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HB 386: Vessels: Registration/Titles; Derelicts Summary of changes from 30 LS1475\A to 30 LS1475\D 30th Legislature

Chapter 25. Watercraft. Article 3. General Provisions

(Page 1, lines 5-6) Adds authority of certain persons to enforce laws.

Section 4

(page 3, lines 7-31 / page 4, lines 1-15)

Adds Department of Motor Vehicles process for issuing a title; exempts titling of undocumented boats less than 20ft and those that are not used for commercial purposes.

Reason for change: Concern that small boats do not have the same impact as large boats. DMV requested adoption of process that mirrored automobile titling requirements.

Section 7

(page 5, line 6-10)

Changes definition of "barge" from Version A to D.

Version A: "barge" means a flat-bottomed boat used for carrying freight that is either nonmotorized and towed by another boat or motorized.

Version D: "barge" means a boat that is: (A) motorized or nonmotorized, (B) designed to be towed, and (C) used for carrying freight.

Reason for change: There was some concern that definition from Version A could misinterpret a flat bottom skiff as a barge.

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

Section 10

(page 6, line 16)

Adds, “Except as provided under AS 30.30.110 – 30.30.150...” (These sections involve: Vessels Abandoned On Business Premises Of Persons Engaged In Repair Business.)

Version A: removed **Vessels Abandoned On Business Premises Of Persons Engaged In Repair Business.**

Version D: does not remove **Vessels Abandoned On Business Premises Of Persons Engaged In Repair Business.**

Reason for change: Private boat yards believe that this provision provides them with a guideline that civil lawsuit does not.

Section 11

(page 6, lines 23)

This section makes the violation of 30.30.010 a misdemeanor. [Class A] was removed from the misdemeanor.

Reason for change: Technical change

Section 15

(page 8, line 7)

Version A: [30] days before impounding a vessel

Version D: **20** days before impounding a vessel

Reason for change: Request made by DNR.

(page 8, line 11)

Outlining of notice procedures.

Version A: remove [state agency’s]

Version D: change to: **Alaska online public notice system**

Reason for change: Request made by DNR.

Section 16

(page 8, lines 26-27)

Version D: Name or number of the vessel, **if known**

Name and address of the owner, **if known**

Reason for change: Request made by DNR.

(page 9, line 4)

Version D: Adds “An owner or a person with a **financial or security** interest in a vessel...”

Reason for change: Technical change

(page 9, line 10)

Version D: **An individual** [A person] who has authority to direct the impoundment

Reason for change: Technical change

(page 9, line 21-22)

Version A: ...then the state agency or municipality may proceed with the [state agency or municipality] disposition of the vessel as provided...

Version D: ...then the state agency or municipality may **impound the vessel and** proceed with the disposition of the vessel as provided...

Reason for change: Request made by DNR.

Section 17

(page 9, lines 26-27)

Version A: ... the state agency or municipality shall [publish] a notice of disposition on the [website of the state agency or municipality] ...

Version D: ... the state agency or municipality shall **post** a notice of disposition on the **Alaska Online Public Notice System**...

Reason for change: Request made by DNR.

Section 18

(page 10, lines 14-19)

Version D: A state agency or municipality may impound a derelict vessel by [immobilizing and removing the vessel or towing the vessel] **securing the vessel in place; towing or sailing the vessel to a secure mooring in a location that is authorized by the state agency or municipality or** removing the vessel from the water and placing it in storage.

(page 10, lines 22-24)

Added to Version D: (b)... a person with [an interest] **a financial or security interest** in the vessel... The sale of a vessel may be by public auction or by sealed bids or, **if no bids are received, by negotiated sale.**

(page 10, line 28-31, page 11 line 1-3)

Version A: (d)...vessel under this chapter as follows: (1) to the costs of conducting the sale; (2) to the costs of towing, handling, and storing the vessel; (3) to a lienholder to the extent of the lien; (4) to the owner of the vessel if the owner can be found; if the owner cannot be found, the balance shall be deposited in a separate account maintained by the state agency or municipality or with the commissioner of administration and shall be paid in accordance with AS 30.30.096.

Version D: (d)...vessel under this chapter [as follows] **in the following order:** (1) [to the costs of conducting the sale;] **to the administrative costs associated with impounding the vessel;** (2) to the costs of towing, handling, and storing the vessel; (3) **to the administrative costs of conducting the sale;** (4) to a lienholder to the extent of the lien; [(4) to the owner of the vessel if the owner can be found; if the owner cannot be found, the balance shall be deposited in a separate account maintained by the state agency or

municipality or with the commissioner of administration and shall be paid in accordance with] **(5) to the derelict vessel prevention fund under AS 30.30.096, subject to appropriation.**

Reason for change: Request made by DNR.

Section 20

(page 12, lines 11-12)

Clarifies that 48 hours timeframe does not include weekends or holidays.

Reason for change: Technical change

(page 12, lines 13-14)

Adds ... and legal holidays. **The state agency or municipality shall conduct the post impoundment hearing in an in formal manner.**

(page 12, line 27)

Version D: Removed (e)(2) from Version A at DNR request.

Section 21

(page 12, lines 29-30)

Version D: Technical cross reference added

Section 23

(page 14, lines 3-4)

Adds to Version D: The department shall [subject to appropriations], **to the extent that funds are available from the derelict vessel prevention program fund,**

(page 14, line 29)

Adds to Version D: **(4) pay the costs of administrating the fund.**

Reason for change: Request made by DNR to add clarity.

Section 24

(page 15, lines 14-15)

Version D: Adds option for vessel repair business to notify state agency, municipality, or peace officer.

Reason for change: Technical change

Section 25

(page 15, lines 21)

Version D: Extends the time that vessel repair business holds the boat prior to sale or disposal, "[five] **30** days after publication

Reason for change: Brings in line with other deadlines introduced in the bill.

Section 26

(page 15, lines 22-31 / page 16, lines 1-8)

Version D: Adds enforcement authority.

Reason for change: Request made by DNR to add clarity.

Section 27

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

Reason for change: Request made by DNR to add clarity.

Section 28

(page 16, line 19-20)

Version D: changes “(7)(A) ...other than a **financial or** security interest in a vessel;”

Reason for change: Request made by DNR to add clarity.

Section 33

(page 17, lines 10-11) Version D does not repeal **Article 03. Vessels Abandoned On Business Premises Of Persons Engaged In Repair Business.**

30.30.110 Disposition of vessels by persons in vessel repair business.

30.30.120 When vessel Abandoned

30.30.130 Sale or disposition of vessel

30.30.140 Disposition of proceeds Public auction.

30.30.150 Effect of Title

Reason for change: There was concerns expressed from the private boat yard owners concerning the repeal of this Article.

Sections 24 – 39

Renumbering begins at Section 24 and continues through Section 39 with technical changes as necessary.