

SENATE BILL 46

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(PRE-FILED)

8lr1086
CF HB 795

By: **Senator Reilly**

Requested: November 6, 2017

Introduced and read first time: January 10, 2018

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 13, 2018

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CHAPTER _____

1 AN ACT concerning

2 **Natural Resources – State Boat Act – Carbon Monoxide Safety**
3 **(Matthew’s Law)**

4 FOR the purpose of requiring the Department of Natural Resources to require that a course
5 of instruction in boating safety education include certain information relating to
6 carbon monoxide poisoning; ~~prohibiting a person from operating a certain motorboat~~
7 ~~on the waters of the State unless it is equipped with a certain marine carbon~~
8 ~~monoxide detection system; prohibiting a person from selling or offering for sale a~~
9 ~~certain motorboat within the State unless it is equipped with a certain marine carbon~~
10 ~~monoxide detection system; prohibiting a person from operating a certain~~
11 ~~gasoline powered motorboat on the waters of the State unless certain warning labels~~
12 ~~have been affixed to certain areas; requiring a dealer to ensure that certain warning~~
13 ~~labels have been affixed to a certain gasoline powered motorboat in accordance with~~
14 ~~certain provisions of this Act before the dealer sells the motorboat within the State;~~
15 ~~establishing certain penalties; requiring the Department to develop a certain~~
16 ~~informational brochure and to make certain items and information~~ the brochure
17 ~~available to the public at the Department’s regional service centers; authorizing the~~
18 ~~Department to adopt certain regulations; requiring the Department to mail certain~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



~~information and warning labels to certain vessel owners on or before a certain date,~~
 2 requiring the Department to report to the General Assembly on or before a certain
 3 date; defining a certain ~~terms~~ term; and generally relating to carbon monoxide
 4 dangers associated with boating.

5 BY repealing and reenacting, without amendments,
 6 Article – Natural Resources
 7 Section 8–701(a), ~~(e)~~, (h), and (s), ~~and (t)~~
 8 Annotated Code of Maryland
 9 (2012 Replacement Volume and 2017 Supplement)

10 BY repealing and reenacting, with amendments,
 11 Article – Natural Resources
 12 Section 8–712.2(b)
 13 Annotated Code of Maryland
 14 (2012 Replacement Volume and 2017 Supplement)

15 BY adding to
 16 Article – Natural Resources
 17 Section 8–745
 18 Annotated Code of Maryland
 19 (2012 Replacement Volume and 2017 Supplement)

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

22 Article – Natural Resources

23 8–701.

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

25 ~~(e)~~ ~~(1)~~ ~~“Dealer” means any person who:~~

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

29 ~~(ii) Has an established place of business for sale, trade, and display~~
 30 ~~of vessels.~~

31 ~~(2)~~ ~~“Dealer” includes:~~

32 ~~(i) A yacht broker; and~~

~~(ii) A holder of a lien created under Title 16, Subtitle 2 of the Commercial Law Article who sells the vessel pursuant to that title, including an auctioneer and a company commonly known as a lien and recovery company.~~

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

(s) (1) "Vessel" means every description of watercraft, including an ice boat but not including a seaplane, that is used or capable of being used as a means of transportation on water or ice.

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

~~(t) "Waters of the State" means any water within the jurisdiction of the State, the marginal sea adjacent to the State, and the high seas when navigated as part of a ride or journey to or from the shore of the State.~~

8-712.2.

(b) (1) The Department shall:

(i) **[Adopt] SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, ADOPT** regulations that establish criteria for a course of instruction in boating safety education;

(ii) Administer a verbal test when appropriate;

(iii) Coordinate a statewide program of boating safety instruction and certification and ensure that a course of boating safety education is available within each county; and

(iv) Ensure that a course of boating safety education is available at the earliest practicable age for children in boating communities.

(2) Any course of boating safety education that is offered through a public school is not required to be more than 6 classes, or exceed a total of 8 hours.

(3) The following persons may offer the course of instruction in boating safety education if approved by the Department:

(i) The Department;

(ii) The U.S. Coast Guard Auxiliary;

(iii) The U.S. Power Squadron;

(iv) A political subdivision;

- 1 (v) A municipal corporation;
- 2 (vi) An agency;
- 3 (vii) A public or nonpublic school;
- 4 (viii) A group;
- 5 (ix) A firm;
- 6 (x) An association; or
- 7 (xi) Any other person.

8 (4) THE DEPARTMENT SHALL REQUIRE THAT A COURSE OF
9 INSTRUCTION IN BOATING SAFETY EDUCATION INCLUDE INFORMATION ON:

10 (I) THE DANGER OF BEING OVERCOME BY CARBON MONOXIDE
11 POISONING WHILE ON OR BEHIND A MOTORBOAT; ~~AND~~

12 (II) THE DANGER OF BEING OVERCOME BY CARBON MONOXIDE
13 POISONING IN AN ENCLOSED OCCUPANCY COMPARTMENT, AS DEFINED IN §
14 8-745(A) OF THIS SUBTITLE; ~~AND~~

15 ~~(H)~~ (III) STRATEGIES TO PREVENT CARBON MONOXIDE
16 POISONING WHILE BOATING; AND

17 (IV) THE TYPES OF EQUIPMENT THAT EMIT CARBON ~~DI~~OXIDE
18 MONOXIDE, SUCH AS ENGINES, GENERATORS, AND GAS STOVES.

19 8-745.

20 (A) ~~(1)~~ IN THIS SECTION ~~THE FOLLOWING WORDS HAVE THE MEANINGS~~
21 ~~INDICATED.~~

22 ~~(2)~~ ~~“CARBON MONOXIDE WARNING LABEL” MEANS A LABEL THAT~~
23 ~~CONTAINS INFORMATION ABOUT THE DANGERS OF CARBON MONOXIDE THAT HAS~~
24 ~~BEEN PRODUCED OR APPROVED BY:~~

25 ~~(I) THE AMERICAN BOAT AND YACHT COUNCIL;~~

26 ~~(II) THE NATIONAL MARINE MANUFACTURERS ASSOCIATION;~~

27 ~~OR~~

1 ~~(H) THE DEPARTMENT.~~

2 ~~(3) "ENCLOSED ACCOMMODATION COMPARTMENT" MEANS A~~
3 ~~CONTIGUOUS ENCLOSED SPACE, SURROUNDED BY BOAT STRUCTURE, THAT~~
4 ~~CONTAINS:~~

5 ~~(I) DESIGNATED SLEEPING ACCOMMODATIONS;~~

6 ~~(II) A GALLEY AREA WITH SINK; AND~~

7 ~~(III) A HEAD COMPARTMENT.~~

8 ~~(4) (I), "ENCLOSED ENCLOSED OCCUPANCY COMPARTMENT" MEANS~~
9 ~~A CONTIGUOUS ENCLOSED SPACE, SURROUNDED BY BOAT STRUCTURE, THAT MAY~~
10 ~~BE OCCUPIED BY AN INDIVIDUAL.~~

11 ~~(II) "ENCLOSED OCCUPANCY COMPARTMENT" INCLUDES AN~~
12 ~~ENCLOSED ACCOMMODATION COMPARTMENT.~~

13 ~~(5) "MARINE CARBON MONOXIDE DETECTION SYSTEM" MEANS A~~
14 ~~DEVICE OR SYSTEM THAT MEETS THE REQUIREMENTS OF THE AMERICAN BOAT AND~~
15 ~~YACHT COUNCIL STANDARD A-24, JULY, 2015, FOR CARBON MONOXIDE~~
16 ~~DETECTION SYSTEMS.~~

17 ~~(B) (1) A PERSON MAY NOT OPERATE ON THE WATERS OF THE STATE ANY~~
18 ~~MOTORBOAT WITH AN ENCLOSED ACCOMMODATION COMPARTMENT UNLESS THE~~
19 ~~MOTORBOAT IS EQUIPPED WITH A FUNCTIONING MARINE CARBON MONOXIDE~~
20 ~~DETECTION SYSTEM INSTALLED ACCORDING TO THE MANUFACTURER'S~~
21 ~~INSTRUCTIONS.~~

22 ~~(2) A PERSON MAY NOT SELL OR OFFER FOR SALE WITHIN THE STATE~~
23 ~~ANY NEW MOTORBOAT WITH AN ENCLOSED ACCOMMODATION COMPARTMENT~~
24 ~~UNLESS THE MOTORBOAT IS EQUIPPED WITH A FUNCTIONING MARINE CARBON~~
25 ~~MONOXIDE DETECTION SYSTEM INSTALLED ACCORDING TO THE MANUFACTURER'S~~
26 ~~INSTRUCTIONS.~~

27 ~~(C) (1) A PERSON MAY NOT OPERATE ON THE WATERS OF THE STATE A~~
28 ~~GASOLINE-POWERED MOTORBOAT WITH AN ENCLOSED OCCUPANCY COMPARTMENT~~
29 ~~UNLESS CARBON MONOXIDE WARNING LABELS HAVE BEEN AFFIXED:~~

30 ~~(I) NEAR THE AFT REBOARDING OR STERN AREA;~~

31 ~~(II) NEAR THE STEERING STATION; AND~~

1 ~~(H) AT OR IN THE ENTRANCE TO ANY ENCLOSED OCCUPANCY~~
 2 ~~COMPARTMENT.~~

3 ~~(2) BEFORE A DEALER SELLS A GASOLINE POWERED MOTORBOAT~~
 4 ~~WITH AN ENCLOSED OCCUPANCY COMPARTMENT WITHIN THE STATE, THE DEALER~~
 5 ~~SHALL ENSURE THAT CARBON MONOXIDE WARNING LABELS HAVE BEEN AFFIXED TO~~
 6 ~~THE MOTORBOAT IN ACCORDANCE WITH THIS SUBSECTION.~~

7 ~~(D) A PERSON WHO VIOLATES A PROVISION OF THIS SECTION IS SUBJECT~~
 8 ~~TO:~~

9 ~~(1) FOR A FIRST VIOLATION, ONLY A WARNING; AND~~

10 ~~(2) FOR A SECOND OR SUBSEQUENT VIOLATION, A CIVIL PENALTY~~
 11 ~~NOT EXCEEDING \$1,000.~~

12 ~~(E) (B)~~ (1) THE DEPARTMENT SHALL:

13 (I) DEVELOP AN INFORMATIONAL BROCHURE ON THE
 14 DANGERS OF CARBON:

15 1. CARBON MONOXIDE POISONING WHILE BOATING;
 16 AND

17 2. BEING OVERCOME BY CARBON MONOXIDE POISONING
 18 IN AN ENCLOSED OCCUPANCY COMPARTMENT; AND

19 (II) MAKE AVAILABLE TO THE PUBLIC AT THE DEPARTMENT'S
 20 REGIONAL SERVICE CENTERS:

21 1. ~~THE~~ THE BROCHURE DESCRIBED IN ITEM (I) OF THIS
 22 PARAGRAPH;

23 2. ~~CARBON MONOXIDE WARNING LABELS; AND~~

24 3. ~~INFORMATION ON THE REQUIREMENTS OF THIS~~
 25 ~~SECTION.~~

26 (2) THE DEPARTMENT MAY ADOPT REGULATIONS TO CARRY OUT THE
 27 PROVISIONS OF THIS SECTION.

28 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1,
 29 2018, the Department of Natural Resources shall ~~mail carbon monoxide warning labels and~~
 30 ~~information on the requirements of this Act to each owner of a vessel over 16 feet in length~~

1 ~~for which a certificate of number has been issued under § 8-712 of the Natural Resources~~
2 ~~Article.~~

3 ~~SECTION 3. AND BE IT FURTHER ENACTED, That, on or before December 1,~~
4 ~~2019, the Department of Natural Resources shall~~ report to the General Assembly, in
5 accordance with § 2-1246 of the State Government Article, on:

6 (1) ~~any issues relating to the implementation of this Act;~~

7 ~~(2)~~ any changes to marine manufacturing industry standards relating to
8 carbon monoxide;

9 ~~(3)~~ (2) the availability of plug-in or battery-powered marine certified
10 carbon monoxide detectors; and

11 ~~(4)~~ (3) best practices in preventing carbon monoxide poisoning relating to
12 motorboat operation, including the feasibility of requiring carbon monoxide detectors that
13 are more sensitive in measuring carbon monoxide than required in this Act.

14 SECTION ~~4~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2018.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.