

Alaska State Legislature

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HB 386: Vessels: Registration/Titles; Derelicts
30 LS1475\A
30th Legislature

Sectional Analysis

Please note that a sectional analysis of a bill or resolution should not be considered an authoritative interpretation of the measure itself. The legislation is the best statement of its content.

Section 1 (page 1, line 9) Requires that a boat placed on the waters of the state is to be “titled”.

Section 2 (page 2, lines 1-8) Current statute requires that all boats have a certificate of number from the Department of Administration if operated on the waters of the state for more than 90. This bill adds consecutive days or 60 consecutive days for barges, unless otherwise provided in the chapter.

Section 3 (page 2, line 16-17, 31- page 3, line 5) This section adds certain barges to the list of certain boats/vessels that are exempt from numbering and registration.

Section 4 (page 3, lines 6-14) Adds new section for adopting regulations and establishing a system for certification of titles. Requires application for title within 30 days after purchase.

Section 5 (page 3, line 17) Inserts cross-reference.

Note: Clarifies that if someone violates 05.25.055 (boats/barges exemption) may be fined up to \$50 (there is no change to this fine).

Section 6 (page 3, lines 23, 28-30) Increases boat registrations from \$24 to \$30 for a three-year period; adds barge registration fee of \$75 for a three-year period, adds boat title and duplicate boat title fee of \$20.

Note: Page 4, line 3 references “the department” meaning the Department of Natural Resources.

Section 7 (page 4, line 6-7) Adds definition of “barge”.

Section 8 (page 4, lines 10-31) Repeals current 05.25.100 definitions and reenacts definitions from section.23, ch. 28, SLA 2000.

Note: Definitions 1-4 are: 1) department; 2) operate; 3) watercraft; 4) water of the state.

Section 9 (page 5, lines 3-11) add “derelict” (defined in 30.30.90) to clarify existing language; amend and add specificity “on state or municipal property”.

Note: Addition of “state... property” rather than just a port or harbor. This would extend to tidelines and state waters outside of the harbor.

Section 10 (page 5, lines 13-18) Clarifies existing language.

Note: Inserts “impound” in place of “remove”.

Section 11 (page 5, lines 20-25) This section makes the violation of 30.30.010 a class A misdemeanor and it raises the fine for abandoning a vessel from not less than \$500 to not less than \$5,000 or more than \$10,000; lowers the maximum term of imprisonment from six months to 90 days; adds forfeiture of the person’s vessel.

Section 12 (page 5, lines 27-29) Allows the department or a municipality to report violations to the Attorney General in order to enforce criminal penalties.

Section 13 (page 5, line 31- page 6, line 9) Adds new section allowing DNR, municipality or an aggrieved person to file a civil injunction with a penalty of not more than \$1,000 per violation.

Section 14 (page 6, lines 11-31) This section clarifies how you can leave a boat without it being considered derelict. It allows the department to provide written authorization for a vessel left in a location for more than 14 days.

Section 15 (page 7, lines 3-19) Clarifies language on taking custody of a vessel. Adds language stating state agency or municipality must provide 30-day notice prior to impoundment, requires the impounding authority to post notice on vessel when possible and online.

Section 16 (page 7, line 20 - page 8, line 18) Adds new subsections establishing pre-impoundment notice requirements; defines the hearing procedure.

Section 17 (page 8, line 20 - page 9, line 7) Adds new section establishing requirements and procedure for the notice of disposition after a derelict vessel has been impounded. The notice must be published on state or municipality website and on vessel if possible, at least 30 days before disposing of the vessel.

Section 18 (page 9, line 9 - page 10, line 3) Adds a new section providing procedures for impoundment, sale, and transfer of title of a vessel by the state or a municipality. Section also outlines how the state or municipality may apply the proceeds from the sale of a vessel.

Section 19 (page 10, lines 5-16) Clarification language on process of taking possession of a derelict vessel before the vessel is disposed of; removes requirement that an interested party taking possession of a derelict vessel post security.

Section 20 (page 10, line 18 - page 11, line 20) Adds new section establishing procedure for the immediate impoundment of derelict vessels that pose an imminent threat to public health, safety or general welfare; provides for hearing process.

Section 21 (page 11, lines 21-25) Adds new section stating that the individual owning an impounded vessel is liable for all costs incurred in the process.

Section 22 (page 11, line 27 - page 12, line 24) Clarifies the definition of a derelict vessel; adds public health, safety and environment and provides situations that would make a vessel derelict.

Section 23 (page 12, line 26 - page 13, line 30) Adds a new section giving the department the power to establish and administer the derelict vessel prevention program which includes education, outreach, an advisory council. It creates a prevention program in the general fund. The purpose is to reimburse the state and municipality for expenses, associated program/project expenses. This section outlines how money is appropriated to the fund; clarifies the department may use the funds without further appropriation and appropriations do not lapse.

Section 24 (page 14, line 1) Adds “floating facility” to the definition of “vessel”.

Section 25 (page 14, lines 5-18) Adds definitions for: 1) abandoned, 2) department, 3) owner, 4) state agency.

Section 26 (page 14, lines 20-21) Names this chapter the Derelict Vessels Act.

Section 27 (page 14, line 22-24) Adds to section 37.05.146. **Definition of program receipts and non-general fund program receipts.** Adds “titling” in 37.05.146 (45) boat registration and titling program

Section 28 (page 14, lines 25-28) Adds to program receipts in section 37.05.146 **Definition of program receipts and non-general fund program receipts** civil penalties collected under AS 30.30 (Sec. 13 of this bill) to be deposited to the derelict vessel prevention program fund.

Section 29 (page 14, lines 29-31) Removes 05.25.055 **Registration and numbering of boats.**, and 05.25.096. **Fees.** from list of repealed statutes in sec. 27 ch. 28, SLA 2000; allows the fund to remain without federal funding.

Section 30 (page 15, lines 1-2) Repeals some sections of AS 30.30, which have been replaced with new language, see the section reference.

30.30.010.(d) **Abandonment of vessel unlawful.** (See Section 14)

30.30.020 **Disposition of certain abandoned vessels.** (See Sections 14 & 16)

30.30.050 **Public auction.** (See Section 18)

30.30.070 **When public auction not required.** (See Section 19)

30.30.080 **Effect of Sale.** (See Section 1)

30.30.100 **Disposition of derelict vessel.** (See section 18)

30.30.110 **Disposition of vessels by persons in vessel repair bus.** (See section 18)

30.30.120 **When vessel abandoned.** (See sections 15-18)
30.30.130 **Sale or disposition of vessel.** (See sections 15-18)
30.30.140 **Disposition of proceeds.** (See section 18)
30.30.150 **Effect of transfer of title.** (See section 18)

Section 31 (page 15, lines 3-8) Transition language allowing DNR and DOA to adopt regulations.

Section 32 (page 15, lines 9-16) Revisor's instruction to change two headings.

Section 33 (page 15, line 17) Section 31 takes effect immediately.

Section 34 (page 15, line 18-20) Technical; Provides effective date (as amended see, SLA 2012) carried forward from 2000 legislation regarding federal funding of statewide boating and safety program.

Section 35 (page 15, line 21-23) Technical; Provides effective date (as amended see, SLA 2012) carried forward from 2000 legislation regarding federal funding of statewide boating and safety program.

Section 36 (page 15, lines 24-25) Effective date of January 1, 2019 except as noted in sections 32-35 above.