**South Carolina General Assembly**

119th Session, 2011-2012

**A21, R41, H3287**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Hardwick and Hodges

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Introduced in the House on January 12, 2011

Introduced in the Senate on February 15, 2011

Last Amended on April 14, 2011

Passed by the General Assembly on May 4, 2011

Governor's Action: May 9, 2011, Signed

Summary: Watercraft

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/12/2011 House Introduced and read first time ([House Journal‑page 19](file:///h:\hj%20archive\2011\01-12-11.docx))

1/12/2011 House Referred to Committee on **Agriculture, Natural Resources and Environmental Affairs** ([House Journal‑page 19](file:///h:\hj%20archive\2011\01-12-11.docx))

2/3/2011 House Member(s) request name added as sponsor: Hodges

2/9/2011 House Committee report: Favorable with amendment **Agriculture, Natural Resources and Environmental Affairs** ([House Journal‑page 6](file:///h:\hj%20archive\2011\02-09-11.docx))

2/10/2011 House Amended ([House Journal‑page 24](file:///h:\hj%20archive\2011\02-10-11.docx))

2/10/2011 House Read second time ([House Journal‑page 24](file:///h:\hj%20archive\2011\02-10-11.docx))

2/10/2011 House Unanimous consent for third reading on next legislative day ([House Journal‑page 25](file:///h:\hj%20archive\2011\02-10-11.docx))

2/11/2011 House Read third time and sent to Senate ([House Journal‑page 1](file:///h:\hj%20archive\2011\02-11-11.docx))

2/15/2011 Senate Introduced and read first time ([Senate Journal‑page 8](file:///h:\sj%20archive\2011\02-15-11.docx))

2/15/2011 Senate Referred to Committee on **Fish, Game and Forestry** ([Senate Journal‑page 8](file:///h:\sj%20archive\2011\02-15-11.docx))

3/17/2011 Senate Committee report: Favorable with amendment **Fish, Game and Forestry** ([Senate Journal‑page 10](file:///h:\sj%20archive\2011\03-17-11.docx))

3/24/2011 Senate Committee Amendment Adopted ([Senate Journal‑page 31](file:///h:\sj%20archive\2011\03-24-11.docx))

3/30/2011 Senate Second Reading Failed ([Senate Journal‑page 38](file:///h:\sj%20archive\2011\03-30-11.docx))

3/30/2011 Senate Roll call Ayes‑3 Nays‑31 ([Senate Journal‑page 38](file:///h:\sj%20archive\2011\03-30-11.docx))

3/31/2011 Senate Reconsider Vote Whereby Second Reading Failed ([Senate Journal‑page 22](file:///h:\sj%20archive\2011\03-31-11.docx))

4/14/2011 Senate Amended ([Senate Journal‑page 35](file:///h:\sj%20archive\2011\04-14-11.docx))

4/27/2011 Senate Read second time ([Senate Journal‑page 27](file:///h:\sj%20archive\2011\04-27-11.docx))

4/27/2011 Senate Roll call Ayes‑33 Nays‑3 ([Senate Journal‑page 27](file:///h:\sj%20archive\2011\04-27-11.docx))

4/28/2011 Senate Read third time and returned to House with amendments ([Senate Journal‑page 15](file:///h:\sj%20archive\2011\04-28-11.docx))

5/4/2011 House Concurred in Senate amendment and enrolled ([House Journal‑page 39](file:///h:\hj%20archive\2011\05-04-11.docx))

5/4/2011 House Roll call Yeas‑95 Nays‑0 ([House Journal‑page 39](file:///h:\hj%20archive\2011\05-04-11.docx))

5/5/2011 Ratified R 41

5/9/2011 Signed By Governor

5/13/2011 Effective date 05/09/11

5/17/2011 Act No. 21

**VERSIONS OF THIS BILL**

[1/12/2011](file:///p:\pprever\2011-12\3287_20110112.docx)

[2/9/2011](file:///p:\pprever\2011-12\3287_20110209.docx)

[2/10/2011](file:///p:\pprever\2011-12\3287_20110210.docx)

[3/17/2011](file:///p:\pprever\2011-12\3287_20110317.docx)

[3/24/2011](file:///p:\pprever\2011-12\3287_20110324.docx)

[4/14/2011](file:///p:\pprever\2011-12\3287_20110414.docx)

(A21, R41, H3287)

**AN ACT TO AMEND SECTION 50‑21‑190, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ABANDONMENT OF WATERCRAFT AND OUTBOARD MOTORS, SO AS TO PROVIDE THAT AN ABANDONED WATERCRAFT AS IDENTIFIED BY THE DEPARTMENT OF NATURAL RESOURCES MAY BE REMOVED AT THE RISK AND EXPENSE OF THE OWNER AND DISPOSED OF BY ANY GOVERNMENT AGENCY THAT HAS JURISDICTION OVER THE AREA WHERE THE ABANDONED WATERCRAFT IS LOCATED, TO PROVIDE THAT THE DEPARTMENT MUST CONDUCT AN INVESTIGATION OF A WATERCRAFT SUBJECT TO THIS PROVISION TO DETERMINE ITS STATUS AND ATTEMPT TO NOTIFY THE LAST KNOWN OWNER OF THE WATERCRAFT THAT IT HAS BEEN ABANDONED, AND TO PROVIDE THAT A WATERCRAFT ABANDONED FOR AT LEAST NINETY DAYS MAY BE CLAIMED BY ANY PERSON OR ENTITY AS ABANDONED PROPERTY.**

Be it enacted by the General Assembly of the State of South Carolina:

**Abandoned watercraft**

SECTION 1. Section 50‑21‑190 of the 1976 Code, as added by Act 321 of 2008, is amended to read:

“Section 50‑21‑190. (A) It is unlawful to abandon a watercraft or outboard motor on the public lands or waters of this State or on private property without permission of the property owner. This section does not apply to persons who abandon a watercraft in an emergency for the safety of the persons onboard; however, after the emergency is over, the owner and operator of the abandoned watercraft shall make a bona fide attempt to recover the watercraft.

(B) A person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not less than one thousand dollars nor more than five thousand dollars or imprisoned up to thirty days, or both. In addition, the owner must remove the abandoned watercraft within fourteen days of conviction. The magistrates and municipal courts are vested with jurisdiction for cases arising under this section.

(C) An abandoned watercraft as identified by the department may be removed at the risk and expense of the owner and disposed of by any governmental agency that has jurisdiction over the area where the abandoned watercraft is located.

(D) The department must conduct investigations of any watercraft subject to the provisions of this section to determine the status of the watercraft as abandoned. The department must send written notice and make additional reasonable efforts to notify the last known owner, if any, of the status of the watercraft. If efforts to notify fail, then the department must post a notice on the watercraft advising that the watercraft is abandoned. If the owner claims the watercraft within forty‑five days of the date the notice is posted, the watercraft is not considered abandoned.

(E) A watercraft identified by the department as abandoned for at least ninety days may be claimed by any person or entity as abandoned property.”

**Time effective**

SECTION 2. This act takes effect upon approval by the Governor.

Ratified the 5th day of May, 2011.

Approved the 9th day of May, 2011.

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