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**HOUSE BILL 2199**

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**State of Washington**

**69th Legislature**

**2026 Regular Session**

**By** Representatives Richards, Leavitt, Ryu, Ramel, Simmons, Reed, Parshley, Zahn, Nance, Bronoske, Morgan, and Bernbaum

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1 AN ACT Relating to reducing impacts from derelict vessels;  
2 amending RCW 79.100.050 and 79.100.120; and reenacting and amending  
3 RCW 79.100.010.

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

5 **Sec. 1.** RCW 79.100.010 and 2014 c 195 s 604 are each reenacted  
6 and amended to read as follows:

7 The definitions in this section apply throughout this chapter  
8 unless the context clearly requires otherwise.

9 (1) "Abandoned vessel" means a vessel that has been left, moored,  
10 or anchored in the same area without the express consent, or contrary  
11 to the rules of, the owner, manager, or lessee of the aquatic lands  
12 below or on which the vessel is located for either a period of more  
13 than (~~(thirty)~~) 30 consecutive days or for more than a total of  
14 (~~(ninety)~~) 90 days in any (~~(three hundred sixty-five-day)~~) 365-day  
15 period, and the vessel's owner is: (a) Not known or cannot be  
16 located; or (b) known and located but is unwilling to take control of  
17 the vessel. For the purposes of this subsection (1) only, "in the  
18 same area" means within a radius of five miles of any location where  
19 the vessel was previously moored or anchored on aquatic lands.

1 (2) "Aquatic lands" means all tidelands, shorelands, harbor  
2 areas, and the beds of navigable waters, including lands owned by the  
3 state and lands owned by other public or private entities.

4 (3) "Authorized public entity" includes any of the following: The  
5 department of natural resources; the department of fish and wildlife;  
6 the parks and recreation commission; a metropolitan park district; a  
7 port district; and any city, town, or county with ownership,  
8 management, or jurisdiction over the aquatic lands where an abandoned  
9 or derelict vessel is located.

10 (4) "Department" means the department of natural resources.

11 (5) "Derelict vessel" means (~~the vessel's owner is known and can~~  
12 ~~be located, and exerts control of~~) a vessel that:

13 (a) Has been moored, anchored, or otherwise left in the waters of  
14 the state or on public property contrary to RCW 79.02.300 or rules  
15 adopted by an authorized public entity;

16 (b) Has been left on private property without authorization of  
17 the owner; (~~or~~)

18 (c) Has been left for a period of seven consecutive days, and:

19 (i) Is sunk or in imminent danger of sinking;

20 (ii) Is obstructing a waterway; or

21 (iii) Is endangering life or property; or

22 (d) Has been in violation of state registration requirements  
23 under RCW 88.02.550 for at least two full annual registration  
24 periods.

25 (6) "Owner" means any natural person, firm, partnership,  
26 corporation, association, government entity, or organization that has  
27 a lawful right to possession of a vessel by purchase, exchange, gift,  
28 lease, inheritance, or legal action whether or not the vessel is  
29 subject to a security interest.

30 (7) "Ship" means every species of watercraft or other mobile  
31 artificial contrivance, powered or unpowered, intended to be used for  
32 transporting people or goods on water or for floating marine  
33 construction or repair and that exceeds (~~two hundred~~) 200 feet in  
34 length.

35 (8) "Vessel" means every species of watercraft or other mobile  
36 artificial contrivance, powered or unpowered, intended to be used for  
37 transporting people or goods on water or for floating marine  
38 construction or repair and which does not exceed (~~two hundred~~) 200  
39 feet in length. "Vessel" includes any trailer used for the  
40 transportation of watercraft, or any attached floats or debris.

1       **Sec. 2.** RCW 79.100.050 and 2021 c 65 s 89 are each amended to  
2 read as follows:

3       (1) (~~After~~) Subject to the contest provisions of RCW  
4 79.100.120, after taking custody of a vessel, the authorized public  
5 entity may use or dispose of the vessel in any appropriate and  
6 environmentally sound manner without further notice to any owners,  
7 but must give preference to uses that derive some monetary benefit  
8 from the vessel, either in whole or in scrap. If no value can be  
9 derived from the vessel, the authorized public entity must give  
10 preference to the least costly, environmentally sound, reasonable  
11 disposal option. Any disposal operations must be consistent with the  
12 state solid waste disposal provisions provided for in chapter 70A.205  
13 RCW.

14       (2) If the authorized public entity chooses to offer the vessel  
15 at a public auction, either a minimum bid may be set or a letter of  
16 credit may be required, or both, to discourage future reabandonment  
17 of the vessel.

18       (3) Proceeds derived from the sale of the vessel must first be  
19 applied to any administrative costs that are incurred by the  
20 authorized public entity during the notification procedures set forth  
21 in RCW 79.100.040, removal and disposal costs, and costs associated  
22 with environmental damages directly or indirectly caused by the  
23 vessel. If the proceeds derived from the vessel exceed all  
24 administrative costs, removal and disposal costs, and costs  
25 associated with environmental damages directly or indirectly caused  
26 by the vessel, the remaining moneys must be applied to satisfying any  
27 liens registered against the vessel.

28       (4) Any value derived from a vessel greater than all liens and  
29 costs incurred reverts to the derelict vessel removal account  
30 established in RCW 79.100.100.

31       **Sec. 3.** RCW 79.100.120 and 2023 c 39 s 1 are each amended to  
32 read as follows:

33       (1)(a) An owner or lienholder seeking to contest an authorized  
34 public entity's decision to take temporary possession or custody of a  
35 vessel under this chapter, or to contest the amount of reimbursement  
36 owed to an authorized public entity under this chapter, may request a  
37 hearing in accordance with this section.

38       (b) A transferor or other entity with secondary liability under  
39 this chapter or RCW 88.26.030 may commence a lawsuit in the superior

1 court for the county in which custody of the vessel was taken to  
2 contest the transferor's or other entity's liability or the amount of  
3 reimbursement owed the authorized public entity under this chapter.

4 (2) (a) If the contested decision or action was undertaken by a  
5 state agency, a written request for a hearing related to the decision  
6 or action must be filed with the pollution control hearings board and  
7 served on the state agency in accordance with RCW 43.21B.230 (2) and  
8 (3) within 30 days of the date the authorized public entity  
9 (~~acquires~~) secures or removes the vessel after acquiring custody  
10 (~~of the vessel~~) under RCW 79.100.040, or if the vessel is redeemed  
11 before the authorized public entity acquires custody, the date of  
12 redemption, or the right to a hearing is deemed waived and the  
13 vessel's owner is liable for any costs owed the authorized public  
14 entity. In the event of litigation, the prevailing party is entitled  
15 to reasonable attorneys' fees and costs.

16 (b) Upon receipt of a timely hearing request, the pollution  
17 control hearings board shall proceed to hear and determine the  
18 validity of the decision to take the vessel into temporary possession  
19 or custody and the reasonableness of any towing, storage, or other  
20 charges permitted under this chapter. Within five business days after  
21 the request for a hearing is filed, the pollution control hearings  
22 board shall notify the vessel owner requesting the hearing and the  
23 authorized public entity of the date, time, and location for the  
24 hearing. Unless the vessel is redeemed before the request for hearing  
25 is filed, the pollution control hearings board shall set the hearing  
26 on a date that is within 10 business days of the filing of the  
27 request for hearing. If the vessel is redeemed before the request for  
28 a hearing is filed, the pollution control hearings board shall set  
29 the hearing on a date that is within 60 days of the filing of the  
30 request for hearing.

31 (c) Consistent with RCW 43.21B.305, a proceeding brought under  
32 this subsection may be heard by one member of the pollution control  
33 hearings board, whose decision is the final decision of the board. An  
34 administrative law judge employed by the pollution control hearings  
35 board may be substituted for a board member under this section.

36 (3) (a) If the contested decision or action was undertaken by a  
37 metropolitan park district, port district, city, town, or county,  
38 which has adopted rules or procedures for contesting decisions or  
39 actions pertaining to derelict or abandoned vessels, those rules or  
40 procedures must be followed in order to contest a decision to take

1 temporary possession or custody of a vessel, or to contest the amount  
2 of reimbursement owed.

3 (b) If the metropolitan park district, port district, city, town,  
4 or county has not adopted rules or procedures for contesting  
5 decisions or actions pertaining to derelict or abandoned vessels,  
6 then an owner or lienholder requesting a hearing under this section  
7 must follow the procedure established in subsection (2) of this  
8 section.

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