

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE HOUSE BILL 1919**

Chapter 110, Laws of 2024

68th Legislature  
2024 Regular Session

ABANDONED VESSELS—SALE BY PRIVATE MOORAGE FACILITY—NOTICE

EFFECTIVE DATE: June 6, 2024

Passed by the House February 13, 2024  
Yeas 97 Nays 0

LAURIE JINKINS

**Speaker of the House of  
Representatives**

Passed by the Senate March 1, 2024  
Yeas 48 Nays 0

DENNY HECK

**President of the Senate**

Approved March 15, 2024 9:41 AM

JAY INSLEE

**Governor of the State of Washington**

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1919** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

**Chief Clerk**

FILED

March 15, 2024

**Secretary of State  
State of Washington**

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**SUBSTITUTE HOUSE BILL 1919**

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Passed Legislature - 2024 Regular Session

**State of Washington**

**68th Legislature**

**2024 Regular Session**

**By** House Agriculture and Natural Resources (originally sponsored by Representatives Bronoske, Corry, Leavitt, Reed, and Tharinger)

READ FIRST TIME 01/26/24.

1       AN ACT Relating to modifying the process by which a private  
2 moorage facility may sell an abandoned vessel for failure to pay  
3 moorage fees; and amending RCW 88.26.020.

4       BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5       **Sec. 1.** RCW 88.26.020 and 2023 c 258 s 10 are each amended to  
6 read as follows:

7       (1) (a) Any private moorage facility operator may take reasonable  
8 measures, including the use of chains, ropes, and locks, or removal  
9 from the water, to secure vessels within the private moorage facility  
10 so that the vessels are in the possession and control of the operator  
11 and cannot be removed from the facility. These procedures may be used  
12 if an owner mooring or storing a vessel at the facility fails, after  
13 being notified that charges are owing and of the owner's right to  
14 commence legal proceedings to contest that such charges are owing, to  
15 pay charges owed or to commence legal proceedings. Notification shall  
16 be by two separate letters, one sent by first-class mail and one sent  
17 by registered mail to the owner and any lienholder of record at the  
18 last known address. In the case of a transient vessel, or where no  
19 address was furnished by the owner, the operator need not give notice  
20 prior to securing the vessel. At the time of securing the vessel, an  
21 operator shall attach to the vessel a readily visible notice. The

1 notice shall be of a reasonable size and shall contain the following  
2 information:

3 ~~((a))~~ (i) The date and time the notice was attached;

4 ~~((b))~~ (ii) A statement that if the account is not paid in full  
5 within ~~((90))~~ 45 days from the time the notice is attached the vessel  
6 may be sold at public auction to satisfy the charges; and

7 ~~((c))~~ (iii) The address and telephone number where additional  
8 information may be obtained concerning release of the vessel.

9 (b) After a vessel is secured, the operator shall make a  
10 reasonable effort to notify the owner and any lienholder of record by  
11 registered mail in order to give the owner the information contained  
12 in the notice.

13 (2) A private moorage facility operator, at his or her  
14 discretion, may move moored vessels ashore for storage within  
15 properties under the operator's control or for storage with a private  
16 person under their control as bailees of the private moorage  
17 facility, if the vessel is, in the opinion of the operator, a  
18 nuisance, in danger of sinking or creating other damage, or is owing  
19 charges. The costs of any such procedure shall be paid by the  
20 vessel's owner.

21 (3) If a vessel is secured under subsection (1) of this section  
22 or moved ashore under subsection (2) of this section, the owner who  
23 is obligated to the private operator for charges may regain  
24 possession of the vessel by:

25 (a) Making arrangements satisfactory with the operator for the  
26 immediate removal of the vessel from the facility or for authorized  
27 moorage; and

28 (b) Making payment to the operator of all charges, or by posting  
29 with the operator a sufficient cash bond or other acceptable  
30 security, to be held in trust by the operator pending written  
31 agreement of the parties with respect to payment by the vessel owner  
32 of the amount owing, or pending resolution of the matter of the  
33 charges in a civil action in a court of competent jurisdiction. After  
34 entry of judgment, including any appeals, in a court of competent  
35 jurisdiction, or after the parties reach agreement with respect to  
36 payment, the trust shall terminate and the operator shall receive so  
37 much of the bond or other security as agreed, or as is necessary, to  
38 satisfy any judgment, costs, and interest as may be awarded to the  
39 operator. The balance shall be refunded immediately to the owner at  
40 the last known address.

1 (4) If a vessel has been secured by the operator under subsection  
2 (1) of this section and is not released to the owner under the  
3 bonding provisions of this section within ~~((90))~~ 45 days after  
4 notifying or attempting to notify the owner under subsection (1) of  
5 this section, the vessel is conclusively presumed to have been  
6 abandoned by the owner.

7 (5) If a vessel moored or stored at a private moorage facility is  
8 abandoned, the operator may authorize the public sale of the vessel  
9 by authorized personnel, consistent with this section, to the highest  
10 and best bidder for cash as follows:

11 (a) Before the vessel is sold, the vessel owner and any  
12 lienholder of record shall be given at least 20 days' notice of the  
13 sale in the manner set forth in subsection (1) of this section if the  
14 name and address of the owner is known. The notice shall contain the  
15 time and place of the sale, a reasonable description of the vessel to  
16 be sold, and the amount of charges owed with respect to the vessel.  
17 ~~((The notice of sale shall be published at least once, more than 10  
18 but not more than 20 days before the sale, in a newspaper of general  
19 circulation in the county in which the facility is located. This  
20 notice shall include the name of the vessel, if any, the last known  
21 owner and address, and a reasonable description of the vessel to be  
22 sold.))~~ The operator may bid all or part of its charges at the sale  
23 and may become a purchaser at the sale.

24 (b) Before the vessel is sold, any person seeking to redeem an  
25 impounded vessel under this section may commence a lawsuit in the  
26 superior court for the county in which the vessel was impounded to  
27 contest the validity of the impoundment or the amount of charges  
28 owing. This lawsuit must be commenced within ~~((60))~~ 40 days of the  
29 date the notification was provided under subsection (1) of this  
30 section, or the right to a hearing is deemed waived and the owner is  
31 liable for any charges owing the operator. In the event of  
32 litigation, the prevailing party is entitled to reasonable attorneys'  
33 fees and costs.

34 (c) The proceeds of a sale under this section shall be applied  
35 first to the payment of any liens superior to the claim for charges,  
36 then to payment of the charges, then to satisfy any other liens on  
37 the vessel in the order of their priority. The balance, if any, shall  
38 be paid to the owner. If the owner cannot in the exercise of due  
39 diligence be located by the operator within one year of the date of  
40 the sale, the excess funds from the sale shall revert to the

1 department of revenue under chapter 63.30 RCW. If the sale is for a  
2 sum less than the applicable charges, the operator is entitled to  
3 assert a claim for deficiency, however, the deficiency judgment shall  
4 not exceed the moorage fees owed for the previous six-month period.

5 (d) In the event no one purchases the vessel at a sale, or a  
6 vessel is not removed from the premises or other arrangements are not  
7 made within 10 days of sale, title to the vessel will revert to the  
8 operator.

9 (e) Either a minimum bid may be established or a letter of credit  
10 may be required from the buyer, or both, to discourage the future  
11 abandonment of the vessel.

12 (6) The rights granted to a private moorage facility operator  
13 under this section are in addition to any other legal rights an  
14 operator may have to hold and sell a vessel and in no manner does  
15 this section alter those rights, or affect the priority of other  
16 liens on a vessel.

Passed by the House February 13, 2024.

Passed by the Senate March 1, 2024.

Approved by the Governor March 15, 2024.

Filed in Office of Secretary of State March 15, 2024.

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