

SENATE BILL 471

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2001 Regular Session
(11r2593)

ENROLLED BILL

-- Economic and Environmental Affairs/Environmental Matters --

Introduced by **Senator Collins**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

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; and generally relating to the~~
7 ~~requirement of the Department to adopt vessel operation regulations requiring~~
8 ~~the Department of Natural Resources to adopt regulations regarding the~~
9 ~~operation of vessels so that each vessel of a type or size may be operated under~~
10 ~~similar requirements as other vessels of that type or size; and generally relating~~
11 ~~to the requirement that the Department adopt regulations governing the~~
12 ~~operation of vessels *prohibiting certain personal watercraft to be operated under*~~
13 ~~*certain circumstances; authorizing the Department to adopt certain regulations;*~~
14 ~~*defining a certain term; and generally relating to the requirement of the*~~
15 ~~*Department to adopt vessel operation regulations.*~~

16 BY repealing and reenacting, with amendments,

1 Article - Natural Resources
 2 Section 8-701
 3 Annotated Code of Maryland
 4 (2000 Replacement Volume)

5 BY repealing and reenacting, without amendments,
 6 Article - Natural Resources
 7 Section 8-704(a) ~~and (b), (b), and (b-1)~~
 8 Annotated Code of Maryland
 9 (2000 Replacement Volume)

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

11 BY adding to
 12 Article - Natural Resources
 13 Section 8-704~~(b-1)~~ (b-2)
 14 Annotated Code of Maryland
 15 (2000 Replacement Volume)

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

18 **Article - Natural Resources**

19 8-701.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 (2) Is valid against third parties generally.

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

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

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

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

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

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

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

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

16 8-704.

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

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

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

25 (1) The numbering of vessels for identification, safety equipment on
 26 vessels, and operations of any vessels subject to this subtitle so that each ~~TYPE OR~~
 27 ~~SIZE~~ vessel ~~OF A TYPE OR SIZE~~ complying with the regulations may be operated with
 28 equal freedom or under similar requirements ~~AS OTHER VESSELS OF THAT TYPE OR~~
 29 ~~SIZE~~ on all waters of the State. The numbering system used shall conform to the one
 30 adopted by the federal government. These regulations may not conflict with any
 31 federal law or regulation applicable to vessels on the waters in the State;

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

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

35 (4) Abandonment, destruction, theft, recovery, sale, or transfer of
 36 ownership;

- 1 (5) Change of address of owner;
- 2 (6) Use of boats from other jurisdictions on the waters of the State;
- 3 (7) Issuance of certificates of number for boats changing their state of
4 principal use to Maryland;
- 5 (8) Cooperation with local governments and the federal authority for
6 special events or to meet emergency situations; and
- 7 (9) Issuance of certificates of number to owners of fleets or boats for hire
8 or rent.

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

12 (2) EXCEPT AS PROVIDED IN PARAGRAPH (1) OF THIS SUBSECTION, THE
13 DEPARTMENT MAY ADOPT REGULATIONS LIMITING THE USE OF PERSONAL
14 WATERCRAFT IN ANY AREA OF WATER WITH A DEPTH OF LESS THAN 1 METER.

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