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Sectional Analysis

SB92: Derelict Vessels Act

Section 1

Requires that a boat placed on state waters must be titled.

Section 2

Removes coast guard certificate exception and adds language that requires certificate of number on a barge that operated on water for more than 60 consecutive days.

Section 3

Adds language that ensures barges are titled and registered unless it operated on state waters for less than 60 consecutive days or has a current, valid certificate of number issued by another state or federally approved numbering system.

Section 4

Adds new section which directs the Department of Administration to adopt regulations and create a system for certification of titles. An individual who purchases an undocumented boat is required to apply for a certificate of title within 30 days.

Section 5

Adds cross-reference.

Section 6

Increases motorized boat registration for a three-year period from \$24 to \$30, adds barge registration fee at \$75 for a three year period, adds boat title fee of \$20.

Sections 7, 8

Adds definitions.

Sections 9, 10

Clarify existing language.

Section 11

Provides that a person found guilty of abandoning a vessel is guilty of a class B misdemeanor and is punishable by a fine of no less than \$5,000 and no more than \$10,000, up to 90 days in jail, or forfeiture of the vessel.

Section 12

Allows the department or a municipality to report violations to the Attorney General to enforce criminal penalties.

Section 13

Adds new section which allows an aggrieved person to file a civil injunction. Civil penalties of not more than \$1,000 can be imposed for each violation. Each day a violation occurs constitutes a separate violation.

Section 14

Allows the department to provide written authorization for a vessel to be left within 30 days and clarifies language.

Section 15

States that at least 30 days before impounding a vessel, the impounding authority shall post a notice on the vessel, and on the state's or municipality's website. Adds language to allow use of an address on file with the Coast Guard or Department of Administration and moves notice specifications to section (b).

Section 16

Adds new subsections that establishes notice specifications and defines the procedure for pre-impoundment hearings.

Section 17

Adds new section to establish notice of disposition procedure.

Section 18

Provides clear guidelines for procedure in dealing with a vessel after being impounded by the state or a municipality.

Section 19

Removes the requirement that an interested party taking possession of a vessel post security.

Section 20

Establishes procedure for the immediate impoundment of derelict vessels that pose an imminent threat to safety.

Section 21

Adds new section that states the individual who owns an impounded vessel is responsible for all costs incurred in the process.

Section 22

Adds section that will require insurance for commercial vessels over 30 feet in length and are operating on state waters or docked at state or municipal harbors for more than 90 days.

Section 23

Simplifies the guidelines for identifying a derelict vessel.

Section 24

Directs the department to establish and administer a derelict vessel prevention program. Establishes the duties and powers of the department and establishes a program fund.

Section 25

Adds "floating facility" to the definition of vessel.

Section 26

Adds definitions.

Section 27

Names this chapter the Derelict Vessels Act.

Section 28

Adds titling.

Section 29

Adds section that allows civil penalties collected, money from sales under this act, donations and other receipts to be deposited into the derelict vessels program fund.

Section 30

Removes repealed sections which will allow the fund to remain without federal funding.

Section 31

Repeals sections.

Section 32

Directs the Department of Natural Resources and the Department of Administration to adopt necessary regulations. These regulation take effect under the Administrative Procedure Act.

Section 33

Requests the revisor of statutes to change two headings.

Section 34-37

These sections establish effective dates.