

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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HOUSE BILL 887

Short Title: Address Abandoned and Derelict Vessels. (Public)

Sponsors: Representatives Miller and Cairns (Primary Sponsors).

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: State and Local Government, if favorable, Rules, Calendar, and Operations of the House

April 14, 2025

A BILL TO BE ENTITLED

AN ACT TO ADDRESS ABANDONED AND DERELICT VESSELS IN THE WATERS OF THE STATE.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Subdivisions (1c), (1d), (1e), and (1f) of G.S. 75A-2 are recodified as subdivisions (1e), (1f), (1g), and (1h) of that section.

SECTION 1.(b) G.S. 75A-2, as amended by subsection (a) of this section, reads as rewritten:

"§ 75A-2. Definitions.

As used in this Chapter, unless the context clearly requires a different meaning:

(1) "Abandoned vessel" or "to abandon a vessel" means a-the vessel that (i) is left moored, anchored, or otherwise located for more than 30 consecutive days on public lands, submerged lands, or waters of the State or on private property without written permission of the owner of the property where the vessel is moored, anchored, or otherwise located as set forth in Article 5 of this Chapter and (ii) has been relinquished, left, or given up by the lawful owner without the intention to later resume any right or interest in the vessel. The term does not include a vessel that is left by an owner or agent of the owner with any person or business for the purpose of storage, maintenance, or repair and that is not subsequently reclaimed.

...

(1c) "Days" means calendar days where the term is used for a computation of time.

(1d) "Derelict vessel" means a vessel (i) left unattended and (ii) in a wrecked, junked, listing, sinking, inoperable, or dismantled condition or otherwise in significant disrepair or grounded such that the condition may affect the seaworthiness of the vessel or adversely affect the safety of the public or the environment.

...

(4b) "Unattended" means that the owner or operator of the vessel is not aboard or in the immediate vicinity of the vessel and has failed to respond to any posting or citation left on the vessel by a law enforcement officer with jurisdiction over the location of the vessel.

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1 (c) Duty of Care. – The owner and operator of the vessel are jointly responsible for
2 securing their vessel to prevent the vessel, or any part of contents of the vessel, from damaging
3 public trust waters, associated or adjacent habitats, or the property of others, and persons with
4 property damaged due to failure to meet the duty of care of this section may recover those
5 damages from the owner or operator of the vessel improperly secured.

6 (d) Deemed Allowed 10-Day Period. – For the first 10 days in any 30-day period that a
7 vessel is anchored, moored, docked, beached, aground, anchored, or adrift in waters of the State,
8 it shall be deemed to have written permission for provisioning, repairs, tourism, or recreational
9 use, unless such permission is revoked in writing for any of the following reasons:

10 (1) The vessel has dragged anchor or is moored in an unauthorized area or in a
11 marked channel.

12 (2) The vessel displays no evidence of current and valid State, federal, or foreign
13 registration, or when asked by the Commission, the owner or operator of the
14 vessel fails to present a current and valid registration or other official
15 documentation of ownership upon which he or she is named as the owner or
16 operator.

17 (e) Posting; Removal Authority. – The Commission shall post notice on vessels violating
18 the requirements of this section. If the owner or operator of the vessel fails to respond to the
19 notice or abate the violation within 10 days, then the Commission may relocate or remove the
20 vessel.

21 **"§ 75A-54. Abandoned vessels.**

22 (a) Prohibition. – It shall be unlawful to cause a vessel to become abandoned in waters
23 of the State or on public, private, or submerged land without permission of the property owner.

24 (b) Exception. – The prohibition of subsection (a) of this section does not apply to persons
25 who abandon a vessel due to a vessel emergency. Persons who abandon a vessel because of a
26 vessel emergency shall immediately notify the Commission or the United States Coast Guard
27 after the abandonment and must remove the vessel within 10 days of the reopening of the area
28 where the vessel is located to public access.

29 (c) Notice Required. – Upon identifying an abandoned vessel, the Commission shall post
30 a notice on board the vessel and shall attempt to notify the owner by certified mail or personal
31 delivery of notice using information provided to the registering State or federal agency during
32 official vessel registration. The notice shall include all of the following:

33 (1) For a mailed or delivered notice only, a description of the vessel and its current
34 location.

35 (2) That the vessel shall be removed from waters or land and the affected
36 environment of the area surrounding the vessel restored within 30 days of the
37 date the notice is posted aboard the vessel.

38 (3) That failure of the owner to meet the deadline for removal will result in the
39 vessel being deemed abandoned, subject the owner to civil or criminal
40 penalties, and that local governments with jurisdiction over the vessel or the
41 Commission may hold the owner or operator of the vessel responsible for all
42 costs associated with removal and disposition of the vessel and environmental
43 restoration of the affected area surrounding the vessel.

44 (d) Immediate Abatement Authorized. – When necessary, the Commission may act,
45 authorize, or join in action with other agencies to immediately determine and abate any unsafe
46 or environmentally hazardous conditions of abandoned vessels and, after expiration of the 30-day
47 notice period specified in subsection (c) of this section, to tow, relocate, remove, or dispose of
48 any vessel or take any other action reasonably necessary, and local governments with jurisdiction
49 over the vessel through an ordinance adopted under the authority set forth in G.S. 160A-205.6 or
50 the Commission may recover costs for these activities as provided in G.S. 75A-58.

1 (e) Exception for Declared Emergency. – In declared emergencies, the notification
2 requirement of subsection (d) above may be satisfied by telephone or email communication from
3 federal, State, or local agencies, and the 30-day deadline specified in subsection (c) of this section
4 shall be 15 days.

5 **"§ 75A-56. Derelict vessels.**

6 (a) Notice. – Upon identifying a derelict vessel, the Commission shall post a notice on
7 board the vessel and shall attempt to notify the owner by certified mail or personal delivery of
8 notice, using information provided to the registering State or federal agency during official vessel
9 registration. The notice shall include all of the following:

10 (1) The date the vessel was identified and the notice posted, mailed, or delivered.

11 (2) A description of the vessel.

12 (3) The current location of the vessel.

13 (4) All known issues or conditions that must be corrected to restore the
14 seaworthiness of the vessel.

15 (5) A directive that the owner (i) respond to the Commission within 10 days from
16 the date the notice is served with a written plan to correct the issues or
17 conditions identified, (ii) either correct the identified issues or conditions or
18 remove the vessel from waters of the State or from the public or private land
19 where it rests, and (iii) abate any environmental impacts in the area
20 surrounding the vessel within 30 days.

21 (6) That failure to meet the 30-day deadline will result in the vessel being deemed
22 abandoned and subject the owner to criminal penalties and liability for all
23 costs associated with removal and disposition of the vessel and abatement of
24 environmental impacts in the area surrounding the vessel.

25 (b) Extension. – The Commission may approve one written request from the owner for
26 an extension of the 15- or 30-day deadline for no more than an additional 30 days.

27 (c) Failure to Respond to Notice. – Failure of the owner to respond to the notice provided
28 for in subsection (a) of this section and to correct the issues or conditions or remove the vessel
29 from the waters of the State, public, or private lands within the deadline specified in the notice
30 shall cause the vessel to be deemed forfeited and disposed of pursuant to G.S. 75A-58.

31 **"§ 75A-58. Disposition and disposal.**

32 (a) Forfeiture. – An abandoned or derelict vessel, together with all cargo, tackle, and
33 equipment, that remains unclaimed or has not been otherwise brought into compliance 30 days
34 after the notices required by this Article shall be deemed forfeited.

35 (b) Removal Costs. – Local governments with jurisdiction over the vessel through an
36 ordinance adopted under the authority set forth in G.S. 160A-205.6, other State agencies
37 participating in activities authorized by this Article, the Commission, or authorized agents and
38 contractors may recover costs incurred by the State for towing, removal, and storage charges;
39 accrued civil fines; and environmental restoration costs related to the vessel.

40 (c) Disposal. – Any vessel, cargo, tackle, or equipment may be disposed of at any suitable
41 solid waste facility permitted for such waste."

42 **SECTION 3.** This act becomes effective July 1, 2025.