

(A) IN THIS SECTION "ABANDONED VESSEL" MEANS ANY VESSEL:

(1) THAT IS LEFT ~~UNATTENDED-OR-HAS-REMAINED~~ ILLEGALLY OR HAS REMAINED WITHOUT PERMISSION FOR MORE THAN 30 DAYS ON PUBLIC PROPERTY, INCLUDING PUBLIC MARINAS, DOCKS, OR BOATYARDS, ~~FOR-MORE-THAN-15-DAYS;~~

(2) THAT HAS REMAINED ON PRIVATE PROPERTY, INCLUDING PRIVATE MARINAS, DOCKS OR BOATYARDS, FOR MORE THAN ~~15-~~ 180 DAYS WITHOUT THE CONSENT OF THE OWNER OR PERSON IN CONTROL OF THE PROPERTY; OR

(3) THAT HAS BEEN FOUND ADrift OR UNATTENDED IN OR UPON THE WATERS OF THE STATE, ~~-OR-~~ AND IS FOUND IN SUCH DISREPAIR AS TO CONSTITUTE A HAZARD OR OBSTRUCTION TO THE USE OF THE WATERS OF THE STATE OR PRESENTS A POTENTIAL HEALTH OR ENVIRONMENTAL HAZARD.

(B) THE DEPARTMENT MAY SEIZE, REMOVE, AND TAKE INTO CUSTODY ANY ABANDONED VESSEL. FOR THIS PURPOSE, THE DEPARTMENT MAY USE ITS OWN PERSONNEL, EQUIPMENT, AND FACILITIES OR USE OTHER PERSONS, EQUIPMENT, AND FACILITIES FOR REMOVING, PRESERVING, OR STORING ABANDONED VESSELS. THE DEPARTMENT MAY NOT BE HELD LIABLE FOR ANY DAMAGE TO AN ABANDONED VESSEL WHICH MAY OCCUR DURING REMOVAL, STORAGE, OR CUSTODY OF THE VESSEL.

(C) AS SOON AS REASONABLY POSSIBLE BUT NOT LATER THAN 15 DAYS AFTER IT TAKES AN ABANDONED VESSEL INTO CUSTODY, THE DEPARTMENT SHALL SEND A NOTICE, BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, BEARING A POSTMARK FROM THE UNITED STATES POSTAL SERVICE TO THE LAST KNOWN REGISTERED OWNER OF THE VESSEL AND TO EACH SECURED PARTY, AS SHOWN ON THE RECORDS OF THE DEPARTMENT.

(D) THE NOTICE SHALL DESCRIBE THE VESSEL, GIVE THE LOCATION WHERE IT IS BEING HELD, INFORM THE OWNER AND SECURED PARTY OF A RIGHT TO RECLAIM THE VESSEL WITHIN 3 WEEKS UPON PAYMENT TO THE DEPARTMENT OF ANY EXPENSES INCURRED DURING REMOVAL AND CUSTODY OF THE VESSEL, AND STATE THAT FAILURE TO CLAIM THE VESSEL WILL CONSTITUTE A WAIVER OF ALL RIGHT, TITLE, AND INTEREST IN THE VESSEL, AND WILL CONSTITUTE A CONSENT TO THE DEPARTMENT'S DISPOSITION OF THE VESSEL.

(E) IF THE DEPARTMENT IS UNABLE TO DETERMINE THE LAST REGISTERED OWNER OR THE IDENTITY OF ANY SECURED PARTY OF THE ABANDONED VESSEL, OR IF THE CERTIFIED MAIL NOTICE REQUIRED UNDER SUBSECTION (C) OF THIS SECTION IS RETURNED AS UNDELIVERABLE, THE DEPARTMENT SHALL GIVE THE REQUIRED NOTICE BY PUBLICATION IN AT LEAST 1 NEWSPAPER OF GENERAL CIRCULATION IN THE AREA WHERE THE ABANDONED VESSEL WAS FOUND. THE NOTICE BY PUBLICATION SHALL CONTAIN THE INFORMATION REQUIRED UNDER SUBSECTION (D) OF THIS SECTION AND SHALL BE PUBLISHED WITHIN 30 DAYS OF THE SEIZURE OF THE ABANDONED VESSEL, OR WITHIN 15 DAYS OF THE RETURN OF THE CERTIFIED MAIL NOTICE AS UNDELIVERABLE.