STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION

Bureau of Aviation and Ports
State Pier
New London, CT 06320
(203) 443-3856

REQUEST FOR HEARING TO CONTEST THE TAKING OF A VESSEL UNDER THE PROVISIONS OF SECTION 15-9 OF THE CONNECTICUT GENERAL STATUTES

Instructions:

1. The request for a hearing must be made within TEN (10) days from the date of the written notice.
2. Mail the completed form c/o CHIEF EXECUTIVE OFFICER of the Town where the vessel was taken into custody.
3. Keep yellow copy of form for your records.
4. Note hearing officer named in written notice of vessel taken into custody.

HEARING OFFICER

NAME: _____ Telephone No._____

APPLICANT

NAME: _____ Telephone No._____

ADDRESS:_____

CITY/TOWN:_____State_____ Zip Code_____

VESSEL INFORMATION

Vessel taken into custody by: (Name of Law Enforcement Agency) _____

Length_____ Make_____ Model_____ Year Built_____

Hull No. (required if built 1973 or later)_____ Draft_____

Type of Vessel_____

HEARING REQUEST

I HEREBY REQUEST A HEARING TO DETERMINE WHETHER THE TAKING OF MY VESSEL WAS AUTHORIZED UNDER THE PROVISIONS OF SECTION 15-9 OF THE CONNECTICUT GENERAL STATUTES.

APPLICANT'S SIGNATURE_____ Date_____

Sec. 15-9. Vessels may be removed. Procedures. Notice. Regulations. Penalty.
(a) When the master or owner of any vessel lying within the navigable waters of this state, or the person having the same in charge, wilfully neglects or refuses to obey the order of any harbor master performing his duties under the provisions of this chapter, such harbor master may cause such vessel to be removed at the expense of the owner. Any such master, owner or person in violation of this section shall be deemed to have committed an infraction and shall be fined eighty-five dollars.

(b) A harbor master may notify any officer attached to an organized police department or any state police officer that a master or owner of a vessel is in violation of the provisions of subsection (a) of this section. Any such officer may remove and take such vessel into custody and shall give written notice by certified mail to the owner or master of such vessel, if known, which notice shall state (1) that the vessel has been taken into custody and stored, (2) the location of storage of the vessel, (3) that such vessel may be sold after fifteen days if the market value of such vessel does not exceed five hundred dollars or after ninety days if the value of such vessel exceeds five hundred dollars, and (4) that the owner has a right to contest the validity of such taking by application, on a form prescribed by the commissioner of transportation, to the hearing officer named in such notice within ten days from the date of such notice. Such application forms shall be made readily available to the public at all offices of the department of transportation and at all state and local police departments.

(c) The chief executive officer of each town may appoint a suitable person, who shall not be a member of any state or local police department, to be a hearing officer to hear applications to determine whether or not the taking was authorized under the provisions of this section. Two or more towns may join in appointing such officer, provided any such hearing shall be held at a location which is as near to the town where such vessel was located as is reasonable and practicable. The commissioner shall establish by regulation the qualifications necessary for hearing officers and procedures for holding of such hearings. If it is determined at such hearing that the owner or master was in violation of subsection (a) of this section, the owner or master of such vessel shall be liable for any expenses incurred as a result of such removal, or the costs and expenses incident to such removal, including legal expenses and court costs incurred in such recovery. If it is determined at such hearing that the owner or master was not in violation of subsection (a) of this section, the owner or master of such vessel shall not be liable for any expenses incurred as a result of such removal, or for the costs and expenses incident to such removal, including legal expenses and court costs incurred in such recovery. Any person aggrieved by the decision of such hearing officer may, within fifteen days of the notice of such decision, appeal to the superior court for the judicial district wherein such hearing was held.

(d) The state or local police department which has custody of the removed vessel shall have the power to sell such vessel at public auction in accordance with the provisions of this section. The state or local police department shall apply the avails of such sale toward the payment of its charges, any storage charges and the payment of any debt or obligation incurred by the officer who placed the same in storage. Such sale shall be advertised in a newspaper published or having a circulation in the town where such vessel is stored or other place is located three times, commencing at least five days before such sale; and, if the last place of abode is the owner of such vessel is known to or may be ascertained by the state or local police by the exercise of reasonable diligence, notice of the time and place of sale shall be given him by mailing such notice to him in a registered or certified letter, postage paid, at such last usual place of abode, at least five days before the time of sale. The state or local police department shall report the sales price, storing and towing charges, if any; buyer's name and address; identification of the vessel of such other information as may be required in regulations which shall be adopted by the commissioner of transportation in accordance with the provisions of chapter 54, to the commissioner within fifteen days after the sale of the vessel. The proceeds of such sale, after deducting the amount due for any storage and all expenses connected with such sale, including the expenses of the officer who placed such vessel in storage, shall be paid to the owner of such vessel or his legal representatives, if claimed by him or them at any time within one year from the date of such sale. If such balance is not claimed within said period, it shall escheat to the municipality from which the vessel was removed. If the expenses incurred by the municipality for such removal and towing and the sale of such vessel and any fines exceed the proceeds of such sale, the owner of the vessel shall be liable for such excess amount. A vessel may not be sold in accordance with the provision of this section until: (1) The expiration of the time period under subdivision (3) of subsection (b) of this section and (2) a final decision has been rendered in connection with an application filed pursuant to subdivision (4) of subdivision (b) of this section.

(e) The commissioner of transportation shall adopt regulations in accordance with the provisions of chapter 54, to carry out the provisions of this section.