

2025 Regular Session

HOUSE BILL NO. 676 (Substitute for House Bill No. 301 by Representative Domangue)

BY REPRESENTATIVE DOMANGUE

WATERWAYS/OBSTRUCTIONS: Provides for the removal and salvage of abandoned vessels in waterways

1 AN ACT

2 To amend and reenact R.S. 34:843(A)(1) and 852.23 and to enact R.S. 34:843(E) through
3 (G), relative to abandoned vessels; to require the promulgation of rules and
4 regulations for abandoned vessels; to authorize for removal by third parties; to
5 provide a rebuttable presumption of ownership; to provide relative to consent of
6 property owners for purposes of entering onto private property; and to provide for
7 related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 34:843(A)(1) and 852.23 are hereby amended and reenacted and R.S.
10 34:843(E) through (G) are hereby enacted to read as follows:

11 §843. Objects; removal; disposition

12 A.(1) The owner of any tug, towboat, barge, watercraft, ship, vessel,
13 equipment, machinery, or any object of any kind or description, whether foreign or
14 domestic, which has been left unattended, stored, junked, or abandoned in any canal,
15 coulee, drainage ditch, outfall canal, bayou, bay, lake, or any other waterway,
16 whether navigable or not, or on the banks thereof within the state of Louisiana, or the
17 owner of any such object moored or tied off in a drainage ditch or canal, or in an
18 outfall canal shall ~~present a plan as provided herein to~~ remove the object from the
19 waterway or bank within thirty days after receipt of a written notice by certified mail

1 from the federal, state, or local governing authority having jurisdiction thereof,
2 hereinafter referred to as "authority", to remove the object. For purposes of this
3 Section, the owner shall be presumed to be the last known registrant of the vessel.
4 This shall be a rebuttable presumption. In the event that the owner or registrant
5 cannot be identified or located by the authority, the authority shall publish in the
6 official journal of the parish where the object is located, a notice that the object shall
7 be removed ~~by the authority~~ at any time after thirty calendar days of publication of
8 the notice at the cost of the owner and shall be disposed of ~~by the authority~~. If the
9 object poses no immediate danger to life or property, the owner shall, within thirty
10 days after receipt of notice by certified mail, present to the authority having
11 jurisdiction over the matter, a plan for the removal of the object as soon as possible,
12 considering factors of safety, cost, and efficiency in accomplishing the removal. The
13 authority shall approve or reject the plan within thirty days from the date of
14 submission by the owner.

15 * * *

16 E. In the event the object is not removed by the owner within the periods
17 provided for in this Section, any third party may remove the object at their own
18 expense and junk, discard, or otherwise dispose of the object or sell, exchange, or
19 otherwise transfer ownership of the object to any person, corporation, or entity for
20 any price or consideration.

21 F. The Department of Wildlife and Fisheries shall promulgate and adopt
22 rules and regulations to provide a clear process for the following:

23 (1) Parties to obtain information regarding the registration or ownership of
24 any vessel which has been deemed abandoned.

25 (2) Parties to obtain a salvage title and for selling any abandoned vessel that
26 has been recovered.

27 (3) Notifying new registrants that they will be deemed as the owner and be
28 held responsible if the vessel is deemed abandoned.

1 G. Nothing in this Section shall be construed to authorize entry onto private
2 property without consent of the property owner.

3 * * *

4 §852.23. Titling abandoned and salvaged vessels and outboard motors

5 The department is authorized to shall adopt rules and regulations pursuant to
6 the Administrative Procedure Act to establish guidelines and procedures for the
7 registration and titling of vessels or outboard motors which are abandoned, salvaged,
8 towed and stored abandoned vessels, court ordered transferred, and vessels or
9 outboard motors which lack prior documentation of ownership.

11 DIGEST

12 The digest printed below was prepared by House Legislative Services. It constitutes no part
13 of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute
14 part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 676 Original

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Domangue

Abstract: Provides for the promulgation of rules and regulations for abandoned vessels, for the removal by third parties, for the consent of property owners, and for a rebuttable presumption of ownership of vessels.

Present law provides the owner of any abandoned vessel must present a plan to remove the object within 30 days of notification to remove the object by the federal, state, or local governing authority with jurisdiction.

Proposed law provides a rebuttable presumption that the owner of a vessel is the last known registrant.

Present law provides that if the owner cannot be identified or located the authority can publish notice in the journal of the parish where the object is located that the object will be removed by the authority at the cost of the owner and be disposed of by the authority.

Proposed law retains the provisions of present law but removes the requirement that it be removed and disposed of by the authority.

Proposed law provides that if the object is not removed by the owner any third party can remove the object at their own expense and dispose of the object in any manner it wishes.

Proposed law requires the Dept. of Wildlife and Fisheries to promulgate and adopt rules and regulations to provide a clear process for the following:

- (1) Parties to obtain information regarding the registration or ownership of any vessel that has been deemed abandoned.
- (2) Parties to obtain a salvage title and for selling any abandoned vessel that has been recovered.

- (3) Notifying new registrants that they will be deemed as the owner and be held responsible for any vessel deemed abandoned.

Proposed law clarifies that nothing in proposed law authorizes entry onto property without the consent of the property owner.

Present law authorizes the dept. to adopt rules and regulations for establishing guidelines and procedures for registering and titling vessels or outboard motors that are abandoned, salvaged, towed and stored abandoned vessels, court-ordered transferred, or lacking proper ownership documentation.

Proposed law requires the dept. to adopt the rules and regulations for establishing the guidelines and procedures provided by present law.

(Amends R.S. 34:843(A) and 852.23; Adds R.S. 34:843(E) through (G))