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SENATE BILL DRS45273-MH-38

Short Title: Address Abandoned and Derelict Vessels. (Public)

Sponsors: Senators Lee, Hanig, and Lazzara (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO ADDRESS ABANDONED AND DERELICT VESSELS IN THE WATERS OF
3 THE STATE.

4 The General Assembly of North Carolina enacts:

5 SECTION 1.(a) Subdivisions (1c), (1d), (1e), and (1f) of G.S. 75A-2 are recodified
6 as subdivisions (1e), (1f), (1g), and (1h) of that section.

7 SECTION 1.(b) G.S. 75A-2, as amended by subsection (a) of this section, reads as
8 rewritten:

9 "§ 75A-2. Definitions.

10 As used in this Chapter, unless the context clearly requires a different meaning:

11 (1) "Abandoned vessel" or "to abandon a vessel" means a the vessel that (i) is left
12 moored, anchored, or otherwise located for more than 30 consecutive days on
13 public lands, submerged lands, or waters of the State or on private property
14 without written permission of the owner of the property where the vessel is
15 moored, anchored, or otherwise located as set forth in Article 5 of this Chapter
16 and (ii) has been relinquished, left, or given up by the lawful owner without
17 the intention to later resume any right or interest in the vessel. The term does
18 not include a vessel that is left by an owner or agent of the owner with any
19 person or business for the purpose of storage, maintenance, or repair and that
20 is not subsequently reclaimed.

21 ...

22 (1c) "Days" means calendar days where the term is used for a computation of time.

23 (1d) "Derelict vessel" means a vessel (i) left unattended and (ii) in a wrecked,
24 junked, listing, sinking, inoperable, or dismantled condition or otherwise in
25 significant disrepair or grounded such that the condition may affect the
26 seaworthiness of the vessel or adversely affect the safety of the public or the
27 environment.

28 ...

29 (4b) "Unattended" means that the owner or operator of the vessel is not aboard or
30 in the immediate vicinity of the vessel and has failed to respond to any posting
31 or citation left on the vessel by a law enforcement officer with jurisdiction
32 over the location of the vessel.

33 ...

34 (5a) "Vessel emergency" means a condition, incident, or accident on a vessel that
35 requires the operators and passengers of the vessel to leave it unattended for
36 their own safety.



...."

SECTION 2. Chapter 75A of the General Statutes is amended by adding a new Article to read:

"Article 5.

"Abandoned and Derelict Vessels.

"§ 75A-50. Authority.

(a) Scope. – This Article shall apply to all waters of this State and to public and private land within the State.

(b) Powers of Law Enforcement Officers. – In addition to the enforcement powers set forth in G.S. 75A-17, wildlife protectors, inspectors, or other cooperating law enforcement officers with general enforcement jurisdiction and their contractors or agents engaged for the activities authorized by this subsection are authorized to remove, relocate, cause to be removed or relocated, or dispose of any abandoned or derelict vessel from waters of this State or from public and private land as set forth in this Article.

(c) Powers of Commission. – The Commission may use staff, equipment, and material under its control or provided by any cooperating federal or State agency or unit of local government, may authorize or contract with any private agent or contractor it deems appropriate for the activities authorized by subsection (b) of this section, and may authorize or contract with any federal or State agency or unit of local government for the removal, relocation, storage, or disposal of an abandoned or derelict vessel and restoration of the affected area.

(d) Limit on Liability. – The Commission, any cooperating law enforcement agency, or any contractor or employee or agent of the Commission acting under authority granted by this Article to remove, relocate, cause to be removed or relocated, or dispose of an abandoned or derelict vessel from waters of the State, public land, or private land shall not be held liable in any claim or action seeking damages for any damage to an abandoned or derelict vessel resulting from such relocation or removal, unless the damage is a result of gross negligence or willful misconduct.

(e) Relation to Existing Local Acts. – In cases of conflict between this Article and provisions of existing local acts or local ordinances adopted under the authority set forth in G.S. 160A-205.6 pertaining to the removal of abandoned or derelict vessels, this Article shall prevail with respect to the powers and actions of the Commission and any contractors or partners working for or with the Commission.

(f) Exception for Historic Shipwrecks. – This Article does not apply to shipwrecks, vessels, cargoes, tackle, and underwater archaeological artifacts that have been in place on the bottom of navigable waters of this State and unclaimed for more than 10 years, which are under the ownership and custody of the State through the Department of Natural and Cultural Resources (DNCR) pursuant to G.S. 121-22 and G.S. 121-23. Vessels under DNCR's custodial control as described in this subsection shall therefore be salvaged only in accordance with Article 3 of Chapter 121 of the General Statutes.

"§ 75A-52. Anchoring, docking, and mooring.

(a) Land Prohibition. – It is unlawful to dock, beach, or ground any vessel on public or private land beyond the 30-day period described in G.S. 75A-54 without the permission of (i) the Commission, another State agency, or local government with control of the public land or (ii) with respect to private land, the landowner.

(b) Water Prohibition. – It is unlawful to anchor, moor, dock, leave adrift, or ground any vessel in waters of the State for more than 10 days in any 30-day period, except at a private dock or marina or attached to a mooring point installed under a permit issued by a State agency or local government.

(c) Duty of Care. – The owner and operator of the vessel are jointly responsible for securing their vessel to prevent the vessel, or any part of contents of the vessel, from damaging public trust waters, associated or adjacent habitats, or the property of others, and persons with

1 property damaged due to failure to meet the duty of care of this section may recover those
2 damages from the owner or operator of the vessel improperly secured.

3 (d) Deemed Allowed 10-Day Period. – For the first 10 days in any 30-day period that a
4 vessel is anchored, moored, docked, beached, aground, anchored, or adrift in waters of the State,
5 it shall be deemed to have written permission for provisioning, repairs, tourism, or recreational
6 use, unless such permission is revoked in writing for any of the following reasons:

7 (1) The vessel has dragged anchor or is moored in an unauthorized area or in a
8 marked channel.

9 (2) The vessel displays no evidence of current and valid State, federal, or foreign
10 registration, or when asked by the Commission, the owner or operator of the
11 vessel fails to present a current and valid registration or other official
12 documentation of ownership upon which he or she is named as the owner or
13 operator.

14 (e) Posting; Removal Authority. – The Commission shall post notice on vessels violating
15 the requirements of this section. If the owner or operator of the vessel fails to respond to the
16 notice or abate the violation within 10 days, then the Commission may relocate or remove the
17 vessel.

18 **"§ 75A-54. Abandoned vessels.**

19 (a) Prohibition. – It shall be unlawful to cause a vessel to become abandoned in waters
20 of the State or on public, private, or submerged land without permission of the property owner.

21 (b) Exception. – The prohibition of subsection (a) of this section does not apply to persons
22 who abandon a vessel due to a vessel emergency. Persons who abandon a vessel because of a
23 vessel emergency shall immediately notify the Commission or the United States Coast Guard
24 after the abandonment and must remove the vessel within 10 days of the reopening of the area
25 where the vessel is located to public access.

26 (c) Notice Required. – Upon identifying an abandoned vessel, the Commission shall post
27 a notice on board the vessel and shall attempt to notify the owner by certified mail or personal
28 delivery of notice using information provided to the registering State or federal agency during
29 official vessel registration. The notice shall include all of the following:

30 (1) For a mailed or delivered notice only, a description of the vessel and its current
31 location.

32 (2) That the vessel shall be removed from waters or land and the affected
33 environment of the area surrounding the vessel restored within 30 days of the
34 date the notice is posted aboard the vessel.

35 (3) That failure of the owner to meet the deadline for removal will result in the
36 vessel being deemed abandoned, subject the owner to civil or criminal
37 penalties, and that local governments with jurisdiction over the vessel or the
38 Commission may hold the owner or operator of the vessel responsible for all
39 costs associated with removal and disposition of the vessel and environmental
40 restoration of the affected area surrounding the vessel.

41 (d) Immediate Abatement Authorized. – When necessary, the Commission may act,
42 authorize, or join in action with other agencies to immediately determine and abate any unsafe
43 or environmentally hazardous conditions of abandoned vessels and, after expiration of the 30-day
44 notice period specified in subsection (c) of this section, to tow, relocate, remove, or dispose of
45 any vessel or take any other action reasonably necessary, and local governments with jurisdiction
46 over the vessel through an ordinance adopted under the authority set forth in G.S. 160A-205.6 or
47 the Commission may recover costs for these activities as provided in G.S. 75A-58.

48 (e) Exception for Declared Emergency. – In declared emergencies, the notification
49 requirement of subsection (d) above may be satisfied by telephone or email communication from
50 federal, State, or local agencies, and the 30-day deadline specified in subsection (c) of this section
51 shall be 15 days.

"§ 75A-56. Derelict vessels.

(a) Notice. – Upon identifying a derelict vessel, the Commission shall post a notice on board the vessel and shall attempt to notify the owner by certified mail or personal delivery of notice, using information provided to the registering State or federal agency during official vessel registration. The notice shall include all of the following:

- (1) The date the vessel was identified and the notice posted, mailed, or delivered.
- (2) A description of the vessel.
- (3) The current location of the vessel.
- (4) All known issues or conditions that must be corrected to restore the seaworthiness of the vessel.
- (5) A directive that the owner (i) respond to the Commission within 10 days from the date the notice is served with a written plan to correct the issues or conditions identified, (ii) either correct the identified issues or conditions or remove the vessel from waters of the State or from the public or private land where it rests, and (iii) abate any environmental impacts in the area surrounding the vessel within 30 days.
- (6) That failure to meet the 30-day deadline will result in the vessel being deemed abandoned and subject the owner to criminal penalties and liability for all costs associated with removal and disposition of the vessel and abatement of environmental impacts in the area surrounding the vessel.

(b) Extension. – The Commission may approve one written request from the owner for an extension of the 15- or 30-day deadline for no more than an additional 30 days.

(c) Failure to Respond to Notice. – Failure of the owner to respond to the notice provided for in subsection (a) of this section and to correct the issues or conditions or remove the vessel from the waters of the State, public, or private lands within the deadline specified in the notice shall cause the vessel to be deemed forfeited and disposed of pursuant to G.S. 75A-58.

"§ 75A-58. Disposition and disposal.

(a) Forfeiture. – An abandoned or derelict vessel, together with all cargo, tackle, and equipment, that remains unclaimed or has not been otherwise brought into compliance 30 days after the notices required by this Article shall be deemed forfeited.

(b) Removal Costs. – Local governments with jurisdiction over the vessel through an ordinance adopted under the authority set forth in G.S. 160A-205.6, other State agencies participating in activities authorized by this Article, the Commission, or authorized agents and contractors may recover costs incurred by the State for towing, removal, and storage charges; accrued civil fines; and environmental restoration costs related to the vessel.

(c) Disposal. – Any vessel, cargo, tackle, or equipment may be disposed of at any suitable solid waste facility permitted for such waste."

SECTION 3. This act becomes effective July 1, 2025.