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Chapter 79.100 RCW DERELICT VESSELS

RCW 79.100.005 Findings.

The legislature finds that there has been an increase in the number of derelict and abandoned vessels that are either grounded or anchored upon publicly or privately owned submerged lands. These vessels are public nuisances and safety hazards as they often pose hazards to navigation, detract from the aesthetics of Washington's waterways, and threaten the environment with the potential release of hazardous materials. The legislature further finds that the costs associated with the disposal of derelict and abandoned vessels are substantial, and that in many cases there is no way to track down the current vessel owners in order to seek compensation. As a result, the costs associated with the removal of derelict vessels becomes a burden on public entities and the taxing public.

[2002 c 286 § 1.]

RCW 79.100.010 Definitions.

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Abandoned vessel" means a vessel that has been left, moored, or anchored in the same area without the express consent, or contrary to the rules of, the owner, manager, or lessee of the aquatic lands below or on which the vessel is located for either a period of more than thirty consecutive days or for more than a total of ninety days in any three hundred sixty-five-day period, and the vessel's owner is: (a) Not known or cannot be located; or (b) known and located but is unwilling to take control of the vessel. For the purposes of this subsection (1) only, "in the same area" means within a radius of five miles of any location where the vessel was previously moored or anchored on aquatic lands.

(2) "Aquatic lands" means all tidelands, shorelands, harbor areas, and the beds of navigable waters, including lands owned by the state and lands owned by other public or private entities.

(3) "Authorized public entity" includes any of the following: The department of

natural resources; the department of fish and wildlife; the parks and recreation commission; a metropolitan park district; a port district; and any city, town, or county with ownership, management, or jurisdiction over the aquatic lands where an abandoned or derelict vessel is located.

(4) "Department" means the department of natural resources.

(5) "Derelict vessel" means a vessel that:

(a) Has been moored, anchored, or otherwise left in the waters of the state or on public property contrary to RCW [79.02.300](#) or rules adopted by an authorized public entity;

(b) Has been left on private property without authorization of the owner;

(c) Has been left for a period of seven consecutive days, and:

(i) Is sunk or in danger of sinking;

(ii) Is obstructing a waterway; or

(iii) Is endangering life or property; or

(d) Has been in violation of state registration requirements under RCW [88.02.550](#) for at least two full annual registration periods and is prioritized for removal by the department or an authorized public entity.

(6) "Owner" means any natural person, firm, partnership, corporation, association, government entity, or organization that has a lawful right to possession of a vessel by purchase, exchange, gift, lease, inheritance, or legal action whether or not the vessel is subject to a security interest.

(7) "Ship" means every species of watercraft or other mobile artificial contrivance, powered or unpowered, intended to be used for transporting people or goods on water or for floating marine construction or repair and that exceeds two hundred feet in length.

(8) "Vessel" means every species of watercraft or other mobile artificial contrivance, powered or unpowered, intended to be used for transporting people or goods on water or for floating marine construction or repair and which does not exceed two hundred feet in length. "Vessel" includes any trailer used for the transportation of watercraft, or any attached floats or debris.

[2014 c 195 § 604; 2007 c 342 § 1; 2006 c 153 § 2; 2002 c 286 § 2.]

NOTES:

Reviser's note: The definitions in this section have been alphabetized pursuant to RCW [1.08.015](#)(2)(k).

Findings—Intent—2014 c 195: See notes following RCW [79.100.170](#) and [79.100.180](#).

RCW 79.100.020

Chapter not exclusive remedy.

This chapter is not intended to limit or constrain the ability and authority of the authorized public entities to enact and enforce ordinances or other regulations relating to derelict and abandoned vessels, or to take any actions authorized by federal or state law in responding to derelict or abandoned vessels. This chapter is also not intended to be the sole remedy available to authorized public entities against the owners of derelict and abandoned vessels.

[2002 c 286 § 3.]

RCW 79.100.030

Authority of authorized public entity — Owner retains primary responsibility — Limitation on civil liability.

(1) An authorized public entity has the authority, subject to the processes and limitations of this chapter, to store, strip, use, auction, sell, salvage, scrap, or dispose of an abandoned or derelict vessel found on or above aquatic lands within the jurisdiction of the authorized public entity. A vessel disposal must be done in an environmentally sound manner and in accordance with all federal, state, and local laws, including the state solid waste disposal provisions provided for in chapter [70A.205](#) RCW. Scuttling or sinking of a vessel is only permissible after obtaining the express permission of the owner or owners of the aquatic lands below where the scuttling or sinking would occur, and obtaining all necessary state and federal permits or licenses.

(2) The primary responsibility to remove a derelict or abandoned vessel belongs to the owner, operator, or lessee of the moorage facility or the aquatic lands where the vessel is located. If the authorized public entity with the primary responsibility is unwilling or unable to exercise the authority granted by this section, it may request the department to assume the authorized public entity's authority for a particular vessel. The department may at its discretion assume the authorized public entity's authority for a particular vessel after being requested to do so. For vessels not at a moorage facility, an authorized public entity with jurisdiction over the aquatic lands where the vessel is located may, at its discretion, request to assume primary responsibility for that particular vessel from the owner of the aquatic lands where the vessel is located.

(3) The authority granted by this chapter is permissive, and no authorized public entity has a duty to exercise the authority. No liability attaches to an authorized public entity that chooses not to exercise this authority. An authorized public entity, in the good faith performance of the actions authorized under this chapter, is not liable for civil damages resulting from any act or omission in the performance of the actions other than acts or omissions constituting gross negligence or willful or wanton misconduct. Any person whose assistance has been requested by an authorized public entity, who has entered into a written agreement pursuant to RCW [79.100.070](#), and who, in good faith, renders assistance or advice with respect to activities conducted by an authorized public entity pursuant to this chapter, is not liable for civil damages resulting from any act or omission in the rendering of the assistance or advice, other than acts or omissions constituting gross negligence or willful or wanton misconduct.

[2021 c 65 § 88; 2011 c 247 § 4; 2002 c 286 § 4.]

NOTES:

Explanatory statement—2021 c 65: See note following RCW [53.54.030](#).

RCW 79.100.040

Obtaining custody of vessel.

(1) Prior to exercising the authority granted in RCW [79.100.030](#), the authorized public entity must first obtain custody of the vessel. To do so, the authorized public entity must:

(a) Mail notice of its intent to obtain custody, at least 10 days prior to taking custody, to the last known address of the previous owner to register the vessel in any state or with the federal government and to any lienholders or secured interests on record. A notice need not be sent to the purported owner or any other person whose interest in the vessel is not recorded with a state or federal agency;

(b) Post notice of its intent clearly on the vessel for 15 days; and

(c) Post notice of its intent on the department's internet website on a page specifically designated for such notices. If the authorized public entity is not the department, the department must facilitate the internet posting.

(2) All notices sent, posted, or published in accordance with this section must, at a minimum, explain the intent of the authorized public entity to take custody of the vessel, the rights of the authorized public entity after taking custody of the vessel as provided in RCW [79.100.030](#), the procedures the owner

must follow in order to avoid custody being taken by the authorized public entity, the procedures the owner must follow in order to reclaim possession after custody is taken by the authorized public entity, and the financial liabilities that the owner may incur as provided for in RCW [79.100.060](#).

(3) (a) Any authorized public entity may tow, beach, or otherwise take temporary possession of a vessel if the owner of the vessel cannot be located or is unwilling or unable to assume immediate responsibility for the vessel and if the vessel: (i) Is in immediate danger of sinking, breaking up, or blocking navigational channels; or (ii) Poses a reasonably imminent threat to human health or safety, including a threat of environmental contamination.

(b) Before taking temporary possession of the vessel, the authorized public entity must make reasonable attempts to consult with the department or the United States coast guard to ensure that other remedies are not available. The basis for taking temporary possession of the vessel must be set out in writing by the authorized public entity within seven days of taking action and be submitted to the owner, if known, as soon thereafter as is reasonable. If the authorized public entity has not already provided the required notice, immediately after taking possession of the vessel, the authorized public entity must initiate the notice provisions in subsection (1) of this section. The authorized public entity must complete the notice requirements of subsection (1) of this section before using or disposing of the vessel as authorized in RCW [79.100.050](#).

(4) An authorized public entity may invite the department of ecology to use the authority granted to it under RCW [90.56.410](#) prior to, or concurrently with, obtaining custody of a vessel under this section. However, this is not a necessary prerequisite to an authorized public entity obtaining custody.

[2023 c 304 § 1; 2013 c 291 § 37; 2007 c 342 § 2; 2006 c 153 § 3; 2002 c 286 § 5.]

RCW 79.100.050 **Use or disposal of vessel.**

(1) After taking custody of a vessel, the authorized public entity may use or dispose of the vessel in any appropriate and environmentally sound manner without further notice to any owners, but must give preference to uses that derive some monetary benefit from the vessel, either in whole or in scrap. If no value can be derived from the vessel, the authorized public entity must give preference to the least costly, environmentally sound, reasonable disposal option. Any disposal operations must be consistent with the state solid waste disposal provisions provided for in chapter [70A.205](#) RCW.

(2) If the authorized public entity chooses to offer the vessel at a public auction, either a minimum bid may be set or a letter of credit may be required, or

both, to discourage future reabandonment of the vessel.

(3) Proceeds derived from the sale of the vessel must first be applied to any administrative costs that are incurred by the authorized public entity during the notification procedures set forth in RCW [79.100.040](#), removal and disposal costs, and costs associated with environmental damages directly or indirectly caused by the vessel. If the proceeds derived from the vessel exceed all administrative costs, removal and disposal costs, and costs associated with environmental damages directly or indirectly caused by the vessel, the remaining moneys must be applied to satisfying any liens registered against the vessel.

(4) Any value derived from a vessel greater than all liens and costs incurred reverts to the derelict vessel removal account established in RCW [79.100.100](#).

[2021 c 65 § 89; 2002 c 286 § 6.]

NOTES:

Explanatory statement—2021 c 65: See note following RCW [53.54.030](#).

RCW 79.100.060

Reimbursement for costs.

(1) The owner of an abandoned or derelict vessel, or any person or entity that has incurred secondary liability for an abandoned or derelict vessel under this chapter or RCW [88.26.030](#), is responsible for reimbursing an authorized public entity for all reasonable and auditable costs associated with the removal or disposal of the owner's vessel under this chapter. These costs include, but are not limited to, costs incurred exercising the authority granted in RCW [79.100.030](#), all administrative costs incurred by the authorized public entity during the procedure set forth in RCW [79.100.040](#), removal and disposal costs, and costs associated with environmental damages directly or indirectly caused by the vessel. An authorized public entity that has taken temporary possession of a vessel may require that all reasonable and auditable costs associated with the removal of the vessel be paid before the vessel is released to the owner.

(2) Reimbursement for costs may be sought from an owner, or any person or entity that has incurred secondary liability under this chapter or RCW [88.26.030](#), who is identified subsequent to the vessel's removal and disposal.

(3) If the full amount of all costs due to the authorized public entity under this chapter is not paid to the authorized public entity within thirty days after first notifying the responsible parties of the amounts owed, the authorized public

entity or the department may bring an action in any court of competent jurisdiction to recover the costs, plus reasonable attorneys' fees and costs incurred by the authorized public entity.

[2014 c 195 § 601; 2013 c 291 § 40; 2006 c 153 § 4; 2002 c 286 § 7.]

NOTES:

Findings—Intent—2014 c 195: See notes following RCW [79.100.170](#) and [79.100.180](#).

RCW 79.100.070

Contract with private company/individual.

An authorized public entity may enter into a contract with a private company or individual to carry out the authority granted in this chapter.

[2002 c 286 § 8.]

RCW 79.100.080

Chapter not exclusive.

The rights granted by this chapter are in addition to any other legal rights an authorized public entity may have to obtain title to, remove, recover, sell, or dispose of an abandoned or derelict vessel, and in no way does this chapter alter those rights, or affect the priority of other liens on a vessel.

[2002 c 286 § 9.]

RCW 79.100.100

Derelict vessel removal account.

(1)(a) The derelict vessel removal account is created in the state treasury. All receipts from RCW [79.100.050](#) and [79.100.060](#) and those moneys specified in RCW [88.02.640](#) must be deposited into the account. The account is authorized to receive fund transfers and appropriations from the general fund, deposits from

the derelict vessel removal surcharge under RCW [88.02.640\(4\)](#), deposits under RCW [79.100.180](#), as well as gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of this chapter and expend the same or any income according to the terms of the gifts, grants, or endowments provided those terms do not conflict with any provisions of this section or any guidelines developed to prioritize reimbursement of removal projects associated with this chapter.

(b) Moneys in the account may only be spent after appropriation. Expenditures from the account may only be used by the department for developing and administering the vessel turn-in program created in RCW [79.100.160](#) and to, except as provided in RCW [79.100.130](#) and [53.08.480](#), reimburse authorized public entities for up to ninety percent of the total reasonable and auditable administrative, removal, disposal, and environmental damage costs of abandoned or derelict vessels when the previous owner is either unknown after a reasonable search effort or insolvent. Reimbursement may not be made unless the department determines that the public entity has made reasonable efforts to identify and locate the party responsible for the vessel, or any other person or entity that has incurred secondary liability for the vessel under this chapter or RCW [88.26.030](#), regardless of the title of owner of the vessel.

(c) Funds in the account resulting from transfers from the general fund or from the deposit of funds from the watercraft excise tax as provided for under RCW [82.49.030](#) must be used to reimburse one hundred percent of costs and should be prioritized for the removal of large vessels.

(d) Costs associated with the removal and disposal of an abandoned or derelict vessel under the authority granted in RCW [53.08.320](#) also qualify for reimbursement from the derelict vessel removal account.

(e) In each biennium, up to twenty percent of the expenditures from the derelict vessel removal account may be used for administrative expenses of the department of licensing and department of natural resources in implementing this chapter.

(2) Priority for use of this account is for the removal of derelict and abandoned vessels that are in danger of sinking, breaking up, or blocking navigation channels, or that present environmental risks such as leaking fuel or other hazardous substances. The department must develop criteria, in the form of informal guidelines, to prioritize removal projects associated with this chapter, but may not consider whether the applicant is a state or local entity when prioritizing. The guidelines must also include guidance to the authorized public entities as to what removal activities and associated costs are reasonable and eligible for reimbursement.

(3) The department must keep all authorized public entities apprised of the

balance of the derelict vessel removal account and the funds available for reimbursement. The guidelines developed by the department must also be made available to the other authorized public entities. This subsection (3) must be satisfied by utilizing the least costly method, including maintaining the information on the department's internet web site, or any other cost-effective method.

(4) An authorized public entity may contribute its ten percent of costs that are not eligible for reimbursement by using in-kind services, including the use of existing staff, equipment, and volunteers.

(5) This chapter does not guarantee reimbursement for an authorized public entity. Authorized public entities seeking certainty in reimbursement prior to taking action under this chapter may first notify the department of their proposed action and the estimated total costs. Upon notification by an authorized public entity, the department must make the authorized public entity aware of the status of the fund and the likelihood of reimbursement being available. The department may offer technical assistance and assure reimbursement for up to two years following the removal action if an assurance is appropriate given the balance of the fund and the details of the proposed action.

[2014 c 195 § 603; 2013 c 291 § 2; 2010 c 161 § 1161; 2007 c 342 § 4; 2006 c 153 § 6; 2002 c 286 § 11.]

NOTES:

Findings—Intent—2014 c 195: See notes following RCW [79.100.170](#) and [79.100.180](#).

Effective date—Intent—Legislation to reconcile chapter 161, Laws of 2010 and other amendments made during the 2010 legislative session—2010 c 161: See notes following RCW [46.04.013](#).

RCW 79.100.110

Vessel abandoned or derelict upon aquatic lands — Causing a vessel to block a navigation channel — Penalty.

(1) A person who causes a vessel to become abandoned or derelict upon aquatic lands is guilty of a misdemeanor.

(2) A person who intentionally, through action or inaction and without the appropriate state, local, or federal authorization, causes a vessel to sink, break up, or block a navigational channel upon aquatic lands is guilty of a misdemeanor.

[2011 c 247 § 1; 2006 c 153 § 1.]

RCW 79.100.120

Contesting an authorized public entity's decision to take temporary custody or possession of a vessel — Contesting the amount of reimbursement.

(1)(a) An owner or lienholder seeking to contest an authorized public entity's decision to take temporary possession or custody of a vessel under this chapter, or to contest the amount of reimbursement owed to an authorized public entity under this chapter, may request a hearing in accordance with this section.

(b) A transferor or other entity with secondary liability under this chapter or RCW [88.26.030](#) may commence a lawsuit in the superior court for the county in which custody of the vessel was taken to contest the transferor's or other entity's liability or the amount of reimbursement owed the authorized public entity under this chapter.

(2)(a) If the contested decision or action was undertaken by a state agency, a written request for a hearing related to the decision or action must be filed with the pollution control hearings board and served on the state agency in accordance with RCW [43.21B.230](#) (2) and (3) within thirty days of the date the authorized public entity acquires custody of the vessel under RCW [79.100.040](#), or if the vessel is redeemed before the authorized public entity acquires custody, the date of redemption, or the right to a hearing is deemed waived and the vessel's owner is liable for any costs owed the authorized public entity. In the event of litigation, the prevailing party is entitled to reasonable attorneys' fees and costs.

(b) Upon receipt of a timely hearing request, the pollution control hearings board shall proceed to hear and determine the validity of the decision to take the vessel into temporary possession or custody and the reasonableness of any towing, storage, or other charges permitted under this chapter. Within five business days after the request for a hearing is filed, the pollution control hearings board shall notify the vessel owner requesting the hearing and the authorized public entity of the date, time, and location for the hearing. Unless the vessel is redeemed before the request for hearing is filed, the pollution control hearings board shall set the hearing on a date that is within 10 business days of the filing of the request for hearing. If the vessel is redeemed before the request for a hearing is filed, the pollution control hearings board shall set the hearing on a date that is within 60 days of the filing of the request for hearing.

(c) Consistent with RCW [43.21B.305](#), a proceeding brought under this subsection may be heard by one member of the pollution control hearings board, whose decision is the final decision of the board. An administrative law judge employed by the pollution control hearings board may be substituted for a board member under this section.

(3)(a) If the contested decision or action was undertaken by a metropolitan park district, port district, city, town, or county, which has adopted rules or procedures for contesting decisions or actions pertaining to derelict or abandoned vessels, those rules or procedures must be followed in order to contest a decision to take temporary possession or custody of a vessel, or to contest the amount of reimbursement owed.

(b) If the metropolitan park district, port district, city, town, or county has not adopted rules or procedures for contesting decisions or actions pertaining to derelict or abandoned vessels, then an owner or lienholder requesting a hearing under this section must follow the procedure established in subsection (2) of this section.

[2023 c 39 § 1; 2014 c 195 § 602; 2013 c 291 § 32; 2010 c 210 § 34; 2006 c 153 § 5.]

NOTES:

Findings—Intent—2014 c 195: See notes following RCW [79.100.170](#) and [79.100.180](#).

Intent—Effective dates—Application—Pending cases and rules—2010 c 210: See notes following RCW [43.21B.001](#).

RCW 79.100.130

Private moorage facility owner may contract with a local government — Contract requirements.

(1) A private moorage facility owner, as those terms are defined in RCW [88.26.010](#), may contract with the department or a local government for the purpose of participating in the derelict vessel removal program.

(2) If a contract is completed under this section, the department or local government shall serve as the authorized public entity for the removal of a derelict or abandoned vessel from the property of the private moorage facility owner. The contract must provide for the private moorage facility owner to be financially responsible for the removal and disposal costs that are not reimbursed by the department as provided under RCW [79.100.100](#), and any additional reasonable administrative costs incurred by the department or local government during the removal of the derelict or abandoned vessel.

(3) Prior to the commencement of any removal under this section for which a local government serves as the authorized public entity and that will seek

reimbursement from the derelict vessel removal program, the contract and the proposed vessel removal shall be submitted to the department for review and approval. The local government shall use the procedure specified under RCW [79.100.100](#).

(4) If the private moorage facility owner has already seized the vessel under chapter [88.26](#) RCW and title has reverted to the moorage facility, the moorage facility is not considered the owner under this chapter for purposes of cost recovery for actions taken under this section.

(5)(a) The department and all local governments have discretion as to whether to enter into contracts to serve as the authorized public entity under this section for vessels located at a private moorage facility.

(b) The department may not enter into a contract to serve as the authorized public entity under this section for vessels located at a private moorage facility if the private moorage facility is not in compliance with the mandatory insurance requirements of RCW [88.26.030](#).

[2014 c 195 § 201; 2013 c 291 § 4; 2011 c 247 § 2; 2007 c 342 § 3.]

NOTES:

Findings—Intent—2014 c 195: See notes following RCW [79.100.170](#) and [79.100.180](#).

79.100.140

Authority to board a vessel — Administrative search warrant.

(1) An officer or employee of an authorized public entity, or the department of ecology at the request of an authorized public entity, may, consistent with subsection (2) of this section, board any vessel at any reasonable time for the purpose of:

(a) Administering this chapter, including identifying ownership of a vessel, assessing the structural integrity of a vessel, and assessing whether a vessel meets the criteria described under RCW [79.100.040](#)(3); or

(b) For the department of ecology only, mitigating a potential threat to health, safety, or the environment under the authority provided in chapter [90.56](#) RCW.

(2)(a) Prior to boarding any vessel under the authority of this section, an officer or employee of an authorized public entity or the department of ecology

must apply for and obtain an administrative search warrant in either Thurston county superior court or the superior court in the county where the vessel is located, unless a warrant is not otherwise required by law. The court may issue an administrative search warrant where the court has reasonable cause to believe it is necessary to achieve the purposes of this section.

(b) Prior to requesting an administrative search warrant under this subsection, the officer or employee must make a reasonable effort to contact the owner or the owner's designee and obtain consent to board the vessel.

(3) Nothing in this section affects an authorized public entity's authority to carry out actions under RCW [79.100.040](#) or any agency's existing authority to enter onto vessels under any other statute.

[2013 c 291 § 35.]

79.100.150

Transfer of certain vessels — Vessel inspection — Secondary liability.

(1) A vessel owner must obtain a vessel inspection under this section prior to transferring a vessel that is:

(a) More than thirty-five feet in length and more than forty years old; and

(b) Either:

(i) Is registered or required to be registered under chapter [88.02](#) RCW; or

(ii) Is listed or required to be listed under chapter [84.40](#) RCW.

(2) If the vessel inspection determines the vessel is not seaworthy, as defined by agency rule, and the value of the vessel is less than the anticipated costs required to return the vessel to seaworthiness, then the vessel owner may not sell or transfer ownership of the vessel unless:

(a) The vessel is repaired to a seaworthy state prior to the transfer of ownership; or

(b) The vessel is sold for scrap, restoration, salvage, or another use that will remove the vessel from state waters to a person displaying a business license issued under RCW [19.02.070](#) that a reasonable person in the seller's position would believe has the capability and intent to do based on factors that may include the buyer's facilities, resources, documented intent, and relevant history.

(3) Where required under subsection (1) of this section, a vessel owner must provide a copy of the vessel inspection documentation to the transferee and, if the department did not conduct the inspection, to the department prior to the transfer.

(4) Unless rules adopted by the department provide otherwise, the vessel inspection required under this section must be contained in a formal marine survey conducted by a third party to the transaction. The survey must include, at a minimum, a conclusion relating to the seaworthiness of the vessel, an estimate of the vessel's fair market value, and, if applicable, an estimate as to the anticipated cost of repairs necessary to return the vessel to seaworthiness.

(5) The department may, by rule, allow other forms of vessel condition determinations, such as United States coast guard certificates of inspection, to replace the requirements for a formal marine survey under this section.

(6) Failure to comply with the requirements of this section will result in the transferor having secondary liability under RCW [79.100.060](#) if the vessel is later abandoned by the transferee or becomes derelict prior to a subsequent ownership transfer.

(7) Nothing in this section prevents a vessel owner from removing, dismantling, and lawfully disposing of any vessel lawfully under the vessel owner's control.

[2020 c 324 § 3; 2014 c 195 § 102; 2013 c 291 § 38.]

NOTES:

Findings—2020 c 324: See note following RCW [79.100.160](#).

Findings—Intent—2014 c 195: See notes following RCW [79.100.170](#) and [79.100.180](#).

Effective date—2013 c 291 § 38: "Section 38 of this act takes effect July 1, 2014." [[2013 c 291 § 48](#).]

RCW 79.100.160 **Voluntary vessel turn-in program.**

(1) The department may develop and administer a voluntary vessel turn-in program.

(2) The purpose of the vessel turn-in program is to allow the department to dismantle and dispose of vessels that pose a high risk of becoming a derelict vessel or abandoned vessel, but that do not yet meet the definition of those terms. The department shall design the program with the goal of dismantling and disposing of as many vessels as available resources allow, particularly those vessels posing the greatest risk of becoming abandoned or derelict in the future.

(3) The department shall disseminate information about the vessel turn-in program, including information about the application process, on its internet site and through appropriate agency publications and information sources as determined by the department. The department shall disseminate this information for a reasonable time as determined by the department prior to accepting applications.

(4) The department shall accept and review vessel turn-in program applications from eligible vessel owners, including private marinas that have gained legal title to a vessel in an advanced state of disrepair, during the time period or periods identified by the department. In order to be eligible for the vessel turn-in program, an applicant must demonstrate to the department's satisfaction that the applicant:

(a) Is a Washington resident or business;

(b) Owns a vessel that is in an advanced state of disrepair, has minimal or no value, and has a high likelihood of becoming an abandoned or derelict vessel; and

(c) Has insufficient resources to properly dispose of the vessel outside of the vessel turn-in program.

(5) Decisions regarding program eligibility and whether to accept a vessel for dismantling and disposal under the turn-in program are within the sole discretion of the department.

(6) The department may take other actions not inconsistent with this section in order to develop and administer the vessel turn-in program.

[2020 c 324 § 2; 2013 c 291 § 42.]

NOTES:

Findings—2020 c 324: "The legislature finds that the derelict vessel removal program has been an extremely effective and successful tool since its inception in 2003, but recognizes that derelict vessels continue to be a critical problem for the waters of the state. Derelict vessels generate costs to taxpayers, impede the recreational enjoyment of waters, pose navigational safety hazards, and contaminate the environment, thereby impacting the health of Puget Sound and

the habitat of imperiled species such as salmon and orcas. Every year, more vessels are reported to the derelict vessel removal program than can be removed. The legislature finds that improvements to the derelict vessel removal program statutes are needed to help address this problem. Therefore, in order to increase the effectiveness of the derelict vessel removal program, the legislature proposes a suite of prevention and enforcement measures intended to decrease the number of vessels that become derelict and to provide the derelict vessel removal program with more tools to manage those that are currently derelict. These measures are intended to decrease costs to taxpayers and protect the environment by removing high risk boats from the waters of the state before they become derelict, and by expanding enforcement of existing aquatic regulations as they relate to enforcement of the derelict vessel statutes." [[2020 c 324 § 1.](#)]

RCW 79.100.170

Transfer of ownership of certain vessels — Marine insurance policy.

(1) Any individual or company that purchases or otherwise receives a used vessel greater than thirty-five feet in length and more than forty years old must, prior to or concurrent with the transfer of ownership, secure a marine insurance policy consistent with this section. Proof of the marine insurance policy must be provided to:

(a) The transferor of the vessel upon purchase or other transfer; and

(b) If applicable, the department of licensing upon registration or the department of revenue upon the payment of any taxes.

(2) The transferor of a vessel greater than thirty-five feet in length and more than forty years old has an affirmative duty to ensure that any potential transferee has secured a marine insurance policy consistent with this section prior to or concurrent with the finalization of any sale or transfer. Nothing in this section prohibits the sale or other transfer of a vessel greater than thirty-five feet in length and more than forty years old to a transferee that fails to secure a marine insurance policy. However, a transferor that chooses to finalize a sale or other transfer with a transferee not in possession of a marine insurance policy assumes secondary liability for the vessel consistent with RCW [79.100.060](#) if the vessel is later abandoned by the transferee or becomes derelict prior to a subsequent ownership transfer.

(3) The marine insurance policy required under this section must be secured by the transferee prior to, or concurrent with, assuming ownership of a vessel greater than thirty-five feet in length and more than forty years old. The marine insurance policy must satisfy the following conditions:

(a) Have a term of at least twelve months following the transferee's assumption of vessel ownership;

(b) Provide coverage of an amount that is, unless otherwise provided by the department by rule, at least three hundred thousand dollars;

(c) Provide, unless otherwise provided by the department by rule, coverage for the removal of the vessel if it should sink and coverage should it cause a pollution event.

(4) The purchaser of marine insurance under this section may satisfy the requirements of this section through the purchase of multiple policies as necessary.

(5) The department may, by rule, provide for a purchaser of a vessel to also satisfy the insurance requirements of this section through the posting of adequate security with a financial institution.

(6) A person required to secure marine insurance or show proof of marine insurance under this section who either: (a) Fails to secure a marine insurance policy consistent with this section prior to or concurrent with the transfer of ownership, unless the vessel was sold consistent with RCW [79.100.150](#)(2)(b); or (b) cancels a marine insurance policy consistent with this section prior to the end of the twelfth month of vessel ownership or to a subsequent transfer of ownership, whichever occurs first, without securing another marine insurance policy consistent with this section in its place, is guilty of a misdemeanor. The department may contact any vessel owner required by this section to have a marine insurance policy to ensure compliance with this section.

[2020 c 324 § 4; 2014 c 195 § 101.]

Notes:

Findings—2020 c 324: See note following RCW [79.100.160](#).

Findings—Intent—2014 c 195: "(1) The legislature finds that section 45, chapter 291, Laws of 2013 required the department of natural resources, in consultation with the department of ecology, to evaluate potential changes to laws and rules related to derelict and abandoned vessels that increase vessel owner responsibility and address challenges associated with the economics of removing vessels from the water.

(2) The legislature further finds that, during the 2013 legislative interim, the two responsible agencies engaged in a thorough process to satisfy their legislative charge. This process involved exhausting in-state expertise on various topics and reaching out to experts in vessel deconstruction, surety bonding, letters of credit, marine insurance, taxation, federal regulation, similar programs in other states,

and more. The process also involved two open invitation public meetings.

(3) The legislature further finds that a significant number of various and competing options were discussed, analyzed, and ultimately dismissed during the process undertaken by the two agencies. It is the intent of the legislature to capture the recommendations for meeting the goals of increased vessel owner responsibility and addressing the challenges associated with the economics of removing vessels from the water that rose to the top from the process undertaken by the agencies.

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(4) It is the further intent of the legislature that this act serve as the final report due by the department of natural resources under section 45, chapter 291, Laws of 2013." [[2014 c 195 § 1.](#)]

Findings—Intent—2014 c 195: See note following RCW [79.100.180](#).

RCW 79.100.180

Derelict vessel removal fee.

(1)(a) Except as otherwise provided in (b) of this subsection, an annual derelict vessel removal fee is imposed upon all persons required by RCW [84.40.065](#) to list any ship or vessel with the department of revenue for state property tax purposes.

(b) The derelict vessel removal fee imposed in (a) of this subsection does not apply in any year that a person required to list a ship or vessel does not owe the state property tax levied for collection in that year with respect to that ship or vessel.

(c) The annual derelict vessel removal fee is equal to one dollar per vessel foot measured by extreme length of the vessel, rounded up to the nearest whole foot.

(2) Each year, the department of revenue must include the amount of the derelict vessel removal fee due under this section for that calendar year in the tax statement required in RCW [84.40.065](#).

(3) The person listing a ship or vessel and the owner of the ship or vessel, if not the same person, are jointly and severally liable for the fee imposed in this section.

(4) The department of revenue must collect the derelict vessel removal fee imposed in this section as provided in RCW [84.56.440](#).

(5) All derelict vessel removal fees collected under this section must be deposited into the derelict vessel removal account created in RCW [79.100.100](#).

[2014 c 195 § 402.]

NOTES:

Effective date—2014 c 195 §§ 401-403: "Sections 401 through 403 of this act take effect January 1, 2015." [[2014 c 195 § 404](#).]

Findings—Intent—2014 c 195: "(1) The legislature finds that:

(a) Derelict and abandoned vessels are a threat to the safety of the public waterways, an environmental hazard for humans and marine life, and an occupational danger for persons that make their living on the waters of this state;

(b) Derelict vessel removal fees are imposed when recreational vessels are registered with the department of licensing. The accumulation of these fees is sufficient for the removal and disposal of recreational vessels that become derelict or abandoned;

(c) Derelict vessel removal fees do not apply to commercial vessels. Former commercial vessels are among the most costly to remove from Washington waters and to dispose of in an environmentally responsible manner. The costs for removing and disposing of these vessels far exceeds the funding provided by the derelict vessel removal fees paid by recreational vessels;

(d) According to the department of natural resources, as of January 1, 2015, there is a significant backlog of abandoned or derelict vessels that are former commercial vessels; and

(e) The use of general fund revenue to pay for the removal and disposal of derelict or abandoned vessels places an undue burden on the nonboating public and reduces the revenue available to pay for necessary governmental services.

(2) The legislature intends for either the owners or operators, or both, of commercial vessels to pay their fair share for the removal of abandoned or derelict vessels by imposing a per foot fee on commercial vessels." [2014 c 195 § 401.]

Findings—Intent—2014 c 195: See note following RCW [79.100.170](#).

RCW 79.100.901

Effective date — 2002 c 286.

This act takes effect January 1, 2003.

[[2002 c 286 § 26](#).]

Chapter 53.08 RCW

PORT MOORAGE FACILITIES

RCW 53.08.310

Moorage facilities — Definitions.

Unless the context clearly requires otherwise, the definitions in this section apply throughout this section, RCW [53.08.480](#), and [53.08.320](#).

(1) "Moorage facility" means any properties or facilities owned or operated by a moorage facility operator which are capable of use for the moorage or storage of vessels.

(2) "Moorage facility operator" means any port district, city, town, metropolitan park district, or county which owns and/or operates a moorage facility.

(3) "Owner" means every natural person, firm, partnership, corporation, association, or organization, or agent thereof, with actual or apparent authority, who expressly or impliedly contracts for use of a moorage facility.

(4) "Port charges" mean charges of a moorage facility operator for moorage and storage, and all other charges owing or to become owing under a contract between a vessel owner and the moorage facility operator, or under an officially adopted tariff including, but not limited to, costs of sale and related legal expenses.

(5) "Transient vessel" means a vessel using a moorage facility and which belongs to an owner who does not have a moorage agreement with the moorage facility operator. Transient vessels include, but are not limited to: Vessels seeking a harbor of refuge, day use, or overnight use of a moorage facility on a space-as-available basis. Transient vessels may also include vessels taken into custody under RCW [79.100.040](#).

(6) "Vessel" means every species of watercraft or other artificial contrivance capable of being used as a means of transportation on water and which does not exceed two hundred feet in length. "Vessel" includes any trailer used for the transportation of watercraft.

[2014 c 195 § 205; 1986 c 260 § 1; 1983 c 188 § 1.]

NOTES:

Reviser's note: The definitions in this section have been alphabetized pursuant to RCW [1.08.015](#)(2)(k).

Findings—Intent—2014 c 195: See notes following RCW [79.100.170](#) and [79.100.180](#).

Construction—Savings—1983 c 188: "Nothing contained in RCW [53.08.310](#) and [53.08.320](#) may be construed as a limitation of any rights, privileges, or remedies previously existing under any applicable laws of port districts, cities, towns, metropolitan park districts, or counties." [[1983 c 188 § 3.](#)]

Severability—1983 c 188: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [[1983 c 188 § 5.](#)]

RCW 53.08.320

Moorage facilities — Rules authorized — Port charges, delinquency — Abandoned vessels, public sale.

A moorage facility operator may adopt all rules necessary for rental and use of moorage facilities and for the expeditious collection of port charges. The rules may also establish procedures for the enforcement of these rules by port district, city, county, metropolitan park district or town personnel. The rules shall include the following:

(1) Procedures authorizing moorage facility personnel to take reasonable measures, including the use of chains, ropes, and locks, or removal from the water, to secure vessels within the moorage facility so that the vessels are in the possession and control of the moorage facility operator and cannot be removed from the moorage facility. These procedures may be used if an owner mooring or storing a vessel at the moorage facility fails, after being notified that charges are owing and of the owner's right to commence legal proceedings to contest that such charges are owing, to pay the port charges owed or to commence legal proceedings. Notification shall be by registered mail to the owner at his or her last known address. In the case of a transient vessel, or where no address was furnished by the owner, the moorage facility operator need not give such notice prior to securing the vessel. At the time of securing the vessel, an authorized moorage facility employee shall attach to the vessel a readily visible notice. The notice shall be of a reasonable size and shall contain the following information:

(a) The date and time the notice was attached;

(b) A statement that if the account is not paid in full within ninety days from the time the notice is attached, the vessel may be sold at public auction to satisfy the port charges; and

(c) The address and telephone number where additional information may be obtained concerning release of the vessel.

After a vessel is secured, the operator shall make a reasonable effort to notify the owner by registered mail in order to give the owner the information contained in the notice.

(2) Procedures authorizing moorage facility personnel at their discretion to move moored vessels ashore for storage within properties under the operator's control or for storage with private persons under their control as bailees of the moorage facility, if the vessel is, in the opinion of port personnel a nuisance, if the vessel is in danger of sinking or creating other damage, or is owing port charges. Costs of any such procedure shall be paid by the vessel's owner. If the owner is not known, or unable to reimburse the moorage facility operator for the costs of these procedures, the mooring facility operators may seek reimbursement of ninety percent of all reasonable and auditable costs from the derelict vessel removal account established in RCW [79.100.100](#).

(3) If a vessel is secured under subsection (1) of this section or moved ashore under subsection (2) of this section, the owner who is obligated to the moorage facility operator for port charges may regain possession of the vessel by:

(a) Making arrangements satisfactory with the moorage facility operator for the immediate removal of the vessel from the moorage facility or for authorized moorage; and

(b) Making payment to the moorage facility operator of all port charges, or by posting with the moorage facility operator a sufficient cash bond or other acceptable security, to be held in trust by the moorage facility operator pending written agreement of the parties with respect to payment by the vessel owner of the amount owing, or pending resolution of the matter of the charges in a civil action in a court of competent jurisdiction. After entry of judgment, including any appeals, in a court of competent jurisdiction, or after the parties reach agreement with respect to payment, the trust shall terminate and the moorage facility operator shall receive so much of the bond or other security as is agreed, or as is necessary to satisfy any judgment, costs, and interest as may be awarded to the moorage facility operator. The balance shall be refunded immediately to the owner at his or her last known address.

(4) If a vessel has been secured by the moorage facility operator under subsection (1) of this section and is not released to the owner under the bonding provisions of this section within ninety days after notifying or attempting to notify the owner under subsection (1) of this section, the vessel shall be conclusively presumed to have been abandoned by the owner.

(5) If a vessel moored or stored at a moorage facility is abandoned, the moorage facility operator may, by resolution of its legislative authority, authorize the public sale of the vessel by authorized personnel to the highest and best bidder for cash as prescribed by this subsection (5). Either a minimum bid may be established or a letter of credit may be required, or both, to discourage the future reabandonment of the vessel.

(a) Before the vessel is sold, the owner of the vessel shall be given at least twenty days' notice of the sale in the manner set forth in subsection (1) of this section if the name and address of the owner is known. The notice shall contain the time and place of the sale, a reasonable description of the vessel to be sold, and the amount of port charges owed with respect to the vessel. The notice of sale shall be published at least once, more than ten but not more than twenty days before the sale, in a newspaper of general circulation in the county in which the moorage facility is located. Such notice shall include the name of the vessel, if any, the last known owner and address, and a reasonable description of the vessel to be sold. The moorage facility operator may bid all or part of its port charges at the sale and may become a purchaser at the sale.

(b) Before the vessel is sold, any person seeking to redeem an impounded vessel under this section may commence a lawsuit in the superior court for the county in which the vessel was impounded to contest the validity of the impoundment or the amount of the port charges owing. Such lawsuit must be commenced within ten days of the date the notification was provided pursuant to subsection (1) of this section, or the right to a hearing shall be deemed waived and the owner shall be liable for any port charges owing the moorage facility operator. In the event of litigation, the prevailing party shall be entitled to reasonable attorneys' fees and costs.

(c) The proceeds of a sale under this section shall first be applied to the payment of port charges. The balance, if any, shall be paid to the owner. If the owner cannot in the exercise of due diligence be located by the moorage facility operator within one year of the date of the sale, the excess funds from the sale shall revert to the derelict vessel removal account established in RCW [79.100.100](#). If the sale is for a sum less than the applicable port charges, the moorage facility operator is entitled to assert a claim for a deficiency.

(d) In the event no one purchases the vessel at a sale, or a vessel is not removed from the premises or other arrangements are not made within ten days of sale, title to the vessel will revert to the moorage facility operator.

(6) The rules authorized under this section shall be enforceable only if the moorage facility has had its tariff containing such rules conspicuously posted at its moorage facility at all times.

[2011 c 247 § 3; 2002 c 286 § 23; 1986 c 260 § 2; 1985 c 7 § 124; 1983 c 188 § 2.]

NOTES:

Effective date—2002 c 286: See RCW [79.100.901](#).

Severability—Construction—Savings—1983 c 188: See notes following RCW [53.08.310](#).

RCW 53.08.410

Abandoned or derelict vessels.

A port district has the authority, subject to the processes and limitation outlined in chapter [79.100](#) RCW, to store, strip, use, auction, sell, salvage, scrap, or dispose of an abandoned or derelict vessel found on or above publicly or privately owned aquatic lands within the jurisdiction of the port district.

[2002 c 286 § 18.]

NOTES:

Effective date—2002 c 286: See RCW [79.100.901](#).

RCW 53.08.480

Insurance requirements.

(1) Every moorage facility operator must:

(a) Obtain and maintain insurance coverage for the moorage facility;

(b) Require, as a condition of moorage, all vessels other than transient vessels to provide proof of marine insurance to the moorage facility.

(2) Unless rules adopted by the department of natural resources require otherwise, insurance maintained by moorage facility operators and required of moored vessels must:

(a) Provide coverage at liability limits of at least three hundred thousand dollars per occurrence; and

(b) Include, at a minimum, general, legal, and pollution liability coverage.

(3) The purchaser of marine insurance under this section may satisfy the requirements of this section through the purchase of multiple policies as necessary.

(4) The requirement under this section for moorage facility operators to require proof of marine insurance from mooring vessels applies whenever a moorage facility operator enters an initial or renewal moorage agreement after June 12, 2014. The moorage facility operator is not required to verify independently whether a mooring vessel's insurance policy meets the requirements of this section and is not responsible for any change in insurance coverage applicable to the vessel that occurs after the initial agreement is entered into or in the time period between agreement renewals.

(5) Any moorage facility operator that the department has determined has failed to satisfy the requirements of this section is not eligible for reimbursement from the derelict vessel removal account under RCW [79.100.100](#).

[2014 c 195 § 203.]

NOTES:

Findings—Intent—2014 c 195: See notes following RCW [79.100.170](#) and [79.100.180](#).

Chapter 88.26 RCW

PRIVATE MOORAGE FACILITIES

RCW 88.26.010

Definitions.

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Charges" means charges of a private moorage facility operator for moorage and storage, all other charges owing to or that become owing under a contract between a vessel owner and the private moorage facility operator, or any costs of sale and related legal expenses for implementing RCW [88.26.020](#).

(2) "Owner" means every natural person, firm, partnership, corporation, association, or organization, or their agent, with actual or apparent authority, who expressly or impliedly contracts for use of a moorage facility.

(3) "Private moorage facility" means any properties or facilities owned or operated by a private moorage facility operator that are capable of use for the moorage or storage of vessels.

(4) "Private moorage facility operator" means every natural person, firm, partnership, corporation, association, organization, or any other legal entity, employee, or their agent, that owns or operates a private moorage facility. Private moorage facility operation does not include a "moorage facility operator" as defined in RCW [53.08.310](#).

(5) "Transient vessel" means a vessel using a private moorage facility and that belongs to an owner who does not have a moorage agreement with the private moorage facility operator. Transient vessels include, but are not limited to, vessels seeking a harbor or refuge, day use, or overnight use of a private moorage facility on a space-as-available basis. Transient vessels may also include vessels taken into custody under RCW [79.100.040](#).

(6) "Vessel" means every watercraft used or capable of being used as a means of transportation on the water. "Vessel" includes any trailer used for the transportation of watercraft.

[2014 c 195 § 204; 1993 c 474 § 1.]

NOTES:

Reviser's note: The definitions in this section have been alphabetized pursuant to RCW [1.08.015](#)(2)(k).

Findings—Intent—2014 c 195: See notes following RCW [79.100.170](#) and [79.100.180](#).

RCW 88.26.020

Securing vessels — Notice — Moving vessels ashore — Regaining possession — Abandoned vessels — Public sale.

(1) Any private moorage facility operator may take reasonable measures, including the use of chains, ropes, and locks, or removal from the water, to secure vessels within the private moorage facility so that the vessels are in the possession and control of the operator and cannot be removed from the facility. These procedures may be used if an owner mooring or storing a vessel at the facility fails, after being notified that charges are owing and of the owner's right to commence legal proceedings to contest that such charges are owing, to pay charges owed or to commence legal proceedings. Notification shall be by two separate letters, one sent by first-class mail and one sent by registered mail to the owner and any lienholder of record at the last known address. In the case of a transient vessel, or where no address was furnished by the owner, the operator need not give notice prior to securing the vessel. At the time of securing the vessel, an operator shall attach to the vessel a readily visible notice. The notice shall be of a reasonable size and shall contain the following information:

(a) The date and time the notice was attached;

(b) A statement that if the account is not paid in full within 90 days from the time the notice is attached the vessel may be sold at public auction to satisfy the charges; and

(c) The address and telephone number where additional information may be obtained concerning release of the vessel.

After a vessel is secured, the operator shall make a reasonable effort to notify the owner and any lienholder of record by registered mail in order to give the owner the information contained in the notice.

(2) A private moorage facility operator, at his or her discretion, may move moored vessels ashore for storage within properties under the operator's control or for storage with a private person under their control as bailees of the private moorage facility, if the vessel is, in the opinion of the operator, a nuisance, in danger of sinking or creating other damage, or is owing charges. The costs of any such procedure shall be paid by the vessel's owner.

(3) If a vessel is secured under subsection (1) of this section or moved ashore under subsection (2) of this section, the owner who is obligated to the private operator for charges may regain possession of the vessel by:

(a) Making arrangements satisfactory with the operator for the immediate removal of the vessel from the facility or for authorized moorage; and

(b) Making payment to the operator of all charges, or by posting with the operator a sufficient cash bond or other acceptable security, to be held in trust by the operator pending written agreement of the parties with respect to payment by the vessel owner of the amount owing, or pending resolution of the matter of the charges in a civil action in a court of competent jurisdiction. After entry of judgment, including any appeals, in a court of competent jurisdiction, or after the parties reach agreement with respect to payment, the trust shall terminate and the operator shall receive so much of the bond or other security as agreed, or as is necessary, to satisfy any judgment, costs, and interest as may be awarded to the operator. The balance shall be refunded immediately to the owner at the last known address.

(4) If a vessel has been secured by the operator under subsection (1) of this section and is not released to the owner under the bonding provisions of this section within 90 days after notifying or attempting to notify the owner under subsection (1) of this section, the vessel is conclusively presumed to have been abandoned by the owner.

(5) If a vessel moored or stored at a private moorage facility is abandoned, the operator may authorize the public sale of the vessel by authorized personnel, consistent with this section, to the highest and best bidder for cash as follows:

(a) Before the vessel is sold, the vessel owner and any lienholder of record shall be given at least 20 days' notice of the sale in the manner set forth in subsection (1) of this section if the name and address of the owner is known. The notice shall contain the time and place of the sale, a reasonable description of the vessel to be sold, and the amount of charges owed with respect to the vessel. The notice of sale shall be published at least once, more than 10 but not more than 20 days before the sale, in a newspaper of general circulation in the county in which the facility is located. This notice shall include the name of the vessel, if any, the last known owner and address, and a reasonable description of the vessel to be sold. The operator may bid all or part of its charges at the sale and may become a purchaser at the sale.

(b) Before the vessel is sold, any person seeking to redeem an impounded vessel under this section may commence a lawsuit in the superior court for the county in which the vessel was impounded to contest the validity of the impoundment or the amount of charges owing. This lawsuit must be commenced within 60 days of the date the notification was provided under subsection (1) of this section, or the right to a hearing is deemed waived and the owner is liable for any charges owing the operator. In the event of litigation, the

prevailing party is entitled to reasonable attorneys' fees and costs.

(c) The proceeds of a sale under this section shall be applied first to the payment of any liens superior to the claim for charges, then to payment of the charges, then to satisfy any other liens on the vessel in the order of their priority. The balance, if any, shall be paid to the owner. If the owner cannot in the exercise of due diligence be located by the operator within one year of the date of the sale, the excess funds from the sale shall revert to the department of revenue under chapter [63.30](#) RCW. If the sale is for a sum less than the applicable charges, the operator is entitled to assert a claim for deficiency, however, the deficiency judgment shall not exceed the moorage fees owed for the previous six-month period.

(d) In the event no one purchases the vessel at a sale, or a vessel is not removed from the premises or other arrangements are not made within 10 days of sale, title to the vessel will revert to the operator.

(e) Either a minimum bid may be established or a letter of credit may be required from the buyer, or both, to discourage the future abandonment of the vessel.

(6) The rights granted to a private moorage facility operator under this section are in addition to any other legal rights an operator may have to hold and sell a vessel and in no manner does this section alter those rights, or affect the priority of other liens on a vessel.

[2013 c 291 § 41; 1993 c 474 § 2.]

NOTES:

Retroactive application—2023 c 258 §§ 2-8, 10, and 11: See note following RCW [19.150.060](#).

88.26.030
Insurance requirements.

(1) Every private moorage facility operator must:

(a) Obtain and maintain insurance coverage for the private moorage facility;

(b) Require, as a condition of moorage, all vessels other than transient vessels to provide proof of marine insurance to the moorage facility.

(2) Unless rules adopted by the department of natural resources require otherwise, insurance maintained by private moorage facility operators and required of moored vessels must:

(a) Provide coverage at liability limits of at least three hundred thousand dollars per occurrence; and

(b) Include, at a minimum, general, legal, and pollution liability coverage.

(3) The purchaser of marine insurance under this section may satisfy the requirements of this section through the purchase of multiple policies as necessary.

(4) The requirement under this section for private moorage facility operators to require proof of marine insurance from mooring vessels applies whenever a private moorage facility operator enters an initial or renewal moorage agreement after June 12, 2014. The private moorage facility operator is not required to verify independently whether a mooring vessel's insurance policy meets the requirements of this section and is not responsible for any change in insurance coverage applicable to the vessel that occurs after the initial agreement is entered into or in the time period between agreement renewals.

(5) Any private moorage facility operator who fails to satisfy the requirements of this section incurs secondary liability under RCW [79.100.060](#) for any vessel located at the private moorage facility that meets the definition of derelict vessel or abandoned vessel as those terms are defined in RCW [79.100.010](#).

[2014 c 195 § 202.]

NOTES:

Findings—Intent—2014 c 195: See notes following RCW [79.100.170](#) and [79.100.180](#).

WASHINGTON STATE PARKS AND RECREATION COMMISSION

Chapter 79A.65 RCW COMMISSION MOORAGE FACILITIES

RCW 79A.65.010

Definitions.

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Charges" means charges of the commission for moorage and storage, and all other charges related to the vessel and owing to or that become owing to the commission, including but not limited to costs of securing, disposing, or removing vessels, damages to any commission facility, and any costs of sale and related legal expenses for implementing RCW [79A.65.020](#) and [79A.65.030](#).

(2) "Commission" means the Washington state parks and recreation commission.

(3) "Commission facility" means any moorage facility, as that term is defined in RCW [53.08.310](#), owned, leased, operated, managed, or otherwise controlled by the commission or by a person pursuant to a contract with the commission.

(4) "Owner" means a person who has a lawful right to possession of a vessel by purchase, exchange, gift, lease, inheritance, or legal action whether or not the vessel is subject to a security interest, and shall not include the holder of a bona fide security interest.

(5) "Person" means any natural person, firm, partnership, corporation, association, organization, or any other entity.

(6) (a) "Registered owner" means any person that is either: (i) Shown as the owner in a vessel certificate of documentation issued by the secretary of the United States department of transportation under [46 U.S.C. Sec. 12103](#); or (ii) the registered owner or legal owner of a vessel for which a certificate of title has been issued under chapter [88.02](#) RCW; or (iii) the owner of a vessel registered under the vessel registration laws of another state under which laws the commission can readily identify the ownership of vessels registered with that state.

(b) "Registered owner" also includes: (i) Any holder of a security interest or lien recorded with the United States department of transportation with respect

to a vessel on which a certificate of documentation has been issued; (ii) any holder of a security interest identified in a certificate of title for a vessel registered under chapter 88.02 RCW; or (iii) any holder of a security interest in a vessel where the holder is identified in vessel registration information of a state with vessel registration laws that fall within (a)(iii) of this subsection and under which laws the commission can readily determine the identity of the holder.

(c) "Registered owner" does not include any vessel owner or holder of a lien or security interest in a vessel if the vessel does not have visible information affixed to it (such as name and hailing port or registration numbers) that will enable the commission to obtain ownership information for the vessel without incurring unreasonable expense.

(7) "Registered vessel" means a vessel having a registered owner.

(8) "Secured vessel" means any vessel that has been secured by the commission that remains in the commission's possession and control.

(9) "Unauthorized vessel" means a vessel using a commission facility of any type whose owner has not paid the required moorage fees or has left the vessel beyond the posted time limits, or a vessel otherwise present without permission of the commission.

(10) "Vessel" means every watercraft or part thereof constructed, used, or capable of being used as a means of transportation on the water. It includes any equipment or personal property on the vessel that is used or capable of being used for the operation, navigation, or maintenance of the vessel.

[2002 c 286 § 20; 2000 c 11 § 115; 1994 c 51 § 1. Formerly RCW 88.27.010.]

NOTES:

Effective date—2002 c 286: See RCW [79.100.901](#).

RCW 79A.65.020

**Securing unauthorized vessels — Notice — Claiming vessels —
Abandoned vessels — Derelict vessel removal account.**

(1) The commission may take reasonable measures, including but not limited to the use of anchors, chains, ropes, and locks, or removal from the water, to secure unauthorized vessels located at or on a commission facility so that the unauthorized vessels are in the possession and control of the commission. At least ten days before securing any unauthorized registered

vessel, the commission shall send notification by registered mail to the last registered owner or registered owners of the vessel at their last known address or addresses.

(2) The commission may take reasonable measures, including but not limited to the use of anchors, chains, ropes, locks, or removal from the water, to secure any vessel if the vessel, in the opinion of the commission, is a nuisance, is in danger of sinking or creating other damage to a commission facility, or is otherwise a threat to the health, safety, or welfare of the public or environment at a commission facility. The costs of any such procedure shall be paid by the vessel's owner.

(3) At the time of securing any vessel under subsection (1) or (2) of this section, the commission shall attach to the vessel a readily visible notice or, when practicable, shall post such notice in a conspicuous location at the commission facility in the event the vessel is removed from the premises. The notice shall be of a reasonable size and shall contain the following information:

(a) The date and time the notice was attached or posted;

(b) A statement that the vessel has been secured by the commission and that if the commission's charges, if any, are not paid and the vessel is not removed by (the thirty-fifth consecutive day following the date of attachment or posting of the notice), the vessel will be considered abandoned and will be sold at public auction to satisfy the charges;

(c) The address and telephone number where additional information may be obtained concerning the securing of the vessel and conditions for its release; and

(d) A description of the owner's or secured party's rights under this chapter.

(4) With respect to registered vessels: Within five days of the date that notice is attached or posted under subsection (3) of this section, the commission shall send such notice, by registered mail, to each registered owner.

(5) If a vessel is secured under subsection (1) or (2) of this section, the owner, or any person with a legal right to possess the vessel, may claim the vessel by:

(a) Making arrangements satisfactory to the commission for the immediate removal of the vessel from the commission's control or for authorized storage or moorage; and

(b) Making payment to the commission of all reasonable charges incurred by the commission in securing the vessel under subsections (1) and (2) of this section and of all moorage fees owed to the commission.

(6) A vessel is considered abandoned if, within the thirty-five day period following the date of attachment or posting of notice in subsection (3) of this section, the vessel has not been claimed under subsection (5) of this section.

(7) If the owner or owners of a vessel are unable to reimburse the commission for all reasonable charges under subsections (1) and (2) of this section within a reasonable time, the commission may seek reimbursement of ninety percent of all reasonable and auditable costs from the derelict vessel removal account established in RCW [79.100.100](#).

[2013 c 291 § 3; 2002 c 286 § 21; 1994 c 51 § 2. Formerly RCW 88.27.020.]

NOTES:

Effective date—2002 c 286: See RCW [79.100.901](#).

RCW 79A.65.030

Sale of abandoned vessels — Notice — Redemption of vessels — Use of proceeds — Disposal of vessels.

(1) The commission may provide for the public sale of vessels considered abandoned under RCW [79A.65.020](#). At such sales, the vessels shall be sold for cash to the highest and best bidder. The commission may establish either a minimum bid or require a letter of credit, or both, to discourage the future reabandonment of the vessel.

(2) Before a vessel is sold, the commission shall make a reasonable effort to provide notice of sale, at least twenty days before the day of the sale, to each registered owner of a registered vessel and each owner of an unregistered vessel. The notice shall contain the time and place of the sale, a reasonable description of the vessel to be sold, and the amount of charges then owing with respect to the vessel, and a summary of the rights and procedures under this chapter. A notice of sale shall be published at least once, more than ten but not more than twenty days before the sale, in a newspaper of general circulation in the county in which the commission facility is located. This notice shall include:

- (a) If known, the name of the vessel and the last owner and the owner's address;
- and (b) a reasonable description of the vessel. The commission may bid all or part of its charges at the sale and may become a purchaser at the sale.

(3) Before a vessel is sold, any person seeking to redeem a secured vessel may commence a lawsuit in the superior court for the county in which the vessel was secured to contest the commission's decision to secure the vessel or the

amount of charges owing. This lawsuit shall be commenced within fifteen days of the date the notification was posted under RCW [79A.65.020](#)(3), or the right to a hearing is deemed waived and the owner is liable for any charges owing the commission. In the event of litigation, the prevailing party is entitled to reasonable attorneys' fees and costs.

(4) The proceeds of a sale under this section shall be applied first to the payment of the amount of the reasonable charges incurred by the commission and moorage fees owed to the commission, then to the owner or to satisfy any liens of record or security interests of record on the vessel in the order of their priority. If an owner cannot in the exercise of due diligence be located by the commission within one year of the date of the sale, any excess funds from the sale, following the satisfaction of any bona fide security interest, shall revert to the derelict vessel removal account established in RCW 79.100.100. If the sale is for a sum less than the applicable charges, the commission is entitled to assert a claim for the deficiency against the vessel owner. Nothing in this section prevents any lien holder or secured party from asserting a claim for any deficiency owed the lien holder or secured party.

(5) If no one purchases the vessel at a sale, the commission may proceed to properly dispose of the vessel in any way the commission considers appropriate, including, but not limited to, destruction of the vessel or by negotiated sale. The commission may assert a claim against the owner for any charges incurred thereby. If the vessel, or any part of the vessel, or any rights to the vessel, are sold under this subsection, any proceeds from the sale shall be distributed in the manner provided in subsection (4) of this section.

[2002 c 286 § 22; 2000 c 11 § 116; 1994 c 51 § 3. Formerly RCW 88.27.030.]

NOTES:

Effective date—2002 c 286: See RCW [79.100.901](#).

RCW 79A.65.040

Action to recover charges — Attorneys' fees — Costs.

If the full amount of all charges due the commission on an unauthorized vessel is not paid to the commission within thirty days after the date on which notice is affixed or posted under RCW [79A.65.020](#)(3), the commission may bring an action in any court of competent jurisdiction to recover the charges, plus reasonable attorneys' fees and costs incurred by the commission.

[2000 c 11 § 117; 1994 c 51 § 4. Formerly RCW 88.27.040.]

RCW 79A.65.050

Rights not affected.

The rights granted to the commission under this chapter are in addition to any other legal rights the commission may have to secure, hold, and sell a vessel and in no manner does this section alter those rights, or affect the priority of other liens on a vessel.

[1994 c 51 § 5. Formerly 88.27.050.]

Chapter 79A.60

LAWS ADDRESSING VESSELS ADRIFT

RCW 79A.60.230

Vessel adrift — Owner to be notified.

Any person taking up any vessel found adrift, and out of the custody of the owner, in waters of this state, shall forthwith notify the owner thereof, if to him or her known, or if upon reasonable inquiry he or she can ascertain the name and residence of the owner, and request such owner to pay all reasonable charges, and take such vessel away.

[1993 c 244 § 19; Code 1881 § 3242; 1854 p 386 § 1; RRS § 9891. Formerly RCW 88.12.185, 88.12.160, and 88.20.010.]

NOTES:

Intent—1993 c 244: See note following RCW [79A.60.010](#).

RCW 79A.60.240

Notice — Contents — Service.

Such notice as is required by RCW [79A.60.230](#) shall be given personally, or in writing; if in writing, it shall be served upon the owner, or may be sent by mail to the post office where such owner usually receives his or her letters. Such notice shall inform the party where the vessel was taken up, and where it may be found, and what amount the taker-up or finder demands for his or her charges.

[1999 c 249 § 1504; 1993 c 244 § 20; Code 1881 § 3243; 1854 p 386 § 2; RRS § 9892. Formerly RCW 88.12.195, 88.12.170, and 88.20.020.]

NOTES:

Severability—1999 c 249: See note following RCW [79A.05.010](#).

Intent—1993 c 244: See note following RCW [79A.60.010](#).

RCW 79A.60.250
Posting of Notice.

(1) In all cases where the notice required by RCW [79A.60.230](#) is not given personally, it shall be the duty of the taker-up to post up at the post office nearest the place where such vessel may be taken up, a written notice of the taking up of such vessel. The written notice shall contain a description of the vessel, with the name, if any is painted thereon, also the place where taken up, the place where the property may be found, and the charge for taking the same up.

(2) If the taker-up is traveling upon waters of the state, such notice shall additionally be posted up at the first post office he or she shall pass after the taking up.

(3) In all cases, the person who took up the vessel shall at the time when, and place where, he or she posts up such notice, also mail a copy of such notice, directed to the postmaster of each post office on waters of the state, and within fifty miles of the place where such vessel is taken up.

[1999 c 249 § 1505; 1993 c 244 § 21; Code 1881 § 3244; 1854 p 386 § 3; RRS § 9893. Formerly RCW 88.12.205, 88.12.180, and 88.20.030.]

NOTES:

Severability—1999 c 249: See note following RCW [79A.05.010](#).

Intent—1993 c 244: See note following RCW [79A.60.010](#).

RCW 79A.60.260
Compensation — Liability on failure to give notice.

Every person taking up any vessel so found adrift, and giving the notice herein required, shall be entitled to receive from the owner claiming the property, a reasonable compensation for his or her time, services, expenses, and risk in taking up said property, and take notice of the same, to be settled by agreement between the parties. In case the person has not, within ten days after the taking up, substantially complied with the provisions of this chapter in giving the notice, the person shall be entitled to no compensation, but he or she shall be liable to all damages the owner may have suffered, and be also liable to the owner for the value of the use of the vessel, from the time of taking it up until the same is delivered to the owner.

[1993 c 244 § 22; Code 1881 § 3245; 1854 p 386 § 4; RRS § 9894. Formerly RCW 88.12.215, 88.12.190, and 88.20.040.]

NOTES:

Intent—1993 c 244: See note following RCW [79A.60.010](#).

RCW 79A.60.270**Disputed claims — Trial — Bond.**

In case the parties cannot agree on the amount to be paid the taker-up, or the ownership, and the sum claimed is less than one thousand dollars, the owner may file a complaint, setting out the facts, and the judge, on hearing, shall decide the same with a jury, or not, and in the same manner as is provided in ordinary civil actions before a district judge. If the amount claimed by the taker-up is more than one thousand dollars, the owner shall file his or her complaint in the superior court of the county where the property is, and trial shall be had as in other civil actions; but if the taker-up claims more than one thousand dollars, and a less amount is awarded him or her, he or she shall be liable for all the costs in the superior court; and in all cases where the taker-up shall recover a less amount than has been tendered him or her by the owner or claimant, previous to filing his or her complaint, he or she shall pay the costs before the district judge or in the superior court: PROVIDED, That in all cases the owner, after filing his or her complaint before a district judge, shall be entitled to the possession of the vessel, upon giving bond, with security to the satisfaction of the judge, in double the amount claimed by the taker-up. When the complaint is filed in the superior court, the clerk thereof shall approve the security of the bond. The bond shall be conditioned to pay such costs as shall be awarded to the finder or taker-up of such vessel.

[1993 c 244 § 23; 1987 c 202 § 248; Code 1881 § 3246; 1854 p 386 § 5; RRS § 9895. Formerly RCW 88.12.218, 88.12.200, and 88.20.050.]

NOTES:

Intent—1993 c 244: See note following RCW [79A.60.010](#).

Intent—1987 c 202: See note following RCW [2.04.190](#).

RCW 79A.60.280**Liability for excessive or negligent use.**

In case the taker-up shall use the vessel, more than is necessary to put it into a place of safety, he or she shall be liable to the owner for such use, and for all

damage; and in case it shall suffer injury from his or her neglect to take suitable care of it, he or she shall be liable to the owner for all damage.

[1993 c 244 § 24; Code 1881 § 3247, part; 1854 p 387 § 6; RRS § 9896, part. FORMER PART OF SECTION: Code 1881 § 3247, part. Now codified as RCW 88.20.070. Formerly RCW 88.12.222, 88.12.210, and 88.20.060.]

NOTES:

Intent—1993 c 244: See note following RCW [79A.60.010](#).

RCW 79A.60.290

Unclaimed vessel — Procedure.

In case such vessel is of less value than one hundred dollars, and is not claimed within three months, the taker-up may apply to a district judge of the district where the property is, who, upon being satisfied that due notice has been given, and that the owner cannot, with reasonable diligence be found, shall order the vessel to be sold, and after paying the taker-up such sum as he or she shall be entitled to, and the costs, the balance shall be paid the county treasurer as is provided in the case of the sale of estrays. In case the vessel exceeds one hundred dollars, and is not claimed within six months, application shall be made to the superior court of the county, and the same proceeding shall be thereupon had. All sales made under this section shall be conducted as sales of personal property on execution.

[1993 c 244 § 25; 1987 c 202 § 249; Code 1881 § 3247, part; 1854 p 387 § 7; RRS § 9896, part. Formerly RCW 88.12.225, 88.12.220, 88.20.070, and 88.20.060, part.]

NOTES:

Intent—1993 c 244: See note following RCW [79A.60.010](#).

Intent—1987 c 202: See note following RCW [2.04.190](#).

79A.60.300

Vessels secured pursuant to chapter 79A.65 RCW.

The provisions of RCW [79A.60.230](#) through [79A.60.290](#) do not apply to vessels secured pursuant to chapter [79A.65](#) RCW.

[2000 c 11 § 103; 1994 c 51 § 8. Formerly RCW 88.12.227.]

WAC 308-93-275

ABANDONED VESSELS

WAC 308-93-275 **Abandoned vessels.**

No agency filings affecting this section since 2003

What are the options for disposing of an abandoned vessel?

An abandoned vessel may be disposed of in several ways, depending upon where it is abandoned.

(1) Vessel abandoned adrift.

The watercraft adrift laws (chapter [79A.60](#) RCW) provide details for disposing of vessels abandoned on water.

(a) In addition to other documents required by law or rule, the following documents are required when applying for a certificate of ownership to a vessel that was abandoned adrift.

(i) A copy of the court order authorizing the sale of the abandoned vessel;

(ii) A bill of sale from the entity selling the vessel; and

(iii) A properly completed and notarized/certified vessel data form unless a completed vessel title application is submitted in lieu of the vessel data form.

(2) Vessel abandoned on land.

(a) A vessel abandoned on land may be disposed of by one of the following:

(i) The lost and found property laws in chapter [63.21](#) RCW; or

(ii) The unclaimed property in hands of city police (chapter [63.32](#) RCW); or

(iii) Unclaimed property in the hands of Washington state patrol (chapter [63.35](#) RCW); or

(iv) Unclaimed property in hands of sheriff (chapter [63.40](#) RCW).

(b) Documents needed to apply for a certificate of ownership for vessel that was abandoned on a highway of this state and towed by a registered tow truck operator. Vessels that are:

- (i) Registered with the department; and
- (ii) Found abandoned on a highway of this state; and
- (iii) Towed by a registered tow truck operator

are subject to the requirements of the abandoned vehicle laws (chapter [46.55](#) RCW). The vessel may be sold using an abandoned vehicle report as proved in chapter [46.55](#) RCW. A properly completed and notarized/certified vessel data form is required upon application for certificate of ownership unless a completed vessel title application is submitted in lieu of the vessel data form.

(3) Vessel considered abandoned at a moorage facility.

A vessel moored in a moorage facility is considered abandoned when the vessel owner fails to pay the port charges owed.

Publicly owned moorage facilities attempting to dispose of a vessel for failure of the owner to pay port charges must follow the requirements of RCW [53.08.320](#). Privately owned moorage facilities attempting to dispose of a vessel for failure of the owner to pay port charges must follow the requirements of RCW [88.26.020](#).

[Statutory Authority: RCW 46.16.381. 02-04-001, § 308-93-275, filed 1/23/02, effective 2/23/02.]

WAC 332-52-155

ANCHORAGE

WAC 332-52-155

Anchorage.

(1) What is the length of time that a vessel may be moored or anchored on state-owned aquatic lands? Persons shall not moor or anchor a vessel in the same area on state-owned aquatic lands for periods longer than thirty consecutive day or for more than a total of ninety days in any three hundred sixty-five day period. For purposes of WAC [332-52-155](#), "in the same area" means within a radius of five miles of any location where the vessel was previously moored or anchored.

(2) Are there places where the time limit does not apply? Subsection (1) of this section does not apply where the federal government, a county, a city, a state agency, including DNR, a port, or any other public entity with authority has posted, enacted, or adopted different anchorage or moorage restrictions. Persons shall observe restrictions specific to the locality. Additionally, persons may exceed this time limit if:

(a) Granted express consent by either DNR or the lessee of the state-owned aquatic lands where the vessel is moored or anchored; and

(b) Anchorage or moorage does not violate any other law or rule.

(3) Any violation of this section is an infraction under chapter [7.84](#) RCW.

[Statutory Authority: Chapter 43.30 RCW and RCW 43.12.065. WSR 09-05-034, § 332-52-155, filed 2/11/09, effective 3/14/09.]

WAC 332-08-122

TRANSFER of CERTAIN VESSELS

WAC 332-08-122

Transfer of certain vessels—Vessel inspection required—Secondary liability.

When is this chapter applicable to the department's derelict vessel removal actions? As directed by RCW [79.100.150](#), a seller/transferor of a qualifying vessel must provide vessel inspection disclosure documentation specified in WAC [332-30-123](#) to the department before transferring ownership of a vessel that is:

- (1) More than sixty-five feet in length and more than forty years old; and
- (2) Either:
 - (a) Is registered or required to be registered under chapter [88.02](#) RCW; or
 - (b) Is listed or required to be registered under chapter [94.40](#) RCW.

After July 1, 2014, this chapter applies when the department seeks financial reimbursement from any person or entity the department determines has incurred secondary liability under RCW [79.100.150](#) for all reasonable and auditable costs associated with the removal and disposal of derelict or abandoned vessels. The department may pursue secondary liability if the prior owner(s) did not provide the department copies of a vessel inspection disclosure report, as specified in WAC [332-30-123](#), before transferring ownership of the vessel.

[Statutory Authority: RCW 79.100.150. WSR 14-11-003, § 332-08-122, filed 5/7/14, effective 7/1/14.]

WAC 332-08-123

MINIMUM CRITERIA for VESSEL INSPECTION

WAC 332-08-123

Minimum criteria for vessel inspection.

(1) **What are the minimum criteria for a vessel inspection to determine a vessel is seaworthy?** For the purpose of this rule, the term "seaworthy" means the vessel and its equipment are physically fit and in full working order; able to encounter and withstand the ordinary perils of the sea during its contemplated use; and suitable for its intended purpose. Current U.S. Coast Guard certificates of inspection are acceptable forms of vessel condition determination. Other vessel inspection disclosure reports must document the condition, valuation, and suitability of the vessel for service. The vessel inspection disclosure report may be prepared for either the owner, lien holder, buyer/transferee, vessel broker, or associated financial and insurance provider(s) for the vessel. Vessel inspections must be prepared by a professional marine surveyor who is a third party to the transaction. The vessel inspection must be completed within thirty days prior to the seller/transferor transferring ownership of the vessel. Before transferring ownership of the vessel, the seller/transferor must provide the department a hard copy of the vessel inspection disclosure report and department-issued Acknowledgement Form with original, notarized signatures of the seller/transferor and the buyer/transferee acknowledging receipt of the vessel inspection disclosure report.

(2) The vessel inspection disclosure report must include the following information, at a minimum if applicable to the vessel:

- (a) Cover page describing:
 - (i) Report title identifying type of survey;
 - (ii) Date report issued;
 - (iii) Contact information for surveyor;
 - (iv) Current photograph of vessel, date and location; and
 - (v) Official vessel number.
- (b) Vessel description:
 - (i) General description;
 - (ii) Vessel name;
 - (iii) Current legal owner;
 - (iv) Intended use of vessel;
 - (v) Design; and
 - (vi) Type of construction.
- (c) Vessel particulars:
 - (i) Builder;

- (ii) Displacement;
- (iii) Length;
- (iv) Breadth;
- (v) Draught; and
- (vi) Fuel system.

(d) Surveyor's notes and condition rating;

- (e) Systems evaluation:
- (i) Type of propulsion;
 - (ii) Auxiliary engines; and
 - (iii) Electrical systems.

- (f) Conditions:
- (i) Overall appearance; and
 - (ii) Hull and superstructure condition.

(g) Surveyor recommendations;

(h) Appraisal of market value;

(i) Replacement value;

(j) Physical suitability of the vessel and its equipment for its intended use;
and

(k) Determine whether the cost of repairs required to return the vessel and its equipment to physical suitability for its intended use is likely to exceed the market value of the vessel.

[Statutory Authority: RCW 79.100.150. WSR 14-11-003, § 332-08-123, filed 5/7/14, effective 7/1/14.]

LAW ENFORCEMENT OPTIONS

The Derelict Vessel Removal Program should be considered the last resort mainly because it is the owner's responsibility for their vessel. It is very helpful and conducive to prevent these vessels from becoming derelict and/or abandoned. Law enforcement can play an important role in identifying these potential vessels by taking the following enforcement actions:

<u>RCW 79.100</u>	Derelict Vessel Removal Act
<u>RCW 79.02.300</u>	Trespass, waste, damages - Prosecutions
<u>WAC 332-52-155</u>	Anchorage
<u>WAC 308-93-275</u>	Abandoned vessels
<u>RCW 88.02</u>	Vessel Registration
<u>RCW 35.21.160</u>	Jurisdiction over adjacent waters
<u>WAC 332-30-171</u>	Residential uses on state-owned aquatic lands.
<u>RCW 88.02.420</u>	Long-term moorage, required information.
<u>Private Rec Docks</u>	RWC 79.105.430 and WAC 332-30-144
<u>Higher Institution Reg</u>	RCW 28B.10.926

Ticketing Statutes

RCW.79.100.110.1	Aquatic Land-Abandon Vessel	CN / M \$500
RCW.79.100.110.2	Aquatic Land-Sink Vessel/Block	CHNL \$500

(1) A person who causes a vessel to become abandoned or derelict upon aquatic lands is guilty of a misdemeanor.

(2) A person who intentionally, through action or inaction and without the appropriate state, local, or federal authorization, causes a vessel to sink, break up, or block a navigational channel upon aquatic lands is guilty of a misdemeanor.

RCW.88.02.550	No Boat Registration Number/Decal	IT / \$257
RCW.46.12.650.7	Failing to Transfer Ownership Within 45 Days	CT / M
RCW.9A.52.070	Criminal Trespass in the 1 st Degree	CN / M
RCW.9A.52.080	Criminal Trespass in the 2 nd Degree	CN / M
RCW 88.02.380.3	Moneys collected goes to ticking agency	
RCW 332.52.155	DNR Anchor/Moor Time Limit Viol	\$99
RCW 84.40.065	DOR registration fee	\$1/ft
RCW 9A.76.175	False Statement to public officials	