CHAPTER 579

BOATS, VESSELS; ACTIONS AGAINST

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579.01 LIABILITY OF BOAT OR VESSEL.

Every boat or vessel used in navigating the waters of this state shall be liable for the claims or demands hereinafter mentioned, and which shall constitute liens thereon:

(1) for all debts contracted by the master, owner, agent, or consignee thereof on account of supplies furnished for its use, or on account of work done or services rendered on board for its benefit, or on account of labor done or materials furnished by mechanics, members of trades, or others in and for building, repairing, fitting out, furnishing, or equipping the same;

(2) for all sums due for wharfage or anchorage of such boat or vessel within the state;

(3) for all demands or damages accruing from the nonperformance or malperformance of any contract of affreightment, or any contract touching the transportation of persons or property entered into by the master, owner, agent, or consignee of the boat or vessel on which such contract is to be performed; and

(4) for all injuries done to persons or property by such boat or vessel.

No boat or vessel shall be so liable for any debt contracted on account of work done or services rendered on board of or for the benefit of such boat or vessel until the contract is fully performed.

History: *(9774) RL s 4603; 1986 c 444*

579.02 ACTION; WARRANT; PROCEDURE.

An action against a boat or vessel may be instituted by the filing in the district court of the county where it may be of a complaint against it by name, or, if it have no name, by description, verified by the plaintiff or some person having knowledge of the facts, and setting forth the demand, and on whose account it accrued. Thereupon the court administrator shall issue a warrant, returnable in 20 days, directing the sheriff to seize such boat or vessel and detain it in custody, with its tackle, apparel, and furniture, until discharged by due course of law. Such warrant shall be served and returned as in the case of a writ of attachment. Upon the return of the warrant, proceedings shall be had against the boat or vessel seized in the same manner as if the action had been instituted against the person on whose account the demand accrued. The master, owner, agent, or consignee of the boat or vessel may appear on its behalf and answer the complaint. For sufficient cause shown, the answerer shall be entitled to a continuance, but such continuance shall not operate as a discharge of the boat or vessel from custody, and no continuance shall be granted to the plaintiff.

History: *(9775) RL s 4604; 1986 c 444; 1Sp1986 c 3 art 1 s 82*

579.03 DISCHARGE OF BOAT; BOND.

If, before judgment, the master, owner, agent, or consignee give bond to the plaintiff, to be approved by the court, or by a judge, or the court administrator thereof in vacation, conditioned to satisfy the amount

which shall be adjudged to be due to the plaintiff, with costs, the boat or vessel, with its tackle, apparel, and furniture, shall be discharged from custody.

History: *(9776) RL s 4605; 1Sp1986 c 3 art 1 s 82*

579.04 SALE; EXECUTION.

If judgment be rendered in favor of the plaintiff against the boat or vessel, the court shall make an order, directing the sheriff to sell it, with its tackle, apparel, and furniture, or such part thereof or interest therein as shall be necessary, to satisfy the judgment and costs, and the order shall be executed and returned in the same manner as an execution. If a bond has been given, as provided in section 579.03, and judgment rendered in favor of the plaintiff, execution shall issue for the amount thereof and costs against the principal and sureties on the bond.

History: *(9777) RL s 4606*

579.05 OWNER SUMMONED TO SHOW CAUSE.

When judgment is rendered in favor of the plaintiff against a boat or vessel, and prior thereto it has been discharged from custody by the giving of bond or otherwise, or when for any reason the judgment or any part thereof remains unpaid for 60 days, the master and owner, or either, may be summoned to show cause why they should not be personally bound by the judgment. Such summons shall be subscribed by the judgment creditor, an agent or attorney, and shall describe the judgment, specify the amount due thereon, and require the party summoned to show cause within 20 days after the service thereof, and may be served in the same manner as a summons in a civil action. It shall be accompanied by an affidavit of the person subscribing it, to the effect that the judgment has not been paid or satisfied, except as specified in the summons, to the affiant's knowledge, information, or belief.

History: *(9778) RL s 4607; 1986 c 444*

579.06 PLEADINGS; TRIAL; JUDGMENT.

The party summoned may by answer deny that the judgment was duly rendered, or that the answerer was master, owner, or part owner of the boat or vessel when the cause of action against it arose, and may set up any defense which has arisen since the rendition of the judgment, but no other defense. The party issuing the summons may demur or reply to the answer, and the party summoned may demur to the reply. The issues shall be tried, and judgment, with costs, shall be rendered and enforced in the same manner as in a civil action.

History: *(9779) RL s 4608; 1986 c 444*

579.07 APPEALS.

In all cases under this chapter, if judgment be rendered in favor of the plaintiff, the master, owner, agent, or consignee of the boat or vessel, and any other person interested, may appeal from the orders or judgment of the court as in other cases.

History: *(9780) RL s 4609*

579.08 LIMITATION OF ACTION.

All actions under this chapter shall be commenced within one year after the cause of action accrues.

History: *(9781) RL s 4610*