

ACT 232

H.B. NO. 1177

A Bill for an Act Relating to Abandoned Vessels.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Chapter 200, Hawaii Revised Statutes, is amended by amending the title of part IV to read as follows:

**“PART IV. VESSELS ABANDONED ON BUSINESS PREMISES OF PERSONS ENGAGED IN REPAIR BUSINESS, PRIVATE MARINAS, AND YACHT CLUBS”**

SECTION 2. Section 200-51, Hawaii Revised Statutes, is amended to read as follows:

**“[§200-51] Disposition of vessels by persons in vessel repair business[, private marinas, or yacht clubs.** When any person abandons a vessel upon the premises of a vessel repair business, a private marina, or a yacht club, the owner of the business or private marina, or the owner’s representative, or the designated representative of the yacht club, may sell or dispose of the vessel in accord with this part.”

SECTION 3. Section 200-52, Hawaii Revised Statutes, is amended to read as follows:

**“[§200-52] When vessel deemed abandoned.** A vessel shall be deemed to be abandoned upon satisfaction of all the following conditions:

- (1) The service requested or required by a person whose vessel is navigated, towed, or brought to a vessel repair business, private marina, or yacht club, such as mooring, storage, towing, and rendering estimates of the cost of repairs, has been performed;
- (2) No authorization is given to perform any further service respecting the vessel, or to allow mooring, or storage, but the vessel is left on the repair business, private marina, or yacht club premises;
- (3) The owner of the repair business or private marina, or the owner’s authorized representative, or the designated representative of the yacht club, has given notice by registered or certified mail, to the registered owner of the vessel at the address on record at the vessel repair business, private marina, or yacht club, and the address on record [in] at the department or United States Coast Guard, and to any person with a

recorded interest in the vessel stating that, if the vessel is not repossessed within thirty days after the mailing of the notice, it will be sold or disposed of. The notice also shall contain a description of the vessel and its location. The notice need not be sent to an owner or any person with an unrecorded interest in the vessel whose name or address cannot be determined[;] and, absent evidence to the contrary, a notice shall be deemed received by the legal or registered owner five calendar days after the mailing; and

- (4) The vessel is not repossessed within the thirty-day period.”

SECTION 4. Section 200-53, Hawaii Revised Statutes, is amended to read as follows:

“~~[[§200-53]]~~ **Sale or disposition of vessel.** When a vessel is abandoned, the owner of the vessel repair business, or private marina, or the owner’s authorized representative, or the designated representative of the yacht club, after one public advertisement in a newspaper of general circulation in the State, may negotiate a sale of the vessel or dispose of it; provided that the vessel shall not be sold or disposed of less than five calendar days after the publication of the advertisement. Upon the sale or disposal of the vessel under this part, the owner of the vessel repair business, or private marina, or the owner’s authorized representative, or the designated representative of the yacht club, shall file an affidavit with the department stating to whom the vessel was sold or, if the vessel was not sold, the manner in which the vessel was disposed of pursuant to this part.”

SECTION 5. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 6. This Act shall take effect upon its approval.

(Approved July 2, 1999.)