



Substitute House Bill No. 5309

Public Act No. 14-57

AN ACT CONCERNING ABANDONED VESSELS.

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

Section 1. Section 15-140c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2015*):

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

Substitute House Bill No. 5309

declared emergency pursuant to chapter 517: (A) In a public right-of-way and that hinders access to a public right-of-way or hinders access to public utilities, or (B) in a location or condition that creates an imminent danger to public safety or to the environment, or (6) left upon the waters of the state for more than twenty-four hours and such vessel is not properly registered.

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

Substitute House Bill No. 5309

(b) The last owner of record of a vessel, as recorded with the governmental entity that issued such registration, shall be presumed to be the person who abandoned or caused the abandonment of such vessel, except: (1) Where such person provides the Commissioner of Energy and Environmental Protection with sufficient evidence that ownership of such vessel was transferred to another person prior to the abandonment of such vessel, and (2) the last owner of record for any vessel for which a certificate of title was issued by this state shall be the owner indicated on such certificate of title. For the purpose of this subsection, a vessel that is documented with the United States Coast Guard under maritime or admiralty law shall be considered to be registered with the United States Coast Guard.

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

(1) The owner of the property where the abandoned vessel came to rest or to which the abandoned vessel was made fast;

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

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

(4) Any licensed motor vehicle dealer who is 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

Substitute House Bill No. 5309

persons described in subdivisions (1) to (3), inclusive, of this subsection.

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

(e) The Commissioner of Energy and Environmental Protection shall notify the Secretary of the State by electronic mail of the receipt of any notice of abandoned vessel, as described in subsection (h) of this section, for any abandoned vessel currently or previously registered in this state. Such notification shall include a description of the abandoned vessel and shall identify the name of the owner of the vessel, as recorded with the Department of Motor Vehicles, if known. After receipt of any such notification, the Secretary of the State shall provide the Commissioner of Energy and Environmental Protection with copies of: (1) Any financing statement filed with the Secretary of the State for such vessel that names the owner of the vessel as the debtor and that describes the vessel, by identification number or by type, as collateral or that states that the collateral is "all assets" or "all property" of said owner; or (2) any vessel lien against such vessel filed with the Secretary of the State. The Commissioner of Energy and Environmental Protection shall notify all secured parties listed on any such financing statements and any such lienholders, in writing, that such vessel is deemed abandoned. Such notice shall describe the consequences of abandonment, as prescribed by this section, and provide instructions regarding retrieval of such vessel. If such abandoned vessel was documented in accordance with the maritime or admiralty laws of the United States, the Commissioner of Energy and Environmental Protection shall make reasonable efforts to determine

Substitute House Bill No. 5309

whether any lien, ship mortgage or security interest exists against such abandoned vessel and shall make reasonable attempts to notify all lienholders, ship mortgagees and persons with a security interest of the status and location of the abandoned vessel.

(f) (1) Any party with a vessel lien, as filed with the Secretary of the State, may seek a writ of attachment in accordance with the provisions of section 49-55d. Any person with a security interest against an abandoned vessel may take any action permitted by a secured party, in accordance with the provisions of section 42a-9-601. Any such writ or action shall be at such party's or person's own expense and instituted not later than the issuance of a notice of assumed ownership to such party or person by the Commissioner of Energy and Environmental Protection. If such party or person fails to seek such writ or take action, such party or person shall be deemed to have discharged such lien or security interest. The Commissioner of Energy and Environmental Protection shall file a notice of discharge of any such lien or security interest with the Secretary of the State. Any such discharge notice shall: (A) Identify the vessel lien or security interest by a file number, (B) describe the vessel by identification number or type, and (C) state that a notice of assumed ownership was issued to the party with standing.

(2) Any party with a vessel lien or person with a security interest against an abandoned vessel as filed with an agency of the United States may seek a writ of attachment in accordance with the provisions of section 49-55d or any other applicable provision of federal or state law.

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

Substitute House Bill No. 5309

(4) Any party with a vessel lien or person with a security interest in the vessel who enters onto property of a party with standing to take an abandoned vessel into custody shall be liable to the applicable party with standing for any damage or physical injury caused by such entry or taking.

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

(g) In the event an abandoned vessel is registered in another state, the Commissioner of Energy and Environmental Protection shall notify the registering agency and any agency of such state that is responsible for recording vessel liens and security interests, by electronic mail, of such vessel's abandonment and shall allow such agencies fifteen business days to return information regarding the owner of record of such vessel and any person who registered or recorded a vessel lien or security interest against such vessel or to otherwise intervene in the abandoned vessel procedures described in this section. If such agencies identify any vessel lienholder or person with a security interest, the commissioner shall make reasonable attempts to notify such vessel lienholder or person. If such registering agency does not provide contact information or otherwise intervene in such procedures not later than fifteen business days after receipt of such notification, any further obligation to identify or contact the last owner of record, vessel lienholder or person with a security interest shall be considered to be waived, unless the abandoned vessel is documented according to the maritime or admiralty laws of the United States, in which case the commissioner may use the information contained in such documentation to identify the last owner of record.

(h) The Commissioner of Energy and Environmental Protection shall establish the following online process for the disposition of

Substitute House Bill No. 5309

abandoned vessels. Such process shall apply, in its entirety, only to those abandoned vessels that are not documented according to the maritime or admiralty laws of the United States or for which such documentation is expired or cancelled. The provisions of this subsection shall not apply to vessels that are documented according to the maritime or admiralty laws of the United States except the provisions of subdivisions (1) to (5), inclusive, of this subsection.

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

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

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

(4) The commissioner shall send a certified letter to the person who abandoned such vessel, provided such person can be identified and, in

Substitute House Bill No. 5309

such letter, identify the abandoned vessel, notify the recipient of the consequences of abandonment under the provisions of this section and provide instructions regarding retrieval of such vessel.

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

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

(7) On the day following the expiration of the abandoned vessel period, if any person who abandoned such vessel, vessel lienholder or person with a security interest did not contact the commissioner or otherwise failed to remove such abandoned vessel, the commissioner shall issue a notice of assumed ownership, by certified mail, to the party with standing and provide a copy of the notice to the Commissioner of Motor Vehicles by electronic mail. If such abandoned vessel is the subject of a vessel lien or security interest, as filed with the

Substitute House Bill No. 5309

Secretary of the State, the Commissioner of Energy and Environmental Protection shall file a notice of discharge with the Secretary of the State. Such notice shall: (A) Identify the vessel lien or security interest by a file number, (B) describe the vessel by identification number or type, and (C) indicate that a notice of assumed ownership was issued to the party with standing. The notice of assumed ownership shall be a termination of any and all liens and security interests against such vessel and shall satisfy the notice of removal requirements of section 49-56a. Upon issuance of said notice of assumed ownership the party with standing shall be deemed to be the owner of the abandoned vessel, and the original of the notice of assumed ownership shall be prima facie evidence of such ownership. In the event such vessel is titled in this or another state, such notice of assumed ownership shall be prima facie evidence of a transfer, by operation of law, from a titleholder to the party with standing and shall be deemed sufficient documentation to establish the party with standing's ownership interest or right to acquire the ownership interest. The Commissioner of Motor Vehicles shall cancel the existing registration for such vessel and shall note the transfer of ownership to the party with standing in the vessel registration record, if such record exists and is accessible to the Commissioner of Motor Vehicles. If such vessel is registered by a registering agency other than the Department of Motor Vehicles, the Commissioner of Motor Vehicles shall notify such agency, by electronic mail, of the transfer of ownership.

(8) If the person who abandoned such vessel contacts the Commissioner of Energy and Environmental Protection, such person shall have until the last day of the abandoned vessel period described in subdivision (6) of this subsection to remove such abandoned vessel from the property or possession of the party with standing, as applicable. If the person who abandoned such vessel fails to remove such vessel by said day, the Commissioner of Energy and Environmental Protection, in conjunction with the Commissioner of

Substitute House Bill No. 5309

Motor Vehicles, shall cause the registration of the abandoned vessel to be cancelled and shall issue a notice of assumed ownership to the party with standing. The commissioner may suspend the abandoned vessel period, in accordance with subdivision (6) of this subsection, at the request of the person who abandoned the vessel and for just cause shown. The person who abandoned the vessel shall be liable for any property damage caused by the removal of the abandoned vessel that is undertaken pursuant to this subdivision.

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

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

(k) The Commissioner of Energy and Environmental Protection may waive the requirement to contact the person who abandoned such vessel by certified mail, as required by subdivision (4) of subsection (h) of this section, if contact with such person is otherwise established by

Substitute House Bill No. 5309

electronic mail or another suitable means of communication, as determined by the commissioner.

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

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

Approved May 28, 2014