

# State of Pennsylvania



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

NOAA Marine Debris Region:  
Great Lakes



### Definition of a Vessel

Pennsylvania consolidated statutes define a “vessel” as a “boat” under Chapter 1 of Fish, Title 30, which also provides a definition of “watercraft” (30 Pa. Cons. Stat. § 102):

**Boat:** Every description of watercraft constructed or sold for the primary purpose of being used as a means of transportation on the water. The term does not include:

- 1) Surfboards and other similar non-powered contrivances used primarily as swimming aids;
- 2) Commercial craft subject to Federal manning and inspection requirements; or
- 3) Seaplanes.

**Watercraft:** Every description of device used on the water or ice or capable of being used as a means of transport on water or ice. The term includes boats, motorboats, iceboats, all terrain or amphibious vehicles when they are operated on water and all such other devices. The term does not include seaplanes.

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

Pennsylvania law refers to abandoned boats, but does provide an explicit definition for “abandoned boat” or abandonment. A vessel abandoned on private property or on the waters immediately adjacent to such property for at least 3 months can be registered as an abandoned boat (58 Pa. Code § 93.17(b)).

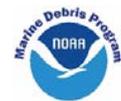
Pennsylvania’s Fish and Boat Commission has the authority to take possession of an abandoned vessel found on public property or waters pursuant to 58 Pa. Code § 93.17(c), but the statutes don’t define what it takes to designate a vessel as abandoned when it is on public property.

### Formal State Program for Abandoned Vessels

The State of Pennsylvania does have a formal program in place to register and title abandoned vessels, and to register “junk” vessels. The laws allow for a person to register and title abandoned vessels found on private property with the Fish and Boat Commission (58 Pa. Code § 93.17). They also address the registration and titling requirements for abandoned vessels found on public property, the notification process, and give the Commission the authority to sell or destroy/salvage abandoned vessels in its jurisdiction (58 Pa. Code § 93.17 and 58 Pa. Code § 93.110).

The Pennsylvania Fish and Boat Commission is partially funded by the Boat Fund, established pursuant to 30 Pa. Cons. Stat. § 531. This fund can be used to pay for administrative and operating costs; however, the provisions under 30 Pa. Cons. Stat. § 531 do not specially address using the funds for abandoned or derelict vessel removal and disposal operations.

The statutes and code of Pennsylvania do not directly address the legality of abandoning a vessel, and criminal or civil penalties are not addressed in the provisions under statute Title 30 or code Title 58.



**Designation of Abandoned and/or Derelict Vessels**

The Statutes of Pennsylvania do not have provisions outlining the process for designating a vessel as abandoned or derelict. Pursuant to 58 Pa. Code § 93.17(c)(1) and 58 Pa. Code § 93.110(c)(2), the Fish and Boat Commission is authorized to take possession of a boat abandoned on public property or waters or may authorize a certified salvage company to take possession. Vessels left on private property or waters adjacent to such property for more than 3 months can be registered by the landowner as an abandoned boat (58 Pa. Code § 93.17 and 58 Pa. Code § 93.110).

In Pennsylvania, if a registered vessel is lost, stolen, destroyed or abandoned, it must be reported to the Fish and Boat Commission within 5 days (58 Pa. Code § 93.8 and 58 Pa. Code § 93.110). The Commission also needs be notified if an abandoned, lost or stolen boat is recovered. If the boat has been destroyed or abandoned, the registered owner is also required to surrender the certificate and the validation decals to the Commission within 15 days (30 Pa. Cons. Stat. § 5312 and 58 Pa. Code § 113.9).

In addition, if a boat, barge, raft or other craft sinks and creates a hazard to navigation, the owner is required to notify the Commission within 24 hours, and to mark the hazard with a buoy or daymark by day and with a light at night until the obstruction is removed (58 Pa. Code § 93.8).

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

In Pennsylvania, boats found on Commission property that are abandoned, sunken, obviously unseaworthy or unidentifiable may be impounded by the Commission (58 Pa. Code § 53.8(d)). If a vessel is found on private property, and the owner, lessee or agent, registers and titles the vessel, they become responsible for the vessels and its removal and disposal (if desired by the new title holder).

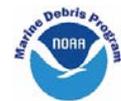
The Commission is also authorized to take possession of abandoned and/or derelict boats found on public property or waters, or may authorize a salvor to take possession pursuant to 58 Pa. Code § 93.17 and 58 Pa. Code § 93.110. Pennsylvania laws and administrative codes pertaining to abandoned or junk vessels do not address who is liability for the costs associated with the taking, removing and disposing of these vessels.

**Removal and Disposal Requirements/Guidelines**

Pennsylvania does not have provisions that outline specific removal and disposal requirements, other than the notification process. However, Pennsylvania does authorize removal by the Commission and allows the finders of vessels on private property to register and obtain title to abandoned boats.

On private property, the owner, tenant, or agent of the property on which a vessel has been abandoned for more than 3 months may register (58 Pa. Code § 93.17) and/or acquire title (58 Pa. Code § 93.110) to the vessel. The procedures for registering an abandoned vessel, as presented in 58 Pa. Code § 93.17, require the person seeking registration to provide written notice (or by submitting Form PFBC-R2 “Notice of Intent to Register Boat Abandoned on Private Property”) to the Commission that indicates their intent and includes:

- the date and place that the vessel was found; and
- the vessel’s make, model, year and any other “identifying indicia” such as the hull identification number or registration number.



## Pennsylvania ADV Legislative and Administrative Review 2015

If the vessel has a hull identification number or any other “identifying indicia,” the Commission will send a notice by certified mail to the last person to whom the vessel was registered or titled that the boat has been abandoned and that the requester desires to register the boat in his name (58 Pa. Code § 93.17(b)(2)). Once the Commission receives the written notice, they are required to notify the last registrant by certified mail that someone desires to register the boat in his name, and that if the vessel is not claimed and removed within 30 days, the Commission may register the boat in the name of the person who submitted the request (58 Pa. Code § 93.17(b)(3)). If the last known registered owner is not known, the Commission is not required to send notice. The Commission’s notice must:

- describe the make, model, hull identification number and registration number of the boat; and,
- state the location where the boat is being held; and,
- inform the registrant of his right to reclaim the boat within 30 days upon payment of all registration fees and other applicable charges; and,
- state that failure of the registrant to reclaim the boat is deemed consent to the registration or titling of the abandoned boat in the name of the requester with dissolution of all interests of the prior registrant.

If the last known registrant does not respond to the notice and remove the vessel, the Commission may notify the requester to proceed with the registration process by placing the notice in a newspaper of general circulation published in the county where the boat is located for 3 consecutive days. If evidence exists that the boat is registered in another state, the Commission will notify the other state and ask the relevant authority to notify the boat’s last registrant that they have 30 days to claim and remove the vessel. If the boat was registered in another state, the requester may proceed with registering the boat when notified by the Commission that the transfer of registration is unobjectionable in the other state.

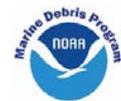
After the required 30 day notices expire, and more than 60 days have passed since the person first notified the Commission of their desire to register the vessel, the person may apply to the Commission for registration of the vessel, by using Form PFBC-R5, “Statement of Abandoned Boat” (58 Pa. Code § 93.17(b)(5)). The application form must be accompanied by:

- A) A statement made under penalty of law that the boat has been abandoned for at least 3 months;
- B) Proof that the applicant provided notices as set forth in this section; and,
- C) Proof that a notice was published in a newspaper, as required.

Upon receipt of the required materials and the payment of fees required by law to register a vessel, the Commission will register the boat in the name of the requester, pursuant to 58 Pa. Code § 93.17(b)(6)). The forms mentioned above are available at [http://fishandboat.com/forms\\_boatreg.htm](http://fishandboat.com/forms_boatreg.htm).

The requirements and procedures for acquiring ownership and title over abandoned vessels on private property, under 58 Pa. Code § 93.110, are almost identical to those outlined above for registering abandoned vessels.

When a person finds a boat abandoned on public property or waters (i.e., property or waters under the ownership or control of the Commonwealth of Pennsylvania, its agencies, and political subdivisions), they are required to notify the Fish and Boat Commission of the



description and location of the boat, as well as the date on which it was found (58 Pa. Code § 93.17(c)). The Commission’s form PFBC-R3 “Notice of Abandoned Boat Found on Commonwealth Waters” can be used for the notification, which is available through the Commission’s website ([http://fishandboat.com/forms\\_boatreg.htm](http://fishandboat.com/forms_boatreg.htm)). For boats abandoned on lands or waters under the jurisdiction or control of the U.S. government, the federal agency with jurisdiction over those areas must be contacted.

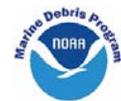
Pursuant to 58 Pa. Code § 93.17(c)(2), the Commission is authorized to take possession of a boat abandoned on public property or it may authorize a certified salvor to take possession. If a salvage company has been authorized to remove the vessel, they are required to provide a written notification to the Commission within 48 hours of taking possession of a vessel. The Commission, after taking possession of an abandoned boat or after receiving notice that a salvor has taken possession, must provide notification by certified mail, return receipt requested, to the last known registrant and all lienholders on record (58 Pa. Code § 93.17(c)(3)). The notice by the Commission must:

- i. Describe the make, model, hull identification number and registration number of the boat.
- ii. State the location where the boat is being held.
- iii. Inform the registrant of his right to reclaim the boat within 30 days after the date of the notice upon payment of all towing and storage charges and all registration fees.
- iv. State that failure of the registrant to reclaim the boat is deemed consent to the destruction, sale or other disposition of the abandoned boat with dissolution of all interests of the registrant.

If the identity of the last registrant or lienholder cannot be determined, the contents of the notice may be published three times in a newspaper of general circulation in the area where the boat was found abandoned (58 Pa. Code § 93.17(c)(4)). The entity with possession of the boat, either the Commission or the salvor, is responsible for the publication of the notice. If the vessel is not claimed within 45 days after the notice was sent by certified mail or published in a newspaper, the Commission can dispose of or authorize the salvor to dispose of the vessel (58 Pa. Code § 93.17(c)(5)).

Pursuant to 58 Pa. Code § 93.17(c)(6), an unclaimed abandoned boat found on public waters or property can be sold by the Commission at public auction, if it has value. The purchaser may apply to the Commission for a title, which shall be free and clear from all previous liens and claims of ownership (58 Pa. Code § 93.110(c)(7)). The proceeds from the sale will be used to reimburse the Commission or the salvor for the costs of towing, storage, notice, publication, mailing and costs of the auction, with any remaining proceed being held by the Commission for a period of 60 days in case a claimant appears. If the proceeds are not claimed, they are deposited in the Boat Fund for use of the Commonwealth.

In accordance with 58 Pa. Code § 93.17(c)(7), if an unclaimed abandoned boat is valueless except for salvage, the salvor in possession is required by law to apply for registration of the vessel through the Commission pursuant to 58 Pa. Code § 93.17. Upon issuance of the new registration, the salvor may destroy, dismantle, salvage or recycle the boat and retain any proceeds to offset the costs of towing, storage, notice, publication, and mailing.



## Pennsylvania ADV Legislative and Administrative Review 2015

Just like the laws for abandoned vessels found on private property, the requirements and procedures under 58 Pa. Code § 93.110, that allow the Commission to acquire title over abandoned vessels found on public property and waters are almost identical to those outlined under 58 Pa. Code § 93.17, for registering abandoned vessels found on public property (as described above).

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

In Pennsylvania, under the definition for boat in 30 Pa. Cons. Stat. § 102, all “Commercial craft subject to Federal manning and inspection requirements” are excluded. While the regulations do not suggest different treatment, this definitional exclusion raises a question as to whether the registration and titling provisions for abandoned boats are applicable to such commercial vessels.

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

Pennsylvania statutes or code does not address size requirements or size limits in relation to abandoned or junk (derelict) vessels.

### **Funding Sources**

Pennsylvania does not have a dedicated funding source for dealing with abandoned or derelict vessels. Pursuant to 58 Pa. Code § 93.17 and 58 Pa. Code § 93.110, the proceeds of the sale of an abandoned boat shall be reimbursed to the Commission or the salvor, as applicable, for the costs of towing, storage, notice, publication, mailing and costs of the auction.

Under 30 Pa. Cons. Stat. § 531, the State established the Boat Fund, which is limited to carrying out the functions of the Commission that relate to boats and boating. Monies from the fund can be used to cover administrative and operating expenses, boater education and safety programs, and other expenses as defined under 30 Pa. Cons. Stat. § 531(a). However, these provisions do not specifically indicate that money from the Boat Fund can be used to remove or dispose of abandoned or derelict vessels.

The Boat Fund receives monies from fees, royalties, fines, penalties and other moneys paid, received, recovered and collected under the provisions of section 747 (relating to proceeds from sales and grants) and Part III (relating to boats and boating) of Title 58, as well as funds received under the "The Liquid Fuels Tax Act."

### **Lead State Agency**

The Pennsylvania Fish and Boat Commission has the authority to issue rules and regulations, pertaining to junked, destroyed, lost, stolen or abandoned boats, and to administer and enforce them.

Email: through website

Phone: 717-705-7940 or 866-262-8734

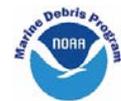
Website: <http://fishandboat.com>

### **Insurance Requirements for Vessels**

Pennsylvania law does not require owners to have boat/vessel insurance.

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

Boats found on property under the jurisdiction of the Fish and Boat Commission that are abandoned, sunken, obviously unseaworthy or unidentifiable may be impounded by the Commission pursuant to 58 Pa. Code § 53.8(d). The district waterways conservation officer shall



## Pennsylvania ADV Legislative and Administrative Review 2015

notify the owner, if known, of the impoundment and the requirement that the boat be removed within 10 days. Impounded vessels will be sold or destroyed if not claimed by the owner within 3 months.

### **Prioritization Scheme**

The State of Pennsylvania does not have a prioritization scheme for removing and disposing of abandoned or derelict (junk) vessels.

### **Legislation and Administrative Codes**

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

Pennsylvania Consolidated Statutes (2015):

<http://www.legis.state.pa.us/>

The Pennsylvania Code (2015):

<http://www.pacode.com/>

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.