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

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 11, 1998

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CHAPTER \_\_\_\_\_

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 11 YEARS.

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

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

4                   (II)    IN GOOD, SERVICEABLE CONDITION.

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

6                                 1.     MANUFACTURED OR USED PRIMARILY FOR  
7 RECREATIONAL USE; OR

8                                 2.     LEASED, RENTED, OR CHARTERED FOR NONCOMMERCIAL  
9 USE.

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

13    (B)     THIS SECTION DOES NOT APPLY TO:

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

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

16    (C)     AN OPERATOR OF A RECREATIONAL VESSEL IN THE WATERS OF THE  
17 STATE SHALL BE RESPONSIBLE FOR THE PROTECTION OF A CHILD ABOARD THE  
18 RECREATIONAL VESSEL BY REQUIRING THE CHILD TO WEAR PROPERLY A PERSONAL  
19 FLOTATION DEVICE.

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

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

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

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

