



General Assembly

February Session, 2014

Raised Bill No. 5309

LCO No. 1400



Referred to Committee on ENVIRONMENT

Introduced by:
(ENV)

AN ACT CONCERNING ABANDONED BOATS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 15-140c of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2013*):

3 (a) No person shall abandon any vessel on the waters of this state or
4 upon property other than his own without the consent of the owner
5 thereof. For the purposes of this section, a vessel shall be presumed to
6 be abandoned if: [left] (1) Left on the waters of this state not moored,
7 anchored or made fast to the shore and unattended for a period greater
8 than twenty-four hours, [or] (2) left upon property other than his own
9 without the consent of said property owner for a period greater than
10 twenty-four hours, [. The last owner of record of a vessel at the time it
11 was abandoned shall be presumed to be the person who abandoned
12 the same or caused or procured its abandonment] except in the case
13 where a tenant leaves a vessel behind on property such tenant
14 formerly rented, leased or occupied, in which case such vessel shall be
15 presumed to be abandoned ninety days after termination of occupancy
16 by such tenant, (3) left at a mooring for more than sixty days since
17 receipt of the last full payment, (4) left at a storage facility, repair

18 facility or other commercial facility for more than one year since
19 receipt of the last full payment by such facility, (5) found during a
20 declared emergency pursuant to chapter 517: (A) In a public right-of-
21 way and that hinders access to a public right-of-way or hinders access
22 to public utilities, or (B) in a location or condition that creates an
23 imminent danger to public safety or to the environment, or (6) left
24 upon the waters of the state for more than twenty-four hours and such
25 vessel is not properly registered.

26 [(b) Any officer authorized to enforce the provisions of this chapter
27 upon discovery of any vessel apparently abandoned, whether situated
28 on or out of the waters of the state, may take such vessel into his
29 custody and may cause the same to be taken to and stored in a suitable
30 place. There shall be no liability attached to such officer for any
31 damages to such vessel while in his custody. All charges necessarily
32 incurred by such officer in the performance of such duty shall be a lien
33 upon such vessel. The owner or keeper of any marina or other place
34 where such vessel is stored shall have a lien upon the same for his
35 storage charges and if such vessel has been stored for a period of not
36 less than sixty days, such owner or keeper may sell the same for
37 storage charges owed thereon, provided a notice of intent to sell shall
38 be sent to the Commissioner of Energy and Environmental Protection,
39 the Commissioner of Motor Vehicles, the Commissioner of
40 Transportation and the owner of such vessel, if known, five days
41 before the sale of such vessel. If the owner is unknown, such sale shall
42 be advertised in a newspaper published or having a circulation in the
43 town where such marina or other place is located three times,
44 commencing at least five days before the sale. The proceeds of such
45 sale, after deducting the amount due such marina owner or keeper and
46 all expenses of the officer who placed such vessel in storage, shall be
47 paid to the owner of such vessel or his legal representatives, if claimed
48 by him or them at any time within one year from the date of such sale.
49 If such balance is not claimed within said period, it shall escheat to the
50 state.]

51 (b) The last owner of record of a vessel, as recorded with the
52 governmental entity that issued such registration, shall be presumed to
53 be the person who abandoned or caused the abandonment of such
54 vessel, except where such person provides the Commissioner of
55 Energy and Environmental Protection with sufficient evidence of the
56 transfer of ownership of such vessel to another person prior to the
57 abandonment of such vessel. For the purpose of this subsection, a
58 vessel that is documented with the United States Coast Guard under
59 maritime or admiralty law shall be considered to be registered with the
60 United States Coast Guard.

61 (c) Only a party with standing or such party's designated agent, as
62 identified in writing by such party with standing on a notification of
63 abandoned vessel, may initiate the abandoned vessel procedures
64 described in this section. For the purpose of this section, the following
65 parties shall have standing:

66 (1) The owner of the property where the abandoned vessel came to
67 rest or to which the abandoned vessel was made fast, unless such
68 vessel is given over to a lienholder, person with a bona fide security
69 interest, harbormaster, police department, municipality or agent of the
70 state and such vessel is removed from said property;

71 (2) Any harbormaster, police department, municipality or agent of
72 the state that agrees to accept or process an abandoned vessel;

73 (3) Any emergency responder, including a responding utility, or any
74 person or firm contracted by a governmental agency to provide
75 emergency services and responding to a bona fide emergency in a
76 declared emergency pursuant to chapter 517 or the aftermath of a
77 declared emergency; and

78 (4) Any marine salvager or licensed automobile tower, authorized
79 pursuant to section 14-66 and engaged by any of the persons described
80 in subdivisions (1) to (3), inclusive, of this subsection.

81 (d) Any party with standing may seek full cost recovery from the
82 person who abandoned the vessel for any unpaid expense incurred as
83 a result of, or incidental to, such vessel abandonment. Any person who
84 acts in good faith and without malicious intent in the processing,
85 storage or movement of any abandoned vessel pursuant to this section
86 shall be immune from civil liability for damage to such vessel.

87 (e) The Commissioner of Energy and Environmental Protection shall
88 notify the Secretary of the State by electronic mail of the receipt of any
89 notice of abandoned vessel for any abandoned vessel currently or
90 previously registered in this state. Such notification shall include a
91 description of the abandoned vessel and shall identify the name of the
92 owner of the vessel, as recorded with the Department of Motor
93 Vehicles, if known. The Secretary of the State shall inform the
94 Commissioner of Energy and Environmental Protection, not later than
95 ten business days after receipt of such notification, of any security
96 interest or commercial lien against such abandoned vessel and the
97 Secretary shall notify all such lienholders and persons with a bona fide
98 security interest against the vessel that such vessel is deemed
99 abandoned. If such abandoned vessel was documented in accordance
100 with the maritime or admiralty laws of the United States, the
101 Commissioner of Energy and Environmental Protection shall make
102 reasonable efforts to determine whether any lien or bona fide security
103 interest exists against such abandoned vessel and shall make
104 reasonable attempts to notify all lienholders and persons with a bona
105 fide security interest of the status and location of the abandoned
106 vessel.

107 (f) (1) Any party with a lien or person with a bona fide security
108 interest against an abandoned vessel, as filed with the Secretary of the
109 State, may seek a writ of attachment, in accordance with the provisions
110 of section 49-55d, at such party's or person's own expense and not later
111 than the issuance of a notice of assumed ownership to such party or
112 person by the Commissioner of Energy and Environmental Protection.
113 If such party or person fails to seek such writ of attachment, such party

114 or person shall be deemed to have discharged such lien or bona fide
115 security interest and the Secretary of the State shall record such
116 discharge upon notification by the Commissioner of Energy and
117 Environmental Protection that a notice of assumed ownership was
118 issued to the party with standing.

119 (2) Any party with a lien or person with a bona fide security interest
120 against an abandoned vessel as filed with an agency of the United
121 States may seek a writ of attachment in accordance with the provisions
122 of section 49-55d.

123 (3) Any lienholder or person with a bona fide security interest may
124 request that the Commissioner of Energy and Environmental
125 Protection suspend the abandoned boat procedures pursuant to
126 subsection (h) of this section for the purpose of arranging for the
127 removal, transport or storage of an abandoned vessel.

128 (4) Any lienholder or person with a bona fide security interest who
129 takes an abandoned vessel into custody shall be liable to the applicable
130 party with standing for any damage incurred to the vessel during the
131 removal of such abandoned vessel.

132 (5) Any abandoned vessel, once in the custody of a lienholder or
133 person with a bona fide security interest or an agent of a lienholder or
134 such person, shall no longer be deemed to be an abandoned vessel and
135 shall otherwise be processed pursuant to chapter 847.

136 (g) In the event an abandoned vessel is registered in another state,
137 the Commissioner of Energy and Environmental Protection shall notify
138 the registering agency and any agency of such state that is responsible
139 for recording liens and security interests, by electronic mail, of such
140 vessel's abandonment and shall allow such agencies fifteen business
141 days to return information regarding the owner of record of such
142 vessel and any person who registered or recorded a lien or security
143 interest against such vessel or to otherwise intervene in the abandoned
144 vessel procedures described in this section. If such agencies identify

145 any lienholder or person with a bona fide security interest, the
146 commissioner shall make reasonable attempts to notify such lienholder
147 or person. If such registering agency does not provide contact
148 information or otherwise intervene in such procedures not later than
149 fifteen business days after receipt of such notification, any further
150 obligation to identify or contact the last owner of record, lienholder or
151 person with a bona fide security interest shall be considered to be
152 waived, unless the abandoned vessel is documented according to the
153 maritime or admiralty laws of the United States, in which case the
154 commissioner may use the information contained in such
155 documentation to identify the last owner of record.

156 (h) The Commissioner of Energy and Environmental Protection
157 shall establish the following online process for the disposition of
158 abandoned vessels. Such process shall apply, in its entirety, only to
159 those abandoned vessels that are not documented according to the
160 maritime or admiralty laws of the United States or for which such
161 documentation is expired or cancelled. The provisions of this
162 subsection shall not apply to vessels that are documented according to
163 the maritime or admiralty laws of the United States except the
164 provisions of subdivisions (1) to (5), inclusive, of this subsection.

165 (1) The party with standing shall file a notarized notice of
166 abandoned vessel with the Commissioner of Energy and
167 Environmental Protection in person, by mail or by paid delivery
168 service. Such filing shall be on forms as prescribed by the
169 commissioner. The fee for filing such notice shall be twenty dollars.

170 (2) Upon receipt of any such filing, the commissioner shall
171 determine whether such vessel is reported as stolen or missing. If the
172 vessel was reported as stolen or missing, the police department with
173 whom the report was filed, after notification by the commissioner,
174 shall take such vessel into custody or arrange for the return of such
175 vessel to the owner of such vessel at the expense of the person who
176 abandoned such vessel.

177 (3) The commissioner shall post information regarding the report of
178 the abandoned vessel online, on a publicly accessible abandoned vessel
179 Internet web site. Such information shall be sufficient to identify the
180 abandoned vessel and shall contain, at a minimum and when such
181 information is known, the registration number of such vessel, the make
182 and model of such vessel, the length and color of such vessel, the town
183 and water body nearest to the location of such vessel abandonment
184 and instructions for contacting the commissioner.

185 (4) The commissioner shall send a certified letter to the person who
186 abandoned such vessel, provided such person can be identified and, in
187 such letter identify the abandoned vessel, notify the recipient of the
188 consequences of abandonment under the law and provide instructions
189 regarding retrieval of such vessel.

190 (5) The commissioner shall provide to the party with standing a
191 water resistant adhesive label advising that the subject vessel is being
192 processed pursuant to the provisions of this section and that contains
193 instructions on how to contact the commissioner in order to acquire
194 more information or intervene in such procedures. The party with
195 standing shall immediately affix the label to the abandoned boat in a
196 prominent location in such a manner as to be visible to an approaching
197 party.

198 (6) A forty-five-day abandoned boat period shall commence
199 beginning on the date of the first attempt to deliver the certified letter
200 described in subdivision (4) of this subsection. In any case in which a
201 vessel is not registered, such period shall begin when the
202 commissioner posts information regarding the abandoned vessel on
203 the Internet web site described in subdivision (3) of this subsection.
204 The commissioner may suspend such abandoned boat period for not
205 more than six months for just cause, provided the commissioner shall
206 state, in writing, for publication on such abandoned boat Internet web
207 site described in subdivision (3) of this subsection, the reason for such
208 suspension and the elements necessary to resume the abandoned boat

209 period.

210 (7) On the day following the expiration of the abandoned boat
211 period, if the person who abandoned such vessel did not contact the
212 commissioner or otherwise failed to remove such abandoned vessel,
213 the commissioner shall issue a notice of assumed ownership, by
214 certified mail, to the party with standing and provide a copy of the
215 notice to the Commissioner of Motor Vehicles by electronic mail. If
216 such abandoned vessel is the subject of a commercial lien, as filed with
217 the Secretary of the State, the Commissioner of Energy and
218 Environmental Protection shall send a copy of such notice of assumed
219 ownership, by electronic mail, to said Secretary. Said Secretary shall
220 consider such notice of assumed ownership to be a termination of any
221 and all liens and security interests against such vessel and to satisfy the
222 notice of removal requirements of section 49-56a. Upon issuance of
223 said notice of assumed ownership the party with standing shall be
224 deemed to be the owner of the abandoned vessel, and the original of
225 the notice of assumed ownership shall be prima facie evidence of such
226 ownership. In the event such vessel is titled in this or another state,
227 such notice of assumed ownership shall be prima facie evidence of a
228 transfer, by operation of law, from a titleholder to the party with
229 standing and shall be deemed sufficient documentation to establish the
230 party with standing's ownership interest or right to acquire the
231 ownership interest. The Commissioner of Motor Vehicles shall cancel
232 the existing registration for such vessel and shall note the transfer of
233 ownership to the party with standing in the vessel registration record,
234 if such record exists and is accessible to the Commissioner of Motor
235 Vehicles. If such vessel is registered by a registering agency other than
236 the Department of Motor Vehicles, the Commissioner of Motor
237 Vehicles shall notify such agency, by electronic mail, of the transfer of
238 ownership.

239 (8) If the person who abandoned such vessel contacts the
240 Commissioner of Energy and Environmental Protection, such person
241 shall have until the last day of the abandoned boat period described in

242 subdivision (6) of this subsection to remove such abandoned vessel
243 from the property or possession of the party with standing, as
244 applicable. If the person who abandoned such vessel fails to remove
245 such vessel by said day, the Commissioner of Energy and
246 Environmental Protection shall cause the registration of the abandoned
247 vessel to be cancelled and shall issue a notice of assumed ownership to
248 the party with standing. The commissioner may suspend the
249 abandoned boat period, in accordance with subdivision (6) of this
250 subsection, at the request of the person who abandoned the vessel and
251 for just cause shown. The person who abandoned the vessel shall be
252 liable for any property damage caused by the removal of the
253 abandoned vessel that is undertaken pursuant to this subdivision.

254 (i) For a period of forty-five days following the end of a declared
255 state of emergency that resulted in the widespread displacement of
256 vessels and that was declared to be an emergency by the Governor
257 pursuant to chapter 517, there shall be no fee for the filing of a notice of
258 abandoned vessel, pursuant to subdivision (1) of subsection (h) of this
259 section, and notarization of such notice shall not be required.
260 Notwithstanding sections 1-217 and 14-10, the commissioner may
261 publish the name of the owner of any such abandoned vessel and town
262 of record, as such information appears on vessel registration records,
263 during the declared emergency and until such time as such vessel is no
264 longer deemed abandoned.

265 (j) A notice of abandoned vessel, as described in subdivision (1) of
266 subsection (h) of this section, shall be prepared and submitted to the
267 Commissioner of Energy and Environmental Protection for each
268 abandoned vessel, including any vessel that is documented with the
269 United States Coast Guard in accordance with the maritime or
270 admiralty laws of the United States or that is relocated to an
271 abandoned boat holding area by persons or agents acting in a relief or
272 emergency capacity.

273 (k) The Commissioner of Energy and Environmental Protection may

274 waive the requirement to contact the person who abandoned such
275 vessel by certified mail, as required by subsection (h) of this section, if
276 contact with such person is otherwise established by electronic mail or
277 another suitable means of communication, as determined by the
278 commissioner.

279 (l) Notwithstanding any provisions of the general statutes, any
280 waste oil, fuel, antifreeze or other hazardous materials stored on an
281 abandoned vessel and incidental to the operation and maintenance of
282 such abandoned vessel shall be deemed household hazardous waste,
283 for the purpose of disposal of such materials, if removed from such
284 abandoned vessel in preparation for the storage, removal or
285 destruction of such abandoned vessel.

286 (m) Any person who abandons a vessel shall have committed a
287 violation and shall be fined not less than three hundred dollars nor
288 more than five hundred dollars, except if such abandonment occurred
289 during a declared emergency and as a result of the conditions that
290 caused such emergency to be declared.

291 (n) For purposes of this section, "person with a bona fide security
292 interest" means any person who filed or recorded a security interest
293 with the appropriate state or federal agency for such filing.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2013	15-140c

Statement of Purpose:

To update Connecticut's abandoned vessels statute in order to facilitate the disposition of such property.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]