

HOUSE BILL 280

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SB 787/97 - EEA

1998 Regular Session
8r1414
CF SB 22

By: **Delegates Hutchins and Owings**
Introduced and read first time: January 28, 1998
Assigned to: Environmental Matters

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
4 a livery vessel owner from renting or offering for rent a certain boat for use on
5 the waters of the State unless the boat meets certain standards and unless the
6 livery vessel owner or agent or employee of the livery vessel owner has a certain
7 boating safety certificate; providing that a violation of the boat standards and
8 certificate provisions is a boating safety violation for certain purposes; providing
9 that a violation of the boat standards and certificate provisions is a
10 misdemeanor subject to certain penalties; defining certain terms; and generally
11 relating to 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 1997 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 1997 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 1997 Supplement)

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

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 MOTORBOAT THAT IS LESS THAN 16 FEET
9 IN LENGTH AS DEFINED BY THE U.S. COAST GUARD IN 46 CFR § 24.10-17.10 (4) "SEAWORTHY CONDITION" MEANS THE ABILITY TO WITHSTAND
11 ORDINARY STRESS OF WIND, WAVES, AND OTHER WEATHER THAT THE VESSEL
12 MIGHT NORMALLY BE EXPECTED TO ENCOUNTER.13 (B) A LIVERY VESSEL OWNER OR AN AGENT OR EMPLOYEE OF THE LIVERY
14 VESSEL OWNER MAY NOT RENT OR OFFER FOR RENT A CLASS A VESSEL TO BE
15 OPERATED ON THE WATERS OF THE STATE UNLESS:16 (1) EACH VESSEL IS IN SEAWORTHY CONDITION AND EQUIPPED FOR
17 THE WATERS WHERE THE VESSEL IS INTENDED TO BE USED; AND18 (2) THE LIVERY VESSEL OWNER OR AGENT OR EMPLOYEE OF THE
19 LIVERY VESSEL OWNER POSSESSES A BOATING SAFETY CERTIFICATE APPROVED BY
20 THE DEPARTMENT.21 (C) A VIOLATION OF SUBSECTION (B) OF THIS SECTION SHALL BE
22 CONSIDERED A BOATING SAFETY VIOLATION FOR PURPOSES OF § 8-740(A) OF THIS
23 SUBTITLE.

24 8-739.

25 (a) Any person who violates any provision of § 8-712, § 8-712.1, § 8-712.3, §
26 8-713, or § 8-718 of this subtitle is guilty of a misdemeanor and on conviction is
27 subject to:

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

29 (2) For any subsequent offense that occurs within 2 years of a prior
30 violation, a fine not exceeding \$1,000 or imprisonment not exceeding 1 year, or both.31 (b) Any person who violates § 8-716.1 of this subtitle is guilty of a
32 misdemeanor and on conviction is subject to a fine not exceeding \$5,000 or
33 imprisonment not exceeding 5 years, or both.

1 8-740.

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

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

11 (1) Negligent operation;

12 (2) Reckless operation; or

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

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

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 1998.