

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 381 Department or Agency Alabama Law Enforcement Agency

Rule No. 760-X-5-.01

Rule Title: Abandoned and Derelict Vessels Notice Requirements

New Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? n/a

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer *Hal Taylor*

Date 1/21/2020

REC'D & FILED
JAN 21 2020 (DATE FILED)
(STAMP)

Alabama Law Enforcement Agency

NOTICE OF INTENDED ACTION

AGENCY NAME:

Alabama Law Enforcement Agency

RULE NO. & TITLE:

760-X-5-.01 Abandoned and Derelict Vessels Notice Requirements

INTENDED ACTION:

New Chapter

SUBSTANCE OF PROPOSED ACTION:

Promulgate rules to provide governance for abandoned and derelict vessels.

TIME, PLACE, MANNER OF PRESENTING VIEWS:

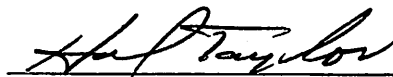
Written comments may be directed to Noel Barnes, ALEA, 201 South Union Street, Room 300, Montgomery, Alabama 36104

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

March 6, 2020

CONTACT PERSON AT AGENCY:

Noel Barnes
General Counsel, ALEA
201 South Union, Rm. 300
Montgomery, AL 36104



(Signature of officer authorized
to promulgate and adopt
rules or his or her deputy)

NEW RULE

760-X-5-.01 Abandoned and Derelict Vessels Notice Requirements

(1) Any person who removes an abandoned or derelict vessel pursuant to Sections 33-5A-1 *et seq.*, Code of Alabama 1975, as amended, shall give written notice of the removal to the Alabama Law Enforcement Agency ("ALEA") within five (5) calendar days of the removal. The notice shall include:

- (a) a complete description of the vessel;
- (b) the vessel identification number;
- (c) the hull identification number, if available;
- (d) the U.S. Coast Guard documentation information, if available;
- (e) the body of water where the vessel is located;
- (f) the county where the vessel is located;
- (g) the nearest town or city to where the vessel is located;
- (h) the GPS coordinates of the vessel location; and
- (i) a photograph of the vessel, in its entirety, at its current location.

(2) Any person storing an abandoned or derelict vessel shall notify ALEA if the vessel is claimed by the owner, determined to be stolen, or for any other reason suggested that the vessel should no longer be considered an abandoned or derelict vessel. The notice shall include:

- (a) a complete description of the vessel;
- (b) the vessel identification number;
- (c) the hull identification number, if available;
- (d) the U.S. Coast Guard documentation information, if available;
- (e) the body of water where the vessel was abandoned;
- (f) the body of water where the vessel is currently located;
- (g) the county where the vessel was abandoned;
- (h) the county where the vessel is currently located;
- (i) the nearest town or city to where the vessel was abandoned;
- (j) the nearest town or city to where the vessel is currently located;
- (k) the GPS coordinates of the vessel location when abandoned and currently; and
- (l) a photograph of the vessel, in its entirety, at its current location.

(3) Prior to the sale of any abandoned or derelict vessel, notice of the sale shall be given by publication once a week for two successive weeks in a newspaper of general circulation in the county in which the sale is to be held. The notice shall include all of the following:

- (a) the date, time, and place of the sale;
- (b) a description of the abandoned or derelict vessel, including the year, make, and model;
- (c) the name and address of the current owner and lienholder of record, if any, as reflected on the current title or registration record; and
- (d) the contact information of the person filing the notice.

(4) Upon the sale of an abandoned or derelict vessel, the seller shall notify ALEA of the sale and provide a copy of the court order authorizing the sale. The notice shall include:

- (a) a complete description of the vessel;
- (b) the vessel identification number;
- (c) the hull identification number, if available;
- (d) the U.S. Coast Guard documentation information, if available;
- (e) the date of the auction; and
- (f) the name of the purchaser.

(5) The purchaser of an abandoned or derelict vessel shall register the vessel with ALEA Marine Patrol as provided by law.

760-X-5-.02 Unattended Vessel Check

(1) Law enforcement officers performing unattended vessel checks shall attach to the unattended vessel an "Unattended Vessel Check Card," which shall be neon orange in color printed on or encased in a weather resistant material, and contain the following information:

- (a) the Unattended Vessel Check Card serial number ("UVCC#");
- (b) the date of the unattended vessel check;
- (c) the name of the law enforcement officer who performed the check;
- (d) the name of the law enforcement officer's agency;
- (e) instructions for contacting the law enforcement officer's agency;
- (f) instructions for contacting ALEA; and
- (g) the location of the vessel.

Author: Erin Dunagan

Statutory Authority: Code of Alabama 1975, §§ 33-5A-1 *et seq.*

History: New Rule: Filed January 21, 2020