

SENATE BILL 674

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CF HB 1461

By: **Senators Elfreth, Bailey, Ellis, Gile, Jackson, ~~and~~ Salling, and Simonaire**

Introduced and read first time: January 29, 2024

Assigned to: Education, Energy, and the Environment

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 29, 2024

CHAPTER _____

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 or by attaching certain
10 information to a vessel under certain circumstances; authorizing the Department to
11 establish and administer a voluntary vessel turn-in program; requiring the
12 Department to distribute each fiscal year at least a certain amount from the
13 Waterway Improvement Fund to a certain organization for certain purposes; and
14 generally relating to abandoned and sunken vessels and the Waterway Improvement
15 Fund.

16 BY adding to

17 Article – Natural Resources
18 Section 8–709(e) and 8–721.2
19 Annotated Code of Maryland
20 (2023 Replacement Volume and 2023 Supplement)

21 BY repealing and reenacting, with amendments,

22 Article – Natural Resources
23 Section 8–712(b) and 8–721

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Annotated Code of Maryland
2 (2023 Replacement Volume and 2023 Supplement)

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

5 **Article – Natural Resources**

6 8–709.

7 **(E) (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, FOR FISCAL**
8 **YEAR 2026 AND EACH FISCAL YEAR THEREAFTER, THE DEPARTMENT SHALL**
9 **DISTRIBUTE AT LEAST \$250,000 FROM THE WATERWAY IMPROVEMENT FUND TO A**
10 **STATEWIDE MARYLAND–BASED HISTORIC PRESERVATION NONPROFIT**
11 **ORGANIZATION WITH DEMONSTRATED EXPERIENCE IN GRANTMAKING.**

12 **(2) A NONPROFIT ORGANIZATION SHALL USE ANY FUNDS RECEIVED**
13 **UNDER THIS SUBSECTION TO ESTABLISH, OPERATE, AND ADMINISTER A MARITIME**
14 **HERITAGE COMPETITIVE GRANT PROGRAM TO PROVIDE GRANTS TO NONPROFIT**
15 **ORGANIZATIONS IN THE STATE AND INSTRUMENTALITIES OF THE STATE, COUNTIES,**
16 **OR MUNICIPALITIES ENGAGED IN MARITIME HERITAGE PRESERVATION,**
17 **INTERPRETATION, OR CONSERVATION.**

18 **(3) ON OR BEFORE NOVEMBER 30 EACH YEAR, A NONPROFIT**
19 **ORGANIZATION THAT RECEIVES FUNDS UNDER THIS SUBSECTION SHALL SUBMIT A**
20 **REPORT TO THE DEPARTMENT ON THE GUIDELINES, PROMOTION, SELECTION,**
21 **RECIPIENTS, AND IMPACT OF THE ORGANIZATION’S COMPETITIVE GRANT PROGRAM.**

22 8–712.

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

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

27 **(3) (1) THE OWNER OF THE VESSEL SHALL INCLUDE WITH THE**
28 **APPLICATION CONTACT INFORMATION TO BE USED:**

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

30 **2. IF THE VESSEL IS AT RISK OF BECOMING AN**
31 **ABANDONED OR SUNKEN VESSEL AS DEFINED IN § 8–721 OF THIS SUBTITLE.**

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

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

6 8-721.

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

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

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

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

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

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

16 (i) A private dock; or

17 (ii) At or near waters’ edge on private property;

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

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

23 1. Is found in a condition of disrepair;

24 2. Presents a hazard or obstruction to the use of the waters
25 of the State; or

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

27 (ii) Is not:

28 1. Historic property as defined in § 5A-301 of the State
29 Finance and Procurement Article; or

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

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

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

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

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

15 (I) **SEND** a notice, by certified mail, return receipt requested,
16 bearing a postmark from the United States Postal Service to the [last known] registered
17 owner of the vessel, as shown on the records of the Department; **AND**

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

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

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

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

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

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

1 **A. THE REGISTERED OWNER OF THE VESSEL AT THE**
2 **TELEPHONE NUMBER OR E-MAIL ADDRESS SHOWN ON THE RECORDS OF THE**
3 **DEPARTMENT; AND**

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

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

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

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

15 **A. THE REGISTERED OWNER OF THE VESSEL AT THE**
16 **TELEPHONE NUMBER OR E-MAIL ADDRESS SHOWN ON THE RECORDS OF THE**
17 **DEPARTMENT; AND**

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

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

22 (1) Describe the vessel;

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

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

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

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

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

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

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

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

8 (II) **THROUGH DIGITAL MEDIA, INCLUDING POSTING ON THE**
 9 **DEPARTMENT'S WEBSITE AND SOCIAL MEDIA PLATFORMS; OR**

10 (III) **BY ATTACHING TO THE VESSEL IN A CLEARLY VISIBLE**
 11 **PLACE A DISTINCTIVELY COLORED NOTIFICATION STICKER OR TAG THAT CONTAINS**
 12 **THE FOLLOWING INFORMATION:**

13 1. **THE DATE AND TIME THE NOTIFICATION WAS**
 14 **AFFIXED TO THE VESSEL;**

15 2. **A STATEMENT THAT, IN ACCORDANCE WITH THIS**
 16 **SECTION, IF THE VESSEL IS NOT REMOVED WITHIN 60 DAYS AFTER THE DATE THE**
 17 **NOTIFICATION STICKER OR TAG WAS AFFIXED, THE VESSEL MAY BE SEIZED,**
 18 **REMOVED, TAKEN INTO CUSTODY AND SOLD AT PUBLIC AUCTION, ACQUIRED BY**
 19 **TITLE UNDER § 8-722 OF THIS SUBTITLE, OR OTHERWISE DISPOSED OF; AND**

20 3. **THE LOCATION AND TELEPHONE NUMBER WHERE**
 21 **ADDITIONAL INFORMATION MAY BE OBTAINED.**

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

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

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

28 (f) If the owner or secured party fails to claim the abandoned or sunken vessel
 29 within 3 weeks after the [certified mail] notice **REQUIRED UNDER SUBSECTION (C) OF**
 30 **THIS SECTION** or after the notice by publication is given **OR WITHIN 60 DAYS AFTER THE**
 31 **NOTICE AUTHORIZED UNDER SUBSECTION (E)(1)(III) OF THIS SECTION**, the
 32 Department may sell the vessel at public auction, proceed to receive title to the vessel
 33 pursuant to § 8-722 of this subtitle, or otherwise dispose of the vessel.

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

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

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

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

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

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

19 **8-721.2.**

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

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

28 (C) **IN ORDER TO PARTICIPATE IN A PROGRAM AUTHORIZED UNDER THIS**
29 **SECTION, THE OWNER OF A VESSEL SHALL DEMONSTRATE TO THE SATISFACTION OF**
30 **THE DEPARTMENT THAT: THE APPLICANT IS THE OWNER OF THE VESSEL AND A**
31 **RESIDENT OF THE STATE.**

32 **(1) ~~THE APPLICANT IS THE OWNER OF THE VESSEL;~~**

33 **(2) ~~THE APPLICANT IS A RESIDENT OF THE STATE; AND~~**

1 ~~(3) THE VESSEL IS AT RISK OF BECOMING AN ABANDONED OR SUNKEN~~
2 ~~VESSEL.~~

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

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

8 ~~(2) SPACES ON THE VESSEL THAT ARE DESIGNED TO BE ENCLOSED~~
9 ~~ARE INCAPABLE OF BEING SEALED OFF OR REMAIN OPEN TO THE ELEMENTS FOR~~
10 ~~EXTENDED PERIODS OF TIME;~~

11 ~~(3) THE VESSEL HAS BROKEN FROM OR IS IN DANGER OF BREAKING~~
12 ~~LOOSE FROM ITS ANCHOR; OR~~

13 ~~(4) THE VESSEL IS TIED IN AN UNLAWFUL OR UNPERMITTED MANNER~~
14 ~~TO A STRUCTURE OR MOORING.~~

15 (D) IN EVALUATING WHETHER A VESSEL IS ELIGIBLE FOR THE PROGRAM,
16 THE DEPARTMENT SHALL PRIORITIZE, IN ORDER OF PRIORITY, THE FOLLOWING
17 VESSELS:

18 (1) A VESSEL THAT IS ABANDONED OR SUNKEN AS DEFINED IN §
19 8-721 OF THIS SUBTITLE;

20 (2) A VESSEL THAT IS AT RISK OF BECOMING ABANDONED OR SUNKEN
21 IF:

22 (i) THE VESSEL IS TAKING ON OR HAS TAKEN ON WATER
23 WITHOUT AN EFFECTIVE MEANS TO DRAIN OR EMPTY THE WATER;

24 (ii) SPACES ON THE VESSEL THAT ARE DESIGNED TO BE
25 ENCLOSED ARE INCAPABLE OF BEING SEALED OFF OR REMAIN OPEN TO THE
26 ELEMENTS FOR EXTENDED PERIODS OF TIME; OR

27 (iii) THE VESSEL HAS BROKEN FROM OR IS IN DANGER OF
28 BREAKING LOOSE FROM ITS ANCHOR; AND

29 (3) ANY OTHER VESSEL THE DEPARTMENT DETERMINES IS ELIGIBLE
30 FOR PARTICIPATION IN THE PROGRAM.

1 **(E) THE DEPARTMENT, IN ITS SOLE DISCRETION, MAY DETERMINE**
2 **ELIGIBILITY FOR PARTICIPATION IN A PROGRAM AUTHORIZED UNDER THIS**
3 **SECTION.**

4 **(F) THE DEPARTMENT, OR A PERSON REMOVING, TOWING, STORING, OR**
5 **DISPOSING OF A VESSEL THAT IS ACCEPTED INTO A PROGRAM AUTHORIZED UNDER**
6 **THIS SECTION ON BEHALF OF THE DEPARTMENT, MAY NOT BE HELD LIABLE FOR**
7 **ANY DAMAGE TO THE VESSEL WHICH MAY OCCUR DURING REMOVAL, STORAGE, OR**
8 **CUSTODY OF THE VESSEL.**

9 **(G) IF THE DEPARTMENT ESTABLISHES A PROGRAM AUTHORIZED UNDER**
10 **THIS SECTION, THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT AND**
11 **CARRY OUT THE PROVISIONS OF THIS SECTION.**

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
13 1, 2024.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.