

**SENATE BILL REPORT**

**SB 5316**

**AS REPORTED BY COMMITTEE ON LABOR & COMMERCE, FEBRUARY 23, 1993**

**Brief Description:** Regulating private moorage facilities.

**SPONSORS:** 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

**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 authority to secure property when rental fees have not been paid, so as to prevent the property from departing prior to settlement. However, privately owned moorage facilities do not have similar protection under current law.

**SUMMARY:**

Private moorage facility operators may take measures to secure vessels within their facilities to prevent vessels from being moved when an owner fails to pay charges owed, or to commence legal proceedings. An operator must notify the owner by registered mail at the last known address 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 operator must attach a visible notice to the vessel containing the following information: date and time the notice was attached; 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. If the vessel is not released to the owner within 90 days after attempts to notify the owner, the vessel is presumed to be abandoned. The operator may then authorize public sale of the vessel in order to recover costs. Public notification of the sale is required at least once between 10 to 20 days prior to the sale. If the vessel is not purchased within 10 days of the sale, the title reverts to the operator.

**EFFECT OF PROPOSED SUBSTITUTE:**

The time period for an individual to file a lawsuit seeking to redeem an impounded vessel is extended from ten days to 60 days.

Proceeds from the sale of the vessel are required to be disbursed according to the following schedule: (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:** requested February 11, 1993

**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)