

SENATE BILL 22

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SB 787/97 - EEA

1998 Regular Session  
8lr0208  
CF 8lr1414

(PRE-FILED)

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By: **Senator Green**

Requested: August 7, 1997

Introduced and read first time: January 14, 1998

Assigned to: Economic and Environmental Affairs

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Committee Report: Favorable

Senate action: Adopted

Read second time: January 29, 1998

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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.