

State of Connecticut

Abandoned and Derelict Vessel (ADV) Legislative and Administrative Review - 2015

NOAA Marine Debris Region:
Northeast



Definition of a Vessel

Connecticut state statutes define a “vessel” in the following manner under Conn. Gen. Stat. § 15-127:

Vessel: means every description of watercraft, other than a seaplane on water, used or capable of being used as a means of transportation on water.

Definition of an Abandoned and/or Derelict Vessel

Connecticut law provides a legal definition for derelict vessels under Harbors and Rivers Conn. Gen. Stat. § 15-3(a)(1), but does not explicitly define an “abandoned” vessel.

Derelict Vessel: means any vessel, scow, lighter or similar floating structure or part thereof, whether or not moored, anchored or made fast to shore, that is broken or altered to such an extent that it will not keep afloat with ordinary care.

Formal State Program for Abandoned/Derelict Vessels

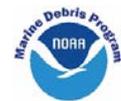
The State of Connecticut passed a new “Act concerning Abandoned Vessels” in 2014, which took effect in January of 2015. This new statute, established under Public Act No. 14-57, repealed the older version of Conn. Gen. Stat. § 15-140c and replaced it with a more comprehensive set of laws to address the issue of vessel abandonment in Connecticut state waters, and set up a more comprehensive online state program for dealing with abandoned vessels. The state program, which is administered by the Department of Energy and Environmental Protection, includes provisions for dealing with ownership/party of standing, notification, liens, liability for costs, and removal.

Under Conn. Gen. Stat. § 15-140c(c), it is a violation to abandon any vessel in state waters and “No person shall abandon any vessel on the waters of this state or upon property other than his own without the consent of the owner thereof.” Pursuant to Conn. Gen. Stat. § 15-140c(m), any person who abandons a vessel shall have committed a violation and shall be fined not less than \$300 nor more than \$500, except if such abandonment occurred during a declared emergency and as a result of the conditions that caused such emergency to be declared.

This new act did not modify the existing legislation for derelict vessels found under the jurisdiction of ports and harbor masters, which are addressed separately under Conn. Gen. Stat. § 15-11(a). Under this legislation it is dependent upon duly authorized harbor masters to determine if a vessel is derelict and requires removal. The derelict vessel program addresses ownership determination, notification, liability for costs and the taking of the vessel and is administered by the Department of Transportation and its harbor masters.

Designation of Abandoned and/or Derelict Vessels

Under Conn. Gen. Stat. § 15-140c, a vessel is assumed to be abandoned, if left unattended, by the following criteria:



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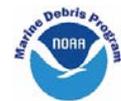
- 1) Left on the waters of this state not moored, anchored or made fast to the shore and unattended for a period greater than twenty-four hours,
- 2) left upon property other than his own without the consent of said property owner for a period greater than twenty-four hours, except in the case where a tenant leaves a vessel behind on property such tenant formerly rented, leased or occupied, in which case such vessel shall be presumed to be abandoned ninety days after termination of occupancy by such tenant,
- 3) left at a mooring for more than sixty days since receipt of the last full payment,
- 4) left at a storage facility, repair facility or other commercial facility for more than one year since receipt of the last full payment by such facility,
- 5) found during a declared emergency pursuant to chapter 517:
 - a) In a public right-of-way and that hinders access to a public right-of-way or hinders access to public utilities, or
 - b) in a location or condition that creates an imminent danger to public safety or to the environment, or
- 6) left upon the waters of the state for more than twenty-four hours and such vessel is not properly registered.

According to criteria 3 and 4 (above) a vessel is also considered to be abandoned if left at a business, which has agreed to provide a service to the owner of the vessel (i.e. - maintenance, repair or storage), with fees unpaid for the period of time stated. However, within 60 days after work has ceased a lien can be filed by the business with the state and placed on the vessel. If the lien is not met and dissolved by the current owner, the vessel can be sold following the guidelines of the state (See generally, Conn. Gen. Stat. § 49-55 to § 49-59).

Under Conn. Gen. Stat. § 15-140c(b), if a vessel is believed to be abandoned the last owner of record at the time it was abandoned, as recorded with the governmental entity that registered it, is presumed to be the person who abandoned it, or caused its abandonment, unless the owner can provide sufficient evidence that the vessel was transferred to another individual or entity.

If a vessel is thought to be abandoned only a party with standing can initiate the abandoned vessel procedures, pursuant to Conn. Gen. Stat. § 15-140c. In order to be recognized as a party of standing one of the following criteria listed must be met, as outline under Conn. Gen. Stat. § 15-140c(c):

- 1) The owner of the property where the abandoned vessel came to rest or to which the abandoned vessel was made fast;
- 2) Any harbormaster, police department, municipality or agent of the state that agrees to accept or process an abandoned vessel;
- 3) Any emergency responder, including a responding utility, or any person or firm contracted by a governmental agency to provide emergency services and responding to a bona fide emergency in a declared emergency pursuant to chapter 517 or the aftermath of a declared emergency; and
- 4) Any licensed motor vehicle dealer who is authorized to tow or transport, in accordance with section 14-66, or any professional marine salvager when such dealer or salvager is engaged by any of the persons described in subdivisions (1) to (3), inclusive, of this subsection.



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The Commissioner of Energy and Environmental Protection (Commissioner) will notify the Secretary of the State of any notice of abandoned vessel who will, in turn, provide the commissioner with any financial statements on the vessels including liens (Conn. Gen. Stat. § 15-140c(e)). According to Conn. Gen. Stat. § 15-140c(f), any party with a lien recorded with the Secretary of State may seek a writ of attachment in accordance with the provisions of Conn. Gen. Stat. § 49-55(d). All interested parties including the owner, lienholder, and those with a security interest will be notified of the intent to deem the vessel as abandoned and provided with its status, location and record of liens currently placed on the vessel. After being notified the owner will be provided with an opportunity pay the liens and remove or store the vessel; otherwise the vessel will be deemed abandoned.

According to Conn. Gen. Stat. § 15-140c(f)(3), any lienholder or person with a security interest may request that the Commissioner suspend the abandoned vessel procedures pursuant to subsection (h) of this section for the purpose of arranging for the removal, transport or storage of an abandoned vessel. Any party with a lien or a security interest in the vessel who enters private property to take an abandoned vessel into custody shall be liable to the owner or party with standing for any damage or physical injury caused during the repossession (Conn. Gen. Stat. § 15-140c(f)(4)).

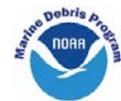
Pursuant to Conn. Gen. Stat. § 15-140c(d), any party with standing may seek full cost recovery from the person who abandoned the vessel for any unpaid expense incurred as a result of, or incidental to, the abandonment. Any person who acts in good faith and without malice in the processing, storage or movement of an abandoned vessel pursuant to this section is immune from civil liability for any damage done to the vessel.

The process of filing a notarized notice of abandonment in Connecticut can be found under Conn. Gen. Stat. § 15-140c(h). First, the parties in standing must file a notarized notice of abandoned vessel with the Commissioner of Energy and Environmental Protection. Upon receipt of a filing, the commissioner will determine whether the vessel has been reported as stolen or missing. The commissioner must also post information regarding the abandonment report on a publicly accessible abandoned vessel Internet web site, with information sufficient to identify the abandoned vessel. At a minimum the notice shall contain (if known) the:

- the registration number of the vessel;
- the make and model, and the length and color of the vessel;
- the town and water body nearest to the abandonment location;
- and instructions for contacting the commissioner.

The commissioner shall send a certified letter to the person who abandons a vessel, if known, that identifies the abandoned vessel, informs the recipient of the consequences of abandonment under the provisions of this section, and provides instructions regarding how the vessel can be retrieved. The party with standing will receive a water resistant adhesive label from the Commissioner stating that vessel is being processed pursuant to the provisions of Conn. Gen. Stat. § 15-140c, and provide instructions on how to contact the commissioner for more information about the vessel or to intervene in the procedures.

A 45 day waiting period begins after the first attempt at notification and if the person who abandoned the vessel, a lienholder, or someone with a security interest does not contact the commissioner or fails to remove the vessel within this period the commissioner can issue a



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notice of assumed ownership, by certified mail, to the party with standing. If the person who abandoned the vessel responds to the notices, they have until the last day of the waiting period to remove to the vessel before losing ownership.

Derelict vessels in harbors are treated differently than abandoned vessels and are addressed under Conn. Gen. Stat. § 15-11(a). Duly authorized harbor masters can determine whether a vessel is derelict. The program, which is under the Department of Transportation, requires the Commissioner of Transportation, a harbor master or an authorized representative of a municipality, upon determining a vessel is derelict, to make a reasonable attempt to notify the owner, agent or operator of the vessel prior to removing it and allow them to make arrangements for its removal (Conn. Gen. Stat. § 15-11a(b)) (see more under Special Location Factors).

Responsibility for Removal of Abandoned or Derelict Vessels

Generally, it is up to the aggrieved landowner or business to see the abandonment process through as long as the vessel remains in their custody. However, the law does provide that any officer authorized to enforce the state's boating laws, upon discovery of any vessel apparently abandoned, whether situated on or out of the waters of the state, may take such vessel into his custody and place the vessel into storage in a suitable place (Conn. Gen. Stat. § 15-140c(b)). No liability may attach to such officer for any damages to such vessel while it is in their custody. All necessary expenses incurred during the removal and storage of abandoned vessels shall be placed in lien on the vessel and the vessel can be sold to pay for the lien after 60 days (See generally, Conn. Gen. Stat. § 49-55 to § 49-59).

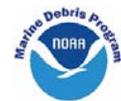
The Commissioner of Transportation, a harbor master, or a representative of a municipality can cause a derelict vessel to be removed under their jurisdiction, including from harbors and the state navigable waters. Pursuant to Conn. Gen. Stat. § 15-11a(a), if a vessel is declared derelict by the state and is not removed by the owner, agent or operator within the time period provided in the required notice, the Commissioner of Transportation, a duly authorized harbor master or a duly authorized representative of a municipality may direct that the derelict vessel be removed and taken into custody. The state may recover the direct and incidental costs associated with the removal, including any legal expenses and court costs, from the last owner of record, agent or operator in an action founded upon this section.

Removal and Disposal Requirements/Guidelines

For vessels that have been declared abandoned pursuant to Conn. Gen. Stat. § 15-140c, the party of standing is responsible for all costs associated with the removal and disposal of the vessel. No requirements or guidelines have been included in the state statutes that pertain to the methods for removal or disposal of abandoned vessels.

According to Conn. Gen. Stat. § 15-140c(k)(1), any waste oil, fuel, antifreeze or other hazardous materials stored on an abandoned vessel and incidental to the operation and maintenance of such abandoned vessel shall be deemed household hazardous waste, if removed from vessel in preparation for its storage, removal or destruction.

Connecticut does have laws addressing the removal of derelict vessels under Title 15, Chapter 63 Harbors and Rivers. Prior to removing and taking a derelict vessel into custody under Conn. Gen. Stat. § 15-11a, the Commissioner of Transportation, a duly authorized harbor master or a duly authorized representative of a municipality must make a reasonable attempt to notify the



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owner, agent or operator and allow them to make arrangements for removal of the vessel (Conn. Gen. Stat. § 15-11a(b)). The notification will inform the owner, agent or operator that if the vessel is not removed within twenty-four hours of notification, it shall be removed, taken into custody and stored at the expense of the owner, agent or operator (Conn. Gen. Stat. § 15-11a(b)). In addition, a readily visible notification sticker must be affixed to the derelict vessel as provided for under Conn. Gen. Stat. § 15-11a(c), that includes:

- 1) The date and time the notification sticker was affixed to the vessel,
- 2) a statement that, pursuant to this section, if the vessel is not removed within twenty-four hours of the time the sticker was affixed, it shall be taken into custody and stored at the owner's expense,
- 3) the location and telephone number where additional information may be obtained, and
- 4) the identity of the person who affixed the sticker.

If the derelict vessel is not removed by the owner, agent or operator within 24 hours of the notification sticker being affixed, the Commissioner of Transportation, harbor master, or municipality representative can direct that the vessel be removed, taken into custody and/or stored (Conn. Gen. Stat. § 15-11a(d)). If a derelict vessel is removed and taken into custody pursuant to this subsection a written notice must be sent, by certified mail, return receipt requested, to the responsible parties that states:

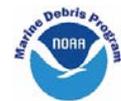
1. the vessel has been removed, taken into custody and stored;
2. the location from where the vessel was removed; and
3. that the vessel may be disposed of after 15 days if the appraised market value of the vessel does not exceed \$2,000 or that the vessel may be sold after 90 days, pursuant to the provisions of subsection (f).

After 90 days from the date of the written notice the derelict vessel can be sold at public auction pursuant to Conn. Gen. Stat. § 15-11a(f). The vessel's sale must be advertised twice in a newspaper with circulation in the area where the vessel is located, at least five days before the sale. A notice must also be sent to the last known address of the owner, agent or operator, if known. The notice must include the time and place of the sale and be sent by certified mail, return receipt requested, at least five days before the day of the sale.

The remaining proceeds from the sale of a derelict vessel, after deducting any amount due for removal and storage charges and all other associated expenses, shall be paid to the owner, agent or operator, or their legal representatives if claimed within one year from the date of the sale. If any remaining balance is not claimed within the one year period, it shall escheat to the municipality from which the vessel was removed. If the expenses incurred by the state during the removal, storage and sale of a derelict vessel, and any fines, exceed the proceeds received from the sale, the owner, agent or operator become liable to the state for such excess expenses. In addition, the Commissioner of Transportation may require the owner, agent or operator to furnish a performance bond in an amount sufficient to cover the estimated costs of removal (Conn. Gen. Stat. § 15-11a(g)).

Differences between Commercial and Recreational Vessel Treatment

Connecticut statutes do not distinguish between commercial and recreational boats for the purpose of designating a vessel as abandoned or derelict.



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Vessel Size Requirements or Limits

There are no vessel size limits or requirements for abandoned or derelict vessel declaration or removal according to Connecticut State law.

Funding Sources

There is no dedicated funding source in Connecticut for the removal of abandoned or derelict vessels. Officers or individuals moving and storing ADVs are entitled to reimbursement of the costs incurred to them, which can be obtained from the owner through a maritime lien or sale of the vessel at a public auction. Proceeds from the sale may be used to cover the costs of the vessel removal. Under Conn. Gen. Stat. § 15-11a(g), prior to removal efforts the Commissioner of Transportation may require the owner, agent or operator to furnish a performance bond in an amount sufficient to cover the estimated costs of removal as determined by the commissioner.

Lead State Agencies

Connecticut's Department of Energy and Environmental Protection is the lead agency with regards to abandoned vessels in the state.

Email: deep.boating@ct.gov

Telephone: 860-434-8638

Website: http://www.ct.gov/deep/cwp/view.asp?a=2686&q=391624&deepNav_GID=1620

The Connecticut Department of Transportation is the lead administrator with regards to derelict vessels in the state.

Email: through website

Telephone: 860-594-2000

Website: <http://www.ct.gov/dot/site/default.asp>

The Secretary of the State for Connecticut works with the Department of Energy and Environmental Protection to determine if a vessel is encumbered by a lien, or if there is a pre-standing commercial relationship.

Email: through website

Telephone: 860-509-6200

Website: <http://www.ct.gov/sots/site/default.asp>

Insurance Requirements for Vessels

Vessel/Boat insurance is not required by law in Connecticut.

Specific Location Factors, Limitations and Additional Information

The provision contained under Conn. Gen. Stat. § 15-11a, as discussed above, are relevant to derelict vessels found in harbors, as well as those found in the states navigable waters.

Prioritization Scheme

A prioritization scheme is not addressed in Connecticut law but vessels which pose a threat to navigation, public safety or to the environment may take precedence over other derelict vessels.



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Legislation and Administrative Codes

The laws referenced in this document can be accessed from:

General Statutes of Connecticut (2015):

<https://www.cga.ct.gov/current/pub/titles.htm>

These Legislative and Administrative Reviews are intended for informational purposes only. They are summaries and not meant to be legal references, and should not be used as such. See the official state statutes and administrative codes for current state laws and rules and regulations for any legal references.