

HOUSE BILL 101

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2004 Regular Session
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(PRE-FILED)

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

Requested: November 3, 2003
Introduced and read first time: January 14, 2004
Assigned to: Environmental Matters

Committee Report: Favorable
House action: Adopted
Read second time: February 3, 2004

CHAPTER 36

1 AN ACT concerning

2 **Natural Resources - Vessels - Accident Reports**

3 FOR the purpose of altering the requirement for the filing of a report for accidents
4 involving the collision of two or more vessels under certain circumstances; and
5 generally relating to vessel accident reports.

6 BY repealing and reenacting, with amendments,
7 Article - Natural Resources
8 Section 8-724
9 Annotated Code of Maryland
10 (2000 Replacement Volume and 2003 Supplement)

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

13 **Article - Natural Resources**

14 8-724.

15 (a) The operator of a vessel involved in a collision, accident, or other casualty
16 shall render all practical and necessary assistance to persons affected by the collision,
17 accident, or casualty to save the persons from danger caused by the collision,
18 accident, or casualty, to the extent the operator can do so without serious danger to
19 the operator's own vessel, or persons aboard. The operator also shall give the
20 operator's name, address, and the identification of the operator's vessel to any person

1 injured and to the owner of any property damaged. The duties imposed by this
2 subsection are in addition to any duties otherwise imposed by law.

3 (b) If an accident involves any vessel subject to this subtitle while on the
4 waters of the State and results in the death, disappearance, or injury of any person or
5 in property damage of \$2,000 or more, or there is complete loss of the vessel, [or a
6 collision occurs involving two or more vessels, regardless of the amount of damage to
7 property, the operator or owner, if the operator cannot submit a report] THE
8 OPERATOR shall file with the Department a full description of the accident, including
9 any information the Department requires by regulation. IF THE OPERATOR IS
10 UNABLE TO FILE THE REPORT, THE VESSEL OWNER SHALL FILE THE REPORT. If the
11 accident caused the death or disappearance of any person or a person receives medical
12 treatment beyond first aid, the report shall be made within 48 hours. Any other
13 accident resulting in personal injury or property damage shall be reported within 10
14 days. This subsection does not apply to a vessel required to have a certificate of
15 inspection under Chapter 1, Title 46, Code of Federal Regulations.

16 (c) If any vessel numbered in the State is involved in an accident on waters
17 outside of the State, and the accident results in the death, disappearance, or injury of
18 any person or in property damage of \$2,000 or more, [or a collision occurs involving
19 two or more vessels, regardless of the amount of damage to property,] the operator or
20 owner, within 30 days, shall file a complete report with the Department including any
21 information the Department requires by regulation. This subsection does not exempt
22 or excuse any operator or owner[, if the operator cannot submit the report,] from the
23 requirements of any federal or other State law or rule or regulation having
24 jurisdiction over the waters in which the accident occurs. Furthermore, any
25 accident-reporting requirement in the federal or other State law or rule or regulation
26 may not exonerate or excuse any failure of the operator or owner of a vessel numbered
27 in the State to report the accident in the State.

28 (d) The required report of a boating accident may not be referred to during any
29 judicial proceeding. It is not subject to subpoena or admissible as evidence in any
30 proceeding. Subject to these restrictions, information contained in a boating accident
31 report and any statistical information based on the report is available on request for
32 official purposes to the United States Coast Guard and its successor agency.

33 (e) Any person who complies with subsection (a) of this section or who
34 gratuitously and in good faith renders or attempts to render assistance to any vessel
35 in distress on any waters of the State without objection from any person assisted, is
36 not liable for any civil damage as the result of any act or omission by the person in
37 rendering assistance, if the act or omission does not amount to gross negligence.

38 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
39 effect June 1, 2004.

