

BY: Environmental Matters Committee

AMENDMENTS TO SENATE BILL NO. 471

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “regarding” in line 8 down through “vessels” in line 12 and substitute “prohibiting certain personal watercraft to be operated under certain circumstances; defining a certain term; and generally relating to the requirement of the Department to adopt vessel operation regulations”; after line 12, insert:

“BY repealing and reenacting, with amendments,

Article - Natural Resources

Section 8-701

Annotated Code of Maryland

(2000 Replacement Volume)”;

in line 15, strike “and (b)” and substitute “, (b), and (b-1)”; strike line 18 in its entirety and substitute “BY adding to”; and in line 20, strike “(b-1)” and substitute “(b-2)”.

AMENDMENT NO. 2

On page 2, after line 1, insert:

“8-701.

(a) In this subtitle the following words have the meanings indicated.

(b) “Certificate” means any certificate of number or title issued.

(c) (1) “Dealer” means any person who:

(i) Engages in whole or in part in the business of buying, selling, or

(Over)

exchanging new and unused vessels or used vessels, or both, either outright or on conditional sale, bailment, lease, chattel mortgage, or otherwise; and

(ii) Has an established place of business for sale, trade, and display of vessels.

(2) “Dealer” includes a yacht broker.

(d) “Governing body” means the county commissioners, county executive and county council of any county, the Mayor and City Council of Baltimore, and the elected officials of any municipal corporation in the State, subject to Article XI-E of the Maryland Constitution.

(e) “Lienholder” means a person holding a security interest.

(f) “Manufacturer” means any person engaged in the business of manufacturing or importing new and unused vessels, or new and unused outboard motors, for the purpose of sale or trade.

(g) “Motorboat” means any vessel equipped with propelling machinery, whether or not the machinery is the principal source of propulsion.

(h) “Operate” means to navigate or otherwise use a vessel.

(i) “Operator” means the person who operates or has charge of the navigation or use of a vessel.

(j) (1) “Owner” means a person, other than a lienholder, having property in or title to a vessel.

(2) “Owner” includes a person entitled to use or possess a vessel subject to an interest in another person, reserved, or created by agreement and securing payment of performance of an obligation.

(3) “Owner” does not include a lessee under a lease not intended as security.

(k) “Parasailing” means a parachute or other device which causes a person to become airborne when towed by a vessel.

(L) “PERSONAL WATERCRAFT” MEANS A CLASS A VESSEL THAT:

(1) HAS AN INBOARD MOTOR WHICH USES AN INTERNAL COMBUSTION ENGINE POWERING A WATER JET PUMP AS ITS PRIMARY SOURCE OF MOTIVE PROPULSION;

(2) IS DESIGNED FOR THE OPERATOR AND PASSENGER TO RIDE ON THE OUTSIDE SURFACES OF THE VESSEL RATHER THAN INSIDE THE VESSEL;

(3) HAS THE PROBABILITY THAT THE OPERATOR AND PASSENGER MAY, IN THE NORMAL COURSE OF USE, FALL OVERBOARD; AND

(4) IS DESIGNED WITH NO OPEN LOAD-CARRYING AREA WHICH WOULD RETAIN WATER.

[~~(l)~~] (M) “Security interest” means an interest which:

(1) Is reserved or created by an agreement which secures payment or performance of an obligation; and

(2) Is valid against third parties generally.

[~~(m)~~] (N) (1) “Ship lifeboat” means a lifeboat used solely for lifesaving purposes.

(2) “Ship lifeboat” does not include dinghies, tenders, speedboats, or other types of craft carried aboard a vessel and used for other than lifesaving purposes.

[~~(n)~~] (O) “State of principal use” means the state on whose waters a vessel is used or to be used most during a calendar year.

~~[(o)] (P)~~ “Title tax” means the tax imposed under § 8-716 of this subtitle.

~~[(p)] (Q)~~ “Use” means to operate, navigate, or employ a vessel. A vessel is in use whenever it is upon the water, whether it is moving, anchored, or tied up to any manner of dock or buoy. A vessel is also in use if it is kept in any structure in readiness for use.

~~[(q)] (R)~~ (1) “Vessel” means every description of watercraft, including an ice boat but not including a seaplane, that is used or capable of being used as a means of transportation on water or ice.

(2) “Vessel” includes the motor, spars, sails, and accessories of a vessel.

~~[(r)] (S)~~ “Waters of the State” means any water within the jurisdiction of the State, the marginal sea adjacent to the State, and the high seas when navigated as part of a ride or journey to or from the shore of the State.”.

AMENDMENT NO. 3

On page 2, in line 13, strike “OF A TYPE OR SIZE”; strike beginning with “AS” in line 14 down through “SIZE” in line 15; after line 30, insert:

“(B-2) THE DEPARTMENT SHALL ADOPT REGULATIONS PROHIBITING THE OPERATION OF PERSONAL WATERCRAFT ABOVE IDLE SPEED IN ANY AREA OF WATER WITH A DEPTH OF LESS THAN 18 INCHES.”.