

2025 Regular Session

ACT No. 216

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

BY REPRESENTATIVE DOMANGUE

1 AN ACT

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

8 Be it enacted by the Legislature of Louisiana:

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

11 §843. Objects; removal; disposition

12 A.(1) The owner of any tug, towboat, barge, watercraft, ship, vessel,
13 equipment, machinery, or any object of any kind or description, whether foreign or
14 domestic, which has been left unattended, stored, junked, or abandoned in any canal,
15 coulee, drainage ditch, outfall canal, bayou, bay, lake, or any other waterway,
16 whether navigable or not, or on the banks thereof within the state of Louisiana, or the
17 owner of any such object moored or tied off in a drainage ditch or canal, or in an
18 outfall canal shall ~~present a plan as provided herein to~~ remove the object from the
19 waterway or bank within thirty days after receipt of a written notice by certified mail
20 from the federal, state, or local governing authority having jurisdiction thereof,
21 hereinafter referred to as "authority", to remove the object. Concurrently with the
22 giving of any notice to an owner, the authority shall provide written notice by
23 certified mail to each holder of a properly filed and perfected ship mortgage filed

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

* * *

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

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

(1) Parties to obtain information regarding the registration or ownership of any vessel which has been deemed abandoned and is subject to the requirements for certificates of documentation by the United States Coast Guard under 46 U.S.C. 121,

subject to titling pursuant to the Vessel and Motor Titling Act, R.S. 34:852.1 et seq.,
or is subject to registration through the Department of Wildlife and Fisheries.

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

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

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

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

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§852.23. Titling abandoned and salvaged vessels and outboard motors

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____