

FINAL BILL REPORT

SSB 6223

C 153 L 06

Synopsis as Enacted

Brief Description: Modifying provisions regarding abandoned or derelict vessels.

Sponsors: Senate Committee on Natural Resources, Ocean & Recreation (originally sponsored by Senators Rockefeller, Regala, Oke, Berkey and Spanel).

Senate Committee on Natural Resources, Ocean & Recreation
House Committee on Natural Resources, Ecology & Parks

Background: In 2002, the statutes relating to derelict vessels were passed based upon the legislative finding that such vessels are public nuisances, pose a danger to navigation, detract from Washington's scenery, and threaten the environment. Thus, an authorized public entity is allowed, subject to the processes outlined in statute, to take custody of and to use or dispose of an abandoned or derelict vessel found on or above aquatic land within that entity's jurisdiction. Additionally, the owner of an abandoned or derelict vessel is generally responsible for reimbursing the authorized public entity for reasonable and auditable costs of removal or disposal.

According to data provided by the Department of Natural Resources (DNR), DNR has removed 25 vessels since the institution of the program, other authorized public entities have removed 72 vessels, and 41 owners have removed their vessels after being made aware of the program. There has been limited use of the program by smaller jurisdictions and approximately 100 vessels remain on the derelict vessel inventory.

Summary: New language is added making it a misdemeanor to cause a vessel to become abandoned or derelict upon aquatic lands.

Changes are made to provisions governing the actions of authorized public entities where a vessel is in immediate danger of sinking, breaking up, or blocking navigational channels. In such circumstances, where the owner of the vessel cannot be located or is unwilling or unable to assume immediate responsibility, any authorized public entity may take temporary possession of the vessel. Before taking possession of the vessel, the entity must make reasonable attempts to contact either DNR or the United State Coast Guard. If the entity has not already provided the required notice for taking possession of a vessel, it must do so immediately after taking possession. Where temporary possession of a vessel is taken, an authorized public entity can require payment of its reasonable and auditable costs before releasing the vessel back to the owner.

A person seeking to contest a state agency's decision to take temporary possession or custody of a vessel or to contest the amount of reimbursement owed may request a hearing with DNR. A person seeking to contest such an action by a local government must do so under procedures adopted by the local government or, if such procedures have not been adopted, by appeal to superior court under RCW 53.08.320(5).

The derelict vessel removal account is authorized to receive gifts, grants, and endowments from public or private sources for the use and benefit of the derelict vessels program. Authorized public entities may be reimbursed for up to 90 percent, as opposed to the current 75 percent, of the total reasonable and auditable administrative costs of removal and disposal where the previous owner is unknown or insolvent. Additionally, costs associated with the removal and disposal of an abandoned or derelict vessel under the authority of a port district may expressly be reimbursed from the account.

The provision governing lawsuits for the redemption of a vessel in the custody of an authorized public entity is repealed.

Votes on Final Passage:

Senate	46	0	
House	98	0	(House amended)
Senate	45	0	(Senate concurred)

Effective: June 7, 2006