
By: **Delegate D. Murphy**
Introduced and read first time: February 5, 1998
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Personal Flotation Devices - Children**

3 FOR the purpose of requiring certain operators of certain recreational vessels to
4 require certain children to wear personal flotation devices in a certain manner;
5 providing for certain exceptions; specifying the liability for a certain failure, and
6 providing that each failure constitutes a separate offense; establishing a certain
7 penalty; defining certain terms; providing for the effective date of this Act; and
8 generally relating to the requirement for children to wear personal flotation
9 devices.

10 BY adding to
11 Article - Natural Resources
12 Section 8-742
13 Annotated Code of Maryland
14 (1990 Replacement Volume and 1997 Supplement)

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

17 **Article - Natural Resources**

18 8-742.

19 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
20 INDICATED.

21 (2) "CHILD" MEANS AN INDIVIDUAL UNDER THE AGE OF 7 YEARS.

22 (3) "PERSONAL FLOTATION DEVICE" MEANS A TYPE I, II, III, OR V U.S.
23 COAST GUARD-APPROVED PERSONAL FLOTATION DEVICE THAT IS:

24 (I) THE PROPER SIZE FOR THE CHILD; AND

25 (II) IN GOOD, SERVICEABLE CONDITION.

26 (4) (I) "RECREATIONAL VESSEL" MEANS A VESSEL:

1 1. MANUFACTURED OR USED PRIMARILY FOR
2 RECREATIONAL USE; OR

3 2. LEASED, RENTED, OR CHARTERED FOR NONCOMMERCIAL
4 USE.

5 (II) "RECREATIONAL VESSEL" DOES NOT INCLUDE A CHARTER
6 BOAT, HEAD BOAT, OR OTHER VESSEL UNDER THE COMMAND OF AN INDIVIDUAL
7 LICENSED BY THE U.S. COAST GUARD TO CARRY PASSENGERS FOR HIRE.

8 (B) THIS SECTION DOES NOT APPLY TO:

9 (1) A RECREATIONAL VESSEL THAT IS MOORED OR ANCHORED; OR

10 (2) A CHILD WHO IS BELOW DECK OR IN AN ENCLOSED CABIN.

11 (C) AN OPERATOR OF A RECREATIONAL VESSEL IN THE WATERS OF THE
12 STATE SHALL BE RESPONSIBLE FOR THE PROTECTION OF A CHILD ABOARD THE
13 RECREATIONAL VESSEL BY REQUIRING THE CHILD TO WEAR PROPERLY A PERSONAL
14 FLOTATION DEVICE.

15 (D) (1) AN OPERATOR SHALL BE LIABLE FOR EACH FAILURE TO REQUIRE
16 EACH CHILD IN THE SAME RECREATIONAL VESSEL AT THE SAME TIME TO WEAR A
17 PERSONAL FLOTATION DEVICE.

18 (2) EACH FAILURE SHALL CONSTITUTE A SEPARATE OFFENSE.

19 (E) A VIOLATION OF THIS SECTION IS AN OFFENSE PUNISHABLE BY A FINE
20 NOT EXCEEDING \$25 FOR EACH VIOLATION.

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