
By: Senator Green

Introduced and read first time: January 31, 1997

Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources - Livery Vessel Owner - Safety Requirements**

3 FOR the purpose of prohibiting a certain livery vessel owner or agent or employee of a
4 livery vessel owner from renting a certain boat for use on the waters of the State
5 unless the boat meets certain standards and unless the individual renting the boat
6 has a certain boating safety certificate; providing that a violation of the boat
7 standards and certificate provisions is a boating safety violation for certain
8 purposes; providing that a violation of the boat standards and certificate provisions
9 is a misdemeanor; providing certain penalties for a violation of the boat standards
10 and certificate provisions; defining certain terms; and generally relating to
11 requirements for livery vessel owners, their agents, and employees.

12 BY adding to

13 Article - Natural Resources
14 Section 8-712.3
15 Annotated Code of Maryland
16 (1990 Replacement Volume and 1996 Supplement)

17 BY repealing and reenacting, with amendments,

18 Article - Natural Resources
19 Section 8-739
20 Annotated Code of Maryland
21 (1990 Replacement Volume and 1996 Supplement)

22 BY repealing and reenacting, without amendments,

23 Article - Natural Resources
24 Section 8-740
25 Annotated Code of Maryland
26 (1990 Replacement Volume and 1996 Supplement)

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

2

1 **Article - Natural Resources**

2 8-712.3.

3 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
4 INDICATED.

5 (2) "LIVERY VESSEL OWNER" MEANS A PERSON WHO ENGAGES IN
6 WHOLE OR IN PART IN THE BUSINESS OF RENTING, LEASING, OR CHARTERING A
7 CLASS A VESSEL FOR A PERIOD OF LESS THAN 24 HOURS.

8 (3) "CLASS A VESSEL" MEANS A BOAT THAT IS LESS THAN 16 FEET IN
9 LENGTH AS DEFINED BY THE U.S. COAST GUARD IN 46 CFR § 24.10-17.

10 (B) A LIVERY VESSEL OWNER OR AN AGENT OR EMPLOYEE OF THE LIVERY
11 VESSEL OWNER MAY NOT RENT A CLASS A VESSEL TO BE OPERATED ON THE
12 WATERS OF THE STATE UNLESS:

13 (1) EACH VESSEL IS IN SEAWORTHY CONDITION AND PROPERLY
14 CONFIGURED AND EQUIPPED FOR THE WATERS WHERE THE VESSEL IS INTENDED
15 TO BE USED; AND

16 (2) IF THE INDIVIDUAL RENTING THE VESSEL WAS BORN AFTER JULY 1,
17 1972, THE INDIVIDUAL POSSESSES A BOATING SAFETY CERTIFICATE REQUIRED
18 UNDER § 8-712.2 OF THIS SUBTITLE.

19 (C) A VIOLATION OF SUBSECTION (B) OF THIS SECTION SHALL BE
20 CONSIDERED A BOATING SAFETY VIOLATION FOR PURPOSES OF § 8-740(A) OF THIS
21 SUBTITLE.

22 8-739.

23 (a) Any person who violates any provision of § 8-712, § 8-712.1, § 8-712.3, § 8-713,
24 or § 8-718 of this subtitle is guilty of a misdemeanor and on conviction is subject to:

25 (1) For a first offense, a fine not exceeding \$500; and

26 (2) For any subsequent offense that occurs within 2 years of a prior
27 violation, a fine not exceeding \$1,000 or imprisonment not exceeding 1 year, or both.

28 (b) Any person who violates § 8-716.1 of this subtitle is guilty of a misdemeanor
29 and on conviction is subject to a fine not exceeding \$5,000 or imprisonment not exceeding
30 5 years, or both.

31 8-740.

32 (a) If a person is convicted of 2 boating violations concerning the operation of, or
33 safety equipment on, a vessel within a 2-year period of time, the person is required, as a
34 condition of probation or sentencing, to complete successfully a boating safety education
35 course that is offered or approved by the Department.

36 (b) Notwithstanding the provisions of subsection (a) of this section, if a person is
37 convicted of any of the following boating safety violations in the operation of a vessel, the
38 person is required, as a condition of probation or sentencing, to successfully complete a
39 boating safety education course that is offered or approved by the Department:

3

1 (1) Negligent operation;

2 (2) Reckless operation; or

3 (3) Operating under the influence of alcohol, any drug, combination of
4 drugs, or combination of drugs and alcohol, in violation of § 8-738 of this subtitle.

5 (c) The requirement to take and successfully complete the boating safety
6 education course under subsections (a) and (b) of this section is in addition to any other
7 punishment that a judge imposes for violation of the boating laws or regulations of the
8 State.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 1997.