

HOUSE BILL 239

M1

(PRE-FILED)

4r0298
CF SB 304

By: **Chair, Environment and Transportation Committee (By Request –
Departmental – Natural Resources)**

Requested: September 15, 2023

Introduced and read first time: January 10, 2024

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources – State Boat Act – Alterations**

3 FOR the purpose of altering the definition of “personal watercraft” and “personal flotation
4 device” for purposes of the State Boat Act; repealing the definition of “Class A vessel”
5 for purposes of the State Boat Act; repealing the definition of “personal flotation
6 device” for certain waterskiing restrictions; repealing certain advertising and public
7 hearing requirements for proposed regulations implementing provisions of the State
8 Boat Act; altering the fees for manufacturer and dealer licenses, certificates of
9 number, Maryland use stickers, and the issuance of certificates of title, transfers of
10 title, or duplicate or corrected certificates of title; requiring that certain vessels
11 equipped with a sail be numbered for identification; authorizing the owner of certain
12 vessels to apply to the Department of Natural Resources for a nonmotorized vessel
13 decal; authorizing the Department to establish or alter certain speed zones and
14 vessel prohibition zones by public notice; altering requirements for a personal
15 flotation device worn by a child in certain vessels; and generally relating to the State
16 Boat Act.

17 BY repealing and reenacting, without amendments,
18 Article – Natural Resources
19 Section 8–701(a)
20 Annotated Code of Maryland
21 (2023 Replacement Volume and 2023 Supplement)

22 BY repealing and reenacting, with amendments,
23 Article – Natural Resources
24 Section 8–701(m), 8–710(a) and (c), 8–712(a) through (d), 8–712.1, 8–712.3(a) and
25 (b), 8–716(b) and (c), 8–725(c), and 8–743(a) and (b)(1)
26 Annotated Code of Maryland
27 (2023 Replacement Volume and 2023 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing
2 Article – Natural Resources
3 Section 8–704(e)
4 Annotated Code of Maryland
5 (2023 Replacement Volume and 2023 Supplement)

6 BY adding to
7 Article – Natural Resources
8 Section 8–712.4 and 8–725.9
9 Annotated Code of Maryland
10 (2023 Replacement Volume and 2023 Supplement)

11 BY renumbering
12 Article – Natural Resources
13 Section 8–704(f) through (i)
14 to be Section 8–704(e) through (h), respectively
15 Annotated Code of Maryland
16 (2023 Replacement Volume and 2023 Supplement)

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

19 **Article – Natural Resources**

20 8–701.

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

22 (m) **(1)** “Personal watercraft” means a [Class A vessel that:

23 (1) Has an inboard motor which uses an internal combustion engine
24 powering a water jet pump as its primary source of motive propulsion;

25 (2) Is designed for the operator and passenger to ride on the outside
26 surfaces of the vessel rather than inside the vessel;

27 (3) Has the probability that the operator and passenger may, in the normal
28 course of use, fall overboard; and

29 (4) Is designed with no open load–carrying area which would retain water]
30 **VESSEL THAT IS:**

31 **(I) PROPELLED BY A WATER–JET PUMP OR OTHER TYPE OF**
32 **MACHINERY AS ITS PRIMARY SOURCE OF MOTIVE POWER; AND**

1 **(II) DESIGNED TO BE OPERATED BY A PERSON SITTING,**
2 **STANDING, OR KNEELING ON THE VESSEL.**

3 **(2) “PERSONAL WATERCRAFT” DOES NOT INCLUDE A VESSEL THAT IS**
4 **DESIGNED TO BE OPERATED BY A PERSON SITTING, STANDING, OR KNEELING IN THE**
5 **VESSEL’S HULL.**

6 8–704.

7 [(e) Department regulations do not become effective unless advertised publicly in
8 at least 2 daily newspapers of general circulation and at least 1 weekly newspaper serving
9 the area or areas involved at least 45 days before the effective date. If 50 citizens of the
10 State file a petition with the Department at least 15 days prior to the effective date, the
11 Department shall conduct a public hearing on the proposed regulations.]

12 8–710.

13 (a) A manufacturer or dealer may not conduct [his] business in the State unless
14 licensed as a manufacturer or dealer [pursuant to] **IN ACCORDANCE WITH** regulations
15 **ADOPTED BY** the Department [adopts].

16 (c) **(1)** Application for a manufacturer’s or dealer’s license is made on the form
17 the Department prescribes and contains the name and address of the applicant.

18 **(2)** If the applicant is a partnership, the application shall include the name
19 and address of each partner.

20 **(3)** If the applicant is a corporation, the application shall contain the names
21 of the principal officers of the corporation, the state of incorporation, the addresses of every
22 place where the business is conducted, the nature of the business, and any other
23 information the Department requires.

24 **(4)** Every application shall be verified by oath or affirmation of the
25 applicant if an individual, or by the partner or officer if the applicant is a partnership or
26 corporation.

27 **(5) (I)** A license fee [fixed by the Department not to exceed \$25] shall
28 accompany every application.

29 **(II) THE DEPARTMENT SHALL SET THE LICENSE FEE AT AN**
30 **AMOUNT NOT TO EXCEED \$50.**

31 8–712.

1 (a) (1) (I) [Any] **EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**
 2 **PARAGRAPH, ANY** vessel equipped with **A SAIL OR** propulsion machinery of any type on
 3 the waters of the State shall be numbered for identification in accordance with this subtitle
 4 and any regulation [pursuant to it] **ADOPTED IN ACCORDANCE WITH THIS SUBTITLE.**

5 (II) [This provision] **SUBPARAGRAPH (I) OF THIS PARAGRAPH**
 6 does not apply to the following vessels:

7 [(i)] 1. A vessel which has a valid document issued by the
 8 United States Coast Guard or its successor;

9 [(ii)] 2. A vessel with a valid number awarded [pursuant to]
 10 **IN ACCORDANCE WITH** federal law or a federally approved numbering system of another
 11 state, if the number awarded is displayed in accordance with the requirements of that
 12 system, and the certificate of number is available for inspection whenever the vessel is in
 13 use;

14 [(iii)] 3. A vessel from a country other than the United
 15 States temporarily using the waters of the State for less than 90 days;

16 [(iv)] 4. A vessel used for public service and owned by the
 17 United States government, another state, or any political subdivision;

18 [(v)] 5. A ship's lifeboat;

19 [(vi)] 6. A vessel **LESS THAN 16 FEET IN LENGTH THAT IS**
 20 propelled only by sail;

21 [(vii)] 7. A vessel numbered according to the Federal Boat
 22 Safety Act of 1971; or

23 [(viii)] 8. A vessel manually propelled.

24 (2) The Department, by regulation[,] **AND** for the period the Department
 25 prescribes, may exempt any vessel or class of vessels from the numbering provisions of this
 26 subtitle[,] if the vessel or class of vessels is exempted from the federal numbering
 27 requirements by statute, [or] rule, or regulation.

28 (b) (1) The owner of any vessel to be numbered by this subtitle shall file an
 29 application for a certificate of number with the Department.

30 (2) The application [is on] **FOR A CERTIFICATE OF NUMBER SHALL BE:**

31 (I) **ON** forms **APPROVED BY** the Department [approves,
 32 accompanied];

1 (II) ACCOMPANIED by the requisite fee[,]; and [signed]

2 (III) SIGNED by every vessel owner.

3 (c) (1) (I) Certificates of number issued under this section shall be valid for
4 a period not to exceed 2 years.

5 (II) The owner of the vessel may apply every other year for renewal
6 of the certificate.

7 (III) The renewed certificate shall expire on December 31 of the
8 calendar year following the year the certificate is issued. [The fee for a 2-year certificate
9 for vessels is \$24. Vessels 16 feet in length or less and equipped with a 7 1/2 horsepower
10 motor or less are exempt from this fee. The fee to replace a lost, destroyed, or corrected
11 certificate is \$2.]

12 (IV) The Department shall record any transaction or transfer of
13 numbered boats.

14 (V) The Department may record any amount of money owing on a
15 vessel required to be numbered at the time of sale.

16 (VI) The Department may not effect a transfer of ownership until the
17 amount of money owed as shown on the records of the Department is fully paid or recorded
18 on the new title.

19 (VII) Any vessel that is required to be numbered under this section
20 that is exempt [prior to] BEFORE January 1, 1974, shall be exempt from payment of [this
21 title] THE EXCISE tax IMPOSED UNDER § 8-716 OF THIS SUBTITLE.

22 (2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION,
23 AN APPLICATION FOR A CERTIFICATE OF NUMBER SHALL BE ACCOMPANIED BY THE
24 FOLLOWING FEES:

25 (I) VESSEL LESS THAN 16 FEET IN LENGTH AND EQUIPPED
26 WITH A 7.5 HORSEPOWER MOTOR OR LESS\$20

27 (II) VESSEL LESS THAN 16 FEET IN LENGTH AND EQUIPPED
28 WITH A MOTOR MORE THAN 7.5 HORSEPOWER\$50

29 (III) VESSEL 16 FEET TO LESS THAN 32 FEET IN
30 LENGTH\$75

1 (IV) VESSEL 32 FEET TO LESS THAN 45 FEET IN
2 LENGTH\$100

3 (V) VESSEL 45 FEET TO 65 FEET IN LENGTH\$125

4 (VI) VESSEL LONGER THAN 65 FEET\$150

5 (VII) REPLACEMENT OR CORRECTED CERTIFICATE\$20

6 (3) Emergency rescue boats and fire boats that belong to fire departments
7 or rescue squads in Maryland:

8 (i) Shall be exempt from all registration fees, INCLUDING A FEE
9 FOR A CERTIFICATE OF NUMBER; but

10 (ii) Shall apply for a registration renewal every 3 years.

11 (d) (1) [Upon] ON receipt of the application in approved form, the Department
12 shall issue to the applicant a certificate of boat number which shall contain the boat number
13 issued to the vessel and additional information the Department prescribes by regulation.

14 (2) The certificate of boat number shall be available for inspection when
15 the vessel is in use.

16 (3) The owner shall paint on or attach the boat number to each side of the
17 forward half of the vessel’s hull or superstructure for which the boat number is issued,
18 displaying the boat number in the manner required by Department regulations and
19 maintaining the boat number in legible condition.

20 8-712.1.

21 (a) (1) An owner of a vessel that has a valid document issued by the [United
22 States] U.S. Coast Guard and that is used principally on the waters of the State for
23 pleasure shall apply to the Department for a Maryland use sticker.

24 (2) The Department shall issue a Maryland use sticker to any person who
25 submits an application and pays a fee as required by subsection (b) of this section.

26 (3) The Maryland use sticker issued under this section shall be valid for a
27 period not to exceed 2 years expiring on December 31 of the calendar year following the
28 year the sticker is issued.

29 (b) The owner of the vessel shall:

30 (1) Submit an application to the Department on the form that the
31 Department requires and be signed by every owner of the vessel; and

1 (2) Pay to the Department [an application fee of \$10 for the 2-year sticker.]
2 THE FOLLOWING FEES:

3 (I) VESSEL LESS THAN 16 FEET IN LENGTH AND EQUIPPED
4 WITH A 7.5 HORSEPOWER MOTOR OR LESS\$20

5 (II) VESSEL LESS THAN 16 FEET IN LENGTH AND EQUIPPED
6 WITH A MOTOR MORE THAN 7.5 HORSEPOWER\$50

7 (III) VESSEL 16 FEET TO LESS THAN 32 FEET IN
8 LENGTH\$75

9 (IV) VESSEL 32 FEET TO LESS THAN 45 FEET IN
10 LENGTH\$100

11 (V) VESSEL 45 FEET TO 65 FEET IN LENGTH\$125

12 (VI) VESSEL LONGER THAN 65 FEET\$150

13 (VII) REPLACEMENT STICKER.....\$20

14 (c) Within 30 days after the sale or other transfer of a vessel that is displaying or
15 should display a sticker under this section:

16 (1) The transferor shall give notice of the transfer to the Department on a
17 form that the Department requires; and

18 (2) If the transferee intends to continue to use the vessel principally on the
19 waters of the State, the transferee shall submit an application for a Maryland use sticker
20 and pay the fee as required [by] UNDER subsection (b) of this section.

21 (d) The Maryland use sticker shall be displayed on or about the forward half of
22 the vessel.

23 (e) Unless the vessel that is subject to the requirement of this section displays a
24 current sticker:

25 (1) A person may not operate the vessel on the waters of the State; and

26 (2) The owner may not knowingly [permit] ALLOW the vessel to be
27 operated on the waters of the State.

1 (a) (1) In this section the following words have the meanings indicated.

2 (2) “Livery vessel owner” means a person who engages in whole or in part
3 in the business of renting, leasing, or chartering a [Class A] vessel **THAT IS LESS THAN 16**
4 **FEET IN LENGTH** for a period of less than 24 hours.

5 (3) [“Class A vessel” means a motorboat that is less than 16 feet in length
6 as defined by the U.S. Coast Guard in 46 C.F.R. § 24.10–17.

7 (4) “Seaworthy condition” means the ability to withstand ordinary stress of
8 wind, waves, and other weather that the vessel might normally be expected to encounter.

9 (b) A livery vessel owner or an agent or employee of the livery vessel owner may
10 not rent or offer for rent a [Class A] vessel **THAT IS LESS THAN 16 FEET IN LENGTH** to be
11 operated on the waters of the State unless:

12 (1) Each vessel is in seaworthy condition and equipped for the waters
13 where the vessel is intended to be used; and

14 (2) The livery vessel owner or agent or employee of the livery vessel owner
15 possesses a boating safety certificate approved by the Department.

16 **8–712.4.**

17 (A) (1) **AN OWNER OF A VESSEL MAY APPLY TO THE DEPARTMENT FOR A**
18 **NONMOTORIZED VESSEL DECAL IF THE VESSEL IS:**

19 (I) **NOT EQUIPPED WITH PROPULSION MACHINERY;**

20 (II) **USED PRINCIPALLY ON THE WATERS OF THE STATE; AND**

21 (III) **NOT SUBJECT TO THE REQUIREMENTS OF § 8–712 OR §**
22 **8–712.1 OF THIS SUBTITLE.**

23 (2) **THE OWNER SHALL APPLY FOR A NONMOTORIZED VESSEL DECAL**
24 **ON A FORM APPROVED BY THE DEPARTMENT.**

25 (B) **A NONMOTORIZED VESSEL DECAL:**

26 (1) **IS VALID FOR A PERIOD NOT TO EXCEED 2 YEARS; AND**

27 (2) **EXPIRES ON DECEMBER 31 OF THE CALENDAR YEAR FOLLOWING**
28 **THE YEAR THE DECAL WAS ISSUED.**

29 (C) **THE FEE FOR A NONMOTORIZED VESSEL DECAL IS \$12.**

1 **(D) THE NONMOTORIZED VESSEL DECAL SHALL BE DISPLAYED ON THE**
2 **EXTERIOR OF THE VESSEL.**

3 **(E) WITHIN 30 DAYS AFTER THE SALE OR OTHER TRANSFER OF A VESSEL**
4 **DISPLAYING A NONMOTORIZED VESSEL DECAL UNDER THIS SECTION:**

5 **(1) THE TRANSFEROR SHALL GIVE NOTICE OF THE TRANSFER TO THE**
6 **DEPARTMENT ON A FORM THAT THE DEPARTMENT REQUIRES; AND**

7 **(2) IF THE TRANSFEREE INTENDS TO CONTINUE TO USE THE VESSEL**
8 **PRINCIPALLY ON THE WATERS OF THE STATE, THE TRANSFEREE MAY SUBMIT AN**
9 **APPLICATION FOR A NONMOTORIZED VESSEL DECAL AND PAY THE FEE REQUIRED**
10 **UNDER SUBSECTION (C) OF THIS SECTION.**

11 8-716.

12 (b) The Department shall charge a [~~\$2~~] **\$20** fee to issue a certificate of title, a
13 transfer of title, or a duplicate or corrected certificate of title.

14 (c) (1) Subject to the limitation under paragraph (3) of this subsection and
15 except as provided in § 8-715(d) of this subtitle and in subsections (e) and (f) of this section,
16 and in addition to the fees prescribed in subsection (b) of this section, an excise tax is levied
17 at the rate of 5% of the fair market value of the vessel on:

18 (i) The issuance of every original certificate of title required for a
19 vessel under this subtitle;

20 (ii) The issuance of every subsequent certificate of title for the sale,
21 resale, or transfer of the vessel;

22 (iii) The sale within the State of every other vessel; and

23 (iv) The possession within the State of a vessel used or to be used
24 principally in the State.

25 (2) **(I)** Notwithstanding the provisions of this subsection, no tax is paid
26 on issuance of any certificate of title if the owner of the vessel for which a certificate of title
27 is sought was the owner of the vessel [~~prior to~~] **BEFORE** June 1, 1965, or paid Maryland
28 sales and use tax on the vessel as required by law at the time of acquisition.

29 **(II)** The Department may require the applicant for titling to submit
30 satisfactory proof that the applicant owned the vessel [~~prior to~~] **BEFORE** June 1, 1965.

1 (3) (i) Subject to subparagraph (ii) of this paragraph, the excise tax
2 imposed under this subsection may not exceed \$15,000 for any vessel.

3 (ii) The maximum amount of the excise tax imposed for any vessel
4 as specified in subparagraph (i) of this paragraph shall be increased by \$100 on:

5 1. July 1, 2016; and

6 2. July 1 of each subsequent year.

7 8-725.

8 (c) [(1) In this subsection, “personal flotation device” includes:

9 (i) A life jacket;

10 (ii) A life vest;

11 (iii) A life preserver;

12 (iv) A barefoot wetsuit; or

13 (v) A trick skiing wetsuit.

14 (2)] A person who is in or over the waters of the State and is being towed
15 behind a vessel must wear a personal flotation device, **A BAREFOOT WETSUIT, OR A TRICK**
16 **SKIING WETSUIT.**

17 8-725.9.

18 **(A) NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS TITLE, THE**
19 **DEPARTMENT MAY ESTABLISH OR ALTER BY PUBLIC NOTICE:**

20 **(1) IF THE DEPARTMENT DETERMINES PUBLIC SAFETY IS AT RISK**
21 **AND IT IS CONTRARY TO THE PUBLIC INTEREST TO DELAY ACTION, A SPEED ZONE**
22 **NEAR:**

23 **(I) A CONSTRUCTION PROJECT ON OR ADJACENT TO STATE**
24 **WATERS; OR**

25 **(II) A MARINE EVENT; AND**

26 **(2) A VESSEL PROHIBITION ZONE FOR AN AREA ESTABLISHED BY THE**
27 **U.S. COAST GUARD AS A DANGER ZONE OR RESTRICTED AREA.**

1 **(B) THE DEPARTMENT MAY ADOPT REGULATIONS TO IMPLEMENT THE**
2 **PROVISIONS OF THIS SECTION, INCLUDING REGULATIONS:**

3 **(1) ESTABLISHING OR ALTERING SPEED ZONES; AND**

4 **(2) ESTABLISHING VESSEL PROHIBITION ZONES.**

5 8-743.

6 (a) (1) In this section the following words have the meanings indicated.

7 (2) “Child” means an individual who is under the age of 13 years.

8 (3) “Personal flotation device” means a [Type I, II, III, or V U.S. Coast
9 Guard approved personal flotation device that is:

10 (i) The proper size for the child; and

11 (ii) In good and serviceable condition] **FLOTATION DEVICE THAT IS**
12 **APPROVED BY THE U.S. COAST GUARD.**

13 (4) (i) “Vessel” means:

14 1. A vessel used for recreational purposes; or

15 2. A vessel leased, rented, or chartered for noncommercial
16 use.

17 (ii) “Vessel” does not include a vessel carrying passengers for hire
18 under the command of an individual licensed by the U.S. Coast Guard to carry passengers
19 for hire, or a vessel displaying a valid seafood harvester’s license number while engaged in
20 the harvesting of seafood for sale.

21 (b) (1) A person may not operate or [permit] **ALLOW** the operation of a vessel
22 under 21 feet in length [while] **IF** there is [present in the vessel] a child [not] **PRESENT IN**
23 **THE VESSEL UNLESS THE CHILD IS** wearing a personal flotation device [which] **THAT** is
24 [securely]:

25 **(I) PROPERLY SIZED FOR THE CHILD;**

26 **(II) IN GOOD AND SERVICEABLE CONDITION; AND**

27 **(III) SECURELY** and properly attached to the child.

1 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 8–704(f) through
2 (i) of Article – Natural Resources of the Annotated Code of Maryland be renumbered to be
3 Section(s) 8–704(e) through (h), respectively.

4 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June
5 1, 2024.