

House Bill 115

By: Representatives Petrea of the 166<sup>th</sup>, Stephens of the 164<sup>th</sup>, Franklin of the 160<sup>th</sup>,  
Townsend of the 179<sup>th</sup>, DeLoach of the 167<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 7 of Title 52 of the Official Code of Georgia Annotated, relating to  
2 registration, operation, and sale of watercraft, so as to provide for certain notice upon  
3 registration of a vessel with the Department of Natural Resources; to provide for  
4 performance of unattended vessel checks; to revise procedures for notice to owners of  
5 abandoned vessels; to revise procedures for removal of abandoned vessels; to provide for  
6 penalties for failure to remove an abandoned vessel from public waters or public property;  
7 to establish a criminal violation for failure to retrieve an abandoned vessel from public waters  
8 or public property after receipt of notice; to provide for an exception; to authorize restitution  
9 to the Department of Natural Resources for the cost of removal, storage, and disposal of  
10 abandoned vessels; to provide for definitions; to provide for related matters; to repeal  
11 conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 style="text-align:center">**SECTION 1.**

14 Chapter 7 of Title 52 of the Official Code of Georgia Annotated, relating to registration,  
15 operation, and sale of watercraft, is amended in Code Section 52-7-5, relating to numbering  
16 of vessels, requirements, and fees, by adding a new subsection to read as follows:

H. B. 115

17 "(d.1) The application for registration of vessels pursuant to this Code section shall include  
18 a statement informing the applicant of the criminal consequences for failure to remove an  
19 abandoned vessel from public waters of this state or public property pursuant to  
20 subsection (d) of Code Section 52-7-72.1."

21 **SECTION 2.**

22 Said chapter is further amended in Code Section 52-7-70, relating to definitions relative to  
23 abandoned vessels, by adding a new paragraph to read as follows:

24 "(2.1) 'Public waters' means any waters within the territorial limits of this state and the  
25 marginal sea adjacent to this state and the high seas when navigated as a part of a journey  
26 or ride to or from the shore of this state. Such term shall not include privately owned  
27 ponds or lakes not open to the public."

28 **SECTION 3.**

29 Said chapter is further amended by adding a new Code section to read as follows:

30 "52-7-70.1.

31 (a) Any law enforcement officer or individual authorized by the Department of Natural  
32 Resources who discovers a vessel on public property or in public waters that has been left  
33 unattended shall immediately perform an unattended vessel check on such vessel, unless  
34 an unattended vessel check card is displayed on such vessel indicating that such check has  
35 been previously performed. For purposes of this Code section, the term 'unattended vessel  
36 check' means and consists of such actions as are reasonably necessary to determine that the  
37 unattended vessel does not contain an injured or incapacitated person and to determine that  
38 the unattended vessel does not pose a threat to public health or safety.

39 (b) Any law enforcement officer or individual authorized by the Department of Natural  
40 Resources who completes an unattended vessel check shall attach the completed  
41 unattended vessel check card to the vessel. Unattended vessel check cards shall be in such

42 form and shall be attached to vessels in such manner as determined by the Department of  
 43 Natural Resources.

44 (c) It shall be unlawful for any person other than a law enforcement officer or individual  
 45 authorized by the Department of Natural Resources to attach any object purporting to be  
 46 an unattended vessel check card to a vessel. Any person convicted of violating this  
 47 subsection shall be guilty of a misdemeanor.

48 (d) Within 24 hours of completing an unattended vessel check or discovering an  
 49 unattended vessel which displays an unattended vessel check card issued by a law  
 50 enforcement officer or individual authorized by the Department of Natural Resources, a  
 51 law enforcement officer shall query the criminal justice information system to determine  
 52 if the unattended vessel has been entered into such system as a stolen vessel. If the  
 53 unattended vessel has been reported as stolen, the law enforcement officer shall notify the  
 54 Department of Natural Resources and the law enforcement agency that filed such report,  
 55 providing the location of the vessel. The law enforcement agency receiving such  
 56 notification shall then notify the owner of the vessel of the location of the vessel.

57 (e) Failure of a law enforcement officer or the Department of Natural Resources to comply  
 58 with any provision of this Code section shall not limit the remedies available to any person  
 59 pursuant to this article."

60 **SECTION 4.**

61 Said chapter is further amended by revising Code Section 52-7-71, relating to removal and  
 62 storage of vessels and procedure, as follows:

63 "52-7-71.

64 (a) Any person ~~who~~ that removes a vessel from public property or public water at the  
 65 request of a law enforcement officer or stores such vessel shall, if the owner of the vessel  
 66 is unknown, seek the identity of and address of the ~~last known registered~~ owner of such  
 67 vessel from the ~~law enforcement officer requesting removal of such vessel or such officer's~~

68 ~~agency~~ Department of Natural Resources within 72 hours of removal. If a person removing  
69 or storing the vessel has knowledge of facts which reasonably indicate that the vessel is  
70 registered or titled in a certain other state, such person shall check the vessel records of that  
71 other state in the attempt to ascertain the identity of the owner of the vessel.

72 (b)(1) Any person ~~who~~ that removes a vessel from private property or private waters at  
73 the request of the property owner or stores such vessel shall, if the owner of the vessel is  
74 unknown, ~~notify in writing a local law enforcement agency of the location of the vessel,~~  
75 ~~the vessel certificate of number, and the hull identification number, model, year, and~~  
76 ~~make of the vessel, if known or if readily ascertainable, within 72 hours of the removal~~  
77 ~~of such vessel and shall seek from the local law enforcement agency~~ seek the identity of  
78 and address of the last known registered owner of such vessel and any information  
79 indicating that such vessel is a stolen vessel from the Department of Natural Resources  
80 within 72 hours of removal. If a person removing or storing the vessel has knowledge  
81 of facts which reasonably indicate that the vessel is registered or titled in a certain other  
82 state, such person shall check the vessel records of that other state in the attempt to  
83 ascertain the identity of the owner of the vessel.

84 (2) Any person that removes a vessel pursuant to this subsection shall submit notification  
85 of the removal by hand delivery, electronic transmission, or telephonic facsimile  
86 transmission to the law enforcement agency with jurisdiction over the location from  
87 where the vessel was removed no later than one day after submission of the request  
88 required by paragraph (1) of this subsection. Within 24 hours of receipt of such  
89 notification of removal of a vessel from private property, the local law enforcement  
90 agency shall query the criminal justice information system to determine if such vessel has  
91 been entered into the criminal justice information system as a stolen vessel. If the vessel  
92 has been reported as stolen, the local law enforcement agency shall notify the law  
93 enforcement agency that filed such report, providing the name and address of the person  
94 who submitted the notice of removal. The law enforcement agency receiving such

95 notification shall then notify the person who filed the police report for the stolen vessel  
96 of the location of such vessel and the contact information for the person that removed the  
97 vessel.

98 (c) The Department of Natural Resources may charge a fee of no more than \$2.00 for any  
99 information requested pursuant to this Code section. Such department shall furnish the  
100 requested owner information no later than five days from the date the request was received  
101 or when the information is made available. If any vessel removed under conditions set  
102 forth in subsection (a) or (b) of this Code section is determined to be a stolen vessel, the  
103 local law enforcement officer or agency shall notify the Georgia Crime Information Center  
104 and the owner, if known, of the location of such vessel within 72 hours after receiving  
105 notice that such vessel is a stolen vessel.

106 (d) If any vessel removed under conditions set forth in subsection (a) or (b) of this Code  
107 section is determined not to be a stolen vessel or is not a vessel being repaired by a repair  
108 facility or is not being stored by an insurance company providing insurance to cover  
109 damages to the vessel, the person removing or storing such vessel shall, ~~within seven~~  
110 ~~calendar days of the day such vessel was removed, notify the owner, if known, by:~~

111 (1) By certified or registered mail or statutory overnight delivery within seven calendar  
112 days of removal, notify the owner of the location of such vessel, the fees connected with  
113 removal and storage of such vessel, and the fact that such vessel will be deemed  
114 abandoned under this article unless the owner redeems such vessel within 30 days of the  
115 date such vessel was removed of its removal, the fact that the person removing or storing  
116 the vessel has the right to petition the court to foreclose a lien for all amounts owed, and  
117 the fact that a court may order the sale of the vessel to satisfy such debt; or

118 (2) By advertisement in a newspaper of general circulation in the county from where the  
119 vessel was removed or, if there is no newspaper in such county, at the county courthouse  
120 in such place where other public notices are posted, when an owner cannot be  
121 ascertained. Such advertisement shall run in the newspaper once a week for two

122 consecutive weeks or shall remain posted at the courthouse for two consecutive weeks.  
123 The advertisement shall contain a complete description of the vessel, its certificate of  
124 number and hull identification number, the location from where such vessel was initially  
125 removed, the present location of such vessel, the fact that if such vessel is not redeemed  
126 within 30 days of its removal such vessel shall be deemed abandoned, the fact that the  
127 person removing or storing the vessel has the right to petition the court to foreclose a lien  
128 for all amounts owed, and the fact that a court may order the sale of the vessel to satisfy  
129 such debt.

130 (e) ~~If the person identified as the~~ an owner fails to redeem such vessel as described in  
131 subsection (d) of this Code section, or if a vessel being repaired by a repair facility or being  
132 stored by an insurance company providing insurance to cover damages to the vessel  
133 becomes abandoned, the person removing or storing such vessel shall, within seven  
134 calendar days of the day such vessel became an abandoned vessel, give notice in writing,  
135 by sworn statement, to the Department of Natural Resources stating the vessel certificate  
136 of number, the hull identification number, the fact that such vessel is an abandoned vessel,  
137 the model, year, and make of the vessel, if known or if readily ascertainable, the date the  
138 vessel became an abandoned vessel, the date the vessel was removed, and the present  
139 location of such vessel and requesting the name and address of all owners, ~~lessors, lessees,~~  
140 ~~security interest holders, and lienholders~~ of such vessel. ~~If a person removing or storing~~  
141 ~~the vessel has knowledge of facts which reasonably indicate that the vessel is registered or~~  
142 ~~titled in a certain other state, such person shall check the vessel records of that other state~~  
143 ~~in the attempt to ascertain the identity of the owner of the vessel.~~

144 ~~(e.1)(f)(1)(A)~~ Upon notice to the Department of Natural Resources as described in  
145 subsection (e) of this Code section, then the commissioner may revoke, suspend, deny,  
146 or refuse to renew any vessel certificate of number or commercial fishing boat license  
147 required by this title or Title 27 which is held by or has been applied for by the person  
148 owner who holds the current registration for such vessel, until all fees connected with

149 removal and storage of the vessel have been paid and any lien acquired under Code  
150 Section 52-7-73 for such fees has been satisfied. Such owner ~~The person~~ shall be  
151 notified of the proposed order for revocation, suspension, denial, or nonrenewal  
152 personally or by a letter sent by certified mail or statutory overnight delivery to the  
153 name and address indicated on the application for the certificate of number or license,  
154 or both. The proposed order for revocation, suspension, denial, or nonrenewal shall  
155 become final 30 days after issuance if not appealed as provided in this paragraph.

156 (B) Any person whose vessel certificate of number or commercial fishing boat license  
157 is proposed for revocation, suspension, denial, or nonrenewal under this paragraph shall  
158 have the right to enter an appeal in the superior court of the county of his or her  
159 residence or in the Superior Court of Fulton County. Such appeal shall name the  
160 commissioner as defendant and ~~must~~ shall be filed within 30 days from the date the  
161 notice of the proposed order was sent. The person filing the appeal shall neither be  
162 required to post any bond nor to pay the costs in advance. If the person so desires, the  
163 appeal may be heard by the judge at term or in chambers or by a jury at the first term.  
164 The hearing on the appeal shall be de novo, but no appeal shall act as a supersedeas of  
165 any orders or acts of the department.

166 (2)(A) Upon notice to the Department of Natural Resources as described in  
167 subsection (e) of this Code section and delivery of a copy of such notice to the state  
168 revenue commissioner, then the state revenue commissioner may revoke, suspend,  
169 deny, or refuse to renew any motor vehicle registration required by Title 40 which is  
170 held by or has been applied for by the ~~person~~ owner who holds the current registration  
171 for such vessel, until all fees connected with removal and storage of the vessel have  
172 been paid and any lien acquired under Code Section 52-7-73 for such fees has been  
173 satisfied. Such owner ~~The person~~ shall be notified of the proposed order for revocation,  
174 suspension, denial, or nonrenewal personally or by a letter sent by certified mail or  
175 statutory overnight delivery to the name and address indicated on the application for the

176 registration. The proposed order for revocation, suspension, denial, or nonrenewal shall  
177 become final 30 days after issuance if not appealed as provided in this paragraph.

178 (B) Any person whose motor vehicle registration is proposed for revocation,  
179 suspension, denial, or nonrenewal under this paragraph shall have the right to enter an  
180 appeal in the superior court of the county of his or her residence or in the Superior  
181 Court of Fulton County. Such appeal shall name the state revenue commissioner as  
182 defendant and ~~must~~ shall be filed within 30 days from the date the notice of the  
183 proposed order was sent. The person filing the appeal shall neither be required to post  
184 any bond nor to pay the costs in advance. If the person so desires, the appeal may be  
185 heard by the judge at term or in chambers or by a jury at the first term. The hearing on  
186 the appeal shall be de novo, but no appeal shall act as a supersedeas of any orders or  
187 acts of the department.

188 ~~(f) Upon ascertaining the owner of such vessel, the person removing or storing such vessel~~  
189 ~~shall, within five calendar days, by certified or registered mail or statutory overnight~~  
190 ~~delivery, notify the owner, lessors, lessees, security interest holders, and lienholders of the~~  
191 ~~vessel of the location of such vessel and of the fact that such vessel is deemed abandoned~~  
192 ~~and shall be disposed of if not redeemed.~~

193 ~~(g) If the identity of the owner of such vessel cannot be ascertained, the person removing~~  
194 ~~or storing such vessel shall place an advertisement in a newspaper of general circulation~~  
195 ~~in the county where such vessel was obtained or, if there is no newspaper in such county,~~  
196 ~~shall post such advertisement at the county courthouse in such place where other public~~  
197 ~~notices are posted. Such advertisement shall run in the newspaper once a week for two~~  
198 ~~consecutive weeks or shall remain posted at the courthouse for two consecutive weeks.~~  
199 ~~The advertisement shall contain a complete description of the vessel, its certificate of~~  
200 ~~number and hull identification number, the location from where such vessel was initially~~  
201 ~~removed, the present location of such vessel, and the fact that such vessel is deemed~~  
202 ~~abandoned and shall be disposed of if not redeemed.~~

203 ~~(h) Reserved.~~

204 ~~(i)(g)~~ Any person storing a vessel under the provisions of this Code section shall notify the  
 205 Department of Natural Resources if the vessel is recovered, is claimed by the owner, is  
 206 determined to be stolen, or is for any reason no longer an abandoned vessel. Such notice  
 207 shall be provided within seven calendar days of such event.

208 ~~(j)(h)~~ If vessel information on the abandoned vessel is not in the files of the Department  
 209 of Natural Resources, the department may require such other information or confirmation  
 210 as it determines is necessary or appropriate to determine the identity of the vessel.

211 ~~(k)(i)~~ Any person who does not provide the notice and information required by this Code  
 212 section shall not be entitled to any storage fees.

213 ~~(l)(j)~~ Any person who knowingly provides false or misleading information when providing  
 214 any notice or information as required by this Code section shall be guilty of a misdemeanor  
 215 and, upon conviction thereof, shall be punished as for a misdemeanor."

216

#### SECTION 5.

217 Said chapter is further amended by revising Code Section 52-7-72, relating to authority of  
 218 peace officer to cause removal of unattended vessels, notifications, and duties, as follows:

219 "52-7-72.

220 (a) Any ~~peace~~ law enforcement officer who finds a vessel which has been left unattended  
 221 in or upon any public waters or other public property for a period of at least five days, if  
 222 ~~such peace officer reasonably believes that the person who left such vessel unattended does~~  
 223 ~~not intend to return and remove such vessel, shall notify the Department of Natural~~  
 224 ~~Resources of such finding in accordance with subsection (d) of this Code section and as~~  
 225 evidenced by the date of issuance on the unattended vessel check card attached to such  
 226 vessel pursuant to Code Section 52-7-70.1, may cause such vessel to be removed to a  
 227 garage or other place of safety.

228 (b)(1) Any ~~peace~~ law enforcement officer who finds a vessel which has been left  
229 unattended in or upon any public waters or other public property, when such vessel poses  
230 a threat to public health or safety, ~~shall notify the Department of Natural Resources of~~  
231 ~~such finding in accordance with subsection (d) of this Code section and~~ may immediately  
232 cause such vessel to be removed to a garage or other place of safety.

233 (2) Within 24 hours of causing an unattended vessel to be removed pursuant to  
234 paragraph (1) of this subsection, the law enforcement officer causing such removal shall  
235 query the criminal justice information system to determine if the unattended vessel has  
236 been entered into the criminal justice information system as a stolen vessel. If the  
237 removed vessel has been reported as stolen, the law enforcement officer shall notify the  
238 law enforcement agency that filed such report, providing the location of the vessel or the  
239 name of the person that removed the vessel. The law enforcement agency receiving such  
240 notification shall then notify the person who filed the police report for the stolen vessel  
241 of the location of the vessel.

242 (c) Any ~~peace~~ law enforcement officer who, under the provisions of this Code section,  
243 causes any vessel to be removed to a garage or other place of safety shall be liable for gross  
244 negligence only.

245 (d)(1) Any ~~peace~~ law enforcement officer who finds a vessel under such conditions as  
246 described in subsection (a) or (b) of this Code section shall within 72 hours from the time  
247 of such finding:

248 ~~(A) Notify~~ notify the Department of Natural Resources of the description of the vessel,  
249 whether the vessel has been removed or not, and, if removed, the location to which such  
250 vessel has been removed; ~~and,~~

251 ~~(B) If available on the Georgia Crime Information Center Network, determine the~~  
252 ~~name and address of the last known registered owner of such vessel. If vessel~~  
253 ~~information is not in the files of the Department of Natural Resources, the department~~

254 may require such other information or confirmation as it determines is necessary or  
 255 appropriate to determine the identity of the vessel.

256 ~~(2) If any such vessel is determined to be a stolen vessel, the local law enforcement~~  
 257 ~~officer or agency shall notify the Georgia Crime Information Center and the owner, if~~  
 258 ~~known, of the location of such vessel within 72 hours after receiving notice that such~~  
 259 ~~vessel is a stolen vessel.~~

260 ~~(3) If the vessel is removed and the name and address of the last known registered owner~~  
 261 ~~of the vessel is obtained from the Georgia Crime Information Center, the peace officer~~  
 262 ~~who causes the vessel to be removed shall, within three calendar days of removal, make~~  
 263 ~~available to the person removing such vessel the name and address of the last known~~  
 264 ~~registered owner of such vessel. If such information is not available, the peace officer~~  
 265 ~~shall, within three calendar days of removal, notify the person removing or storing such~~  
 266 ~~vessel of such fact."~~

267 **SECTION 6.**

268 Said chapter is further amended by revising Code Section 52-7-72.1, relating to penalty for  
 269 failing to remove unattended vessel, as follows:

270 "52-7-72.1.

271 (a)(1) If any vessel for which the Department of Natural Resources ~~and the Georgia~~  
 272 ~~Crime Information Center have~~ has received notice pursuant to subsection (d) of Code  
 273 Section 52-7-72 has not been removed and is determined not to be a stolen vessel, the  
 274 ~~commissioner may proceed to take action against the owner as provided by provisions~~  
 275 ~~of this Code section shall apply.~~

276 (2) If any vessel for which the Department of Natural Resources ~~and the Georgia Crime~~  
 277 ~~Information Center have~~ has received notice pursuant to subsection (d) of Code  
 278 Section 52-7-72 has been removed, the provisions of this Code section shall not apply  
 279 and the provisions of Code Section 52-7-71 shall apply instead.

280 (b)(1) Within seven calendar days of receipt of the notice required pursuant to  
281 subsection (d) of Code Section 52-7-72 that a vessel has not been removed and has been  
282 determined not be a stolen vessel, the Department of Natural Resources shall, by certified  
283 or registered mail or statutory overnight delivery, notify the owner of the location of such  
284 vessel and that if such vessel is not removed within 30 days the vessel will be deemed  
285 abandoned under this article and:

286 (A) Shall be subject to a lien for actual or projected costs for the removal, storage, and  
287 sale of such vessel;

288 (B) Failure to remove the vessel may result in the revocation, suspension, denial, or  
289 refusal to renew a motor vehicle registration, vessel certificate of number, or  
290 commercial fishing boat license of a vessel owner that has registered such vessel with  
291 the Department of Natural Resources;

292 (C) That the owner shall be liable to the department for damages for the removal,  
293 storage, and disposal of the vessel; and

294 (D) Failure to remove the vessel may result in the criminal prosecution of a vessel  
295 owner that has registered such vessel with the Department of Natural Resources.

296 (2) The requirement for removal of a vessel within 30 days pursuant to this subsection  
297 shall be inapplicable within 36 months of a declaration by the Governor of a state of  
298 emergency due to a natural disaster affecting the location of the vessel.

299 (b)(c)(1)(A) The commissioner of the Department of Natural Resources shall be  
300 authorized to ~~Upon notice to the Department of Natural Resources as described in~~  
301 ~~subsection (d) of Code Section 52-7-72, then the commissioner may revoke, suspend,~~  
302 ~~deny, or refuse to renew any vessel certificate of number or commercial fishing boat~~  
303 ~~license required by this title or Title 27 which is held by or has been applied for by a~~  
304 ~~person who owns the vessel, until the owner~~ a vessel owner that has registered such  
305 vessel with the Department of Natural Resources which has become abandoned that has  
306 been notified in accordance with subsection (b) of this Code section, until such person

307 restores and resumes operation of the vessel or removes it from public waters or public  
 308 property. The person shall be notified of the proposed order for revocation, suspension,  
 309 denial, or nonrenewal personally or by a letter sent by certified mail or statutory  
 310 overnight delivery to the name and address indicated on the application for the  
 311 certificate of number or license, or both. The proposed order for revocation,  
 312 suspension, denial, or nonrenewal shall become final 30 days after issuance if not  
 313 appealed as provided in this paragraph.

314 (B) Any person whose vessel certificate of number or commercial fishing boat license  
 315 is proposed for revocation, suspension, denial, or nonrenewal under this paragraph shall  
 316 have the right to enter an appeal in the superior court of the county of his or her  
 317 residence or in the Superior Court of Fulton County. Such appeal shall name the  
 318 commissioner as defendant and ~~must~~ shall be filed within 30 days from the date the  
 319 notice of the proposed order was sent. The person filing the appeal shall neither be  
 320 required to post any bond nor to pay the costs in advance. If the person so desires, the  
 321 appeal may be heard by the judge at term or in chambers or by a jury at the first term.  
 322 The hearing on the appeal shall be de novo, but no appeal shall act as a supersedeas of  
 323 any orders or acts of the department.

324 ~~(2)(A) Upon notice to the Department of Natural Resources as described in~~  
 325 ~~subsection (d) of Code Section 52-7-72 and delivery of a copy of such notice to the~~  
 326 ~~state revenue commissioner, then the~~ The state revenue commissioner may shall be  
 327 authorized to revoke, suspend, deny, or refuse to renew any motor vehicle registration  
 328 required by Title 40 which is held by or has been applied for by ~~a person who owns the~~  
 329 ~~vessel, until the owner~~ a vessel owner that has registered such vessel with the  
 330 Department of Natural Resources which has become abandoned that has been notified  
 331 in accordance with subsection (b) of this Code section, until such person restores and  
 332 resumes operation of the vessel or removes it from public waters or public property.  
 333 The person shall be notified of the proposed order for revocation, suspension, denial,

334 or nonrenewal personally or by a letter sent by certified mail or statutory overnight  
335 delivery to the name and address indicated on the application for the registration. The  
336 proposed order for revocation, suspension, denial, or nonrenewal shall become final 30  
337 days after issuance if not appealed as provided in this paragraph.

338 (B) Any person whose motor vehicle registration is proposed for revocation,  
339 suspension, denial, or nonrenewal under this paragraph shall have the right to enter an  
340 appeal in the superior court of the county of his or her residence or in the Superior  
341 Court of Fulton County. Such appeal shall name the state revenue commissioner as  
342 defendant and ~~must~~ shall be filed within 30 days from the date the notice of the  
343 proposed order was sent. The person filing the appeal shall neither be required to post  
344 any bond nor to pay the costs in advance. If the person so desires, the appeal may be  
345 heard by the judge at term or in chambers or by a jury at the first term. The hearing on  
346 the appeal shall be de novo, but no appeal shall act as a supersedeas of any orders or  
347 acts of the department.

348 (d) Any vessel owner that has registered such vessel with the Department of Natural  
349 Resources that fails to remove such vessel from public waters or public property within 30  
350 days receipt of the notice issued pursuant to subsection (b) of this Code section shall be  
351 guilty of a misdemeanor of a high and aggravated nature and, upon conviction thereof,  
352 shall be punished by a fine not to exceed \$5,000.00 or by confinement for a term not to  
353 exceed 12 months, or both; provided, however, that the requirement for removal of a vessel  
354 within 30 days pursuant to this subsection shall be inapplicable within 36 months of a  
355 declaration by the Governor of a state of emergency due to a natural disaster affecting the  
356 location of the vessel. Upon a second or subsequent offense for failure to remove an  
357 abandoned vessel from public waters or public property, a vessel owner that has registered  
358 such vessel with the Department of Natural Resources shall be guilty of a felony and, upon  
359 conviction thereof, shall be punished by a fine not to exceed \$50,000.00 or by  
360 imprisonment for a term not to exceed five years, or both. In addition to any other penalty

361 authorized by law for failure to remove an abandoned vessel from public waters or public  
362 property, the court may order a person convicted pursuant to this subsection to make  
363 restitution to Department of Natural Resources for the reasonable costs or damages  
364 associated with failure to remove the vessel, including the cost of removal, storage, and  
365 disposal of such vessel. Restitution made pursuant to this subsection shall not preclude the  
366 Department of Natural Resources from obtaining any other civil or criminal remedy  
367 available under any other provision of law. The restitution authorized by this Code section  
368 shall be supplemental and not exclusive."

369 **SECTION 7.**

370 Said chapter is further amended in Code Section 52-7-74, relating to procedure for  
371 foreclosure, by revising paragraph (2) as follows:

372 "(2) The person desiring to foreclose a lien on an abandoned vessel shall, by certified or  
373 registered mail or statutory overnight delivery, make a demand upon the owner for the  
374 payment of the reasonable fees for removal and storage plus the costs of any  
375 advertisement. Such written demand shall include an itemized statement of all charges.  
376 No such written demand shall be required if the identity of the owner cannot be  
377 ascertained and the notice requirements of paragraph (2) of subsection (g) (d) of Code  
378 Section 52-7-71 have been complied with;"

379 **SECTION 8.**

380 All laws and parts of laws in conflict with this Act are repealed.