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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 providing 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.