

# FINAL BILL REPORT

## SSB 5271

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Synopsis as Enacted

**Brief Description:** Regarding abandoned or derelict vessels.

**Sponsors:** Senate Committee on Natural Resources & Marine Waters (originally sponsored by Senators Rockefeller, Swecker, Ranker, Morton, Sheldon, Delvin, Schoesler, Regala, Nelson, Fraser, Kilmer, Shin and Kline; by request of Commissioner of Public Lands).

**Senate Committee on Natural Resources & Marine Waters**  
**House Committee on Judiciary**

**Background:** In 2002 the Legislature established what has become known as the Derelict Vessel Removal Program (DVRP), which is administrated by the Department of Natural Resources (DNR).

Authorized Public Entities. Certain state agencies and local governments, including DNR, may take custody and dispose of abandoned or derelict vessels on or above aquatic lands within their jurisdiction. Such agencies are known as authorized public entities (APEs). A marina may contract with a local government to serve as the APE for derelict vessel removal, but current law does not specifically authorize such actions to cover abandoned vessels.

Reimbursement for Vessel Removals. An abandoned or derelict vessel owner must generally reimburse an APE for reasonable removal and disposal costs. An APE may, however, seek reimbursement of up to 90 percent of such costs from DNR if the owner is unknown or insolvent. Although ports are APEs, a separate provision of law covering ports references the reimbursement rate as 75 percent of removal and disposal costs.

DVRP reimbursement funding comes primarily from a \$2 surcharge on vessel registrations, as well as a temporary additional \$1 surcharge on vessel registrations imposed until 2014.

Criminal Liability. It is a misdemeanor to cause a vessel to become abandoned or derelict.

**Summary:** Criminal Liability. In addition to the current prohibition against a person causing a vessel to become abandoned or derelict, a person who intentionally and without authorization causes a vessel to sink, break up, or block a navigation channel is subject to a misdemeanor.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

Marina Participation in the DVRP. Marinas may contract with a local government for the removal of an abandoned as well as a derelict vessel.

Reimbursement Rate for Ports. The reimbursement rate for abandoned and derelict vessels removals by ports is increased from 75 to 90 percent, which is consistent with the rate provided for APEs generally.

Limited Liability for APEs. An APE, or entity contracting with an APE, is not civilly liable when taking an action under DVRP authority unless that action constitutes gross negligence or willful or wanton misconduct.

**Votes on Final Passage:**

Senate	47	0	
House	93	0	(House amended)
Senate	45	0	(Senate concurred)

**Effective:** July 22, 2011.