

FILE: Abandoned Auto Program

TO: Registered Vehicle Owners and Law Enforcement

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SUBJECT: Removal of Submerged Vehicles from State Waters Policy

DATE: March 1, 2021

**Introduction**

Each year, the North Dakota Department of Environmental Quality (Department) receives calls regarding vehicles that fell through the ice. The intent of the memorandum is to clarify the policy and process for removing vehicles from State Waters.

**Definitions**

- (a) For purposes of this section, "vehicle" means a motor vehicle, watercraft or wheeled fish house.
- (b) For purposes of this section, "owner" means the registered owner, last registered owner, or legal owner of a vehicle if the vehicle is not registered.

**Responsibility for Removal**

- (a) The owner of the vehicle shall report that the vehicle is submerged in a body of water. The owner shall report the date and the circumstances surrounding the submergence to local law enforcement where the body of water is located within 48 hours of the vehicle entering the water.
- (b) The owner of a submerged vehicle is responsible for removing the vehicle from waters of the state. Removal must be completed within 30 days of the vehicle entering the water or being discovered in the water, unless the owner is notified in writing that the removal must be completed sooner. Upon request by the owner, the NDDEQ director may extend the 30-day time period for removal.

(c) If the vehicle is not removed according to paragraph (a), the NDDEQ shall remove the vehicle. The owner of the vehicle will be billed for the full amount of costs incurred by the NDDEQ.

**Potential Penalty**

(a) Potential penalties for violating Solid Waste Management and Land Protection Laws and the Control, Prevention and Abatement of Pollution of Surface Waters may be up to \$25,000 per violation per day. (North Dakota Century Code (NDCC) 23.1-08-23 and NDCC 61-28-08)

**Submerged Vehicle Response**

