

ASSEMBLY BILL

No. 2092

Introduced by Assembly Member Frazier

February 17, 2016

An act to amend Section 525 of the Harbors and Navigation Code, relating to vessels.

LEGISLATIVE COUNSEL'S DIGEST

AB 2092, as introduced, Frazier. Abandoned Watercraft Abatement Fund: grants.

Existing law makes it an infraction punishable by a maximum \$3,000 fine, and a minimum \$1000 fine, for a person to abandon a vessel upon a public waterway or public or private property without the express or implied consent of the owner or person in lawful possession or control of the property, except for the urgent and immediate concern for the safety of those aboard the vessel. Existing law requires 80% of those fines imposed and collected to be deposited in the Abandoned Watercraft Abatement Fund, and used, upon appropriation by the Legislature, for grants to local agencies for, among other purposes, removal as a public nuisance of abandoned vessels. Existing law prohibits the grants from being used for abatement, removal, storage, or disposal of commercial vessels.

This bill would delete that prohibition and thereby authorize grants to be used for abatement, removal, storage, or disposal of commercial vessels.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 525 of the Harbors and Navigation Code
2 is amended to read:

3 525. (a) Except for the urgent and immediate concern for the
4 safety of those aboard a vessel, a person shall not abandon a vessel
5 upon a public waterway or public or private property without the
6 express or implied consent of the owner or person in lawful
7 possession or control of the property.

8 (b) The abandonment of a vessel in a manner as provided in
9 subdivision (a) is prima facie evidence that the last registered
10 owner of record, not having notified the appropriate registration
11 or documenting agency of any relinquishment of title or interest
12 therein, is responsible for the abandonment and is thereby liable
13 for the cost of the removal and disposition of the vessel.

14 (c) A violation of this section is an infraction and shall be
15 punished by a fine of not less than one thousand dollars (\$1,000),
16 nor more than three thousand dollars (\$3,000). In addition, the
17 court may order the defendant to pay to the agency that removes
18 and disposes of the vessel the actual costs incurred by the agency
19 for that removal and disposition.

20 (d) Fines imposed and collected pursuant to this section shall
21 be allocated as follows:

22 (1) (A) Eighty percent of the moneys shall be deposited in the
23 Abandoned Watercraft Abatement Fund, which is hereby created
24 as a special fund. Moneys in the fund shall be used exclusively,
25 upon appropriation by the Legislature, for grants to be awarded
26 by the ~~department~~ *division* to local agencies for the abatement,
27 removal, storage, and disposal as public nuisances of any
28 abandoned property as described in Section 522 or for the disposal
29 of surrendered vessels as defined in Section 526.1, wrecked or
30 dismantled vessels, or parts thereof, or any other partially
31 submerged objects that pose a substantial hazard to navigation,
32 from navigable waterways or adjacent public property, or private
33 property with the landowner's consent. ~~These grants shall not be~~
34 ~~utilized for abatement, removal, storage, or disposal of commercial~~
35 ~~vessels.~~

36 (B) In evaluating a grant request submitted by a local agency
37 pursuant to subparagraph (A), the ~~department~~ *division* shall place
38 great weight on the following two factors:

1 (i) The existence of an active local enforcement program to
2 control and prevent the abandonment of watercraft within the local
3 agency's jurisdiction.

4 (ii) The existence of a submerged navigational hazard abatement
5 plan at the local level that provides for the control or abatement
6 of water hazards, including, but not limited to, abandoned
7 watercraft, wrecked watercraft, hazardous floating debris,
8 submerged vessels and objects, and abandoned piers and pilings.

9 (C) A grant awarded by the ~~department~~ *division* pursuant to
10 subparagraph (A) shall be matched by a 10-percent contribution
11 from the local agency receiving the grant.

12 (D) As a condition of receiving grant funding pursuant to this
13 paragraph, a local agency shall report to the ~~department~~ *division*
14 data, as deemed appropriate by the ~~department~~, *division*, regarding
15 abandoned and surrendered vessels removed or anticipated for
16 removal pursuant to this article.

17 (2) Twenty percent shall be allocated as set forth in Section
18 1463.001 of the Penal Code.

19 (e) The state shall not assume liability for any injuries or
20 damages to a person or entity, public or private, connected to or
21 resulting from the processing or disposal of a surrendered vessel,
22 as defined in Section 526.1.

23 (f) The ~~department~~ *division* may adopt rules and regulations for
24 the purpose of administering this section.