

Chapter 449

(House Bill 988)

AN ACT concerning

Department of Natural Resources – Regulation of For–Hire Water Carriers

FOR the purpose of requiring the Department of Natural Resources to require for–hire water carriers to show certain proof that the water carriers hold a certain insurance policy or bond in accordance with a certain regulation before vessel registration; authorizing the Department to adopt certain regulations; altering a certain definition to exclude for–hire water carriers from regulation by the Public Service Commission; establishing the intent of this Act to transfer the regulatory authority over for–hire water carriers from the Public Service Commission to the Department; encouraging the Department to adopt certain regulations; defining a certain term; and generally relating to the regulation of for–hire water carriers.

BY adding to

Article – Natural Resources

Section 8–744

Annotated Code of Maryland

(2007 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,

Article – Public Utility Companies

Section 1–101(e)

Annotated Code of Maryland

(2008 Replacement Volume and 2009 Supplement)

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

Article – Natural Resources

8–744.

(A) IN THIS SECTION, “FOR–HIRE WATER CARRIER” MEANS A VESSEL USED TO ACCEPT OR SOLICIT PASSENGERS FOR:

(1) TRANSPORTATION BETWEEN POINTS ALONG STATE WATERS IN EXCHANGE FOR REMUNERATION; AND

(2) SIGHTSEEING AND TOURING IN STATE WATERS IN EXCHANGE FOR REMUNERATION.

(B) BEFORE THE DEPARTMENT REGISTERS A FOR-HIRE WATER CARRIER, THE DEPARTMENT SHALL REQUIRE THE FOR-HIRE WATER CARRIER TO SHOW, TO THE DEPARTMENT'S SATISFACTION, THAT THE WATER CARRIER HOLDS AN INSURANCE POLICY OR A BOND IN AN AMOUNT THAT IS REQUIRED OF A MOTOR VEHICLE CARRYING THE SAME NUMBER OF PASSENGERS IN ACCORDANCE WITH COMAR 20.95.01.18.

(C) THE DEPARTMENT MAY ADOPT REGULATIONS TO IMPLEMENT THIS SECTION.

Article – Public Utility Companies

1–101.

(e) (1) “Common carrier” means a person, public authority, or federal, State, district, or municipal transportation unit that is engaged in the public transportation of persons for hire, by land, water, air, or any combination of them.

(2) “Common carrier” includes:

- (i) an airline company;
- (ii) a car company, motor vehicle company, automobile company, or motor bus company;
- (iii) a power boat company, vessel–boat company, steamboat company, or ferry company;
- (iv) a railroad company, street railroad company, or sleeping car company;
- (v) a taxicab company;
- (vi) a toll bridge company; and
- (vii) a transit company.

(3) “Common carrier” does not include:

- (i) a county revenue authority;

(ii) a toll bridge or other facility owned and operated by a county revenue authority; **[or]**

(iii) a vanpool or launch service; **OR**

(IV) A FOR-HIRE WATER CARRIER, AS DEFINED IN § 8-744 OF THE NATURAL RESOURCES ARTICLE.

SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the regulatory authority over for-hire water carriers be transferred from the Public Service Commission to the Department of Natural Resources. The Department is encouraged to adopt regulations that apply the same insurance and bonding rates to for-hire water carriers that the Public Service Commission applied to for-hire water carriers under COMAR 20.95.01.18.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010.

Approved by the Governor, May 4, 2010.