

SENATE BILL 1001

M1

9lr2973

By: **Senator Reilly**

Introduced and read first time: February 21, 2019

Assigned to: Rules

A BILL ENTITLED

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; requiring the Department to adopt regulations requiring
7 certain warning labels to be affixed to certain used vessels sold within the State;
8 prohibiting a dealer from selling a certain used vessel in the State unless the dealer
9 ensures that a certain warning label has been affixed to the vessel in accordance
10 with certain regulations; requiring the Department to provide notice of certain
11 requirements in a certain manner; requiring the Department to develop a certain
12 informational brochure and to make the brochure available to the public at the
13 Department’s regional service centers; authorizing the Department to adopt certain
14 regulations; requiring the Department to report to the General Assembly on or before
15 a certain date; defining certain terms; and generally relating to carbon monoxide
16 dangers associated with boating.

17 BY repealing and reenacting, without amendments,
18 Article – Natural Resources
19 Section 8–701(a), (c), (h), and (s)
20 Annotated Code of Maryland
21 (2012 Replacement Volume and 2018 Supplement)

22 BY repealing and reenacting, with amendments,
23 Article – Natural Resources
24 Section 8–712.2(b)
25 Annotated Code of Maryland
26 (2012 Replacement Volume and 2018 Supplement)

27 BY adding to
28 Article – Natural Resources

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 8–745
2 Annotated Code of Maryland
3 (2012 Replacement Volume and 2018 Supplement)

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

6 **Article – Natural Resources**

7 8–701.

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

9 (c) (1) “Dealer” means any person who:

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

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

15 (2) “Dealer” includes:

16 (i) A yacht broker; and

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

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

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

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

26 8–712.2.

27 (b) (1) The Department shall:

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

1 (ii) Administer a verbal test when appropriate;

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

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

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

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

11 (i) The Department;

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

13 (iii) The U.S. Power Squadron;

14 (iv) A political subdivision;

15 (v) A municipal corporation;

16 (vi) An agency;

17 (vii) A public or nonpublic school;

18 (viii) A group;

19 (ix) A firm;

20 (x) An association; or

21 (xi) Any other person.

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

24 **(I) THE DANGER OF BEING OVERCOME BY CARBON MONOXIDE**
25 **POISONING WHILE ON OR BEHIND A MOTORBOAT;**

26 **(II) THE DANGER OF BEING OVERCOME BY CARBON MONOXIDE**
27 **POISONING IN AN ENCLOSED OCCUPANCY COMPARTMENT, AS DEFINED IN §**
28 **8-745(A) OF THIS SUBTITLE;**

1 (III) STRATEGIES TO PREVENT CARBON MONOXIDE POISONING
2 WHILE BOATING; AND

3 (IV) THE TYPES OF EQUIPMENT THAT EMIT CARBON MONOXIDE,
4 SUCH AS ENGINES, GENERATORS, AND GAS STOVES.

5 8-745.

6 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
7 INDICATED.

8 (2) "CARBON MONOXIDE WARNING LABEL" MEANS A LABEL THAT
9 CONTAINS INFORMATION ABOUT THE DANGERS OF CARBON MONOXIDE THAT HAS
10 BEEN PRODUCED OR APPROVED BY:

11 (I) THE AMERICAN BOAT AND YACHT COUNCIL;

12 (II) THE NATIONAL MARINE MANUFACTURERS ASSOCIATION;

13 OR

14 (III) THE DEPARTMENT.

15 (3) "ENCLOSED OCCUPANCY COMPARTMENT" MEANS A CONTIGUOUS
16 ENCLOSED SPACE, SURROUNDED BY BOAT STRUCTURE, THAT MAY BE OCCUPIED BY
17 AN INDIVIDUAL.

18 (B) (1) THE DEPARTMENT SHALL ADOPT REGULATIONS TO REQUIRE
19 CARBON MONOXIDE WARNING LABELS TO BE AFFIXED TO ANY USED
20 GASOLINE-POWERED MOTORBOAT, SOLD WITHIN THE STATE, WITH AN ENCLOSED
21 OCCUPANCY COMPARTMENT.

22 (2) A DEALER MAY NOT SELL A USED GASOLINE-POWERED
23 MOTORBOAT WITH AN ENCLOSED OCCUPANCY COMPARTMENT WITHIN THE STATE
24 UNLESS THE DEALER ENSURES THAT CARBON MONOXIDE WARNING LABELS HAVE
25 BEEN AFFIXED TO THE MOTORBOAT IN ACCORDANCE WITH REGULATIONS ADOPTED
26 UNDER THIS SUBSECTION.

27 (3) THE DEPARTMENT SHALL PROVIDE NOTICE OF THE
28 REQUIREMENTS OF THIS SUBSECTION AND ANY REGULATIONS ADOPTED UNDER
29 THIS SUBSECTION:

30 (I) WITH ANY LICENSE RENEWAL NOTICE PROVIDED TO A
31 DEALER FROM OCTOBER 1, 2019, TO SEPTEMBER 31, 2021, INCLUSIVE; AND

1 **(II) WITH ANY LICENSE APPLICATION PROVIDED TO AN**
2 **APPLICANT FOR A DEALER'S LICENSE ON OR AFTER OCTOBER 1, 2019.**

3 **(C) (1) THE DEPARTMENT SHALL DEVELOP AN INFORMATIONAL**
4 **BROCHURE ON THE DANGERS OF:**

5 **(I) CARBON MONOXIDE POISONING WHILE BOATING; AND**

6 **(II) BEING OVERCOME BY CARBON MONOXIDE POISONING IN AN**
7 **ENCLOSED OCCUPANCY COMPARTMENT.**

8 **(2) THE DEPARTMENT SHALL MAKE THE INFORMATIONAL**
9 **BROCHURE DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION AVAILABLE AT THE**
10 **DEPARTMENT'S REGIONAL SERVICE CENTERS.**

11 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1,
12 2019, the Department of Natural Resources shall report to the General Assembly, in
13 accordance with § 2–1246 of the State Government Article, on:

14 (1) any changes to marine manufacturing industry standards relating to
15 carbon monoxide;

16 (2) the availability of plug-in or battery-powered marine certified
17 carbon monoxide detectors; and

18 (3) best practices in preventing carbon monoxide poisoning relating to
19 motorboat operation.

20 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2019.