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Summary: Abandoned Vessels, Derelict Vessels, and Sunken Vessels

**HISTORY OF LEGISLATIVE ACTIONS**

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**VERSIONS OF THIS BILL**

[02/20/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/367_20250220.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 50‑21‑200 SO AS TO PROVIDE THAT ABANDONED VESSELS, DERELICT VESSELS, AND SUNKEN VESSELS ARE DECLARED TO BE PUBLIC NUISANCES; BY ADDING SECTION 50‑21‑210 SO AS TO DEFINE TERMS RELATED TO ABANDONED AND DERELICT VESSELS; BY ADDING SECTION 50‑21‑220 SO AS TO ESTABLISH THE PENALTIES FOR A PERSON THAT CAUSES OR ALLOWS A VESSEL TO BECOME AN ABANDONED VESSEL OR A DERELICT VESSEL AND THE PENALTIES FOR INTENTIONALLY OR RECKLESSLY CAUSING A VESSEL TO SINK; BY ADDING SECTION 50‑21‑230 SO AS TO EXTEND THE CORPORATE LIMITS OF CERTAIN MUNICIPALITIES FOR THE PURPOSE OF ENFORCING THE ARTICLE; BY ADDING SECTION 50‑21‑240 SO AS TO ESTABLISH THE PROCEDURE FOR DECLARING CERTAIN VESSELS ABANDONED OR DERELICT; BY ADDING SECTION 50‑21‑250 SO AS TO PROVIDE FOR THE RECEIPT OF BONA FIDE PLANS OF REMOVAL FOR CERTAIN VESSELS; BY ADDING SECTION 50‑21‑260 SO AS TO PROVIDE THAT A PERSON WHO REMOVES AND DISPOSES OF AN ABANDONED VESSEL OR A DERELICT VESSEL MAY COMMENCE A CIVIL ACTION AGAINST A RESPONSIBLE PARTY; BY ADDING SECTION 50‑21‑270 SO AS TO ESTABLISH THE PROCEDURE FOR THE REMOVAL OF VESSELS THAT HAVE SUNK; BY ADDING SECTION 50‑21‑280 SO AS TO ALLOW FOR THE IMMEDIATE REMOVAL OF CERTAIN VESSELS DETERMINED TO BE A SIGNIFICANT NAVIGATIONAL HAZARD OR A SIGNIFICANT ENVIRONMENTAL HAZARD; BY ADDING SECTION 50‑21‑290 SO AS TO REQUIRE THE DEVELOPMENT AND MAINTENANCE OF A WEBSITE AND APPLICATION FOR THE REPORTING OF CERTAIN VESSELS; BY REPEALING SECTION 50‑21‑190 RELATING TO ABANDONED WATERCRAFT; BY REPEALING SECTION 50‑23‑205 RELATING TO THE SEIZURE OF CERTAIN WATERCRAFT; AND BY REPEALING SECTION 50‑21‑10(1) RELATING TO THE DEFINITION OF ABANDON.

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

SECTION 1. Chapter 21, Title 50 of the S.C. Code is amended by adding:

Article 2

Abandoned Vessels, Derelict Vessels, and Sunken Vessels

 Section 50‑21‑200. Abandoned vessels, derelict vessels, and sunken vessels are declared to be public nuisances that must be abated as provided in this article.

 Section 50‑21‑210. (A) For the purposes of this article:

 (1) “Abandoned vessel” means a vessel that:

 (b) is wrecked, junked, or in a state of disrepair;

 (a) does not have a visible identifier; and

 (c) remains on the waters of the State, or on public property adjacent thereto, for at least ten consecutive days from the day an abandoned vessel notice is posted on the vessel.

 (2) “Derelict vessel” means a vessel that:

 (a) is wrecked, junked, or in a state of disrepair;

 (b) has a visible identifier; and

 (c) remains on the waters of the State, or on public property adjacent thereto, for at least twenty‑one consecutive days from the day a derelict vessel notice is posted on the vessel.

 (3) “Junked” means substantially stripped of vessel components.

 (4) “Registered owner” means a person listed as the owner on a state’s vessel registration records or on a United States Coast Guard certificate of documentation.

 (5) “Responsible party” means a person who has the rights to the possession and use of a vessel.

 (6) “Visible identifier” means:

 (a) a hull identification number;

 (b) a vessel registration number of this State or another state; or

 (c) a vessel name and home port.

 (7) “Wrecked” means listing due to water intake or hull damage, or aground and cannot be extracted without mechanical assistance.

 Section 50‑21‑220. (A) It is unlawful for a person to cause or allow a vessel to become an abandoned vessel or a derelict vessel. A person who violates this subsection is guilty of a misdemeanor and, upon conviction, must be fined not more than ten thousand dollars, imprisoned for not more than sixty days, or both. In addition, the person is liable for all costs arising from the removal and disposal of the vessel from the waters of the State, or public property adjacent thereto.

 (B) It is unlawful for a person to intentionally or recklessly cause a vessel to sink on the waters of the State. A person who violates this subsection is guilty of a misdemeanor and, upon conviction, must be fined not more than ten thousand dollars, imprisoned for not more than sixty days, or both. In addition, the person is liable for all costs arising from the removal and disposal of the vessel from the waters of the State. This subsection does not apply to a person who sinks a vessel pursuant to the department’s artificial reef program.

 (C) Fines collected under this section must be used by the department for the removal and disposal of abandoned vessels, derelict vessels, and sunken vessels.

 (D) The magistrate court is vested with jurisdiction for cases arising under this article.

 Section 50‑21‑230. Notwithstanding Section 5‑7‑140(B), the corporate limits of a municipality bordering on the high‑water mark of a navigable body of water are extended outward by one mile for the purpose of enforcing this article.

 Section 50‑21‑240. (A) The department, or a local law enforcement agency with jurisdiction, upon locating a vessel that is wrecked, junked, or in a state of disrepair, must determine whether the vessel has a visible identifier.

 (1) If the vessel has a visible identifier, then the department or local law enforcement agency must:

 (a) post a derelict vessel notice that contains the information provided in subsection (B);

 (b) take reasonable steps within twenty‑four hours of the posting of the notice to identify the registered owner, and if identified, must provide written notice to the registered owner’s last known address, and notice by telephone or e‑mail, if known to the department. The notice must include, but is not limited to, the information provided on the derelict vessel notice and a brief description of the vessel’s location; and

 (c) submit a derelict vessel report within twenty‑four hours of the posting of the notice using the application or website maintained by the Department of Environmental Services under Section 50‑21‑290.

 (2) If the vessel does not have a visible identifier, then the department or local law enforcement agency must:

 (a) post an abandoned vessel notice that contains the information provided in subsection (C); and

 (b) submit an abandoned vessel report within twenty‑four hours of the posting of the notice using the application or website maintained by the Department of Environmental Services under Section 50‑21‑290.

 (B) A derelict vessel notice posted in accordance with this section must provide at least:

 (1) a citation to this article;

 (2) the date the notice is posted;

 (3) a statement that the vessel must be removed within twenty‑one days from the date the notice is posted, or it will be declared a derelict vessel and be subject to removal and disposal by any person; and

 (4) the date the vessel will be declared a derelict vessel.

 (C) An abandoned vessel notice posted in accordance with this section must provide at least:

 (1) a citation to this article;

 (2) the date the notice is posted;

 (3) a statement that the vessel must be removed within ten days from the date the notice is posted, or it will be declared an abandoned vessel and be subject to removal and disposal by any person; and

 (4) the date the vessel will be declared an abandoned vessel.

 (D) A vessel that is listing or taking on water at the time a notice is to be posted on the vessel may be relocated by the department or a local law enforcement agency without liability to a responsible party.

 Section 50‑21‑250. The department, or a local law enforcement agency with jurisdiction, must remove a derelict vessel notice if within fourteen days of the posting of the notice a responsible party provides a bona fide plan of removal to the department. If the vessel remains wrecked, junked, or in a state of disrepair thirty days from the date the notice was posted, then another derelict vessel notice must be posted on the vessel, and no additional bona fide plan of removal may be submitted.

 Section 50‑21‑260. (A) An abandoned vessel or a derelict vessel is subject to removal at any time by any person without liability to a responsible party. A person who removes and disposes of an abandoned vessel or a derelict vessel may commence a civil action against a responsible party within one hundred eighty days of the removal and disposal to recover:

 (1) the cost of the removal and disposal; and

 (2) the attorney’s fees and court costs incurred in bringing the action.

 (B) The civil action provided in this section is in addition to and supplemental of any rights of salvage that may be available under maritime law.

 (C) The Department of Environmental Services must be notified prior to the removal of an abandoned vessel or a derelict vessel located on public property adjacent to the waters of the State.

 Section 50‑21‑270. (A) A sunken vessel in the waters of the State must be removed by a responsible party:

 (1) before the date the vessel will be declared a derelict vessel or an abandoned vessel, as appropriate, if the vessel received an abandoned vessel notice or a derelict vessel notice prior to sinking; or

 (2) within twenty‑one days of the day the vessel sunk, or within forty‑five days if a bona fide plan of removal is provided to the department within twenty‑one days of the day the vessel sunk, if the vessel did not receive an abandoned vessel notice or a derelict vessel notice prior to sinking.

 (B) A sunken vessel that remains in the waters of the State after the applicable time period for its removal by a responsible party expires is subject to removal at any time by any person without liability to a responsible party. A person who removes and disposes of a sunken vessel after the expiration of the applicable time period may commence a civil action against a responsible party within one hundred eighty days of the removal and disposal to recover:

 (1) the cost of the removal and disposal; and

 (2) the attorney’s fees and court costs incurred in bringing the action.

 (C) The civil action provided in this section is in addition to and supplemental of any rights of salvage that may be available under maritime law.

 (D) The provisions of this section do not apply to a vessel that is submerged archaeological historic property, as defined in Section 54‑7‑620.

 Section 50‑21‑280. Notwithstanding another provision of law, if a vessel is determined to be a significant navigational hazard or a significant environmental hazard by both the director of the department and the director of the Department of Environmental Services, then the vessel may be removed by the department, or by a person designated by the department, as soon as is practicable without liability to a responsible party and at the risk and expense of a responsible party.

 Section 50‑21‑290. The Department of Environmental Services, in cooperation with the department, must develop and maintain an application and website for law enforcement and the public to report vessels that are wrecked, junked, in a state of disrepair, or that have sunk.

SECTION 2. Sections 50‑21‑190 and 50‑23‑205 of the S.C. Code are repealed.

SECTION 3. Section 50‑21‑10(1), providing for the definition of “abandon,” is repealed.

SECTION 4. This act takes effect upon approval by the Governor.

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