

Department of Legislative Services  
Maryland General Assembly  
2024 Session

FISCAL AND POLICY NOTE  
Third Reader - Revised

Senate Bill 585

(Senator Simonaire, *et al.*)

Judicial Proceedings

Judiciary

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Boating Accidents - Duty to Remain at the Scene, Render Assistance, and  
Provide Information - Penalties

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This bill requires the operator of a vessel involved in a collision, accident, or other casualty that results in *bodily injury* to or the *death* of another person to stop the vessel as close as possible to and return to and remain at the scene of the accident until the operator renders assistance and provides information (as specified and required under current law). The bill establishes criminal penalties for failure to comply with these requirements and establishes a specific penalty for failure to comply with the existing duty to render aid and provide identifying information at boating accidents.

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Fiscal Summary

**State Effect:** The bill is not expected to materially affect State finances or operations.

**Local Effect:** The bill is not expected to materially affect local finances or operations.

**Small Business Effect:** None.

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Analysis

**Bill Summary:** A person who fails to remain at the scene of an accident, as specified, that results in *bodily injury* is subject to a penalty of up to one year imprisonment and/or a \$3,000 maximum fine. A person who fails to remain at the scene of an accident, as specified, that results in *death* is subject to a penalty of up to five years imprisonment and/or a \$5,000 maximum fine.

A person who fails to remain at the scene of an accident, as specified, and knew or reasonably should have known that the accident might result in “*serious bodily injury*” and *serious bodily injury* actually occurred, is guilty of a felony punishable by imprisonment for up to five years and/or a \$5,000 maximum fine. “Serious bodily injury” means an injury that creates a substantial risk of death or causes serious permanent or serious protracted (1) disfigurement; (2) loss of the function of any body part, organ, or mental faculty; or (3) impairment of the function of any body part or organ.

A person who fails to remain at the scene of an accident, as specified, and knew or reasonably should have known that the accident might result in *death* and *death* actually occurred, is guilty of a felony punishable by imprisonment for up to 10 years and/or a \$10,000 maximum fine.

The bill also establishes a penalty provision for an existing statutory requirement that the operator of a vessel involved in an accident (1) render all practical and necessary assistance to affected persons, as specified and (2) give specified identifying information to any person injured and to the owner of any property damaged. Under the bill, a person who fails to comply with this requirement is subject to a penalty of imprisonment for up to two months and/or a \$500 maximum fine.

Finally, the bill specifies that – for the purpose of reporting to the Department of Natural Resources (DNR) within 10 days, as required under current law, on an accident involving a vessel subject to the State Boat Act (Title 8, Subtitle 7 of the Natural Resources Article) – property damage includes damage to navigational aid markers, lights, or identifiers. The reporting requirement still applies to an accident that occurred on State waters and resulted in at least \$2,000 in property damage.

### **Current Law:**

#### *State Boat Act – Boating Accidents*

In general, the operator of a vessel involved in a collision, accident, or other casualty must render all practical and necessary assistance to affected persons in order to save the persons from danger caused by the accident to the extent that the operator can do so without serious danger to the operator’s own vessel or persons aboard. The operator must also give their name, their address, and identification of the vessel to any person injured and to the owner of any property damaged. A person who complies with this requirement or who gratuitously and in good faith renders (or attempts to render) assistance to any vessel in distress on any water of the State without objection from an assisted person, is not liable for any civil damage as the result of any act or omission by the person in rendering assistance unless the act or omission amounts to gross negligence.

The operator of a vessel subject to the State Boat Act (or in limited circumstances the vessel owner) must report to DNR a full description of specified accidents, including any information DNR requires by regulation, as follows:

- if the accident occurred on State waters, and caused the death or disappearance of any person or a person to receive medical treatment beyond first aid, the report must be made within 48 hours;
- if the accident occurred on State waters, and results in any other injury or property damage of at least \$2,000, the report must be made within 10 days; and
- if any vessel numbered in the State is involved in an accident outside of State waters, and the accident results in the death, disappearance, or injury of a person or in property damage of at least \$2,000, the report must be made within 30 days.

The specified reports may not be referred to during any judicial proceeding and are not subject to subpoena or admissible as evidence in any proceeding. However, information contained in a boating accident report and any statistical information based on the report may be provided to the U.S. Coast Guard on request for official purposes.

#### *Applicable Penalties*

Unless another penalty is specifically provided elsewhere, any person who violates any provision of the State Boat Act is guilty of a misdemeanor and is subject to a maximum penalty of (1) for a first conviction, a \$500 fine or (2) for a second or subsequent conviction within two years of any prior violation of the State Boat Act, one year imprisonment and/or a \$1,000 fine. In either instance, costs are imposed in the discretion of the court.

#### *Motor Vehicle – Duty to Return and Remain at the Scene of an Accident*

Section 20-102 of the Transportation Article contains provisions and penalties similar to the bill that apply to motor vehicle accidents. These violations are “must appear” offenses. As a result, the driver must appear in court to answer the charges and may not prepay a fine. On conviction for failure to remain at the scene of an accident resulting in either bodily injury or death, the Motor Vehicle Administration must assess 12 points against the driver’s license and the license is subject to revocation.

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### **Additional Information**

**Recent Prior Introductions:** Similar legislation has not been introduced within the last three years.

**Designated Cross File:** None.

**Information Source(s):** Anne Arundel, Baltimore, and Frederick counties; Maryland Association of Counties; Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Maryland State's Attorneys' Association; Department of Natural Resources; Department of Public Safety and Correctional Services; Department of Legislative Services

**Fiscal Note History:** First Reader - February 8, 2024  
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