

HOUSE BILL 458

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1999 Regular Session
9r0120

By: **Chairman, Environmental Matters Committee (Departmental - Natural Resources)**

Introduced and read first time: February 10, 1999

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 27, 1999

CHAPTER _____

1 AN ACT concerning

2 **Department of Natural Resources – ~~Checks~~ - Miscellaneous Fees - Tidal Fish**
3 **Licenses**

4 FOR the purpose of authorizing the Department to impose a certain fee for returned
5 checks; altering certain fees relating to vessel validation stickers, titling, and
6 renumbering; adding certain criteria under which the Department of Natural
7 Resources may modify a certain target number of fishing license authorizations;
8 altering the method that the Department is required to use to set the targets for
9 the number of tidal fishing license authorizations to be issued; repealing the
10 termination date of certain provisions relating to applicants for apprenticeship
11 permits in connection with tidal fish licenses; extending the date from which the
12 Department may convert a tidal fish license to an unlimited tidal fish license;
13 providing for a delayed effective date for certain provisions of this Act; and
14 generally relating to vessel and returned check fees and tidal fish licenses.

15 BY adding to
16 Article - Natural Resources
17 Section 1-802 to be under the amended subtitle "Subtitle 8. Penalties, Fines,
18 and Fees"
19 Annotated Code of Maryland
20 (1997 Replacement Volume and 1998 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article - Natural Resources
23 Section 8-712, 8-712.1, and 8-716(b)
24 Annotated Code of Maryland

1 (1990 Replacement Volume and 1998 Supplement)

2 BY repealing and reenacting, without amendments,

3 Article - Natural Resources

4 Section 4-701(d)(1) and (2)(i) and (ii)1 and 2 and (g)(1) and 4-701.1(g)(4)

5 Annotated Code of Maryland

6 (1997 Replacement Volume and 1998 Supplement)

7 BY repealing and reenacting, with amendments,

8 Article - Natural Resources

9 Section 4-701(g)(2)

10 Annotated Code of Maryland

11 (1997 Replacement Volume and 1998 Supplement)

12 BY repealing and reenacting, with amendments,

13 Chapter 418 of the Acts of the General Assembly of 1998

14 Section 14

15 BY repealing and reenacting, with amendments,

16 Chapter 419 of the Acts of the General Assembly of 1998

17 Section 7 and 14

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article - Natural Resources**

21 Subtitle 8. Penalties, [and] Fines, AND FEES.

22 1-802.

23 IF A CHECK IS TAKEN IN PAYMENT FOR A FEE AUTHORIZED UNDER THIS
24 ARTICLE AND THE CHECK IS RETURNED UNPAID, THE DEPARTMENT MAY IMPOSE A
25 \$25 SERVICE CHARGE.

26 8-712.

27 (a) (1) Any vessel equipped with propulsion machinery of any type on the
28 waters of the State shall be numbered for identification in accordance with this
29 subtitle and any regulation pursuant to it. This provision does not apply to the
30 following vessels:

31 (i) A vessel which has a valid document issued by the United
32 States Coast Guard or its successor;

33 (ii) A vessel with a valid number awarded pursuant to federal law
34 or a federally approved numbering system of another state, if the number awarded is

1 displayed in accordance with the requirements of that system, and the certificate of
2 number is available for inspection whenever the vessel is in use;

3 (iii) A vessel from a country other than the United States
4 temporarily using the waters of the State for less than 90 days;

5 (iv) A vessel used for public service and owned by the United States
6 government, another state, or any political subdivision;

7 (v) A ship's lifeboat;

8 (vi) A vessel propelled only by sail;

9 (vii) A vessel numbered according to the Federal Boat Safety Act of
10 1971; or

11 (viii) A vessel manually propelled.

12 (2) The Department, by regulation, for the period the Department
13 prescribes may exempt any vessel or class of vessels from the numbering provisions of
14 this subtitle, if the vessel or class of vessels is exempted from the federal numbering
15 requirements by statute, or rule or regulation.

16 (b) The owner of any vessel to be numbered by this subtitle shall file an
17 application for a certificate of number with the Department. The application is on
18 forms the Department approves, accompanied by the requisite fee, and signed by
19 every vessel owner.

20 (c) (1) Certificates of number issued under this section shall be valid for a
21 period not to exceed 2 years. The owner of the vessel may apply every other year for
22 renewal of the certificate. The renewed certificate shall expire on December 31 of the
23 calendar year following the year the certificate is issued. The fee for a 2-year
24 certificate for vessels is \$24. Vessels 16 feet in length or less and equipped with a 7 1/2
25 horsepower motor or less are exempt from this fee. The fee to replace a lost,
26 destroyed, or ~~corrected~~ DUPLICATE certificate is ~~-\$2~~ \$8. The Department shall
27 record any transaction or transfer of numbered boats. The Department may record
28 any amount of money owing on a vessel required to be numbered at the time of sale.
29 The Department may not effect a transfer of ownership until the amount of money
30 owed as shown on the records of the Department is fully paid or recorded on the new
31 title. Any vessel that is required to be numbered under this section that is exempt
32 prior to January 1, 1974 shall be exempt from payment of this title tax.

33 (2) Emergency rescue boats that belong to fire departments or rescue
34 squads in Maryland:

35 (i) Shall be exempt from all registration fees; but

36 (ii) Shall apply for a registration renewal every 3 years.

1 (d) Upon receipt of the application in approved form, the Department shall
2 issue to the applicant a certificate of boat number which shall contain the boat
3 number issued to the vessel and additional information the Department prescribes by
4 regulation. The certificate of boat number shall be available for inspection when the
5 vessel is in use. The owner shall paint on or attach the boat number to each side of the
6 forward half of the vessel's hull or superstructure for which the boat number is issued,
7 displaying the boat number in the manner required by Department regulations and
8 maintaining the boat number in legible condition.

9 (e) If a vessel required to be numbered under this subtitle is sold, transferred,
10 abandoned, lost, stolen, or destroyed, the vessel's certificate expires at the time of the
11 sale, transfer, abandonment, loss, theft, or destruction and then is invalid.

12 [(f) There is a \$5 service charge for every check returned unpaid.]

13 [(g)] (F) The Department shall inform each holder of a certificate of boat
14 number of the manner in which the boat owner may obtain a current copy of the U. S.
15 Coast Guard rules and regulations applicable to the type of boat registered under the
16 owner's boat number.

17 [(h)] (G) If a person who applies for the issuance or renewal of a certificate of
18 boat number for a vessel has an outstanding warrant for failing to appear in court to
19 answer a charging document alleging a violation under this subtitle, the Department
20 shall refuse to issue or renew the certificate of boat number for the vessel until the
21 person charged has complied with the provisions of § 1-205 of this article.

22 8-712.1.

23 (a) (1) An owner of a vessel that has a valid document issued by the United
24 States Coast Guard and that is used principally on the waters of the State for
25 pleasure shall apply to the Department for a Maryland use sticker.

26 (2) The Department shall issue a Maryland use sticker to any person
27 who submits an application and pays a fee as required by subsection (b) of this
28 section.

29 (3) The Maryland use sticker issued under this section shall be valid for
30 a period not to exceed 2 years expiring on December 31 of the calendar year following
31 the year the sticker is issued.

32 (b) The owner of the vessel shall:

33 (1) Submit an application to the Department on the form that the
34 Department requires and be signed by every owner of the vessel; and

35 (2) Pay to the Department an application fee of [~~\$10~~] \$24 for the 2-year
36 sticker.

37 (c) Within 30 days after the sale or other transfer of a vessel that is or should
38 display a sticker under this section:

1 (1) The transferor shall give notice of the transfer to the Department on
2 a form that the Department requires; and

3 (2) If the transferee intends to continue to use the vessel principally on
4 the waters of the State, the transferee shall submit an application for a Maryland use
5 sticker and pay the fee as required by subsection (b) of this section.

6 (d) The Maryland use sticker shall be displayed on or about the forward half of
7 the vessel.

8 (e) Unless the vessel that is subject to the requirement of this section displays
9 a current sticker:

10 (1) A person may not operate the vessel on the waters of the State; and

11 (2) The owner may not knowingly permit the vessel to be operated on the
12 waters of the State.

13 8-716.

14 (b) The Department shall charge a [\$2] ~~\$42~~ 5 fee to issue a certificate of title,
15 a transfer of title, or a ~~duplicate or~~ corrected certificate of title, AND \$2 FOR A
16 DUPLICATE CERTIFICATE OF TITLE.

17 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
18 read as follows:

19 **Article - Natural Resources**

20 4-701.

21 (d) (1) The Department may issue no more than one authorization to a
22 person to engage in each activity under paragraph (2)(i)1 and 2 of this subsection
23 during a license year.

24 (2) (i) On a tidal fish license, the Department may issue an
25 authorization for any of the following activities for which the indicated fee has been
26 paid.

27 (ii) The following annual fees for an authorization shall apply
28 regardless of when the license is issued or an activity is authorized:

29 1. To provide services as:

30 A. A fishing guide in the tidal waters of Maryland - \$50 for a
31 resident and \$100 for a nonresident; and

32 B. A master fishing guide, in addition to the fee under item A
33 of this item - \$50 per vessel

1 Natural Resources Article as enacted by Section 2 of this Act who had begun to
2 complete the requirements of the apprenticeship program under Section 4 of this
3 Act.]

4 SECTION ~~2.~~ 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act
5 shall take effect January 1, 2000.

6 SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in
7 Section 3 of this Act, this Act shall take effect July 1, 1999.