

IC 32-33-2

Chapter 2. Boats and Other Watercraft Liens

IC 32-33-2-1

Liability for liens

Sec. 1. All boats, vessels, and watercraft of every description found in the waters of Indiana, including wharf boats and floating warehouses that are used for storing, receiving, and forwarding freights and that may be removed from place to place at the pleasure of the owner or owners of the watercraft, are liable for the following:

- (1) A debt contracted within Indiana by the master, owner, agent, clerk, or consignee of the watercraft:
 - (A) on account of supplies furnished for use of the master, owner, agent, clerk, or consignee;
 - (B) on account of work done or service rendered for the master, owner, agent, clerk, or consignee by boatmen, mariners, laborers, or other persons; or
 - (C) on account of work done or materials furnished in building, repairing, fitting out, furnishing, or equipping the boat, vessel, wharf boat, floating warehouse, or watercraft.
- (2) All demands or damages arising out of:
 - (A) a contract of affreightment made either within or outside Indiana;
 - (B) a willful or negligent act of the master, owner, or agent of the master or owner done in connection with the business of the boat, vessel, wharf boat, floating warehouse, or other watercraft either within or outside Indiana; or
 - (C) a contract relative to the transportation of persons or property entered into by the master, owner, agent, clerk, or consignee either within or outside Indiana.
- (3) An injury to a person or property by the boat, vessel, wharf-boat, floating warehouse, or other watercraft, or by the owners, officers, or crew, done in connection with the business of the boat, vessel, wharf boat, floating warehouse, or other watercraft either within or without outside Indiana.

As added by P.L.2-2002, SEC.18.

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Claims arising out of contracts, wrongs, or injuries

Sec. 2. A claim growing out of a cause set forth in section 1 of this chapter, whether arising out of contracts made or broken within or outside Indiana, or wrongs or injuries done or committed within or outside Indiana, is a lien upon the boat, vessel, or other watercraft, and upon the apparel, tackle, or furniture and appendages, including barges and lighters, that belong to the owners of the boat, vessel, or other watercraft and are used with the boat, vessel, or other watercraft at the time the action is commenced.

As added by P.L.2-2002, SEC.18.

IC 32-33-2-3

Preference of liens

Sec. 3. A lien provided for in section 2 of this chapter takes preference of any claims against the boat itself or all or any of its owners, masters, or consignees growing out of any other cause than those set forth in section 1 of this chapter and, as between themselves, mariners' and boatmens' wages shall be first preferred.
As added by P.L.2-2002, SEC.18.

IC 32-33-2-4**Enforcement of lien; complaint; requisites; order of attachment**

Sec. 4. (a) Any person aggrieved by a cause set forth in section 1 of this chapter may have an action against the boat, vessel, or other watercraft in the county where the boat, vessel, or other watercraft may be found, or against the owners of the boat, vessel, or other watercraft, to enforce a lien provided for in section 2 of this chapter.

(b) If the complaint in the action shows:

- (1) the particulars of the demand;
- (2) the amount due; and
- (3) a demand made upon the owner, master, clerk, or consignee and refusal of payment, and verified by the affidavit of the plaintiff or other person in the plaintiff's behalf;

an order of attachment shall be issued by the clerk against the boat, vessel, or other watercraft and the tackle and furniture of the boat, vessel, or other watercraft. The order of attachment must be directed, executed, and returned as an order of attachment in other cases.

As added by P.L.2-2002, SEC.18.

IC 32-33-2-5**Joinder of plaintiffs in complaint**

Sec. 5. In all actions contemplated in section 4 of this chapter, all or any of the persons having demands described in section 4 of this chapter may join in a complaint against the boat, vessel, or other watercraft either at the commencement of the action or at any time afterwards, before judgment, upon filing the requisite complaint and affidavit.

As added by P.L.2-2002, SEC.18.

IC 32-33-2-6**Proceedings; judgment; execution**

Sec. 6. In an action under this chapter, proceedings shall be had and judgment rendered and enforced by execution or other proper means.

As added by P.L.2-2002, SEC.18.

IC 32-33-2-7**Undertaking discharging attachment**

Sec. 7. (a) If the defendant master, owner, or consignee, before final judgment, gives a written undertaking payable to the plaintiff, with surety to be approved by the clerk or sheriff, to the effect that the defendant will perform the judgment of the court, the attachment

shall be discharged and restitution made of the boat, vessel, or other watercraft.

(b) A person who executes a written undertaking under subsection (a) shall, by order of the court, be made a defendant in the action instead of the boat, vessel, or other watercraft, and the action shall proceed to final judgment as in ordinary actions in personam. If a recovery is had by any of the plaintiffs, judgment shall be rendered against all defendants for the sum recovered.

As added by P.L.2-2002, SEC.18.

IC 32-33-2-8

Service of summons

Sec. 8. In cases arising under section 1 of this chapter, the summons may be served upon:

- (1) the officer or consignee making the contract;
- (2) if the officer or consignee cannot be found, upon the clerk;
- (3) if neither the officer, the consignee, nor the clerk can be found, upon any other officer of the boat, vessel, or watercraft, or any person having charge of the boat, vessel, or watercraft;
- or
- (4) if the summons cannot be served under subdivision 1, 2, or 3, by affixing a copy of the summons in some conspicuous place in the boat, vessel, or watercraft.

As added by P.L.2-2002, SEC.18.