

**86B.109 ABANDONED WATERCRAFT.**

Subdivision 1. **Tagging authority; notice to owner.** (a) A peace officer or an employee designated by the commissioner under section 84.0835 may place a tag on a watercraft unlawfully located on public accesses, public lands, and waters of this state or unlawfully located on property adjacent to waters of this state. A watercraft is unlawfully located if the watercraft appears to be:

- (1) inoperative and neglected, wrecked, stranded, or substantially dismantled;
- (2) in immediate danger of sinking; or
- (3) unmoored and unattended.

(b) A peace officer or employee who places a tag on a watercraft under this subdivision must notify the commissioner of placing the tag within 48 hours. The notification must include a statement of the basis for the decision to place a tag on the watercraft.

(c) Upon receiving notification under paragraph (b), the commissioner must send a notice by certified mail, return receipt requested, to the registered owner of the watercraft. The notice must state that:

- (1) the watercraft has been tagged and the condition that resulted in the watercraft being tagged must be remedied immediately; and
- (2) failure to remedy within 14 days of the notice being sent is a criminal violation that may result in civil and criminal penalties and forfeiture of the watercraft.

Subd. 2. **Failure to remedy.** The registered owner of a watercraft who knowingly fails to remedy the condition that resulted in the watercraft being tagged within 14 days of the commissioner sending the notice required by subdivision 1, paragraph (c), is guilty of a misdemeanor. In addition, the owner is liable to the Department of Natural Resources for all costs incurred by the commissioner in enforcing this section against the owner.

Subd. 3. **Seizure of abandoned watercraft.** Fourteen days after the commissioner sends the notice required by subdivision 1, paragraph (c), to the registered owner or concludes that there is no registered owner, the commissioner must investigate the watercraft. If, upon inspection, the watercraft has not been removed and the condition that prompted the peace officer or employee to tag it has not been substantially remedied, the watercraft is considered abandoned and the commissioner must seize and forfeit the watercraft according to section 97A.223.

Subd. 4. **Relation to other law.** An abandoned watercraft that becomes submerged and subject to section 86B.107 must be removed and disposed of in accordance with that section.

Subd. 5. **Exceptions.** This section does not apply to previously sunk watercraft that are of historical significance or currently a destination for scuba divers or commercial tourism and that do not pose an ongoing environmental or public safety risk.

**History:** *1Sp2025 c 1 art 4 s 4*