



Removing Abandoned or Derelict Vessels in Mississippi

When a boat is left on land following a big storm, the rules for how to remove that vessel are complicated. This document summarizes the information for removing abandoned or derelict vessels in Mississippi.

Definition of Derelict Vessel

Generally, state laws distinguish an abandoned vessel from a derelict one, which is an unclaimed boat found in waters or wetlands. An abandoned vessel generally is known as an unclaimed boat found on land, typically following a storm. In some states, different parties may be responsible for removing an abandoned vessel versus a derelict one. Mississippi, unlike many other states, however, does not define an abandoned vessel. Instead, it appears from the relevant statutes that Mississippi treats all “unseaworthy or dilapidated” vessels as derelict, regardless of where they are found.

According to Mississippi law, a derelict vessel may be described in one of three ways:

- (i) grounded;
- (ii) allowed to remain in an unseaworthy or dilapidated condition; or
- (iii) submerged or in immediate danger of sinking. [Miss. Code Ann. § 49-27-71\(1\)\(a\)](#).

The term “grounded,” in maritime use, refers to a boat striking the shore and getting stuck, i.e. “running aground.” Therefore, Mississippi’s definition of a derelict vessel describes boats in a person’s front yard – that is, a boat which is grounded and “allowed to remain in an unseaworthy or dilapidated condition” – such as when a boat is thrown on land by a hurricane.

This interpretation is contrary to the historical meaning of derelict, however, which the Mississippi Supreme Court described as “a vessel found upon the seas or other navigable waters forsaken, and without any person in command.” *Mengel Box Co. v. Joest*, 90 So. 161, 163 (Miss. 1921). But no definition of “abandoned vessel” was found in Mississippi law, even though there are laws confirming that “there is no statutory definition of abandoned property.” (See, e.g. [Miss. Code Ann. § 89-12-57](#) (regarding abandoned property, such as bank accounts) and [Miss. Code Ann. § 21-39-21](#) (regarding how municipalities may treat lost or abandoned property, like a “lost and found”).) Therefore, the state’s derelict vessel law controls.

Property Owner Notifies the State

According to the law regarding derelict vessels, only a party with standing may initiate the procedure to remove such a boat. The owner of the property on which the boat is found has standing. [Miss. Code Ann. § 49-27-71\(3\)\(a\)](#). Authorities such as the police or a city government also may have standing.

The first step to getting the boat off private property is to file an application to remove the boat with the Department of Marine Resources (MDMR). Then the MDMR will post a notice on the vessel giving seven days for the owner to reclaim and remove it. The owner can respond by signing the notice which will give the owner an extra five days to remove it. If, however, there is no response to the notice, MDMR must try to use “available means” to contact the registered owner of the vessel and any registered lienholders. This typically includes publishing notice of the vessel. When publishing is required, MDMR will seek damages from the vessel owner to cover its expenses. Under the law, the owner of the vessel is liable for the costs of removal, storage, and restoration of affected lands. [Miss. Code Ann. § 49-27-71\(7\)](#).

MDMR uses the Mississippi Department of Wildlife, Fisheries and Parks (MDWFP) database of registered boats to find the owner. Under Mississippi law, all sailboats and undocumented boats (those for which the federal government does not require documentation) must seek a registration number with the MDWFP. [Miss. Code Ann. § 59-21-5](#). The law requires owners of numbered vessels to notify MDWFP within 15 days of a vessel being lost, destroyed, or abandoned, providing the certificate number if available. [Miss. Code Ann. § 59-21-21\(3\)](#). That provision helps link owners whose boats are lost with vessels determined to be derelict.

Mississippi law treats cases where the vessel is leaking “any hazardous substance” as an emergency removal, under [Miss. Code Ann. § 49-27-7\(6\)](#). MDMR will remove vessels in this condition immediately. Otherwise, timing of the removal may depend on MDMR’s budget.

While the process is direct, there are obstacles. Aside from budget issues, the main obstacle is identifying the owner of a vessel. Dilapidated and unseaworthy vessels often have their registration numbers removed, hindering identification and adding to the expense of MDMR.

Costs Owed by Original Owner

The title to the boat can be transferred upon removal from where it was abandoned. [Miss. Code Ann. § 49-27-71\(5\)](#). Once the title is transferred, the new title holder can dispose of the property without notice to the original owner. [Miss. Code Ann. § 49-27-71\(5\)\(c\)](#). Also, if the proceeding advances to the stage where title is transferred, the original owner becomes liable for twice the actual costs of removal, storage, restoration of land, attorneys’ fees, and court costs. [Miss. Code Ann. § 49-27-71\(7\)\(a\)](#).

The local court of chancery may be involved, as they are authorized by statute for all issues relating to derelict vessels, including issuing a legal order to halt the removal of a boat, or imposing damages for the removal. [Miss. Code Ann. § 49-27-71\(8\)](#). Hancock and Harrison counties are part of the District 8 Chancery Court’s jurisdiction; Jackson County is within the District 16 Chancery Court’s jurisdiction. A chancery court might get involved, for example, if the owner claims the boat before the title is transferred, in which case the owner may also be liable for a fine of \$500 a day starting from the first day notice was posted. That penalty is in addition to the compensatory costs owed for moving the boat. [Miss. Code Ann. § 49-27-71\(8\)\(b\)](#). If the court orders a penalty that exceeds the actual costs, the additional sums will be placed in the MDMR Derelict Vessel Fund to pay for removal of other derelict vessels.

¹ The Coast Guard issues documents to boats of at least five tons owned by a citizen of the United States. [46 C.F.R. § 67.5](#).



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