

HOUSE BILL 73

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2001 Regular Session
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CF 11r2593

(PRE-FILED)

By: ~~Delegate Boutin~~ **Delegates Boutin, Guns, W. Baker, Klausmeier,
Nathan-Pulliam, Owings, Stull, and Riley**

Requested: July 25, 2000
Introduced and read first time: January 10, 2001
Assigned to: Environmental Matters

Committee Report: Favorable with amendments
House action: Adopted
Read second time: February 14, 2001

CHAPTER _____

1 AN ACT concerning

2 **Department of Natural Resources - Vessel Operation - Regulations**

3 FOR the purpose of ~~clarifying the requirement that the Department of Natural~~
4 ~~Resources adopt regulations that govern the numbering of vessels for~~
5 ~~identification purposes so that each type or size vessel that complies with the~~
6 ~~regulations may be operated in a certain manner~~ requiring the Department of
7 Natural Resources to adopt regulations prohibiting certain personal watercraft
8 to be operated under certain circumstances; defining a certain term; and
9 generally relating to the requirement of the Department to adopt vessel
10 operation regulations.

11 BY repealing and reenacting, with amendments,

12 Article - Natural Resources
13 Section 8-701
14 Annotated Code of Maryland
15 (2000 Replacement Volume)

16 BY repealing and reenacting, without amendments,

17 Article - Natural Resources
18 Section 8-704(a) ~~and (b)~~, (b), and (b-1)
19 Annotated Code of Maryland
20 (2000 Replacement Volume)

21 ~~BY repealing and reenacting, with amendments,~~

1 BY adding to

2 Article - Natural Resources
3 Section 8-704~~(b-1)~~ (b-2)
4 Annotated Code of Maryland
5 (2000 Replacement Volume)

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

8 **Article - Natural Resources**

9 8-701.

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

11 (b) "Certificate" means any certificate of number or title issued.

12 (c) (1) "Dealer" means any person who:

13 (i) Engages in whole or in part in the business of buying, selling, or
14 exchanging new and unused vessels or used vessels, or both, either outright or on
15 conditional sale, bailment, lease, chattel mortgage, or otherwise; and

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

18 (2) "Dealer" includes a yacht broker.

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

23 (e) "Lienholder" means a person holding a security interest.

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

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

29 (h) "Operate" means to navigate or otherwise use a vessel.

30 (i) "Operator" means the person who operates or has charge of the navigation
31 or use of a vessel.

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

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

4 (3) "Owner" does not include a lessee under a lease not intended as
5 security.

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

8 (L) "PERSONAL WATERCRAFT" MEANS A CLASS A VESSEL THAT:

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

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

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

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

18 [(l)] (M) "Security interest" means an interest which:

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

21 (2) Is valid against third parties generally.

22 [(m)] (N) (1) "Ship lifeboat" means a lifeboat used solely for lifesaving
23 purposes.

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

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

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

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

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

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

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

8 8-704.

9 (a) The Department may adopt regulations necessary to carry out the
10 provisions of this subtitle.

11 (b) In order to protect the public safety, welfare, and recreational interests in
12 waters of the State, the Department may adopt a program relating to the placement
13 of buoys, mooring buoys, and other apparatus used to secure, berth, or moor vessels in
14 the waters of the State. The Department shall consult with any county affected by the
15 program.

16 (b-1) The Department shall adopt regulations governing the following:

17 (1) The numbering of vessels for identification, safety equipment on
18 vessels, and operations of any vessels subject to this subtitle so that each ~~TYPE OR~~
19 ~~SIZE~~ vessel complying with the regulations may be operated with equal freedom or
20 under similar requirements on all waters of the State. The numbering system used
21 shall conform to the one adopted by the federal government. These regulations may
22 not conflict with any federal law or regulation applicable to vessels on the waters in
23 the State;

24 (2) The issuance of certificates of title and certificates of boat number;

25 (3) Instructions for making reports and handling personnel and boats in
26 case of accidents;

27 (4) Abandonment, destruction, theft, recovery, sale, or transfer of
28 ownership;

29 (5) Change of address of owner;

30 (6) Use of boats from other jurisdictions on the waters of the State;

31 (7) Issuance of certificates of number for boats changing their state of
32 principal use to Maryland;

33 (8) Cooperation with local governments and the federal authority for
34 special events or to meet emergency situations; and

35 (9) Issuance of certificates of number to owners of fleets or boats for hire
36 or rent.

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

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2001.