

VETO MESSAGE:

No

GOVERNOR'S PRESS RELEASE ON SIGNING:

No

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

REPORTS:

No

HEARINGS:

No

NEWSPAPER ARTICLES:

No

LAW/RWH

P.L.2011, CHAPTER 172, *approved January 5, 2012*

Assembly, No. 4177

1 AN ACT concerning sunken or abandoned vessels and amending
2 P.L.1975, c.369.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 3 of P.L.1975, c.369 (C.12:7C-9) is amended to read
8 as follows:

9 3. a. It shall be unlawful for any owner to abandon any vessel
10 to or upon public land or waters of this State, including any
11 municipal waterway, to or upon any municipally-owned land, or to
12 or upon any private property or the water immediately adjacent
13 thereto without the consent of the official designated by law to have
14 jurisdiction over such public land or waterway, or the owner or
15 other person in charge of the private property except when an
16 emergency exists.

17 b. (1) A vessel which has remained moored, grounded, docked,
18 or otherwise attached or fastened to or upon any public land or
19 waterway or any private property without such consent for a period
20 of more than **[seven]** 30 days, or which is submerged partially or
21 completely into the water for any period of time**[,]** shall be deemed
22 abandoned and may be impounded if an official authorized by
23 statute or ordinance to enforce regulations related to municipal
24 waterways or a law enforcement officer having enforcement
25 authority has reason to believe the vessel has been abandoned.

26 (2) The vessel may be removed from a municipal waterway by,
27 or at the direction of, the municipality or harbor commission and
28 may be impounded under the provisions of paragraph (1) of this
29 subsection and removed to a storage space, and its registration
30 certificate and registration plates seized.

31 (3) The owner shall be responsible for the cost of the removal
32 **[and]** , transportation, storage [of] or disposal, and any other
33 incidental costs associated with the impounded vessel.

34 (4) Whenever a vessel is removed pursuant to this subsection,
35 the official designated by law to have jurisdiction over the
36 municipal waterway shall file an incident report with the New
37 Jersey Motor Vehicle Commission.

38 c. (1) An owner who violates the provisions of subsection a. of
39 this section shall be liable to a civil penalty of not more than
40 \$1,000. Each day upon which the violation continues shall
41 constitute a separate offense.

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 (2) The civil penalty imposed pursuant to this subsection shall
2 be collected pursuant to the "Penalty Enforcement Law of 1999,"
3 P.L.1999, c.274 (C.2A:58-10 et seq.), in a summary proceeding.
4 An official authorized by statute or ordinance to enforce regulations
5 related to municipal waterways or a law enforcement officer having
6 enforcement authority in that municipality may issue a summons for
7 a violation of the provisions of this section and may serve and
8 execute all process with respect to the enforcement of this section
9 consistent with the Rules of Court. A penalty recovered under the
10 provisions of this section shall be recovered by and in the name of
11 the State by the local municipality. The penalty shall be paid into
12 the treasury of the municipality in which the violation occurred for
13 the general uses of the municipality.

14 (cf: P.L.2008, c.52, s.6)

15

16 2. Section 7 of P.L.1975, c.369 (C.12:7C-13) is amended to
17 read as follows:

18 7. At the end of the 30-day period the person, entity,
19 municipality, or harbor commission desiring to acquire title shall
20 apply to the [court for an order directing the] commission for
21 transfer of title to the vessel. [In the event the order is granted, the
22 person, entity, municipality, or harbor commission shall provide the
23 commission with a copy of the order] The application shall be
24 accompanied by the following affidavits:

25 a. A statement that the vessel has been abandoned.

26 b. Proof that the registered letter was mailed at least 30 days
27 before application or a detailed explanation of the unsuccessful
28 steps taken to identify and secure the address of the owner or
29 lienholder, or both.

30 c. Proof that a notice was printed in a paper as required in
31 section 6 of P.L.1975, c.369 (C.12:7C-12).

32 (cf: P.L.2008, c.52, s.10)

33

34 3. This act shall take effect immediately.

35

36

37

STATEMENT

38

39 This bill removes the requirement that a person, entity,
40 municipality, or harbor commission desiring to acquire title to an
41 abandoned vessel must apply to a court for transfer of title to the
42 vessel. Instead, the person, entity, municipality, or harbor
43 commission shall apply to the New Jersey Motor Vehicle
44 Commission for transfer of title to the vessel.

45 The bill also increases from seven days to 30 days the period of
46 time after which a vessel that has remained moored, grounded,
47 docked, or otherwise attached or fastened to or upon any public
48 land or waterway or any private property may be impounded.

1 Finally, the bill requires that the owner of an impounded vessel
2 is responsible for the cost of the transportation, disposal, and other
3 incidental costs associated with the impounded vessel.

4

5

6

7

8 Allows MVC to process title transfers of abandoned vessels
9 without court order; lengthens time period required for desertion of
10 vessel to ripen into abandonment.

ASSEMBLY, No. 4177

STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED JUNE 27, 2011

Sponsored by:

Assemblyman **NELSON T. ALBANO**
District 1 (Cape May, Atlantic and Cumberland)
Assemblyman **MATTHEW W. MILAM**
District 1 (Cape May, Atlantic and Cumberland)

Co-Sponsored by:

Assemblyman Wisniewski and Senator Van Drew

SYNOPSIS

Allows MVC to process title transfers of abandoned vessels without court order; lengthens time period required for desertion of vessel to ripen into abandonment.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/16/2011)

1 AN ACT concerning sunken or abandoned vessels and amending
2 P.L.1975, c.369.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 3 of P.L.1975, c.369 (C.12:7C-9) is amended to read
8 as follows:

9 3. a. It shall be unlawful for any owner to abandon any vessel
10 to or upon public land or waters of this State, including any
11 municipal waterway, to or upon any municipally-owned land, or to
12 or upon any private property or the water immediately adjacent
13 thereto without the consent of the official designated by law to have
14 jurisdiction over such public land or waterway, or the owner or
15 other person in charge of the private property except when an
16 emergency exists.

17 b. (1) A vessel which has remained moored, grounded, docked,
18 or otherwise attached or fastened to or upon any public land or
19 waterway or any private property without such consent for a period
20 of more than **[seven]** 30 days, or which is submerged partially or
21 completely into the water for any period of time**[,]** shall be deemed
22 abandoned and may be impounded if an official authorized by
23 statute or ordinance to enforce regulations related to municipal
24 waterways or a law enforcement officer having enforcement
25 authority has reason to believe the vessel has been abandoned.

26 (2) The vessel may be removed from a municipal waterway by,
27 or at the direction of, the municipality or harbor commission and
28 may be impounded under the provisions of paragraph (1) of this
29 subsection and removed to a storage space, and its registration
30 certificate and registration plates seized.

31 (3) The owner shall be responsible for the cost of the removal
32 **[and]** , transportation, storage [of] or disposal, and any other
33 incidental costs associated with the impounded vessel.

34 (4) Whenever a vessel is removed pursuant to this subsection,
35 the official designated by law to have jurisdiction over the
36 municipal waterway shall file an incident report with the New
37 Jersey Motor Vehicle Commission.

38 c. (1) An owner who violates the provisions of subsection a. of
39 this section shall be liable to a civil penalty of not more than
40 \$1,000. Each day upon which the violation continues shall
41 constitute a separate offense.

42 (2) The civil penalty imposed pursuant to this subsection shall
43 be collected pursuant to the "Penalty Enforcement Law of 1999,"
44 P.L.1999, c.274 (C.2A:58-10 et seq.), in a summary proceeding.

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 An official authorized by statute or ordinance to enforce regulations
2 related to municipal waterways or a law enforcement officer having
3 enforcement authority in that municipality may issue a summons for
4 a violation of the provisions of this section and may serve and
5 execute all process with respect to the enforcement of this section
6 consistent with the Rules of Court. A penalty recovered under the
7 provisions of this section shall be recovered by and in the name of
8 the State by the local municipality. The penalty shall be paid into
9 the treasury of the municipality in which the violation occurred for
10 the general uses of the municipality.

11 (cf: P.L.2008, c.52, s.6)

12

13 2. Section 7 of P.L.1975, c.369 (C.12:7C-13) is amended to
14 read as follows:

15 7. At the end of the 30-day period the person, entity,
16 municipality, or harbor commission desiring to acquire title shall
17 apply to the [court for an order directing the] commission for
18 transfer of title to the vessel. [In the event the order is granted, the
19 person, entity, municipality, or harbor commission shall provide the
20 commission with a copy of the order] The application shall be
21 accompanied by the following affidavits:

22 a. A statement that the vessel has been abandoned.

23 b. Proof that the registered letter was mailed at least 30 days
24 before application or a detailed explanation of the unsuccessful
25 steps taken to identify and secure the address of the owner or
26 lienholder, or both.

27 c. Proof that a notice was printed in a paper as required in
28 section 6 of P.L.1975, c.369 (C.12:7C-12).

29 (cf: P.L.2008, c.52, s.10)

30

31 3. This act shall take effect immediately.

32

33

34

STATEMENT

35

36 This bill removes the requirement that a person, entity,
37 municipality, or harbor commission desiring to acquire title to an
38 abandoned vessel must apply to a court for transfer of title to the
39 vessel. Instead, the person, entity, municipality, or harbor
40 commission shall apply to the New Jersey Motor Vehicle
41 Commission for transfer of title to the vessel.

42 The bill also increases from seven days to 30 days the period of
43 time after which a vessel that has remained moored, grounded,
44 docked, or otherwise attached or fastened to or upon any public
45 land or waterway or any private property may be impounded.

46 Finally, the bill requires that the owner of an impounded vessel
47 is responsible for the cost of the transportation, disposal, and other
48 incidental costs associated with the impounded vessel.

ASSEMBLY TRANSPORTATION, PUBLIC WORKS AND
INDEPENDENT AUTHORITIES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4177

STATE OF NEW JERSEY

DATED: NOVEMBER 28, 2011

The Assembly Transportation, Public Works and Independent Authorities Committee reports favorably Assembly Bill No. 4177.

As reported, this bill removes the requirement that a person, entity, municipality, or harbor commission desiring to acquire title to an abandoned vessel must apply to a court for transfer of title to the vessel. Instead, the person, entity, municipality, or harbor commission shall apply to the New Jersey Motor Vehicle Commission for transfer of title to the vessel.

The bill also increases from seven days to 30 days the period of time after which a vessel that has remained moored, grounded, docked, or otherwise attached or fastened to or upon any public land or waterway or any private property may be impounded.

Finally, the bill requires that the owner of an impounded vessel is responsible for the cost of the transportation, disposal, and other incidental costs associated with the impounded vessel.

SENATE TRANSPORTATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4177

STATE OF NEW JERSEY

DATED: DECEMBER 8, 2011

The Senate Transportation Committee reports favorably Assembly Bill No. 4177.

As reported, this bill removes the requirement that a person, entity, municipality, or harbor commission desiring to acquire title to an abandoned vessel apply to a court for transfer of title to the vessel. Instead, the person, entity, municipality, or harbor commission must apply to the New Jersey Motor Vehicle Commission for transfer of title to the vessel.

The bill also increases from seven days to 30 days the period of time after which a vessel that has remained moored, grounded, docked, or otherwise attached or fastened to or upon any public land or waterway or any private property may be impounded.

Finally, the bill specifies that the owner of an impounded vessel is responsible for the cost of the transportation, disposal, and other incidental costs associated with the impounded vessel.

Assembly Bill No. 4177, as reported, is identical to Senate Bill No. 2909 which was also reported by the committee on this date.

SENATE, No. 2909

STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED MAY 23, 2011

Sponsored by:

Senator JEFF VAN DREW

District 1 (Cape May, Atlantic and Cumberland)

SYNOPSIS

Allows MVC to process title transfers of abandoned vessels without court order; lengthens time period required for desertion of vessel to ripen into abandonment.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning sunken or abandoned vessels and amending
2 P.L.1975, c.369.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 3 of P.L.1975, c.369 (C.12:7C-9) is amended to read
8 as follows:

9 3. a. It shall be unlawful for any owner to abandon any vessel
10 to or upon public land or waters of this State, including any
11 municipal waterway, to or upon any municipally-owned land, or to
12 or upon any private property or the water immediately adjacent
13 thereto without the consent of the official designated by law to have
14 jurisdiction over such public land or waterway, or the owner or
15 other person in charge of the private property except when an
16 emergency exists.

17 b. (1) A vessel which has remained moored, grounded, docked,
18 or otherwise attached or fastened to or upon any public land or
19 waterway or any private property without such consent for a period
20 of more than **[seven]** 30 days, or which is submerged partially or
21 completely into the water for any period of time**[,]** shall be deemed
22 abandoned and may be impounded if an official authorized by
23 statute or ordinance to enforce regulations related to municipal
24 waterways or a law enforcement officer having enforcement
25 authority has reason to believe the vessel has been abandoned.

26 (2) The vessel may be removed from a municipal waterway by,
27 or at the direction of, the municipality or harbor commission and
28 may be impounded under the provisions of paragraph (1) of this
29 subsection and removed to a storage space, and its registration
30 certificate and registration plates seized.

31 (3) The owner shall be responsible for the cost of the removal
32 **[and]** , transportation, storage [of] or disposal, and any other
33 incidental costs associated with the impounded vessel.

34 (4) Whenever a vessel is removed pursuant to this subsection,
35 the official designated by law to have jurisdiction over the
36 municipal waterway shall file an incident report with the New
37 Jersey Motor Vehicle Commission.

38 c. (1) An owner who violates the provisions of subsection a. of
39 this section shall be liable to a civil penalty of not more than
40 \$1,000. Each day upon which the violation continues shall
41 constitute a separate offense.

42 (2) The civil penalty imposed pursuant to this subsection shall
43 be collected pursuant to the "Penalty Enforcement Law of 1999,"
44 P.L.1999, c.274 (C.2A:58-10 et seq.), in a summary proceeding.
45 An official authorized by statute or ordinance to enforce regulations

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 related to municipal waterways or a law enforcement officer having
2 enforcement authority in that municipality may issue a summons for
3 a violation of the provisions of this section and may serve and
4 execute all process with respect to the enforcement of this section
5 consistent with the Rules of Court. A penalty recovered under the
6 provisions of this section shall be recovered by and in the name of
7 the State by the local municipality. The penalty shall be paid into
8 the treasury of the municipality in which the violation occurred for
9 the general uses of the municipality.
10 (cf: P.L.2008, c.52, s.6)

11
12 2. Section 7 of P.L.1975, c.369 (C.12:7C-13) is amended to
13 read as follows:

14 7. At the end of the 30-day period the person, entity,
15 municipality, or harbor commission desiring to acquire title shall
16 apply to the [court for an order directing the] commission for
17 transfer of title to the vessel. [In the event the order is granted, the
18 person, entity, municipality, or harbor commission shall provide the
19 commission with a copy of the order] The application shall be
20 accompanied by the following affidavits:

21 a. A statement that the vessel has been abandoned.

22 b. Proof that the registered letter was mailed at least 30 days
23 before application or a detailed explanation of the unsuccessful
24 steps taken to identify and secure the address of the owner or
25 lienholder, or both.

26 c. Proof that a notice was printed in a paper as required in
27 section 6 of P.L.1975, c.369 (C.12:7C-12).

28 (cf: P.L. 2008, c.52, s.10)

29
30 3. This act shall take effect immediately.

31

32

33

STATEMENT

34

35 This bill removes the requirement that a person, entity,
36 municipality, or harbor commission desiring to acquire title to an
37 abandoned vessel must apply to a court for transfer of title to the
38 vessel. Instead, the person, entity, municipality, or harbor
39 commission shall apply to the New Jersey Motor Vehicle
40 Commission for transfer of title to the vessel.

41 The bill also increases from seven days to 30 days the period of
42 time after which a vessel that has remained moored, grounded,
43 docked, or otherwise attached or fastened to or upon any public
44 land or waterway or any private property may be impounded.

45 Finally, the bill requires that the owner of an impounded vessel
46 is responsible for the cost of the transportation, disposal, and other
47 incidental costs associated with the impounded vessel.

SENATE TRANSPORTATION COMMITTEE

STATEMENT TO

SENATE, No. 2909

STATE OF NEW JERSEY

DATED: DECEMBER 8, 2011

The Senate Transportation Committee reports favorably Senate Bill No. 2909.

As reported, this bill removes the requirement that a person, entity, municipality, or harbor commission desiring to acquire title to an abandoned vessel apply to a court for transfer of title to the vessel. Instead, the person, entity, municipality, or harbor commission must apply to the New Jersey Motor Vehicle Commission for transfer of title to the vessel.

The bill also increases from seven days to 30 days the period of time after which a vessel that has remained moored, grounded, docked, or otherwise attached or fastened to or upon any public land or waterway or any private property may be impounded.

Finally, the bill specifies that the owner of an impounded vessel is responsible for the cost of the transportation, disposal, and other incidental costs associated with the impounded vessel.

Senate Bill No. 2909, as reported, is identical to Assembly Bill No. 4177 which was also reported by the committee on this date.