



# State of Illinois

## Abandoned and Derelict Vessel Legislative and Administrative Review - 2015

NOAA Marine Debris Region:  
Great Lakes



### Definition of a Vessel

The State of Illinois defines a “vessel” or “watercraft”, terms which are used synonymously, under 625 Ill. Comp. Stat. § 45/1-2 according to the following:

**Vessel or Watercraft:** means every description of watercraft used or capable of being used as a means of transportation on water, except a seaplane on the water, air mattress or similar device, and boats used for concession rides in artificial bodies of water designed and used exclusively for such concessions.

### Definition of an Abandoned and/or Derelict Vessel

Illinois law, including the lost and abandoned watercraft laws (625 Ill. Comp. Stat. § 45/3C), does not provide a legal definition for abandoned or derelict vessels; however, abandoned vessels are defined under two different state administrative codes.

Under Ill. Admin. Code tit. 17, pt. 110.45 the following definition is provided for lands under the jurisdiction of The Department of Natural Resources:

**Abandoned Vessel:** is defined as a watercraft left unattended for a single period longer than six hours on Department-managed land or water at an area which is not authorized for boat docking.

Administrative codes for The Historic Preservation Agency also provide a definition under Ill. Admin. Code tit. 17, pt. 4160.50 which is likewise based on their jurisdiction within the state:

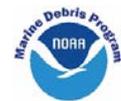
**Abandoned Vessel:** is defined as a watercraft left unattended for a single period longer than six hours on Agency-controlled land or water at an area which is not authorized for boat docking.

### Formal State Program for Abandoned Vessels

The State of Illinois does not have a formal abandoned or derelict vessel program which is administered by a state agency; however, they do have laws in place which address lost and abandoned watercraft under 625 Ill. Comp. Stat. § 45/3C. These statutes make it unlawful to abandon a vessel or any part of a vessel on any waters of the state (625 Ill. Comp. Stat. § 45/3C-1(a)) or on private and public property, in view of the general public, except when the abandonment occurs on the property of the vessels owner or Bailee (625 Ill. Comp. Stat. § 45/3C-1(b)). The provisions under 625 Ill. Comp. Stat. § 45/3C address the notification process, removal, ownership determination, reclamation, disposal and sale of lost or abandoned vessels on both public and private property. Violations of 625 Ill. Comp. Stat. § 45/3C-1 can result in a petty offense and may require the violator to make a disposition to the court on the abandoned or unclaimed watercraft (625 Ill. Comp. Stat. § 45/3C-14).

### Designation of Abandoned and/or Derelict Vessels

Under Illinois state statutes there is not a formal process in place for the designation of vessels which are presumed to be lost or abandoned in Illinois (derelict vessels are not addressed).



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According to 625 Ill. Comp. Stat. § 45/3C-2 when an abandoned, lost, stolen or unclaimed watercraft comes into the temporary possession or custody of a person in Illinois, who is not the owner, they are required to immediately notify the law enforcement agency who has jurisdiction over the location where the vessel was found. Once the notification is received by the law enforcement agency with jurisdiction they can authorize a towing service to remove and take possession of the watercraft without a formal designation process.

The process of notification and the determination of ownership comes once the vessel has been removed or stored following the request of the law enforcement agency.

### **Responsibility for Removal of Abandoned or Derelict Vessels**

Once the law enforcement agency with jurisdiction receives notification under 625 Ill. Comp. Stat. § 45/3C-2 of an abandoned watercraft and authorizes a towing service to remove the vessel, it becomes the responsibility of the towing service to safely keep the watercraft and its contents until it is claimed by the owner or any other person legally entitled to possession or until the vessel is disposed of in accordance with 625 Ill. Comp. Stat. § 45/3C-8.

Pursuant to 625 Ill. Comp. Stat. § 45/3C-3(c), when a watercraft is removed under authorization of a law enforcement agency from either public or private property the owner of the watercraft becomes responsible for all towing costs associated with the removal. In addition, any watercraft removed from public or private property and stored by any towing service or commercial relocater it becomes subject to a possessory lien for services under "An Act concerning liens for labor, services, skills or materials furnished upon or storage furnished for chattels" and the provisions of Section 1 of that Act, which relate to notice and implied consent, shall be deemed satisfied. The amount of the lien cannot be greater than the rates established under the Act and shall be payable in cash.

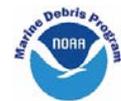
The law enforcement officer or agency or towing service, which encompasses the owner, operator or employees, are not liable for damages in any action brought by the registered owner (current or former), their legal representative, lienholder or any other person legally entitled to the possession of the watercraft if the watercraft was correctly processed following the procedures outline under 625 Ill. Comp. Stat. § 45/3C.

### **Removal and Disposal Requirements/Guidelines**

Under Illinois law there are currently no provisions that govern how abandoned or derelict vessels should be removed, only that they can be removed by a towing service once they receive authorization from a law enforcement agency if the watercraft has been abandoned on state waters for a period or 24 hours or more (625 Ill. Comp. Stat. § 45/3C-3). If an abandoned, unattended, wrecked, burned or partially dismantled watercraft is creating a traffic or navigational hazard the local or state law enforcement agency with jurisdiction can authorize a towing service to immediately removed the watercraft from the waterway (625 Ill. Comp. Stat. § 45/3C-3(b)).

Once authorization to remove an abandoned vessels is given by law enforcement pursuant to 625 Ill. Comp. Stat. § 45/3C-2, the police headquarters or office of the law enforcement officer who authorized the removal is required to maintain a record of the watercraft, as outlined in 625 Ill. Comp. Stat. § 45/3C-4. The record must include the name of the officer authorizing the tow and the following items:

- Manufacturer name, vessel series name and color of the vessel



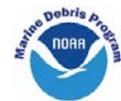
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- Hull type, material and identification number
- Vessel registration number
- Date/hour of tow, location towed from, location towed to and reason for towing

When the registered owner, lienholder or other legally entitled person of an abandoned watercraft, which has been authorized by law enforcement to be removed/impounded, is unknown the law enforcement agency is required, pursuant to 625 Ill. Comp. Stat. § 45/3C-5 and 625 Ill. Comp. Stat. § 45/3C-6, to identify the owner by having the Department of Natural Resources conduct a search for the registration through the records of the State of Illinois (or from the registration files of a foreign state). In addition, the law enforcement agency must inquire of the State Police whether the watercraft has been recorded as stolen (625 Ill. Comp. Stat. § 45/3C-5). If the State Police record search comes back with a negative result then they are required under the law to search the National Crime Information Network. The information obtained from these searches, once returned to the law enforcement agency, will be included in a notification, sent by certified mail no later than 10 days after the law enforcement agency authorizes the impoundment or impounds the watercraft, to the registered owner, lienholder and other legally entitled persons. The notification shall include the current location of the watercraft, a request for a deposition and information about public sale of the watercraft. If the owner, lienholder or other entitled persons are not known within 10 days after impoundment then the notification must be sent no more than two days after this information becomes known.

Abandoned watercraft which remain unclaimed can be disposed of pursuant to 625 Ill. Comp. Stat. § 45/3C-8 or 625 Ill. Comp. Stat. § 45/3C-9. When an abandoned, lost, stolen or unclaimed watercraft or the watercraft is unclaimed by the registered owner, lienholder or other legally entitled person and is located within a city of more than 500,000 inhabitants for a period of 15 days after notification has been given, it can be disposed of following the procedures in the "Municipal purchasing act for cities of 500,000 or more population" (625 Ill. Comp. Stat. § 45/3C-8(a)). If an abandoned, lost, stolen or unclaimed watercraft, which is seven years of age or newer, remains unclaimed and does not fall under the previous subsection (§ 45/3C-8(a)) for 30 days after notice is provided under 625 Ill. Comp. Stat. § 45/3C-5 or 3C-6, the law enforcement agency or towing service with possession shall sell it at public auction to the highest bidder pursuant to 625 Ill. Comp. Stat. § 45/3C-8(b). Under this statute, if the watercraft in question is scheduled for auction a notice is required to be posted in a "conspicuous" place on the premises or towing service where the watercraft is impounded for at least 10 days prior to the sale. In addition, the law enforcement agency or towing service where the watercraft is impound must notify, by certified mail, the registered owner, lienholder or other entitled person known by the agency or towing service to be entitled to possession. This notice must contain a complete description of the watercraft to be sold and the steps which must be taken to reclaim the watercraft by the legally entitled entity. If the original certified notices required under 625 Ill. Comp. Stat. § 45/3C-5 and 3C-6 were undeliverable to the addressee and returned by the postal authorities a second notice is not required according to 625 Ill. Comp. Stat. § 45/3C-8(b).

When the registered owner, lienholder or other person entitled to possess the abandoned, lost or unclaimed watercraft (of seven years of age or newer) could not be determined, as outlined under Article 3C, it may be sold at public auction pursuant to 625 Ill. Comp. Stat. § 45/3C-8



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without notice given (625 Ill. Comp. Stat. § 45/3C-9(a)). If the watercraft impounded is older than seven years of age in must be kept in custody for a minimum of 10 days in order to determine the identity of the registered owner or lienholder so they can be contacted to determine the disposition of the watercraft and whether it was stolen. If, after 10 days, a disposition is not received from the owner or lienholder authorization will be given by the law enforcement agency with jurisdiction to dispose of the watercraft as junk (625 Ill. Comp. Stat. § 45/3C-9(b)). However, if the value is assumed by the police officer is possession of the watercraft to be \$200 or more and it can be restored to a safe condition, the law enforcement agency may authorize its purchase for salvage and receive a title from the Department of Natural Resources. It may also be sold to a person wanting to restore it if it is classified as a historical watercraft. Abandoned watercraft sold at public sale, as authorized under 625 Ill. Comp. Stat. § 45/3C, can be titled through the Department of Natural Resources pursuant to 625 Ill. Comp. Stat. § 45/3C-12.

The disposition of proceeds from the sale of any watercraft at public auction, processed under 625 Ill. Comp. Stat. § 45, that remain after the deduction of fees associated with towing, storage and processing charges are deposited into the jurisdiction under which the watercraft was impounded and are addressed under 625 Ill. Comp. Stat. § 45/3C-11.

The Department of Natural Resources may also dispose (break up, remove or sell) a sunken vessel or raft if it has been obstructing or endangering the public use of any state waters or other public or navigable waters of Illinois for more than 30 days (615 Ill. Comp. Stat. § 20/3).

### **Differences between Commercial and Recreational Vessel Treatment**

Illinois statutes do not distinguish between commercial and recreational boats in their treatment of abandoned watercraft.

### **Vessel Size Requirements or Limits**

Illinois law does not include any reference to vessel size requirements or limits.

### **Funding Sources**

The State of Illinois does not have a dedicated funding source for the removal or abandoned or derelict vessels. The proceeds from the sale at public auction of lost, abandoned or unclaimed watercraft are deposited into the local or county government that has jurisdiction over the location where the vessel was found (625 Ill. Comp. Stat. § 45/3C-11).

### **Lead State Agency**

The Department of Natural Resources is the lead agency in the State of Illinois with regards to abandoned watercraft.

Email: through website

Telephone: 217-782-6302

Website: <http://www.dnr.illinois.gov>

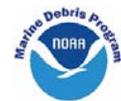
The Illinois State Police are involved with determining if the vessel has been stolen.

Email: [askisp@isp.state.il.us](mailto:askisp@isp.state.il.us)

Phone: check website

Website: <http://www.isp.state.il.us/>

Local, county and state law enforcement agencies are responsible for the removal and impoundment of lost or abandoned watercraft.



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### **Insurance Requirements for Vessels**

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

### **Specific Location Factors, Limitations or Additional Information**

The only locational factors under Illinois State laws are regarding the disposition of funds from the sale at public auction, which are based on the governmental entity that has jurisdiction (local, county or state) over the location of the watercraft when it was found (625 Ill. Comp. Stat. § 45/3C-11).

### **Prioritization Scheme**

Illinois does not have a prioritization scheme in place for abandoned or derelict vessels. However, under 625 Ill. Comp. Stat. § 45/3C-3b watercraft that are creating a traffic or navigational hazard can be immediately removed.

### **Legislation and Administrative Codes**

The laws and administrative codes referenced in this document can be accessed from:

Illinois Compiled Statutes (2015):

<http://www.ilga.gov/legislation/ilcs/ilcs.asp>

Illinois Administrative Code (2015):

<ftp://www.ilga.gov/JCAR/AdminCode/titles.html>

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.