
By: Senator Green

Introduced and read first time: January 31, 1997

Assigned to: Economic and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 18, 1997

CHAPTER ____

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

13 BY adding to

14 Article - Natural Resources
15 Section 8-712.3
16 Annotated Code of Maryland
17 (1990 Replacement Volume and 1996 Supplement)

18 BY repealing and reenacting, with amendments,

19 Article - Natural Resources
20 Section 8-739
21 Annotated Code of Maryland
22 (1990 Replacement Volume and 1996 Supplement)

23 BY repealing and reenacting, without amendments,

24 Article - Natural Resources

2

1 Section 8-740
2 Annotated Code of Maryland
3 (1990 Replacement Volume and 1996 Supplement)

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

6 **Article - Natural Resources**

7 8-712.3.

8 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
9 INDICATED.

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

13 (3) "CLASS A VESSEL" MEANS A ~~BOAT~~ MOTORBOAT THAT IS LESS THAN
14 16 FEET IN LENGTH AS DEFINED BY THE U.S. COAST GUARD IN 46 CFR § 24.10-17.

15 (4) "SEAWORTHY CONDITION" MEANS THE ABILITY TO WITHSTAND
16 ORDINARY STRESS OF WIND, WAVES, AND OTHER WEATHER THAT THE VESSEL
17 MIGHT NORMALLY BE EXPECTED TO ENCOUNTER.

18 (B) A LIVERY VESSEL OWNER OR AN AGENT OR EMPLOYEE OF THE LIVERY
19 VESSEL OWNER MAY NOT RENT OR OFFER FOR RENT A CLASS A VESSEL TO BE
20 OPERATED ON THE WATERS OF THE STATE UNLESS:

21 (1) EACH VESSEL IS IN SEAWORTHY CONDITION ~~AND PROPERLY~~
22 ~~CONFIGURED~~ AND EQUIPPED FOR THE WATERS WHERE THE VESSEL IS INTENDED
23 TO BE USED; AND

24 ~~(2) IF THE INDIVIDUAL RENTING THE VESSEL WAS BORN AFTER JULY 1,~~
25 ~~1972, THE INDIVIDUAL POSSESSES A BOATING SAFETY CERTIFICATE REQUIRED~~
26 ~~UNDER § 8-712.2 OF THIS SUBTITLE.~~

27 (2) THE LIVERY VESSEL OWNER OR AGENT OR EMPLOYEE OF THE
28 LIVERY VESSEL OWNER POSSESSES A BOATING SAFETY CERTIFICATE APPROVED BY
29 THE DEPARTMENT.

30 (C) A VIOLATION OF SUBSECTION (B) OF THIS SECTION SHALL BE
31 CONSIDERED A BOATING SAFETY VIOLATION FOR PURPOSES OF § 8-740(A) OF THIS
32 SUBTITLE.

33 8-739.

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

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

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

3

1 (b) Any person who violates § 8-716.1 of this subtitle is guilty of a misdemeanor
2 and on conviction is subject to a fine not exceeding \$5,000 or imprisonment not exceeding
3 5 years, or both.

4 8-740.

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

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

13 (1) Negligent operation;

14 (2) Reckless operation; or

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

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

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