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SB-393 Vessels: impoundment. (2019-2020)

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Senate Bill No. 393

CHAPTER 644

An act to add Section 668.5 to the Harbors and Navigation Code, relating to vessels.

[Approved by Governor October 08, 2019. Filed with Secretary of State October 08, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

SB 393, Stone. Vessels: impoundment.

Existing law makes it a crime to operate any vessel, as defined, while under the influence of an alcoholic beverage, any drug, or the combined influence of an alcoholic beverage and any drug. Existing law authorizes a peace officer to remove and seize a motor vehicle upon arresting a person for committing specified crimes using that motor vehicle. Existing law prohibits impounding that motor vehicle for more than 30 days, as specified.

This bill would authorize a court to order the impoundment of a vessel, as defined, for a period of not less than one nor more than 30 days, if the registered owner is convicted of a specified crime involving the operation of a vessel while under the influence of an alcoholic beverage, any drug, or the combined influence of an alcoholic beverage and any drug and the conduct resulted in the unlawful killing of a person. The bill would authorize a court to consider certain factors in the interest of justice when determining whether a vessel used in the commission of such a crime shall be impounded pursuant to those provisions. The bill would exempt a marina owner from liability for damage to an impounded vessel except for damage caused by the marina owner's acts or omissions constituting gross negligence or willful or wanton misconduct.

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

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

SECTION 1. Section 668.5 is added to the Harbors and Navigation Code, to read:

668.5. (a) The interest of any registered owner of a vessel that has been used in the commission of a violation of subdivision (b) of Section 655 for which the owner was convicted and the conduct resulted in the unlawful killing of a person is subject to impoundment as provided in this section. Upon conviction, the court may order the vessel impounded at the registered owner's expense for a period of not less than one nor more than 30 days.

(b) For purposes of this section, the court may consider in the interest of justice factors such as whether the impoundment of the vessel would result in the loss of employment of the registered owner of the vessel who committed the violation, or a member of the registered owner's family, the loss of the vessel resulting from the inability to pay impoundment fees, unfair infringement upon community property rights, or other factors the court finds to be relevant.

(c) For purposes of this section, "vessel" means every watercraft used or capable of being used as a means of transportation on the waters of the state, including all boats, motorboats, personal watercraft, recreational vessels, and unregistered vehicles, except for foreign and domestic vessels engaged in interstate or foreign commerce upon the waters of the state.

(d) A marina owner in possession of an impounded vessel pursuant to this section is not liable for damage to the vessel while the vessel is being impounded by the court, except for damage caused by the marina owner's acts or omissions constituting gross negligence or willful or wanton misconduct.