
By: Delegates Arnick, W. Baker, Cadden, Perry, and McClenahan

Introduced and read first time: January 18, 1996

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 Natural Resources - Personal Watercraft - Business Licensing and Safety Certification

3 FOR the purpose of requiring a personal watercraft livery operator to obtain a personal
4 watercraft livery operator license; requiring applicants for a license to use a form
5 prescribed by the Department of Natural Resources; requiring certain persons to
6 include certain information on the application; requiring certain persons to affirm
7 the application; setting a certain license fee; establishing the disposition of the fee;
8 requiring the Department to issue the license; setting the amount of time the license
9 is in effect; setting the requirements for renewing the license; establishing criteria
10 for refusal to issue or to cancel a license; requiring the licensee to update in a
11 certain manner certain information contained in an application for or renewal of a
12 license within a certain amount of time after a change of the information; requiring
13 a certain individual operating a certain personal watercraft in the waters of the
14 State to obtain a personal watercraft safety education certification; establishing
15 certain requirements for carrying and showing the certification under certain
16 circumstances; exempting certain individuals from the requirement to obtain the
17 certification; requiring the Department to establish certain educational criteria for
18 issuing a certification, to administer a certain test, and to coordinate statewide
19 offering of the course; establishing certain maximum required hours if the course is
20 offered through a public school; authorizing certain persons to offer a course in
21 personal watercraft safety; establishing criteria for issuing a certification; requiring
22 the Department to provide educational materials on personal watercraft safety to
23 certain individuals; establishing the amount of time the certification is in effect and
24 that it cannot be revoked; requiring the Department to replace, for a certain fee, a
25 lost or destroyed certification under certain circumstances; providing for the
26 issuance of a temporary personal watercraft education certification; establishing a
27 penalty for individuals who operate a personal watercraft in the waters of the State
28 without a certification; requiring that certain juveniles be charged for violations of
29 this Act under certain law under certain circumstances; establishing certain criteria
30 for enforcement of this Act; authorizing the Department to create certain forms and
31 adopt certain regulations; defining a certain term; and generally relating to the
32 operation of a personal watercraft livery operation and the operation of personal
33 watercraft on the waters of the State.

34 BY renumbering

35 Article - Natural Resources

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1 Section 8-701(l) through (r), respectively
2 to be Section 8-701(m) through (s), respectively
3 Annotated Code of Maryland
4 (1990 Replacement Volume and 1995 Supplement)

5 BY repealing and reenacting, without amendments,
6 Article - Natural Resources
7 Section 8-701(a)
8 Annotated Code of Maryland
9 (1990 Replacement Volume and 1995 Supplement)

10 BY adding to
11 Article - Natural Resources
12 Section 8-701(l), 8-710.4, and 8-712.3
13 Annotated Code of Maryland
14 (1990 Replacement Volume and 1995 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
16 MARYLAND, That Section(s) 8-701(l) through (r), respectively, of Article - Natural
17 Resources of the Annotated Code of Maryland be renumbered to be Section(s) 8-701(m)
18 through (s), respectively.

19 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
20 read as follows:

21 **Article - Natural Resources**

22 8-701.

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

24 (L) (1) "PERSONAL WATERCRAFT" MEANS A CLASS OF VESSEL THAT:

25 (I) HAS AN INBOARD MOTOR THAT USES AN INTERNAL
26 COMBUSTION ENGINE POWERING A WATER JET PUMP AS ITS PRIMARY SOURCE OF
27 MOTIVE PROPULSION;

28 (II) IS DESIGNED SO THAT THE OPERATOR AND PASSENGER RIDE
29 ON THE OUTSIDE SURFACES OF THE VESSEL;

30 (III) HAS THE POSSIBILITY THAT THE OPERATOR AND PASSENGER
31 MAY, IN THE COURSE OF NORMAL USE, FALL OVERBOARD; AND

32 (IV) IS DESIGNED WITH NO OPEN LOAD CARRYING AREA THAT CAN
33 RETAIN WATER.

34 (2) "PERSONAL WATERCRAFT" INCLUDES A SPECIALTY PROP CRAFT
35 THAT IS LESS THAN 16 FEET IN LENGTH AND SIMILAR IN APPEARANCE AND
36 OPERATION TO A CRAFT DESCRIBED IN PARAGRAPH (1)(I) THROUGH (IV) OF THIS
37 SUBSECTION BUT WITH A PROPELLER AS ITS PRIMARY SOURCE OF PROPULSION.

1 8-710.4.

2 (A) IN ORDER TO DO BUSINESS IN THIS STATE, A PERSONAL WATERCRAFT
3 LIVERY OPERATOR SHALL OBTAIN A PERSONAL WATERCRAFT LIVERY OPERATOR
4 LICENSE UNDER REGULATIONS ADOPTED BY THE DEPARTMENT.

5 (B) (1) APPLICATION FOR A PERSONAL WATERCRAFT LIVERY OPERATOR
6 LICENSE SHALL BE MADE ON A FORM PRESCRIBED BY THE DEPARTMENT AND
7 SHALL INCLUDE THE NAME AND ADDRESS OF THE APPLICANT.

8 (2) IF THE APPLICANT IS A PARTNERSHIP, THE APPLICATION SHALL
9 INCLUDE THE NAME AND ADDRESS OF EACH PARTNER.

10 (3) IF THE APPLICANT IS A CORPORATION, THE APPLICATION SHALL
11 CONTAIN:

12 (I) THE NAMES OF THE PRINCIPAL OFFICERS OF THE
13 CORPORATION;

14 (II) THE STATE OF INCORPORATION;

15 (III) THE ADDRESSES OF EVERY LOCATION WHERE THE BUSINESS
16 IS CONDUCTED; AND

17 (IV) ANY OTHER INFORMATION THE DEPARTMENT REQUIRES.

18 (4) EVERY APPLICATION FOR A PERSONAL WATERCRAFT LIVERY
19 OPERATOR LICENSE SHALL BE VERIFIED BY AFFIRMATION OF, IF THE APPLICANT IS:

20 (I) AN INDIVIDUAL, THE INDIVIDUAL;

21 (II) A PARTNERSHIP, ONE OF THE PARTNERS; OR

22 (III) A CORPORATION, AN OFFICER OF THE CORPORATION.

23 (C) (1) A LICENSE FEE DETERMINED BY THE DEPARTMENT, NOT TO
24 EXCEED \$50, SHALL ACCOMPANY EVERY APPLICATION.

25 (2) THE LICENSE FEE SHALL BE DEPOSITED IN THE WATERWAY
26 IMPROVEMENT FUND.

27 (D) (1) AFTER RECEIVING THE REQUIRED APPLICATION FEE, THE
28 DEPARTMENT SHALL ISSUE A LICENSE TO THE APPLICANT WHICH ENTITLES THE
29 LICENSEE TO CONDUCT BUSINESS AS A PERSONAL WATERCRAFT LIVERY OPERATOR
30 DURING THE CALENDAR YEAR IN WHICH THE LICENSE IS ISSUED.

31 (2) THE LICENSE MAY BE RENEWED ANNUALLY BY APPLICATION AND
32 PAYMENT OF THE REQUIRED FEE.

33 (E) THE DEPARTMENT MAY REFUSE TO ISSUE A LICENSE OR, AFTER
34 WRITTEN NOTICE TO THE LICENSEE AND A HEARING, CANCEL A LICENSE WHEN THE
35 DEPARTMENT DETERMINES THAT THE APPLICANT OR LICENSEE HAS FAILED TO
36 COMPLY WITH THE PROVISIONS OF THIS SUBTITLE.

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1 (F) (1) ON FORMS PROVIDED BY THE DEPARTMENT, THE LICENSEE SHALL
2 UPDATE THE INFORMATION PROVIDED TO THE DEPARTMENT UNDER SUBSECTION
3 (B) OR (D)(2) OF THIS SECTION WITHIN 30 DAYS AFTER ANY CHANGE OF THE
4 INFORMATION.

5 (2) THE LICENSEE SHALL SIGN THE FORM AND CERTIFY THAT THE
6 INFORMATION PROVIDED IS TRUE AND CORRECT.

7 8-712.3.

8 (A) (1) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, ON
9 AND AFTER JANUARY 1, 1997 AN INDIVIDUAL MAY NOT OPERATE ON THE WATERS
10 OF THE STATE A PERSONAL WATERCRAFT THAT IS REQUIRED TO BE NUMBERED IN
11 ACCORDANCE WITH THIS SUBTITLE OR THE FEDERAL BOAT SAFETY ACT OF 1971
12 WITHOUT FIRST OBTAINING A PERSONAL WATERCRAFT SAFETY EDUCATION
13 CERTIFICATION.

14 (2) AN INDIVIDUAL SUBJECT TO THE PROVISIONS OF PARAGRAPH (1) OF
15 THIS SUBSECTION SHALL:

16 (I) POSSESS A PERSONAL WATERCRAFT SAFETY EDUCATION
17 CERTIFICATION WHEN OPERATING A PERSONAL WATERCRAFT ON WATERS OF THE
18 STATE; AND

19 (II) SHOW THE CERTIFICATION ON THE DEMAND OF A NATURAL
20 RESOURCES POLICE OFFICER OR OTHER LAW ENFORCEMENT OFFICER.

21 (3) THE FOLLOWING INDIVIDUALS ARE EXEMPT FROM THE
22 REQUIREMENTS OF THIS SECTION:

23 (I) AN INDIVIDUAL 16 YEARS OLD OR OLDER WHO IS A RESIDENT
24 OF ANOTHER STATE AND WHO IS VISITING THE STATE FOR 60 DAYS OR LESS WITHA
25 PERSONAL WATERCRAFT THAT IS NUMBERED IN ANOTHER STATE;

26 (II) AN INDIVIDUAL WHO IS VISITING THE STATE FOR 90 DAYS OR
27 LESS WITH A PERSONAL WATERCRAFT FROM A COUNTRY OTHER THAN THE UNITED
28 STATES;

29 (III) AN INDIVIDUAL OPERATING A PERSONAL WATERCRAFT ON A
30 BODY OF WATER LOCATED ON PRIVATE PROPERTY; OR

31 (IV) ANY OTHER INDIVIDUAL EXEMPTED BY REGULATION OF THE
32 DEPARTMENT.

33 (B) (1) THE DEPARTMENT SHALL:

34 (I) ADOPT REGULATIONS THAT ESTABLISH CRITERIA FOR A
35 COURSE OF INSTRUCTION IN PERSONAL WATERCRAFT SAFETY EDUCATION;

36 (II) ADMINISTER AN ORAL EXAMINATION WHEN APPROPRIATE;
37 AND

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1 (III) COORDINATE A STATEWIDE PROGRAM OF PERSONAL
2 WATERCRAFT SAFETY EDUCATION CERTIFICATION AND ENSURE THAT A COURSE
3 OF PERSONAL WATERCRAFT SAFETY EDUCATION IS WIDELY AVAILABLE.

4 (2) A COURSE OF PERSONAL WATERCRAFT SAFETY EDUCATION THAT
5 IS OFFERED THROUGH A PUBLIC SCHOOL IS NOT REQUIRED TO EXCEED 2 HOURS.

6 (3) THE FOLLOWING PERSONS MAY OFFER A COURSE OF INSTRUCTION
7 IN PERSONAL WATERCRAFT SAFETY EDUCATION IF APPROVED BY THE
8 DEPARTMENT:

9 (I) THE DEPARTMENT;

10 (II) THE U.S. COAST GUARD AUXILIARY;

11 (III) THE U.S. POWER SQUADRON;

12 (IV) A POLITICAL SUBDIVISION;

13 (V) A MUNICIPAL CORPORATION;

14 (VI) AN AGENCY;

15 (VII) A PUBLIC OR NONPUBLIC SCHOOL;

16 (VIII) A GROUP;

17 (IX) A FIRM;

18 (X) AN ASSOCIATION; OR

19 (XI) ANY OTHER PERSON.

20 (C) (1) THE DEPARTMENT OR THE DEPARTMENT'S DESIGNEE SHALL ISSUE
21 A PERSONAL WATERCRAFT SAFETY EDUCATION CERTIFICATION TO AN INDIVIDUAL
22 WHO:

23 (I) PASSES THE COURSE PRESCRIBED BY THE DEPARTMENT IN
24 PERSONAL WATERCRAFT SAFETY EDUCATION; OR

25 (II) PASSES A PERSONAL WATERCRAFT SAFETY EXAMINATION
26 ADMINISTERED BY PERSONS AUTHORIZED BY THE DEPARTMENT TO ADMINISTER
27 THE EXAMINATION.

28 (2) UPON REQUEST, THE DEPARTMENT SHALL PROVIDE, WITHOUT
29 CHARGE, PERSONAL WATERCRAFT SAFETY EDUCATION MATERIALS TO PERSONS
30 WHO PLAN TO TAKE THE PERSONAL WATERCRAFT SAFETY EXAMINATION.

31 (3) (I) ONCE ISSUED, THE PERSONAL WATERCRAFT SAFETY
32 EDUCATION CERTIFICATION:

33 1. IS VALID FOR THE LIFETIME OF THE INDIVIDUAL TO
34 WHOM THE CERTIFICATION IS ISSUED; AND

35 2. MAY NOT BE REVOKED BY THE DEPARTMENT OR A
36 COURT OF LAW.

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1 (II) 1. THE DEPARTMENT SHALL REPLACE A LOST OR
2 DESTROYED CERTIFICATION IF THE DEPARTMENT ISSUED THE CERTIFICATION OR
3 HAS A RECORD THAT THE CERTIFICATION WAS ISSUED BY THE U.S. COAST GUARD
4 OR THE U.S. POWER SQUADRON.

5 2. THE DEPARTMENT MAY CHARGE A FEE OF NOT MORE
6 THAN \$10 FOR REPLACING A LOST OR DESTROYED CERTIFICATION.

7 (4) (I) THE DEPARTMENT OR THE DEPARTMENT'S DESIGNEE MAY
8 ISSUE A 14-DAY TEMPORARY PERSONAL WATERCRAFT SAFETY EDUCATION
9 CERTIFICATION TO AN INDIVIDUAL WHO:

10 1. SIGNS AN AFFIDAVIT STATING THAT THE INDIVIDUAL
11 HAS READ AND UNDERSTOOD THE PERSONAL WATERCRAFT SAFETY EDUCATION
12 MATERIALS PROVIDED BY THE DEPARTMENT; AND

13 2. DEMONSTRATES UNDERSTANDING OF THE MATERIAL IN
14 A MANNER REQUIRED BY THE DEPARTMENT.

15 (II) THE 14-DAY TEMPORARY PERSONAL WATERCRAFT SAFETY
16 EDUCATION CERTIFICATION ISSUED UNDER SUBPARAGRAPH (I) OF THIS
17 PARAGRAPH MEETS THE REQUIREMENTS OF THE BOATING SAFETY EDUCATION
18 ACT TEMPORARY CERTIFICATION UNDER § 8-712.2 OF THIS SUBTITLE.

19 (D) ON OR AFTER JANUARY 1, 1997 AN INDIVIDUAL WHO IS SUBJECT TO THE
20 PROVISIONS OF SUBSECTION (A)(1) OF THIS SECTION AND WHO OPERATES ON
21 WATERS OF THE STATE A PERSONAL WATERCRAFT THAT IS REQUIRED TO BE
22 NUMBERED IN ACCORDANCE WITH THIS SUBTITLE OR THE FEDERAL BOAT SAFETY
23 ACT OF 1971, IN VIOLATION OF ANY REQUIREMENT OF THIS SECTION, IS GUILTY OF
24 A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.

25 (E) A JUVENILE CHARGED WITHIN 2 YEARS OF A PRIOR DISPOSITION FOR A
26 VIOLATION UNDER THIS SECTION SHALL BE CHARGED UNDER TITLE 3, SUBTITLE 8
27 OF THE COURTS ARTICLE.

28 (F) (1) A NATURAL RESOURCES POLICE OFFICER OR OTHER LAW
29 ENFORCEMENT OFFICER MAY ENFORCE THE PROVISIONS OF THIS SECTION ONLY AS
30 A SECONDARY ACTION WHEN THE OFFICER DETAINS AN OPERATOR OF A
31 PERSONAL WATERCRAFT FOR A SUSPECTED VIOLATION OF ANOTHER PROVISION
32 OF THE CODE OR REGULATIONS ADOPTED IN ACCORDANCE WITH ANOTHER
33 PROVISION OF THE CODE.

34 (2) AN INDIVIDUAL MAY BE CITED BUT NOT APPREHENDED SOLELY
35 FOR A VIOLATION OF THIS SECTION.

36 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
37 October 1, 1996.