

# Senator Peter A. Micciche

*Alaska State Legislature*

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## Sectional Analysis

SB92 (ver. O): Derelict Vessels Act

### **Section 1**

Adds titling to the requirements for boats placed on the waters of the state.

### **Section 2**

Requires all boats have a certificate of number if operated on the waters of the state for more than 90 consecutive days or 60 consecutive days for barges unless otherwise provided in the chapter.

### **Section 3**

Provides exceptions from numbering and registration for boats and barges.

### **Section 4**

Adds new section for establishing a system for certification of titles.

### **Section 5**

Inserts cross-reference.

### **Section 6**

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

### **Section 7**

Adds definition of "barge".

### **Section 8**

Repeals and reenacts definitions from AS 05.25.100.

## **Sections 9 & 10**

Clarifies existing language.

## **Section 11**

Raises the fine for abandoning a vessel from not less than \$500 to not less than \$5,000 or more than \$10,000 and lowers the maximum term of imprisonment from six months to 90 days.

## **Section 12**

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

## **Section 13**

Adds new section allowing an aggrieved person to file a civil injunction with a penalty of not more than \$1,000 per violation.

## **Section 14**

Allows the department to provide written authorization for a vessel to be left within 14 days and clarifies language.

## **Section 15**

Changes section to pre-impoundment notice and hearing. Requires 30 days' notice prior to impoundment, requires the impounding authority to post notice on vessel when possible and online.

## **Section 16**

Adds new subsections establishing notice specification and defines the procedure for pre-impoundment hearings.

## **Section 17**

Adds new section establishing requirements for the notice of disposition.

## **Section 18**

New section proving clear guidelines of procedure for impoundment of a vessel by the state or a municipality.

## **Section 19**

Removes requirement that an interested party taking possession of a derelict 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 stating that the individual owning an impounded vessel is liable for all costs incurred in the process.

## **Section 22**

Provides situations that would make a vessel derelict.

## **Section 23**

Gives the department the power to establish and administer the derelict vessel prevention program which includes education, outreach, an advisory council and creates a program fund which consists of money appropriated from donations, vessel sales under this chapter, federal funds, civil penalties and money collected from barge registration and titling of vessels.

## **Section 24**

Adds "floating facility" to the definition of "vessel".

## **Section 25**

Adds definitions.

## **Section 26**

Names this chapter the Derelict Vessels Act.

## **Section 27**

Adds titling to Title 37.

## **Section 28**

Allows civil penalties collected under AS 30.30 to be deposited to the derelict vessel prevention program fund.

## **Section 29**

Removes repealed sections allowing the fund to remain without federal funding.

## **Section 30**

Repealing sections of AS 30.30.

## **Section 31**

Transition language allowing DNR and DOA to adopt regulations.

## **Section 32**

Revisor's instruction to change two headings.

## **Sections 33-36**

Effective date sections.