

SENATE BILL REPORT

SSB 5316

AS PASSED SENATE, MARCH 13, 1993

Brief Description: Regulating private moorage facilities.

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

SENATE COMMITTEE ON LABOR & COMMERCE

Majority Report: That Substitute Senate Bill No. 5316 be substituted therefor, and the substitute bill do pass.

Signed by Senators Moore, Chairman; Amondson, Barr, Cantu, Fraser, McAuliffe, Newhouse, Pelz, Sutherland, Vognild, and Wojahn.

Staff: Erika Lim (786-7488)

Hearing Dates: February 15, 1993; February 23, 1993

HOUSE COMMITTEE ON COMMERCE & LABOR

BACKGROUND:

Moorage facility operators (port districts, cities, towns, metropolitan park districts or counties which own or operate a moorage facility) and self storage facilities have the power to secure vessels when rental fees have not been paid to prevent vessels from disappearing before settlement. However, privately owned moorage facilities do not have similar protection.

SUMMARY:

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 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; (3) parties having other liens on the vessel.

Appropriation: none

Revenue: none

Fiscal Note: available

TESTIMONY FOR:

At the present time, private moorage facilities do not hold the same rights as public facilities in their ability to secure vessels for nonpayment of charges. The measure is needed by private moorage facility operators.

TESTIMONY AGAINST: None

TESTIFIED: John Woodring, Association of Independent Moorages
(pro)

HOUSE AMENDMENT(S):

When a moorage facility notifies a boat owner of charges owed and the boat owner's right to contest the charges, both a certified letter and a regular, first-class letter must be sent.

If a boat is sold to satisfy unpaid fees and the sale price is less than the amount owing, the moorage facility may sue the boat owner for the deficiency. The maximum amount of a deficiency judgment is the moorage fees owed for the previous six months.