

Labor & Storage Liens and Unclaimed Property

Any person expending labor, service skill or material upon, or furnishing storage for, any watercraft at the request of or consent of its owner shall have a lien upon such watercraft. Unless said watercraft is redeemed within 90 days of the completion of the expenditure of such labor, service skill or material, or furnishing of storage, or within 90 days of the date agreed upon for redemption, the lien may be enforced by commercially reasonable public or private sale. Enforcement of a Labor and Storage Lien must be in compliance with Acts 50 and 90 of Illinois Compiled Statutes Chapter 770 – Liens.

To Enforce a Lien of \$2,000 or Less (770 ILCS 50, et. seq.)

1. Contact the Department of Natural Resources, Watercraft Registration/Titling section in writing for a title search to determine the name(s) of the last owner(s) and the lienholders(s). A \$5.00 fee is required.

2. If the watercraft is not claimed after 90 days, place an advertisement in a newspaper of general publication for one day listing the last owner's name(s), the year and the make of the watercraft, the hull identification number (HIN), the lien amount, and giving 30 days notice of the intent to sell the watercraft. The published notice required by this Section shall be in substantially the following form:

NOTICE IS HEREBY GIVEN

That on (insert date), a sale will be held at (insert place), to sell the following articles to enforce a lien existing under the laws of the State of Illinois against such articles for labor, services, skill or material expended upon a storage furnished for such articles at the request of the following designated persons, unless such articles are redeemed within thirty days of the publication of this notice.

| Name of person | Description of Article | Amount of Lien |
|----------------|------------------------|----------------|
| _____ | _____ | \$ _____ |

3. Send a certified letter with the copy of the 30 day notice addressed to the person requesting or consenting to the services or material or storage if his address is known, or if his address is unknown, to his last known address. If no address is known or discoverable after reasonable inquiry, the sale may be made without mailing such notice.

* A separate notice need not be published for each lien to be enforced, but several may be combined in one publication.

4. The lienor may sell the articles in question at a commercially reasonable public or private sale conducted so as to maximize the net proceeds of the sale on the day and at the place specified in the notice. (The proceeds of the sale in excess of the lien as well as the necessary expenses of the procedure required by this Act, shall be held by the lienor for a period of 6 months, and if not reclaimed by the owner thereof within that time shall be deposited with the county treasurer of the county in which such labor, services, skill or materials were expended or such storage was furnished. The county treasurer will credit the excess proceeds of the sale to the general revenue fund of the county, subject to the right of the owner or his representatives to reclaim the same at any time within 3 years of the date of such deposit with the treasurer.)

To Enforce a Lien of More Than \$2,000 (770 ILCS 90/3)

1. Contact the Department of Natural Resources, Registration/Title section in writing for a title search to determine the name(s) of the last owner(s) and the lienholder(s). A \$5.00 fee is required.

2. Place an advertisement in a newspaper of general publication once a week, for three successive weeks, listing the last owner's name(s), the year and the make of the watercraft, the hull identification number (HIN), the lien amount, and giving 30 days notice of the intent to sell the watercraft.

3. Send a certified letter with the copy of the 30 day notice (see format provided above under To Enforce a Lien of \$2,000 or Less "NOTICE IS HEREBY GIVEN") to the owner of the watercraft stating your intention to sell the watercraft.

4. If the owner or his place of residence is unknown to the person having the lien, then the lienor shall file an affidavit to that effect with the Circuit Clerk in the county where the property is situated.

5. All sales pursuant to this Section must be public and conducted in a commercially reasonable manner so as to maximize the net proceeds of the sale. All costs and charges for advertising and making the same, and the amount of the lien shall be paid out of the proceeds of the sale. The surplus, if any, shall be paid to the owner of the property or, if not claimed by the owner, shall be disposed under the Uniform Disposition of Unclaimed Property Act.

ILLINOIS CONSERVATION POLICE REGION OFFICE LOCATIONS



REGION I

2317 E. Lincolnway
Sterling, IL 61081
(815) 625-0086

REGION II

2050 W. Stearns Rd
Bartlett, IL 60103
(847) 608-3100

REGION III

15676 State Rte. 54
Clinton, IL 61727
(217) 935-6860 x228

REGION IV

4521 Alton Commerce Pkwy
Alton, IL 62002
(618) 462-1181

REGION V

11731 State Hwy 37
Benton, IL 62812
(618) 435-8138

SPRINGFIELD BOAT REGISTRATION AND TITLING

One Natural Resources Way
Springfield, IL 62702-1271
(217) 557-0180

Equal opportunity to participate in programs of the Illinois Department of Natural Resources (IDNR) and those funded by the U.S. Fish and Wildlife Service and other agencies is available to all individuals regardless of race, sex, national origin, disability, age, religion or other non-merit factors. If you believe you have been discriminated against, contact the funding source's civil rights office and/or the Equal Employment Opportunity Officer, IDNR, One Natural Resources Way, Springfield, IL 62702-1271; 217/785-0067; TTY 217/782-9175. This information may be provided in an alternative format if required. Contact the DNR Clearinghouse at 217/782-7498 for assistance. Printed by the authority of the State of Illinois.

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Printed by Authority of the State of Illinois
DNR197 Revised 04-03-09 IOCI 0996-09



State of Illinois
Department of Natural Resources

Abandoned Watercraft & Labor and Storage Lien



Illinois Department of
Natural Resources

One Natural Resources Way
Springfield, IL 62702-1271

LOST, ABANDONED, AND UNCLAIMED WATERCRAFT

*This brochure is intended as a procedural guide for the disposition of watercraft that have been lost, abandoned, or unclaimed. This brochure highlights relevant sections of the Illinois Compiled Statutes (ILCS) and is only a summary of the law. The following information is based on laws in effect as of February 2009 and is subject to change.

LOST AND ABANDONED WATERCRAFT (625 ILCS 45/3C)

45/3C-1. Abandonment of watercraft prohibited

The abandonment of a watercraft or any part thereof on any waters in Illinois is unlawful. The abandonment of a watercraft or any part thereof on private or public land in view of the general public is unlawful except on property of the owner or bailee of the abandoned watercraft.

45/3C-2. Notification to law enforcement agencies

When an abandoned, lost, stolen or unclaimed watercraft comes into the temporary possession or custody of a person, that person shall immediately notify the municipal police if the watercraft is located within the corporate limits of a city, village, or town that has a police department. If there is no municipal police department where the watercraft was found or if the watercraft was found outside the corporate limits of a city, village, or town, the person discovering the watercraft should notify the State Police, the Conservation Police, or the county sheriff's department. Upon receipt of such notification, the municipal police, State Police, Conservation Police, or county sheriff will authorize a towing service to remove and take possession of the abandoned, lost, stolen or unclaimed watercraft. The tow service will store the watercraft and its contents until it is claimed by the owner or other person legally entitled to its possession or until it is disposed of as provided by law.

45/3C-3. Removal of watercraft

Whenever a watercraft is abandoned on any body of water in this State for 24 hours or more, its removal by a towing service may be authorized by a law enforcement agency having jurisdiction.

When an abandoned, unattended, wrecked, burned or partially dismantled watercraft is creating a traffic or navigational hazard because of its position in relation to the waterway or because its physical appearance is impeding traffic or navigation, its immediate removal from the waterway by a towing service may be authorized by a law enforcement agency having jurisdiction.

When the removal of a watercraft from either public or private property has been authorized by a law enforcement agency, the owner of the watercraft will be responsible for all costs associated with the towing and storage of the watercraft. The watercraft that has been towed and stored will then be subject to a possessory lien for services pursuant to the provisions outlined in 770 ILCS 50. Every such lien shall be payable in cash.

45/3C-4. Reports on towed watercraft

When a watercraft has been authorized to be towed, the law enforcement agency authorizing the tow will keep and maintain a record of the towed watercraft. The tow sheet will include the watercraft color, manufacturer's trade name, manufacturer's series name, hull type, hull material, hull identification number, and registration number displayed on the watercraft. The record shall also include the date and hour of the tow, location towed from, location towed to, and reason for towing as well as the name of the officer authorizing the tow.

45/3C-5. Record searches

When a law enforcement agency has authorized a watercraft to be impounded and **the legal owner or lienholder is not known:**

1. The law enforcement agency will have the Illinois Department of Natural Resources search the watercraft registration records of the State of Illinois for the purpose of obtaining the required ownership information.
2. The law enforcement agency authorizing the impounding of a watercraft will also cause the stolen watercraft files of the State Police to be searched by a directed communication to the State Police for stolen or wanted information on the watercraft.
3. If the State police file search is negative, the information contained in the National Crime Information Center (NCIC) will be searched.

The results from these record searches will be returned to the requesting law enforcement agency for that agency's use in sending a notification by certified mail to the registered owner, lienholder and other legally entitled persons. This notification will include information on where the watercraft is being held, any applicable public sale information, and will request that a disposition be made. **Notification will be sent no later than 10 days after the law enforcement agency impounds or authorizes the impounding of the watercraft. In cases where determining the identity of the registered owner, lienholder, or other person legally entitled to ownership of the impounded watercraft takes longer than 10 days, notification shall be sent no later than 2 days after the date the identity of the owner or lienholder has**

been learned. (Exceptions to a notification by certified mail to the registered owner, lienholder and other legally entitled persons are set forth in 45/3C-9).

45/3C-7. Reclaimed watercraft

Any time before a watercraft is sold at public sale or disposed of as provided in 45/3C-8, the owner, lienholder or other person legally entitled to its possession may reclaim the watercraft by presenting proof of ownership or proof of the right of possession of the watercraft. **No watercraft shall be released until all towing and storage charges have been paid.**

45/3C-8. Disposal of unclaimed watercraft

In cities having a **population of more than 500,000 inhabitants**, whenever an abandoned, lost, stolen, or unclaimed watercraft **remains unclaimed for a period of 15 days after notice has been given**, the watercraft may be disposed of as provided in the "Municipal purchasing act for cities of 500,000 or more population".

In all other cases when an abandoned, lost, stolen or unclaimed watercraft **7 years of age or newer remains unclaimed** by the person legally entitled to its possession **for a period of 30 days after notice has been given** as provided in this Act, the law enforcement agency or towing service having possession of the watercraft shall cause it to be **sold at public sale** to the highest bidder. Notice of the time and place of the sale shall be posted in a conspicuous place for at least 10 days prior to the sale on the premises where the watercraft has been impounded. At least 10 days prior to the sale, the law enforcement agency where the watercraft is impounded or the towing service where the watercraft is impounded shall cause a notice of the time and place of the sale to be sent by certified mail to the registered owner, lienholder and other persons known by the law enforcement agency or towing service to be legally entitled to the possession of the watercraft. The notice shall contain a complete description of the watercraft to be sold and what steps must be taken by a legally entitled person to reclaim the watercraft. **(In those instances where the first or original certified notification has been returned by the postal authorities due to the addressee having moved, or being unknown at the address obtained from the watercraft registration records of this State, the sending of a second certified notice will not be required).**

45/3C-9. Disposal of unclaimed watercraft without notice

When the identity of the registered owner, lienholder, or other person legally entitled to the possession of an abandoned, lost or **unclaimed watercraft of 7 years of age or newer** cannot be determined, **the watercraft may be sold as provided in 45/3C-8 without sending notification to any person.**

In cases **when an abandoned watercraft that is more than 7 years old** has been impounded, **it will be kept in custody for a minimum of 10 days for a search of the records as outlined in 45/3C-5.** At the end of the 10 day period, if disposition information has not been received from the registered owner or the lienholder, the law enforcement agency having jurisdiction will authorize the **disposal of the watercraft as junk.**

However, if in the opinion of the police officer processing the watercraft, it has a **value of \$200 or more and can be restored to safe operating condition**, the law enforcement agency may authorize its purchase for salvage and the Department of Natural Resources may issue a certificate of title. A watercraft classified as a historical watercraft may be sold to a person desiring to restore it.

45/3C-10. Police reports

When an impounded watercraft is reclaimed or sold or otherwise disposed of in accordance with 45/3C-8 or 45/3C-9, a report of the transaction will be maintained by the law enforcement agency for a period of one year from the date of the sale or disposal.

45/3C-11. Disposition of proceeds

When an impounded watercraft is sold, the proceeds of the public sale or disposition (after the deduction of towing, storage, and processing charges) shall be deposited in the treasury of the city, town, or village if the watercraft was towed from a location inside their corporate limits. If the watercraft was towed from a location outside the limits of a city, town, or village, then any proceeds from the sale of that watercraft after deduction of towing, storage, and processing charges shall be deposited in the county treasury.

45/3C-12. Titling watercraft

The person purchasing an abandoned or unclaimed watercraft at public sale may apply for a certificate of title from the Department of Natural Resources. Application shall be made on the form prescribed by the Department, and shall be accompanied by proof of purchase certified by the law enforcement agency having jurisdiction over the watercraft's sale, the appropriate fee, and any applicable taxes that may be required.

The title issued by the Department under this Section shall be free of any lien that existed against the watercraft prior to the time the watercraft was acquired by the applicant.

45/3C-13. Liability

A law enforcement officer or agency, towing service owner, operator, or employee, shall not be held liable for damages in any action.