

HOUSE BILL REPORT

SSB 5316

As Passed House
April 8, 1993

Title: An act relating to private moorage facilities.

Brief Description: Regulating private moorage facilities.

Sponsors: Senate Committee on Labor & Commerce (originally sponsored by Senators Moore and McCaslin).

Brief History:

Reported by House Committee on:
Commerce & Labor, March 30, 1993, DPA;
Passed House - Amended, April 8, 1993, 97-0.

HOUSE COMMITTEE ON COMMERCE & LABOR

Majority Report: Do pass as amended. Signed by 9 members: Representatives Heavey, Chair; G. Cole, Vice Chair; Lisk, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Conway; Horn; King; Springer; and Veloria.

Staff: Jim Kelley (786-7166).

Background: Public moorage facility operators and self storage facilities have the power to secure vessels when rental fees have not been paid to prevent vessels from being taken before settlement. However, privately owned moorage facilities do not have similar protection.

Summary of Bill: Private moorage facility operators may take measures to secure vessels to prevent vessels from being moved if an owner fails to pay charges owed. A facility must notify the owner by registered mail and first class mail of charges owed and of the owner's right to begin legal proceedings to contest such charges. At the time of securing the vessel, the facility must post a visible notice on the vessel stating: the date and time the notice was attached; that if the account is not paid in full within 90 days from the time the notice is attached, the vessel may be sold at public auction to satisfy the charges; and the address and telephone number where additional information may be obtained concerning release of the vessel. Anyone seeking to redeem an impounded vessel must commence a lawsuit within 60 days of this notice.

If the vessel is not released to the owner within 90 days, the vessel is presumed abandoned. The facility may then authorize public sale of the vessel in order to recover costs. Notice of the sale must be given to the owner, lienholders, and the public. If the vessel is not purchased within 10 days of the sale, the title reverts to the operator.

Proceeds from the vessel sale will be disbursed as follows: (1) parties having existing superior liens; (2) parties to whom moorage charges are due; and (3) parties having other liens on the vessel.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Private moorage facilities should have the same ability as public moorages to secure vessels in the event of nonpayment. The notice provisions in the bill are more than adequate.

Testimony Against: None.

Witnesses: John Woodring, Association of Independent Moorages and Northwest Marine Trade Association (in favor); Jonathon Ives, Association of Independent Moorages (in favor); and Neil Falkenburg, West Bay Marina (in favor).