

HOUSE BILL 280

Unofficial Copy
M1
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

Committee Report: Favorable
House action: Adopted
Read second time: March 10, 1998

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
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

1 Section 8-740
2 Annotated Code of Maryland
3 (1990 Replacement Volume and 1997 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 MOTORBOAT THAT IS LESS THAN 16 FEET
14 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 EQUIPPED FOR
22 THE WATERS WHERE THE VESSEL IS INTENDED TO BE USED; AND

23 (2) THE LIVERY VESSEL OWNER OR AGENT OR EMPLOYEE OF THE
24 LIVERY VESSEL OWNER POSSESSES A BOATING SAFETY CERTIFICATE APPROVED BY
25 THE DEPARTMENT.

26 (C) A VIOLATION OF SUBSECTION (B) OF THIS SECTION SHALL BE
27 CONSIDERED A BOATING SAFETY VIOLATION FOR PURPOSES OF § 8-740(A) OF THIS
28 SUBTITLE.

29 8-739.

30 (a) Any person who violates any provision of § 8-712, § 8-712.1, § 8-712.3, §
31 8-713, or § 8-718 of this subtitle is guilty of a misdemeanor and on conviction is
32 subject to:

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

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

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

4 8-740.

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

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

14 (1) Negligent operation;

15 (2) Reckless operation; or

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

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

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