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HOUSE BILL NO. 1971

Offered January 12, 2011

Prefiled January 11, 2011

A BILL to amend and reenact § 29.1-733.1 of the Code of Virginia, relating to the acquisition of title to an abandoned vessel; notification procedures.

Patron—Robinson

Referred to Committee on Agriculture, Chesapeake and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That § 29.1-733.1 of the Code of Virginia is amended and reenacted as follows:

§ 29.1-733.1. Acquiring title to an abandoned vessel.

A. Any vessel abandoned for a period exceeding 60 days is subject to the provisions of this section.

B. A landowner, his lessee, or his agent may acquire title to any vessel abandoned on his land or the water immediately adjacent to his land. Acquisition of title, under the provisions of this section, divests any other person of any interest in the vessel.

C. If a vessel has a registration number assigned by the Commonwealth or any other state, or if there are other means of identifying the owner, the person desiring to acquire title shall make a good faith effort to secure the owner's and lien holder's last known address. He shall notify the owner and the lien holder by registered letter that if ownership is not claimed and the vessel not removed within 30 days, he will apply for title to the vessel in his name.

D. The person desiring to acquire title also shall place a notice, to appear for three consecutive ~~days~~ *issues*, in a newspaper of general circulation ~~published~~ in the county or city where the vessel is located. The notice shall describe the vessel, its location, and any identifying number or numbers. The notice shall state that if the vessel is not claimed and removed within 30 days after the ~~first~~ day *of publication of the third issue in which* the notice was published, the person who has placed the notice shall apply to the Department for title to the vessel.

E. At the end of the ~~30 day~~ *30-day* period, the person seeking to acquire the vessel shall apply to the Department for title. The application shall be accompanied by the following: (i) an affidavit stating that to the best of the applicant's knowledge the vessel has been abandoned for a period of at least 60 days; (ii) proof that the registered letter required by the Department was mailed at least 30 days prior to application or a detailed explanation of the steps taken to identify the owner and lien holder; and (iii) proof that a notice was printed in a newspaper as required in subsection D ~~of this section~~.

F. Upon receipt by the Department of all items required by subsection E ~~of this section~~, and after all fees and taxes due have been paid, the Department shall then issue title to the vessel to the applicant.

G. All costs incurred in obtaining title to a vessel under this section shall be borne by the applicant.