



To: Bryan Fluech, Marine Extension and Georgia Sea Grant, Associate Marine Extension Director

From: Terra Bowling, J.D., Research Counsel II, NSGLC

Re: Abandoned Vessels at Georgia Docks (NSGLC-25-05-04)¹

Date: June 30, 2025

Advisory Summary

Multiple shrimp boats have remained moored and unused at private docks in Georgia. The private dock owners are not only losing revenue from sales and fees but are also concerned the vessels are at risk of becoming a navigational or environmental hazard if they remain indefinitely. Georgia Sea Grant contacted the National Sea Grant Law Center to look at what dock owners may legally do to remove the boats.

Introduction

Many states have laws or programs to address the issue of abandoned vessels, which can pose environmental and safety hazards. Although Georgia does not have a formal abandoned vessel removal program, state law outlines how to remove and dispose of abandoned vessels on both public and private property.

Background

After multiple Georgia shrimpers stopped fishing activities due to economic factors, the vessels have remained moored and unused at private docks. The private dock owners are losing revenue from sales of items like ice and gas, as well as packing fees typically paid by the shrimpers. In some instances, the dock owners have not been paid rental fees that were established through verbal contracts. The boats are not currently a navigation hazard, however, they may become hazardous if they are not maintained or removed. Many of the private dock owners can identify the vessel owners but are unsure how to proceed.

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Abandoned Vessels, Defined

First, the private dock owners must determine whether the vessels are in fact “abandoned” under state law. In Georgia, the definition of an “abandoned vessel” includes a vessel:

*which is left unattended upon or in any public water or at any port in this state without the consent of the agency having jurisdiction or docked at any private property without the consent of the owner of such property for a period of at least five days and when it reasonably appears to a law enforcement officer that the individual who left such vessel unattended does not intend to return and remove such vessel.*²

The private docks are presumably in public waters under permits or licenses from the state and federal government. The docks, once constructed, would be private property. Therefore, boats left for more than five days without permission could be deemed abandoned if a law enforcement officer finds that it reasonably appears that the owner does not intend to return and remove the vessel.

Removal of the Vessel

There are protocols established in state law for removing an abandoned vessel. Any peace officer who finds a vessel which has been left unattended in or upon any public waters or other public property for a period of at least five days must notify the Department of Natural Resources (DNR) and may have it removed to a garage or other place of safety if the officer reasonably believes that the person who left the vessel unattended does not intend to return and remove the vessel.³ The officer may immediately have it removed if the vessel poses a threat to public health or safety.⁴ For vessels on private property or private waters, the owner may request to have another party remove the vessel.⁵

If the vessel owner is known, the person removing the vessel has seven days following removal to notify the owner by certified or registered mail or statutory overnight delivery with the following information: the location of the vessel, the fees connected with removal and storage of such vessel, and state that the vessel will be deemed abandoned unless the owner redeems the vessel within 30 days of the date the vessel

² GA. CODE ANN. § 52-7-70(1)(B).

³ *Id.* § 52-7-72.

⁴ *Id.*

⁵ *See id.* § 52-7-71.



was removed.⁶ The person removing the vessel places a lien on the vessel for the reasonable fees connected with the removal or storage plus the cost of any advertisement.⁷

If the owner does not redeem the vessel within 30 days, the person who removed or stored the vessel must give notice to the DNR regarding the status of the vessel within seven days.⁸ The DNR may then revoke, suspend, deny, or refuse to renew any vessel certificate of number or commercial fishing boat license held by the previous owner until fees connected with removal and storage of the vessel have been paid and any lien satisfied.⁹ The state tax commissioner will also be notified and may revoke, suspend, deny, or refuse to renew any motor vehicle registration held by the previous owner until all fees connected with removal and storage of the vessel have been paid and any lien satisfied.¹⁰

If the owner of the vessel is unknown, the person removing or storing the vessel must notify a local law enforcement agency in writing within 72 hours of the removal to provide vessel identification information.¹¹ If the identity of the owner of the vessel cannot be ascertained, the person removing the vessel must advertise in a local paper where the vessel was obtained or, if no newspaper, post an advertisement at the county courthouse. The advertisement must contain information provided in statute and run for two consecutive weeks.¹² After a vessel owner is identified, the person who removed the vessel has five days to notify the owner, lessors, lessees, security interest holders, and lienholders of the vessel of the location of such vessel and of the fact that such vessel is deemed abandoned and will be disposed of if not redeemed.¹³

Abandoned Vessel Lien

Any proceeding to foreclose a lien on an abandoned vessel must be instituted within one year from the time the lien is recorded or asserted.¹⁴ The person holding the lien on the abandoned vessel may sell the vessel at a public sale. After the lien is satisfied, the

⁶ *Id.* § 52-7-71(d).

⁷ *Id.* § 52-7-73.

⁸ *Id.* § 52-7-71(e).

⁹ *Id.* § 52-7-71 (e.1)(1)(A).

¹⁰ *Id.*

¹¹ *Id.* § 52-7-71(b). Information includes the location of the vessel, the vessel certificate of number, and the hull identification number, model, year, and make of the vessel, if known or if readily ascertainable. The person must ask the local law enforcement agency the identity and address of the last known registered owner of such vessel and any information indicating that such vessel is a stolen vessel.

¹² *Id.* § 52-7-71(g).

¹³ *Id.* § 52-7-71(f).

¹⁴ *Id.* § 52-7-74.



person selling the vessel must turn the remaining proceeds of the sale, if any, over to the clerk of the court.¹⁵

Contract for Rent

Finally, moving forward, one dock owner would like the shrimp boat owners to sign a written contract to pay \$1,000 per month in dock rent. The dock owner is concerned that the contract would be unenforceable; however, any contract that meets the essential elements of a legally binding contract would be enforceable. Even verbal contracts may be enforceable; however, they can be more difficult to enforce—courts may require evidence such as witness testimony or circumstantial evidence to uphold the agreements.

If the boat owner does not pay agreed upon rent, the dock owner would be able to file an action under federal admiralty law to recover the rental fees. Federal admiralty law provides that “a person providing necessaries to a vessel on the order of the owner or a person authorized by the owner has a maritime lien on the vessel.”¹⁶ Under federal admiralty law, the dock owner could bring an action *in rem*, which is a lawsuit directly against the boat rather than the owner, to recover damages resulting from a breach of contract.¹⁷ In this type of action, the lien attaches to the vessel itself rather than the owner, and the vessel may be sold to satisfy the lien. As an example, in *Morningstar Marinas/Golden Isles, LLC v. M/Y Kander*, a yacht owner neglected to pay rental fees for a wet slip and the dock owner filed an *in rem* action against the yacht.¹⁸ The judge awarded the dock owner damages for the unpaid contract, as well as fees for serving as custodian of the vessel beyond the contract. The court noted that the plaintiff has the right to request a sale of the yacht from the U.S. Marshal and to be repaid from the proceeds.

Conclusion

In conclusion, Georgia state law provides procedures for removing abandoned vessels. Boats no longer used and left at private docks could meet the definition of abandoned vessel, and the vessels could be removed following these procedures. If the vessel owner does not attempt to recover the boat, the vessel owner will lose title and could also have commercial fishing boat or motor vehicle licenses revoked. The person removing the vessel can likely be reimbursed for removal expenses if they follow all notification procedures. Contracts between dock owners and shrimp boat owners for

¹⁵ *Id.* § 52-7-75.

¹⁶ 46 U.S.C. § 31342(a)(1).

¹⁷ Fed. R. Civ. P. 9.

¹⁸ 764 F. Supp. 3d 1352 (S.D. Ga. 2025).



dock rental fees are enforceable, and dock owners may recover rental fees by filing an action that attaches a lien to the boat itself.