPHONE OR E-MAIL, TO CONTACT:

18 A. THE REGISTERED OWNER OF THE VESSEL AT THE
19 TELEPHONE NUMBER OR E-MAIL ADDRESS SHOWN ON THE RECORDS OF THE
20 DEPARTMENT; AND

21 B. IF THE APPLICATION FOR A CERTIFICATE OF NUMBER
22 UNDER § 8-712(B) OF THIS SUBTITLE INCLUDES AN ALTERNATE EMERGENCY
23 CONTACT, THE ALTERNATE EMERGENCY CONTACT.

24 (ii) As soon as reasonably possible but not later than 15 days after
25 the Department takes an abandoned or sunken vessel into custody in accordance with
26 subsection (g)(2) of this section, the Department shall [send]:

27 1. SEND a notice, by certified mail, return receipt requested,
28 bearing a postmark from the United States Postal Service to the last known registered
29 owner of the vessel and to each known secured party, as shown on the records of the
30 Department; AND

31 2. ATTEMPT, BY TELEPHONE OR E-MAIL, TO CONTACT:

32 A. THE REGISTERED OWNER OF THE VESSEL AT THE

1 TELEPHONE NUMBER OR E-MAIL ADDRESS SHOWN ON THE RECORDS OF THE
2 DEPARTMENT; AND

3 **B. IF THE APPLICATION FOR A CERTIFICATE OF NUMBER**
4 **UNDER § 8-712(B) OF THIS SUBTITLE INCLUDES AN ALTERNATE EMERGENCY**
5 **CONTACT, THE ALTERNATE EMERGENCY CONTACT.**

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

7 (1) Describe the vessel;

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

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

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

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

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

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

18 (e) (1) If the Department is unable to determine the last registered owner or
19 the identity of any secured party of the abandoned or sunken vessel, or if the certified mail
20 notice required under subsection (c) of this section is returned as undeliverable **AND**
21 **TELEPHONE CALLS AND E-MAILS ARE UNANSWERED, UNRETURNED, OR**
22 **UNDELIVERABLE**, the Department shall give the required notice [by]:

23 **(I) BY** publication in at least 1 newspaper of general circulation in
24 the area where the abandoned or sunken vessel was found; **OR**

25 **(II) THROUGH DIGITAL MEDIA, INCLUDING POSTING ON THE**
26 **DEPARTMENT'S WEBSITE AND SOCIAL MEDIA PLATFORMS.**

27 (2) The notice by publication shall contain the information required under
28 subsection (d) of this section and shall be published within 30 days of the seizure of the
29 abandoned or sunken vessel, or within 15 days of [the]:

30 **(I) THE** return of the certified mail notice as undeliverable; **AND**

1 **(II) THE ATTEMPT, BY TELEPHONE OR E-MAIL, TO CONTACT**
2 **THE REGISTERED OWNER.**

3 (f) If the owner or secured party fails to claim the abandoned or sunken vessel
4 within 3 weeks after the [certified mail] notice **REQUIRED UNDER SUBSECTION (C) OF**
5 **THIS SECTION** or after the notice by publication is given, the Department may sell the
6 vessel at public auction, proceed to receive title to the vessel pursuant to § 8-722 of this
7 subtitle, or otherwise dispose of the vessel.

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

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

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

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

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

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

26 **8-721.2.**

27 **(A) THE DEPARTMENT MAY ESTABLISH AND ADMINISTER A VOLUNTARY**
28 **VESSEL TURN-IN PROGRAM THAT ALLOWS THE OWNER OF A VESSEL DETERMINED**
29 **BY THE DEPARTMENT TO BE AT RISK OF BECOMING AN ABANDONED OR SUNKEN**
30 **VESSEL, AS DEFINED IN § 8-721 OF THIS SUBTITLE, TO TURN THE VESSEL IN TO THE**
31 **DEPARTMENT TO BE DESTROYED.**

32 **(B) TO APPLY TO PARTICIPATE IN A PROGRAM AUTHORIZED UNDER THIS**
33 **SECTION, A VESSEL OWNER SHALL SUBMIT TO THE DEPARTMENT AN APPLICATION**
34 **IN THE FORM THAT THE DEPARTMENT REQUIRES.**

35 **(C) IN ORDER TO PARTICIPATE IN A PROGRAM AUTHORIZED UNDER THIS**

1 SECTION, THE OWNER OF A VESSEL SHALL DEMONSTRATE TO THE SATISFACTION OF
2 THE DEPARTMENT THAT:

3 (1) THE APPLICANT IS THE OWNER OF THE VESSEL;

4 (2) THE APPLICANT IS A RESIDENT OF THE STATE; AND

5 (3) THE VESSEL IS AT RISK OF BECOMING AN ABANDONED OR SUNKEN
6 VESSEL.

7 (D) THE DEPARTMENT MAY DETERMINE THAT A VESSEL IS AT RISK OF
8 BECOMING AN ABANDONED OR SUNKEN VESSEL, AS DEFINED IN § 8-721 OF THIS
9 SUBTITLE, IF ANY OF THE FOLLOWING CONDITIONS EXIST:

10 (1) THE VESSEL IS TAKING ON OR HAS TAKEN ON WATER WITHOUT AN
11 EFFECTIVE MEANS TO DRAIN OR EMPTY THE WATER;

12 (2) SPACES ON THE VESSEL THAT ARE DESIGNED TO BE ENCLOSED
13 ARE INCAPABLE OF BEING SEALED OFF OR REMAIN OPEN TO THE ELEMENTS FOR
14 EXTENDED PERIODS OF TIME;

15 (3) THE VESSEL HAS BROKEN FROM OR IS IN DANGER OF BREAKING
16 LOOSE FROM ITS ANCHOR; OR

17 (4) THE VESSEL IS TIED IN AN UNLAWFUL OR UNPERMITTED MANNER
18 TO A STRUCTURE OR MOORING.

19 (E) THE DEPARTMENT, IN ITS SOLE DISCRETION, MAY DETERMINE
20 ELIGIBILITY FOR PARTICIPATION IN A PROGRAM AUTHORIZED UNDER THIS
21 SECTION.

22 (F) THE DEPARTMENT, OR A PERSON REMOVING, TOWING, STORING, OR
23 DISPOSING OF A VESSEL THAT IS ACCEPTED INTO A PROGRAM AUTHORIZED UNDER
24 THIS SECTION ON BEHALF OF THE DEPARTMENT, MAY NOT BE HELD LIABLE FOR
25 ANY DAMAGE TO THE VESSEL WHICH MAY OCCUR DURING REMOVAL, STORAGE, OR
26 CUSTODY OF THE VESSEL.

27 (G) IF THE DEPARTMENT ESTABLISHES A PROGRAM AUTHORIZED UNDER
28 THIS SECTION, THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT AND
29 CARRY OUT THE PROVISIONS OF THIS SECTION.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
31 1, 2024.