

# Alaska State Legislature

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## REPRESENTATIVE PAUL SEATON

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### CS HB 386: Vessels: Registration/Titles; Derelicts Sectional Analysis 30 LS1475\D 30<sup>th</sup> Legislature

*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.*

#### **Chapter 25. Watercraft. Article 3. General Provisions**

**Section 1** (page 1, lines 8-13) Requires that a boat placed on the waters of the state is to be "titled".

**Section 2** (page 2, lines 1-12) Requires that boats have a certificate of number from the Department of Administration if operated on the waters of the state for more than 90 consecutive days. Adds to section, barges operating on the waters of the state for 60 consecutive days.

**Section 3** (page 2, lines 13-31 / page 3, lines 1-6) This section adds barges to the list of boats/vessels that, under specific criteria, are exempt from numbering and registration.

**Section 4** (page 3, lines 7-31 / page 4, lines 1-15) Adds new section for adopting regulations and establishing a system as recommended by Department of Motor Vehicles for Titling. Adds that undocumented boats 20 ft. or greater, used commercially, to those that require a title. Requires application for Title within 30 days after purchase of undocumented boats.

**Section 5** (page 4, lines 18-19) Inserts cross-reference.

Note: Clarifies that if someone violates 05.25.055. **Registration and numbering of boats.** may be fined up to \$50 (there is no change to this fine).

**Section 6** (page 4, lines 21-31 / page 5, lines 1-5) 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 5, line 4 references “the department” meaning the Department of Natural Resources.

**Section 7** (page 5, line 6-10) Adds definition of “barge”.

**Section 8** (page 5, lines 11-31 / page 6, lines 1-4) Repeals current 05.25.100 definitions and reenacts definitions from section. 23, ch. 28, SLA 2000.

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

## **Chapter 30. Abandoned and Derelict Vessels. Article 1. Abandoned Vessels**

**Section 9** (page 6, lines 6-14) add “derelict” (defined in 30.30.90) to clarify existing language; amend and add specificity “on state or municipal property”.

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

**Section 10** (page 6, lines 16-21) Clarifies existing language.

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

**Section 11** (page 6, lines 22-28) This section makes the violation of 30.30.010 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 6, lines 29-31) Allows the department or a municipality to report violations to the Attorney General in order to enforce the criminal penalties noted in Section 11.

**Section 13** (page 7, lines 2-12) 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 7, lines 13-31 / page 8, lines 1-4) This section clarifies lawful means to leave a boat without it being considered derelict. It allows DNR to provide written authorization for a vessel left in a location for more than 14 days.

**Section 15** (page 8, lines 5-23) Clarifies language on taking custody of a vessel. Adds language stating state agency or municipality must provide 20-day notice prior to impoundment, requires the impounding authority to post notice on vessel, when possible, UPSP return receipt, and Alaska Online Public Notice System or municipalities website.

**Section 16** (page 8, lines 24-31/page 9, lines 1-23) Adds new subsections establishing pre-impoundment notice requirements; defines the hearing procedure.

**Section 17** (page 9, lines 24-31/page 10, lines 1-12) 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 10, lines 13-31 / page 11, lines 1-11) 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 11, lines 12-24) Clarification language on 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 11, lines 25-31 / page 12, lines 1-27) 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 12, lines 29-31 / page 13, lines 1-2) Adds new section stating that the individual owning an impounded vessel is liable for all costs incurred.

**Section 22** (page 13, lines 4-31 / page 14, line 1) Clarifies the definition of a derelict vessel; adds public health, safety and environment and provides situations of a derelict vessel.

**Section 23** (page 14, lines 2-31 / page 15, lines 1-8) Adds a new section giving the department the power to establish and administer the derelict vessel prevention program which includes education, outreach, and 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 15, lines 9-15) Adds option for vessel repair business to notify state agency, municipality, or peace officer.

**Section 25** (page 15, lines 16-21) Extends the time that vessel repair business holds the boat prior to sale or disposal from “five days after publication” to “30 days after publication”.

**Section 26** (page 15, lines 22-31 / page 16, lines 1-8) Adds enforcement authority as per DNR request.

**Section 27** (page 16, lines 9-12) Adds “floating facility” to the definition of “vessel”.

**Section 28** (page 16, lines 13-27)  
Adds definitions for: 1) abandoned, 2) department, 3) owner, 4) state agency.

**Section 29** (page 16, lines 28-30) Names this chapter the Derelict Vessels Act.

**Section 30** (page 16, line 31 / page 17, lines 1-2) 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 31** (page 17, lines 3-6) Adds to program receipts in section 37.05.146 (90) **Definition of program receipts and non-general fund program receipts.** Describes the funds collected under AS 30.30 that are to be deposited to the derelict vessel prevention program fund.

**Section 32** (page 17, lines 7-9) 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 33** (page 17, lines 10-11) Repeals some sections of AS 30.30, which have been replaced with new language.

30.30.010.(d) **Abandonment of vessel unlawful.**

30.30.020 **Disposition of certain abandoned vessels.**

30.30.050 **Public auction.**

30.30.070 **When public auction not required.**

30.30.080 **Effect of Sale.**

30.30.100 **Disposition of derelict vessel.**

**Section 34** (page 17, lines 12-17) Transition language allowing DNR and DOA to adopt regulations.

**Section 35** (page 17, lines 18-25) Revisors instruction to change two headings.

**Section 36** (page 17, line 26) Section 34 takes effect immediately.

**Section 37** (page 17, line 27-29) Technical; Provides effective date (as amended see, SLA 2012) carried forward from 2000 legislation regarding federal funding of statewide boating and safety program.

**Section 38** (page 17, line 30-31 / page 18, line 1) Technical; Provides effective date (as amended see, SLA 2012) carried forward from 2000 legislation regarding federal funding of statewide boating and safety program.

**Section 39** (page 18, lines 2-3) Effective date of January 1, 2019 except as noted in sections 36-38 above.