

By: Representatives Patterson, Bentz, Guice,
Janus, Zuber

To: Transportation; Marine
Resources

HOUSE BILL NO. 740

1 AN ACT TO CREATE "THE ABANDONED VESSEL ON LAND ACT"; TO
2 PROVIDE A PROCEDURE THAT ALLOWS A LAW ENFORCEMENT OFFICER TO
3 REMOVE ABANDONED VESSELS FROM PUBLIC AND PRIVATE LANDS; TO DEFINE
4 "ABANDONED VESSELS" AND "DEALER"; TO PROVIDE A PROCEDURE FOR THE
5 SALE OR DISPOSAL OF ABANDONED VESSELS; TO REQUIRE THAT THE STATUS
6 OF A VESSEL BE DETERMINED BEFORE DISPOSITION OF THE VESSEL; TO
7 REQUIRE NOTIFICATION OF THE REGISTERED OWNER AND LIENHOLDERS PRIOR
8 TO THE DISPOSITION OF SUCH VESSEL; TO PROVIDE A REMEDY FOR ANY
9 OWNER WHO CLAIMS A VESSEL PRIOR TO THE SALE OF SUCH VESSEL; AND
10 FOR RELATED PURPOSES.

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

12 **SECTION 1.** This act shall be known as "The Abandoned Vessel
13 on Land Act." The intent of this act is to provide a procedure
14 for law enforcement officers to remove vessels that have been
15 abandoned on public streets and highways or on the private land of
16 others. This act does not remove or in anyway affect the
17 authority of the Commission on Marine Resources to remove derelict
18 or abandoned vessels from the coastal wetlands.

19 **SECTION 2.** The following words, as used in this act, shall
20 have the following meaning:

21 (a) "Abandoned vessel" means any vessel as defined by
22 the Mississippi Boating Law, Section 59-21-3(1):

23 (i) Which has been left by the owner, or some
24 person acting for the owner, with a dealer, repairman or wrecker
25 service for repair or for some other reason and has not been
26 called for by such owner or other person within a period of thirty
27 (30) days after the time agreed upon or within thirty (30) days
28 after such vessel is turned over to such dealer, repairman or
29 wrecker service when no time is agreed upon.

30 (ii) Which is left unattended on a public street,
31 road or highway or other public property for a period of at least
32 five (5) days.

33 (iii) Which has been lawfully towed onto the
34 property of another at the written request of a law enforcement
35 officer and left there for a period of not less than thirty (30)
36 days without any one having made claim thereto.

37 (b) "Dealer" means any person engaged wholly or in part
38 in the business of selling or offering for sale, buying or taking
39 in trade for the purpose of resale, or exchanging, displaying,
40 demonstrating or offering for sale vessels or motors, and who
41 receive or expect to receive money, profit or any other thing of
42 value.

43 **SECTION 3.** (1) Any dealer, wrecker service, or repair
44 service owner, or any person or party on whose property a vessel
45 is lawfully towed at the written request of a law enforcement
46 officer, who shall have an abandoned vessel on his property, may
47 sell, free and clear of all claims such vessel by public auction,
48 or if the abandoned vessel has no market value, may dispose of the
49 same after having received a written statement from a licensed
50 dealer as to the worthlessness of such vessel and after compliance
51 with subsection (2) of this section and Section 5 of this act. An
52 abandoned vessel as defined by Section 5 of this act shall not be
53 sold at auction until thirty (30) days from date of removal from a
54 public street, road or highway.

55 (2) The person authorized to execute the sale or disposal of
56 an abandoned vessel shall notify, within ten (10) days of receipt
57 of such vessel, any Mississippi lienholder on such vessel that
58 unless a claim on the vessel is made within thirty (30) days of
59 such notice, the vessel will be sold or destroyed.

60 (3) After the sale of any vessel is made, the person or
61 officer designated and making the sale of such property shall
62 promptly upon completion of the sale deliver to the chancery clerk

63 a list or itemization of the property sold, the amount paid for
64 each item, the person to whom each item was sold, and all monies
65 received from such sale, the gross charges levied by the person
66 making the sale against the property sold and the net amount paid
67 over to the chancery clerk. Any sale made by any person, officer,
68 corporation or association, shall have attached to the report of
69 sale a sworn statement certifying as to the date such personal
70 property or items sold first came into his possession or was
71 abandoned on his premises and the date said personal property or
72 item was sold.

73 (4) The proceeds of the sale in excess of repair, towing and
74 storage expenses and all expenses incurred in connection with a
75 sale when a sale is made under the provisions of this act, shall
76 escheat to the county and shall be paid over to the chancery clerk
77 to be placed into the general fund of the county in which the
78 vessel is abandoned. However, in those municipalities availing
79 themselves of the provisions of Section 21-39-21, the proceeds of
80 the sale in excess of the repairs, towing, storage or other
81 necessary expenses incurred shall escheat to the general fund of
82 the municipality.

83 **SECTION 4.** Prior to disposition of an abandoned vessel, any
84 dealer, wrecker service or repair service owner, or any person on
85 whose property a vessel is lawfully towed at the written request
86 of a law enforcement officer, shall inquire of the Mississippi
87 Department of Wildlife, Fisheries and Parks as to status of the
88 vessel in regard to the Mississippi Boating Law of 1960. The
89 inquiry shall provide the description of the vessel including the
90 hull identification number. Upon request of the Mississippi
91 Department of Wildlife, Fisheries and Parks, satisfactory evidence
92 must be furnished as to abandonment in compliance with this act.
93 Upon receipt of notification of the foregoing, the Mississippi
94 Department of Wildlife, Fisheries and Parks shall advise any
95 dealer, wrecker service or repair service owner, or any person on

96 whose property such a vessel is lawfully towed at the written
97 request of a law enforcement officer, of proper titling
98 procedures, where indicated, depending upon method of disposition
99 of the vessel.

100 **SECTION 5.** The last known registered owner of an abandoned
101 vessel and all lienholders of record, when such information is
102 reasonably obtainable, shall be notified by registered or
103 certified mail that such vessel will be sold pursuant to the
104 provisions of this act. The notice shall give the owner and
105 lienholders the date, time and place of sale and name of the
106 person or party who has custody of the vessel.

107 If the identity of the last registered owner cannot be
108 determined, or if the registration contains no address for the
109 owner, or if it is impossible to determine with reasonable
110 certainty the identity and addresses of all lienholders, notice by
111 three (3) publications once each week for three (3) consecutive
112 weeks in a newspaper of general circulation in the county where
113 the vessel was abandoned shall be sufficient to meet all
114 requirements of notice pursuant to this act.

115 **SECTION 6.** Any person proving ownership or any lienholder
116 may claim the vessel at any time prior to sale by paying towing,
117 repair, storage and other necessary expenses incurred.

118 **SECTION 7.** This act shall take effect and be in force from
119 and after July 1, 2005.