



## Removing Abandoned Vessels in Alabama

Alabama law addresses removing boats that are abandoned after being flung on land by a storm. However, the process for removal is cumbersome and requires significant financial outlay by the landowner with only the prospect of reimbursement by the boat's owner or coverage under insurance, depending on the policy. This is made more difficult by the fact that Alabama does not require boats either to be insured or titled, as you would a car, for example. Finding the boat's owner may not be easy.

Under Alabama law, a vessel "left unattended for four or more weeks after a hurricane, tropical storm, or other natural event resulting in a declaration of an emergency is considered an abandoned vessel" ([Ala. Code § 33-5A-1\(1\)](#)). In situations where the vessel is in state waters and is considered a hazard, it is called a derelict vessel.

### **Duties of the Landowner**

Four weeks after a boat is stranded on their property by a storm, a landowner may remove an abandoned vessel upon taking the appropriate steps. The law requires the boat to be moved to storage, which could be a junkyard, an impound lot, or a warehouse, for example. This can be expensive. [According to one source](#), a low-risk removal from water may cost between \$5,000 and \$10,000. Information from the Alabama Marine Patrol suggests that for the majority of abandoned boats, the costs of removal and storage exceed the value of the vessel.

Within five days of moving the boat to storage, the landowner must provide written notice to the Alabama Marine Patrol, including this information:

- a complete description of the vessel,
- the vessel identification number, and
- any other information required by the agency ([Ala. Code § 33-5A-3\(a\)\(3\)](#)).

The property owner must also try to track down the owner of the boat by doing lien searches with the [Alabama Secretary of State](#) and the [National Vessel Documentation Center](#), which is run by the U.S. Coast Guard. Note that some searches with the state require a fee, and because searches require the name, date, or filing number of the lien, it could be difficult to identify a lienholder.

To help the landowner, the Alabama Marine Patrol is required to send the name of the vessel's owner to the landowner within 10 days of receiving notice of the removal ([Ala. Code § 33-5A-3\(b\)](#)).

When (or if) the owner/lienholder is identified, the landowner must notify them in writing (of at least ten-point font) of the following:

- The vessel's location,
- The business hours of the facility that is holding the vessel,
- The accrued charges or fees and daily storage rate, and
- The mailing address and contact number of the person in possession of the vessel.

The notice must also include language stating "If this vessel is not redeemed by the recorded owner or lienholder of record within 45 calendar days of this notice, the vessel may be sold."

If the landowner does not provide the required notice to the vessel owner, the landowner loses the right to seek reimbursement of storage fees, but is still entitled to collect removal fees from the boat's owner.

Where the owner or a lienholder cannot be identified, the landowner must put an ad in the local paper for two weeks with the above information. After 30 days of giving personal notice to the vessel owner or lienholder, or two weeks after publishing notice, the landowner may petition the probate court to sell the vessel at public auction, with the landowner keeping the proceeds. Those records, including the notice, must be kept for two years. The buyer of the boat at auction takes it free and clear of any liens, but the law allows a 90-day redemption period for the vessel's original owner to reclaim the vessel (upon paying any money owed). If the vessel is claimed at any time before sale, the landowner must notify the state.

The landowner's insurance policy may provide coverage for debris removal following a storm. However, many policies do not extend coverage to removing debris except for debris in or on the dwelling.

### **Duties of the Government**

As mentioned above, the state must provide the landowner with the name of the boat's owner within 10 days of receiving notice that an abandoned vessel is removed to storage. Otherwise, the state has few obligations related to abandoned vessels. They can request that a landowner remove a vessel ([Ala. Code 33-5A-2\(a\)\(1\)](#)).

Following a storm, a municipality may be eligible for funding from the Federal Emergency Management Agency (FEMA) to remove debris under its [Public Assistance Program](#). This could prove helpful where a vessel is in pieces and more accurately described as debris.

Also, the local government could declare the vessel a nuisance and remove it. However, the landowner would be cited for the nuisance, not the vessel owner. Also, the process for declaring something a nuisance is time-consuming, and removal will require notice and the opportunity for a hearing. Additionally, the government will likely seek reimbursement for its costs to remove the vessel.

### **Duties of the Vessel Owner**

The owner or lienholder may claim the vessel upon paying removal and storage fees. If the vessel owner does not learn of the removal of the vessel until after it is sold, the owner/lienholder may reclaim the vessel up to 90 days after the sale, upon paying what is owed. The owner's vessel insurance may cover some of the costs.

### **Summary**

The formal process for removing an abandoned vessel is time-consuming and costly, and it depends on the ability to locate the owner or a lienholder. One way to save time is for the landowner to contact the vessel owner as soon as possible so that the vessel owner takes care of removal. Tracking down the vessel owner/lienholder before the statutory process starts could mean the landowner avoids the removal and storage fees, and it may get the boat off the lawn sooner.



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