
SUBSTITUTE HOUSE BILL 1753

State of Washington

68th Legislature

2023 Regular Session

By House Agriculture and Natural Resources (originally sponsored by Representatives Bronoske, Leavitt, and Reed)

READ FIRST TIME 02/17/23.

1 AN ACT Relating to changing certain notice provisions in the
2 derelict vessel removal program; and amending RCW 79.100.040.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 79.100.040 and 2013 c 291 s 37 are each amended to
5 read as follows:

6 (1) Prior to exercising the authority granted in RCW 79.100.030,
7 the authorized public entity must first obtain custody of the vessel.
8 To do so, the authorized public entity must:

9 (a) Mail notice of its intent to obtain custody, at least
10 (~~twenty~~) 10 days prior to taking custody, to the last known address
11 of the previous owner to register the vessel in any state or with the
12 federal government and to any lienholders or secured interests on
13 record. A notice need not be sent to the purported owner or any other
14 person whose interest in the vessel is not recorded with a state or
15 federal agency;

16 (b) Post notice of its intent clearly on the vessel for
17 (~~thirty~~) 15 days (~~and publish its intent at least once, more than~~
18 ~~ten days but less than twenty days prior to taking custody, in a~~
19 ~~newspaper of general circulation for the county in which the vessel~~
20 ~~is located~~); and

1 (c) Post notice of its intent on the department's internet
2 website on a page specifically designated for such notices. If the
3 authorized public entity is not the department, the department must
4 facilitate the internet posting.

5 (2) All notices sent(~~(7)~~) or posted(~~(7—or—published)~~) in
6 accordance with this section must, at a minimum, explain the intent
7 of the authorized public entity to take custody of the vessel, the
8 rights of the authorized public entity after taking custody of the
9 vessel as provided in RCW 79.100.030, the procedures the owner must
10 follow in order to avoid custody being taken by the authorized public
11 entity, the procedures the owner must follow in order to reclaim
12 possession after custody is taken by the authorized public entity,
13 and the financial liabilities that the owner may incur as provided
14 for in RCW 79.100.060.

15 (3)(a) Any authorized public entity may tow, beach, or otherwise
16 take temporary possession of a vessel if the owner of the vessel
17 cannot be located or is unwilling or unable to assume immediate
18 responsibility for the vessel and if the vessel:

19 (i) Is in immediate danger of sinking, breaking up, or blocking
20 navigational channels; or

21 (ii) Poses a reasonably imminent threat to human health or
22 safety, including a threat of environmental contamination.

23 (b) Before taking temporary possession of the vessel, the
24 authorized public entity must make reasonable attempts to consult
25 with the department or the United States coast guard to ensure that
26 other remedies are not available. The basis for taking temporary
27 possession of the vessel must be set out in writing by the authorized
28 public entity within seven days of taking action and be submitted to
29 the owner, if known, as soon thereafter as is reasonable. If the
30 authorized public entity has not already provided the required
31 notice, immediately after taking possession of the vessel, the
32 authorized public entity must initiate the notice provisions in
33 subsection (1) of this section. The authorized public entity must
34 complete the notice requirements of subsection (1) of this section
35 before using or disposing of the vessel as authorized in RCW
36 79.100.050.

37 (4) An authorized public entity may invite the department of
38 ecology to use the authority granted to it under RCW 90.56.410 prior
39 to, or concurrently with, obtaining custody of a vessel under this

1 section. However, this is not a necessary prerequisite to an
2 authorized public entity obtaining custody.

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