

HOUSE BILL 1260

M1
HB 293/24 – ENT

5lr3086
CF 5lr3089

By: **Delegates Arentz, Ghrist, and Jacobs**

Introduced and read first time: February 7, 2025

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **State Boat Act – Abandoned or Sunken Recreational Vessels – Identification and**
3 **Removal**

4 FOR the purpose of authorizing the Department of Natural Resources to remove abandoned
5 or sunken recreational vessels secured to certain apparatuses or left anchored and
6 unattended for a certain period of time under certain circumstances; requiring the
7 Department to consider and document certain factors when determining whether a
8 recreational vessel is abandoned or sunken under certain provisions of law;
9 authorizing the Department to use funds budgeted for the Natural Resources Police
10 to remove or store certain abandoned or sunken vessels; and generally relating to
11 abandoned or sunken recreational vessels.

12 BY repealing and reenacting, with amendments,
13 Article – Natural Resources
14 Section 8–721
15 Annotated Code of Maryland
16 (2023 Replacement Volume and 2024 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
18 That the Laws of Maryland read as follows:

19 **Article – Natural Resources**

20 8–721.

21 (a) In this section, “abandoned or sunken vessel” means [any]:

22 **(1) ANY** vessel that:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **[(1)] (I)** Is left illegally or has remained without permission for more than
2 30 days on public property, including public marinas, docks, or boatyards;

3 **[(2)] (II)** Has remained at the following locations for more than 60 days
4 without the consent of the owner or person in control of the property:

5 **[(i)] 1.** A private marina or property operated by a private
6 marina; or

7 **[(ii)] 2.** A private boatyard or property operated by a private
8 boatyard;

9 **[(3)] (III)** Has remained at the following locations for more than 30 days
10 without the consent of the owner or person in control of the property:

11 **[(i)] 1.** A private dock; or

12 **[(ii)] 2.** At or near waters' edge on private property;

13 **[(4)] (IV)** Has remained on private property other than the private
14 property described in items **[(2)] (II)** and **[(3)] (III)** of this [subsection] **ITEM** for more than
15 180 days without the consent of the owner or person in control of the property; or

16 **[(5) (i)] (V)** **1.** Has been found adrift or unattended in or upon the
17 waters of the State and:

18 **[1.] A.** Is found in a condition of disrepair;

19 **[2.] B.** Presents a hazard or obstruction to the use of the
20 waters of the State; or

21 **[3.] C.** Presents a potential health or environmental
22 hazard; and

23 **[(ii)] 2.** Is not:

24 **[1.] A.** Historic property as defined in § 5A–301 of the State
25 Finance and Procurement Article; or

26 **[2.] B.** Submerged archaeological historic property as
27 defined in § 5A–333 of the State Finance and Procurement Article; **OR**

28 **(2) A RECREATIONAL VESSEL THAT:**

1 **(I) MEETS ANY OF THE CRITERIA UNDER ITEM (1) OF THIS**
2 **SUBSECTION;**

3 **(II) HAS REMAINED TIED TO A PRIVATELY OWNED APPARATUS**
4 **USED TO SECURE, BERTH, OR MOOR VESSELS IN THE WATERS OF THE STATE FOR**
5 **MORE THAN 60 DAYS WITHOUT THE CONSENT OF THE OWNER OR PERSON IN**
6 **CONTROL OF THE APPARATUS; OR**

7 **(III) HAS REMAINED ANCHORED AND UNATTENDED IN THE SAME**
8 **LOCATION FOR MORE THAN 60 DAYS.**

9 (b) (1) The Department may seize, remove, and take into custody any
10 abandoned or sunken vessel.

11 (2) For this purpose, the Department may use its own personnel,
12 equipment, and facilities or use other persons, equipment, and facilities for removing,
13 preserving, or storing abandoned or sunken vessels.

14 (3) The Department, or a person removing, preserving, or storing an
15 abandoned or sunken vessel on behalf of the Department, may not be held liable for any
16 damage to an abandoned or sunken vessel which may occur during removal, storage, or
17 custody of the vessel.

18 (c) (1) Except as provided in subsection (g)(2) of this section, not later than 15
19 days before an abandoned or sunken vessel is seized, removed, or taken into custody under
20 subsection (b) of this section, the Department shall:

21 (i) Send a notice, by certified mail, return receipt requested, bearing
22 a postmark from the United States Postal Service to the registered owner of the vessel, as
23 shown on the records of the Department; and

24 (ii) Attempt, by telephone or e-mail, to contact:

25 1. The registered owner of the vessel at the telephone
26 number or e-mail address shown on the records of the Department; and

27 2. If the application for a certificate of number under §
28 8-712(b) of this subtitle includes an alternate emergency contact, the alternate emergency
29 contact.

30 (2) (i) Except as provided in subparagraph (ii) of this paragraph, as
31 soon as reasonably possible but not later than 15 days after the Department takes an
32 abandoned or sunken vessel into custody, the Department shall:

1 1. Send a notice, by certified mail, return receipt requested,
2 bearing a postmark from the United States Postal Service to the registered owner of the
3 vessel and to each known secured party, as shown on the records of the Department; and

4 2. Attempt, by telephone or e-mail, to contact:

5 A. The registered owner of the vessel at the telephone
6 number or e-mail address shown on the records of the Department; and

7 B. If the application for a certificate of number under §
8 8-712(b) of this subtitle includes an alternate emergency contact, the alternate emergency
9 contact.

10 (ii) As soon as reasonably possible but not later than 15 days after
11 the Department takes an abandoned or sunken vessel into custody in accordance with
12 subsection (g)(2) of this section, the Department shall:

13 1. Send a notice, by certified mail, return receipt requested,
14 bearing a postmark from the United States Postal Service to the last known registered
15 owner of the vessel and to each known secured party, as shown on the records of the
16 Department; and

17 2. Attempt, by telephone or e-mail, to contact:

18 A. The registered owner of the vessel at the telephone
19 number or e-mail address shown on the records of the Department; and

20 B. If the application for a certificate of number under §
21 8-712(b) of this subtitle includes an alternate emergency contact, the alternate emergency
22 contact.

23 (d) The notices required by subsection (c) of this section shall:

24 (1) Describe the vessel;

25 (2) If the vessel was taken into custody in accordance with subsection (g)(2)
26 of this section, describe the actual or potential hazard mitigated by removal of the vessel;

27 (3) Give the location where the vessel is being held;

28 (4) Inform the owner and secured party of a right to reclaim the vessel
29 within 3 weeks of receipt of the notice required in subsection (c)(2) of this section upon
30 payment to the Department of any expenses incurred during removal and custody of the
31 vessel; and

32 (5) State that failure to claim the vessel will constitute:

1 (i) A waiver of all right, title, and interest in the vessel; and

2 (ii) A consent to the Department's disposition of the vessel.

3 (e) (1) If the Department is unable to determine the last registered owner or
4 the identity of any secured party of the abandoned or sunken vessel, or if the certified mail
5 notice required under subsection (c) of this section is returned as undeliverable and
6 telephone calls and e-mails are unanswered, unreturned, or undeliverable, the Department
7 shall give the required notice:

8 (i) By publication in at least 1 newspaper of general circulation in
9 the area where the abandoned or sunken vessel was found;

10 (ii) Through digital media, including posting on the Department's
11 website and social media platforms; or

12 (iii) By attaching to the vessel in a clearly visible place a distinctively
13 colored notification sticker or tag that contains the following information:

14 1. The date and time the notification was affixed to the
15 vessel;

16 2. A statement that, in accordance with this section, if the
17 vessel is not removed within 60 days after the date the notification sticker or tag was
18 affixed, the vessel may be seized, removed, taken into custody and sold at public auction,
19 acquired by title under § 8-722 of this subtitle, or otherwise disposed of; and

20 3. The location and telephone number where additional
21 information may be obtained.

22 (2) The notice by publication shall contain the information required under
23 subsection (d) of this section and shall be published within 30 days of the seizure of the
24 abandoned or sunken vessel, or within 15 days of:

25 (i) The return of the certified mail notice as undeliverable; and

26 (ii) The attempt, by telephone or e-mail, to contact the registered
27 owner.

28 (f) If the owner or secured party fails to claim the abandoned or sunken vessel
29 within 3 weeks after the notice required under subsection (c) of this section or after the
30 notice by publication is given or within 60 days after the notice authorized under subsection
31 (e)(1)(iii) of this section, the Department may sell the vessel at public auction, proceed to
32 receive title to the vessel pursuant to § 8-722 of this subtitle, or otherwise dispose of the
33 vessel.

(g) (1) If the abandoned or sunken vessel is in such a condition of disrepair that the Department cannot remove the vessel intact, the Department may dispose of the vessel in whatever manner is reasonable without providing the notice required under subsections (c) through (e) of this section.

(2) (i) If the Department determines that an abandoned or sunken vessel poses an immediate hazard or obstruction to navigation, a potential health hazard, or a potential environmental hazard, the Department shall take the vessel into custody without providing the notice required under subsection (c)(1) of this section.

(ii) The Department shall keep a written record of a determination made under this paragraph, including the actual or potential hazards mitigated by removal of the vessel.

(h) The Department may delegate the Department's authority to remove and dispose of abandoned or sunken vessels under this section to any local jurisdiction that consents to the delegation.

(i) The Department, in consultation with the Director of the Maryland Historical Trust, may adopt regulations to implement this section.

(j) The Department may [not] use funds budgeted for the Natural Resources Police for the purpose of removing or storing abandoned or sunken vessels under this section.

(K) FOR THE PURPOSES OF DETERMINING WHETHER A RECREATIONAL VESSEL MEETS THE CRITERIA FOR AN ABANDONED OR SUNKEN VESSEL UNDER SUBSECTION (A)(2)(II) OR (III) OF THIS SECTION, THE DEPARTMENT SHALL CONSIDER AND DOCUMENT:

(1) WHETHER THE VESSEL HAS A VALID, CURRENT REGISTRATION;

(2) ANY STANDING WATER IN THE VESSEL;

(3) THE CONDITION OF THE VESSEL;

(4) IF THE VESSEL IS ANCHORED, WHETHER THE VESSEL IS EQUIPPED WITH AN ANCHOR LIGHT; AND

(5) IF THE VESSEL IS MOORED, THE CONDITION OF THE EQUIPMENT USED TO MOOR THE VESSEL.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2025.