

SENATE BILL REPORT

SB 6000

AS REPORTED BY COMMITTEE ON ECOLOGY & PARKS, JANUARY 26, 1994

Brief Description: Authorizing public agencies to secure abandoned vessels at public facilities.

SPONSORS: Senators Fraser, Talmadge, Winsley and Oke; by request of Parks and Recreation Commission

SENATE COMMITTEE ON ECOLOGY & PARKS

Majority Report: That Substitute Senate Bill No. 6000 be substituted therefor, and the substitute bill do pass.

Signed by Senators Fraser, Chairman; Deccio, Moore, Morton, Sutherland and Talmadge.

Staff: Cathy Baker (786-7708)

Hearing Dates: January 14, 1994; January 26, 1994

BACKGROUND:

The State Parks and Recreation Commission manages numerous marine park facilities throughout the state. Many of these parks provide moorage and buoys for public boat use. Under current law, when boats are abandoned at state park facilities or wash up on state park beaches, the agency has limited authority to take possession of the vessels. The agency also has limited authority to recover the full costs associated with securing and disposing of abandoned vessels.

The statutes dealing with abandoned vessels have not been substantially revised since the 1800s.

SUMMARY:

Public agencies may take reasonable measures to secure 1) unauthorized vessels, and 2) any vessel that is a nuisance, is in danger of sinking or creating other damage, or is otherwise a threat to the health, safety, or welfare of the public, the environment, or public facilities. At least ten days before securing any unauthorized vessel, the agency must notify the owner by registered mail. At the time of securing the vessel, the agency must post a visible notice on the vessel stating: the date and time the notice was attached; that if the vessel is not removed within 30 days it will 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 a secured vessel must commence a lawsuit in superior court within 15 days of this notice.

After a vessel has been secured, the owner may regain possession of the vessel by making arrangements with the public agency and paying all charges.

If the vessel is not claimed by the owner within 30 days of the date notification was posted, the vessel is presumed abandoned. A vessel abandoned at a public facility may be disposed of by public sale to the highest and best bidder. Before the vessel is sold, the vessel owner shall be given at least 20 days notice of the sale. The notice shall contain the time and date of the sale, a description of the vessel to be sold, and the amount of charges owed. A notice of the sale shall be published at least once in a newspaper of general circulation within the county. If the vessel is not purchased within ten days of the date of the sale, the agency may proceed to properly dispose of the vessel, and may assert a claim against the owner for any costs incurred.

Proceeds from the vessel sale are to be applied to the payment of charges. The balance, if any, is to be paid to the owner; if the owner cannot be located within one year of the date of sale, the excess funds shall revert to the Department of Revenue.

The provisions in state law dealing with lost and found property do not apply to vessels secured by public agencies under this chapter.

EFFECT OF PROPOSED SUBSTITUTE:

The provisions in the bill apply only to vessels secured by the State Parks and Recreation Commission.

Provisions in existing law authorizing private individuals to secure abandoned vessels are not repealed.

Lienholders of record and holders of a security interest in a vessel are provided notification at each stage in the process of securing a vessel. Holders of a security interest in a vessel are also notified before an abandoned vessel is sold. Proceeds from the sale of such vessels are applied first to any reasonable charges incurred by the commission in securing the vessel, then to the owner of the vessel or to satisfy any liens of record or security interests of record in the order of their priority.

Appropriation: none

Revenue: none

Fiscal Note: requested January 10, 1994

TESTIMONY FOR:

The bill will help establish an orderly process for securing abandoned vessels on state parks property. It authorizes the agency to respond in a timely fashion when an abandoned vessel is posing a threat to public health, safety or the

environment. The bill will also allow the agency to recover any costs incurred in securing abandoned vessels.

TESTIMONY AGAINST:

The bill needs to include provisions for notifying lienholders when a vessel is secured and for satisfying liens of record when an abandoned vessel is sold.

TESTIFIED: Cleve Pinnix, Paul George, State Parks and Recreation Commission (pro); Ken Carlson, Olympia Police Department (pro); Trevor Sandison, Washington Bankers Association