



Connecticut Department of  
**ENERGY &  
ENVIRONMENTAL  
PROTECTION**

**STATE OF CONNECTICUT  
DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION**

Public Hearing – February 28, 2014  
Environment Committee

Testimony Submitted by Interim Commissioner Robert J. Klee  
Presented By Deputy Commissioner Susan Whalen

**Raised House Bill No. 5309 – AN ACT CONCERNING ABANDONED BOATS**

Thank you for the opportunity to present testimony regarding Raised House Bill No. 5309 – AN ACT CONCERNING ABANDONED BOATS. The Department of Energy and Environmental Protection (DEEP) welcomes the opportunity to offer the following testimony.

DEEP strongly supports this proposal to implement an Internet-based process that should be easier than the current system for processing registrations and for physically removing vessels that are abandoned. The bill also provides a legal process for handling the mass displacement of vessels following an extreme weather event which is aligned with DEEP's debris management plan. A flow chart of how the process is designed to work is included as an attachment to this testimony.

Raised House Bill No. 5309 was drafted by DEEP staff who currently process documents for abandoned boats. This proposal also attempts address concerns brought to our attention by the Office of Legislative Research (OLR) including:

- clarifying language to include the rights of not only lien holders but parties with security interests;
- protecting private information such that only the name and town of record of an owner could be disclosed and only in conjunction with a declared emergency; and,
- adjusting the Commissioner's obligation to notify out-of-state lien holders by obtaining the name through the agency responsible for recording liens or security interests in the registering state.

In addition, these features have been added:

- a sixth class of vessel to be considered abandoned – those vessels that are required to be registered but are left upon the waters of the state for more than 24 hours without a valid

registration. (This was added to give law enforcement a better tool to deal with improperly registered boats.)

- anticipating the implementation of vessel titling in Connecticut, a mechanism to deal with an abandoned vessel that carries a title was incorporated.

While we strongly support this bill, we believe that the following changes should be incorporated before final consideration:

- First, we suggest that section (c)(4) lines 78 through 80 need to be changed to reflect a request from the Department of Motor Vehicles and agreed to by DEEP, as follows:

(4) Any licensed motor vehicle dealer authorized to tow or transport in accordance with section 14-66, or any professional marine salvager, when such dealer or salvager is engaged by any of the persons described in subdivisions (1) to (3), inclusive, of this subsection.

- Second, we suggest that section (f)(4) lines 128 through 131 need to be changed in order to protect the party with standing from damage to his real property, rather than damage to the abandoned vessel (to which the party with standing has no claim), as follows:

(4) Any party with a lien against the vessel or person with a bona fide security interest in the vessel who takes an abandoned vessel into custody shall be liable to the applicable party with standing for any damage incurred to the property of the party with standing caused by or during the removal of such abandoned vessel.

- Finally, we note that the effective date on line 2 is October 1, 2013. We suggest the effective date be changed January 1, 2015, giving DEEP time to educate the boating public of the upcoming change and to build and test the requisite web-page.

In summary, we strongly support Raised House Bill No. 5309 – AN ACT CONCERNING ABANDONED BOATS with minor amendments.

Thank you for the opportunity to present testimony on this proposal. If you should require any additional information, please contact Robert LaFrance, DEEP's Director of Governmental Affairs, at 860.424.3401 or [Robert.LaFrance@ct.gov](mailto:Robert.LaFrance@ct.gov) (or, Elizabeth McAuliffe, DEEP Legislative Liaison, at 860.424.3458 or [Elizabeth.McAuliffe@ct.gov](mailto:Elizabeth.McAuliffe@ct.gov)).

### Simplified Flow Chart for Abandoned Undocumented Boats and for Abandoned Boats without Liens

