

HOUSE BILL 73

Unofficial Copy
M1

2001 Regular Session
(11r0335)

ENROLLED BILL

-- Environmental Matters/Economic and Environmental Affairs --

Introduced by ~~Delegate Boutin~~ Delegates Boutin, Guns, W. Baker, Klausmeier,
Nathan-Pulliam, Owings, Stull, and Riley

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER 638

1 AN ACT concerning

2 **Department of Natural Resources - Vessel Operation - Regulations**

3 FOR the purpose of ~~clarifying the requirement that the Department of Natural~~
4 ~~Resources adopt regulations that govern the numbering of vessels for~~
5 ~~identification purposes so that each type or size vessel that complies with the~~
6 ~~regulations may be operated in a certain manner~~ requiring the Department of
7 Natural Resources to adopt regulations prohibiting certain personal watercraft
8 to be operated under certain circumstances; authorizing the Department to
9 adopt certain regulations; defining a certain term; and generally relating to the
10 requirement of the Department to adopt vessel operation regulations.

11 BY repealing and reenacting, with amendments,

- 12 Article - Natural Resources
- 13 Section 8-701
- 14 Annotated Code of Maryland
- 15 (2000 Replacement Volume)

1 BY repealing and reenacting, without amendments,
2 Article - Natural Resources
3 Section 8-704(a) ~~and (b)~~, (b), and (b-1)
4 Annotated Code of Maryland
5 (2000 Replacement Volume)

6 ~~BY repealing and reenacting, with amendments,~~

7 BY adding to
8 Article - Natural Resources
9 Section 8-704~~(b-1)~~ (b-2)
10 Annotated Code of Maryland
11 (2000 Replacement Volume)

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

14 **Article - Natural Resources**

15 8-701.

16 (a) In this subtitle the following words have the meanings indicated.

17 (b) "Certificate" means any certificate of number or title issued.

18 (c) (1) "Dealer" means any person who:

19 (i) Engages in whole or in part in the business of buying, selling, or
20 exchanging new and unused vessels or used vessels, or both, either outright or on
21 conditional sale, bailment, lease, chattel mortgage, or otherwise; and

22 (ii) Has an established place of business for sale, trade, and display
23 of vessels.

24 (2) "Dealer" includes a yacht broker.

25 (d) "Governing body" means the county commissioners, county executive and
26 county council of any county, the Mayor and City Council of Baltimore, and the
27 elected officials of any municipal corporation in the State, subject to Article XI-E of
28 the Maryland Constitution.

29 (e) "Lienholder" means a person holding a security interest.

30 (f) "Manufacturer" means any person engaged in the business of
31 manufacturing or importing new and unused vessels, or new and unused outboard
32 motors, for the purpose of sale or trade.

33 (g) "Motorboat" means any vessel equipped with propelling machinery,
34 whether or not the machinery is the principal source of propulsion.

1 (h) "Operate" means to navigate or otherwise use a vessel.

2 (i) "Operator" means the person who operates or has charge of the navigation
3 or use of a vessel.

4 (j) (1) "Owner" means a person, other than a lienholder, having property in
5 or title to a vessel.

6 (2) "Owner" includes a person entitled to use or possess a vessel subject
7 to an interest in another person, reserved, or created by agreement and securing
8 payment of performance of an obligation.

9 (3) "Owner" does not include a lessee under a lease not intended as
10 security.

11 (k) "Parasailing" means a parachute or other device which causes a person to
12 become airborne when towed by a vessel.

13 (L) "PERSONAL WATERCRAFT" MEANS A CLASS A VESSEL THAT:

14 (1) HAS AN INBOARD MOTOR WHICH USES AN INTERNAL COMBUSTION
15 ENGINE POWERING A WATER JET PUMP AS ITS PRIMARY SOURCE OF MOTIVE
16 PROPULSION;

17 (2) IS DESIGNED FOR THE OPERATOR AND PASSENGER TO RIDE ON THE
18 OUTSIDE SURFACES OF THE VESSEL RATHER THAN INSIDE THE VESSEL;

19 (3) HAS THE PROBABILITY THAT THE OPERATOR AND PASSENGER MAY,
20 IN THE NORMAL COURSE OF USE, FALL OVERBOARD; AND

21 (4) IS DESIGNED WITH NO OPEN LOAD-CARRYING AREA WHICH WOULD
22 RETAIN WATER.

23 [(l)] (M) "Security interest" means an interest which:

24 (1) Is reserved or created by an agreement which secures payment or
25 performance of an obligation; and

26 (2) Is valid against third parties generally.

27 [(m)] (N) (1) "Ship lifeboat" means a lifeboat used solely for lifesaving
28 purposes.

29 (2) "Ship lifeboat" does not include dinghies, tenders, speedboats, or
30 other types of craft carried aboard a vessel and used for other than lifesaving
31 purposes.

32 [(n)] (O) "State of principal use" means the state on whose waters a vessel is
33 used or to be used most during a calendar year.

34 [(o)] (P) "Title tax" means the tax imposed under § 8-716 of this subtitle.

1 [(p)] (Q) "Use" means to operate, navigate, or employ a vessel. A vessel is in
2 use whenever it is upon the water, whether it is moving, anchored, or tied up to any
3 manner of dock or buoy. A vessel is also in use if it is kept in any structure in
4 readiness for use.

5 [(q)] (R) (1) "Vessel" means every description of watercraft, including an ice
6 boat but not including a seaplane, that is used or capable of being used as a means of
7 transportation on water or ice.

8 (2) "Vessel" includes the motor, spars, sails, and accessories of a vessel.

9 [(r)] (S) "Waters of the State" means any water within the jurisdiction of the
10 State, the marginal sea adjacent to the State, and the high seas when navigated as
11 part of a ride or journey to or from the shore of the State.

12 8-704.

13 (a) The Department may adopt regulations necessary to carry out the
14 provisions of this subtitle.

15 (b) In order to protect the public safety, welfare, and recreational interests in
16 waters of the State, the Department may adopt a program relating to the placement
17 of buoys, mooring buoys, and other apparatus used to secure, berth, or moor vessels in
18 the waters of the State. The Department shall consult with any county affected by the
19 program.

20 (b-1) The Department shall adopt regulations governing the following:

21 (1) The numbering of vessels for identification, safety equipment on
22 vessels, and operations of any vessels subject to this subtitle so that each ~~TYPE OR~~
23 ~~SIZE~~ vessel complying with the regulations may be operated with equal freedom or
24 under similar requirements on all waters of the State. The numbering system used
25 shall conform to the one adopted by the federal government. These regulations may
26 not conflict with any federal law or regulation applicable to vessels on the waters in
27 the State;

28 (2) The issuance of certificates of title and certificates of boat number;

29 (3) Instructions for making reports and handling personnel and boats in
30 case of accidents;

31 (4) Abandonment, destruction, theft, recovery, sale, or transfer of
32 ownership;

33 (5) Change of address of owner;

34 (6) Use of boats from other jurisdictions on the waters of the State;

35 (7) Issuance of certificates of number for boats changing their state of
36 principal use to Maryland;

1 (8) Cooperation with local governments and the federal authority for
2 special events or to meet emergency situations; and

3 (9) Issuance of certificates of number to owners of fleets or boats for hire
4 or rent.

5 (B-2) (1) THE DEPARTMENT SHALL ADOPT REGULATIONS PROHIBITING THE
6 OPERATION OF PERSONAL WATERCRAFT ABOVE IDLE SPEED IN ANY AREA OF WATER
7 WITH A DEPTH OF LESS THAN 18 INCHES.

8 (2) EXCEPT AS PROVIDED IN PARAGRAPH (1) OF THIS SUBSECTION, THE
9 DEPARTMENT MAY ADOPT REGULATIONS LIMITING THE USE OF PERSONAL
10 WATERCRAFT IN ANY AREA OF WATER WITH A DEPTH OF LESS THAN 1 METER.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2001.