

# State of Minnesota

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

NOAA Marine Debris Region:  
Great Lakes

### Definition of a Vessel

The State of Minnesota provides a definition for “watercraft”, instead of “vessel”, under chapter 86B Water Safety and Watercraft (Minn. Stat. § 86B.005):

**Watercraft:** means any contrivance used or designed for navigation on water, except:

- (1) a waterfowl boat during the waterfowl hunting seasons;
- (2) a rice boat during the harvest season; or
- (3) a seaplane.

Another definition for “watercraft” can be found in Minn. Stat. § 86B.820, which falls under the watercraft titling section of chapter 86B:

**Watercraft:** means a device used or designed for navigation on water that is greater than 16 feet in length, as defined in section 86B.005, subdivision 6, but does not include:

- (1) a row-type fishing boat of single hull construction, with oar locks and an outboard motor capacity rating of less than 40 horsepower;
- (2) a canoe;
- (3) a kayak;
- (4) a rowing shell or scull;
- (5) a ship's lifeboat;
- (6) a vessel of at least five net tons measured in Code of Federal Regulations, title 46, part 69, that is documented under Code of Federal Regulations, title 46, subpart 67.01; or
- (7) a seaplane.

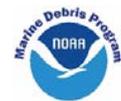
### Definition of an Abandoned and/or Derelict Vessel

Minnesota statutes or administrative codes do not provide a legal definition for “abandoned” or “derelict” watercraft.

### Formal State Program for Abandoned Vessels

The State of Minnesota does not have a formal program for addressing abandoned or derelict watercraft. They do have several statutes which are specific to the abandonment of watercraft, but these are limited to notification for titling purposes and do not address the abandonment of watercraft on public or private property. Minnesota does have some statutory provisions that can be applied to abandoned watercraft under abandoned property laws and personal property liens.

Minnesota statutes do not address derelict vessels either but they do have provisions which make it mandatory to remove submerged vehicles in state waters under Minn. Stat. § 86B.107. If a submerged vehicle is not removed from state waters the owner is subject to a civil penalty of 2 to 5 times the cost incurred to remove, process and dispose of the vehicle.



### Designation of Abandoned and/or Derelict Vessels

Minnesota law does not contain any provisions for designating vessels which are found on public or private property as abandoned or derelict. State law does require the owner of a watercraft to provide a written notice within 15 days (on a prescribed form) to the Commissioner of Natural Resources if a watercraft is abandoned or destroyed (Minn. Stat. § 86B.401).

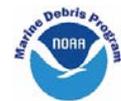
If a watercraft has been previously issued a license in Minnesota they will not issue a new license unless a notice of abandonment on the watercraft was filed at least one year prior or it can be satisfactorily proven that the watercraft has been continually outside the state for a period of one year (Minn. Stat. § 86B.401(10)).

Under Minnesota statutes for property, the sheriff of any county may seize and retain personal property which has been abandoned on public property (Minn. Stat. § 345.15). If, within 3 months, the owner of the property fails to claim the property the sheriff can sell it at public auction providing they give reasonable notification, which must be published in a county newspaper of general circulation. The notification must include a brief description of the abandoned property and the time and place of the public sale. The proceeds of the sale go towards covering the costs of handling, storage and sale of the property. The remaining monies (net proceeds) are then credited to the general revenue fund through the county treasurer. The owner can recover the property prior to the sale if they submit a satisfactory application, or if the property was already sold, recover the net proceeds.

In Minnesota if a person comes into the possession of property which is not claimed within 6 months it will be considered abandoned and become the property of the person in possession (Minn. Stat. § 345.75). A 30 days' notice is required and must be given to and received by the prior owner, either personally or by certified mail, informing them that the time period has elapsed and that ownership will be transferred. If the owner is not known then 3 weeks published notice must be provided in the county where the property is located. The transfer of ownership may be stayed by the court and the property reclaimed if the prior owner or another person claiming interest successfully petitions the court.

In addition, if a tenant abandons rented premises the landlord has the right to take possession of any of the tenants property remaining on the premises and claim reasonable costs for removing, storing and caring for the property (Minn. Stat. § 504B.271(1)(a)). Pursuant to Minn. Stat. § 504B.271(1)(b), the landlord can then sell the property 28 days after receiving a notice of abandonment or it reasonably appears that the tenant has abandoned the premises. Prior to selling the property the landlord must make reasonable efforts to contact the tenant of the sale and post notice on the premises (Minn. Stat. § 504B.271(1)(d)). Proceeds of the sale can be used to cover the reasonable costs of taking possession of the property with the remaining going to the tenant upon request (Minn. Stat. § 504B.271(1)(c)).

Personal property laws in Minnesota also allow for mechanics liens to be placed on property (Minn. Stat. § 514.18(1)). If a business takes in personal property at the request of the owner for repairs, storage or other services that preserve, care or enhance the value can have a lien placed on the property for the price of the services rendered and any associated legal fees.



They also have the right to retain possession of the personal property until the lien is lawfully settled.

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

If a vehicle, which includes a watercraft as defined under Minn. Stat. § 86B.005, is submerged in state waters the owner is responsible for removing the vehicle, unless the vehicle is permitted or exempt from removal (Minn. Stat. § 86B.107). The owner must remove the vehicle with 30 days of the vehicle entering or being discovered in the water. The political subdivision having jurisdiction can, by written notice, require that the vehicle is removed sooner or, upon request, extend the 30 day removal period (Minn. Stat. § 86B.107(2)(a)).

In Minnesota, when a vehicle becomes submerged the owner is required to report the date and circumstances leading to the submergence to the county sheriff within 48 hours (Minn. Stat. § 86B.107(2)(b)). Pursuant to Minn. Stat. § 86B.107(2)(c), if a submerged vehicle is not removed within the allotted time period the political subdivision with jurisdiction over the water becomes responsible for removing the vehicle and the owner is then subject to a civil penalty of 2 to 5 times the cost incurred during the removal, processing and final disposition of the vessel. The owner is not responsible for removing the submerged vehicle under these provisions if the vehicle was used without their consent (Minn. Stat. § 86B.107(2)(d)). If this occurs then the responsibility for removing the vehicle is transferred to the unauthorized driver or operator, if known.

**Removal and Disposal Requirements/Guidelines**

The State of Minnesota does not have any statutory removal or disposal requirements for abandoned or derelict watercraft. They only stipulate that a vehicle submerged in state waters must be removed (Minn. Stat. § 86B.107).

**Differences between Commercial and Recreational Vessel Treatment**

Minnesota does not distinguish between commercial and recreational watercraft in any of the provisions addressing abandoned property or removing submerged watercraft.

**Vessel Size Requirements or Limits**

Minnesota statutes do not contain provisions that specifically address size requirements or limits for designating watercraft as abandoned or derelict. Under Minn. Stat. § 86B.820-14, which pertains to watercraft titling, they define a watercraft as being greater than 16 feet in length.

**Funding Sources**

The State of Minnesota does not currently have any funding sources which are used for issues related to abandoned or derelict watercraft.

**Lead State Agency**

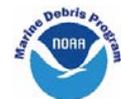
Because Minnesota does not have laws regulating the designation or removal of abandoned or derelict vessels there is not a lead agency in the state. Boats that are submerged in state waters are the responsibility of the owners or are under local government jurisdiction.

The Department of Natural Resources is responsible for watercraft safety and titling.

Email: [info.dnr@state.mn.us](mailto:info.dnr@state.mn.us)

Phone: 888-646-6367:

Website: <http://www.dnr.state.mn.us/index.html>



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### **Insurance Requirements for Vessels**

Watercraft insurance is not required in Minnesota under state law. Watercraft over 16 feet are required to be titled in the state pursuant to Minn. Stat. § 86B.825.

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

Minnesota's submerged vehicle removal provisions, under Minn. Stat. § 86B.107, specifically address removal requirements for watercraft that are submerged in state waters; however they do not provide for the removal of abandoned watercraft or those left in a derelict condition upon state or private lands.

### **Prioritization Scheme**

Lacking a formal program the State of Minnesota does not have a prioritization scheme for removing abandoned or derelict vessels. Minnesota statutes also do not provide for the removal of watercraft when they are a public safety or navigation hazard.

### **Legislation and Administrative Codes**

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

Minnesota Statutes (2015):

<https://www.revisor.mn.gov/statutes/>

Minnesota Administrative Rules (2015):

<https://www.revisor.mn.gov/rules/>

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.