



Home	Bill Information	California Law	Publications	Other Resources	My Subscriptions	My Favorites
------	------------------	----------------	--------------	-----------------	------------------	--------------

AB-2175 Vessels: removal. (2017-2018)

SHARE THIS:  

Date Published: 09/11/2018 09:00 PM

Assembly Bill No. 2175

CHAPTER 341

An act to amend Section 523 of the Harbors and Navigation Code, relating to vessels.

[Approved by Governor September 11, 2018. Filed with Secretary of State September 11, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2175, Aguiar-Curry. Vessels: removal.

Existing law authorizes any peace officer, as described, or any lifeguard or marine safety officer employed by a county, city, or district, while engaged in the performance of official duties, to remove a vessel from, and, if necessary, store a vessel removed from, a public waterway in certain circumstances.

This bill would authorize a peace officer or marine safety officer, while engaged in the performance of official duties, to remove a vessel, as described, from, and, if necessary, store a vessel removed from, public property within the territorial limits in which the officer may act, under specified circumstances relating to the use of the vessel in the commission of a crime. The bill would authorize a court to order a person convicted of a crime involving the use of a vessel that is removed and impounded pursuant to these provisions to pay the costs of towing and storage of the vessel and any related administrative costs imposed in connection with the removal, impoundment, storage, or release of the vessel.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 523 of the Harbors and Navigation Code is amended to read:

523. (a) A peace officer, as described in Section 663, or a lifeguard or marine safety officer employed by a county, city, or district while engaged in the performance of official duties, may remove a vessel from, and, if necessary, store a vessel removed from, a public waterway under any of the following circumstances:

- (1) When the vessel is left unattended and is moored, docked, beached, or made fast to land in a position that obstructs the normal movement of traffic or in a condition that creates a hazard to other vessels using the waterway, to public safety, or to the property of another.
- (2) When the vessel is found upon a waterway and a report has previously been made that the vessel has been stolen or a complaint has been filed and a warrant thereon issued charging that the vessel has been embezzled.
- (3) When the person or persons in charge of the vessel are by reason of physical injuries or illness incapacitated to an extent as to be unable to provide for its custody or removal.

(4) When an officer arrests a person operating or in control of the vessel for an alleged offense, and the officer is, by any provision of this code or other statute, required or permitted to take, and does take, the person arrested before a magistrate without unnecessary delay.

(5) When the vessel interferes with, or otherwise poses a danger to, navigation or to the public health, safety, or welfare.

(6) When the vessel poses a threat to adjacent wetlands, levies, sensitive habitat, any protected wildlife species, or water quality.

(7) When a vessel is found or operated upon a waterway with a registration expiration date in excess of one year before the date on which it is found or operated on the waterway.

(b) Costs incurred by a public entity pursuant to removal of vessels under subdivision (a) may be recovered through appropriate action in the courts of this state.

(c) (1) A peace officer, as described in Section 663, or marine safety officer employed by a city, county, or district, while engaged in the performance of official duties, may remove a vessel from, and, if necessary, store a vessel removed from, public property within the territorial limits in which the officer may act, in either of the following circumstances:

(A) When any vessel is found upon the public property and the officer has probable cause to believe the vessel was used in the commission of a crime.

(B) When a vessel is found upon public property and an officer has probable cause to believe that the vessel itself provides evidence that a crime was committed or the vessel contains evidence of a possible crime that was committed and the evidence cannot be easily removed from the vessel.

(2) Notwithstanding Section 3068 of the Civil Code, or Section 22851 of the Vehicle Code, no lien shall attach to a vessel removed under this subdivision unless it is determined that the vessel was used in the commission of a crime with the express or implied consent of the owner of the vessel.

(3) In any prosecution of a crime for which a vessel was removed and impounded under this subdivision, a court may order a person convicted of a crime involving the use of a vessel to pay the costs of towing and storage of the vessel and any administrative charges imposed in connection with the removal, impoundment, storage, or release of the vessel.

(d) For purposes of this section, "vessel" includes both the vessel and any trailer used by the operator to transport the vessel.