



General Assembly

**Amendment**

February Session, 2006

LCO No. 4455

\*HB0565804455HDO\*

Offered by:

REP. ROY, 119<sup>th</sup> Dist.

SEN. COOK, 18<sup>th</sup> Dist.

To: House Bill No. 5658

File No. 361

Cal. No. 239

**"AN ACT CONCERNING THE REMOVAL OF ABANDONED  
SUNKEN VESSELS."**

1 Strike lines 1 to 24 in their entirety and substitute the following in  
2 lieu thereof:

3 "Section 1. Section 15-3a of the general statutes is repealed and the  
4 following is substituted in lieu thereof (*Effective from passage*):

5 For the purposes of this chapter:

6 (1) "Derelict vessel" means any vessel, scow, lighter or similar  
7 floating structure or part thereof, whether or not moored, anchored or  
8 made fast to shore, that is broken or altered to such an extent that it  
9 will not keep afloat with ordinary care.

10 [(a)] (2) "Harbor" means a place on navigable waters, as defined by  
11 this section, where water-borne commercial or recreational traffic  
12 enters for the purpose of anchorage or docking or the unloading or  
13 receiving of cargo, supplies, equipment, fuel or passengers;

14 [(b)] (3) "Navigable waters" means waters which are subject to the  
15 ebb and flow of the tide shoreward to their mean high-water mark;

16 [(c)] (4) "Navigable waterways" means waters which are physically  
17 capable of supporting water-borne traffic, and subject to the ebb and  
18 flow of the tide.

19 Sec. 2. Section 15-11a of the general statutes is repealed and the  
20 following is substituted in lieu thereof (*Effective from passage*):

21 (a) [Any owner, agent or operator of any vessel, scow, lighter or  
22 similar floating structure lying within the limits of any river or harbor  
23 who causes or permits the same to be broken or altered to such an  
24 extent that it will not keep afloat with ordinary care, or grounds such  
25 craft or leaves any part thereof in any river or harbor, shall be fined not  
26 more than five hundred dollars or imprisoned not more than six  
27 months or both and the] A duly authorized harbor master shall  
28 determine whether a vessel is a derelict vessel. Upon such  
29 determination, the Commissioner of Transportation, such harbor  
30 master or a duly authorized representative of a municipality may  
31 cause [such vessel, scow, lighter or similar floating structure] such  
32 derelict vessel to be removed at the expense of [such] any owner, agent  
33 or operator of such derelict vessel and may recover the expense of such  
34 removal, together with the costs and expenses incident to such  
35 removal, including legal expenses and court costs incurred in such  
36 recovery, from the owner, agent or operator of such vessel in an action  
37 founded upon this section. The last owner of record of such vessel  
38 shall be responsible for such vessel. After consultation with the  
39 Commissioner of Transportation, the Commissioner of Environmental  
40 Protection may consider any such [sunken or grounded vessel, scow,  
41 lighter or similar structure] vessel to be an encroachment subject to the  
42 provisions of sections 22a-359 to [22a-363,] 22a-363f, inclusive.

43 (b) Prior to removing and taking such derelict vessel into custody,  
44 the Commissioner of Transportation, a duly authorized harbor master  
45 or a duly authorized representative of a municipality shall make a

46 reasonable attempt to notify the owner, agent or operator of the vessel  
47 and shall allow such owner, agent or operator to make arrangements  
48 for removal of the vessel. Such notification shall inform the owner,  
49 agent or operator that, pursuant to this section, if the vessel is not  
50 removed within twenty-four hours of notification, it shall be removed,  
51 taken into custody and stored at the owner, agent or operator's  
52 expense.

53 (c) Prior to removing a derelict vessel, the Commissioner of  
54 Transportation, a duly authorized harbor master or a duly authorized  
55 representative of a municipality shall affix to such vessel a readily  
56 visible notification sticker. The notification sticker shall contain the  
57 following information: (1) The date and time the notification sticker  
58 was affixed to the vessel, (2) a statement that, pursuant to this section,  
59 if the vessel is not removed within twenty-four hours of the time the  
60 sticker was affixed, it shall be taken into custody and stored at the  
61 owner's expense, (3) the location and telephone number where  
62 additional information may be obtained, and (4) the identity of the  
63 person who affixed the sticker.

64 (d) If the derelict vessel is not removed by the owner, agent or  
65 operator within the time period provided in subsection (c) if this  
66 section, the Commissioner of Transportation, a duly authorized harbor  
67 master or a duly authorized representative of a municipality may  
68 direct that such vessel be removed and taken into custody and may  
69 cause the same to be stored in a suitable place.

70 (e) If a derelict vessel is removed and taken into custody pursuant to  
71 subsection (d) of this section, the Commissioner of Transportation, a  
72 duly authorized harbor master or a duly authorized representative of a  
73 municipality shall give written notice, by certified mail, return receipt  
74 requested, to the owner, agent or operator of such vessel, if known,  
75 which notice shall state: (1) The vessel has been removed, taken into  
76 custody and stored, (2) the location from which the vessel was  
77 removed, and (3) that the vessel may be disposed of after fifteen days  
78 if the market value of such vessel, as determined by a certified marine

79 surveyor, does not exceed two thousand dollars or that the vessel may  
80 be sold after ninety days, pursuant to the provisions of subsection (f) of  
81 this section.

82 (f) Ninety days or more after written notice has been given pursuant  
83 to subsection (e) of this section, the Commissioner of Transportation, a  
84 duly authorized harbor master or a duly authorized representative of a  
85 municipality may sell a derelict vessel at public auction in accordance  
86 with the provisions of this section. The commissioner, harbor master or  
87 authorized agent of a municipality shall apply the proceeds of such  
88 sale toward the payment of its charges, any storage charges and the  
89 payment of any debt or obligation incurred by the commissioner,  
90 harbor master or agent who placed the vessel in storage. Such sale  
91 shall be advertised twice in a newspaper published or having a  
92 circulation in the town where such vessel is stored or is located,  
93 commencing at least five days before such sale; and, if the last place of  
94 abode of the owner, agent or operator of such vessel is known to or  
95 ascertained by the commissioner, harbor master or agent by the  
96 exercise of reasonable diligence, notice of the time and place of sale  
97 shall be given to such owner, agent or operator by sending such notice  
98 to the owner, agent or operator, certified mail, return receipt  
99 requested, at such last place of abode at least five days before the day  
100 of the sale. The proceeds of such sale, after deducting any amount due  
101 for removal and storage charges and all expenses connected with such  
102 sale, shall be paid to the owner, agent or operator of such vessel or the  
103 owner, agent or operator's legal representatives, if claimed by the  
104 owner, agent or operator or the owner, agent or operator's legal  
105 representative at any time within one year from the date of such sale. If  
106 such balance is not claimed within said period, it shall escheat to the  
107 municipality from which the vessel was removed. If the expenses  
108 incurred by the commissioner, harbor master or agent for such  
109 removal and storage and sale of such vessel and any fines exceed the  
110 proceeds of such sale, the owner, agent or operator of the vessel shall  
111 be liable for such excess expenses.

112 [(b)] (g) The Commissioner of Transportation may require the

113 owner, agent or operator to furnish a performance bond in an amount  
114 sufficient to cover the estimated costs of removal as determined by the  
115 commissioner.

116 (h) Liability for damages to persons or property by the actions of a  
117 political subdivision of the state pursuant to this section shall be  
118 governed by section 52-557n.

119 (i) An owner, agent or operator of a vessel determined to be a  
120 derelict vessel pursuant to subsection (a) of this section shall be guilty  
121 of a Class C misdemeanor."