

# Abandoned Vessel Laws in the Coastal States



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# Common Program Elements



- Notification requirements and procedures
- Removal authority
- Disposition options and procedures
- Disposal guidelines
- Enforcement Provisions
- Funding Mechanisms

# Notification Requirements and Procedures



- Variety of requirements for notifying vessel owners, lienholders, and others with interest in vessel regarding pending action.
  - Make reasonable effort to identify owner
  - Posting of notice on vessel
  - If owner known, notification by certified mail
  - If unknown, notification by publication in newspaper
- Most states require notification at every stage (taking custody, removal, sale, etc.)

# Removal Authority



- **Variety of entities may be granted removal authority**
  - Law enforcement agencies
  - State agencies responsible for natural resources and/or boating
  - Local governments
  - Private landowners
  - Marinas
- **Scope of authority granted varies**
  - Some state agencies may only remove vessels from public property and waters.
  - Local governments may have to enact ordinances to exercise authority.

# Disposition Options



- Public auction or sale
- Transfer of title to finder or landowner
- Retention by state or local agency
- Donation to nonprofit organization
- Delivery to marine salvage company
- Disposal in landfill
- Use as artificial reef material

# Enforcement Provisions



- Owners often liable for the costs of removal, storage, disposal, and any associated environmental damage
- Fines and other criminal and civil penalties
  - Typically in range of \$500 - \$1,000 and 6 months imprisonment.
  - In some states, fines may be assessed for each day vessel remains after notification.
- Revocation or suspension of boat and motor vehicle registration and licenses
- Lienholder enforcement action

# Funding Mechanisms



- Legislative appropriations
- Boating registration fees
- Grants
- State and local agency general funds
- Fines
- Proceeds from sales and auctions
- Liens

# Common Omissions



- Many states do not have a clear definition of “abandoned” or “derelict” vessel.
- Only two states have guidance (albeit limited) on how vessels are to be removed.
  - Mississippi requires an environmental assessment if vessel located in coastal wetlands.
  - South Carolina requires a permit if vessel is to be removed from a “critical area” and the process will significantly impact the surrounding marsh environment.
- Very few states establish guidelines for disposal.
  - Florida and Mississippi require disposal in landfill
  - Washington requires disposal in “an environmentally sound manner.”
- Grant of authority to local governments, but no funding.



# Contact Information



Full report available for download online at

<http://nsglc.olemiss.edu/Advisory/Abandoned%20Vessel%20State%20Laws.pdf>

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