

12:7C-7 to 20

LEGISLATIVE HISTORY CHECKLIST

NJSA 12:7C-7 to 12:7C-20

Laws of 1975 Chapter 369

Bill No. A2101

Sponsor(s) Worthington

Date Introduced September 9, 1974

Committee: **Assembly** Commerce, Industry & Professions

Senate Law, Public Safety and Defense

Amended during passage **Yes** **No**

Date of passage: **Assembly** April 17, 1975

Senate Nov. 17, 1975

Date of approval March 3, 1975

Following statements are attached if available:

Sponsor statement **Yes** ~~No~~

Committee Statement: **Assembly** **Yes** **No**

Senate **Yes** ~~No~~

Fiscal Note **Yes** **No**

Veto message **Yes** **No**

Message on signing **Yes** **No**

Following were printed:

Reports **Yes** **No**

Hearings **Yes** **No**

JUN 1977
10/4/76

CHAPTER 369 LAWS OF N. J. 19 75

APPROVED 3-3-76

ASSEMBLY, No. 2101

STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 9, 1974

By Assemblymen WORTHINGTON, PERSKIE, SWEENEY,
KOZLOSKI, VAN WAGNER and CHINNICI

Referred to Committee on Commerce, Industry and Professions

AN ACT concerning the abandoning of vessels and their disposition, providing for the acquisition of titles to such vessels by certain persons, prescribing penalties for violations thereof and supplementing Title 12 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. This act shall be known and may be cited as the "Abandoned
2 Vessels Disposition Law."

1 2. The following terms whenever used or referred to in this
2 act shall have the following meanings unless a different meaning
3 clearly appears from the context:

4 a. "Vessel" means a boat or watercraft, other than a seaplane
5 on the water, used or capable of being used as a means of trans-
6 portation on the water, except a boat or watercraft which is sub-
7 ject to the provisions of P. L. 1969, c. 264 (C. 12:7C-1 et seq.).

8 b. "Owner" means a person, other than a lienholder, having
9 the property in or title to a vessel. The term includes a person
10 entitled to the uses or possession of a vessel subject to an interest
11 of another person, reserved or created by agreement and securing
12 payment or performance of an obligation, but the term excludes
13 a lessee under a lease not intended as security.

14 c. "Lienholder" means any person holding a security interest.

15 d. "Security interest" means an interest which is reserved or
16 created by an agreement which secures payment or performance
17 of an obligation and is valid against third parties generally.

18 e. "Department" means the Department of Environmental
19 Protection.

20 f. "Waters of this State" means all waters within the juris-
21 diction of this State, both tidal and nontidal, and the marginal
22 sea adjacent to this State.

23 g. "Removal costs" means any or all costs associated with the
24 removal or destruction of any vessel from land or water and shall
25 include the reimbursement of any or all costs incurred by the
26 applicant in the course of acquiring title to an abandoned vessel.

1 3. It shall be unlawful for any person to willfully abandon any
2 vessel to or upon public land or waters of this State or to or upon
3 any private property or the water immediately adjacent thereto
4 without the consent of the official designated by law to have juris-
5 diction over such public land or waterway, or the owner or other
6 person in charge of the private property. A vessel which has
7 remained moored, grounded or otherwise attached or fastened to
8 or upon any public land or waterway or any private property
9 without such consent for a period of more than 6 months shall be
10 prima facie evidence of such abandonment.

1 4. A landowner, his lessee, or his agent, may, subject to the
2 provisions of this act, acquire title to any vessel on his land or
3 the water immediately adjacent thereto which has been abandoned
4 according to the provisions of section 3 of this act. The acquisition
5 of title divests any other person of any interest in the vessel.

1 5. If a vessel has a boat registration number or other means of
2 identifying the owner thereof, the person desiring to acquire title,
3 shall, if possible, secure the owner's last known address, and the
4 lienholder, if any, appearing on the records of the department.
5 He shall notify the owner by registered letter to his last known ad-
5A dress and the lienholder by registered letter at the address of the
6 lienholder appearing on the records of the department that if
7 ownership is not claimed and the vessel removed within 30 days,
8 title to the vessel will be applied for in his name. If any vessel's
9 owner cannot be identified or his address ascertained, or no lien-
10 holder appears on the records of the department, the registered
11 letter need not be sent.

1 6. The person desiring to acquire title shall also place a notice
2 in a newspaper of general circulation published in the county or
3 city where the vessel is located, describing the vessel, its location
4 of apparant abandonment, any identifying number, and shall
5 state if the vessel is not claimed and removed within 30 days after
6 the publication date of the notice, he will apply for title to the
7 vessel in his name.

1 7. At the end of the 30-day period the person desiring to acquire
2 title shall apply to the department for a title to the vessel in his
3 name on forms approved by the department accompanied by the
4 following affidavits:

5 a. A statement that the vessel has been apparently abandoned
6 for at least 6 months.

7 b. Proof that the registered letter was mailed at least 30 days
8 before application or a detailed explanation of the unsuccessful
9 steps taken to identify the owner and secure his address.

10 c. Proof that a notice was printed in a paper as required in sec-
11 tion 6 of this act.

1 8. Upon receipt of the material required in section 7 of this
2 act and upon payment of any fees and taxes due, the department
3 shall issue the applicant a title to the vessel.

1 9. All costs incurred in receiving title to a vessel under this
2 section shall be borne by the applicant.

1 10. After receiving title if the applicant desires to remove an
2 abandoned vessel from his land or the water immediately adjacent
3 thereto, or to destroy such vessel, the removal costs shall be borne
4 by the previous owner of said vessel, provided that such owner
5 shall have been identified pursuant to sections 5 or 6 of this act.

1 11. After receiving title if the applicant destroys or otherwise
2 disposes of the vessel, he shall report the same to the department
3 within 15 days giving all details.

1 12. The department may receive title to any vessel abandoned
2 on any of the waters of this State or on any land owned by this
3 State or any of its political subdivisions by proceeding in the
4 same manner as a landowner, his lessee, or his agent, as set forth
5 in this act.

1 13. a. Any person who violates section 3 of this act shall be
2 subject to a fine of not less than \$500.00 and not more than \$1,000.00,
3 to be recovered in a summary proceeding instituted by the Com-
4 missioner of Environmental Protection in the name of the State
5 in accordance with the "Penalty Enforcement Law" (N. J. S.
6 2A :58-1 et seq.).

7 b. Any person who obtains or attempts to obtain title to a vessel
8 under the provisions of this act through fraudulent means is guilty
9 of a disorderly persons offense and upon conviction shall be sub-
10 ject to a fine of not more than \$200.00.

1 14. The department may promulgate pursuant to the "Admin-
2 istrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.)
3 such rules and regulations deemed necessary to carry out the
4 provisions of this act.

1 15. If any clause, sentence, paragraph, section or part of this
2 act shall be adjudged by any court of competent jurisdiction to be
3 invalid, such judgment shall not affect, impair or invalidate the

4 remainder thereof, but shall be confined in its operation to the
5 clause, sentence, paragraph, section or part thereof directly in-
6 volved in the controversy in which such judgment shall have been
7 rendered.

1 16. This act shall take effect immediately.

STATEMENT

This bill would help prevent the occurrence, and facilitate the disposition, of abandoned vessels in this State. These vessels currently exist in sufficient numbers so as to present eyesores, nuisances and, in some cases, safety hazards on waterways and adjoining lands both public and private. This bill would make it unlawful to willfully abandon any vessel on public or private waters or lands. Furthermore, under the provisions of this bill, a landowner, including the State, could acquire title to any vessel abandoned on his property for over 6 months after certain attempts at locating the owner were made, and public notice of intention was given. If after acquiring the title to an abandoned vessel the applicant should choose to destroy or remove such vessel, the removal costs would be borne by the owner, provided that he be identified through records of the Department of Environmental Protection or through the public notice of intention to acquire title as required by this bill.

SENATE LAW, PUBLIC SAFETY AND
DEFENSE COMMITTEE

STATEMENT TO
ASSEMBLY, No. 2101

STATE OF NEW JERSEY

DATED: SEPTEMBER 4, 1975

This bill, the Abandoned Vehicles Disposition Law, provides for the acquisition of titles to abandoned vessels by certain persons and prescribes penalties for willful abandonment of such vessels.