2009

National Association of State Boating Law Administrators

Governmental Affairs and Administration Committee, Waterways Management Subcommittee

BEST MANAGEMENT PRACTICES (BMP) FOR ABANDONED BOATS

Ten BMPs are recommended to provide the most expeditious removal of recreational vessels from our national waterways and lands.

Introduction

Abandoned recreational vessels are unsightly and pose potential threats to navigation and the environment (i.e., sources of pollution and illegal dump sites). Additionally, they are often difficult and expensive to remove. Such vessels are a growing national problem[1], for example:

- Florida is reported to have 1,500 abandoned vessels in or around the waters of the state and for FY 2008-09 Florida legislators allocated $1.55 million for ongoing removal activities,[2]

- Louisiana developed an inventory of abandoned vessels and barges totaling approximately 800 vessels/barges of which roughly 200 were characterized as posing a potential pollution problem,[3]

- Maryland received reports of 132 abandoned vessels in 2008 and expect similar numbers for 2009,[4]

- The State of Washington State has approximately 200 known abandoned boats,[5]

- South Carolina has about 150 abandoned boats,[6]

- Georgia reportedly has 100 – 150 abandoned vessels along its 118-mile coast.[7]

Some government officials and others expect to see more boats headed for a watery grave as the effects of the present recession drag on. "The suspicion is that the number (of

[1] See http://www.nytimes.com/2009/04/01/business/01boats.html?_r=1
[2] See http://fosterfollynews.com/news/2009April8FWCRemovesJunkedBoats.php.
[3] See http://www.losco.state.la.us/print_pages/print_ps_prevention.htm.
[4] Personal communication with Bob Gaudette, Director MD DNR Boating Services 6/23/09.
[5] See www.threesheetsnorthwest.com/2009/06/washington-one-of-few-states-with-programs-to-deal-with-derelict-and-abandoned-boats/
[6] See http://www.nytimes.com/2009/04/01/business/01boats.html.
[7] See http://www2.tbo.com/content/2008/nov/13/abandoned-boats-leaving-behind-environmental-wreck/ and http://www.altamahariverkeeper.org/aboutus/news/012807.asp.

abandoned boats) is growing because of the economy," said Doug Helton of the National Oceanic and Atmospheric Administration's Office of Response and Restoration.[8]

Severe weather events, economic hardships, financial problems and the potentially high costs for removal all increase the likelihood that boats will be abandoned. When boaters live a long distance from where their boats are docked, they can fail to provide necessary repairs and monitoring. While Federal agencies can provide some relief for vessels that threaten waters through the discharge of oil and other pollutants and for those that impede navigation, in reality is it unusual for a Federal agency to fund or initiate the removal of an abandoned vessel.[9] Therefore, it is usually left to the states or local municipalities to remove the vessels.

States and municipalities need the ability to dispose of abandoned or derelict boats in the most efficient, expeditious and cost effective manner. States that are subject to frequent storms or hurricanes may be especially susceptible to derelict vessels. The Waterways Management Subcommittee, of the National Association of State Boating Law Administrator's Governmental Affairs and Administration Committee, was charged with writing a report containing recommendations for *best management practices* (BMPs) on issues surrounding salvage insurance and the effects of abandoned vessels on the states. This charge correlates with NASBLA's Strategic Plan under 1.4 and 3.5 and was a carry-over charge from 2008. [10]

Details

The Subcommittee conducted two surveys to address the charge. A short survey was completed in 2008 that investigated salvage insurance and abandoned boats (Appendix A). Forty states and territories responded. The second survey, conducted in 2009, dealt specifically with abandoned and derelict vessels (Appendix B). Thirty-two states and territories responded. Results from both surveys are utilized in this report. While both commercial and recreational boats are abandoned for numerous reasons, this report focuses on recreational boats.

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[8] See http://www.threesheetsnorthwest.com/2009/06/left-to-rot-and-sink-dozens-of-abandoned-boats-litter-washingtons-waterways/.

[9] See Boring and Zelo, 2006, available electronically at http://response.restoration.noaa.gov/book_shelf/1295_AVP_State_Review_12_2006.pdf.

[10] See http://www.nasbla.org/files/public/governance/Strategic%20Plan%20FY08-2.pdf

According to the first survey, no laws require recreational vessels to have a salvage provision or rider on boat insurance. In New Jersey, barges docked along the bank of any river for more than 10 days may be required to post a bond of $25,000 with the municipality. The bond may be forfeited and used to remove the vessel should it become abandoned. South Carolina reported that most owners that have recorded liens are required by the lien holder to insure their vessel. The issue of salvage insurance appears to be handled locally as a contractual requirement of many marinas and yacht clubs. No state indicated it was moving toward requiring such insurance. Arkansas requires liability insurance on vessels powered by over 50hp and all personal watercraft, but does not have a salvage provision or rider. In addition, vessel salvage has roots in admiralty law and is beyond the scope of this investigation. Therefore, the Subcommittee decided no further action would be taken with regard to salvage insurance from a national perspective. See Appendix A for the full survey and responses.

The focus of this report is to recommend BMPs applicable to the steps commonly taken by states to resolve the issues of abandoned or derelict vessels. These elements include:

1) Determination of abandonment/derelict vessel,
2) Determination of ownership,
3) Notification phase,
4) Waiting period,
5) Notice of intent to sell or notice of waiver of rights,
6) Sale or disposition, and
7) Transfer of ownership and re-registration, if warranted.

Survey results are discussed in the context of the investigative and removal processes and related to funding mechanisms for the disposition of abandoned or derelict boats. This report also discusses NASBLA's "Abandoned or Salvaged Recreational Boat Procedure[11]" that was adopted in 1998 by what was then the Numbering and Titling Committee.

[11] See http://www.nasbla.org/files/public/VIRT/Abandoned Procedure 091698.pdf.

Best Management Practices

BMP #1: Make it easy for the boater to understand where they can properly dispose of their vessel in order to avoid having the vessel abandoned.

Boaters must be given methods to properly dispose of their vessels and alternatives to abandonment. For example, California identifies various alternatives to abandoning boats and recommends:

- **Donation**: Some charities accept motorboats, sailboats, personal watercraft, and other vessels, as tax-deductible donations. The boat will generally need to be in decent condition to use as a donation.
- **Recycling:** Used boat part dealers, or salvagers, may accept your old vessel for its parts, which they resell. Each dealer will compensate the boat owner for the value of the useable parts minus the total cost of dismantling the vessel and recycling or disposing of hazardous wastes; however each dealer has its own specific requirements for the length and type of vessel they will accept. These dealers can be found under the heading "Boat" in your local yellow pages.
- **Dismantling:** Some used boat dealers will dismantle and dispose of a vessel that has no redeemable value. Each dealer has its own requirements for vessel length and type, and each dealer will charge for this service. The costs usually run between $15 and $20 per foot and include transportation, labor, disposal, and recycling or disposing of used oil and other hazardous materials.

Further, names and addresses of boat salvage companies are provided on California's web site.[12]

Connecticut, in their *Clean Marina Guidebook*, provides names of companies that take boat donations and includes Best Management Practices for disposing of a vessel that will be accepted at a permitted solid waste landfill or transfer station.[13]

BMP #2: Provide incentives for boaters to properly dispose of their vessel and disincentives for improper disposal.

[12] See www.dbw.ca.gov/Funding/AWAF.aspx.
[13] See www.ct.gov/dep/cleanmarina.

Providing incentives to dispose of a vessel properly and disincentives for abandoning a vessel can reduce the number of boats that are abandoned or become derelict. South Carolina has a state law that allows salvage of abandoned vessels, which may encourage removal by others. California has proposed legislation that would allow boaters to turn in their boats rather than abandon them as a result of a paper published in 2005 entitled "Report and Recommendations Related to Abandoned Vessels". The first ten recommendations provide strategies to prevent recreational vessels from being abandoned. The recommendations relate to revising the lien sale laws and regulations to make it easier for local agencies to dispose of wrecked vessels before they sink and become more costly to remove from the waterways. The recommendations advocate increasing the penalties for abandoning a vessel and providing a stronger deterrent to vessel owners. Finally, the recommendations address vessel registration, tracking and enforcement processes available to local law enforcement to provide law enforcement with better tools to quickly identify vessel owners and dispose of vessels before they sink and become a hazard on the waterways and to provide a greater deterrent to owners that contemplate abandoning their vessels. The next eight recommendations relate to developing a pilot turn-in program that would allow vessel owners to dispose of their vessel through a local agency rather than abandoning the vessel.[14] After several attempts, California is getting closer to having a bill passed for such a program. On September 4, 2009, the California senate passed the Abandoned Boat Abatement Bill (AB 166).[15]

- California's "Abandoned Boat Abatement" will:
    1. Increase the fine minimum fine for abandoning a boat from $500 to $1,000.
    2. Allow monies from the fines to be used for disposal of a "surrendered vessel"
    3. Require the Dept. of Boating and Waterways to track the number of surrendered vessels between January 1, 2010 and January 1, 2012 and attributed costs for consideration to continue or revise the program.
    4. The bill would sunset January 1, 2013 unless extended by enabling legislation.

[14] See http://www.dbw.ca.gov/PDF/Reports/AVAC_Report.pdf.
[15] See http://democrats.assembly.ca.gov/members/a53/Pressroom/Press/20090904AD53PR01.aspx

5. Under this law:
    - "Surrendered vessel" means a vessel that the verified titleholder has willingly surrendered to a willing public agency under both of the following conditions:
        1. The public agency has determined that the vessel is in danger of being abandoned with the likelihood of causing environmental degradation or becoming a hazard to navigation;
        2. The decision to accept a vessel is based solely on the potential of the vessel to likely be abandoned and cause environmental degradation or become a hazard to navigation.
    - A surrendered vessel may be disposed of immediately upon acceptance by a public agency.

The State of Washington has also tried to initiate a program to defray the cost to boat owners of disposing of boats before they are abandoned or become derelict. Washington was not successful in getting their program implemented, but the concept warrants discussion. In 2008, Washington put forth legislation for a "vessel amnesty" pilot project which proposed to use up to $200,000 of the derelict vessel removal account, funded from boater registration fees, to dispose of boats that had the greatest potential to become derelict or abandoned. [16] In order to be eligible for reimbursement of up to 100% of the costs to dispose of a vessel, the boat owner would have to prove that he or she:

1. Was a Washington state resident;
2. Owns a vessel in an advanced state of disrepair, with no material value and has a high likelihood of becoming an abandoned or derelict vessel;
3. Has insufficient resources to properly dispose of the vessel outside of the program.

There are laws on the books now that provide a disincentive to abandoning a vessel. In Maryland, there is a $1,000 charge for abandoning a boat. Minnesota has a state law that allows a local unit of government to charge up to 5 times the cost of removal if the owner does not pay. Fines of up to $500 per day can accrue to someone who abandons a boat in Mississippi waters. Florida can charge up to $1,000 criminal penalty, but owners of vessels that contribute pollution to the states waterways can be charged civilly with fines up to

[16] See http://www.statesurge.com/bills/502855-sb5058-washington

$50,000 per violation per day. Additionally, a judge may require that an owner perform community service. To date the longest service time is 250 hours.[17]

BMP #3: States and territories are encouraged to title boats because it provides a paper trail that can simplify the ownership discovery phase.

The Discovery Phase can be difficult. Various Federal agencies (e.g., NOAA and US Coast Guard) have programs to identify and inventory possible abandoned vessels. The US Coast Guard has started a pilot project at Sector Baltimore to use the US Coast Guard Auxiliary for this task.[18]

It should be noted that the titling of boats will assist in tracking the owner in a great number of cases, especially those where a vessel is sold and the new owner never registers it. Titling facilitates contact with any lien holders who may have an interest in the boat. Also, hidden *Hull Identification Numbers* (HINs) installed by the manufacturer, can assist with tracking a vessel. However, the reality is that in many cases owners cannot be tracked because all identifying marks (registration and hull Identification numbers) are removed or the legal owner is indigent and costly legal proceedings would not provide the funding to have the vessel removed.

The US Coast Guard has implemented a program entitled *Vessel Identification System*, or VIS for short. This voluntary program requires states to sign a Memorandum of Understanding with the USCG. In return for a state providing current registration information to contractors with the USCG, VIS will merge vessel registration information with vessel documentation records. Databases from all participating states will be available to VIS agreement holders. Having this information available to the officers in the field may significantly facilitate the discovery phase. While NASBLA has encouraged all states to participate in VIS[19], some states are having difficulties due to identity protection laws which prohibit releasing the information. To date, there are 31 states and territories participating.[20]

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[17] Lt. David Dipre; Florida Boating and Waterways Division of Law Enforcement, personal communication, 9/16/09.
[18] See http://www.avp-balt.org/letter.php.
[19] See http://www.nasbla.org/files/public/Policy-Govt%20Affairs/2008%20Resolutions/Urging%20States%20to%20Join%20VIS%20Final.pdf
[20] Personal Communication: Lynne McMahan; RBS Specialist, USCG; 9/11/09

BMP #4: States and territories need to understand 1) what agencies are available to them to handle abandoned boats, 2) under what circumstances they will remove vessels and 3) if permits are needed before work can be performed.

The question of who takes charge of removing abandoned and derelict boats is far from a simple question. While many entities have the authority to remove them, lack of funding is often seen as a reason that these groups do not. Abandonment on private lands is a common occurrence in the region of the country covered by the *Northern Association of Boating Administrators* (NABA) where the boating season is short. When a vessel is abandoned on private property, it often becomes the burden of the property owner to take the necessary steps to resolve the issue. This may also be case in locations where tidelands are privately owned. In states that have a short boating season, boats are often abandoned on land. If the boat is abandoned on a public road or state property and involves a currently licensed trailer, removal and disposal is generally handled through abandoned vehicle laws. In such cases, the towing company is responsible for the tow vehicle and whatever is on it. However, in the majority of cases, the vessel with or without a trailer is found on private lands and it becomes the landowners responsibility for disposition.

When a vessel is abandoned or is deemed derelict on a waterbody or shoreline, various entities could claim responsibility. Federal or state agencies will often step in when pollution is imminent or when the vessel represents a navigation hazard. Certain Federal agencies will only resolve the hazard which may not result in the removal of the vessel. For example, the pollutants may be removed and a vessel may be refloated, but monies are not made available to remove the vessel. Local governments bear significant responsibility when the state or federal governments fail to do so. Indiana and Illinois are poised to sign a Memorandum of Understanding with the US Coast Guard regarding abandoned boats.[21] USCG will remove those vessels that are a hazard to navigation and will assist in tagging vessels abandoned on the southern tip of Lake Michigan. Tagged vessels will carry a serial number that will provide contact information which will be available to both states to increase the search base for the owner.

Nationally, several states noted that jurisdiction for handling abandoned boats was not clear. While all states implied that the vessel owner is ultimately responsible for removing an abandoned vessel or reimbursing the removing agency once removed, it often happens that the vessel owner does not step up to remove the vessel. When the states and territories were surveyed as to under whose responsibility abandoned vessels fall, the

[21] Personal Communication: Maj. Felix Hensley, BLA Indiana

answers were complex with overlapping authorities cited by many states. Of the 13 states who replied from NABA, 4 indicated that the land or vessel owner was responsible for disposing of the vessel; 11 indicated that states could remove vessels; 1 noted that Federal agencies can intervene and 8 indicated that local jurisdictions are generally responsible. Of the 11 states that responded in the southern regional states (*Southern States Boating Law Administrators Association* [SSBLAA]), one indicated that it was the owner's responsibility; ten that it was the state and six that local governments were authorized to remove vessels. One state responded that it was the wrecker service that was responsible for removing the vessel and that the service could request title. In the western states (*Western States Boating Administrators Association* [WSBAA]), of the 8 states that responded, one indicated that the boat owner was responsible, six that the state would respond; one, Federal agency and five that local governments were responsible. These responses make it clear that in most states, no one entity is responsible for removing vessels. The preponderance of responses in the NABA states that cite that the vessel owner or property owner upon whose property a vessel is abandoned is responsible for disposing of the vessel may point to differences in seasonality from the Southern or Western states. NABA states share a short boating season, whereby boat owners are accustomed to hauling their boats out. Therefore, in many cases the vessels are abandoned on land rather than in the water. In those states most of the property owners bear the responsibility for the vessel.

The Robert T. Stafford Disaster Relief and Emergency Assistance Act (PL 100-707, a.k.a "The Stafford Act"), signed into law in 1988, amended the Disaster Relief Act of 1974 (93-288). This federal legislation created a national program for disaster preparedness, response, recovery and mitigation and enables the Federal Energy Management Agency to approve state's disaster management plans. Such plans identify a framework for the proper management of the debris generated by a natural disaster to facilitate the prompt and cost efficient recovery that is eligible for FEMA reimbursement and protective of the environment. States should become familiar with their state's Natural Disaster Planning document to ensure that protocols are followed. The understandable attitude to "do whatever needs to be done" can prove costly. Federal reimbursement will not be made if it cannot be demonstrated that money was expended or that damages have been incurred as a direct result of the declared disaster or emergency. States could lose out on reimbursable expenses for removing vessels that are destroyed in natural disasters.

Not only should the states and territories understand what governmental agencies are authorized to remove boats within their waters but good intra- and inter-agency communications are critical. To ensure that the unit responsible for removing derelict boats does not go afield of state laws, the unit must know what permits may be needed and from whom, to remove a vessel. Many states are required to have permits from their sister agencies or departments before the bottom can be disturbed. This is especially true in

warm waters where corals and other state or federally endangered species may grow on vessels that have been derelict for a long time. Furthermore, State Historic Preservation Office (SHPO) review may be required for vessels abandoned for more than 50 years.

The National Oceanographic and Atmospheric Association (NOAA) Marine Debris Program recently held an Abandoned and Derelict Vessel Workshop in Miami, FL, September 15-17, 2009. [22] It was clear at this meeting that communication with all entities responsible for an abandoned or derelict vessel was lacking. For example, few of the managers responsible for handling the abandoned boat programs in their states or territories knew about NASBLA or that their state or territory had a designated boating law administrator.

BMP #5: The terms "abandoned boat", "derelict vessel", "vessel" and "ownership" should be defined, as necessary. Specific time limits need to be set as part of the definition for abandoned and derelict vessels.

Definitions become important in the ability to remove vessels in an expeditious manner. Of the 32 states /territories that responded to the question in the second survey, one half of those states (16) did not have definitions for either "abandoned boat" or "derelict vessel" although many of those states had laws dealing with abandoned or derelict boats. Sixteen states formally defined the terms. None of the states had a definition for "seaworthy," although California uses it in the process for removing a derelict or abandoned boat. The purpose for defining both an "abandoned vessel" and "derelict vessel" is to provide a more expeditious process for removal of a derelict vessel that is not capable of floating without assistance. Boring and Zelo (2006)[23] found that the definitions of "vessel" and "ownership" were important because such definitions could exclude certain watercraft from established removal processes or funding opportunities. In NASBLA's Abandoned or Salvaged Recreational Boat Procedure, the Numbering and Titling Committee incorporated the term "derelict vessel" in the definition of "abandoned vessel". States may find that separating the two can provide a more streamlined process for removal of those boats that are clearly of no value. In many cases, according to the survey, the last registered owner is responsible for removal of the vessel. In all states and territories, the primary entity responsible for disposition of a boat is the "owner".

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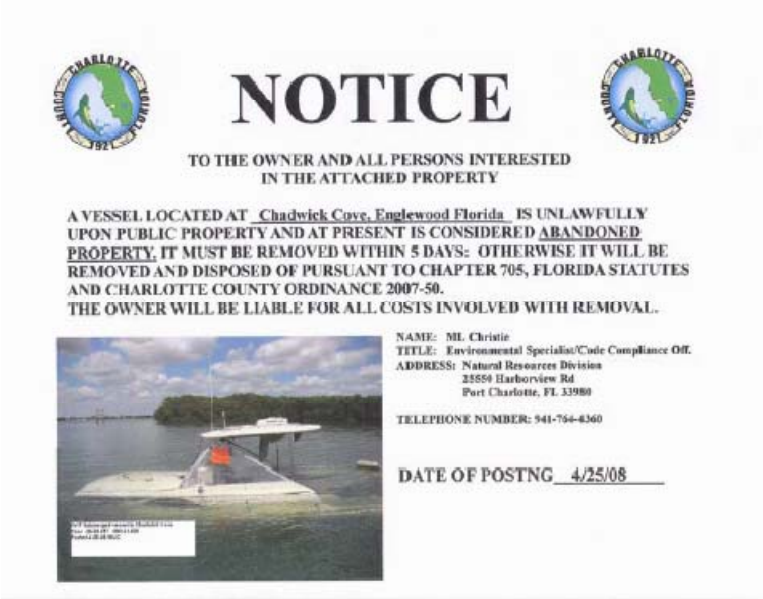
[22] See http://marinedebris.noaa.gov/about/welcome.html for proceedings of the workshop, when published.

[23] Boring, Christine and Zelo, Ian, 2006 Review of State Abandoned and Derelict Vessel Programs, NOAA Office of Response and Restoration,
http://response.restoration.noaa.gov/book_shelf/1295_AVP_State_Review_12_2006.pdf



NOTICE

TO THE OWNER AND ALL PERSONS INTERESTED
IN THE ATTACHED PROPERTY

A VESSEL LOCATED AT Chadwick Cove, Englewood Florida IS UNLAWFULLY UPON PUBLIC PROPERTY AND AT PRESENT IS CONSIDERED ABANDONED PROPERTY. IT MUST BE REMOVED WITHIN 5 DAYS: OTHERWISE IT WILL BE REMOVED AND DISPOSED OF PURSUANT TO CHAPTER 705, FLORIDA STATUTES AND CHARLOTTE COUNTY ORDINANCE 2007-50.
THE OWNER WILL BE LIABLE FOR ALL COSTS INVOLVED WITH REMOVAL.

NAME: ML Christie
TITLE: Environmental Specialist/Code Compliance Off.
ADDRESS: Natural Resources Division
25550 Harborview Rd
Port Charlotte, FL 33980

TELEPHONE NUMBER: 941-764-4360

DATE OF POSTNG 4/25/08

Time limits need to be set whereby, if a boat is left on a property for greater than this specified time period, the boat may be considered abandoned. Of the 32 states that responded to the question on the second survey, 14 had specific time limits after which a vessel on waters of the state or upon property other than his own without the consent of the owner would be deemed to be abandoned. Of interest, is the state of Florida. By design, no time limit is assigned to determine derelict or abandoned boats because by definition "abandoned property" means it has no apparent intrinsic value to the rightful owner.[24] For those states who did assign time limits, Connecticut had the shortest time frame of 24 hours; the majority of those responding listed 30 days. Indiana indicated that no one could abandon a vessel at any time, indicating removal could be immediate if the vessel was found unattended in a sunken, beached, or drifting condition. Other time frames were seven days, 15, 90, and 45 days. The District of Columbia had the longest wait time to define a boat as abandoned at 180 days. Maryland has various time frames depending on the situation: if a boat is left in a private marina or boatyard (in water or on land), a private dock at or near the water's edge without consent of the owner it is considered abandoned after 30 days or 90 days with initial consent; if abandoned anywhere else on private land without consent of the owner it is considered abandoned after 180 days. Finally, it can be considered abandoned under a mechanic's lien after 30 days.[25] Several states indicated that removal could be immediate if the vessel impedes the use of a public facility or presents a safety, navigational or environmental hazard. However, once removed the "abandoned boat/derelict" vessel process continues. Florida takes an aggressive stand on abandoned boats. The owner is given 5 days to remove the vessel once the vessel is posted. If it is not removed, the state agency removes the vessel and disposes of it.

[24] See Fl statutes: 705.101(3) and 823.11.

[25] See http://www.dnr.state.md.us/download/B117_abinstuction.pdf.

BMP #6: There must be a notice to owner(s) and/or secured parties by certified mail/return receipt which includes:

- **Description of the vessel and identifying numbers**
- **Location where vessel is located**
- **Rights to reclaim vessel within XX days**
- **Notice that failure to claim the vessel will constitute a waiver of all rights, title and interest in the vessel**
- **Notice that any costs for removal/recovery will be the responsibility of the owner**

In order the provide assistance to the states and territories dealing with abandoned and derelict boats it is incumbent upon the state to have legislation in place that clearly defines the process to remove a vessel once it has been abandoned. Once a boat is determined to be "abandoned" or to be a "derelict" vessel, determination must be made early on, as to what type of process will be followed in the event a vessel is "abandoned".

If a boat owner does not pay for services rendered, the service dealer (marina operator, repair shop), in many states, can initiate a vessel or mechanic's lien on the vessel and the vessel may be sold for satisfaction of the lien. Liens for US Coast Guard documented vessels cannot be made through regular state lien procedures and must be filed through the USCG. Vessels that measure five net tons by volume (not weight) are eligible for documentation through the US Coast Guard. Generally, most vessels greater than 25 feet will measure five net tons. The benefit to the recreational boat owner is that documentation serves as proof of nationality and enhances vessel financing through the availability of preferred mortgages on the documented vessel. Under such cases the USCG is prohibited from making changes to the documentation paperwork including change of vessel ownership, name and hailing port without the consent of the mortgagee. Some states choose to treat documented vessels through the basic abandoned boat process since it has been noted by several states that USCG documented vessels present more difficulties in the disposition process. In the second survey, California responded that unless the boat is in imminent danger of sinking or has sunk, the only way law enforcement officers can declare a USCG documented vessel as "derelict", and thus subject to removal, is if the documentation has elapsed. In general, it appears that if a state chooses to define "derelict" vessel, disposal may follow a more streamlined process. Finally, the processing of vessels after a natural disaster (e.g., floods or hurricanes) may follow different rules.

In the removal process, the rightful owner must be notified and given sufficient time to remove the vessel. This is typically done by the claimant ("finder") but is sometimes done by the state agency. Contact information can be obtained from state agencies responsible for titling or vessel registration or sometimes from a law enforcement agency. In some states a law enforcement agency must be contacted to 1) ensure that the vessel was not reported stolen and 2) start the clock on providing proper notice to the last registered owner (i.e., for right to reclaim). Sometimes the vessel is moved from one illegal location to another, thereby re-starting the clock and process.

BMP #7: If an owner cannot be identified, a public notice to attempt to locate the owner of the abandoned/derelict boat is critical. While the purpose is to locate the owner, the public notice serves to notify the vessel owner that failure to claim the vessel will constitute a waiver of all rights, title and interest in the vessel. Consideration should be made for advertisement via the Web.

Those responding to the second survey had varying times for a person to claim the vessel before removal was initiated. Waiting times ranged from three to ninety days. In Ohio, a person must respond within 72 hours if the vessel is on public property. While it is critical for protecting the boat owners rights, the shorter the time period the better, especially if the boat is sunk or broken up.

However, if the owner is unknown or if the certified mail notice is returned "undeliverable," notice by publication is often initiated, thereby increasing the process. Twenty-two (22) of those responding to the second survey indicated newspaper advertisements are used. Ten (10) states indicated they have no process or set time limit for advertising. The time period for placing an advertisement in the local newspaper where the vessel is located varied by respondent. Examples are one day in one local newspaper, three consecutive days in a local newspaper; and two successive weeks in one or more daily newspapers. Tennessee law stipulates that the notification by publication must be submitted within 15 days of the second failed attempt at certified mail. Most respondents indicated that notification via the Internet would not be allowed by state statute; however, three indicated that web posting would be acceptable. The State of Washington indicated that they do use web postings. Structuring the statute to allow for advertizing via specific websites may prove to be a cost efficient method of notice.

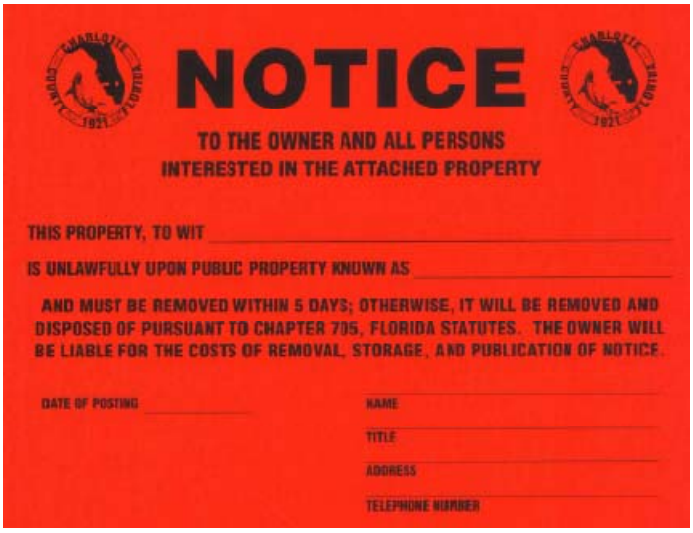
If the owner is located, most states are very flexible in allowing them to make provisions to remove the vessel, since it achieves the desired outcome. If the owner comes

forward and makes it clear they do not want the boat, sometimes the problem can be resolved without completing the process if another person wants it. Those two parties can then negotiate and the vessel can be legally transferred. However, such situations rare and special consideration must be given not to pass on a vessel that will continue to degrade in quality. More typically, the owner is not located and the process continues.

The waiting period for a notice through advertisement varies by state. Some do not use this additional step and only require contact through certified mail. Indiana indicated that they try to contact the last known owner by certified letter. By state statute they must wait 90 days after which any unclaimed craft shall be destroyed or sold at public auction. No other publication is required.

While necessary to afford boaters their rights to claim their property, the waiting period delays removal operations. For example, in Arizona, if the state is successful in contacting the owner through certified mail, they must wait 180 days for the owner to respond. Non response means that they waive their rights to ownership. After that time ownership can be transferred. Arizona does have a more streamlined process in the event the owner cannot be located, in which they have 15 days to notify the applicant and within 45 days must publish in the paper that ownership will be transferred 10 days after notification. Generally, the waiting period is about 30 days. Having a definition for a derelict vessel and concomitant process could streamline the removal process even further.

Some states require that a physical notice be placed on the vessel.


NOTICE

TO THE OWNER AND ALL PERSONS
INTERESTED IN THE ATTACHED PROPERTY

THIS PROPERTY, TO WIT _____

IS UNLAWFULLY UPON PUBLIC PROPERTY KNOWN AS _____

AND MUST BE REMOVED WITHIN 5 DAYS; OTHERWISE, IT WILL BE REMOVED AND DISPOSED OF PURSUANT TO CHAPTER 705, FLORIDA STATUTES. THE OWNER WILL BE LIABLE FOR THE COSTS OF REMOVAL, STORAGE, AND PUBLICATION OF NOTICE.

DATE OF POSTING _____

NAME _____
TITLE _____
ADDRESS _____
TELEPHONE NUMBER _____

BMP #8: The applicant for title or registration of an abandoned or salvaged boat needs clear expectations early on of what they will need to complete the registration/titling process including:

1. **Police report, if required**
2. **Notarized affidavit for registration/titling of the abandoned or salvaged vessel**
3. **Receipts for certified mail to identified owner(s) and lien holders**
4. **Original copies of the notice of publication, if necessary.**

Once the notice period is complete the claimant can receive title and/or the right to register the vessel. Generally, a notarized affidavit is needed to register or title the abandoned or salvaged recreational vessel. Other paperwork, as required by the state may be needed. This can be the most frustrating part of process for the person that is attempting to register or get title to an abandoned vessel. Many times people do not realize the proof that must be provided before claiming a vessel.

BMP #9: The fewer the steps to allow transfer to an applicant that will take the vessel the better. States need to review what steps are legally necessary to allow an entity to remove and dispose of a vessel. Transfer may be by title, registration or affidavit.

A question was posed in the second survey to determine if the applicant could keep a boat abandoned on private property without having to put it up for auction and bid on it. For those states that take abandoned boats and then sell them to recoup charges, it makes sense to require a sale. In Delaware, any recovered vessel must be turned over to the Department of Fish and Wildlife Enforcement. It is stored for at least six months after which it is sold at public auction. Streamlining of this time line may serve beneficial Also, perhaps, the requirement to sell the vessel does not make as much sense for private individuals who are attempting to claim an abandoned boat. For example, in Connecticut, the person wishing to keep a boat abandoned on their property must put the boat up for sale. They are then eligible to bid on it. Similarly, in Ohio, if no one bids on the vessel and it is on private property, the claimant may keep the boat. In Florida, if a person claims a derelict vessel as found property they must be willing to bring the vessel into compliance immediately, meaning the vessel must be removed from waters of the state upon filing the claim.

In states were ownership is provided after proof that the owner cannot be found, the applicant requesting the vessel could then use, sell or dispose of the vessel. Under Virginia's abandoned boat law, title is transferred to the applicant and they can sell it, keep it, or dispose of it. However, under the mechanic's lien or self service storage liens, auction of the boat is required.

With respect to derelict vessels that are sunken or beyond repair, Utah allows that if the vessel is inoperable and cannot be rebuilt or reconstructed the vessel may be converted to scrap or otherwise disposed of without following the typical abandoned boat procedure.

BMP #10: States should allocate funds dedicated to the removal of derelict and abandoned boats and provide a mechanism which prioritizes such removals.

While the BMPs above outline the process for disposing of an abandoned vessel, whether by sale, transfer to another owner or by destruction of the vessel, derelict vessels require salvage costs that typically are not reimbursed to the removing agency. A steady source of funding and mechanism to distribute the funds is most beneficial. Few states or territories have such programs, but with the rise in number of abandoned boats, such programs will become critical to success in removing vessels from waters and lands.

- In Indiana, all vessels unclaimed by the owner after 90 days shall be destroyed or sold by public auction. All monies received from the sale are deposited in the fish and wildlife fund. This fund helps support the program.

- In 2001, the State of Washington's legislature authorized the use of money in the states toxics account for cleanup and disposal of hazardous substances on abandoned and derelict vessels. In 2002 the legislature provided authority and funding for a "Derelict Vessel Removal Program" to dispose of abandoned and derelict vessels.[26] Three dollars ($3) per vessel numbered and $5 per out-of-state

[26] See http://www.dnr.wa.gov/Publications/aqr_dv_derelict_brochure.pdf

vessel registered in Washington goes into the fund. Washington registers about 265,000 boats annually.

- Oregon provides grants to reimburse the removal authority up to 75% of the cost of removal. Generally, the Dept. of State Lands, who usually owns the bed upon which the sunken boat sits or will sit, pays the other 25%. By law, funding for the Abandoned Boat Fund cannot exceed $150,000 per year.[27] Oregon also provided questions and answers (Q&As) regarding abandoned vessels as part of their outreach program.[28]

- Maryland has a grant program whereby local jurisdictions can apply for a state DNR grant. Typical grants range from $10,000 to $50,000 per jurisdiction annually. Funds come from a 5% excise tax on newly registered boats.[29]

- Texas does provide some funding which is handled by the General Land Office. The vessel must qualify for funds. Environmental concerns are used to determine priority.

- California has a grant program whereby local agencies may apply for money to remove derelict boats and boats that are hazards to navigation through the Abandoned Watercraft Abatement Fund. The fund, created in 1997 provides up to $1 million per year in removal, storage and disposal costs. Local agencies must supply 10% matching funds.[30]

- Florida provides grants to states through a Derelict Vessels Removal Grant Program. The program has not been funded in a number of years but was funded through the Florida Coastal Protection Trust Fund.[31]

- Mississippi has a Derelict Vessel Removal Program, established in 1998 funded through the Tidelands Trust Fund. The Department of Marine Resources Marine Patrol is responsible for investigating claims.[32]

- South Carolina has received federal assistance from NOAA for a Marine Debris and Abandoned Vessel Removal Project.[33]

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[27] See www.oregon.gov/OSMB/docs/PDF-Publications/AbVesselProg.pdf.
[28] See http://www.oregon.gov/OSMB/BoatLaws/salvageboats.shtml.
[29] See www.mlis.state.**md**.us/2001rs/fnotes/bil_0005/sb0605.doc.
[30] See http://www.dbw.ca.gov/Funding/AWAF.aspx.
[31] See myfwc.com/Recreation/boat_grant_DerelictVessel.htm.
[32] See www.dmr.state.ms.us/DMR/Derelict-vessels/derelict.htm.

- In the event of a natural disaster, *Federal Emergency Management Agency* (FEMA) Public Assistance funds may be available.[34] In those cases, vessels in public waterways will be brought to a centralized place for processing and are exempt from being penalized for abandonment. Owner's insurance plans generally come into play under natural disasters. States and local governments can request reimbursement for disposal costs during declared emergency situations.

Conclusions

Two major processes (not including the mechanic lien process) are primarily used by the states to deal with abandoned and derelict boats once it is clear that the owner of the vessel in question cannot be determined or is financially unable to dispose of the boat. The first works to transfer ownership to an individual or a state agency so that steps can be taken to either recover costs by selling the vessel or having the right to dispose of the vessel without concern for liability to the last registered owner. The second process involves vessels with little to no monetary value, in which disposal is the most likely conclusion. Removal and disposal costs can be significant in these cases and some mechanism to fund the removals is necessary.

Based on the BMPs presented and recommendations from the Abandoned and Derelict Vessel Workshop hosted by NOAA Marine Debris Program [35] it is recommended by the Waterways Management Subcommittee that the "Abandoned or Salvaged Recreational Boat Procedure" adopted in 1998 by NASBLA's Vessel Identification, Registration and Titling Subcommittee be updated using a multidisciplinary approach. States and territories need a model act that provides for the entire abandoned boat process, including penalties and fines and provisions for funding. Therefore, the Waterways Management Subcommittee recommends that the Subcommittee work with the NASBLA Vessel Identification, Registration and Titling Subcommittee and Enforcement and Training Committee to develop a comprehensive model act regarding abandoned and derelict vessels.

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[33] See www.coastalmanagement.noaa.gov/issues/docs/debris_summary.pdf.
[34] See http://www.fema.gov/news/newsrelease.fema?id=46389 for more information on abandoned vessels from FEMA.
[35] See http://marinedebris.noaa.gov/about/welcome.html, Workshop Proceedings, when posted.

LINKS: The following links may provide helpful information regarding how both the federal government and the states are addressing the abandoned boat problem through the law.

STATE LINKS

CALIFORNIA

- Sections 510 to 527 found in Chapter 3 (Wrecks and Wrecked Property) of the Harbors and Navigation Code

FLORIDA

- Sections 376.15 and 376.16 found in Chapter 376 (Pollutant Discharge Prevention and Removal) of Title XXVIII (Natural Resources; Conservation, Reclamation, and Use) and sections 705.101 to 705.19 of Chapter 705 (Lost or Abandoned Property) of Title XL (Real and Personal Property) and section 823.11 found in Chapter 823 (Public Nuisances) of Title XLVI (Crimes)

MARYLAND

- Sections 8-721 to 8-723 and section 8-725-1 found in Subtitle 7 (State Boat Act) of Title 8 (Waters) of the Natural Resources Code of the Maryland State Code

NEW YORK

- Sections 130 to 139-C found in Article 10 (Wrecks) of Navigation law— http://public.leginfo.state.ny.us

OREGON

- Sections 830.907 to 830.935 found in Chapter 830 (Small Watercraft) of Volume 17 and section 98.245 found in Chapter 98 (Lost, Unordered and Unclaimed Property; Unlawfully Parked Vehicles) of Volume 3— http://www.leg.state.or.us/ors

WASHINGTON

- Sections 79.100.005 to 79.100.901 of Chapter 79.100 (Derelict Vessels) of Title 79 (Public Lands)— http://apps.leg.wa.gov/rcw

FEDERAL LINKS

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

- Clean Water Act (CWA) (33 USC 121 *et seq.*)
- Endangered Species Act (ESA)
- National Marine Sanctuary Act (NMSA)
- Oil Pollution Act (OPA) (33 U.S.C. 2710-2761)

U.S. ARMY CORPS OF ENGINEERS

- Abandoned Barge Act (46 USC Chapter 47)— http://uscode.house.gov/download/pls/46C47.txt
- Rivers and Harbors Act (33 USC 401 *et seq.*)— http://www.access.gpo.gov/uscode/title33/chapter9_subchapteri_.html and regulations promulgated under (33 CFR Parts 245 (Removal of Wrecks and Other Obstructions)— http://www.access.gpo.gov/nara/cfr/waisidx_05/33cfr245_05.html

U.S. COAST GUARD

- Rivers and Harbors Act (33 USC 401 *et seq.*)
- and regulations promulgated under (33 CFR Parts 245 (Removal of Wrecks and Other Obstructions)— http://www.access.gpo.gov/nara/cfr/waisidx_05/33cfr245_05.html

U.S. DEPARTMENT OF THE INTERIOR

- Abandoned Shipwreck Act (43 USC 2101 *et seq.*)
- Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) (42 USC 9601 *et seq.*)
- Endangered Species Act (ESA)
- Oil Pollution Act (OPA) (33 U.S.C. 2710-2761)
- Park System Resource Protection Act (PSPRA)

U.S. ENVIRONMENTAL PROTECTION AGENCY

Oil Pollution Act (OPA) (33 U.S.C. 2710-2761)

	Alaska	American Samoa	Arizona	Arkansas	California	Connecticut	Delaware	District of Columbia
Question 2: Does your state have a law or requirement for registered vessels to have insurance including a salvage provision or rider?	No	No	No	Yes	No	No	No	No
Question 2: Additional Comment				We require liability insurance only on vessels powered by over 50hp and all PWCs, but not specifically a salvage provision or rider.		it is a great idea. I can invision marine trades balking at it as an impediment to boating.		
Question 3: If you answered yes to the previous question, please describe the law or requirement.				See comment above.				
Question 4: Does your state have any type of abandoned watercraft abatement program?	No	No	No	No	Yes	No	Yes	No
Question 4: Additional Comment						CT submitted a program in 2007, it did not pass. It would have provided state funds to assist "removing authorities" with disposal costs.		
Question 5: If you answered yes to the previous question, please describe the program.					We provide grants to counties for removal of direlict boats and or boats that are hazards to navigation.		The State will transport and dispose of abandon vessel if not owner can be identified.	
Question 6: Under whose responsibility do abandoned vessels fall in your state?	Department of Transportation			Depends on the body of water - state owned, corps lake, POA lake, etc; but no 1entity in particular.	Geographically, it is the county. Legally it is our department but it is strictly limited to recreational boats.	It depends. Navigable waters: USCG and state DOT, municipalities. Inland waters: municipalities; DEP if on state property. DEP spends alot of time handling calls and letting people know process for getting rid of abandoned boats. The process is confusing.	DNREC-Division of Soil and Water	If within the property of a marina, it is the marina operators responsibility. All others fall under the jurisdiction of the city government.
Question 7: What steps do marine law enforcement officers take when dealing with documented salvage vessels?	Do not deal with them		We have 16 Arizona Law Enforcement agencies and I cannot answer for them. The State Arizona Game and Fish Department officer rarely if ever have investigate this type of salvage nor would we.	Don't fully understand the question - what is meant by "documented" salvage vessels?	Unless the boat is in imminent danger of sinking or has sunk, the only way our officers can declare a boat a direlect (and subject to removal) is to see if the documentation has elapsed at which point they can proceed with disposal. A boat with current documentation is very difficult to dispose of unless it has sunk.	They write an incident report. That allows people to go to the next step of the process on private lands. LE may take vessel into custody, but rarely do.	Attempt to track ownership, photograph and complete a report that the vessel was taken by the State.	

	Georgia	Hawaii	Idaho	Indiana	Iowa	Kansas
Question 2: Does your state have a law or requirement for registered vessels to have insurance including a salvage provision or rider?	No	No	No	No	No	No
Question 2: Additional Comment						
Question 3: If you answered yes to the previous question, please describe the law or requirement.						
Question 4: Does your state have any type of abandoned watercraft abatement program?	Yes	No	No	Yes	No	No
Question 4: Additional Comment				We have a state statute in our boating laws which makes abandoning a watercraft on public waters a ticketable offense. I don't know if this is specifically what you are asking.		
Question 5: If you answered yes to the previous question, please describe the program.	ARTICLE 3. ABANDONED VESSELS § 52-7-70. Definitions § 52-7-71. Removal and storage of vessels; procedure § 52-7-72. Authority of peace officer to cause removal of unattended vessels; notifications; duties § 52-7-72.1 Penalty for failing to remove unattended vessel § 52-7-73. Lien on vessel; foreclosure in courts competent to hear civil cases § 52-7-74. Procedure for foreclosure § 52-7-75. Public sale of vessel; disposition of excess proceeds § 52-7-76. Issuance of certificate of title § 52-7-77. Payment of balance remaining after satisfaction of liens, security interests, and debts. There is no department policy.			Sec. 30. (a) A person may not abandon a watercraft at any time on Indiana water. A watercraft found unattended in a sunken, beached, or drifting condition is considered to have been abandoned by the owner. In the interest of public safety, such a watercraft may be removed and impounded for safekeeping and disposal in accordance with the following: (1) Abandoned watercraft may be impounded by any law enforcement officer of the department when located on public water. (2) The owner of an impounded watercraft, if determined and located, shall be notified. The owner may redeem the boat by payment of the storage fee, if any, plus any expenses incurred by the department in the removal of the watercraft. (3) If the owner of an impounded watercraft cannot be found, the impounded watercraft shall be held at a place of safekeeping for at least ninety (90) days. (4) A watercraft unclaimed by the owner at the expiration of the period prescribed by subdivision (3) shall be destroyed or sold at public auction. (5) All money received from the sale at public auction of a watercraft under subdivision (4) shall be deposited in the fish and wildlife fund. (b) The department and the department's employees are not liable for any damages caused by an abandoned watercraft or incurred to the watercraft during or after the removal of the watercraft from public water.		
Question 6: Under whose responsibility do abandoned vessels fall in your state?	Any peace officer in the state of Georgia shall be authorized to cause such vessel to be removed to a garage or other place of safety for different situations.	The vessel owner	County Sheriff Deppartments	ours, Department of Natural Resources Law Enforcement Division	Actually the owner. Our agency will likely get involved if the vessel is "on" the water. We would help efforts to locate the most recent owner.	Possible joint venture depending on circumstances. If on dept. managed waters it would fall under Ks. Wildife and Parks, if on private property it would fall under the sheriff of the county.
Question 7: What steps do marine law enforcement officers take when dealing with documented salvage vessels?	Remove the vessel, notify the Georgia Boat Registratin Unit to flag the registration and attempt to notify the current or previous owner.	Law enforcement helps to secure the area and submit the boating accident report that is then placed on the bard system.		Same as #5	We have not had that experience.	? is unclear. If it is registered as salvage, we check the HIN for correct information. If it is not recorded as salvage we go into the reg. system and record it properly.

	Maine	Maryland	Michigan	Minnesota	Mississippi	Missouri
Question 2: Does your state have a law or requirement for registered vessels to have insurance including a salvage provision or rider?	No	No	No	No	No	No
Question 2: Additional Comment						
Question 3: If you answered yes to the previous question, please describe the law or requirement.						
Question 4: Does your state have any type of abandoned watercraft abatement program?	No	Yes	No	Yes	No	No
Question 4: Additional Comment				We have a statute that covers boats sunk in lakes and rivers. making the owner responsible for recovery. Local unit of govt. can charge up to 5 time the cost of removal if owner does not pay. Also our Trails and Waterways Unit has done some work with their river cleanup on removing a few of the larger abandoned vessels adjacent to the Miss. River		We use the abanondment of cars but we do not have coast Guard approved tow companies in all water ways in Missouri
Question 5: If you answered yes to the previous question, please describe the program.		The Maryland Department of Natural Resources Boating Services has a program to remove abandoned boats after they have been investigated by the Maryland Natural Resources Police. If the owner can be determined, they are charged criminally and required to remove the vessel. If they do not remove the vessel, they are billed by the Department. If the owner cannot be determined, the removal projects are bid to private contractors, who are paid through the Abandoned Boat Fund.		See above		
Question 6: Under whose responsibility do abandoned vessels fall in your state?	Local Municipatiy	The Maryland Department of Natural Resources Boating Services Unit.	It is considered litter and enforced by any law enforcement agency.	Not specifically spelled out - except under our statute, the local unit of govt. can charge owner up to 5 times the cost of removal if owner does not do so in 30 days. Applies only to boats or vehicles found in the water.	Local Sheriff's Office. Our agency only handles the registration.	Missouri Water Patrol
Question 7: What steps do marine law enforcement officers take when dealing with documented salvage vessels?	N/A	I'm not sure I understand your question . . . None, I quess, unless there is some sort of equipment violation.	None	We don't seem to have a lot of these. If they can be traced to the owner - they would contact the owner and they would be responsible for removal under previously mentione statute	Salvaged vessels must be turned over to the local sheriff for sale at public auction. The salvage bill is paid from the proceeds of that sale. Our agency will only transfer ownership thru a bill of sale or a court order.	Missouri does not have salvage titles for vessels.

	Nebraska	Nevada	New Hampshire	New Jersey
Question 2: Does your state have a law or requirement for registered vessels to have insurance including a salvage provision or rider?	No	No	Yes	Yes
Question 2: Additional Comment				Barges docked along the bank of any river for more than 10 days may be required to post a bond of $25,000 with municipality. Bond may be forfieted and used to remove vessel should it become abandoned.
Question 3: If you answered yes to the previous question, please describe the law or requirement.				
Question 4: Does your state have any type of abandoned watercraft abatement program?	Yes	No	No	Yes
Question 4: Additional Comment			Abandon boats are handled like abandon cars. If unable to contact last owner they are removed at property owners expense. If no property owner, and on public water, its the states expence.	
Question 5: If you answered yes to the previous question, please describe the program.	A state or local law enforcement agency which has custody of a motorboat for investigatory purposes and has no further need to keep it in custody shall send a certified letter to each of the last-registered owners stating that the motorboat is in the custody of the law enforcement agency, that the motorboat is no longer needed for law enforcement purposes, and that after thirty days the agency will dispose of the motorboat. This section shall not apply to a motorboat subject to forfeiture under section 28-431. No storage fees shall be assessed against the registered owner of a motorboat held in custody for investigatory purposes under this section unless the registered owner or the person in possession of the motorboat when it is taken into custody is charged with a felony or misdemeanor related to the offense for which the law enforcement agency took the motorboat into custody. If a registered owner or the person in possession of the motorboat when it is taken into custody is charged with a felony or misdemeanor but is not convicted, the registered owner shall be entitled to a refund of the storage fees.			N.J.S.A. 12:7C-7 through 12:7C-20, otherwise known as the "Abandoned Vessel Disposition Law" allows landowners to apply for title to vessels abandoned on their property. The Department of Transportation may acquire title to vessels abandoned on the waters of the State or on State owned land. The previous owner is required to pay for removal or destruction of vessel.
Question 6: Under whose responsibility do abandoned vessels fall in your state?	If a state agency caused an abandoned motorboat described in subdivision (1)(d) of section 37-1299 to be removed from public property, the state agency shall be entitled to custody of the motorboat. If a state agency caused an abandoned motorboat described in subdivision (1)(a), (b), or (c) of section 37-1299 to be removed from public property, the state agency shall deliver the motorboat to the local authority which shall have custody. The local authority entitled to custody of an abandoned motorboat shall be the county in which the motorboat was abandoned or, if abandoned in a city or village, the city or village in which the motorboat was abandoned.	Nevada Department of Wildlife or local jurisdiction	Department of Safety, Marine Patrol	N.J.S.A. 12:7C-20 grants authority to the New Jersey Motor vehicle commission to promulgate rules and regs deemed necessary to carry out the provisions of the Abandoned Vessel disposition Law. Law enforcement agencies investigate abandoned vessels and related water pollution. Violations are heard in county superior court.
Question 7: What steps do marine law enforcement officers take when dealing with documented salvage vessels?	none	Nevada law makes it unlawful to abandon on private or public waterways, we identify the last registered owner who is considered the person who abandoned it, then use lien procedures to get title or destroy the vessel. I assume the term documented doesn't mean USCG Document but "documented" as abandoned?	In the last 15 years, I do not believe we have ever had one.	The New Jersey Motor Vehicle handles titling and registration ov vessels in the State.

	New Mexico	North Dakota	Ohio	Oklahoma	Oregon	South Carolina	South Dakota	Tennessee
Question 2: Does your state have a law or requirement for registered vessels to have insurance including a salvage provision or rider?	No	No	No	No	No	No	No	No
Question 2: Additional Comment						Most owners that have recorded liens are required by the lien holder to insure their vessel.		
Question 3: If you answered yes to the previous question, please describe the law or requirement.								
Question 4: Does your state have any type of abandoned watercraft abatement program?	No	No	Yes	No	Yes	Yes	No	No
Question 4: Additional Comment						We have a state law that allows salvage of abandoned vessel.		
Question 5: If you answered yes to the previous question, please describe the program.			There are three areas, one for boats left on private property, one for law enforement on private property and another for law enforcement on public property.		The state will provide reimbursement of up to 75% of the cost to local removal authority for removal of qualifying abandoned vessels up to 200 gross tons. Vessels must be in water and be either a pollution or safety (navigation) hazard. All efforts to access the vessel owner's funds or insurance funds must be exhausted. Applies to boat houses and floating homes also.	The possesser of vessel must complete a process that includes notification of the last known owner and submission of affidavits explaining how vessel was obtained. After verfication an inspection of vessel is sometimes conducted. Finally the party must advertise in local paper of his findings and provide proof of advertisement.		
Question 6: Under whose responsibility do abandoned vessels fall in your state?		N/a	Private property owners are required to on private property if Law enforcement will not. On public property, the law enforcement agency that has jurisdication.	Abandoned vessels can be impounded same as an abandoned car. If no one shows up with proof of ownership to claim the vessel the wrecker operator can file on the vessel and be granted title.	Local jurisdiction, such as port authorities or counties.	SCDNR Law Enforcement Marine Theft Investigations	No designated jurisdiction -- multiple jurisdictions would likely be involved, mainly a combination of Game & Fish, sheriff's offices and/or police departments.	Tennessee Wildlife Resources Agency
Question 7: What steps do marine law enforcement officers take when dealing with documented salvage vessels?		N/a	No salvage laws in Ohio. A salvage title would be issued if a law enforcement agency ordered a vessel to be titled to a so called "salvaged dealer". The title would be branded as "salvaged", but when or if the boat is sold, it would go back to just a regular title when the new owner gets it titled.		They must attempt to contact the owner via certified letter, providing 30 days for comment. If no known owner, it is advertised for 30 days to establish abandonment. After 90 days, the boat may be sold. If there are no bids, it may be destroyed.	Verification of owner or ownership information through USCG and sometimes follows above listed steps.	N/A in our state	Attempt to contact owner

	Texas	US Virgin Islands	Utah	Virginia	Wisconsin	West Virginia	Wyoming
Question 2: Does your state have a law or requirement for registered vessels to have insurance including a salvage provision or rider?	No	No	No	No	No	No	No
Question 2: Additional Comment			We only have liability insurance requirements				
Question 3: If you answered yes to the previous question, please describe the law or requirement.							
Question 4: Does your state have any type of abandoned watercraft abatement program?	Yes	No	No	Yes	No	No	No
Question 4: Additional Comment	very limited, and attempts to remove pollution-causing abandoned vessels.						We do require that owners notify us within 15 days of their boat being abandoned.
Question 5: If you answered yes to the previous question, please describe the program.	Our agency helps to identify the vessel, another state agency contracts for removal.			Laws established and procedures developed for transfer of ownership of abandoned and adrift vessels.			
Question 6: Under whose responsibility do abandoned vessels fall in your state?	No-one	The Department of Planning and Natural Resources	local jurisdictions	Virginia Department of Game and Inland Fisheries	The DNR's for obstruction to waterways and/or debris in a waterway.	Any Law Enforcement Officer	Our Department. Wyoming Game and Fish.
Question 7: What steps do marine law enforcement officers take when dealing with documented salvage vessels?	Notifing the General Land Office to determine if funding for removal/salvage is available.	salvor must report his intent to the Department of Planning and Natural Resources. Salvor must also place an ad in the local media for (60) days of his intent to claim salvage in case an owner comes forward to claim property. the Territorial Court makes the final disposition on salvage vessels and titling.	I don't think we have any in Utah	Try to identify owner, then follow abandoned boat processes.	The officers only report it to the registration section who would conduct any follow-up necessary from that point.	Not aware of any in WV	We have no statutes, regulations, or even Department policy covering this beyond requireing them to notify us.

	Washington State
Question 2: Does your state have a law or requirement for registered vessels to have insurance including a salvage provision or rider?	No
Question 2: Additional Comment	
Question 3: If you answered yes to the previous question, please describe the law or requirement.	
Question 4: Does your state have any type of abandoned watercraft abatement program?	Yes
Question 4: Additional Comment	Background on Washington's Derelict Vessel Removal Program Legal Authorities, and How the Program Works Washington's 2001Legislature authorized the use of money in the state toxics account for cleanup and disposal of hazardous substances on abandoned and derelict vessels. The 2002 Washington State Legislature next addressed the removal and disposal of derelict vessels with an account set up to carry out these functions. Together, Washington State now had the statutory authority and funding to both clean up derelict vessels, and remove and dispose of them. Washington's Department of Natural Resources (DNR) is manager and steward of the 2.6 million acres of state-owned aquatic lands. Prior to the 2002 legislation, DNR had to rely on cooperation by the vessel owners, uncertain common law approaches such as trespass and nuisance actions, and complex federal actions to address derelict vessels. Both the United States Coast Guard (Coast Guard) and the Army Corps of Engineers (Corp) have federal authority to address derelict and abandoned vessels; but that authority is often constrained. The Coast Guard addresses vessels that pose a substantial threat to the environment or navigation channels. These problems usually are mitigated without removing and disposing of the vessel, and the Coast Guard does not have authority to remove and dispose of a vessel once the immediate threat has been removed. Likewise, the Corps has authority to remove floating or sunken debris, but only if that debris is a hazard to navigation. DNR has created an inventory of derelict vessels in the waters of Washington State. In addition, criteria have been developed to prioritize these vessels for removal. Because the funding of the derelict vessel removal account is limited each year, these criteria include consideration of environmental protection, threats to human health and safety, as well as threats to navigation, so the most damaging vessels can be removed first. http://apps.leg.wa.gov/RCW/default.aspx?cite=79.100
Question 5: If you answered yes to the previous question, please describe the program.	How the Derelict Vessel Removal Program Works An authorized public entity—most public agencies that own aquatic lands—has the discretionary authority to remove and dispose of a vessel within its jurisdiction that has become abandoned or derelict. Washington's DNR has an oversight role in the removal and disposal process. DNR also may remove any vessel within the jurisdiction of an authorized public entity that asks us to act in its place. Likewise, an entity may request DNR to allow it to remove a vessel within DNR's jurisdiction. Taking action on a Derelict Vessel - Prior to taking action on a vessel, the public entity must attempt to notify the vessel's owner of its intent to remove the vessel. Notice must be mailed to the last known address of any identifiable owners, posted clearly on the vessel, and printed in a newspaper in the county in which the vessel is located. All notices must include specified information, including the procedures that must be followed to reclaim possession of the vessel, possible financial liabilities, and the rights of the authorized public entity after custody of the vessel is claimed. Once the authorized public entity takes custody of a vessel, that entity may use or dispose of the vessel in any environmentally sound manner. However, the entity must first attempt to derive some value from the vessel either in whole or from scrap. If a value can be derived, then that amount will be subtracted from the financial liabilities of the owner. If the vessel has no salvageable value, then the public entity must use the least costly environmentally sound disposal method. Owner responsibility - The owner of a derelict or abandoned vessel is responsible for reimbursing the authorized public entity for all costs associated with the removal and disposal of that vessel. These costs include administrative costs and costs associated with any environmental damage caused by the vessel. An owner seeking to redeem a vessel that is in the custody of an authorized entity, or wishing to contest the amount of liability owed, must bring an action within 20 days of custody of the vessel. If a lawsuit is not commenced within 20 days, the right to a hearing will be waived. If a vessel is impounded by a marina operator, the owner has 10 days to contest the impoundment. Derelict Vessel Removal Account - The derelict vessel removal account was also created. It is funded through additional fees to boat registrations. The identification document required for a foreign vessel was raised from $25 to $30 and the annual vessel registration fee was raised from $10.50 to $12.50. Expenditures from this account may only be used to reimburse authorized public entities for up to 90 percent of the costs associated with removing and disposing of abandoned or derelict vessels when the owner of the vessel is unknown or unable to pay. The entity may contribute its 10 percent of removal costs through in-kind services. Priority for use of the account's funds must be given to the removal of vessels that are in danger of breaking up, sinking, presenting environmental risks, or blocking navigation channels. Prioritization guidelines are developed informally by DNR. http://www.dnr.wa.gov/RecreationEducation/Topics/DerelictVessels/Pages/Home.aspx
Question 6: Under whose responsibility do abandoned vessels fall in your state?	Washington's Department of Natural Resources (DNR)
Question 7: What steps do marine law enforcement officers take when dealing with documented salvage vessels?	An authorized public entity has the authority, subject to the processes and limitations of this chapter, to store, strip, use, auction, sell, salvage, scrap, or dispose of an abandoned or derelict vessel found on or above aquatic lands within the jurisdiction of the authorized public entity.

	Arkansas	Arizona	Connecticut
Question 2: What is your state's definition of "abandoned boat", "derelict vessel"? How much time has to elapse before a vessel is considered abandoned or derelict?	We don't have one.	Derelict Vessel not defined. Per R12-4-507: "Abandoned watercraft" means a watercraft that has remained on private property without the consent of the private property owner or has remained unattended on a highway, public street, or other public property, or waterway for more than seven days. A watercraft left under a written repair or storage order is not an abandoned watercraft.	An abandoned vessel is a vessel that has been left on the water unattended and unmoored or unanchored for more than 24 hours, or left on property other than the vessel owner's without permission for more than 24 hours. A derelict vessel is a vessel that is broken or altered to such an extent that it will not keep afloat with ordinary care. A harbormaster or authorized municipal representative may declare a vessel "derelict" and cause a notification of such to be affixed to the vessel. Once the notification has been affixed, the owner has 24 hours to remove the vessel.
Question 3: Do you have a definition of "seaworthy"? Do you have a process for removal by order? If yes to either, please explain.	No.	Seaworthy not defined	Connecticut has no definition for "seaworthy". Harbormasters may remove a vessel by order if the owner or master of the vessel willfully neglects or refuses the order of a harbormaster.
Question 4: What is the mechanism for determining and contacting an owner of record? What is the waiting period to hear from an owner?	Get owner information off of either the registration number or HIN if available.	Waiting Period is 180 days - see link below for entire Rule language (scroll down to R12-4-507): http://www.azsos.gov/public_services/title_12/12-04.htm#ARTICLE_5	To determine the owner of record of an abandoned boat, one must submit a form to the CT Department of Motor Vehicles requesting the information. There is a twenty dollar fee. Once the last owner of record is determined, contact by certified mail is generally required. The time for recourse by an owner of record varies; for an abandoned boat and liened vessel, there is a 60 day clock; for a vessel removed by order or a derelict vessel, the clock ranges from 15 days to 90 days.
Question 5: What is the process for advertising intent to sell and do you allow web notification in lieu of newspapers? Who must receive notice of intent to sell and how many days before sale?	State law does not define web-notification only newspaper for advertisement of abandoned property.	If the Department is unsuccessful in its attempt to identify or serve the registered owner under subsection (D)(2), the Department shall publish a notice of intent of the Director of the Department to transfer ownership of the abandoned or unreleased watercraft in a newspaper or other publication of general circulation in this state within 45 days of the Department's notification to the applicant as provided in subsection (D)(2). The published notice shall include a statement of the intent of the Director to transfer ownership of the watercraft as provided by R12-4-502 10 days after the notice is published, unless the Department receives notice from the registered owner refusing to release interest in the watercraft. The Department shall make available to the public upon request a description of the abandoned or unreleased watercraft subject to transfer of ownership	In announcing the sale of an abandoned vessel, liened vessel, derelict vessel, or vessel removed by order, CT does not currently allow web advertising in lieu of newspaper advertising. In the case of an abandoned boat, the owner of the vessel and the commissioners of the DEP, DOT and DMV must be notified of the sale at least five days before the sale, and such sale must be noticed in a local newspaper three times at least five days prior to the sale. In the case of a liened vessel, the owner and any lienholders must be notified, and the sale must be noticed in a newspaper three times at least seven days prior to the sale. The process is similar for derelict vessels and vessels removed by order.
Question 6: Can a customer keep the vessel without selling it? What is the mechanism for sale? After the sale what happens to the money in excess of storage/recovery fees?	They can file for abandoned property through their local county court.	If not reported stolen, and if HIN is present and unaltered, then yes the customer can keep teh vessel without selling it.	In the case of an abandoned boat the customer can "sell" the abandoned vessel to himself for the value of the storage he has provided, or if he doesn't want it, can sell it to the public. In the case of a liened vessel, a vessel removed by harbormaster order, or a derelict vessel, the vessel must be auctioned publically. Proceeds from the sale are used to satisfy outstanding storage or mechanics charges, then any other valid liens, then the previous owner, if known. Any proceeds not distributed after a year escheat to the state.
Question 7: Do you have any other mechanisms for removal/disposal of vessels other than derelict, liened, etc.? If so what?	No	No	Yes
Question 8: For natural disaster, is there a different process for dealing with displaced vessels?	No	No	Yes
Question 9: If yes to previous question, please explain.			Current plans, although still being refined, call for the collection of vessels abandoned in public right-of-ways to a centralized location for processing and/or disposal. Otherwise, processing will generally be consistent with the standard abandoned boat procedure. Vessels abandoned on private property will be handled in a manner consistent with standard abandoned boat procedure.
Question 10: Does your state offer grants to dispose of abandoned vessels?	No	No	No
Question 11: If yes to previous question, please outline the process including the source of revenue.			N/A

	Delaware	District of Columbia	Hawaii
Question 2: What is your state's definition of "abandoned boat", "derelict vessel"? How much time has to elapse before a vessel is considered abandoned or derelict?	a vessel left illegally or remained without permission for more than 30 days on public property, found adrift or unattended in public waters and is found in a condition of disrepair that constitutes a hazard or obstruction to the use of public waters or subaqueous lands of the state or presents a potential or actual health or environmental hazard.	6 months before considered abandoned.	A vessel is considered abandoned if it left unattended for a continuous period exceeding 30 days. A derelict vessel is one that has been left unattended for a continuous period of more than 24 hours and is in danger of sinking, sunk, not registered, etc. The definitions can be found a Chapters 200-41and 200-48, Hawaii Revised Statutes.
Question 3: Do you have a definition of "seaworthy"? Do you have a process for removal by order? If yes to either, please explain.	no definition for seaworthy. DFW Enf. may seize, remove, transport, preserve, store or dispose of any abandon vessel or property relating to the vessel. The DFW Enf. may not be liable for any damages to the abandon vessel or property relating to the a vessel during seizure, removal, transportation, preservation , storage or disposition.	No definition.	No definition of seaworthy but we do have a process for impounding vessels. Depending on the circumstances a vessel can be impounded with 72 hours notice.
Question 4: What is the mechanism for determining and contacting an owner of record? What is the waiting period to hear from an owner?	A person finding a vessel that is adrift, abandon, lost or stolen property, it must be turned in to DFW Enforcement for disposition. DFW Enf. must keep it for 6 months. Public sale of the boat after 6 months must be in 1or more daily newspapers each week for 2 successive weeks prior to the sale. If there are any records for boat registration, a notice in registered mail to the owner 10 days before the sale of the vessel to the owner or lienholder.	If a vessel has an identification number or other means of identifying its owner, the landowner desiring to acquire a title shall secure, if possible, the last known address of the owner and of the lien holder, if any, appearing on the Harbor Master's records. The landowner shall notify the owner and the lien holder by registered letter to their last known addresses that, unless their ownership is claimed and the vessel removed within thirty (30) days, the landowner shall apply for title to the vessel in his or her name. If the vessel's owner or lien holder cannot be identified or address ascertained from the Harbor Master's records, it is not necessary to send the letter.	We send certified mail and it is deemed to be received 5 days from the date of mailing.
Question 5: What is the process for advertising intent to sell and do you allow web notification in lieu of newspapers? Who must receive notice of intent to sell and how many days before sale?	failure to claim the vessel within 6 months, a description of the vessel must be adverised for 2 successive weeks in 1or more daily newspapers. If there is a valid boat registration, a registered mail letter will be sent to the owner or lienholder at least 10 days before the sale.	The landowner desiring to acquire title shall also place in a newspaper of general circulation published in the District a notice describing the vessel, the vessel's location, and any identifying number. The landowner shall state in the notice that unless the vessel is claimed and removed within thirty (30) days after the publication date of the paper, the landowner will apply for title to the vessel in his or her name. No web notification in lieu of newspapers	Only by newspaper.
Question 6: Can a customer keep the vessel without selling it? What is the mechanism for sale? After the sale what happens to the money in excess of storage/recovery fees?	any recovered vessel must be turned over to DFW Enf. to be stored for at least 6 months. Money from the sale at a state auction or public sale must be place in the State's General Fund account, but only liens on the vessel or property paid and any expenses incurred by the DFW Enf. or by the person turning over the vessle are paid. Reimbursable expense include all direct expenses associated with the seizure, removal, transportation, preservation, storage, and disposla of a vessel or property relating to the vessel.	Yes. Once the vessel is titled in their name they can dispose of it as they wish. At the end of the thirty-day (30) period the person desiring to acquire title shall apply to the Harbor Master for title to the vessel in his or her name on forms approved by the Harbor Master, and the landowner shall provide the Harbor Master the following affidavits: (a) A statement that the vessel apparently has been abandoned for at least six (6) months (b) Proof that the registered letter was mailed at least thirty (30) days before the application or a detailed explanation of the unsuccessful steps taken to identify the owner or lien holder and secure his or her address; and (c) Proof that a notice was published in a newspaper as required in § 1010.7. Upon receipt of the material required in § 1010.9 and payment of any fees and taxes due, the Harbor Master shall issue title to the vessel to the applicant. The applicant shall be responsible for any costs incurred in receiving title to a vessel under this section. After receiving title, if the applicant destroys or disposes of the vessel, the applicant shall report this information to the Harbor Master within fifteen (15) days and describe in detail the destruction of the vessel.	A person may reclaim the vessel if they pay all impoundment fees as well as any back mooring fees owed. If the vessel is valued at under $5,000 and not reclaimed it is destroyed and if it valued over $5,000 it is sold at auction.
Question 7: Do you have any other mechanisms for removal/disposal of vessels other than derelict, liened, etc.? If so what?	No	Yes	
Question 8: For natural disaster, is there a different process for dealing with displaced vessels?	No	No	No
Question 9: If yes to previous question, please explain.		The Harbor Master may receive title to any vessel apparently abandoned on District Waters or on any land owned by the District by proceeding in the same manner.	
Question 10: Does your state offer grants to dispose of abandoned vessels?	No	No	No
Question 11: If yes to previous question, please outline the process including the source of revenue.			

	Indiana	Kansas	Kentucky	Louisiana	Maine - Coastal
Question 2: What is your state's definition of "abandoned boat", "derelict vessel"? How much time has to elapse before a vessel is considered abandoned or derelict?	We do not have written definition of "Abandon" IC 14-15-3-30 (3) If the owner of an impounded watercraft cannot be found, the impounded watercraft shall be held at a place of safekeeping for at least ninety (90) days.	any vessel on public waters or public or private land which remains unclaimed for a period of 15 consecutive days.	We have neither of these defined	Currently we have no definition of abandoned vessel...see number 4.	Utilize USCG standard
Question 3: Do you have a definition of "seaworthy"? Do you have a process for removal by order? If yes to either, please explain.	We do not have a definition of seaworthy. Our authority to remove a vessel is established by statute. Any additional court order is not required.	A property owner must file an affidavit noting the reason why the vessel is claimed to be abandoned. A law enforcement officer may order the removal for interference with navigation, unclaimed on public waters for 15 days, vessel is reported as stolen, owner/operator of vessel is incapacitated to a point to prohibit removal or the person was taken into custody by an officer.	N/A	No.	Utilize USCG standard
Question 4: What is the mechanism for determining and contacting an owner of record? What is the waiting period to hear from an owner?	We attempt to contact last known owner by registered letter. We have a waiting period of at least 90 days set by statute	A real property owner must give a 5 day notice to the last registered vessel owner before removal of the vessel. Waiting period for response is 180 days.	do not have a process	Currently, we have no mechanism or waiting period. We are in the process of receiving statutory authority in the current legislative session to create administrative procedures regarding abandoned, stored, towed,etc...vessels.	State Registration records / federal documentation records
Question 5: What is the process for advertising intent to sell and do you allow web notification in lieu of newspapers? Who must receive notice of intent to sell and how many days before sale?	Any surplus equipment, forfeited equipment, or abandoned boats are sold at public auction at our Quartermaster Depot. We can only sell forfeited equipped which has been addressed by the court and we have been given an order by the court. Abandoned boats can be sold after every atttempt to locate the owner has been exhausted and at least 90 days have passed.	Sale from the sheriff from a vessel abandoned from a rental facility is 3 publications and web would suffice. If from a real property owner or public waters there is no publication.	N/A	see 4	Seizure and liabel with District Court - "public notice 30 Days"
Question 6: Can a customer keep the vessel without selling it? What is the mechanism for sale? After the sale what happens to the money in excess of storage/recovery fees?	if for example, a wrecker service is contacted to haul and store an abandoned vessel which is never claimed. They can apply to the Bureau of Motor Vehicles for a salvage title, the same as a vehicle.	Only time a customer should be allowed is by order of the court. Sheriff should conduct the sale unless under the jurisdiction of Ks. Wildlife and Parks. Money in excess of storage fees goes to the State Treasury unless abandoned on public waters then the $ go to the property of the LE agency that handled the abandonment.	Kentucky Law allows for a mechanics lein	see 4	Once claimed as State property - the Sale is completed by Division of Financial and Administrative Servise - Surplus - proceeds go to General Fund
Question 7: Do you have any other mechanisms for removal/disposal of vessels other than derelict, liened, etc.? If so what?		No	No	No	No
Question 8: For natural disaster, is there a different process for dealing with displaced vessels?	No	No	No	Yes	No
Question 9: If yes to previous question, please explain.					
Question 10: Does your state offer grants to dispose of abandoned vessels?	No	No	No	No	No
Question 11: If yes to previous question, please outline the process including the source of revenue.					

	Maryland	Minnesota	Montana	Nevada
Question 2: What is your state's definition of "abandoned boat", "derelict vessel"? How much time has to elapse before a vessel is considered abandoned or derelict?	Boat is an "abandoned vessel" if it either 1) is left illegally or has remained without permission for more than 30 days on private property, 2) has remained on private property without the consent of the owner for more than 90 days, or 3) has been found adrift or unattended in or upon the waters of the state and is found in a condition of disrepair as to constitute a hazard or obstruction to the use of the waters of the state or presents a potential health or environmental hazard.	None	Not defined	The abandonment of any vessel in a manner prohibited by subsection 1is prima facie evidence that the last registered owner of record, unless he has notified the Department or other appropriate agency of his relinquishment of title or interest therein
Question 3: Do you have a definition of "seaworthy"? Do you have a process for removal by order? If yes to either, please explain.	We have no definition for seaworthy. There is no process for removal by order of the court unless it meets the definition indicated in question #2.	Seaworthy, no def. Our statutes allow the local unit of govt. to remove a sunken boat or vehicle and charge up to 5 times the cost of removal - if the owner does not do so	No	NO seaworthy definition... A game warden, sheriff or other peace officer of this state may remove a vessel from a public waterway when nav hazard, stolen, or owner is incapacitated and unable to remove it.
Question 4: What is the mechanism for determining and contacting an owner of record? What is the waiting period to hear from an owner?	The last registered owner is the responsible party for the vessel. Owner is contacted by certified mail. If DNR can't get in contact with last registered owner (letter comes back undeliverable), then the vessel is published in local newspaper with 30 days of seizure of the vessel or within 15 days of return of certified mail notice as undeliverable. If vessel is removed intact, notice must be sent be certified mail to the last registered boat owner not later than 15 days after DNR takes custody of vessel.	Usually the reg. number of HIN for boats. The owner has 30 days to get it out, or sooner if the local unit decides it is a hazard	Contact Dept. of Motor Vehicle	1 A peace officer may attempt to identify the registered owner of a vessel abandoned on private property by inspection of the vessel to supply the information to the property owner. The property owner must give 5 days' notice to the last registered owner before causing the removal of the vessel.
Question 5: What is the process for advertising intent to sell and do you allow web notification in lieu of newspapers? Who must receive notice of intent to sell and how many days before sale?	Postage notice must be by certified mail and/or in a local newspaper if owner can not be located. Web is not allowed by statute at this time. If the boat owner fails to claim the vessel within 3 weeks after the certified mail notice or public notice is given, then the vessel can be sold.	N/A	(5) If the identity of the last-registered owner cannot be determined, if the registration does not contain an address for the owner, or if it is impossible to determine with reasonable certainty the identity and addresses of all lienholders, notice by one publication in one newspaper of general circulation in the county where the motor vehicle is being stored is sufficient to meet all requirements of notice pursuant to this part. The notice by publication may contain multiple listings of abandoned vehicles.	Failure to reclaim the vessel within 180 days after the date the notice is mailed constitutes a waiver of interest in the vessel by any person having an interest in the vessel and the vessel shall be deemed abandoned for all purposes.
Question 6: Can a customer keep the vessel without selling it? What is the mechanism for sale? After the sale what happens to the money in excess of storage/recovery fees?	The owner is responsible for all storage and recovery fees. The customer can reclaim the vessel with 3 weeks upon payment to DNR for all related costs.	N/A		A law enforcement agency to which a certificate of ownership is issued pursuant to subsection 6 may use, sell or destroy the vessel, and shall keep a record of the disposition of the vessel. All proceeds from the sale of the vessel become the property of the law enforcement agency.
Question 7: Do you have any other mechanisms for removal/disposal of vessels other than derelict, liened, etc.? If so what?	No	Yes	No	Yes
Question 8: For natural disaster, is there a different process for dealing with displaced vessels?	Yes	No	No	No
Question 9: If yes to previous question, please explain.	In the case of a natural disaster, the same definitions for abandoned boats apply. However, the boat owner is not responsible for any costs to remove an abandoned boat caused by an act of God or negligence by a third party.	For Q. 7 - For the third DWI conviction in 10 years DNR or the sheriff's office can take the boat & trailer.		explained in 5 above
Question 10: Does your state offer grants to dispose of abandoned vessels?	Yes	No	No	No
Question 11: If yes to previous question, please outline the process including the source of revenue.	Local jurisdictions can apply for a state DNR grant. Typical grants range from $10,000 to $50,000 per jurisdiction annually.			we use EPA grant funds based on hazardous waste, however we have very few abandoned boats so they don't mind

	New Jersey	New Mexico	New York	North Dakota	Ohio
Question 2: What is your state's definition of "abandoned boat", "derelict vessel"? How much time has to elapse before a vessel is considered abandoned or derelict?	moored, grounded, docked, attached or fastened to public or private land or waterway without consent for more than 7 days, or submerged partially or completely for any period of time.	No definition of these terms. (30 days under abandoned property rule)	We define a wreck as any wrecked property other than an abandoned historic wreck. Not too broad, ya think. No time specified.	No	It would depend on if its left on public property or private property and the value.
Question 3: Do you have a definition of "seaworthy"? Do you have a process for removal by order? If yes to either, please explain.	no	No definintion, no process for removal by order.	The term seaworthy is used but not defined. We do not have a prescribed process for removal.	NO	No. A Court Order is good as gold.
Question 4: What is the mechanism for determining and contacting an owner of record? What is the waiting period to hear from an owner?	entity seeking title must use all possible means to ID owner, send registered letter, advising that vessel will be removed within 30 days, and that they (entity seeking title)will apply for title	The owner of record must make contact with the controlling entity within 30 days.	NY law speaks more of wrecks as wrecked property no so much vessels. As such property is not typically identifiable as to owner. Law describes claims and sales process.	We track down previous owner by decal number on boat.	It depends on if it is public or private property. On private, it is 45 days. Some public is only 72 hours.
Question 5: What is the process for advertising intent to sell and do you allow web notification in lieu of newspapers? Who must receive notice of intent to sell and how many days before sale?	in addition to that stated in 4, above, entity seeking title must place add in paper in county/municipality where vessel is located. Add must state that vessel must be removed within 30 days of publication, or entity seeking title, will apply for title.	If names and addresses of all lienholders and owners of record are available they must be informed by certified mail, return receipt requested. Newspaper legal notices are still required, web notification is not identified.	Public auction notice.	N/a	No web. It must be run in a local newspaper at least once per week for two consecutive weeks. It would just be a public notice.
Question 6: Can a customer keep the vessel without selling it? What is the mechanism for sale? After the sale what happens to the money in excess of storage/recovery fees?	entity receiving title may keep, sell, or destroy vessel. Previous owner may be required to pay cost of destruction, removal, and costs associated with title process.	Yes, the controlling entity can keep or dispose of the vessel without selling it. The mechanism for sale depends on the controlling entity; government vs. privte. The excess funds are retained by the controlling entity, not many profit margins are realized on these transactions.	yes	n/a	Yes, if no one bids on it. This is on private property only. Any excess money goes into the local county general revenue fund.
Question 7: Do you have any other mechanisms for removal/disposal of vessels other than derelict, liened, etc.? If so what?	Yes	No	No	No	No
Question 8: For natural disaster, is there a different process for dealing with displaced vessels?	Yes	No	No	No	No
Question 9: If yes to previous question, please explain.	12:7C-9 states that it is unlawful to abandon any vessel...except when an emergency exists	N/A			
Question 10: Does your state offer grants to dispose of abandoned vessels?		No	No	No	No
Question 11: If yes to previous question, please outline the process including the source of revenue.	unknown	N/A			

	Oregon	Pennsylvania	Puerto Rico	Rhode Island	Tennessee
Question 2: What is your state's definition of "abandoned boat", "derelict vessel"? How much time has to elapse before a vessel is considered abandoned or derelict?	A person commits the offense of abandoning a boat, floating home or boathouse if the person leaves a boat, floating home or boathouse on the waters of this state or upon any public or private property except with the permission of the property owner, or at an established or attended moorage or in any area leased for occupation by the Department of State Lands	no definition specified for either. A boat has to be left without permission on private property for a period of 45 days to be deemed abandoned	We don't have definition of abandoned boat in our law	no formal definition	Vessel could be considered abandoned if left on public property unattended for more than 30 days. We do not have a definition fro derelict vessel.
Question 3: Do you have a definition of "seaworthy"? Do you have a process for removal by order? If yes to either, please explain.	We leave that to the local removal authority, defined as a port, county or other political subdivision. A removing authority may immediately take custody of a boat, floating home or boathouse that is disabled, abandoned or left unattended on the waters of this state and that is in such a location as to constitute a hazard or obstruction to other boats, floating homes or boathouses using the waterway.	no	No	no	No to both questions
Question 4: What is the mechanism for determining and contacting an owner of record? What is the waiting period to hear from an owner?	We must issue a "Notice of Intent to Take Custody." There is a 30 day period of marking the boat and advertising it as abandoned. Described in ORS 830.917.	The Commission notifies the last owner of record and they have 30 days to respond and remove the vessel		usually through registration information or hull #. When we contact we give him a deadline	Contact Tennessee Wildlife Resources Agency Boating Division to determine owner and contact owner. 30 days is the waiting period to hear from owner
Question 5: What is the process for advertising intent to sell and do you allow web notification in lieu of newspapers? Who must receive notice of intent to sell and how many days before sale?	This is left to the local removal authority. They typically do an auction which is advertised in local media. Generally there is no value so it goes to scrap.	Newspaper for at least 3 days	n/a	we don't sell	Advertising must be in local newspaper once a week for two weeks . Notification must go to last registered owner by certified mail.
Question 6: Can a customer keep the vessel without selling it? What is the mechanism for sale? After the sale what happens to the money in excess of storage/recovery fees?	All money from a sale must be used to reimburse the removal and disposal costs. I don't think we've ever had a case where the value exceeded these costs.	A person may claim ownership of a vessel left on private property; a vessel found abandoned on public property or on a waterways is claimed by the state.	n/a		Customer can register the boat for their own use. Excess money goes to the county where the sale was.
Question 7: Do you have any other mechanisms for removal/disposal of vessels other than derelict, liened, etc.? If so what?	No	No	No	No	No
Question 8: For natural disaster, is there a different process for dealing with displaced vessels?	No	No	No	No	No
Question 9: If yes to previous question, please explain.	It would be the same. The owner is responsible. If the boat sinks from a storm and the owner will not or cannot remove it, they are cited for abandonment. We would help fund removal through the local removal authority and seek reimbursement through civil court.				
Question 10: Does your state offer grants to dispose of abandoned vessels?	Yes	No	No	No	No
Question 11: If yes to previous question, please outline the process including the source of revenue.	If the boat, floating home or boat house meets the basic criteria, we will reimburse the removal authority up to 75% of the cost of removal.				

	Texas	Utah	Vermont	Virginia
Question 2: What is your state's definition of "abandoned boat", "derelict vessel"? How much time has to elapse before a vessel is considered abandoned or derelict?	There is not a clear definition for watercraft. The definition that refers to the amount of time applies to motor vehicles.	(1) A vehicle, vessel, or outboard motor is abandoned and inoperable when: (a) the vehicle, vessel, or outboard motor has been inspected by an authorized investigator or agent appointed by the commission; and (b) the authorized investigator or agent has made a written determination that the vehicle, vessel, or outboard motor cannot be rebuilt or reconstructed in a manner that allows its use as designed by the manufacturer. No time frame.	We have no statute to cover abandoned boats specificly, instead using the statutes that apply to all abandoned property with a value of over $25.00 dollars.	Not defined in our code section. The boat must have been abandoned 60 days before application can be made.
Question 3: Do you have a definition of "seaworthy"? Do you have a process for removal by order? If yes to either, please explain.	No.	(1) A vehicle, vessel, or outboard motor is abandoned and inoperable when: (a) the vehicle, vessel, or outboard motor has been inspected by an authorized investigator or agent appointed by the commission; and (b) the authorized investigator or agent has made a written determination that the vehicle, vessel, or outboard motor cannot be rebuilt or reconstructed in a manner that allows its use as designed by the manufacturer.	n/a	Not in our code section. Local ordnances may have such an order.
Question 4: What is the mechanism for determining and contacting an owner of record? What is the waiting period to hear from an owner?	Legal title is used to determine ownership.	(3) Upon a determination that a vehicle, vessel, or outboard motor is inoperable and cannot be rebuilt or reconstructed, the vehicle, vessel, or outboard motor may be converted to scrap or otherwise disposed of without necessity of compliance with the requirements of Sections 41-1a-1010 and 41-1a-1011 (exempt from requirements of impound procedures)	authorities run the hin number or registration info to determine last known owner.	If a VA registered boat, we can freely give out name and address of the owner, other states have similar or laws that prevent release of owner information. Usually with few exceptions owner information can be obtained. We require certified letters to owners and lienholders. We use 15 days as a reasonable response time after the aplicant has sent the required letter.
Question 5: What is the process for advertising intent to sell and do you allow web notification in lieu of newspapers? Who must receive notice of intent to sell and how many days before sale?	Handled by local agencies. Notice is by newspaper. Notice of intent to sell is sent to last registered owner and leinholder(s). # of days not specified by statute.	Not outlined	We do both.	A newspaper add must run 3 consecutive issues and give 30 days notice of intent to gain title to the boat under the abandoned boat law. Our code requires newspaper adds. Intent to claim title under the abandoned boat law must be sent via certified mail to the owner(s) and lienholder.
Question 6: Can a customer keep the vessel without selling it? What is the mechanism for sale? After the sale what happens to the money in excess of storage/recovery fees?	No. Must be impounded by agency who attempts to contact registered owner. Unclaimed vessels are auctioned by the local agency. Access money can be deposited to the agency that handled the sale.	2) (a) Before issuing a written determination under Subsection (1), a signed statement is required from the purchaser of the vehicle, vessel, or outboard motor for salvage, identifying the vehicle, vessel, or outboard motor by identification number and certifying that the inoperable vehicle, vessel, or outboard motor will not be rebuilt, reconstructed, or in any manner allowed to operate as designed by the manufacturer.	They must apply for a title throough DMV as an abaondoned vehicle.	Yes. Under the abandoned boat law, title is transferred to the applicant and they can do as they please with the boat. Mechanism for sale is no different than any other boat sale. If the abandoned boat law is used there is no provision for excess monies. I am assuming your questions pertain to the abandoned boat law and not the mechanics liens or self service storage liens which require auction of the boat and dictate dispersion of excess monies to the claimant, the owner and any lienholder.
Question 7: Do you have any other mechanisms for removal/disposal of vessels other than derelict, liened, etc.? If so what?	No	No	No	Yes
Question 8: For natural disaster, is there a different process for dealing with displaced vessels?	No	No	No	No
Question 9: If yes to previous question, please explain.				You have no space for response to # 7 above. We have the abandoned boat law, mechanics liens, estray and drift and self service storage liens which can apply. Each has different procedures. I am responding primarily to the abandoned boat law. I can send you the code sections for each if needed as it is more detail than allowed for in this survey. For # 8 above, I have no knowledge of any special provisions for natural disasters.
Question 10: Does your state offer grants to dispose of abandoned vessels?	Yes	No	No	No
Question 11: If yes to previous question, please outline the process including the source of revenue.	Process is handled by General Land Office and vessel must qualify for fundes.			To the best of my knowledge the answer is no to # 10 above.

Appendix B.

	Washington State	West Virginia	Florida
Question 2: What is your state's definition of "abandoned boat", "derelict vessel"? How much time has to elapse before a vessel is considered abandoned or derelict?	RCW 79.100 (1) "Abandoned vessel" means a vessel that has been left, moored, or anchored in the same area without the express consent, or contrary to the rules of, the owner, manager, or lessee of the aquatic lands below or on which the vessel is located for either a period of more than thirty consecutive days or for more than a total of ninety days in any three hundred sixty-five-day period, and the vessel's owner is: (a) Not known or cannot be located; or (b) known and located but is unwilling to take control of the vessel. For the purposes of this subsection (1) only, "in the same area" means within a radius of five miles of any location where the vessel was previously moored or anchored on aquatic lands. (5) "Derelict vessel" means the vessel's owner is known and can be located, and exerts control of a vessel that: (a) Has been moored, anchored, or otherwise left in the waters of the state or on public property contrary to RCW 79.02.300 or rules adopted by an authorized public entity; (b) Has been left on private property without authorization of the owner; or (c) Has been left for a period of seven consecutive days, and: (i) Is sunk or in danger of sinking; (ii) Is obstructing a waterway; or (iii) Is endangering life or property. (3)(a) If a vessel is: (i) In immediate danger of sinking, breaking up, or blocking navigational channels; or (ii) poses a reasonably imminent threat to human health or safety, including a threat of environmental contamination; and (iii) the owner of the vessel cannot be located or is unwilling or unable to assume immediate responsibility for the vessel, any authorized public entity may tow, beach, or otherwise take temporary possession of the vessel.	not defined	Florida Statute 823.11(1) A Derelict Vessel is any vessel (as defined in Florida Statute 327.02) that is left or stored or abandoned: - in a wrecked, junked or substantially dismantled condition upon any public waters of this state at any port in this state without consent of the agency having jurisdiction thereof docked or grounded at or beached upon the property of another without the consent of the owner of the property
Question 3: Do you have a definition of "seaworthy"? Do you have a process for removal by order? If yes to either, please explain.	No definition of seaworthy. Not sure what you mean by "removal by order".	no	The State of Florida does not define "Seaworthy" in Florida Statute, therefore it uses the term in accordance with Maritime Law.
Question 4: What is the mechanism for determining and contacting an owner of record? What is the waiting period to hear from an owner?	Vessel owner is contacted by mail using state vessel registration database and/or USCG public database (NOAA vessel look up by name or document number) in conjunction with Accurint law enforcment database and whatever contact info can be found on the internet or from local sources. We phone the owner if we can find a phone number and if vessel is an imminent problem. Waiting period to destroy the boat is at least 30 days. Waiting period to take action varies on threat the boat poses. RCW 79.100.040 (3)(a) If a vessel is: (i) In immediate danger of sinking, breaking up, or blocking navigational channels; or (ii) poses a reasonably imminent threat to human health or safety, including a threat of environmental contamination; and (iii) the owner of the vessel cannot be located or is unwilling or unable to assume immediate responsibility for the vessel, any authorized public entity may tow, beach, or otherwise take temporary possession of the vessel.	If registered-officers attempt to contact owner in person or via mail.	Due diligence is expected of every law enforcement officer to make every reasonable attempt to contact the registered owner or the party responsible for the vessel. The procedures for abandoned property must be followed under Florida Statute 705.103. A certified letter is to be sent to the last known registered owner. Five days from the date of posting and sending the certified letter the vessel may be removed and destroyed per Florida Statute 705.103(2)
Question 5: What is the process for advertising intent to sell and do you allow web notification in lieu of newspapers? Who must receive notice of intent to sell and how many days before sale?	For public entities using the derelict vessel removal act (RCW 79.100) the agency must take custody of the vessel (at least a 30 day process) which includes mail notice to last registered owner, web posting, newspaper posting and physical notice on boat. After custody, vessel can be destoyed or sold without further notice. For public and private marinas to seize and sell a boat they follow different process described in Revised Code of Washington 53.08 and 88.26 respectively. Web posting is in addition to newspaper.	no written policy	Derelict vessels are not sold. A derelict vessel has no intrinsic value and will therefore, not be sold. Florida Statute 705.103(b) requires notification be done in a local newspaper only for "found property" valued at more the $100.00.
Question 6: Can a customer keep the vessel without selling it? What is the mechanism for sale? After the sale what happens to the money in excess of storage/recovery fees?	Not sure what you mean by customer. Owner may remove boat prior to custody date and keep it. After sale of a vessel under the derelict vessel act net monetary gain is deposited back into derelict vessel removal account. Not sure about net gain under port or private marina statutes.	if a garage towed vessel they can obtain a lien and sell the vessel via magistrate court.	An individual that would claim a derelict vessel as found property must be willing to bring the vessel into compliance immediately. Therefore the claimant must be able to remove the vessel from the waters of the state upon filing the claim.
Question 7: Do you have any other mechanisms for removal/disposal of vessels other than derelict, liened, etc.? If so what?	Yes	No	In the event a vessel were not derelict but were in violation of Florida Statute the vessel may be removed through the petition for a court order to do so. For example, any vessel that is in violation of Florida Statute 327.53 (Marine Sanitation) that fails to bring the vessel into compliance within thirty days may be removed from the water, at the owners expense, through a court order.
Question 8: For natural disaster, is there a different process for dealing with displaced vessels?	No	No	Yes
Question 9: If yes to previous question, please explain.	We have public nuisance and trespass statutes that can be used against vessel owners but they generally are only useful if the owner has the means to remove the boat him/herself.		During natural disasters ACOE and Florida DEP have waved permitting requirements. All other procedures must be followed.
Question 10: Does your state offer grants to dispose of abandoned vessels?	No	No	While the DV program is not funded at this time by the legislature, there is a grant program totaling $300,000.00 per year available to the counties throughout Florida to pay for the removal of derelict vessels.
Question 11: If yes to previous question, please outline the process including the source of revenue.	We put forth a proposed "vessel amnesty" pilot project in the last legislative session. It died. May be revived next year. Proposed to use a portion of the derelict vessel removal account which is funded from boater registration fees.		