
Judiciary Committee

HB 1322

Title: An act relating to abandoned or derelict vessels.

Brief Description: Regarding abandoned or derelict vessels.

Sponsors: Representatives Fitzgibbon, Hinkle, Tharinger, Appleton, Van De Wege, Green, Sells, Jinkins, Rolfes, Lytton, Blake, Upthegrove, Warnick, Ryu, Moscoso, Hunt, Stanford and Kenney; by request of Commissioner of Public Lands.

Brief Summary of Bill

- Makes changes to the crime of causing a vessel to become abandoned or derelict.
- Changes the reimbursement rate applicable to port districts seeking reimbursement from the Derelict Vessel Removal Program.
- Limits civil liability for authorized public entities exercising their authority under the Derelict Vessel Removal Program.

Hearing Date: 2/3/11

Staff: Trudes Tango (786-7384).

Background:

The Department of Natural Resources (DNR) administers the Derelict Vessel Removal Program (DVRP) and the Derelict Vessel Removal Account.

Authorized Public Entities.

An authorized public entity (APE), which includes the DNR and most public agencies that own or manage aquatic lands, may take custody and dispose of abandoned or derelict vessels on aquatic lands within its jurisdiction. The DNR has an oversight and rule-making role in the removal and disposal process. If an APE is unable or unwilling to remove a derelict or abandoned vessel in its jurisdiction, it may ask the DNR to assume responsibility. No APE has a duty to exercise its authority, and an APE is not liable for choosing not to exercise its authority.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

A marina may contract with a local government to serve as the APE to remove a derelict vessel. The authorizing statute for such contracts does not include the removal of abandoned vessels.

Reimbursement for Vessel Removals.

the owner of an abandoned or derelict vessel is responsible for the cost of removal and disposal. If the owner is unknown or unable to pay the cost, the APE may seek reimbursement of up to 90 percent of the costs. Monies in the Derelict Vessel Removal Account are used to reimburse APEs.

Port districts are also APEs and have the authority to remove a vessel from its moorage facilities if the vessel is a nuisance, in danger of sinking or creating other damage, or the owner owes port charges. The port may seek reimbursement for 75% of the costs from the Derelict Vessel Removal Account.

Funds in the account come primarily from a \$2 surcharge on vessel registrations, as well as a temporary additional \$1 surcharge on vessel registrations imposed until 2014.

Criminal Liability.

It is a misdemeanor to cause a vessel to become abandoned or derelict.

Summary of Bill:

Criminal Liability.

In order to constitute a misdemeanor, a person must knowingly cause a vessel to become abandoned or derelict. A person may also be criminally liable for knowingly causing a vessel to sink, break up, block navigation channels, or contaminate the environment.

Marina Participation in the DVRP.

Marinas may contract with a local government APE for the removal of abandoned vessels, not just derelict vessels.

Reimbursement Rate for Ports.

Port districts may seek reimbursement for up to 90% of the cost of removal of a vessel.

Limited Liability for APEs.

An APE, or entity contracting with an APE, is not civilly liable for any act or omission under its DVRP authority unless that act or omission constitutes gross negligence or willful or wanton misconduct.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.