

**Maryland General Assembly  
Department of Legislative Services**

**Emergency Regulations  
Department of Natural Resources**  
(DLS Control No. 14-151)

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## **Overview and Legal and Fiscal Impact**

These regulations establish requirements and restrictions relating to the use of jetpack vessels, a type of vessel that is new to Maryland waters.

The regulations present no legal issues of concern.

There is no material fiscal impact on State or local agencies.

## **Regulations of COMAR Affected**

### **Department of Natural Resources:**

Boating – Speed Limits and Operation of Vessels: JetPack Vessel:  
COMAR 08.18.40.01-.07

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## **Legal Analysis**

### **Background**

According to the Department of Natural Resources (department), although jetpack or jet-propelled vessels have been in use in Florida, Texas, Arizona, and states on the West Coast, this type of vessel is new to Maryland. As defined in the regulations, “jetpack vessel” refers to “a system whereby a jet propelled device is attached via a high pressure water hose to a boat unit that contains a jet pump. The boat unit intakes water and pumps it through the high pressure water hose to the jet propelled device capable of elevating a rider from the surface of the water.” The “boat unit” includes a separately registered personal watercraft or a streamlined hull consisting of an engine and a water pump. The rider sits or stands on the “jet propelled device.”

The department advises that Maryland waters offer unique situations where the use of the vessels may pose issues with safety, environmental impacts, effects on personal and private property, and the rights of citizens to recreate. Consequently, the department developed these emergency regulations cooperatively with commercial livery operators, who are in agreement with the need for regulations specific to the safe operation of jetpack vessels. The department also sought the advice and opinions of the Maryland Boat Act Advisory Committee at the committee’s meeting on April 24, 2014. Additionally, in two other concurrent emergency actions, the department is (1) including provisions specifically relating to jetpack vessels in the regulations governing boat livery operations (COMAR 08.04.08); and (2) making related modifications to the regulations governing the use of personal watercraft (COMAR 08.18.02).

## Summary of Regulations

The regulations establish requirements and restrictions governing the personal and commercial use of jetpack vessels on State waters. The new regulations are modeled on existing regulations governing the use of personal watercraft, but also contain definitions and provisions specific to the use of jetpack vessels. Among other things, the regulations:

- require compliance with all laws and regulations governing Class A vessels, including laws and regulations relating to registration, operation, and navigation;
- establish that the operation of a jetpack vessel for recreational or commercial use is subject to all boating safety laws, unless otherwise provided in the regulations;
- exempt (1) vessels used solely for specified emergency rescue operations and associated training programs and (2) if approved by the department or the U.S. Coast Guard, vessels engaged in certain exhibitions, regattas, races, tournaments, and parades;
- prohibit the operation of a jetpack vessel unless an observer, who is responsible for the safety of only one rider at a time, is on a navigable rescue vessel located between 100 and 300 feet from the rider;
- require each rider, instructor, jetpack vessel, and rescue vessel to display “international orange” markings or flags with a minimum size of 12” x 12”;
- require each operator, rider, and observer to be at least 16 years old;
- require a rider to wear a water sport helmet and a high impact personal flotation device;
- prohibit a person from operating or giving permission to operate a jetpack vessel (1) in an area with a depth of less than six feet or in specified speed zones unless the jet-propelled device and rider maintain contact with the water; (2) within 100 feet in all directions of any bridge, structure, shore, wharf, pier, piling, mooring ball, buoy, vessel, or people in the water, other than the instructor, the boat unit, or the operator; (3) between sunset and sunrise or in or near an area of restricted visibility; (4) in a porpoise-like motion unless the depth of the water is at least 25 feet; or (5) that is not equipped with an engine cutoff switch;
- prohibit a rider from picking up another person or using a tandem harness;
- require certain operators, riders, and observers to carry a certificate of boater safety education;
- prohibit a person who is under the influence of alcohol or impaired by alcohol, drugs, or any controlled dangerous substance from acting as an observer, rider, operator, or instructor, or from giving permission to operate or observe a jetpack vessel;

- require a person who receives consideration for the use of a jetpack vessel to comply with the department's regulations for boat livery operations (COMAR 08.04.08); and
- require all jetpack vessels to be registered in accordance with COMAR 08.04.03 and all boat units to have a valid hull identification number and vessel registration.

### **Legal Issue**

The regulations present no legal issue of concern.

### **Statutory Authority and Legislative Intent**

The department cites § 8-704 of the Natural Resources Article as legal authority for these regulations. Section 8-704(a) establishes the broad authority of the department to adopt regulations necessary to carry out the provisions of the State Boat Act. As stated in § 8-702, the intent of the State Boat Act is to foster the development, use, and enjoyment of all the waters of Maryland. In addition, § 8-704(c)(1) requires the department to adopt regulations governing the numbering of vessels, safety equipment on vessels, and operations of vessels so that each vessel of a type or size may be operated with equal freedom or under similar requirements as other vessels of that type or size on all waters of the State.

This authority is correct and complete. The regulations comply with the legislative intent of the law.

### **Reason for Emergency Status**

The department has requested emergency status beginning as soon as possible and continuing for 180 days. This emergency period is within the normal time frames approved by the committee. The department indicates that emergency status for the regulations is needed to allow commercial livery operators to continue with their business plans with respect to jetpack vessels for the summer of 2014, ensure safe operation of the vessels, and allow the simultaneous study of the effects of the vessels on State waters. The department further indicates that the study period will culminate with a public hearing.

### **Technical Corrections and Special Notes**

Please note that the department has submitted replacement pages incorporating technical changes the department made after the emergency regulations were sent to the committee. The corrections include revisions to the citation of statutory authority, definitions, and cross references.

### **Fiscal Analysis**

There is no material fiscal impact on State or local agencies.

## **Agency Estimate of Projected Fiscal Impact**

The department advises that the regulations have no impact on State or local governments. The Department of Legislative Services generally concurs, noting only that a minimal, insignificant amount of additional fee revenue may be generated from the registration of certain jetpack vessels.

## **Impact on Budget**

There is no impact on the State operating or capital budget.

## **Agency Estimate of Projected Small Business Impact**

The department advises that the regulations have a meaningful economic impact on small businesses in the State. The regulations allow a limited number of commercial livery operators to continue their business plans with respect to jetpack vessels for the summer of 2014 and may benefit other small businesses to the extent the jetpack vessel operations attract additional visitors to Ocean City. The Department of Legislative Services concurs.

## **Contact Information**

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