

HOUSE BILL 1174

M1

11r2485

By: **Calvert County Delegation**

Introduced and read first time: February 8, 2021

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **State Boat Act – Removal of Vessels From Marinas – Calvert County Board of**
3 **County Commissioners Facilities**

4 FOR the purpose of defining the term “marina” as it relates to the authority to remove a
5 vessel under the State Boat Act to include certain facilities owned and operated by
6 the Calvert County Board of County Commissioners; and generally relating to the
7 removal of a vessel from a marina.

8 BY repealing and reenacting, with amendments,

9 Article – Natural Resources

10 Section – 8–721.1

11 Annotated Code of Maryland

12 (2012 Replacement Volume and 2020 Supplement)

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

15 **Article – Natural Resources**

16 8–721.1.

17 (a) **(1) IN THIS SECTION, “MARINA” MEANS A FACILITY AT WHICH**
18 **VESSELS MAY BE MOORED, DOCKED, OR STORED.**

19 **(2) “MARINA” INCLUDES ALL DOCKS, RAMPS, MOORING LOCATIONS,**
20 **AND PUMP STATIONS OWNED AND OPERATED BY THE CALVERT COUNTY BOARD OF**
21 **COUNTY COMMISSIONERS.**

22 **(B)** The owner or operator of a marina or the owner’s or operator’s agent may have
23 a vessel removed from the marina by a private person if the vessel has remained on the

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 marina premises without permission for more than 48 hours and the owner, operator, or
2 agent has placed in conspicuous locations signs that:

3 (1) State that vessels left at the marina without permission for more than
4 48 hours are subject to removal at the vessel owner's expense;

5 (2) State the location to which the vessel will be removed;

6 (3) State that the vessel owner will be responsible for all costs associated
7 with the removal and storage of the vessel; and

8 (4) Provide the telephone number of a person who can be contacted to
9 arrange for the reclaiming of the vessel by its owner or the owner's agent.

10 **[(b)] (C)** A vessel may not be removed from a marina to a location that is more
11 than 30 miles from the marina.

12 **[(c)] (D)** The owner or operator of a marina, or the agent of the owner or
13 operator, on finding a vessel left at the marina without permission, shall make a reasonable
14 attempt to notify the vessel owner or the vessel owner's agent of the intended removal of
15 the vessel before the vessel may be removed under this section.

16 **[(d)] (E)** A person who removes the vessel from a marina:

17 (1) Shall notify the vessel owner or the vessel owner's agent at the earliest
18 possible time after removing the vessel from the marina, and shall provide the following
19 information:

20 (i) A description of the vessel including the vessel's certificate of
21 boat number;

22 (ii) The date and time the vessel was removed;

23 (iii) The reason the vessel was removed; and

24 (iv) The locations from which and to which the vessel was moved;

25 (2) Before removing the vessel, shall have authorization of the marina
26 owner; and

27 (3) May not pay any remuneration to the owner of the marina.

28 **[(e)] (F)** (1) The person who removes a vessel from a marina shall
29 immediately deliver the vessel directly to a location customarily used by the person.

30 (2) The person who exercises control over the vessel at the location to which
31 the vessel is delivered after removal from a marina shall provide the vessel owner or the

1 vessel owner's agent immediate and continuous opportunity to retake possession of the
2 vessel.

3 **[(f)] (G)** Any person who removes a vessel from a marina in violation of any
4 provision of this section:

5 (1) Shall be liable for actual damages sustained by the vessel owner or the
6 vessel owner's agent as a result of the violation; and

7 (2) Shall be liable to the vessel owner or the vessel owner's agent for up to
8 triple the amount paid by the owner or the owner's agent to retake possession of the vessel,
9 as the court may determine.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
11 1, 2021.