



General Assembly

**Amendment**

February Session, 2006

LCO No. 4602

\*HB0565804602HRO\*

Offered by:

REP. STRIPP, 135<sup>th</sup> Dist.

REP. HETHERINGTON, 125<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 Section 15-3a of the general statutes is repealed and the  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 Section 15-11a of the general statutes is repealed and the  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, (3) that the vessel may be disposed of after fifteen days if the  
78 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 (g)  
81 of this section, and (4) that the owner has a right to contest the validity  
82 of such taking to the hearing officer named in such notice not later  
83 than ten days after the date of such notice.

84 (f) (1) The chief executive officer of each town shall appoint a  
85 suitable person, who shall not be a member of any state or local police  
86 department, to be a hearing officer to hear applications to determine  
87 whether or not the removal within such municipality of such derelict  
88 vessel was authorized under the provisions of this section. Two or  
89 more towns may join in appointing such hearing officer; provided any  
90 such hearing shall be held at a location which is as near to the town  
91 from which such derelict vessel was removed as is reasonable and  
92 practicable. The commissioner shall establish by regulation the  
93 qualifications necessary for hearing officers and procedures for the  
94 holding of such hearings. If it is determined at such hearing that the  
95 derelict vessel was not a menace, the owner of such derelict vessel  
96 shall not be liable for any expenses incurred as a result of the taking  
97 and storage of such derelict vessel, the lien provisions of this section  
98 shall not apply to such owner, and the department which took and  
99 stored such derelict vessel shall be liable for such expenses. If the  
100 owner, prior to such determination, pays such expenses and the  
101 storage charges of such derelict vessel, and it is determined at such  
102 hearing that the derelict vessel was not a menace, the department that  
103 took such derelict vessel shall be liable to such owner for the amount  
104 paid by such owner. Any person aggrieved by the decision of such  
105 hearing officer may, within fifteen days of the notice of such decision,  
106 appeal to the superior court for the judicial district wherein such  
107 hearing was held.

108 (2) The chief executive officer of each municipality shall designate a  
109 suitable person who shall be responsible for the collection of data  
110 concerning abandoned derelict vessels within such municipality and  
111 the preparation and submission of periodic reports to the  
112 Commissioner of Transportation which shall contain such information

113 as the commissioner may require.

114 (g) Ninety days or more after written notice has been given  
115 pursuant to subsection (e) of this section, the Commissioner of  
116 Transportation, a duly authorized harbor master or a duly authorized  
117 representative of a municipality may sell a derelict vessel at public  
118 auction in accordance with the provisions of this section. The  
119 commissioner, harbor master or authorized agent of a municipality  
120 shall apply the proceeds of such sale toward the payment of its  
121 charges, any storage charges and the payment of any debt or  
122 obligation incurred by the commissioner, harbor master or agent who  
123 placed the vessel in storage. Such sale shall be advertised twice in a  
124 newspaper published or having a circulation in the town where such  
125 vessel is stored or is located, commencing at least five days before such  
126 sale; and, if the last place of abode of the owner, agent or operator of  
127 such vessel is known to or ascertained by the commissioner, harbor  
128 master or agent by the exercise of reasonable diligence, notice of the  
129 time and place of sale shall be given to such owner, agent or operator  
130 by sending such notice to the owner, agent or operator, certified mail,  
131 return receipt requested, at such last place of abode at least five days  
132 before the day of the sale. The proceeds of such sale, after deducting  
133 any amount due for removal and storage charges and all expenses  
134 connected with such sale, shall be paid to the owner, agent or operator  
135 of such vessel or the owner, agent or operator's legal representatives, if  
136 claimed by the owner, agent or operator or the owner, agent or  
137 operator's legal representative at any time within one year from the  
138 date of such sale. If such balance is not claimed within said period, it  
139 shall escheat to the municipality from which the vessel was removed.  
140 If the expenses incurred by the commissioner, harbor master or agent  
141 for such removal and storage and sale of such vessel and any fines  
142 exceed the proceeds of such sale, the owner, agent or operator of the  
143 vessel shall be liable for such excess expenses.

144 [(b)] (h) The Commissioner of Transportation may require the  
145 owner, agent or operator to furnish a performance bond in an amount  
146 sufficient to cover the estimated costs of removal as determined by the

147 commissioner."