

ASSEMBLY, No. 930

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

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District 9 (Atlantic, Burlington and Ocean)

SYNOPSIS

Allows municipality to petition county for removal of abandoned vessel after declared state of emergency.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



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

3

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

6

7 1. Section 2 of P.L.1975, c.369 (C.12:7C-8) is amended to read
8 as follows:

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

12 a. "Vessel" means a boat, ship, or any other watercraft,
13 regardless of whether it is, or was, used for recreational,
14 commercial, or industrial purposes, or any other purpose, other than
15 a seaplane on the water, used or capable of being used as a means of
16 transportation on the water, except a boat or watercraft which is
17 subject to the provisions of P.L.1969, c.264 (C.12:7C-1 et seq.), and
18 includes any trailer used to transport or store it.

19 b. "Owner" means a person or any other legal entity, other than
20 a lienholder, having a property interest in or title to a vessel. The
21 term includes a person entitled to the use or possession of a vessel
22 subject to an interest of another person, reserved or created by
23 agreement and securing payment or performance of an obligation,
24 but the term excludes a lessee under a lease not intended as
25 security.

26 c. "Lienholder" means any person or any other legal entity
27 holding a security interest in or to a vessel.

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

31 e. "Commission" means the New Jersey Motor Vehicle
32 Commission.

33 f. "Waters of this State" means all waters within the
34 jurisdiction of this State, both tidal and nontidal, and the marginal
35 sea adjacent to this State to a distance of three nautical miles from
36 the shoreline.

37 g. "Removal costs" means any or all costs associated with the
38 removal, raising, towing, transporting, cleaning, storage, or
39 destruction of any vessel from land or water and shall include the
40 reimbursement of any or all costs incurred by the applicant in the
41 course of acquiring title to an abandoned vessel, including acquiring
42 title to any trailer abandoned with the vessel.

43 h. "Municipal waterway" means any portion of a body of water
44 located within a municipality or any portion of a body of water over

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 which a municipality or harbor commission legally exercises
2 jurisdiction.

3 i. "Disaster" means any natural, technological, or civil
4 emergency that causes damage of sufficient severity and magnitude
5 to result in a declared state of emergency.

6 j. "Declared state of emergency" means any state of emergency
7 within this State declared by the Governor or by the President of the
8 United States.

9 (cf: P.L.2008, c.52, s.5)

10

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

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

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

30 (2) The vessel may be removed from a municipal waterway by,
31 or at the direction of, the municipality or harbor commission and
32 may be impounded under the provisions of paragraph (1) of this
33 subsection and removed to a storage space, and its registration
34 certificate and registration plates seized. In the event that a
35 municipality or harbor commission is not able to remove an
36 abandoned vessel due to the effects of a disaster, the municipality or
37 harbor commission may request, not less than 30 days after a
38 declared state of emergency that the county where the abandoned
39 vessel is located remove and impound the abandoned vessel.

40 (3) The owner shall be responsible for the cost of the removal,
41 transportation, storage or disposal, and any other incidental costs
42 associated with the impounded vessel.

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

47 c. (1) An owner who violates the provisions of subsection a. of
48 this section shall be liable to a civil penalty of not more than

1 \$1,000. Each day upon which the violation continues shall
2 constitute a separate offense.
3 (2) The civil penalty imposed pursuant to this subsection shall
4 be collected pursuant to the "Penalty Enforcement Law of 1999,"
5 P.L.1999, c.274 (C.2A:58-10 et seq.), in a summary proceeding.
6 An official authorized by statute or ordinance to enforce regulations
7 related to municipal waterways or a law enforcement officer having
8 enforcement authority in that municipality may issue a summons for
9 a violation of the provisions of this section and may serve and
10 execute all process with respect to the enforcement of this section
11 consistent with the Rules of Court. A penalty recovered under the
12 provisions of this section shall be recovered by and in the name of
13 the State by the local municipality. The penalty shall be paid into
14 the treasury of the municipality in which the violation occurred for
15 the general uses of the municipality.
16 (cf: P.L.2011, c.172, s.1)

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18 3. This act shall take effect immediately.

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21 STATEMENT

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23 This bill provides that if a municipality or harbor commission is
24 not able to remove an abandoned vessel due to the effects of a
25 disaster, the municipality or harbor commission may request, not
26 less than 30 days after declaration of a state of emergency, the
27 county where the abandoned vessel is located to remove and
28 impound the abandoned vessel.