

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 a process for notification
6 to lien holders; to provide relative to consent of property owners for purposes of
7 entering onto private property; and to provide for 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
20 from the federal, state, or local governing authority having jurisdiction thereof,
21 hereinafter referred to as "authority", to remove the object. Concurrently with the

1 giving of any notice to an owner, the authority shall provide written notice by
2 certified mail to each holder of a properly filed and perfected ship mortgage filed
3 pursuant to 46 U.S.C. 31301 et seq., as reflected in an Abstract of Title obtained
4 from the National Vessel Documentation Center or security interest encumbering any
5 such vessel or object subject to this Section. For purposes of this Section, if the
6 owner of a vessel has not been issued a certificate of documentation by the United
7 States Coast Guard under 46 U.S.C. 121 and has not been issued a certificate of title
8 by the Department of Wildlife and Fisheries pursuant to R.S. 34:852.1 et seq., then
9 the owner of the vessel shall be presumed to be the last known registrant of the
10 vessel. This shall be a rebuttable presumption. In the event that the owner or
11 registrant cannot be identified or located by the authority, the authority shall publish
12 in the official journal of the parish where the object is located, a notice that the object
13 shall be removed by the authority at any time after thirty calendar days of publication
14 of the notice at the cost of the owner and shall be disposed of by the authority. If the
15 object poses no immediate danger to life or property, the owner shall, within thirty
16 days after receipt of notice by certified mail, present to the authority having
17 jurisdiction over the matter, a plan for the removal of the object as soon as possible,
18 considering factors of safety, cost, and efficiency in accomplishing the removal. The
19 authority shall approve or reject the plan within thirty days from the date of
20 submission by the owner.

21 * * *

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

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

(1) Parties to obtain information regarding the registration or ownership of any vessel which has been deemed abandoned and is subject to the requirements for certificates of documentation by the United States Coast Guard under 46 U.S.C. 121, subject to titling pursuant to the Vessel and Motor Titling Act, R.S. 34:852.1 et seq., or is subject to registration through the Department of Wildlife and Fisheries.

(2) Parties to obtain information regarding the identity of all holders of security interests or preferred ship mortgages encumbering any vessel which has been deemed abandoned and has been issued a certificate of documentation by the United States Coast Guard under 46 U.S.C. 121 or issued a title by the Department Wildlife and Fisheries pursuant to the Vessel and Motor Titling Act, R.S. 34:852.1 et seq.

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

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

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

* * *

§852.23. Titling abandoned and salvaged vessels and outboard motors

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

DIGEST

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

HB 676 Reengrossed

2025 Regular Session

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 that concurrently with providing notice to the owner of an abandoned vessel, the authority must provide notice to any lien holder with a perfected mortgage under present law.

Proposed law provides that if the owner of a vessel has not been issued certification by the U.S. Coast Guard or the Dept. of Wildlife and Fisheries under present law then there will be a rebuttable presumption that the owner of the 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 if it is subject to requirements for certificates of documentation by the U.S. Coast Guard under present law or is subject to titling or registration under present law.
- (2) Parties to obtain information regarding holders of security interests or mortgages encumbering any vessel that has been deemed abandoned and has been issued certification by the U.S. Coast Guard or the Dept. of Wildlife and Fisheries under present law.
- (3) Parties to obtain a salvage title and for selling any abandoned vessel that has been recovered.
- (4) 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) - (G))

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Provide that concurrently with providing notice to the owner of an abandoned vessel, an authority must provide notice to any lien holder with a perfected mortgage under present law.
2. Clarify the establishment of the rebuttable presumption that the owner of the vessel is the last known registrant only if the owner of a vessel has not been issued certification by the United States Coast Guard or the Department of Wildlife and Fisheries under present law.
3. Add to the requirement for the Department of Wildlife and Fisheries to promulgate and adopt rules and regulations to provide a clear process for parties to obtain information regarding the registration or ownership of any vessel that has been deemed abandoned only if it is subject to requirements for certificates of documentation by the United States Coast Guard under present law or is subject to titling or registration under present law.
4. Add a requirement for the Department of Wildlife and Fisheries to promulgate and adopt rules and regulations to provide a clear process for parties to obtain information regarding holders of security interests or mortgages encumbering any vessel that has been deemed abandoned and has been issued certification by the United States Coast Guard or the Department of Wildlife and Fisheries under present law.
5. Make technical changes.